

1 CITY OF CORAL GABLES
2 PLANNING AND ZONING BOARD MEETING
3 VERBATIM TRANSCRIPT

3 CORAL GABLES CITY COMMISSION CHAMBERS
4 405 BILTMORE WAY, CORAL GABLES
5 FEBRUARY 23, 2005, 6:10 P.M.

5 Board Members Present:

6 Cristina Moreno, Chairwoman
7 F. Michael Steffens, Vice-Chair
8 Eibi Aizenstat
9 Tom Korge
10 Bill Mayville
11 Michael Tein

12 City Staff:

13 Elizabeth M. Hernandez, City Attorney
14 Eric Riel, Jr., Planning Director
15 Richard Cannone, Principal Planner
16 Jill Menendez-Duran, Administrative Assistant

17 Also participating:

18 Vice-Mayor Raul "Ralph" Cabrera
19 Pat Keon
20 Charles Siemon

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22
23
24
25

1 THEREUPON:

2 The following proceedings were had:

3 MR. RIEL: We're ready.

4 CHAIRWOMAN MORENO: Okay, I'd like to call
5 to order the meeting of the Planning & Zoning Board,
6 and I'd like to start by introducing -- or having
7 Eric introduce the new member of our Board, Mr.
8 Michael Tein.

9 MR. RIEL: Yes, what I'd like to do is
10 introduce Michael Tein. He was appointed by the
11 Mayor at yesterday's Commission meeting.

12 So I'll go ahead and turn it over to
13 Michael, to provide you an overview of his
14 background.

15 MR. TEIN: It's my pleasure to be here. My
16 name is Michael Tein. I'm an attorney here in
17 Miami. I've been here since I graduated law school
18 in 1992. I had the pleasure of having my first job
19 here, clerking for a federal judge, who I think is --
20 was at the same time on the same Bench as the
21 Chairperson's close relative. It was Judge Stanley
22 Marcus, who's now on the Eleventh Circuit, and that
23 year made me decide I wanted to spend the rest of my
24 life in South Florida, and I have ever since.

25 I spent a long time working at the United

1 States Attorney's Office and then, beginning in 2000,
2 I joined Shook, Hardy, Bacon, a law firm downtown,
3 where I'm a litigator and partner there, and it's my
4 privilege and honor to serve the City of Coral
5 Gables, and I thank you all for that opportunity.

6 CHAIRWOMAN MORENO: Thank you and welcome.

7 MR. TEIN: Thank you.

8 CHAIRWOMAN MORENO: I think the next thing
9 I'll do is call the roll.

10 MS. MENENDEZ-DURAN: Eibi Aizenstat?

11 MR. AIZENSTAT: Present.

12 MS. MENENDEZ-DURAN: Tom Korge?

13 MR. KORGE: Present.

14 MS. MENENDEZ-DURAN: Bill Mayville?

15 Michael Tein?

16 MR. TEIN: Present.

17 MS. MENENDEZ-DURAN: Michael Steffens?

18 MR. STEFFENS: Here.

19 MS. MENENDEZ-DURAN: Cristina Moreno?

20 CHAIRWOMAN MORENO: Here.

21 Mr. Michael Tein is replacing Felix Pardo,
22 who resigned and is, as Eric said, the Mayor's
23 appointment.

24 Tony Gonzalez, who was the Board's
25 appointment, has also resigned. So I will take as

1 the first order of business a nomination or
2 nominations to fill that position.

3 MR. AIZENSTAT: Actually, I see that there's
4 a person in the audience which I had served before
5 with, Pat Keon, and I had the pleasure to serve with
6 her on numerous occasions, actually on the Parks &
7 Recreation for quite a few years, and I have always
8 found her to be very capable, very dedicated and very
9 willing to do whatever task she takes on. So it
10 would be my pleasure at this time, if you'll allow
11 me, to put her up for nomination as part of the
12 Board.

13 MR. STEFFENS: I'll second that.

14 CHAIRWOMAN MORENO: Okay. Ms. McKee -- Ms.
15 Pat Keon?

16 MS. KEON: Yes.

17 CHAIRWOMAN MORENO: Would you come up and
18 introduce yourself and tell us about yourself?

19 MS. KEON: Good evening, thank you. My
20 name is Pat Keon. I live at 60 Edgewater Drive, in
21 Coral Gables. We've been residents of Coral Gables
22 for over 30 years. I came here as a newlywed and
23 raised my three sons here. My husband works here in
24 the Gables. He's an international businessman. I
25 have an undergraduate degree in nursing. I have a

1 master's in public administration. I've served on
2 numerous City Boards. I serve on the board for
3 CHARLEE and a few other nonprofits in the community.

4 I had worked for the last six years as a
5 policy and legislative aide to County Commissioner
6 Jimmy Morales. When he lost his mayoral bid, I
7 decided that I really didn't want to go back and work
8 in the County for a while, and so I had some time
9 available, and would be more than happy to serve with
10 you on this Board.

11 CHAIRWOMAN MORENO: Thank you.

12 MS. KEON: Thank you.

13 CHAIRWOMAN MORENO: Shall I call the roll?

14 MS. MENENDEZ-DURAN: Tom Korge?

15 MR. KORGE: Yes.

16 MS. MENENDEZ-DURAN: Bill Mayville?

17 Michael Tein?

18 MR. TEIN: Yes.

19 MS. MENENDEZ-DURAN: Michael Steffens?

20 MR. STEFFENS: Yes.

21 MS. MENENDEZ-DURAN: Eibi Aizenstat?

22 MR. AIZENSTAT: Yes.

23 MS. MENENDEZ-DURAN: Cristina Moreno?

24 CHAIRWOMAN MORENO: Yes.

25 I'd also like to recognize the Vice-Mayor,

1 who is here with us tonight.

2 VICE-MAYOR CABRERA: Madam Chair, may I
3 approach the dais?

4 CHAIRWOMAN MORENO: Yes, please.

5 VICE-MAYOR CABRERA: Thank you.

6 CHAIRWOMAN MORENO: I was looking for you.
7 I couldn't find you.

8 MS. HERNANDEZ: While the Vice-Mayor is
9 approaching, could we have Ms. Pat Keon, then, take
10 her seat with the Board?

11 MR. KORGE: I believe she has to be
12 confirmed.

13 MR. AIZENSTAT: I think she has to be
14 approved by the City Commission.

15 MR. RIEL: Right. She will go --

16 MS. HERNANDEZ: So we're not going to have
17 her sit during today's meeting?

18 MR. RIEL: No. The recommendation will go
19 to the Commission on March 8th, and then she'll sit
20 on the March 9th meeting.

21 MS. KEON: Right.

22 MS. HERNANDEZ: Too bad.

23 VICE-MAYOR CABRERA: Madam Chair, good
24 evening, and good evening, Board Members. My name is
25 Ralph Cabrera, with offices here, and I'm delighted

1 to be with you this evening. If I'm not going to
2 stay in the chambers, it doesn't mean that I'm not
3 with you. I'm probably going to be in my office and
4 I'll be watching you on television, and I wanted to
5 come by for two reasons -- actually, three reasons.
6 I wanted to thank you for all your fine work.

7 It's funny, prior to tonight's meeting, Mr.
8 Korge and Mr. Riel and I think Mr. Steffens and I
9 were all talking about your Board, and I watch you
10 religiously on TV. It's funny, the Commission gets a
11 copy of your videos, but I find that it's a much
12 better education for me to watch you live. So try to
13 end the meetings early, would you? I've got small
14 kids. I like to go to the gym in the morning.

15 All kidding aside, I also wanted to
16 congratulate our newest board member, Mr. Tein. I
17 know you were nominated yesterday by Mayor Slesnick
18 and unanimously voted by the entire Commission, and I
19 want to congratulate you for that appointment.

20 MR. TEIN: Thank you so much.

21 VICE-MAYOR CABRERA: And I also wanted to
22 congratulate my long-time friend, Pat Keon. I've had
23 the honor of knowing Pat for a number of years, and,
24 like Eibi Aizenstat, we served together on the Parks
25 & Recreation Board, and I actually replaced Pat after

1 she stepped down from being the Board's Chairman, and
2 she led the Parks & Recreation Board during a
3 critical time in our City's history. We were in the
4 midst of the redevelopment of our Coral Gables Youth
5 Center. So I think Pat Keon was instrumental in
6 ensuring that our children have such a wonderful
7 facility as they enjoy today.

8 So, Pat, congratulations, well done.
9 Godspeed to you on your new assignment.

10 The same to you, Michael. And Madam Chair,
11 thank you for indulging me a few seconds.

12 CHAIRWOMAN MORENO: Thank you for coming.

13 VICE-MAYOR CABRERA: Okay.

14 CHAIRWOMAN MORENO: Our next order of
15 business is approval of the minutes.

16 MR. RIEL: Madam Chair, Item b, which is
17 correction of the attendance, I'd like to postpone
18 that particular item until a future meeting.

19 So we'll just be doing Item a, which is the
20 Zoning Code Rewrite Public Hearing for January 19th.

21 CHAIRWOMAN MORENO: Okay.

22 Are these minutes we got today the same ones
23 that we --

24 MR. RIEL: Yes. Unfortunately, we only
25 provided you every fifth page in the packet, and we

1 apologize. It was a xeroxing error. So the blue
2 copy that's in front of you has all the pages.

3 CHAIRWOMAN MORENO: Are we ready to approve
4 these minutes, since we just got half the pages, or
5 should I defer that? Does anybody want to move to
6 approve it?

7 MR. KORGE: I'm willing to move. I received
8 all the pages earlier today by fax, but if there's
9 not a second, there's no sense proceeding.

10 CHAIRWOMAN MORENO: Well, the other problem
11 we're going to have -- yeah, we have enough here,
12 four.

13 Eibi, you were here for that meeting,
14 right?

15 MR. AIZENSTAT: I was here for that meeting.

16 CHAIRWOMAN MORENO: Yes.

17 MR. AIZENSTAT: But -- I think Michael was
18 here, I was here --

19 CHAIRWOMAN MORENO: So we have four.

20 MR. KORGE: You can defer till the next
21 meeting. It isn't that big a deal.

22 CHAIRWOMAN MORENO: I have not read them.
23 Michael and Eibi?

24 MR. AIZENSTAT: I have not read them --

25 CHAIRWOMAN MORENO: Okay.

1 MR. AIZENSTAT: -- till I just got them now,
2 I'll be honest with you.

3 CHAIRWOMAN MORENO: Yeah, I'll defer it to
4 the next meeting.

5 MR. RIEL: We'll put it on the next Zoning
6 Code rewrite meeting.

7 CHAIRWOMAN MORENO: Thank you. Then I
8 believe I'm ready for Mr. Siemon.

9 MR. RIEL: Before -- while Mr. Siemon is
10 coming up, let me go ahead and make some introductory
11 comments. First off --

12 CHAIRWOMAN MORENO: Excuse me, Eric. I
13 should have said, I'm ready for Mr. Riel.

14 MR. RIEL: It's all right.

15 Just to kind of give you an idea in terms of
16 the background materials you have, Attachment B in
17 your packet is the policy matrix, which includes all
18 the policy direction that we've received from the
19 Board and includes all those from the other boards,
20 as well. As you know, we concluded that discussion
21 at the January meeting.

22 Attachment C is the up-to-date public
23 comments that we've received. As you know, we have a
24 separate e-mail which members of the public can write
25 comments in. The most recent versions that we've

1 received is obviously on the top of the packet, and
2 then what I also included is Attachment D. This was
3 the discovery worksheets, which basically was one of
4 the first meetings that we had with the Board, where
5 we asked the Board for, what are the issues that we
6 should look at in terms of the Zoning Code rewrite,
7 and it also includes the City Commission direction.

8 Again, these are just background materials,
9 to kind of remind ourselves of the issues that were
10 identified, and the discovery worksheets are
11 basically what the Commission had directed us to look
12 at, almost over a year ago, and then one thing I'd
13 like to just kind of go over. We have, up on the
14 projector there, the future public meetings with
15 reference to the Zoning Code.

16 (Thereupon, Mr. Mayville entered the
17 Commission Chambers.)

18 MR. RIEL: As we had discussed previously,
19 we're going to be taking specific articles on
20 specific dates, because my office has received,
21 obviously, requests for when a particular issue is
22 going to come up. This will allow the public to
23 comment on specific issues and specific articles, as
24 the calendar exhibits up there, and the intention is
25 to proceed forward with a recommendation, hopefully,

1 from this Board in June or July of this year.

2 So I just kind of wanted to give that
3 general overview, and I'll turn it over to Mr.
4 Siemon.

5 MR. SIEMON: Good evening. What we've done
6 is, we've --

7 CHAIRWOMAN MORENO: I'm sorry, Mr. Siemon.
8 Could you take notice that Mr. Mayville has
9 joined us? Thank you.

10 MR. SIEMON: What we've done is break down
11 the draft Code into some fairly logical units, to
12 bring back to you the results of, one, the
13 policy-making effort that you went through, the edits
14 and input that we've received from various staff
15 members and directions from others, and this is the
16 proposed draft. It reflects an acceptance of this
17 original -- the changes in this original draft.
18 Everything that was proposed in the draft to be
19 stricken has been eliminated from the Code, unless
20 there was contrary direction from this Board or we
21 identified a legal reason why we needed to maintain
22 something.

23 All the changes that we recommended have
24 been included in this Code, again, reflecting your
25 direction, from the consideration we went through on

1 an article-by-article, section-by-section basis, and
2 the edits that are here reflect your direction, the
3 input of others, and the further edits that have come
4 from Staff, and so what you have before you is
5 effectively accepting this draft, strike-throughs
6 eliminated, additions incorporated, and the changes
7 that we have made subsequent to that date, reflecting
8 the various policy considerations that have gone on.

9 So if we, at some point, need to track back
10 to a section we're discussing, we have the policy
11 matrix in which we identified the issues, went
12 through the alternatives, made a recommendation, and
13 we have the original draft here, but it's just for
14 reference, in the event that we want to track back
15 something.

16 But at this point, we are not looking to the
17 original Code that was in place before we -- that's
18 still in place today, as an amendment. This was an
19 intermediate step, and it has now been unified in the
20 document, the portions of the document that has been
21 delivered to you and that you're -- Tonight, we're
22 going to do Article 1, Article 5, excluding three
23 sections, off-street parking, landscaping and
24 signage, which will be treated at another date,
25 Article 7 and Article 8, and what I propose to do is

1 to simply go article by article, try to identify what
2 the changes are, and respond to any questions that
3 anyone has identified as we've gone through the
4 process.

5 Article 1 are the general provisions. I
6 would just say, at the outset, as a general comment,
7 this is relatively common language. Much of it comes
8 from your existing Code. However, there were some
9 things, response -- authority from statutory
10 provisions that weren't included. I don't regard
11 them as substantive additions or changing anybody's
12 rights or interests, but things that are appropriate
13 to be in the Code and that will assist its
14 understanding, its source of authority and its
15 enforceability.

16 There is a change in the -- on Page 3 of 5,
17 which I would like to bring to your attention. As
18 you know, there's going to be a transition period
19 here between the old map and the new map, and this
20 transition equivalency table that connects the one
21 district -- the old district to the new districts,
22 and on the Line 22, you'll see, "Unless provided
23 otherwise on the official zoning map." We have
24 identified a number of specific provisions that are
25 currently on the zoning map for individual

1 properties, and we don't intend to replace -- take
2 away those special provisions, and we had concluded
3 that the way -- the simple chart of equivalency,
4 someone might argue that that abrogated those
5 specific designations, and so we've added that
6 language on Page 3 of 5, Line 22, and I think
7 everything else was just of an editorial nature in
8 this article.

9 Our current expectation is that there are a
10 set of transitional rules. You may recall, we had
11 some discussion about the periods of those. If you
12 look in Section 1-108, we had a relatively small,
13 short adoption period. That was recommended to be
14 expanded and has been expanded. We do expect, in the
15 adopting ordinance, that there will be some
16 additional transitional provisions that will apply
17 for a very short period of time and therefore ought
18 not to be in the Code, because they'll burn off after
19 the introduction, and so the ones that we've included
20 in this are ones that have administrative application
21 over a period of time.

22 Other than that, I really have no comments
23 or observations to share with you on Article 1.

24 MR. STEFFENS: When does the transition
25 period end?

1 MR. SIEMON: The eighteen months.

2 CHAIRWOMAN MORENO: Eighteen months.

3 MR. STEFFENS: Eighteen months from --

4 CHAIRWOMAN MORENO: Adoption.

5 MR. SIEMON: Adoption.

6 MR. AIZENSTAT: And that's sufficient time?

7 MR. SIEMON: Yes, we believe that it is.

8 MR. STEFFENS: So does this say that in that
9 eighteen-month transition period, if somebody gets
10 something approved in the seventeenth month, they
11 have eighteen months before they're --

12 MR. SIEMON: If the application is pending
13 and it's resolved within eighteen months, it's
14 subject to the old rules.

15 MR. STEFFENS: It's subject to the old
16 rules, which would be six months?

17 MR. SIEMON: Right. If approved, it's
18 subject to six months.

19 MR. STEFFENS: But they have eighteen months
20 to get it approved?

21 MR. SIEMON: Yes, that's correct.

22 MR. KORGE: In looking at the change --

23 MR. STEFFENS: But does that
24 eighteen-month -- is that an eighteen-month period
25 starting with the City Commission's approval of this

1 Code?

2 MR. SIEMON: The adoption of the Code.

3 MR. STEFFENS: They have an eighteen-month
4 period --

5 MR. SIEMON: If the application is pending
6 on that date, there's an eighteen-month period in
7 which, if it's resolved by that eighteen months, it's
8 subject to the old Code. If not, it's subject to the
9 new Code.

10 MR. KORGE: In the change you made on Page 3
11 of 5 --

12 MR. SIEMON: Yes, sir.

13 MR. KORGE: -- the zoning map supersedes the
14 chart, to the extent there are discrepancies?

15 MR. SIEMON: To the extent that there are
16 special designations.

17 MR. KORGE: Right.

18 MR. SIEMON: There are some references to
19 ordinances, et cetera, that apply to individual
20 parcels.

21 MR. KORGE: Right.

22 MR. SIEMON: We don't want to wipe those
23 out.

24 MR. KORGE: That's permanent? That's not a
25 temporary --

1 MR. SIEMON: No.

2 MR. KORGE: -- difference?

3 MR. SIEMON: That's a --

4 MR. KORGE: That would be permanent?

5 MR. SIEMON: That rule is provided for in
6 the text of the Code, with the incorporation of the
7 special permit approvals. But it's also, we didn't
8 want to have any confusion during this transition
9 period.

10 MR. KORGE: So if there's any change in the
11 zoning map in the future, that change would also
12 affect --

13 MR. SIEMON: That well could change whether
14 the underlying -- I mean, if there's a change in the
15 map, a specific parcel, that could abrogate -- could
16 theoretically be decided on a basis that would
17 abrogate those prior special conditions that have
18 been applied to particular parcels.

19 MR. KORGE: Or any other changes that might
20 be placed -- I can't imagine what they would be, but
21 if there are, then they supersede the text?

22 MR. SIEMON: That's correct.

23 CHAIRWOMAN MORENO: If we don't have any
24 more questions on Article 1, is there anyone in the
25 audience that needs to speak on Article 1?

1 Okay, then, I'll take a motion to approve

2 Article 1.

3 MR. STEFFENS: So move.

4 MR. KORGE: I'll second.

5 CHAIRWOMAN MORENO: Call the roll.

6 MS. MENENDEZ-DURAN: Eibi Aizenstat?

7 MR. AIZENSTAT: Yes.

8 MS. MENENDEZ-DURAN: Tom Korge?

9 MR. KORGE: Yes.

10 MS. MENENDEZ-DURAN: Bill Mayville?

11 MR. MAYVILLE: Yes.

12 MS. MENENDEZ-DURAN: Michael Tein?

13 MR. TEIN: Yes.

14 MS. MENENDEZ-DURAN: Michael Steffens?

15 MR. STEFFENS: Yes.

16 MS. MENENDEZ-DURAN: Cristina Moreno?

17 CHAIRWOMAN MORENO: Yes.

18 MR. SIEMON: With regard to Article 5, a
19 general reminder. We found it difficult to use your
20 Code, because development standards that applied to
21 an individual project were scattered all through the
22 Code, and you might find them all only because you
23 work with the Code a lot, or by accident.

24 So we recommended consolidating them all
25 into a single section and arraying them in a fashion

1 that would be easy to use. And so we organized them
2 by alphabetical order, so that if you're looking
3 through the Code for off-street parking, you go to
4 the O. You don't just have to always remember the
5 number.

6 Our experience is, alphabetizing them really
7 makes it easy to use the Code. And what you have
8 here today -- and I would say that 90 percent of
9 what's in this article, excluding off-street parking,
10 landscaping, represents existing substantive
11 regulations.

12 Now, there were -- when we brought all
13 design standards, which were in five different
14 sections in the Code, into a single section, we
15 identified some inconsistencies. The same idea was
16 expressed in three or four ways. We reconciled them
17 with what we thought the manifest intent was. So
18 there was some substantive modification, we think
19 improving the clarity of the standards.

20 There were some additional standards that
21 were adopted. There was some question about how the
22 Mediterranean bonus standards would be applied. We
23 modified -- recommended some modifications that were
24 not acceptable and they have been restored to their
25 original condition in this chapter.

1 But, by and large, this represents a
2 reorganization and an editorial effort to clean up
3 the language and use consistent standards, consistent
4 vocabulary, all through.

5 Now, there are some additional -- We're
6 going to get to Article 8, which is definitions, at
7 the end. They're on the list here, but you should
8 keep in mind that there will be additional changes to
9 Article 8 as we go through the rest of these
10 articles, because if you all make changes or
11 recommendations that require or involve a new term of
12 art, we're going to want to add that to the
13 definitions provisions.

14 These require -- I would say that there are
15 a number of editorial changes here that are
16 clarifications that came from Staff. When we did the
17 first draft, we didn't get recommendations from them
18 that this ought to change. I think, as we got it
19 reorganized and began to expose some things, they
20 came back in this last round and say, "We've
21 always -- while it said this, we've always
22 interpreted it or applied it in this way," and so
23 there's some edits that you'll see that reflect that,
24 and you see some of that in 5-102, the accessory
25 dwellings and the modifications that are made there.

1 In some circumstances, like on Page 2 of 3,
2 in Article 5, Division 2, we originally just
3 incorporated the language of your prior Code. If you
4 look at Line 41 on Page 2 of 3, Paragraph Y, when we
5 got back -- as we got through this process, in going
6 through the final editing, it became clear that we
7 should make this section, for example, clearer. And
8 so to avoid some debate about what is and what is not
9 acceptable in outside displays, we further edited it,
10 to try to achieve the objective.

11 MR. STEFFENS: What page and what section?

12 MR. SIEMON: It's Page -- Article 5,
13 Division 2, Page 2 of 3.

14 MR. STEFFENS: 2 --

15 MR. SIEMON: No, it's Article 5, Division 2.

16 CHAIRWOMAN MORENO: Wait, before we go to
17 Division 2 --

18 MR. KORGE: We're still on Division 1.

19 CHAIRWOMAN MORENO: -- let's finish
20 Division 1.

21 MR. SIEMON: Okay.

22 CHAIRWOMAN MORENO: Does anyone have any
23 comments or questions on Division 1?

24 MR. KORGE: Certainly. Go ahead. You
25 first.

1 MR. STEFFENS: Why aren't things relate to
2 single-family residential properties in single-family
3 residential sections?

4 MR. SIEMON: You mean, like a private
5 swimming pool?

6 MR. STEFFENS: Boat house, cabana, et
7 cetera, et cetera, et cetera.

8 MR. AIZENSTAT: Accessory dwelling.

9 MR. SIEMON: Those -- The honest answer is,
10 they've never been included in your residential
11 districts and so, because the districts are
12 relatively spare, in terms of all those additional
13 design standards, we opted to follow that model and
14 to put them all in Division 5.

15 MR. STEFFENS: But do these items, like boat
16 houses or cabanas or greenhouses or guest houses --
17 do they apply to anything other than single-family?

18 MR. SIEMON: Yes. They also apply to the
19 multi-family districts.

20 MR. STEFFENS: They do apply to
21 multi-family?

22 MR. SIEMON: They do apply to multi-family.

23 MR. STEFFENS: So you could have a boat
24 house in a multi-family?

25 MR. SIEMON: A greenhouse, et cetera.

1 MR. KORGE: It doesn't say that, though.

2 MR. RIEL: It says single-family on that
3 one.

4 CHAIRWOMAN MORENO: It just says an
5 accessory use in a single-family district.

6 MR. SIEMON: A greenhouse is permitted as an
7 accessory use in any residential district.

8 CHAIRWOMAN MORENO: Okay, but boat house is
9 only single-family.

10 MR. RIEL: He was talking about boat houses.

11 MR. SIEMON: Oh, boat houses?

12 MR. RIEL: Yeah, it's only single-family.

13 MR. STEFFENS: So does cabanas,
14 single-family.

15 MR. KORGE: Was this literally from the Code
16 as it existed?

17 MR. RIEL: Yeah.

18 MR. SIEMON: Yeah.

19 MR. KORGE: Some of it doesn't make sense.
20 It seems inconsistent with practices that I'm aware
21 of.

22 CHAIRWOMAN MORENO: Like?

23 MR. KORGE: Well, boat houses. I don't know
24 of any boat house in the City that's actually
25 occupied by anybody. They're occupied by boats. I

1 mean, they're not -- so that requirement under
2 Section 5-103, A, Page 1 of 9, Line 36, it's not a
3 real requirement. I mean, it doesn't even really
4 make a lot of sense.

5 MR. AIZENSTAT: If I may, it could mean that
6 they're trying to keep people from having a boat
7 house -- or a boat in a boat house where they'll sub
8 it out or some other people will live in it. I
9 don't know if that's the intent or that's what
10 they're trying to do by this, but that's what it
11 would indicate to me, possibly --

12 MR. KORGE: That's what I was guessing, but
13 that's not clear. In fact, it indicates, if you read
14 it the way it's written, that most of the boat
15 houses, probably all the boat houses in the City, are
16 illegal. So, you know, you might want to look at
17 rephrasing that to comply with the actual practice.

18 CHAIRWOMAN MORENO: What do you mean, that
19 they're illegal?

20 MR. KORGE: Nobody lives in a boat house.
21 They're not occupied by anybody.

22 CHAIRWOMAN MORENO: No, but I mean --

23 MR. STEFFENS: There's not a room in a boat
24 house. It's just a garage with no --

25 MR. SIEMON: A garage for boats.

1 MR. KORGE: For boats, yeah.

2 MR. STEFFENS: And it doesn't really have an
3 enclosure.

4 MR. KORGE: Yeah. Even more so, a boat
5 slip. I mean, I think what you're referring to is --
6 Mr. Aizenstat is referring to is correct, that it's
7 really --

8 CHAIRWOMAN MORENO: Well, maybe you should
9 change --

10 MR. KORGE: -- not to be rented out for
11 commercial use, or commercially rented to third
12 parties. I don't know how you would phrase it, but
13 it just doesn't -- it doesn't make sense.

14 CHAIRWOMAN MORENO: Well, maybe instead of
15 occupied, you want to use the word used.

16 MR. KORGE: Right, that's possible, too.
17 But that's why I'd asked if this was in the Code or
18 if you had rephrased it, perhaps.

19 MS. HERNANDEZ: It's existing Section 5A.

20 MR. SIEMON: Yeah. I think the --
21 Forgetting that it's what's there, if what we're
22 trying to achieve is, it can be used as an accessory,
23 a subordinate accessory dwelling to the principal
24 residence, you could have a bedroom out there and
25 your son could live in that bedroom, like any other

1 guest house or whatever. Or it could be --

2 MR. KORGE: But this is a requirement.

3 It's not a --

4 MR. SIEMON: This could be --

5 MR. KORGE: It's not that it's not --

6 MR. SIEMON: -- not habitable.

7 MR. STEFFENS: But that would be a guest
8 house attached to a boat house.

9 MR. SIEMON: It would be a guest house,
10 right. So, if no one should live in the guest
11 house -- in a boat house, then you ought to say that.

12 MR. STEFFENS: I think you can use some of
13 the language from the guest house section --

14 MS. HERNANDEZ: Right.

15 MR. STEFFENS: -- in the boat house section.

16 MS. HERNANDEZ: If you look in the notebooks
17 that you do have here, they had prepared the charts
18 for us, which tell us where the existing language is,
19 so this is an existing section in our Code now.

20 They're not proposing any changes to it.

21 CHAIRWOMAN MORENO: But I think what we're
22 suggesting is --

23 MS. HERNANDEZ: I know.

24 CHAIRWOMAN MORENO: -- that perhaps a change
25 should be done.

1 MS. HERNANDEZ: I'm trying to dissuade them
2 in a really nice way.

3 CHAIRWOMAN MORENO: No, but Tom's point, and
4 I think it's well taken, is that a boat slip that is
5 not used to live in is illegal --

6 MR. SIEMON: Right.

7 CHAIRWOMAN MORENO: -- the way that this is
8 written.

9 MR. KORGE: So I would suggest --

10 CHAIRWOMAN MORENO: So a boat house or a
11 boat slip that's used for a boat is illegal.

12 MR. KORGE: Yeah. I mean, it doesn't --
13 It's just poorly written, is all I'm saying. So
14 maybe you could rephrase it --

15 MS. HERNANDEZ: Okay.

16 MR. KORGE: -- at your convenience, to, you
17 know, more accurately reflect the practice.

18 Can I ask, in Section 5-104, I notice that
19 Subsection E, on Line 53, prohibits cooking
20 facilities in a cabana, but I think the practice is
21 that, you know, people keep their grilles and those
22 type of cooking facilities in their cabanas. So,
23 there again, the practice is not consistent with the
24 language of the ordinance.

25 MS. HERNANDEZ: Okay.

1 MR. SIEMON: Yeah, and there's no
2 definition of cooking facilities, as opposed to
3 kitchen, so --

4 MR. KORGE: Right.

5 MR. SIEMON: -- there is clearly an
6 inconsistency there.

7 MR. STEFFENS: A lot of the cooking
8 facilities provided in cabanas today are better than
9 the kitchens in a lot of houses.

10 MS. HERNANDEZ: That's true.

11 MR. SIEMON: Should number E be revised,
12 just to say that the cabana shall not be used for
13 living or sleeping quarters?

14 MR. KORGE: Yeah, I think that's --

15 CHAIRWOMAN MORENO: Right.

16 MR. KORGE: -- consistent with the practice,
17 yes.

18 CHAIRWOMAN MORENO: Why are we not having
19 the requirement that it only be used by members of
20 the family residing in the main residence, which we
21 have in accessory dwelling and in boat slips? I
22 mean, can they rent me a cabana, somebody who has
23 one? They're supposed to be just for the family that
24 lives where the house is, right?

25 MR. STEFFENS: Uh-huh.

1 MS. HERNANDEZ: Right. And then we get --
2 you know, if we start -- you know, the family, are we
3 talking about a relative of the family? I think,
4 with removing the "not contain cooking facilities" --
5 Our Code Enforcement, anyway, it's one of the
6 elements that they look at, to see if someone is
7 renting out space, whether or not they have separate
8 kitchens or whatever. So these are just the elements
9 that they look at, to see if someone has set up
10 another house within a house.

11 MR. KORGE: Right. I think --

12 MS. HERNANDEZ: So I think if you remove the
13 language, "shall not contain cooking facilities," I
14 think it meets, you know, practical application. If
15 there's suspicion that they're renting it out, then
16 that would be one of the elements Code Enforcement
17 looks at.

18 MR. STEFFENS: I think that for all of these
19 items --

20 MS. HERNANDEZ: Uh-huh.

21 MR. STEFFENS: -- in this section that are
22 possibly occupiable, the language should be
23 consistent for all of them. If you're not allowed to
24 rent them out, then it should be consistent for boat
25 houses and boat slips and cabanas and guest houses,

1 et cetera, et cetera.

2 MR. KORGE: Accessory dwellings, yeah.

3 MR. STEFFENS: And if you can't have a
4 kitchen -- if you can or can't have a kitchen, it
5 should be consistent for all of them.

6 MS. HERNANDEZ: Okay, so make the language
7 consistent, not for living -- okay.

8 CHAIRWOMAN MORENO: No, no, no. Make the
9 language consistent to say that it may be -- can only
10 be used by members of the family residing in the main
11 residence.

12 MS. HERNANDEZ: Okay.

13 MR. STEFFENS: I think the guest house
14 language, Section 5-109, is good.

15 MS. HERNANDEZ: "Residing in the main" -- I
16 like that.

17 CHAIRWOMAN MORENO: Yeah, but that allows
18 non-paying and personal guests of the occupants to
19 occupy --

20 MR. RIEL: Basically, what you're saying is
21 to look at each of these uses and make sure that the
22 ones that we don't want people living in and cooking
23 in -- using the right terminology --

24 CHAIRWOMAN MORENO: But a cabana --

25 MR. RIEL: -- because you don't want people

1 living in a greenhouse and things like that.

2 CHAIRWOMAN MORENO: But the thing with the
3 cabana, I mean, you also don't want someone renting a
4 cabana and a boat slip from another -- Let's say that
5 I own a house and I don't have a boat. I don't want
6 to -- you know, I shouldn't rent my cabana and my
7 boat to somebody else.

8 MR. STEFFENS: But you can't rent any of
9 these things to anybody else. You can't rent a guest
10 house to somebody else.

11 CHAIRWOMAN MORENO: Well, why not, in the
12 cabana? It doesn't say I can't.

13 MR. STEFFENS: No, that's why the language
14 should be consistent among all of them.

15 MR. RIEL: Basically --

16 MR. STEFFENS: And if somebody wants to have
17 their guest stay overnight in the cabana, then more
18 power to them.

19 MR. KORGE: Well, if those are general
20 conditions, then it should be in 5-101, as a general
21 condition.

22 MS. HERNANDEZ: Okay.

23 MR. KORGE: But certainly for a cabana,
24 cooking facilities are typical these days. So that
25 has been the practice, to permit cooking facilities

1 in cabanas. So it shouldn't be a restriction on a
2 cabana, and therefore, it's probably not a general
3 restriction for everybody, you know, and also, I do
4 have a question about, why did we insert SF 1 and
5 SF 2? Was it in there before, under different
6 designations, in -- I'm sorry, Section 5-102,
7 Subsection B, Line 23, on the first page.

8 MS. HERNANDEZ: Okay, let's see, an
9 accessory use --

10 CHAIRWOMAN MORENO: It was probably all the
11 residential uses.

12 MR. KORGE: Yeah.

13 MS. HERNANDEZ: Well, it said -- in the old
14 language, it said as an accessory use in a single-
15 family or multi-family.

16 MR. KORGE: Got you, okay.

17 MS. HERNANDEZ: Yes.

18 MR. KORGE: That answers the question.

19 Thank you.

20 MR. SIEMON: I think what I'd like to
21 suggest, that we should really reorganize this, bring
22 guest house up into this first category of places
23 which are accessory dwelling units so that they're
24 all together, consolidate the general standards that
25 apply to all of them in one section, and then only

1 those that apply to a specific, a discrete one, under
2 each section, and that we -- None of them, as I
3 understand it, these accessory dwelling units -- no,
4 some of them may contain kitchen facilities, but I
5 believe it's only the guest house in the RE district
6 that is --

7 CHAIRWOMAN MORENO: No, the cabana, we're
8 saying, should have cooking facilities, a grille
9 or -- What do you put in them?

10 MR. STEFFENS: Everything.

11 MR. SIEMON: Well, but it's not a kitchen.

12 CHAIRWOMAN MORENO: You put everything? You
13 put refrigerators?

14 MR. STEFFENS: They have refrigerators.

15 MR. TEIN: Is there a difference between a
16 cooking and a kitchen?

17 MR. KORGE: They can put everything in
18 them.

19 MR. STEFFENS: Everything.

20 MR. KORGE: It's like a -- the same thing as
21 a kitchen.

22 MR. SIEMON: Well, a kitchen is multiple --
23 is two or more major appliances, I believe, so a
24 refrigerator, a --

25 MR. KORGE: Ice maker.

1 MR. SIEMON: -- stove --

2 CHAIRWOMAN MORENO: A stove, refrigerator --

3 MR. SIEMON: So, if you had a refrigerator
4 and a grille, which --

5 MR. STEFFENS: They have all of those. I
6 mean, they --

7 MR. SIEMON: -- many cabanas now have --

8 MR. STEFFENS: They make special stainless
9 steel --

10 MR. KORGE: It seems to me that --

11 MR. STEFFENS: -- outdoor appliances.

12 MR. KORGE: It seems to me that the reason
13 why kitchens aren't permitted as part of the use is
14 because you don't want to end up with, in effect, two
15 separate residential units on the same single-family
16 parcel.

17 MS. HERNANDEZ: Correct.

18 MR. KORGE: Consequently, what we should
19 focus on is a kitchen or a similar type of facility
20 that is attached to a dwelling unit. That's the real
21 concern, it seems to me. And so a boat house, which
22 should not be a dwelling unit under any
23 circumstances, you could put a -- if you want to put
24 a kitchen next to it as part of a multi-use facility,
25 it's really not an issue --

1 CHAIRWOMAN MORENO: No, then it's going
2 to become --

3 MR. KORGE: -- because people aren't going
4 to be living in the boat house, but the point is --
5 the point is, the --

6 CHAIRWOMAN MORENO: Okay, but wait a minute,
7 just so I understand. A boat house is a garage for a
8 boat, right?

9 MR. STEFFENS: Exactly.

10 CHAIRWOMAN MORENO: So no one is going to
11 be -- there's no place for anybody to live or cook.
12 If you have a place to live or cook, then it becomes
13 a cabana.

14 MR. KORGE: It depends on how it's designed.

15 MR. STEFFENS: If the boat house is
16 designed nicely, it could actually --

17 MS. HERNANDEZ: Right.

18 MR. STEFFENS: -- become sort of like --

19 MS. HERNANDEZ: You can clean the fish. You
20 can do all kinds of things.

21 MR. STEFFENS: It could be a big cabana
22 space.

23 CHAIRWOMAN MORENO: Then it's a cabana.

24 MR. STEFFENS: Well, no, a cabana is only a
25 hundred square feet.

1 MR. TEIN: Is boat house defined?

2 MR. RIEL: Yes.

3 CHAIRWOMAN MORENO: Boat house --

4 MR. KORGE: Improperly. But the point I was
5 getting to was that, in looking at a kitchen-type
6 facility and prohibiting a kitchen-type facility, the
7 reason for prohibiting an additional kitchen-type
8 facility is that we don't want to end up with two
9 houses on one single-family residential lot.

10 If the kitchen is attached to a boat house
11 or a cabana, on which -- in which some individual
12 cannot physically reside, because there aren't
13 bedrooms --

14 CHAIRWOMAN MORENO: Well, you can reside in
15 the boat.

16 MR. KORGE: -- there aren't bathrooms -- you
17 know, bedrooms and bathrooms attached, then it's
18 really not an issue for us. That's the point I was
19 getting to. How you articulate that in these
20 articles, I don't know, but I think that's -- to me,
21 that's the point.

22 MR. RIEL: I think what we're hearing from
23 you is, the variables are no kitchen, and it
24 obviously has to be the immediate family. And let us
25 go back and look at the definitions.

1 CHAIRWOMAN MORENO: I don't think that's
2 true.

3 MR. KORGE: No, no.

4 CHAIRWOMAN MORENO: We want kitchen some
5 places.

6 MR. RIEL: Okay.

7 MR. KORGE: Kitchen goes everywhere except
8 in -- when we're talking about a single-family
9 residential lot, we don't want to have a second
10 kitchen attached to like an accessory building of any
11 type, whether it's called a cabana, a boat house or
12 an accessory dwelling, where somebody will be able to
13 reside in that accessory building.

14 CHAIRWOMAN MORENO: But we're allowing them
15 in guest houses. We do allow them.

16 MR. KORGE: The guest house is permitted.

17 CHAIRWOMAN MORENO: Yeah.

18 MR. AIZENSTAT: You might want to look at
19 sinks, because usually in a kitchen you might have a
20 sink or an area where you have to wash dishes and so
21 forth, but if you have a cabana with a barbecue or
22 some kind of a cooking area, you don't need to have a
23 sink in there.

24 MR. STEFFENS: They all have sinks in them.

25 MR. KORGE: They all have sinks.

1 MR. SIEMON: I'm not an expert in --

2 MR. KORGE: It's a full kitchen.

3 MR. STEFFENS: The only thing they usually
4 don't have is an oven.

5 MR. KORGE: Right.

6 MR. STEFFENS: But some of them are even
7 having --

8 MR. KORGE: Right.

9 MR. STEFFENS: -- putting ovens in there.

10 MR. KORGE: Or even a dishwasher.

11 MR. STEFFENS: Yeah, that's the one -- yeah,
12 maybe dishwashers.

13 MR. TEIN: I don't see cooking defined,
14 cooking area defined, cooking facilities defined. I
15 just see --

16 MR. SIEMON: It is not defined. It's
17 kitchen that's the defined term.

18 MR. TEIN: I just see kitchen.

19 MR. SIEMON: It seems to me that what we're
20 really saying -- First off, the cabana is a hundred
21 square feet, so there's a limited opportunity for
22 risk here. It seems to me that what -- the consensus
23 I hear is that having kitchen appliances or food
24 preparation, storage and preparation appliances, as a
25 part of a cabana, is acceptable.

1 CHAIRWOMAN MORENO: Yes.

2 MR. KORGE: That's correct.

3 MR. SIEMON: And that maybe that's the way
4 to tackle this, rather than --

5 CHAIRWOMAN MORENO: Just take that out and
6 just say the cabana shall not be used --

7 MR. SIEMON: And add kitchen, and then
8 explicitly allow those appliances to be located.
9 That's what I hear you all saying. I'm not sure
10 whether the draftsmanship will be as easy as I'm
11 saying, but we'll give that a shot, and if I
12 understand -- let me just summarize the instructions.
13 We'll consolidate all of these kinds of residential
14 or potentially residential secondary home units into
15 a logical set of order, so that they're not -- guest
16 houses, for some reason, inexplicably, is several
17 sections away. Wherever there's a --

18 CHAIRWOMAN MORENO: It's under G.

19 MR. SIEMON: Where there's a --

20 CHAIRWOMAN MORENO: It just happens to
21 fortuitously fall this way, alphabetically.

22 MR. SIEMON: Is that what it is?

23 CHAIRWOMAN MORENO: Yeah.

24 MR. SIEMON: Yeah, it sure is. I think
25 that -- I think that's an invitation for confusion,

1 because it's -- So let us play with that
2 organization, but we're going to put general
3 standards that apply, no matter what, as a matter of
4 right up front. Then, specific standards for these
5 specific things.

6 CHAIRWOMAN MORENO: Okay, greenhouse is also
7 an accessory to residential districts only. So you
8 might want to put that there, too, in your --

9 MR. STEFFENS: A big question about this
10 section and the rest of the Code. If I'm working on
11 a single-family residence, do I now only look in two
12 places, or do I need to look in more than two places?

13 MR. SIEMON: You will have to look in two
14 articles, Articles -- Article 4 and Article 5.

15 MR. RIEL: And -- yeah, I mean, you would
16 look under parking --

17 MR. SIEMON: For substance.

18 MR. RIEL: Parking, landscaping. I mean --

19 MR. STEFFENS: So parking and landscaping
20 and accessory uses --

21 MR. RIEL: That's in Article 5.

22 MR. STEFFENS: And maybe some other things
23 that don't -- that specifically relate --

24 MR. RIEL: It would depend upon the
25 components that you have on the single-family lot. I

1 mean, there's no way we could put all -- because the
2 landscaping provisions, we might have ten provisions
3 and two of them might apply to single-family and
4 eight might apply to multi-family. But rather than
5 recopying those, that's why we put all these into one
6 development standards section that -- I mean, it's
7 still -- you're still going to have to go to each
8 section of the Code.

9 MR. STEFFENS: Still going to have to go to
10 multiple sections in the Code.

11 MR. RIEL: You're going to have to go to
12 multiple sections, but not as many as you would under
13 the current Code.

14 MR. STEFFENS: Okay.

15 MR. RIEL: Otherwise, this document, if we
16 were to reiterate each of the provisions and separate
17 them to single-family, would be much larger.

18 MR. STEFFENS: Larger, but easier to use?

19 MR. RIEL: You know, I don't know the answer
20 to that. I mean, my assumption is that, you know,
21 people that go to this Code, based upon the
22 organization of the table of contents, would be able
23 to figure out --

24 MR. SIEMON: There are two practices that
25 I'm aware of that address this subject. One is that

1 there are search software that can be employed to
2 deliver all the sections relative to single-family
3 residential, and you get the code that applies to
4 single-family residential.

5 The other way I know that that happens is by
6 practice. We do that. We have -- in a number of our
7 jurisdictions that we are very regularly in, we have
8 all the provisions out of the Code which apply to
9 multi-family residential in one book, so that we're
10 not constantly looking for it.

11 We hope, ultimately, that this Code will be
12 made -- will be available in a digital form that will
13 make it easy to use, and that may be the easiest way
14 to have a bigger Code, but smaller for use. But I
15 would say, at this point, we should be attentive to
16 the concern you've raised.

17 Our hypothesis has been that this is an
18 improvement over what we have. If we discern that it
19 hasn't gone further and it's within our reach, I
20 think that we would try to make it as good as it can
21 be.

22 MR. RIEL: Basically, it's an interactive
23 Code. Some communities have it, when you click on
24 the word single-family, it will guide you to links
25 within that Code that have all the single-family

1 provisions. It's a matter of computerization of the
2 Code. It's -- you know, a lot of companies come out
3 with a product that already has that included in it.
4 This is just an additional step that we can include.

5 MR. SIEMON: I have a colleague who produces
6 this sort of service for municipalities, and when you
7 have your pre-application conference, you go home
8 with a mini zoning code of everything that you have
9 to comply with, and the pre-application conference
10 says you can rely upon this, so that there's no
11 misunderstanding.

12 MR. STEFFENS: Maybe -- if the Code retains
13 this format, maybe there's a page after or a section
14 after the table of contents that would list, maybe,
15 single-family residential and then --

16 MR. RIEL: A comparative analysis.

17 MR. STEFFENS: -- it would give you, "See
18 Section A, D, G."

19 MR. SIEMON: They're very easy to do.

20 MR. STEFFENS: And then another one,
21 multi-family, "See Section" -- da, da, da, da, da,
22 and so you could look at that page and say, "Oh, I
23 need these four sections."

24 MR. SIEMON: Well, there's one other way you
25 could -- and another way that we've done it is a

1 handbook, a handbook for single-family, and you
2 basically digest it.

3 MR. STEFFENS: Well, it would be good for
4 commercial.

5 MR. SIEMON: Commercial, whatever it is, to
6 make it easy, a handbook for signage, a handbook for
7 architectural review. You may want to. We may want
8 to do this. We have been -- we've tried very hard to
9 use as consistent a language as we can, everywhere in
10 this Code, so that we can search. So we have forced
11 some terms, like overnight accommodations, to make
12 sure we have a single term that would represent
13 hotels, motels, rooming, boarding, all those things,
14 because that defeats the search engine's capability.
15 So we set it up for the possibility of future use,
16 but I think your observation is a very good one, and
17 we need to be attentive to it.

18 I would propose, at least on Division 1,
19 that we try to reorganize this. I do recognize now
20 that my partner has carried the alphabetizing to a
21 fault within the divisions. It may be that that
22 discipline is -- offers more complication and more
23 opportunity for misunderstanding, and these accessory
24 uses ought to be categorized by districts rather than
25 by alphabet. So, if you'll indulge me, we'll try to

1 see if we can organize that in that way.

2 MR. TEIN: Can I ask you a question about
3 the guest house provision?

4 MR. SIEMON: Yes.

5 MR. TEIN: Under Section D, it says,
6 "Year-round occupancy shall not be permitted by the
7 same guest." I'm not sure what that's trying to get
8 at, or whether -- I think I know what it's trying to
9 get at. You don't want someone living there all the
10 time. But I don't know what year-round means, I
11 mean, or whether someone could get around that
12 easily.

13 MR. SIEMON: This is a -- a -- this is a
14 different kind -- this is truly a guest house, for
15 someone who comes on a seasonal basis, or a periodic,
16 intermittent basis and stays in there. It has
17 kitchen facilities, and it's a second -- it is
18 someone who can come, they're not a member of the
19 family, just as long as they don't pay, and the
20 reason for that provision is to avoid the possibility
21 that it will become a year-round, permanent
22 residence. It's somewhat of an anachronism in this
23 day and age, but we've made no independent assessment
24 of this provision. We just copied it in.

25 MR. RIEL: The question I have is, accessory

1 use to a residential estate -- I don't know if we
2 have a definition of residential estate.

3 MR. SIEMON: In the Comp Plan?

4 MR. CANNONE: It is a defined in the
5 definitions, as a certain sized parcel. I think
6 SF 2.

7 MR. RIEL: So that should probably read
8 SF 2.

9 MR. SIEMON: No, I mean, it's a certain
10 size.

11 MR. RIEL: A certain size? Okay.

12 MR. SIEMON: I think it's --

13 Residential estate means a residential site
14 comprising at least one and a half acres, having a
15 minimum lot of 200 feet.

16 This is an ordinance that was clearly
17 adopted previously, and it's old section 2-96.

18 (Simultaneous indistinguishable comments)

19 CHAIRWOMAN MORENO: So it's got to be
20 pretty big.

21 MR. SIEMON: Yeah, big. It's --

22 MR. RIEL: Pretty big.

23 MR. SIEMON: That's why it's capitalized,
24 Residential Estate.

25 CHAIRWOMAN MORENO: Now, the accessory

1 dwelling, we can only allow it on top of the garage?

2 MR. SIEMON: That's correct, as in the SF 1,
3 SF 2 or MF 1.

4 MR. STEFFENS: That would be --

5 CHAIRWOMAN MORENO: What about all these
6 houses that I see where the people have their, you
7 know, in-laws or nannies living, that are first-floor
8 structures?

9 MR. SIEMON: You mean, a separate, detached
10 home?

11 CHAIRWOMAN MORENO: I think so.

12 MR. SIEMON: Converted garages, et cetera?

13 CHAIRWOMAN MORENO: Converted garages.

14 MR. SIEMON: I don't think those are
15 permitted under your Code.

16 MR. KORGE: It would be a guest house,
17 wouldn't it?

18 CHAIRWOMAN MORENO: It's not a -- well, no,
19 because, the way that guest house is defined --

20 MR. SIEMON: They're not permitted now, but
21 they're out there.

22 CHAIRWOMAN MORENO: The way that a guest
23 house is defined, it's on a residential estate. I
24 mean, I remember in my old neighborhood, in North
25 Gables, in those 100-foot and 50-foot lots, there

1 frequently was like a little garage in the back, it
2 was a carport, and then you had the garage converted
3 and there was someone's mother living there.

4 MR. KORGE: It was probably illegal.

5 MR. SIEMON: My first residence that I
6 recall was a garage apartment behind my -- there was
7 a garage on one side and an apartment on the other
8 side, behind my grandparents' house.

9 MR. STEFFENS: So that can't take place
10 today?

11 MR. SIEMON: That is not allowed now, but I
12 will tell you --

13 MR. STEFFENS: But you can put --

14 MR. SIEMON: -- unless my eyes deceive me,
15 there are examples of that in the City.

16 MR. STEFFENS: But you can put that on top
17 of a garage.

18 MR. SIEMON: You can put it on top of a
19 garage.

20 MR. STEFFENS: But you can't put it next to
21 a garage.

22 MR. SIEMON: Correct, as your Code is
23 drafted today.

24 MR. RIEL: I don't know what cottage --
25 maybe it's considered a cottage, and there are

1 cottage regulations, so -- I'm not sure.

2 MR. STEFFENS: Well, a cottage is a small
3 house in the North Gables that has certain
4 architectural details.

5 MR. SIEMON: Right.

6 CHAIRWOMAN MORENO: But let's say you wanted
7 a room for your housekeeper or your maid. It would
8 have to be attached to the house for it to be legal?
9 It couldn't be a garage?

10 MR. STEFFENS: Or above --

11 MR. MAYVILLE: Or above the garage.

12 MR. STEFFENS: Above the garage.

13 CHAIRWOMAN MORENO: Or above the garage.

14 MR. AIZENSTAT: What about entrances? Can
15 they have a separate entrance?

16 MR. SIEMON: Not as this Code is drafted. I
17 mean, we have not -- We have not -- What is generally
18 called granny flats has not been an issue that was
19 identified to us, and frankly, we've just
20 incorporated and tried to smooth out your Code. I
21 mean, it's -- I will tell you, I mean, this opens
22 a --

23 MR. STEFFENS: I thought under the --

24 MR. SIEMON: -- big subject, but it's a big
25 issue all around the country. I mean, more and more,

1 I don't know what y'all's experience is, but I had
2 two children and they both grew up, went to college
3 and went away to make their fortune, and they both
4 came home again. And I was -- I happen to be
5 somebody who's fortunate enough to have a genuine
6 second residence on my property, and so I had a place
7 where they could legally stay, but it's an
8 increasingly -- whether it's a parent or a child
9 who -- et cetera, it's a part of the new lifestyle,
10 and you all really don't deal with it.

11 MR. STEFFENS: I thought that in the current
12 Code, if you're not building in a residential estate
13 area, if you're building in just a regular area, and
14 you build a detached garage, you can have, attached
15 to the detached garage, a room, whether it be a --

16 MR. SIEMON: I believe that your Code says
17 that it's upstairs. It may be the practice to locate
18 it -- It would not -- Is Dennis here? I mean, it
19 would not be the first time we have read the Code
20 only to learn that it's honored in breach.

21 But, you know, I can talk to you about the
22 policy considerations, if you want. I mean, I happen
23 to be a great advocate of subordinate housing. It
24 has to be subordinate, and it's for family members,
25 and it's -- you know.

1 MR. KORGE: Otherwise it's no longer a
2 single-family residential neighborhood. It becomes
3 multi-family.

4 MR. SIEMON: If you don't.

5 MR. KORGE: Right.

6 MR. SIEMON: Right.

7 MR. KORGE: That's why the restrictions are
8 there. So, if that's something we want to discuss, I
9 mean, more power to us, but that's opening a whole
10 new can of worms.

11 MR. STEFFENS: No, I don't have any problems
12 with the way it is now, for family members, no
13 kitchen facilities, and that type of situation, but
14 my understanding was that if you had a detached
15 garage, you could provide a room attached to that
16 detached garage, of up to some certain area, and you
17 could use that for a playroom or a bedroom or a
18 family room or --

19 MR. SIEMON: I don't think that's correct,
20 according to what's written.

21 MR. AIZENSTAT: Or an exercise room.

22 MR. STEFFENS: An exercise room.

23 MR. AIZENSTAT: Yeah. I've seen that.

24 MR. SIEMON: Well, I think you can have an
25 exercise room in an accessory building, but it's the

1 accessory residential use that is limited, and it's
2 limited for the reasons that you've identified.
3 Having a gym in the back garage, that's permitted.
4 They are accessory structures, and as long as it's
5 subordinate and accessory -- but it's the
6 residential, the separate residential living quarters
7 that is the -- that raises the issue of the potential
8 of community change, and, you know, it is a
9 particularly problematic issue in university
10 communities, I'll be honest with you, because the
11 probability of those garage apartments or subordinate
12 dwellings going into rental is much higher in
13 university communities, because it's a -- and a
14 significant portion of the Northwestern University
15 undergraduate school live in what used to be carriage
16 houses.

17 MR. KORGE: That was a bone of contention
18 on Campo Sano when they -- when this Board
19 approved -- I wasn't sitting on the Board at the
20 time, when the Board approved the development --

21 CHAIRWOMAN MORENO: Uh-huh.

22 MR. KORGE: -- right across from the
23 hospital. The issue was whether they would be
24 allowed to have the granny flat above the garage, in
25 accordance with the ordinance. It got some --

1 required some special use exception or something,
2 and I think that was denied at the Commission level,
3 so --

4 MR. STEFFENS: I think they have some of
5 them.

6 MR. RIEL: No, those accessory units were
7 removed at the Commission.

8 MR. STEFFENS: All of them?

9 MR. KORGE: Right. Right.

10 MR. RIEL: My understanding, yes.

11 MR. STEFFENS: There are some two-story
12 garages there.

13 MR. SIEMON: Yeah, I don't know what's
14 upstairs, but unless my eyes --

15 MR. RIEL: Perhaps it was only on the front
16 property line.

17 MR. STEFFENS: Yeah, I think the front --
18 fronting the street, it was -- the second floor was
19 removed, but if they were off the street, they were
20 allowed to keep the second floor.

21 MR. TEIN: So, if there's an accessory
22 dwelling in the back of a home and it's not a garage,
23 that would be illegal under Section 5-102, correct?

24 MR. SIEMON: That's correct, unless you're
25 in the residential estate district, unless you have a

1 residential estate size home and lot, in which you
2 could have a 600-square-foot home.

3 MR. AIZENSTAT: What's the definition of
4 residential estate?

5 MR. KORGE: Size.

6 MR. SIEMON: It's two -- let's see if I did
7 it. It's a lot of not less than one and a half
8 acres, minimum width of 200 feet, and minimum depth
9 of 250 feet, and has to have a home of at least 4,273
10 square feet. 4,273. Poor devil with only 4,272
11 feet.

12 MR. AIZENSTAT: Should that be updated as a
13 definition, have an acre and a half, if somebody
14 wants to go build today a 4,000-square-foot home? Is
15 that a --

16 MR. SIEMON: It's just a -- it's just that
17 the house has to be at least 4,273 square feet --

18 MR. AIZENSTAT: Right.

19 MR. SIEMON: -- in order to be eligible for
20 a guest house.

21 MR. AIZENSTAT: Should that be made bigger?

22 MR. SIEMON: It would be a first, from my
23 experience, that anybody would adopt a regulation
24 encouraging bigger houses --

25 MR. AIZENSTAT: I'm just wondering.

1 MR. SIEMON: -- or requiring bigger houses.

2 MR. MAYVILLE: I had a couple of things I
3 wanted to run by you. I'm sorry, did I interrupt?

4 MR. AIZENSTAT: Go ahead.

5 MR. MAYVILLE: The first one deals with the
6 drive-throughs and walk-ups, 5-106. We've had a
7 couple of cases come before this Board, and it's
8 really divided this Board on this subject matter. In
9 fact, one of our last Board meetings dealt with a
10 building on Ponce, down at the -- what was it, the
11 Washington Mutual, Michael, where we had that
12 situation? We've got another one where the -- next
13 to the Fleming restaurant, across from Kinko's, where
14 we've got this drive-through issue.

15 My question is, does this really define
16 anything? This Board was split on that, went three
17 to three, and I'm not sure -- depending on which side
18 of the street you're, it's sort of a nebulous
19 interpretation. So I just raise that as an issue,
20 that this Board had a hard time coming to grips with
21 it, and I think whoever is enforcing that, it puts
22 them in an awkward situation. So I throw that out
23 just for information.

24 MR. SIEMON: This is your existing Code. I
25 would say it's -- that there are many communities

1 that have a more vigorous set of standards.

2 MR. RIEL: It is a major conditional use
3 that will have to come to this Board, and you then do
4 have within your authority to deny it. You may
5 recommend for denial.

6 MR. KORGE: It's a major conditional use to
7 have a walk-up?

8 MR. RIEL: Drive-through.

9 MR. KORGE: Drive-through, walk-up windows
10 and ATMs, accessory use for banks, et cetera?

11 MR. RIEL: I think the walk-up ATMs is
12 permitted by right, but not the drive-throughs.

13 MR. KORGE: That's not clear at all, and
14 there are no standards that I can discern from
15 this --

16 MR. RIEL: We need to check these
17 provisions and make sure this is --

18 MR. KORGE: -- other than, won't interfere
19 with the circulation, which may be the only standard
20 we want. I think that's what Bill is suggesting,
21 that there aren't -- the standards set forth here are
22 just, it won't affect traffic.

23 MR. MAYVILLE: We've got three buildings
24 that this Board has raised issues on, one by the
25 Fleming's restaurant, the second one is under

1 construction by the parking garage off Giralda, and
2 the third one, I just mentioned. All I'm saying is
3 that it keeps coming up, and I'm not sure this
4 provides clarity, and I'm just saying, while we're
5 doing it, we might as well address it, so we don't
6 have to keep arguing among ourselves on that. I only
7 mention that to try to define it, just as a point of
8 information, more than anything else.

9 The second one I had was --

10 MR. SIEMON: Well, I would -- excuse me,
11 Commissioner. I'd like, if you want us to look at
12 it, please tell us.

13 MR. MAYVILLE: Yeah, I do, but I don't know
14 if the rest of the Board agrees or not.

15 MR. STEFFENS: You know my feelings on
16 drive-throughs.

17 CHAIRWOMAN MORENO: Right, but your feeling
18 on drive-throughs is that they should be prohibited.

19 MR. STEFFENS: Exactly.

20 CHAIRWOMAN MORENO: Okay. I'm clear on
21 that. But I'm not sure that there's any standard,
22 other than interfering with the circulation of
23 pedestrian or vehicular traffic, that we have ever
24 considered. I mean, every time you've raised it,
25 it's because it impacts pedestrian traffic on the

1 street. Is there anything else that we look at,
2 other than pedestrian or vehicular traffic?

3 MR. STEFFENS: Well, unfortunately --

4 CHAIRWOMAN MORENO: I mean, I remember
5 George's issues were life safety issues, with the
6 cars coming in and out. Those, again, are pedestrian
7 and vehicular traffic.

8 MR. STEFFENS: Well, unfortunately, we don't
9 deal with the aesthetic impacts of these things
10 here.

11 MR. KORGE: Well, I mean, that could be a
12 condition that is also looked at, in permitting these
13 types of uses, but we'd have to articulate them
14 here.

15 MR. STEFFENS: But that would be an issue
16 for the Board of Architects, wouldn't it, Eric?

17 MR. RIEL: I'm sorry?

18 MR. KORGE: No, we would have to put it in
19 the Code before the Board of Architects could
20 consider it. In other words --

21 MR. STEFFENS: The aesthetic impacts of
22 drive-throughs and these items.

23 MR. RIEL: On the particular project that
24 just came before the Board, when it did go to the
25 Commission, 1300 Ponce, they did reduce the number of

1 openings into the building for the drive-through,
2 where they had three lanes coming out and they
3 reduced the opening to two, two lanes, and provided
4 additional landscaping on either side.

5 I mean, I don't know how you can make a
6 drive-through aesthetically pleasing. It's got to
7 access the street somewhere. I think the concern,
8 probably more so, was the fact that this application
9 increased the commercial depth and the drive-through
10 exit-entrance was in closer proximity to residential
11 uses. I think that was the concern that I heard from
12 some of the Board Members.

13 MR. KORGE: That and the appearance, it gave
14 it more -- it gave it less of an appearance of
15 continuity with the neighborhood.

16 MR. RIEL: Yeah.

17 MR. KORGE: And more of just a bunch of
18 driveways, I guess, is the word.

19 MR. RIEL: It definitely is a challenge to
20 try to get entrances and exits to parking garages,
21 you know, and an ATM, you know, and a drive-through.
22 It is a challenge.

23 MR. MAYVILLE: You said -- you mentioned
24 that there were other cities that had addressed this
25 issue in a more comprehensive manner. Is that

1 something, maybe, you want to come back to us and
2 just say, "Here's what other cities are looking at,"
3 and not, you know, beat this into the ground tonight?

4 MR. RIEL: Some cities have, I can tell you,
5 prohibited them on certain roadways that are adjacent
6 to residential, or only allowed them on certain
7 arterials, basically tried to focus that type of
8 activity, that auto-oriented activity, on certain
9 roadways. That's how they've done it. But --

10 MR. SIEMON: There's also some design
11 standards that they've got to design. The
12 drive-through facility has to reflect the design
13 characteristics of the principal building. It can't,
14 you know, have certain characteristics to it. I
15 mean, there's no exit -- entrance or exits off alleys
16 that abut residential properties, things like that,
17 that other communities do. We'd be glad to bring you
18 back any additional information on that.

19 You do have some major conditional use
20 standards that do give additional analysis for
21 compatibility and impact on adjacent land use and
22 overall character of the immediate vicinity, that do
23 come into play, notwithstanding the limited standards
24 in the accessory use, because it is a major
25 conditional use.

1 MR. STEFFENS: So should our concerns about
2 those items that you just talked about, architectural
3 standards, et cetera, go in the conditional use
4 section?

5 MR. SIEMON: No. They should be -- go in
6 the accessory use if it's -- where it's an accessory
7 use and there's specific standards that you want to
8 apply to that specific use, they should be in that
9 section.

10 CHAIRWOMAN MORENO: I would be very
11 interested in having additional standards.

12 MR. SIEMON: Okay.

13 CHAIRWOMAN MORENO: My problem with the
14 projects, and the reason I voted for them is because
15 if we don't have that, then it seems to me unfair to
16 let the developer go through the entire project, make
17 a leasing commitment, and then tell him he can't have
18 his drive-through.

19 But if you put it up front, I have no
20 problem saying, you know, "You've got to live with
21 your Code," and we have identified drive-throughs as
22 something that creates controversy --

23 MS. HERNANDEZ: Correct.

24 CHAIRWOMAN MORENO: -- for the neighborhood.
25 So I would be very interested, I don't know about

1 anybody else, in having you come back with more
2 specific and stringent drive-through requirements.

3 MR. MAYVILLE: The next issue that I had
4 was -- when I was on the Board of Adjustment, was
5 Section 5-115, restaurants, open air. This occurred
6 at the -- there was a potential restaurant that was
7 going to be opened at Biltmore Way and Segovia.

8 MS. HERNANDEZ: Oh, yeah.

9 MR. MAYVILLE: And we've had a couple other
10 scenarios that this is also a problem, I think, off
11 of Giralda. But there's no noise provision in here,
12 and that was the thing that people were most
13 concerned about, was, was the noise from the open-air
14 restaurant going to affect the residential area that
15 was across the street?

16 So I don't know whether there's a need to
17 have that discussion, but I'm just bringing that up
18 again, as a point of information of past experiences
19 with open air restaurants.

20 MR. RIEL: There are noise provisions in the
21 City Code that deal with noise at certain hours.

22 MR. MAYVILLE: Yeah, but the problem with
23 the restaurants, they're going to be closed, for the
24 most part, by ten o'clock. The problem is that, you
25 know, every night, Saturday nights, Friday nights,

1 particularly, you know, if you're on the -- you know,
2 if you're on that end of Segovia, where this thing
3 travels, it's a problem, and I just think -- to me,
4 the open air is not a problem as long as it doesn't
5 affect the residential community.

6 CHAIRWOMAN MORENO: But you can't really do
7 that, because now we're encouraging all these
8 multi-family, you know, mixed-use complexes, where
9 you're going to have residential on top of
10 restaurants, and if you don't allow restaurants on
11 that ground floor, you're really killing the only
12 reasonable retail that you have for those mixed
13 family uses, and the reality --

14 MR. KORGE: They're not only reasonable --
15 excuse me for interrupting -- but desirable.

16 CHAIRWOMAN MORENO: Desirable, and the
17 reality, with the no-smoking ordinance, is that all
18 these places want to have an area outside where
19 people can smoke if they want to smoke.

20 MR. MAYVILLE: But you could keep this just
21 from abutting like the single-family homes, not to
22 bother with the condominium areas.

23 CHAIRWOMAN MORENO: Is there any place where
24 we have a restaurant permitted in a single-family
25 area?

1 MR. MAYVILLE: No, but what came up was,
2 this was coming up right next to --

3 MR. RIEL: It was the 550 Building.

4 MS. HERNANDEZ: Down the street on Biltmore
5 Way --

6 MR. RIEL: It was the 550 Building.

7 MS. HERNANDEZ: -- in the 550 Building --

8 CHAIRWOMAN MORENO: Yeah?

9 MS. HERNANDEZ: They were trying to -- they
10 applied to put in an open-air outdoor dining, and the
11 residents came out en masse.

12 MR. KORGE: Where were they going to put it?

13 MR. MAYVILLE: On the west end.

14 MR. STEFFENS: On the Segovia side.

15 MS. HERNANDEZ: On the end of Segovia, you
16 know how that -- the first floor.

17 CHAIRWOMAN MORENO: But is that
18 single-family, Liz, or is that multi-family?

19 MS. HERNANDEZ: Across the street, it's
20 multi-family.

21 MR. RIEL: It's multi-family, high-rise.

22 MS. HERNANDEZ: And immediately adjacent,
23 it's single-family.

24 MR. STEFFENS: I don't think that
25 instituting some type noise control would affect the

1 mixed-use situations that you're talking about,
2 because I know Miami Beach has gone through a lot of
3 work on this issue because of Ocean Drive, where you
4 have the restaurants on Ocean Drive, and right behind
5 Ocean Drive, you have residences, and the noise
6 issues that the restaurants were generating were
7 affecting the residences, and those are multi-family
8 residences, directly behind them, and they've been
9 able to work out a code on Miami Beach that deals
10 with the noise generated from the Ocean Drive
11 restaurants not affecting the multi-family residences
12 directly adjacent to those properties, and there's
13 still restaurants in business and they're still doing
14 good business, and the people are living there and
15 they seem to be a lot happier now.

16 MS. HERNANDEZ: But did they resolve the
17 issues? Because I had heard that -- We've been
18 researching the noise ordinance in the City, and
19 we've gone through several drafts, trying to get all
20 of the departments on board, and we actually worked
21 with Miami Beach and they told us that it's a
22 nightmare. So I don't know -- I mean, if you --

23 MR. STEFFENS: Well, it's a lot better than
24 it used to be.

25 MS. HERNANDEZ: Oh, okay.

1 MR. RIEL: Basically, they set up a zone.
2 It's almost like a quiet zone, where after a certain
3 hour you're not allowed to do certain activities that
4 could potentially impact neighboring residential.

5 One of the things that we try to do is, you
6 know that trying to encourage these things, they only
7 come through administrative review through the
8 Planning Department. We typically put limitations on
9 that you can't have bands after, you know, like
10 10:00 p.m.

11 MS. HERNANDEZ: Right.

12 MR. RIEL: No outdoor speaker system, you
13 know, no activities, I mean, you can't have extra
14 signage and things like that.

15 So we do have a set of criteria that we do
16 provide on each of these as they come through, and we
17 can certainly look at those and put those in there.

18 MR. SIEMON: There are also nighttime uses
19 which are now subject to a new set of performance
20 standards and, for example, no outside performance of
21 music after eight o'clock, and I think those
22 standards will go a long ways towards mitigating.

23 In this Code, there is a clear distinction
24 drawn between being adjacent to a residential
25 district and being in a mixed-use setting, and I

1 don't -- do not believe that the mixed-use difficulty
2 you described is affected, because it says -- it goes
3 to what's next to residential, and a residential
4 district, not a use or a mixed-use environment. I
5 hope that we've made that clear, but we'll -- we will
6 check, go back and check. I've just gone back
7 through, and I think we've got it correct, but there
8 are -- it would be a nighttime use, subject to those
9 nighttime-use approval provisions.

10 CHAIRWOMAN MORENO: But basically, I mean,
11 I'm in agreement that they shouldn't be having
12 loudspeakers and bands, et cetera, in a residential
13 area, but you can't say people can't talk when
14 they're sitting outside, eating, and that that's too
15 much noise.

16 MS. HERNANDEZ: And that carries.

17 MR. MAYVILLE: It carries.

18 CHAIRWOMAN MORENO: And it carries. It
19 does.

20 MR. SIEMON: Actually, the volume of the
21 spoken word can be very significant.

22 CHAIRWOMAN MORENO: Yes.

23 MR. SIEMON: It carries a long distance.
24 And the fact of the matter is, it doesn't take but
25 about 45 dBs to -- PdBs to carry several hundred

1 yards at any time, so you're going to hear it. It's
2 just -- but it's the consistency, the volume, and
3 it's usually the music that gets up to 80 and
4 90 PdBs.

5 MR. MAYVILLE: I just throw that out,
6 again, as information.

7 MR. SIEMON: Yeah.

8 MR. MAYVILLE: The next item I had, again,
9 was on the Board of Adjustment, which was Section
10 5-702.

11 CHAIRWOMAN MORENO: Wait, wait, wait.
12 We're not there yet, though.

13 MR. SIEMON: 5-702, that's a jump.

14 CHAIRWOMAN MORENO: We're on 5-100.

15 MR. MAYVILLE: Okay, well, that's all I
16 have, then, for that.

17 MR. SIEMON: Okay.

18 CHAIRWOMAN MORENO: Okay, so let's recap
19 5-100.

20 MR. SIEMON: We're going to reorganize the
21 subordinate residential uses at the beginning. We're
22 going to address whether or not -- I understand the
23 historical origins for being on top of the garage. I
24 don't know -- we'll try to figure out why adjacent to
25 a garage would be undesirable. I can imagine, if I

1 were a neighbor, I'd rather have it be a one-story
2 building with a garage and apartment next to it than
3 have a two-story close to my house. So we'll look at
4 that, try to figure out. Dennis, I'm sure, can help
5 us understand at least what they've done with that.

6 We're going to look into additional
7 standards, potentially, for the drive-throughs and
8 walk-ups and bring you back what a menu of other
9 communities might be doing, and then the last thing
10 is, we're going to try to compare the restaurant open
11 air with the nighttime uses and the conditional use
12 standards that apply and see if we are correct, that
13 we think we've covered most of the circumstances in a
14 reasonable fashion. That would be our direction
15 on --

16 CHAIRWOMAN MORENO: 5-100.

17 MR. SIEMON: -- Division 1.

18 CHAIRWOMAN MORENO: Okay, Division 1.

19 So we don't need to approve anything.

20 You're going to come back to us with that.

21 MR. SIEMON: That's correct.

22 CHAIRWOMAN MORENO: So now we're in Division
23 2, Automobile Service Stations. Are there any in
24 Coral Gables?

25 MR. MAYVILLE: There's a couple.

1 CHAIRWOMAN MORENO: There's two, I think.

2 MR. STEFFENS: At least one.

3 CHAIRWOMAN MORENO: At least two, I think.

4 MR. STEFFENS: Are you talking about

5 Downtown?

6 CHAIRWOMAN MORENO: Automobile Service

7 Stations.

8 MR. SIEMON: This is directly out of your

9 Code, and the only modifications we've made are the

10 modification I just described to you about

11 outside displays on Page 2 of 3.

12 (Simultaneous inaudible comments)

13 MS. HERNANDEZ: There's a whole mess down

14 south.

15 CHAIRWOMAN MORENO: Okay. Okay, I was just

16 kidding. There's not too many.

17 MS. HERNANDEZ: Yeah.

18 CHAIRWOMAN MORENO: Okay, Charlie, I'm

19 sorry. I interrupted with levity. Go ahead with

20 automobile service stations.

21 MR. SIEMON: The only change from your

22 existing Code is the clarification of outdoor display

23 of merchandise, and we made it to a general

24 prohibition, to avoid the constant battle of what is

25 or is not an exclusion, and I think that came from

1 Code Compliance -- no, from Eric.

2 MR. RIEL: It came from me.

3 MR. SIEMON: But that's the only change.

4 Everything else is your existing Code.

5 CHAIRWOMAN MORENO: Does anyone have any

6 issue on Division 2?

7 Okay, so do we move to adopt Division 2?

8 MR. SIEMON: That would be our request.

9 CHAIRWOMAN MORENO: Okay.

10 MR. STEFFENS: So moved.

11 MR. MAYVILLE: Second.

12 CHAIRWOMAN MORENO: Roll call?

13 MS. MENENDEZ-DURAN: Tom Korge?

14 MR. KORGE: Yes.

15 MS. MENENDEZ-DURAN: Bill Mayville?

16 MR. MAYVILLE: Yes.

17 MS. MENENDEZ-DURAN: Michael Tein?

18 MR. TEIN: Yes.

19 MS. MENENDEZ-DURAN: Michael Steffens?

20 MR. STEFFENS: Yes.

21 MS. MENENDEZ-DURAN: Eibi Aizenstat?

22 MR. AIZENSTAT: Yes.

23 MS. MENENDEZ-DURAN: Cristina Moreno?

24 CHAIRWOMAN MORENO: Yes.

25 Division 3, Awnings and Canopies.

1 MR. SIEMON: The only change from your
2 existing Code is found at Line 33 on Page 1 of 2, and
3 I'm not sure what the origin of the change is,
4 whether it was just a mistake we made, but this
5 provision is intended to govern in single-family
6 districts.

7 MS. HERNANDEZ: Right.

8 MR. SIEMON: And somehow has multi, and we
9 just corrected that.

10 MS. HERNANDEZ: They have it written
11 single-family or duplex, and then somebody wrote
12 multi-family.

13 MR. SIEMON: Yeah. So multi has now been
14 stricken. Other than that, this is your Code.
15 Again, I don't remember this ever coming up in any of
16 our policy discussions.

17 MR. STEFFENS: So, if you have a duplex, you
18 can't have a canopy in the back.

19 MR. SIEMON: That's correct.

20 MR. AIZENSTAT: Say that again, please?

21 MR. STEFFENS: If you have a duplex, you
22 cannot have a canopy in the back.

23 MR. KORGE: It can be made of fiberglass,
24 aluminum, plastic or other man-made materials. I
25 didn't know that.

1 MR. STEFFENS: Is there a reason for not
2 permitting these in duplex?

3 CHAIRWOMAN MORENO: We're taking it out of
4 duplex. Why are we doing that? Because in the
5 second sentence, we're leaving the duplex in.

6 MR. STEFFENS: Which second sentence?

7 CHAIRWOMAN MORENO: Of C.

8 MR. KORGE: What line?

9 CHAIRWOMAN MORENO: 35.

10 MR. RIEL: Yeah, Line 35, at the end.

11 MS. HERNANDEZ: Yeah, that's true.

12 CHAIRWOMAN MORENO: The problem is that
13 we've eliminated duplex districts, right?

14 MR. SIEMON: No. I've got it. The
15 townhouse district is considered, under your
16 Comprehensive Plan, as a single-family district.

17 MR. STEFFENS: So --

18 MR. SIEMON: I didn't make that up. So the
19 duplex unit --

20 MR. STEFFENS: Which is now --

21 MR. SIEMON: -- is permitted in a townhouse
22 district, which is under your Comprehensive Plan
23 considered as a single-family district.

24 MR. KORGE: What does that mean?

25 MR. STEFFENS: So, if I have a duplex or a

1 townhouse, I can still have a canopy in the back
2 yard?

3 MR. SIEMON: Not a townhouse.

4 MR. STEFFENS: Not a townhouse?

5 MR. SIEMON: As this is drafted.

6 MR. STEFFENS: But you just said that
7 townhouses are single-family.

8 MR. SIEMON: A single-family district. The
9 problem is, the second line talks about units.

10 CHAIRWOMAN MORENO: Oh, okay.

11 MR. SIEMON: The first one talks about
12 districts.

13 MS. HERNANDEZ: Right.

14 CHAIRWOMAN MORENO: That's the difference.

15 MR. SIEMON: So, if you want to allow them
16 for townhouses, we never considered changing this to
17 incorporate that. I don't know why, if it's
18 permissible on a duplex, it wouldn't be appropriate
19 for a townhouse.

20 Direction? I see Michael saying -- (nods
21 head).

22 MR. STEFFENS: Yes, but I think it should be
23 applicable to anything that is similar to a
24 single-family residence, which would be a duplex or a
25 townhouse.

1 MR. SIEMON: Single-family, duplex,
2 townhouse.

3 CHAIRWOMAN MORENO: Yes, I agree with
4 Michael.

5 MR. SIEMON: Okay. We'll do that.

6 CHAIRWOMAN MORENO: Okay. The second
7 question I have is, do we want to allow aluminum
8 canopies?

9 MR. KORGE: Fiberglass?

10 MR. MAYVILLE: We have in the past.

11 MR. KORGE: I didn't know we were allowed to
12 do that.

13 MR. MAYVILLE: That was in sort of the
14 fifties era, I think.

15 CHAIRWOMAN MORENO: I know, but let's take
16 the chance and eliminate it.

17 Do we have aluminum canopies, Eric?

18 MR. RIEL: To be honest with you, I don't
19 know the answer to that.

20 MR. STEFFENS: There are some around.

21 MR. MAYVILLE: Especially at the northern
22 end.

23 CHAIRWOMAN MORENO: I don't know, I'm not an
24 architect, but are they desirable? Do we want them?

25 MR. STEFFENS: I would say no. My vote on

1 the Board of Architects would be no.

2 CHAIRWOMAN MORENO: So why don't we let
3 people know from up front, if you want an awning,
4 it's got to be a canopy or something.

5 MR. STEFFENS: Canvas, cloth or other
6 similar material?

7 MR. KORGE: Right.

8 MR. MAYVILLE: It's a cost issue, that --

9 MR. TEIN: Does the aluminum refer to the
10 poles that are the skeleton?

11 MR. STEFFENS: Well, yeah, there is the
12 replacement issue.

13 I'm sorry?

14 MR. TEIN: I just wonder whether the
15 aluminum --

16 MR. SIEMON: So the aluminum is out?

17 MR. TEIN: Does aluminum mean the poles, you
18 know, the frame?

19 CHAIRWOMAN MORENO: No. It says the canopy
20 and the awning.

21 MR. KORGE: No, it doesn't even say that.

22 CHAIRWOMAN MORENO: Awning --

23 MR. KORGE: "Placed upon, attached to, or
24 forming any part of any building in any residential
25 district shall be made of canvas, cloth or similar

1 materials and of fiberglass, aluminum, plastic or
2 other man-made materials." Canopies is in the next
3 sentence.

4 CHAIRWOMAN MORENO: Right. I guess I'm
5 starting with awnings, because I hate those --

6 MR. SIEMON: If you want to be absolutely
7 clear, you'd say that the covering material shall be,
8 and not the structure -- and not limit the
9 structures.

10 MR. KORGE: Right.

11 MR. SIEMON: The support structure. So we
12 can clarify that, if you'd like us to.

13 MR. AIZENSTAT: Please.

14 MR. STEFFENS: I would eliminate
15 fiberglass, aluminum, plastic or other man-made
16 materials, and leave just canvas, cloth or other
17 similar materials.

18 CHAIRWOMAN MORENO: I agree with him, but
19 I'll listen to somebody else's experience.

20 MR. KORGE: Yeah, I would agree with that,
21 too.

22 MR. AIZENSTAT: Is there a section that
23 defines the structure itself?

24 CHAIRWOMAN MORENO: He's going to cover it.
25 I was just saying that the covering for it --

1 MR. KORGE: "Shall be covered" instead of
2 "made of."

3 MR. AIZENSTAT: But is the structure defined
4 somewhere else?

5 MR. SIEMON: No, we'll have to put that in
6 here.

7 MR. AIZENSTAT: You'll have to --

8 MR. SIEMON: Yeah, that has to be added.

9 MR. STEFFENS: You should put it under E,
10 under construction.

11 CHAIRWOMAN MORENO: And then what happens to
12 people that already have them? Are they a legal
13 nonconforming use, or do they have to go out and
14 replace them?

15 MR. STEFFENS: They'll be a legal
16 nonconforming.

17 CHAIRWOMAN MORENO: Legal nonconforming?

18 MR. SIEMON: Absent an express provision
19 that would require conforming within some specified
20 period of time, they will remain nonconforming
21 structures.

22 CHAIRWOMAN MORENO: Okay, now, let's say I
23 have those awnings that come down, because people use
24 them kind of as hurricane shelters, and now I need to
25 replace it. Can I replace it, or is it over?

1 MR. STEFFENS: I don't think they have
2 those --

3 CHAIRWOMAN MORENO: There's one in my
4 neighborhood, I know, because I've seen it.

5 MR. STEFFENS: No, I know they have them
6 that exist, that are old, but I don't know that
7 there's approved hurricane shutters in that form.

8 CHAIRWOMAN MORENO: Okay.

9 MR. AIZENSTAT: They're not approved, but
10 aesthetically, I think they still make them, where
11 you can acquire them, without being approved as a
12 hurricane shutter.

13 CHAIRWOMAN MORENO: But then it's a danger,
14 because it gets torn off and flies to a neighbor's
15 house.

16 MR. STEFFENS: No, it has to meet --

17 MR. SIEMON: It has to be mounted now,
18 according to the new standards, but it, itself, does
19 not have to qualify as a hurricane shutter.

20 MR. STEFFENS: But what we're doing here --

21 CHAIRWOMAN MORENO: Okay, but then again, my
22 question is valid. If it's old and has to be
23 replaced, can they replace it with aluminum, because
24 they had it as a legal nonconforming, or do they now
25 have to go to canvas?

1 MR. KORGE: They have to go to canvas.

2 MR. STEFFENS: They'd have to go to canvas.

3 MR. RIEL: It depends on its purpose,
4 whether it's for covering or for hurricane
5 protection. I mean, that's -- there's two different
6 things. We're talking about two different things
7 here.

8 MR. KORGE: Oh, now I see. That's the
9 reason the aluminum is there to begin with.

10 MR. RIEL: Right.

11 MR. STEFFENS: But if it's for hurricane
12 protection, they can't replace it with a like kind.

13 MR. RIEL: Correct.

14 MR. STEFFENS: They have to replace it --

15 MR. KORGE: So if we're going to take --
16 Excuse me for interrupting. If we're going to take
17 out aluminum, we have to make it clear that that
18 doesn't apply with respect to hurricane shutters.

19 MR. SIEMON: I thought we were dealing
20 with -- Material was 2, "Shelter canopies or carport
21 canopies placed upon, attached to, or forming any
22 part of a building in any residential district shall
23 be made of canvas, cloth or other similar materials."

24 CHAIRWOMAN MORENO: And 1, as well.

25 MR. SIEMON: Well, 1 is awnings.

1 CHAIRWOMAN MORENO: Right, awnings.

2 MR. SIEMON: There are all kinds of metal
3 awnings which I know you all permit.

4 CHAIRWOMAN MORENO: Awnings is the thing
5 that goes over your window, right?

6 MR. SIEMON: Right. But I mean, there are
7 Bahama shutters that would qualify as an awning.

8 MR. KORGE: Maybe we should just leave well
9 enough alone, you know?

10 MR. STEFFENS: Maybe we leave aluminum in.

11 MR. KORGE: And we just leave well enough
12 alone.

13 CHAIRWOMAN MORENO: Leave it alone.

14 MR. KORGE: Just leave it as it is.

15 CHAIRWOMAN MORENO: And rely on the Board of
16 Architects.

17 MR. KORGE: For me, it's not a burning issue
18 in the City.

19 MR. SIEMON: We're going to clarify 2, about
20 the -- it's the covering material, and that
21 structures can be made of any --

22 CHAIRWOMAN MORENO: Yeah, we definitely
23 don't want the back yard to have an aluminum porch
24 or, you know, the carport to be made of an aluminum
25 cover. We definitely don't want that, which is

1 Number 2.

2 MR. KORGE: Uh-huh.

3 CHAIRWOMAN MORENO: But let's leave the
4 awnings alone. That's what Mr. Siemon is suggesting,
5 and I think that's good advice on his part.

6 MR. SIEMON: Okay. So, to summarize, we're
7 going to eliminate aluminum from A, 2. We're going
8 to expressly address support structures, metallic
9 material, and in C, we're going to add townhouses,
10 single-family duplex or townhouses.

11 MS. HERNANDEZ: Right.

12 MR. KORGE: What part of C are we adding
13 duplex or townhouses?

14 MR. SIEMON: Well, the -- the Line 35, where
15 it says that -- towards end, per single-family or
16 duplex or townhouse unit. It will be single-family,
17 duplex or townhouse. I have to go back and check and
18 make sure I'm comfortable with, "Size and number
19 permitted. In a single-family district, no
20 shelter" -- zoning district, that I'm comfortable
21 with what I told you before. I think it's correct,
22 because that's what the Comp Plan says, but we're
23 going to -- I think we --

24 MR. KORGE: I'm sorry, I don't understand
25 what you said.

1 CHAIRWOMAN MORENO: He's saying that he
2 understood the definition of single-family zoning
3 district to include both townhouses and duplexes.

4 MR. SIEMON: The townhouse district and the
5 single-family. That's what your Comp Plan says.

6 MR. KORGE: That the 440 square foot would
7 apply to everything, is that what you're saying?

8 MR. SIEMON: Yes, that's correct.

9 MR. KORGE: Okay, well, just -- Why don't
10 you add the others in there?

11 MR. SIEMON: Yeah, I'm going to.

12 MR. KORGE: Whatever. Whatever you say,
13 we'll do.

14 MR. SIEMON: That's it.

15 CHAIRWOMAN MORENO: Can we move to approve
16 this, subject to you making those changes? Because
17 they're pretty certain.

18 MR. SIEMON: Yes, I think those are all
19 clearly directory.

20 MR. STEFFENS: So moved.

21 MR. KORGE: I'll second that.

22 CHAIRWOMAN MORENO: Roll call?

23 MS. MENENDEZ-DURAN: Bill Mayville?

24 MR. MAYVILLE: Yes. Yes.

25 MS. MENENDEZ-DURAN: Michael Tein?

1 MR. TEIN: Yes.

2 MS. MENENDEZ-DURAN: Michael Steffens?

3 MR. STEFFENS: Yes.

4 MS. MENENDEZ-DURAN: Eibi Aizenstat?

5 MR. AIZENSTAT: Yes.

6 MS. MENENDEZ-DURAN: Tom Korge?

7 MR. KORGE: Yes.

8 MS. MENENDEZ-DURAN: Cristina Moreno?

9 CHAIRWOMAN MORENO: Yes.

10 I'd like to take a five-minute break --

11 MR. SIEMON: Okay.

12 CHAIRWOMAN MORENO: -- if we could.

13 MR. SIEMON: I'm all for that.

14 (Thereupon, a recess was taken.)

15 CHAIRWOMAN MORENO: Okay, ready to start

16 again?

17 MR. SIEMON: I am.

18 Madam Chair, the next division is Division

19 4, Clearing, Filling and Excavation. This is

20 language from your existing Code, and the edits are

21 intended to simply clarify their provisions, and I --

22 you know, this is straight from Dennis and we took

23 those recommendations.

24 CHAIRWOMAN MORENO: The Coral Gables cottage

25 regulations?

1 MR. SIEMON: No, no, Development Standards,
2 Article 5, Division 4, Page 4 of the -- on the other
3 side of your cottage provision.

4 CHAIRWOMAN MORENO: Oh, I skipped over it,
5 huh?

6 MR. SIEMON: Yeah. It's very easy to skip
7 over it.

8 CHAIRWOMAN MORENO: It's one sentence.

9 MR. SIEMON: By golly, it is one sentence.
10 You have to hold your breath to read that.

11 CHAIRWOMAN MORENO: Okay.

12 MR. STEFFENS: Move to approve.

13 CHAIRWOMAN MORENO: Move to approve?

14 MR. MAYVILLE: Second.

15 CHAIRWOMAN MORENO: Okay, Michael moved,
16 Bill seconded. Can you call the roll, please?

17 MS. MENENDEZ-DURAN: Michael Steffens?

18 MR. STEFFENS: Yes.

19 MS. MENENDEZ-DURAN: Eibi Aizenstat?

20 MR. AIZENSTAT: Yes.

21 MS. MENENDEZ-DURAN: Tom Korge?

22 MR. KORGE: Yes.

23 MS. MENENDEZ-DURAN: Bill Mayville?

24 MR. MAYVILLE: Yes.

25 MS. MENENDEZ-DURAN: Michael Tein?

1 MR. TEIN: Yes.

2 MS. MENENDEZ-DURAN: Cristina Moreno?

3 CHAIRWOMAN MORENO: Yes.

4 Now we're at the Coral Gables Cottage
5 Regulations, Division 5.

6 MR. SIEMON: That's correct. These are your
7 existing provisions, with one modification in the
8 bottom of the page, Line 55, "A cottage property must
9 be zoned" -- it used to say R, and we've now
10 substituted that with the two R districts, SF 1 or
11 SF 2, though for the life of me, I'm not sure I
12 understand why this would apply in SF 2.

13 MR. STEFFENS: You could get a cottage down
14 there.

15 MR. SIEMON: I guess, theoretically.

16 MR. STEFFENS: Theoretically, you possibly
17 could.

18 CHAIRWOMAN MORENO: Does anyone have any
19 questions or comments on Division 5? If not, I'll
20 take a motion.

21 MR. KORGE: I'll move to approve.

22 MR. STEFFENS: I'll second it.

23 CHAIRWOMAN MORENO: Call the roll.

24 MS. MENENDEZ-DURAN: Eibi Aizenstat?

25 MR. AIZENSTAT: Yes.

1 MS. MENENDEZ-DURAN: Tom Korge?

2 MR. KORGE: Yes.

3 MS. MENENDEZ-DURAN: Bill Mayville?

4 MR. MAYVILLE: Yes.

5 MS. MENENDEZ-DURAN: Michael Tein?

6 MR. TEIN: Yes.

7 MS. MENENDEZ-DURAN: Michael Steffens?

8 MR. STEFFENS: Yes.

9 MS. MENENDEZ-DURAN: Cristina Moreno?

10 CHAIRWOMAN MORENO: Yes.

11 Design Review Standards. I know Michael is
12 going to have comments on this one.

13 MR. SIEMON: This division is one of those
14 examples where we found standards relative to design
15 scattered all through the Code in various matters,
16 and what we did was bring them into a single division
17 and organize them, and after your direction about --
18 to restore the Mediterranean -- to not modify the
19 manner in which the Mediterranean bonuses apply,
20 these standards are basically the standards which are
21 currently found in your Code, just in a whole bunch
22 of different areas, and there's a correction of the
23 name of a building. There are a number of places
24 where it says Board, and so we have added Board of
25 Architects, to make it absolutely clear who is the

1 responsible body. I think these tables come right
2 out of the existing Code, relative to the
3 Mediterranean bonus.

4 And the one thing is that we have -- on Page
5 13 of 14, two things have happened. One, the
6 definition of dormer has been moved to the definition
7 section, and the second is that this is one of those
8 minor matters which has been identified as
9 appropriate for review by the City Architect and not
10 requiring full Board of Architect review, and so it's
11 specified in the standard.

12 Other than that, this is basically the
13 designs -- there were a number of times where there
14 was overlapping. We harmonized the terms they use to
15 refer to things, and fronts of buildings became
16 facades, all facades, so that if you want to search
17 for facade, you'll get all the front of the building
18 regulations instead of just some of them. But I
19 think, really, that's the -- Oh, and prefabricated
20 fireplace chimneys, also, are a delegated item to the
21 City Architect.

22 CHAIRWOMAN MORENO: I notice, on Page 8 of
23 14, that the height bonuses -- you took out the
24 approval of the Planning & Zoning Board on a
25 conditional use?

1 MR. SIEMON: The Planning & Zoning Board
2 approval was something we added.

3 CHAIRWOMAN MORENO: And we decided to take
4 it out?

5 MR. SIEMON: And I believe you all --

6 MR. KORGE: Right.

7 MR. SIEMON: -- decided that you wanted to
8 leave the Mediterranean bonus and how they were
9 applied as the Code had been adopted.

10 CHAIRWOMAN MORENO: Okay.

11 MR. RIEL: Right, and just so the record is
12 accurate, we did not -- the Mediterranean provisions
13 are still in the Code, as they were previously
14 drafted. I just want to make sure the Board
15 understands that, because there was a lot of
16 misinformation that we have still continued to
17 recommend changes to it, and that's not the case.

18 MR. MAYVILLE: What was the rationale that
19 we used to switch it back to the Board of Architects?

20 MR. SIEMON: The -- my memory -- I don't
21 want to -- I don't want to represent to you that this
22 is an encyclopedic recollection, but I believe,
23 basically, the argument that prevailed is that you
24 all had spent a lot of time working on it, you had
25 just adopted it, and it --

1 CHAIRWOMAN MORENO: Yeah, I remember that.

2 MR. SIEMON: -- was undesirable to --

3 CHAIRWOMAN MORENO: I remember that.

4 MR. SIEMON: -- go back and reconsider it,
5 regardless of the merits.

6 MR. STEFFENS: But I believe that the Board
7 of Architects approves whether or not it's a
8 Mediterranean building, so they're the ones that are
9 permitting --

10 MR. RIEL: Yes.

11 MR. STEFFENS: -- the bonuses to take
12 place. We're not determining if it's a Mediterranean
13 building.

14 MR. SIEMON: It is a consistency decision on
15 your part, because you also made a decision that the
16 contextual review of single-family dwellings should
17 rest with the Board of Architects.

18 MR. KORGE: Right.

19 MR. SIEMON: And so you've really said, on
20 those kinds of matters, we think it should be a
21 holistic decision by the Board of Architects, instead
22 of a holistic decision made here, and I think that's
23 legitimate, given the importance of design in your
24 community character. We don't really mean to
25 question it.

1 MR. KORGE: Did the Board of Architects
2 review this compilation of the design standards that
3 were throughout the Code and make any comments on
4 them?

5 MR. RIEL: Mr. Siemon and I went to the
6 Board of Architects early in January, and I will tell
7 you they were quite surprised to find out that they
8 had provisions that provided design regulations.

9 MR. SIEMON: There was a great deal of zeal
10 about, "Hey, we do this. Hey, we follow this. It's
11 in the Code?"

12 MR. RIEL: And we, I believe, specifically
13 requested any comments from them on this issue, and
14 to date, I have not received anything that deals with
15 design review, but I did put in your packet the Board
16 of Architects' comments we did receive from two of
17 the members, and they don't specifically -- if you
18 look at them, they don't specifically deal with
19 design review. They're mainly on other issues.

20 MR. KORGE: Well, is the Board going to give
21 us its recommendations as a whole, or is this going
22 to be piecemeal?

23 MR. RIEL: That's what we had requested that
24 evening, and we continue to request of them. I can
25 continue to make that request.

1 CHAIRWOMAN MORENO: But this Mediterranean
2 Ordinance, the Board of Architects had a lot to say
3 about it, so it's already --

4 MR. KORGE: I'm not talking about
5 Mediterranean, but the others which haven't been
6 reviewed for a long time.

7 MR. RIEL: I will certainly try to get their
8 comments again.

9 MR. SIEMON: They're, right now, a little
10 more focused on some membership qualifications and
11 stuff like that.

12 MR. RIEL: Correct.

13 MR. SIEMON: But the -- I've forgotten what
14 I was going to -- some other -- We had a good
15 discussion with them. I mean, I think they started
16 out a little skeptical of what we were doing, and
17 when I explained to them what we were really doing,
18 not what they thought we were doing, they actually
19 said, "Well, we're already doing that."

20 Oh, I know what I was going to say. A lot
21 of this has to do with, we've been encouraged by the
22 City Attorney and we've encouraged ourselves to put
23 ourselves in as strong a position as we can when we
24 make decisions about matters of things like
25 aesthetics, to have a clear set, identify what

1 provisions of the Code we're applying, and to build
2 the appropriate record and to give the applicants the
3 appropriate process, and while there was some
4 questioning by one of your former members as to
5 whether the Board of Architects would put up with the
6 quasi-judicial rule, when we explained to it them,
7 they said, "Absolutely. We don't have a problem with
8 that."

9 So I think there was just a misunderstanding
10 at some point, and they understood, quite obviously,
11 the value of having all these design standards, so
12 that if they were pushed, they could point out what
13 they were relying upon in making their statements of
14 recommendation or positions, so we just haven't
15 gotten any specific feedback from them on specific
16 standards. I'm confident we will ultimately at least
17 get some on the design standards for the contextual
18 review, and I'm sure they're going to want -- they
19 will encourage more flexibility in making that
20 judgment and it will just be a tension of having
21 specific enough rules that we can defend ourselves
22 on, but yet leaving them the discretion to make wise
23 judgments.

24 CHAIRWOMAN MORENO: Okay, subject to any
25 changes that may be requested by the Board of

1 Architects, are we ready to recommend this section?

2 MR. STEFFENS: I have a couple questions.

3 CHAIRWOMAN MORENO: I thought I was getting
4 away from you.

5 MR. STEFFENS: Just a couple, very few.

6 About that Board of Architects review that
7 you were just speaking, Charlie --

8 MR. SIEMON: Yes.

9 MR. STEFFENS: Are we going to put that in
10 the Code somewhere, at some time?

11 MR. SIEMON: It's in the single-family
12 districts, and the reason it --

13 MR. STEFFENS: No, I'm talking about the
14 more quasi-judicial review of the commercial
15 properties that we've discussed.

16 MR. SIEMON: That's in the Code, in
17 Article 3.

18 MR. STEFFENS: That's going to be someplace
19 else?

20 MR. SIEMON: That's in Article 3.

21 MR. STEFFENS: Okay. In -- I guess
22 it's Section 5-602, B. In applying the standards set
23 forth in Subsection A, the architects may review each
24 of the following items of an application.

25 Can we put in there something about -- you

1 know, because it talks about aesthetics,
2 architectural compatibility, architecture. It talks
3 about those type of things. Can we put in there
4 something about the distribution of use, maybe?
5 Because when I was on the Board, we had projects come
6 in that I had wanted to see, maybe, some commercial
7 space on a street, and a parking garage, so we didn't
8 have a blank facade on the street, we could get some
9 commercial in there, and I know that in other areas
10 of the Code, we're requiring a certain percentage of
11 commercial and mixed use. Is there a way we can have
12 the Board of Architects have some type of say over
13 where that occurs? Because we could get somebody
14 that sticks it all the way in the back and it meets
15 the percentage code, but it doesn't accomplish what
16 we wanted to accomplish.

17 MR. SIEMON: Well, this Section B, 4,
18 building and building components, it would not be
19 uncommon to have, and I think it's actually -- might
20 well be in a portion of the moratorium ordinance, a
21 requirement that the uses along public streets have
22 certain minimum use characteristics. And I think
23 that would be an appropriate addition to this subset
24 of criteria. We've always talked about that, that we
25 want, on those streets which are appropriate for

1 retail, active street fronts.

2 MR. STEFFENS: Right, we want it and we
3 want -- I think we want the Board of Architects to be
4 able to enforce that requirement.

5 And the last thing is on the dormer windows.
6 You say, "The use of wood frame dormer windows shall
7 be permitted in single-family and duplex." Would
8 that also include townhouses?

9 MR. SIEMON: Which next --

10 MR. STEFFENS: Section 5-609, Page 13 of 14.

11 MR. SIEMON: Yes. That's a -- that's a
12 global change. We're going to have to go back and
13 check everywhere. And we will -- I -- just for the
14 record, we will search single-family duplex and make
15 sure that there are no -- with the computer, and make
16 sure there's no other omissions that one of us hasn't
17 caught, because that's obviously something that's
18 just slipped by us in the change of vocabulary.

19 CHAIRWOMAN MORENO: Okay. So can we move to
20 adopt this section, subject --

21 MR. MAYVILLE: Two quick things.

22 CHAIRWOMAN MORENO: I'm sorry, Bill.

23 MR. MAYVILLE: 14 of 14, you changed the
24 South Florida Building Code, to make it the Florida
25 Building Code on those prefabricated chimneys. Why

1 was that?

2 MR. SIEMON: The Florida Building Code now
3 supersedes the South Florida Code, as a result of the
4 State response to Hurricane Andrew.

5 MR. MAYVILLE: I noticed on this section,
6 but maybe it's another one, but who is the appellate
7 process? From the Board of Architects, where does it
8 go to, if someone wants to appeal their decision?

9 MR. RIEL: The Building Code is enforced by
10 the Building Official.

11 MR. SIEMON: No, but the Board of
12 Architects' decisions?

13 MR. MAYVILLE: Yeah, the Board of
14 Architects.

15 MR. STEFFENS: I think it goes to the City
16 Commission.

17 MR. RIEL: No.

18 MR. STEFFENS: No? It used to go to the
19 Board of --

20 MR. RIEL: Yes, the City Commission. I'm
21 sorry, you're correct.

22 MR. SIEMON: The City Commission. The
23 appeal is to the City Commission, I'm sorry.

24 MR. RIEL: The appeal, Board of Architects
25 appeal, goes to the City Commission, yes.

1 MR. SIEMON: It does not come to you all.

2 Okay.

3 CHAIRWOMAN MORENO: Is that it?

4 MR. SIEMON: Yes.

5 CHAIRWOMAN MORENO: Anybody else, before I
6 cut you off, in my hurry to get this moving?

7 Do I have a motion to approve Division 5,
8 subject to the two changes that we've requested,
9 which I understand are to add the retail or the use
10 component to the standards in 602, B?

11 MR. KORGE: That would be the distribution
12 of the use?

13 CHAIRWOMAN MORENO: Right, and the townhouse
14 use in the dormer window area.

15 MR. KORGE: I'd like to move, also subject
16 to any further recommendations that might come from
17 the Board of Architects --

18 CHAIRWOMAN MORENO: Yes.

19 MR. KORGE: -- before we approve everything
20 finally.

21 CHAIRWOMAN MORENO: Okay, so you make the
22 motion?

23 MR. KORGE: That's my motion.

24 MR. MAYVILLE: Second.

25 CHAIRWOMAN MORENO: Okay. Roll call?

1 MS. MENENDEZ-DURAN: Tom Korge?

2 MR. KORGE: Yes.

3 MS. MENENDEZ-DURAN: Bill Mayville?

4 MR. MAYVILLE: Yes.

5 MS. MENENDEZ-DURAN: Michael Tein?

6 MR. TEIN: Yes.

7 MS. MENENDEZ-DURAN: Michael Steffens?

8 MR. STEFFENS: Yes.

9 MS. MENENDEZ-DURAN: Eibi Aizenstat?

10 MR. AIZENSTAT: Yes.

11 MS. MENENDEZ-DURAN: Cristina Moreno?

12 CHAIRWOMAN MORENO: Yes.

13 MR. SIEMON: The next section, Division 7,
14 distance requirements, addresses two subjects,
15 alcohol beverage sales and adult book stores, adult
16 theaters and massage salons. I'm sure, if the City
17 Attorney were here, she would counsel you that this
18 is what's been in the Code and it's worked for them
19 and we should keep it as it is. We've made no
20 recommendation of any change.

21 MR. MAYVILLE: My only concern on that 702
22 is that for eight years, I sat on that Board of
23 Adjustment, and I can't tell you how many of those
24 things came before us, and there was never a denial,
25 and now you have a situation where I don't know how

1 you could deny a facility, because the places, the
2 schools that we -- they've all gotten facilities
3 there. I don't know how you could break the
4 precedent. So we tried as a board to get that
5 situation changed, but weren't able to do so. But I
6 don't know if that's something that -- What bothers
7 me is that an establishment has to go through the
8 expense and the time to go before the Board of
9 Adjustment to have it done. It's sort of a --

10 MR. SIEMON: And then the Board of
11 Adjustment has to wing it, because they don't -- the
12 hardship is an impossible standard to meet.

13 MR. MAYVILLE: Yeah, and the School Board
14 has said, flat out, that they have stopped coming to
15 the meetings because they know there's no -- I mean,
16 it seems like a ruse, but it's an expensive and a
17 time-consuming thing for the business that wants
18 to -- and where we have the churches and what have
19 you, we already have the alcohol precedents already
20 established by them. You know, if you look wherever
21 we have churches, we've got the restaurants, with the
22 alcohol provisions.

23 CHAIRWOMAN MORENO: But these are package.

24 MR. KORGE: These are package stores.

25 CHAIRWOMAN MORENO: These are not

1 restaurants. These are package stores.

2 MR. MAYVILLE: Oh, they've changed that,
3 then, I guess. They've moved it from restaurants.
4 It used to be restaurants.

5 MR. SIEMON: This is --

6 CHAIRWOMAN MORENO: No, this is package
7 stores.

8 MR. SIEMON: That has been -- was changed
9 some time ago.

10 MR. MAYVILLE: Changed, okay. So that's
11 fine. The package store, I don't have a problem
12 with.

13 CHAIRWOMAN MORENO: Okay.

14 MR. KORGE: Adult bookstores, adult theater
15 and massage salon, is there a problem if we increase
16 the distance under Subsection B from 500 feet to
17 1,000 feet?

18 MR. SIEMON: I can't -- I can't answer your
19 question with a sense of confidence. These kinds of
20 standards, in order to be defensible, must be -- you
21 must be able to demonstrate that there are areas that
22 are candidates, and I suspect that if it were a
23 thousand feet from any residential property, that it
24 probably wouldn't pass that test in the City.

25 I haven't gone and actually calculated the

1 distances, but I think with the result of the MX
2 approval for Merrick Park, that all of the land
3 that's eligible in that district is probably within a
4 thousand feet of residential, and so I would, without
5 the Attorney -- City Attorney's direct participation,
6 I would be loathe to --

7 MR. KORGE: Well, can I just ask you if you
8 would check with her --

9 MR. SIEMON: I will check.

10 MR. KORGE: -- about -- What I'm interested
11 in is the maximum distance that we could lawfully
12 impose. That's what I would be interested in.

13 MR. SIEMON: I'm pretty confident we're
14 going to find, because of the discrepancy -- the
15 difference between spacing and the setback from
16 residential, that one is 500 and one is a thousand,
17 that there is a reason for that. I'm just betting
18 that, based on experience, but I will check.

19 MR. KORGE: Thank you.

20 MR. SIEMON: I would ask you, though, to
21 say, unless I find something bad, that you don't have
22 any provisions with this, just to get it behind us --

23 CHAIRWOMAN MORENO: Okay.

24 MR. SIEMON: -- if that is your pleasure.

25 CHAIRWOMAN MORENO: Motion?

1 MR. KORGE: I'll move to approve Division 7
2 of Article 5, subject to possible reconsideration to
3 increase the distance under Section -- set forth in
4 Section 5-703, Subsection B, should that be lawfully
5 permissible.

6 MR. STEFFENS: Second.

7 CHAIRWOMAN MORENO: Roll call?

8 MS. MENENDEZ-DURAN: Bill Mayville?

9 MR. MAYVILLE: Yes.

10 MS. MENENDEZ-DURAN: Michael Tein?

11 MR. TEIN: Yes.

12 MS. MENENDEZ-DURAN: Michael Steffens?

13 MR. STEFFENS: Yes.

14 MS. MENENDEZ-DURAN: Eibi Aizenstat?

15 MR. AIZENSTAT: Yes.

16 MS. MENENDEZ-DURAN: Tom Korge?

17 MR. KORGE: Yes.

18 MS. MENENDEZ-DURAN: Cristina Moreno?

19 CHAIRWOMAN MORENO: Yes.

20 MR. SIEMON: Article 5, Division 8, Docks,
21 Wharves, Mooring Piles and Watercraft Moorings, this
22 is directly from your Code. There are no
23 modifications.

24 CHAIRWOMAN MORENO: Does anybody have any
25 comments? If not, I'll take a motion.

1 MR. MAYVILLE: I'll make the motion.

2 CHAIRWOMAN MORENO: Bill Mayville makes the
3 motion to approve.

4 MR. MAYVILLE: Yes.

5 MR. STEFFENS: Second.

6 CHAIRWOMAN MORENO: Michael Steffens.
7 Roll call.

8 MS. MENENDEZ-DURAN: Michael Tein?

9 MR. TEIN: Yes.

10 MS. MENENDEZ-DURAN: Michael Steffens?

11 MR. STEFFENS: Yes.

12 MS. MENENDEZ-DURAN: Eibi Aizenstat?

13 MR. AIZENSTAT: Yes.

14 MS. MENENDEZ-DURAN: Tom Korge?

15 MR. KORGE: Yes.

16 MS. MENENDEZ-DURAN: Bill Mayville?

17 MR. MAYVILLE: Yes.

18 MS. MENENDEZ-DURAN: Cristina Moreno?

19 CHAIRWOMAN MORENO: Yes.

20 Division 9, Group Homes, Assisted Living
21 Facilities and Child Care Facilities.

22 MR. SIEMON: There are two changes. One is
23 eliminating the spacing requirement of at least 1,200
24 feet apart, measured door to door, and the other is
25 referencing the Miami-Dade County Code Charter

1 governing child care facilities. Both are at the
2 recommendation of the City Attorney's Office.

3 MR. KORGE: Why did she recommend these?

4 MR. SIEMON: The spacing requirement?

5 MR. KORGE: Well, both. Yeah, both.

6 MR. SIEMON: The second one is to -- the
7 reference is because it does control, and in lieu of
8 having explicit provisions of the City's own and
9 inviting the sort of subject conversation we had
10 about landscaping, it simply refers to that Code
11 which does by County Charter.

12 MR. KORGE: So we don't have any additional
13 standards than the ones set forth in the County Code?

14 MR. RIEL: And the County just recently
15 updated and amended those provisions, as well.

16 MR. KORGE: Okay.

17 MR. SIEMON: The --

18 MR. RIEL: The separation, I can tell you, I
19 removed that, because one of the things that the City
20 Commission is trying to do is trying to attract ALFs
21 within the City, and I just didn't find why the 1,200
22 foot separation -- I just thought it was kind of a
23 ridiculous provision, so that's why I removed it.

24 MR. KORGE: You can have adult book stores
25 closer than that.

1 CHAIRWOMAN MORENO: All right, do we have a
2 motion to approve Division 9?

3 MR. KORGE: I'll move to approve it.

4 MR. STEFFENS: I will second it, but I have
5 a question on E. It says, "Assisted living
6 facilities abutting or across the street from
7 single-family zoned properties shall only be
8 permitted as a major conditional use."

9 We've looked at other items in here which
10 are major conditional uses, such as drive-throughs,
11 but this type of text is not mentioned in relation to
12 other major conditional uses.

13 MR. KORGE: Well, that means to me that it
14 can't be approved by the City Staff without going
15 through this Board.

16 MR. STEFFENS: Right. This is a major
17 conditional use, but drive-throughs are also a major
18 conditional use, right?

19 MR. RIEL: Correct.

20 MR. STEFFENS: So I think that we should
21 just have a consistency of enumerating these things,
22 so in the drive-through, we should say that it's a
23 major conditional use.

24 MR. RIEL: So you're basically saying we
25 should probably eliminate this and just note it

1 wherever major conditional uses are listed?

2 MR. STEFFENS: Well, I think you should be
3 consistent. If you're going to mention it here, you
4 should mention it at drive-throughs and everywhere
5 else, or if you're not going to mention it in
6 drive-throughs, you shouldn't be mentioning it here.

7 MR. KORGE: Well, do you want to re-open
8 drive-throughs to make sure that --

9 MR. STEFFENS: No, I just think there should
10 be a consistency in how they -- I mean, I think
11 that's just a wording thing. If they want to add
12 it --

13 MR. SIEMON: All drive throughs are --

14 MR. STEFFENS: -- into the drive-throughs.

15 MR. RIEL: Are major.

16 MR. SIEMON: All drive-throughs are major
17 conditional uses. Only some ALFs are major
18 conditional uses. That's the distinction that's been
19 drawn, whether that's appropriate. But in order to
20 get -- in some districts, the ALF is permitted as
21 a -- may be permitted as of right, as a matter of
22 fact.

23 MR. RIEL: Probably if it's --

24 MR. SIEMON: If it's not adjacent to
25 single-families, but a drive-through, no matter where

1 it is, is a conditional use, and that's why it's in
2 the use category and not in the design provisions.
3 That's the distinction. It really -- we could -- I
4 would say to you that we'll go back and check that
5 I'm correct in what I've just recited to you, but I
6 think I am.

7 MR. STEFFENS: Okay.

8 MR. SIEMON: This is a little hard to thumb
9 through, but I will promise you I'll check it.

10 MR. RIEL: It was a change that was done
11 between the October draft and this draft, so --

12 MR. MAYVILLE: But you've got a good point,
13 I think, Michael. Why not mention it, just for
14 clarity purposes?

15 CHAIRWOMAN MORENO: I think he's got a whole
16 section on what are major conditional uses.

17 MR. MAYVILLE: Oh.

18 MR. RIEL: Right, and we also have a chart
19 that has by use, what type of review that's needed,
20 permitted, major or minor conditional use.

21 MR. KORGE: So this will be listed in that
22 chart?

23 MR. RIEL: Yes.

24 MR. KORGE: Okay.

25 MR. RIEL: And it is listed in the chart.

1 CHAIRWOMAN MORENO: Motion to approve
2 Division 9?
3 MR. STEFFENS: There was a motion made and
4 seconded.
5 CHAIRWOMAN MORENO: Oh, I'm sorry.
6 Call the roll.
7 MS. MENENDEZ-DURAN: Michael Steffens?
8 MR. STEFFENS: Yes.
9 MS. MENENDEZ-DURAN: Eibi Aizenstat?
10 MR. AIZENSTAT: Yes.
11 MS. MENENDEZ-DURAN: Tom Korge?
12 MR. KORGE: Yes.
13 MS. MENENDEZ-DURAN: Bill Mayville?
14 MR. MAYVILLE: Yes.
15 MS. MENENDEZ-DURAN: Michael Tein?
16 MR. TEIN: Yes.
17 MS. MENENDEZ-DURAN: Cristina Moreno?
18 CHAIRWOMAN MORENO: Yes.
19 I didn't know we had this. Division 10,
20 Heliport and Helistops.
21 MR. SIEMON: It's my perspective that we
22 need to eliminate the Special Use District. Haven't
23 we done away with that?
24 MR. RIEL: No. The S district? No.
25 MR. SIEMON: No? Okay.

1 MR. RIEL: Uh-uh.

2 MR. SIEMON: And it's really the C district,
3 not the CD district.

4 MR. RIEL: Oh, I'm sorry. Yeah. I'm sorry.

5 MR. SIEMON: But yes, this is just -- other
6 than modifying the names of the districts to reflect
7 what's new, this is what's in your Code and --

8 CHAIRWOMAN MORENO: This would permit like a
9 helicopter stop at Doctors Hospital, for example?

10 MR. RIEL: I think we need to look at those
11 uses.

12 MR. SIEMON: That's correct.

13 CHAIRWOMAN MORENO: If no one has comments,
14 can I have a motion to approve Division 10?

15 MR. KORGE: I have a question. It's a major
16 conditional use; is that right? I guess it must be,
17 because it's Planning & Zoning Board --

18 MR. RIEL: Yeah.

19 MR. KORGE: -- approval.

20 MR. SIEMON: Yes.

21 MR. RIEL: Charlie, they were previously
22 permitted in S, C and M.

23 MR. SIEMON: Right.

24 MR. RIEL: I don't know if we want to allow
25 them in CL.

1 MR. SIEMON: We probably don't.

2 MR. RIEL: I would suggest we eliminate CL,
3 and that CD district should just be C district.

4 MR. SIEMON: That's right.

5 MR. KORGE: But it's allowed in CL now?

6 MR. SIEMON: No.

7 MR. KORGE: No, it's not?

8 MR. SIEMON: No, it's not.

9 MR. AIZENSTAT: So it should not.

10 MR. RIEL: It's currently allowed in S, C
11 and Industrial, and Special Use.

12 MR. SIEMON: CC?

13 MR. RIEL: CC.

14 MR. SIEMON: Yeah. That's -- Eric's
15 correction is appropriate.

16 MR. RIEL: So, just for clarification, we're
17 recommending they be allowed at Special Use district,
18 eliminate CL, allowed in the C district and
19 Industrial district.

20 CHAIRWOMAN MORENO: And adding the word
21 major in front of conditional use.

22 MR. RIEL: Yes.

23 CHAIRWOMAN MORENO: Subject to those
24 changes, do we have a motion to approve Division 10?

25 MR. MAYVILLE: Yes.

1 CHAIRWOMAN MORENO: Bill will move.
2 MR. STEFFENS: I'll second.
3 CHAIRWOMAN MORENO: Michael seconds.
4 Let's call the roll.
5 MS. MENENDEZ-DURAN: Bill Mayville?
6 MR. MAYVILLE: Yes.
7 MS. MENENDEZ-DURAN: Michael Tein?
8 MR. TEIN: Yes.
9 MS. MENENDEZ-DURAN: Michael Steffens?
10 MR. STEFFENS: Yes.
11 MS. MENENDEZ-DURAN: Eibi Aizenstat?
12 MR. AIZENSTAT: Yes.
13 MS. MENENDEZ-DURAN: Tom Korge?
14 MR. KORGE: Yes.
15 MS. MENENDEZ-DURAN: Cristina Moreno?
16 CHAIRWOMAN MORENO: Yes.
17 We're skipping all of Division 11.
18 MR. RIEL: Correct.
19 MR. SIEMON: That's correct.
20 CHAIRWOMAN MORENO: That's correct?
21 Division 12, Lighting.
22 MR. KORGE: This is verbatim from the
23 existing Code?
24 MR. RIEL: I'm looking.
25 Yeah, the only things that were changed

1 between October and now is, we eliminated the
2 application requirements, which we have done
3 throughout the Code. That's the only change that was
4 done.

5 MR. KORGE: I'm sorry, application --

6 MR. RIEL: Requirements.

7 MR. KORGE: What does that mean? I'm sorry.

8 MR. RIEL: Basically, we've allowed each
9 department to determine the application requirements
10 for when you submit an application, rather than put
11 them in the Code.

12 MR. KORGE: Oh, okay.

13 MR. RIEL: Because you recall, previously,
14 when we looked at -- each department had different
15 application requirements.

16 MR. KORGE: You mean, the form of
17 application?

18 MR. RIEL: The form of application.

19 MR. KORGE: Okay.

20 MR. RIEL: That's the only change that was
21 done.

22 MR. STEFFENS: For lighting?

23 MR. RIEL: For lighting, yes.

24 MR. STEFFENS: What other departments have
25 requirements for outdoor lighting?

1 MR. RIEL: Building & Zoning and Public
2 Works do. Public Works deals with on-street lighting
3 and the potential impact of on-property lighting to
4 on-street, and Building & Zoning looks at that, as
5 well.

6 MR. TEIN: This only applies to commercial
7 building lighting?

8 CHAIRWOMAN MORENO: No. It says
9 residential.

10 MR. RIEL: No, single-family, as well.

11 MR. STEFFENS: Would it apply to residential
12 landscape lighting?

13 MR. RIEL: No.

14 MR. TEIN: So it applies to those bright
15 white, halogen-type color security lights that are on
16 the side of some residential properties, because
17 those would be security -- outside lighting for
18 security purposes?

19 MR. RIEL: I'm not sure how -- Typically,
20 lighting standards are dealt with in the Building
21 Code for security purposes. In terms of residential,
22 I'm not sure how that's dealt with, but I know
23 commercial properties -- but let me check into that.

24 MR. KORGE: We don't know whether this
25 applies to residential?

1 MR. RIEL: Well --

2 MR. KORGE: Tennis courts --

3 MR. RIEL: Tennis courts.

4 MR. KORGE: -- might, I mean.

5 MR. RIEL: We have golf courses in special
6 use areas.

7 MR. TEIN: My concern was that, if you read
8 this, outdoor lighting for such areas, such as --
9 areas such as dot, dot, dot, outside lighting for
10 security purposes, then it would apply to residential
11 security lights, as well, and I'm not -- I just don't
12 know whether this is meant to or not meant to apply
13 to that.

14 CHAIRWOMAN MORENO: I agree with you.

15 MR. KORGE: I can't figure it out, either.

16 MR. RIEL: I don't know the answer, either.

17 MR. KORGE: Should we just pass by this
18 until we get an answer?

19 MR. SIEMON: Yes.

20 CHAIRWOMAN MORENO: Uh-huh. Yes.

21 MR. KORGE: Okay.

22 CHAIRWOMAN MORENO: We're tabling Lighting.
23 Miscellaneous Construction Requirements.

24 MR. SIEMON: Do you know anything about
25 this, Eric?

1 MR. RIEL: Most of the changes that were
2 done were the removal of references to off-street
3 parking and loading, which is in a new article, and
4 then changes regarding removal of provisions for
5 landscaping.

6 MR. SIEMON: I'm talking about -- I was
7 talking about 13, G.

8 MR. RIEL: I'm sorry. I had the wrong
9 section here, I'm sorry. Geez. I'm trying to find
10 it in the old Code.

11 MR. SIEMON: This is --

12 MR. RIEL: Oh, yeah, Miscellaneous
13 Construction Requirements. I can tell you, the
14 Building & Zoning Department reviewed this section in
15 detail and suggested that no changes be done to
16 this. This reads as it is in the Code.

17 MR. KORGE: Well, there are changes.

18 MR. MAYVILLE: There are lines going
19 through.

20 MR. KORGE: We've deleted Subsections H, I,
21 J and K, on Page 2 of 2, Lines 8 through 29.

22 MR. RIEL: We need to check into that.

23 MR. SIEMON: It's my understanding that
24 those are changes that Wendy and Dennis discussed --

25 MR. RIEL: Okay.

1 MR. SIEMON: -- when she was down here, two
2 weeks ago. My understanding, but I want -- I can't
3 tell you that I'm absolutely clear --

4 MR. RIEL: I can't tell you the answer,
5 either.

6 MR. SIEMON: -- is, this has never been
7 anything that we've taken Dennis's direction on, this
8 section, from the beginning, so -- but perhaps we
9 should table that, as well, because I'm missing a
10 key --

11 MR. MAYVILLE: There's an H missing in
12 there, too.

13 MR. SIEMON: Is there?

14 MR. MAYVILLE: You go from G to I.

15 MR. KORGE: No, there's an H.

16 MR. MAYVILLE: Where?

17 MR. STEFFENS: No.

18 MR. SIEMON: I think it's --

19 MR. KORGE: Oh, it goes from G to I. I see
20 what you're saying.

21 CHAIRWOMAN MORENO: There's an H missing in
22 the remaining section --

23 MR. KORGE: Yeah.

24 CHAIRWOMAN MORENO: -- after you take out
25 all the -- Okay, so we're tabling that.

1 MR. STEFFENS: Could you also look at
2 Section I, Foundations, and why they're letting
3 foundations project into public property?

4 MR. SIEMON: I don't -- I don't know the
5 why. I know that they do, because we happened to
6 raise that question during the moratorium ordinance,
7 on one of the projects that we saw, but I will find
8 out what the rationale for it is.

9 MR. RIEL: They -- They are permitted.
10 They're considered an encroachment, and they have to
11 go to the City Commission for review and approval,
12 all of them.

13 MR. STEFFENS: I mean, it seems that the
14 encroachment is so minor that any foundation of this
15 type that needs to project six inches could easily be
16 handled by not projecting. I don't know why -- you
17 know, if it's a big building and they let it project
18 a couple feet, I can understand that, but if it's six
19 inches, that's something that could easily be done
20 without projecting. So I don't see why you even
21 bother letting them do it.

22 CHAIRWOMAN MORENO: Division 15, Platting
23 Standards.

24 MR. SIEMON: In this section, we have
25 incorporated the existing standards and simply

1 renumbered it.

2 CHAIRWOMAN MORENO: Does anyone have any
3 comments?

4 If not, motion to approve?

5 MR. RIEL: Most of the changes that were
6 done were to reflect recent changes in Miami-Dade
7 platting standards.

8 MR. KORGE: There were changes in here?

9 MR. AIZENSTAT: I didn't see any.

10 MR. RIEL: From October to now.

11 MR. KORGE: Well, with all due respect,
12 if -- I was under the impression that if there
13 weren't any changes, with the exception of the
14 landscaping division that was -- you know, was just
15 completely new, that this was -- if there's no
16 mark-up here, then it's the original Code.

17 MR. RIEL: No.

18 MR. KORGE: But that's not the case?

19 MR. RIEL: No.

20 CHAIRWOMAN MORENO: No, no, no.

21 MR. KORGE: So there could have been
22 substantial changes previously made?

23 MR. RIEL: That's what's in this draft.

24 MR. KORGE: Well, I haven't been reading
25 this book.

1 MR. SIEMON: The original Code was -- there
2 were modifications to reflect the modified Dade
3 County standards --

4 MR. RIEL: Correct.

5 MR. SIEMON: -- in that draft.

6 MR. RIEL: They were already in that draft.

7 MR. SIEMON: There were no comments and
8 input from anyone, and therefore, those
9 recommendations are incorporated here.

10 MR. RIEL: Correct.

11 MR. KORGE: This is not the language in our
12 current Code?

13 MR. SIEMON: It is not.

14 CHAIRWOMAN MORENO: It is in the prior draft
15 that we reviewed, and no changes were requested, so
16 they made the change.

17 MR. KORGE: But we didn't read --

18 MR. MAYVILLE: Yeah, I --

19 MR. KORGE: I mean, I can't speak for
20 everybody else, but I can tell you, I haven't -- I
21 haven't, and I don't know that I ever will be able to
22 read the entire Code and every iteration of the
23 changes.

24 So my comments relate to changes that are
25 shown here, and I've been operating, perhaps under

1 the mistaken impression, that there weren't
2 significant, you know, language changes to a lot of
3 this that we've been dealing with.

4 I think, at some point, we need to go
5 through everything and maybe even bring Building &
6 Zoning in, to tell us what -- you know, what the real
7 effect of the language changes will be on going
8 forward in the future, you know, the size of houses
9 and things like that, because it's really just -- I
10 mean, just speaking for myself, I don't know that I
11 can sit here and tell you that the changes in
12 platting standards are going to be acceptable or
13 unacceptable.

14 MR. RIEL: Well, Building & Zoning has been
15 a part of the process, and we've done a number of
16 reviews. They were a part of the City Team that got
17 to that draft, and there was also review of these
18 provisions that you've got today, again, by Building
19 & Zoning. So what you see before you today
20 represents the City Staff and consultants'
21 recommendations.

22 MR. SIEMON: The draft was -- there were
23 identification of issues, of things to be resolved.
24 One of them was to modify, to bring it in compliance
25 with the changes in the Dade County Code. They went

1 through review, internal review, between Building &
2 Zoning and Planning, before they went into that
3 volume.

4 Then, as you all were working through this,
5 we worked through in a parallel committee of
6 representatives from all pertinent departments, where
7 we were reviewing it in parallel, both in response to
8 you all --

9 MR. KORGE: But the Dade County Code doesn't
10 supersede our Code for platting, does it?

11 MR. RIEL: Yes, it does.

12 MR. SIEMON: Yes.

13 MR. RIEL: Yes, it does, most definitely.

14 MR. KORGE: So why do we plat? I mean, why
15 don't we just go to the County Commission and get
16 them to approve our plats?

17 MR. RIEL: It has to go to the County
18 Commission. In between a tentative and final plat,
19 it goes to the County.

20 You're going to actually see a plat next
21 month. It goes to the City Commission for first
22 reading, and then in between first and second
23 reading, it goes the County for their review and
24 approval. Then, when they review and approve it, it
25 comes back on second reading to the Commission.

1 MR. KORGE: These are the County standards,
2 then?

3 MR. RIEL: Basically, the County standards,
4 and they've updated those and we just wanted to make
5 sure that we have those updated standards in our
6 Code, so we can advise people when they come in.

7 MR. SIEMON: Here's an example where we make
8 a decision under the standards and they make a
9 decision under the standards, and so they have to be
10 set out here, because they're our standards and the
11 County's standards.

12 MR. RIEL: Such as the Landscape Code. We
13 have to abide by the landscape requirements of the --

14 MR. KORGE: But we can impose different
15 requirements, more stringent requirements.

16 MR. RIEL: We can impose different
17 requirements that are more stringent, absolutely.

18 MR. KORGE: But have we done that here?

19 MR. RIEL: We have looked at it, and I don't
20 believe we've made it more stringent.

21 MR. KORGE: Then why don't we just cross-
22 reference the County Code, instead of this?

23 MR. RIEL: Because we want to make sure, on
24 the similar lines, make sure when applicants come in,
25 they understand all the regulations.

1 MR. KORGE: Yeah, but one of them is, you've
2 got to go to the County Code --

3 MR. RIEL: Right.

4 MR. KORGE: -- to understand how to plat.

5 MR. RIEL: Right.

6 MR. KORGE: This leaves me -- I was left
7 with the impression that this was the standard and it
8 wasn't a County standard. So I'm just pointing that
9 out to you. I think it's confusing, myself.

10 MR. SIEMON: The problem here is that,
11 unlike -- I mean, ultimately, the County does review
12 and approve the plat, but so does the City. So we
13 have to -- both of us have to have standards by which
14 we judge it.

15 MR. KORGE: Right, but my point is, if the
16 standards we're applying are the County standards, we
17 should simply cross-reference the standards.

18 MR. SIEMON: I don't think they're simply
19 the County standards.

20 MR. KORGE: That was the question.

21 MR. SIEMON: I think they incorporate the
22 standards and there's some additional that are
23 reflective of this community's particular
24 perspective. They are --

25 MR. KORGE: And are those additional

1 requirements existing in our -- currently existing in
2 the Code?

3 MR. SIEMON: I believe that's correct. We
4 didn't modify any of those. The only things that
5 were modified were modifications to the County's
6 component of the platting.

7 MR. RIEL: I mean, if you look in the
8 October draft, I mean, most of the comments in the
9 second column is, "This section is taken from Section
10 2391, County Code," "This comment is taken from
11 Section 2814, Miami-Dade County Code." That's what
12 all the comments are.

13 MR. KORGE: Okay, well, again, this goes
14 back to the whole question of which -- when the
15 County standards apply, whether we should restate
16 them here. I would suggest something -- it's a
17 drafting decision that you all, as draftsmen, need to
18 make -- that perhaps we should cross-reference the
19 County Code, and then if we have any additional
20 criteria, specify the additional criteria. That
21 would be clearer to me, but, you know --

22 CHAIRWOMAN MORENO: But if you do that, then
23 if the County Code changes, it automatically changes
24 you, without you ever having a chance to say, "Hey, I
25 don't want to make that change that broad as a

1 standard, I want to keep it my more stringent way,"
2 which is what's set out here.

3 MR. STEFFENS: Well, you would have both,
4 because you'd have --

5 CHAIRWOMAN MORENO: Not if it's a broadening
6 provision.

7 MR. STEFFENS: No, but you would -- I think
8 what Tom is saying is, you'd keep all your specific
9 Coral Gables centric ideas here.

10 CHAIRWOMAN MORENO: Right, but let's say you
11 say minimum street frontage of 115 feet, right?

12 MR. STEFFENS: That would stay.

13 CHAIRWOMAN MORENO: If you take it out of
14 here, and all you say is County standards --

15 MR. STEFFENS: No, that would stay in here.
16 You'd have the Coral Gables centric items here, and
17 then you'd remove all the Dade County specific items
18 and just say --

19 CHAIRWOMAN MORENO: How do I know which are
20 the Dade County and which are Coral Gables?

21 MR. STEFFENS: Well, that's for Eric and
22 Charlie to pull out of here.

23 CHAIRWOMAN MORENO: All I'm saying is, if
24 you do that, if we're relying on a County standard in
25 approving it --

1 MR. STEFFENS: Right.

2 CHAIRWOMAN MORENO: -- and that County
3 standard later changes it, and we could have made it
4 stronger by having it in our Code, we're giving that
5 up.

6 MR. KORGE: Well, let me ask it a different
7 way. Do we -- does the current Code specify the
8 County standards?

9 MR. RIEL: Yes.

10 MR. KORGE: It does?

11 MR. RIEL: Yes.

12 MR. KORGE: So, every time the County
13 changes its standards, we revise our Code?

14 MR. RIEL: I would probably assume it says
15 "as amended." That's probably what I would probably
16 assume. The platting provisions were previously in
17 the City Code, and we're taking them and putting them
18 in the Zoning Code, because we feel it's more of a
19 development issue, rather than a City Code issue. So
20 that's one of the changes that we initially made, in
21 the beginning.

22 MR. KORGE: Yeah, I understand, but in the
23 City Code, it actually repeats the existing County
24 standards?

25 MR. RIEL: I don't know the answer to that.

1 My guess is no, because the County standards are
2 fairly long.

3 MR. KORGE: They're changing. So once we've
4 put in it here, verbatim, we've locked it in and
5 we're not adapting with the County.

6 I would suggest that the other alternative
7 would be -- I don't know if this is the right answer,
8 but the other alternative would be that we lock in
9 here anything that we want solely for Coral Gables,
10 and to the extent that the County changes its
11 standards from time to time, and our practice of the
12 past has been just to follow those changing
13 standards, we would continue with that practice.

14 MR. RIEL: We've only had one plat in five
15 years I've been here. Unfortunately, we're going to
16 have two more coming up on the next couple of
17 agendas. I can't respond, because I don't work --
18 Public Works is the department that basically does
19 the review of plats.

20 MR. KORGE: Would anybody be opposed to just
21 asking Public Works what they want to do, how they
22 want to approach this, rather than decide right now?
23 Because I just don't have a feel for it.

24 MR. STEFFENS: I think your idea is good,
25 Tom, because every time the County changes, then

1 we're going to have to change this, and we could just
2 let the County change the rules and reference the
3 County, and if we want to change or alter the Coral
4 Gables centric ones, then we can do that, but we
5 don't have to --

6 CHAIRWOMAN MORENO: I think you're --

7 MR. STEFFENS: -- mess with the County stuff
8 every time the County changes.

9 CHAIRWOMAN MORENO: I think you're running
10 into a risk when you assume that something the County
11 is now requiring, that we want, will always be
12 required by the County. I think what you want,
13 perhaps, is a savings clause at the end that says,
14 "To the extent that the County has any additional or
15 inconsistent provisions, you must also abide by
16 those," but if you do what you're saying, what you
17 guys are suggesting, if the County changes a standard
18 that we would have wanted to keep, we are stuck with
19 that.

20 MR. KORGE: But -- I agree with you, but --

21 MR. RIEL: Then we have to come back and
22 amend it, anyway.

23 MR. KORGE: -- that may not be the practice
24 now. So we may be changing the Code by doing this,
25 okay? And I'm not opposed to changing the Code by

1 doing this, but I'd like to know what Public Works
2 thinks about it first and to get, you know, a
3 consensus on whether that's a good practice.

4 MR. STEFFENS: But also, it's --

5 CHAIRWOMAN MORENO: I have no problem with
6 tabling it and waiting for Public Works.

7 MR. RIEL: Public Works did comment and look
8 at this.

9 MR. KORGE: They did?

10 MR. RIEL: They're a part of the City Team,
11 yes, that looked at the Code.

12 MR. KORGE: So they don't mind changing, if
13 we have to come back and revise every time?

14 MR. RIEL: They don't -- I can tell you,
15 they don't mind the way this is written, because they
16 were a part of the review. Building & Zoning,
17 Planning, Public Works, Public Service and the City
18 Manager's Office are part of the City Team that have
19 looked at, I can tell you, line by line, this Code.

20 MR. SIEMON: But I think, rather than just
21 beat this, we should come back to you with specific
22 information about what is and what is not a part of
23 the County Code, and let you --

24 CHAIRWOMAN MORENO: But I do think that the
25 comments that Tom and Michael are making, you should

1 have a clause that says, "To the extent the County
2 Code changes, you must also comply with any changes
3 in the County Code," or state generally, "You've got
4 to comply with this and comply with the County Code,"
5 and leave it up to them to check inconsistencies.

6 MR. SIEMON: I mean, I'm confident that
7 you're going to find that Section 5-514, C, replats
8 and subdivisions south of the Coral Gables Waterway
9 and east of Old Cutler Road, are not going to be in
10 the County Code.

11 CHAIRWOMAN MORENO: Right.

12 MR. SIEMON: It's just a bet on my part.

13 MR. MAYVILLE: Picking up on Tom's issue, I
14 just want to make sure, because I have a feeling we
15 may have some problems down the road, is this not the
16 current zoning Code with the changes on it, of the --
17 If I looked at the Code, the City Code, right now,
18 would I see this, or is this different than what the
19 current Code is?

20 MR. SIEMON: Well, lots of it is the City
21 Code. What you won't see is, the first document we
22 produced to you had two sets of designations of
23 language that was proposed to be deleted and language
24 that was proposed to be amended.

25 MR. KORGE: Right.

1 MR. SIEMON: We received a lot of comments,
2 both from you all, making policy decisions, some
3 input from some of you about editing and other
4 details and recommendations, and other committees
5 that we went before of the City.

6 At the same time, we were going through an
7 administrative team review of the entire document,
8 from front to back, in parallel to you and in
9 response to your comments and directions.

10 As a result of that, there were provisions
11 that were deleted, were executed, and are no longer
12 in this draft. There are language there that was
13 either adopted as not changed and was red-lined and
14 has been added, and any changes to those that were
15 subsequent to this document are what are underscored
16 in the draft you have before us. So it is the Code,
17 but it's once removed, going through the process of
18 this big book.

19 MR. MAYVILLE: Here's the only -- the
20 criticism. One of our public hearings we had, Mr.
21 Damian, when he spoke to us, raised the issue that he
22 wanted to be able to go through the Code and see
23 where that you were making changes that would -- Are
24 we going to be subject to criticism by going down
25 this road, from, you know, either him or other

1 people, in the way -- in the process that we're
2 doing?

3 MR. SIEMON: Well, here's -- I don't think
4 so, because if he wants to know how we got from here
5 to there, that book contains a tracking matrix that
6 identifies where what was there before, what's here
7 now, and then he can take that and look at this, and
8 he can see what changes have been made.

9 The difficulty from just a reality is, we
10 can't have two sets of red lines, one representing
11 original recommendations and one representing what is
12 the recommendation today, after your input.

13 CHAIRWOMAN MORENO: You've got to look at
14 both drafts.

15 MR. SIEMON: Yeah.

16 CHAIRWOMAN MORENO: That's the only way to
17 do it.

18 MR. SIEMON: I mean, we don't know any way
19 to do it in paper. I've never -- I don't know
20 anybody that's ever done it.

21 MR. KORGE: Right.

22 MR. SIEMON: I have an associate that tried
23 to do it in a very complex real estate transaction
24 document, and he'll never do it again, because he had
25 blue and green and red and underscores, and nobody

1 could tell anything. It was a disaster.

2 CHAIRWOMAN MORENO: You can't read it.

3 That's what happens.

4 MR. SIEMON: So, unfortunately --

5 MR. KORGE: Well, couldn't we have -- Is it
6 impossible, and maybe it's too late, but is it
7 possible to take the existing Code provision and then
8 red-line that against whatever the last, most recent
9 changes are, so that, you know, if -- you know, you
10 could have gone through seven different -- I'm just
11 asking. I don't know, because I guess what -- We're
12 approving this language and --

13 CHAIRWOMAN MORENO: You really can't do
14 that, because one of the things -- I work with
15 red-lining a lot. One of the things he's done is,
16 he's shifted whole areas into here, so --

17 MR. KORGE: It could be unreadable.

18 CHAIRWOMAN MORENO: It's going to be
19 unreadable.

20 MR. KORGE: Yeah, I see. I see.

21 MR. RIEL: And I just want to emphasize, I
22 have had meetings where individuals have been
23 interested in certain sections of the Code, where
24 I've sat down and gone through and spent hours with
25 them, and explaining what the changes were, each

1 section, from, you know, the original Code to the
2 October draft, and then this draft to this, so that,
3 you know, if any member of the public, likewise any
4 Board Member, would like to do that, I'd be happy to
5 do that exercise, and I have done that on specific
6 issues, as well as overall in the Code. You know, we
7 have the matrix. We have the minutes. I mean, we
8 have all types of documents that are available, and I
9 certainly welcome any member of the public to come
10 in, and we're happy to go through that.

11 MR. KORGE: Well, dealing with the platting
12 standards, what I would suggest is that before we
13 adopt them, we make sure that this language or
14 similar language, with any changes that may have been
15 made, exists in the current City Code, as opposed to
16 just the cross-reference in the current City Code,
17 with additional language for City-specific
18 requirements that are different from the County
19 requirements.

20 MR. RIEL: Okay.

21 MR. KORGE: I mean, I just -- you know, when
22 it comes to platting, you've just got to be really
23 careful.

24 MR. MAYVILLE: I don't have a problem,
25 conceptually, with what you're talking about. My

1 only concern is, I don't want to get like we did with
2 the sign ordinance, where we got so far down the
3 road, and then at the last minute, we got a huge
4 outpouring of people that had been invited into the
5 process, didn't attend, and then this issue gets
6 thrown up in the air, and I'm just wondering, on this
7 issue, if it isn't better to maybe make some
8 inquiries to the advocates that we think are, you
9 know, going to have issues with this thing and make
10 sure they understand this now, before we get too far
11 down the road on it.

12 MR. RIEL: Well, I can -- I have done --

13 CHAIRWOMAN MORENO: You can't do that. You
14 can't do that. Everybody has --

15 MR. RIEL: -- everything I can to try to
16 get information out to folks. I mean, I really --

17 CHAIRWOMAN MORENO: He has advertised it.
18 He's put it on the web site. He's written to
19 everybody concerned. Everybody who's concerned about
20 this knows about it and has the ability to sit with
21 Eric, and you can't second-guess yourself.

22 MR. RIEL: I don't know what more I can do,
23 in terms of trying to engage the public to
24 participate in this process. I really don't. I
25 mean, I attempted the best -- you know, if I get --

1 especially when I get comments back, if I get a
2 comment from a specific person, that we do have a
3 separate e-mail account called Rewrite Comments, I
4 will call them up and say, "Please, I don't
5 understand your comments. Can you come in and
6 explain them to me in a little bit more detail?" And
7 I've done that with a number of people.

8 MR. STEFFENS: Eric, I think maybe if we
9 have a buffet dinner or an open bar, maybe we could
10 get some people in here.

11 MR. RIEL: If my budget would permit, yes.

12 CHAIRWOMAN MORENO: Okay, let's move on.
13 We're tabling plats. Roofs.

14 MR. SIEMON: Roofs. We're obviously missing
15 a cross-reference in Paragraph 5-1601, Line 7. I
16 suspect that it's a reference to cottages, the
17 cottage district standards, but I'm -- without going
18 back and tracking it, I can't tell you. But again,
19 this basically represents, as best I recollect, the
20 existing Code.

21 CHAIRWOMAN MORENO: Where do you say we're
22 missing something?

23 MR. KORGE: Copper roofs are permitted?

24 MR. MAYVILLE: Yes, in certain areas.

25 MR. KORGE: Oh, I didn't know that.

1 MR. STEFFENS: It's right here. There
2 should be some --

3 MR. KORGE: I thought metal roofs weren't
4 allowed.

5 CHAIRWOMAN MORENO: "Except as provided for
6 in this Division, all roofs -- "

7 MR. MAYVILLE: There's a couple that --
8 There was one over here, on the Segovia building.
9 They've got that one and --

10 MR. STEFFENS: Overnight accommodations
11 and -- oh, uses in a Special Use District --

12 CHAIRWOMAN MORENO: I don't think we're
13 missing anything there.

14 MR. MAYVILLE: (Inaudible) Gables Estates --

15 MR. STEFFENS: Single-family residences,
16 duplexes, townhouses --

17 MR. MAYVILLE: -- (inaudible) did it without
18 a permit and they had to come back and --

19 CHAIRWOMAN MORENO: Charlie, I don't think
20 you're missing anything there.

21 MR. KORGE: That's the existing Code? Metal
22 roofs are allowed in the existing Code?

23 MR. SIEMON: No, the first line, Division --
24 It says Division, blank --

25 MR. RIEL: In certain sections of the City,

1 yes.

2 CHAIRWOMAN MORENO: No, "Except as provided
3 for in this Division -- "

4 MR. SIEMON: Oh, I'm sorry. You're right.
5 It's just the "all" is -- a space that was added.
6 I'm sorry.

7 CHAIRWOMAN MORENO: There's a space, yeah.

8 MR. SIEMON: Okay.

9 MR. STEFFENS: But you are missing
10 townhouses.

11 MR. SIEMON: I'm not missing --

12 MR. STEFFENS: Shouldn't -- After Division,
13 you have a blank and then the "all." Shouldn't you
14 say sloping roofs?

15 CHAIRWOMAN MORENO: It says, "Except as
16 provided for this Division," and I think there's a
17 particular section for flat roofs.

18 MR. STEFFENS: Well, there's two flat roof
19 sections.

20 CHAIRWOMAN MORENO: So those are the
21 exceptions, no?

22 MR. KORGE: Well, this is all -- This is
23 unchanged from the original Code?

24 MR. RIEL: The note I have on the October
25 draft says this division is existing, the same as the

1 existing Code.

2 MR. KORGE: Okay.

3 CHAIRWOMAN MORENO: Okay.

4 MR. KORGE: So the metal roofs that are
5 permitted here are the same that are permitted --

6 MR. RIEL: Correct.

7 MR. KORGE: -- under the existing Code?

8 MR. AIZENSTAT: The metal roofs would apply
9 to the Key West style homes?

10 MR. RIEL: The metal roofs apply to areas
11 where they've been annexed in from the County, and as
12 a part of the annexation, there was existing metal
13 roofs in that area.

14 MR. KORGE: So this only applies -- this
15 first section, 15-1601, only applies to special use
16 districts?

17 MR. RIEL: Let me -- I'm sorry, 1601?

18 MR. SIEMON: Yeah, the very first section of
19 Article 5, Division 16.

20 CHAIRWOMAN MORENO: It applies to
21 single-family residences, duplexes -- we're going to
22 add townhouses -- overnight accommodations, and uses
23 in a special use district.

24 MR. KORGE: So only in a special use
25 district?

1 CHAIRWOMAN MORENO: No, in all of those
2 districts.

3 MR. AIZENSTAT: Inclusive.

4 CHAIRWOMAN MORENO: Single-family,
5 townhouse, duplex.

6 MR. KORGE: So if I wanted -- if you wanted
7 to put in a metal roof in a single-family residence,
8 anywhere in the City, you could do so?

9 MR. RIEL: I don't know the answer to
10 that.

11 MR. STEFFENS: It has to be copper, unless
12 it's in --

13 MR. RIEL: Right.

14 MR. STEFFENS: -- one of the special
15 sections --

16 MR. RIEL: Right.

17 MR. STEFFENS: -- which is like Snapper
18 Creek and --

19 MR. KORGE: Right, right.

20 MR. STEFFENS: -- those areas, you can use
21 other metals.

22 MR. KORGE: So you could put a metal roof in
23 on Riviera Drive anywhere?

24 MR. STEFFENS: Copper.

25 MR. KORGE: Yeah, that's metal, copper

1 metal.

2 MR. STEFFENS: Yes.

3 MR. KORGE: Copper metal.

4 MR. STEFFENS: Yes, you can put copper.

5 MR. KORGE: Anywhere in the City?

6 MR. STEFFENS: Anywhere in the City. That's
7 what it says.

8 MR. SIEMON: I can report to you that the
9 only changes that are in your big book --

10 MR. KORGE: Uh-huh.

11 MR. SIEMON: -- are description of
12 districts, the uses in districts that we've changed.
13 There are no substantive changes.

14 MR. KORGE: Right, okay.

15 MR. SIEMON: I can tell you that, because
16 I've just gone and looked at it.

17 MR. KORGE: Okay. Well, that answers all
18 those questions.

19 MR. AIZENSTAT: I have one question. What
20 about all those metal roofs that are popping up all
21 over town, with those Key West styles? What type of
22 roof would that be considered?

23 MR. STEFFENS: Metal other than copper.

24 MR. AIZENSTAT: And how does it apply to the
25 way we're rewriting the Code?

1 MR. STEFFENS: It's not permissible except
2 in those special areas where it's allowed, which
3 is -- it's like Snapper Creek.

4 MR. KORGE: In Snapper Creek.

5 MR. STEFFENS: It's in some of the annexed
6 areas.

7 MR. RIEL: Snapper Creek and there's some
8 certain areas.

9 MR. AIZENSTAT: Because I thought I saw them
10 in areas that are not annexed.

11 MR. STEFFENS: There's a little piece on
12 South Alhambra --

13 MR. AIZENSTAT: Off of Old Cutler Road, I
14 see them, very close to the Cartagena Circle. That's
15 why I'm referring to it.

16 MR. STEFFENS: Then they're either copper or
17 they might have gotten a variance.

18 MR. RIEL: I don't know when they were
19 annexed. Maybe they were annexed 20 or 30 years ago,
20 and maybe they had a metal roof, therefore, they're
21 considered nonconforming.

22 MR. AIZENSTAT: These are actually brand new
23 construction homes.

24 MR. RIEL: Oh, they're new construction?

25 MR. AIZENSTAT: Yeah. That's why I'm

1 mystified by it.

2 MR. STEFFENS: I'd like to see them. I know
3 there's some on South Alhambra Circle, north of Red
4 Road, where a little piece of Dade County poked up
5 into there, and they built a couple with metal roofs
6 right in there.

7 CHAIRWOMAN MORENO: Okay.

8 MR. SIEMON: Well, I --

9 CHAIRWOMAN MORENO: We're not going to get
10 through this tonight.

11 MR. SIEMON: I'm not sure that there is a
12 prohibition against --

13 MR. STEFFENS: There's no permission.

14 MR. SIEMON: There's no permission and
15 there's no prohibition. You should --

16 MR. STEFFENS: Because the permitted --

17 CHAIRWOMAN MORENO: It says all roofs.

18 MR. STEFFENS: Well, permitted pitched
19 roofs -- you have the permitted materials on pitched
20 roofs, and the only metal permitted is copper.

21 MR. SIEMON: And only for residential.

22 MR. KORGE: The industrial section abutting
23 South Dixie Highway, Section 5-1605, is that going to
24 be changed to MX?

25 MR. RIEL: Can you give me a -- I'm sorry,

1 5 --

2 MR. KORGE: I'm sorry, Page 2 of 4.

3 MR. RIEL: Okay.

4 MR. KORGE: Lines 36 through 39, on Line 37,
5 "Except that part of the industrial section abutting
6 South Dixie Highway."

7 Is that going to be changed from industrial
8 to MX?

9 MR. RIEL: I have to look at the
10 description, but we can -- Let me take a look at
11 that.

12 MR. KORGE: Yeah.

13 MR. RIEL: I'm not familiar with Coconut
14 Grove Warehouse Center, which section that is.

15 MR. KORGE: I don't know, if we're changing
16 any of those uses, you might want to, you know,
17 reconsider whether it should be an excepted provision
18 in this section.

19 MR. STEFFENS: Yeah, because that's probably
20 allowing those industrial buildings to have flat
21 roofs.

22 MR. KORGE: Right. Well, this deals with
23 pitched roof materials.

24 MR. STEFFENS: Yeah, but it's an exception
25 to the pitched roof materials, so it's allowing the

1 industrial buildings in that area to have flat
2 roofs.

3 MR. KORGE: I don't read it that way.

4 CHAIRWOMAN MORENO: No, I don't read it --

5 MR. KORGE: It just deals with the
6 materials --

7 CHAIRWOMAN MORENO: Right.

8 MR. KORGE: -- that are used on a pitched
9 roof. So, for example, you could probably use
10 asphalt on a pitched roof.

11 CHAIRWOMAN MORENO: But they could have a
12 pitched roof in the industrial area that's not made
13 of these tiles. That's the way I read it.

14 MR. KORGE: But if it's not going to be an
15 industrial area in the future, then we may want to --

16 MR. RIEL: Okay.

17 MR. KORGE: -- change that.

18 MR. SIEMON: The provision -- the section
19 before roofs for commercial buildings does allow
20 buildings -- commercial buildings to have flat
21 roofs --

22 MR. KORGE: Right.

23 MR. SIEMON: -- with a parapet.

24 MR. KORGE: Right.

25 CHAIRWOMAN MORENO: Are we ready to move on

1 Division 16, subject to Eric checking on that
2 section?

3 MR. KORGE: And also including townhouses in
4 the first section of this division.

5 MR. STEFFENS: Move to approve it.

6 MR. KORGE: I'll second.

7 CHAIRWOMAN MORENO: Roll call?

8 MS. MENENDEZ-DURAN: Eibi Aizenstat?

9 MR. AIZENSTAT: Yes.

10 MS. MENENDEZ-DURAN: Tom Korge?

11 MR. KORGE: Yes.

12 MS. MENENDEZ-DURAN: Bill Mayville?

13 MR. MAYVILLE: Yes.

14 MS. MENENDEZ-DURAN: Michael Tein?

15 MR. TEIN: Yes.

16 MS. MENENDEZ-DURAN: Michael Steffens?

17 MR. STEFFENS: Yes.

18 MS. MENENDEZ-DURAN: Cristina Moreno?

19 CHAIRWOMAN MORENO: Yes.

20 Sanitation Requirements.

21 MR. SIEMON: The provisions of Section
22 5-1701, Air Conditioning, are -- were new in the
23 October draft, as were the provisions -- there was a
24 provision in Subsection -- before C, after B,
25 Renovation Projects, that said, "Trash container

1 rooms and enclosures shall be subject to review and
2 approval by the Building & Zoning Department and the
3 Public Service Director."

4 Now they're just permitted as a part of the
5 ordinary approval process, with the standard that's
6 at the beginning that they're air conditioned. But
7 those are the only changes from the existing Code.
8 All the changes were made between the existing Code
9 and the blue -- the October Code. There were no
10 changes from October to today.

11 CHAIRWOMAN MORENO: Okay. Do we have a
12 motion to approve this?

13 MR. STEFFENS: I have a question on Section
14 01 and 02. Why do we have 20 percent in there, when
15 25 percent is usually the trigger in the Building
16 Code?

17 MR. RIEL: Because 20 percent was in 1902,
18 so we just took the same number and put it in 1901.

19 MR. STEFFENS: I think it would be better to
20 make it consistent with the Building Code, so that --

21 MR. RIEL: 25 percent?

22 MR. STEFFENS: -- it triggers other
23 renovations.

24 CHAIRWOMAN MORENO: Uh-huh. That makes
25 sense.

1 MR. RIEL: Okay.

2 CHAIRWOMAN MORENO: I mean, just when I want
3 to move, you make a comment that makes sense.

4 MR. STEFFENS: Sorry.

5 CHAIRWOMAN MORENO: No, that's what we're
6 here for.

7 Sanitation Requirements. Motion to
8 approve?

9 MR. STEFFENS: So moved.

10 CHAIRWOMAN MORENO: Subject to changing 20
11 percent to 25 percent.

12 MR. SIEMON: In both 1901 and 1902.

13 CHAIRWOMAN MORENO: Yes.

14 MR. AIZENSTAT: Right.

15 CHAIRWOMAN MORENO: Second?

16 MR. MAYVILLE: Second.

17 MR. KORGE: I'll second.

18 CHAIRWOMAN MORENO: Roll call.

19 MS. MENENDEZ-DURAN: Tom Korge?

20 MR. KORGE: Yes.

21 MS. MENENDEZ-DURAN: Bill Mayville?

22 MR. MAYVILLE: Yes.

23 MS. MENENDEZ-DURAN: Michael Tein?

24 MR. TEIN: Yes.

25 MS. MENENDEZ-DURAN: Michael Steffens?

1 MR. STEFFENS: Yes.

2 MS. MENENDEZ-DURAN: Eibi Aizenstat?

3 MR. AIZENSTAT: Yes.

4 MS. MENENDEZ-DURAN: Cristina Moreno?

5 CHAIRWOMAN MORENO: Yes.

6 Screening.

7 MR. SIEMON: Section 5-2001. Now, 1801 is
8 the -- is identical to your existing Code, with one
9 exception. There's a reference to the Board of
10 Architects that's no longer necessary, because of the
11 requirement that these approvals go to them in
12 Article 3.

13 In addition, we changed, in 5-2004 -- I
14 mean, now, 1804, in Line A, originally it talked
15 about a residence, a duplex or apartment district.
16 We've now changed that to a residential district,
17 and the "or areas as defined herein," none have been
18 defined, so that's been stricken. That was a comment
19 that there was no desire by anyone to identify any
20 areas, so it was stricken. Other than that, this is
21 the existing Code.

22 MR. KORGE: This applies to a mixed-use
23 district, too? That's a -- Is that a residential
24 district or not?

25 CHAIRWOMAN MORENO: I think residential, you

1 said before, was single-family, townhouse and duplex.

2 MR. SIEMON: Yeah. It would not. It's a
3 mixed-use district now, in this Code. So that's a
4 good question.

5 CHAIRWOMAN MORENO: Well, if it's mixed use,
6 it should also apply to multi-family, no?

7 MR. SIEMON: I believe that Section 1804
8 should apply to residential and mixed-use districts.

9 CHAIRWOMAN MORENO: And multi-family?

10 MR. SIEMON: They are a residential
11 district. It doesn't say single-family. It says
12 residential.

13 CHAIRWOMAN MORENO: Okay.

14 MR. STEFFENS: What is -- In Section 04, A,
15 at the end of that paragraph, it says, "the following
16 conditions, 2931 and 3556." Is that referencing
17 something?

18 MR. RIEL: Those are the adopting ordinance
19 numbers.

20 MR. SIEMON: The ordinances from which they
21 were derived.

22 MR. RIEL: So we can cross-reference them.

23 MR. KORGE: Yeah.

24 CHAIRWOMAN MORENO: Okay, motion to
25 approve?

1 MR. KORGE: I'll move to approve, with the
2 clarification that the residential district includes
3 the mixed-use district.

4 MR. STEFFENS: Second.

5 CHAIRWOMAN MORENO: Second, Michael.

6 Call the roll.

7 MS. MENENDEZ-DURAN: Bill Mayville?

8 MR. MAYVILLE: Yes.

9 MS. MENENDEZ-DURAN: Michael Tein?

10 MR. TEIN: Yes.

11 MS. MENENDEZ-DURAN: Michael Steffens?

12 MR. STEFFENS: Yes.

13 MS. MENENDEZ-DURAN: Eibi Aizenstat?

14 MR. AIZENSTAT: Yes.

15 MS. MENENDEZ-DURAN: Tom Korge?

16 MR. KORGE: Yes.

17 MS. MENENDEZ-DURAN: Cristina Moreno?

18 CHAIRWOMAN MORENO: Yes.

19 Temporary uses.

20 MR. SIEMON: This is not going to be quite
21 so easy for me to provide the running narrative of
22 our prior changes. Bear with me for just a second,
23 and I'll try, though.

24 CHAIRWOMAN MORENO: Can we take another
25 five-minute break while you do that?

1 MR. SIEMON: If you wish. I am now ready,
2 but it's your choice.

3 CHAIRWOMAN MORENO: Okay. Well, let's get
4 through this one, then. Temporary Uses.

5 MR. SIEMON: Okay. The -- I need to first
6 explain that the provisions of this division were
7 originally scattered through a lot of different
8 places in the Code. So one thing that is different
9 is that they're now all in one place. They've come
10 out of the places they were and come into a Temporary
11 Use section.

12 The carnival was on Section 5-2102. The
13 City Manager is now authorized -- in this Code, is
14 authorized. Previously, it required that it be
15 approved by the City Commission, and that was
16 perceived as an unnecessary level of review. And
17 they were provisionally -- originally characterized
18 as conditional uses, and these are really being given
19 a different status of a temporary use permit issued
20 by the City Manager. So those are the two changes.
21 The -- That's the matter -- that's the extent of the
22 changes from the existing Code in the carnival
23 provisions. Everything else is the same as the prior
24 Code.

25 The open lot Christmas trees is also made a

1 change, from a conditional use to a temporary use
2 permit issued by the City Manager, and are limited
3 now, instead of to -- instead of being permitted in C
4 and M uses, C has now been limited to commercial and
5 industrial districts, the C district and the I
6 district. With regard to everything else in
7 Christmas sales, it remains the same.

8 Garage sales did not change.

9 There was a modest modification in the
10 commercial photography, which is now 5-2105, that
11 again changed it from a conditional use approval to a
12 temporary use permit. The City Attorney informed me
13 today that she intends to recommend that this
14 particular provision for commercial photography,
15 movie-making, et cetera, be transferred to the City
16 Manager, and not as even a temporary use, that it
17 ought to be a license, a license granted by the City
18 Manager that's revocable in the event of a violation,
19 and so it's going to come out of this Code
20 altogether, and so --

21 MR. AIZENSTAT: That makes sense.

22 MR. SIEMON: And I think she's correct in
23 that.

24 Fund raising car washes --

25 CHAIRWOMAN MORENO: You don't mean

1 individual. You must mean industrial there.

2 MR. SIEMON: 5-2306 --

3 CHAIRWOMAN MORENO: Line 29, I think you
4 mean industrial.

5 MR. SIEMON: I don't think -- It's supposed
6 to be commercial or special use. I don't know where
7 individual came from. There was a modification --

8 CHAIRWOMAN MORENO: Charlie, I think it
9 means industrial, because that's where all the car
10 companies are.

11 MR. MAYVILLE: Yeah.

12 MR. AIZENSTAT: This might be fund raising,
13 for example, for an organization, a church and so
14 forth.

15 CHAIRWOMAN MORENO: Oh, okay.

16 MR. AIZENSTAT: And what I'm thinking that
17 maybe the individual came from is that maybe they
18 want to do it in a residential home. Could that be
19 why you put that in there, or --

20 MR. MAYVILLE: It may be industrial.

21 MR. SIEMON: I can't -- I just can't tell
22 you. I mean, I'm sorry. This was a chapter that
23 Wendy did the drafting on. Individual came from
24 something, whether it was an abbreviation of
25 industrial that got crosswise or something, I don't

1 know. But there were some modifications with regard
2 to the application requirements for a fund raising
3 car wash. There was a whole paragraph and a whole
4 group of things that were required in order to get a
5 permit, and those have been simplified and they've
6 been translated into standards.

7 Instead of saying, "Tell us what hours
8 you're going to operate," they may be permitted
9 between the hours of whatever it says, 9:00 and 5:00
10 p.m. And so, instead of having them put in it an
11 application, we -- those were just converted to
12 standards. That was a recommendation from some past
13 experience.

14 And then temporary construction or field
15 offices, the only change that was made to the
16 original Code, that is, the Code that's currently in
17 effect, is that the number of construction trailers
18 was limited to one, and it's not limited to one in
19 the existing Code. That was in the October Code, and
20 now has been accepted in the -- in the second one.

21 There was one additional change, and I
22 believe this came from Dennis: No kitchens in the
23 construction field office.

24 MR. MAYVILLE: If we can go back on that car
25 wash thing a second, do you really think people are

1 getting permits? I mean, is that really the right
2 way to do it?

3 MR. SIEMON: No, but it's in the Code.

4 MR. MAYVILLE: Yeah.

5 MR. AIZENSTAT: The question that I have is
6 on temporary land development sales offices, the last
7 section.

8 MR. SIEMON: Yes.

9 MR. AIZENSTAT: A lot of times, when a
10 developer comes in and wants to do a sales office,
11 he's not able to set up his site within the location,
12 so many times they come before the Board of
13 Adjustments, asking for a variance so they can go
14 ahead and set up, in an adjacent property, their
15 sales office until they're able to move it into the
16 structure or whatever. How did you handle that?

17 MR. STEFFENS: Why do they come to the Board
18 of Adjustment?

19 MR. AIZENSTAT: When I sat on the Board of
20 Adjustments, we had a whole slew of people coming
21 before us, based upon that.

22 MR. STEFFENS: That would be like renting a
23 storefront?

24 MR. AIZENSTAT: No, what they would do is,
25 maybe they'd owned a different site or go to a

1 different site and make a land --

2 MR. STEFFENS: Oh, so they'd be actually --

3 MR. AIZENSTAT: And put up their trailer
4 there --

5 MR. STEFFENS: So it wouldn't --

6 MR. AIZENSTAT: -- and have arrows pointing
7 for wherever the project is.

8 MR. STEFFENS: So it wouldn't be where
9 they -- because some of the developments on Ponce now
10 are actually renting storefronts on Ponce for
11 their --

12 MR. AIZENSTAT: Correct. Those are able to,
13 but there are other projects that don't rent a space
14 and they go to a certain site.

15 MR. RIEL: Is that because it was a
16 temporary trailer?

17 MR. AIZENSTAT: That's what I'm talking
18 about, a temporary trailer.

19 MR. RIEL: Because it was a trailer, versus
20 a constructed building.

21 MR. AIZENSTAT: Correct. So how would we
22 handle that? Would they still go before the Board of
23 Adjustments under a variance, or is there a way to
24 treat something, that issue?

25 MR. SIEMON: That's the way this Code reads

1 right now.

2 MR. AIZENSTAT: And that would be the best
3 way?

4 MR. RIEL: Any suggestions for how -- I
5 mean, obviously, it's hard to meet the variance for
6 hardship.

7 MR. AIZENSTAT: That's what I'm saying.
8 That was the main issue, is, how do you prove
9 hardship on that?

10 CHAIRWOMAN MORENO: Well, they can always
11 rent an office.

12 MR. AIZENSTAT: Correct, but the Board of
13 Adjustments gives that variance.

14 MR. RIEL: Is there any problem with giving
15 the Board of Architects that authority? Because
16 basically, the issue is whether or not the temporary
17 trailer looks like a permanent structure versus a
18 temporary. I mean, that's what the issue appears to
19 be.

20 MR. AIZENSTAT: Well, they actually do go
21 ahead and make these trailers look beautiful. They
22 go ahead and do their entire landscaping, it doesn't
23 look like a trailer, because they want to sell their
24 project. But they still come before the Board of
25 Adjustments for a variance.

1 MR. RIEL: The Board of Architects? I mean,
2 I don't see why it --

3 CHAIRWOMAN MORENO: Maybe because it's
4 occurring on property that's not associated with the
5 development.

6 MR. AIZENSTAT: That is correct.

7 MR. SIEMON: If the desire is to have
8 temporary sales facilities which are located on a
9 site other than the development site, that they have
10 to get a minor conditional use and go through the
11 Board of Architects.

12 MR. KORGE: Well, this says right here --

13 MR. AIZENSTAT: Board of Architects or
14 Board of Adjustments?

15 MR. SIEMON: Board of Architects.

16 MR. KORGE: This section --

17 MR. RIEL: We're discussing Board of
18 Architects, because obviously it's hard to satisfy
19 the variance criteria for a hardship.

20 MR. KORGE: This section limits it to the
21 development site.

22 MR. SIEMON: Right. We'd have to modify
23 that --

24 MR. KORGE: Right.

25 MR. SIEMON: -- if it were your pleasure to

1 do it otherwise. I think that -- I don't know, when
2 you were there, did Dennis recommend approval of
3 them?

4 MR. AIZENSTAT: I don't want to say yes,
5 because I'm not specific, but the Board of
6 Adjustments did give the approval. I think one of
7 the hardships was that they were not able to fit that
8 trailer within the construction, and because they had
9 to --

10 MR. RIEL: A good example is the Hines
11 property.

12 MR. AIZENSTAT: Right.

13 MR. RIEL: When the Wachovia Bank needed to
14 move off that site, they moved to a temporary site on
15 Douglas, and they used a trailer, and it went to the
16 Board of Adjustment and Board of Architects, and they
17 utilized the site for about two years, and if you
18 notice, the trailer's not there anymore, because
19 obviously, Wachovia is now at the Hines building. So
20 they vacated that property. We had a restrictive
21 covenant on the property that required that to
22 remain -- you know, have the property remain with
23 grass and vegetation after the thing moved. So we
24 look for your direction in terms of what would be
25 appropriate.

1 CHAIRWOMAN MORENO: But that's not a land
2 development sales office. That's a relocation of a
3 bank.

4 MR. RIEL: But they utilized the same --

5 MR. AIZENSTAT: The same concept.

6 MR. RIEL: The same concept.

7 MR. MAYVILLE: The question is whether you
8 want trailers in the City or you want to be a nice
9 guy.

10 MR. KORGE: Well, I mean, it seems to me the
11 question is whether it requires a variance --

12 MR. AIZENSTAT: Correct.

13 MR. KORGE: -- and if it requires a
14 variance, if we're going to make it a variance item,
15 then it has to be a hardship. So, I mean, the
16 principle outlined here, that we're discussing, is
17 whether, as a general rule, the sales office must be
18 located on the development site, and the only
19 instance where it wouldn't be, would be if there's a
20 hardship, right? So --

21 MR. MAYVILLE: How can you argue that they
22 couldn't go into a commercial building and set up
23 their sales office?

24 CHAIRWOMAN MORENO: I don't think we should
25 allow trailers to be all over the City.

1 MR. KORGE: Well, I mean, that's the point.

2 Only if it's a hardship would it be allowed.

3 CHAIRWOMAN MORENO: Right, only if it's a
4 hardship, but not as of right.

5 MR. KORGE: And apparently it can be a
6 hardship, because the Board of Adjustments previously
7 has allowed it.

8 MR. MAYVILLE: That's a different issue. I
9 won't go there.

10 MR. AIZENSTAT: Right. They set up a
11 trailer, for example, for a year, eighteen months,
12 seven months, whatever amount of time they need, and
13 then once they're able to go back into the site or
14 their project, they will. They would rather be back
15 at their site to do their sales, but there is a
16 period of time where they are out of their site.

17 CHAIRWOMAN MORENO: Well, why can't they
18 rent space in a building, like they're doing on
19 Ponce?

20 MR. AIZENSTAT: I can't answer that
21 question. Space might not be available. It might be
22 more desirable for them to be with their signage and
23 exposure. There could be a numerous number of
24 reasons.

25 CHAIRWOMAN MORENO: I guess my concern is,

1 if we give it to them as of right, then everybody is
2 going to do it.

3 MR. AIZENSTAT: That's correct.

4 MR. MAYVILLE: As they have.

5 MR. AIZENSTAT: Yeah, that's correct.

6 That's why I'm asking --

7 MR. SIEMON: It would seem to me -- I mean,
8 I would encourage you to be cautious about
9 this, because --

10 MR. AIZENSTAT: That's correct.

11 MR. SIEMON: -- I can tell you, my clients
12 in the private sector, if you allow them to put the
13 sales trailer off the site, they will, because it
14 gives -- they're usually tight sites and they already
15 have mobility problems during the construction
16 process.

17 So, you know, I'm not sure, if the hardship
18 standard were really applied, that it wouldn't be the
19 right standard. If someone can't do it, can prove
20 they can't find a storefront or they can't rent one
21 that's reasonable, or they can't build it on site,
22 then grant them relief. If they can do it, then they
23 probably ought to, I would suggest.

24 MR. AIZENSTAT: So just let the Board of
25 Adjustments --

1 MR. SIEMON: As it is, yeah.

2 MR. AIZENSTAT: -- handle it on a case by
3 case.

4 CHAIRWOMAN MORENO: Okay. Are we ready to
5 move on this Section 21, I guess it is?

6 MR. TEIN: Can I just make one --

7 CHAIRWOMAN MORENO: Yes.

8 MR. TEIN: -- barely typographical change?
9 On the carnival section, I think we should use the
10 term religious institution, which is a defined term
11 under Article 8, rather than churches. Where it
12 says, "The City Manager may authorize churches and
13 schools" --

14 MR. KORGE: Yeah.

15 MR. TEIN: -- I think we meant to say, "may
16 authorize religious institutions and schools."

17 MR. KORGE: Yeah, I agree.

18 I also have one more question for -- on Page
19 5 of 7, Line 42, Subsection E, what does that mean?

20 MR. SIEMON: I'm sorry, could I have the --

21 MR. AIZENSTAT: Probably that they can't do
22 it weekend in and weekend out?

23 MR. KORGE: No, because --

24 MR. SIEMON: Is this garage sales?

25 MR. STEFFENS: No.

1 MR. AIZENSTAT: No, car wash.

2 MR. KORGE: No, fund raising car washes,
3 Page 5 of 7, Section 5-2106, Subsection E, on Line
4 42.

5 CHAIRWOMAN MORENO: You can't do it every
6 weekend. You can just do it one weekend.

7 MR. RIEL: Right.

8 MR. KORGE: Well, they're only allowed to do
9 six of them within any calendar year --

10 MR. RIEL: Right.

11 MR. KORGE: -- so that's already addressed.
12 I just don't understand what it means.

13 MR. SIEMON: They get two days, six times a
14 year.

15 MR. KORGE: So, if it's a three-day weekend,
16 they can only do it two days?

17 MR. RIEL: Two days, right.

18 MR. SIEMON: Right.

19 MR. AIZENSTAT: Can they come back the
20 following weekend and do it again, and then the
21 following weekend and do it again, and then the
22 following weekend and do it again, as long as it's
23 six consecutive?

24 MR. SIEMON: There's nothing in this that
25 prohibits them from doing that, but then they'd be

1 done for the year.

2 MR. KORGE: I just don't know what E means.
3 I mean, if it means that you can only do it two
4 consecutive days, then why don't they just say it can
5 only be done two consecutive days?

6 CHAIRWOMAN MORENO: Yeah, because C covers
7 if it's Saturdays, Sundays and holidays.

8 MR. KORGE: Right.

9 CHAIRWOMAN MORENO: And F says six a year,
10 so E is kind of superfluous.

11 MR. KORGE: Unless they, on a three-day --

12 MR. STEFFENS: No, because you could have a
13 three-day weekend.

14 MR. KORGE: A three-day weekend, they only
15 want it two of the three days. But then it should
16 just say only --

17 MR. STEFFENS: Two consecutive days.

18 MR. KORGE: -- two consecutive days.

19 MR. RIEL: Just put, a maximum of two
20 consecutive days shall be permitted for any car wash.

21 MR. KORGE: Yeah. I just didn't understand
22 what it meant.

23 MR. SIEMON: Okay, I understand.

24 MR. RIEL: A maximum.

25 MR. STEFFENS: And do you want to say a

1 minimum of alternating weekends, so they don't do it
2 six weekends in a row?

3 CHAIRWOMAN MORENO: You don't want to do
4 that, because if they're raising for a specific
5 function, they may need to do it several weekends in
6 a row.

7 MR. SIEMON: They may do it every
8 Saturday --

9 MR. STEFFENS: Okay.

10 MR. SIEMON: -- for a particular fund, three
11 weeks in a row.

12 MR. STEFFENS: I have something similar to
13 that in the garage sale section. The garage sale
14 section says no more than two per calendar year, and
15 they shall not be held within a 30-day period from
16 each other. You know, if somebody is moving out of
17 their house and they need to get rid of everything
18 and they have a garage sale, and the first weekend
19 everything doesn't sell, I don't think it's
20 necessarily a problem that they could have another
21 garage sale to get rid of everything. Do they have
22 to wait 30 days before they could move out of their
23 house?

24 MR. RIEL: There's a number after that
25 section, so I think there's obviously a reason why

1 that was changed. I don't know the answer.

2 CHAIRWOMAN MORENO: You don't want garage
3 sales all the time.

4 MR. STEFFENS: They can only have two.

5 CHAIRWOMAN MORENO: Temporary Uses, a
6 motion?

7 MR. KORGE: Yeah, I'll move to approve the
8 Temporary Uses, except for Section 5-2105, which will
9 be deleted and come back as a revocable license. I
10 didn't know if that will be subject to our approval.

11 MR. SIEMON: No, it won't be.

12 MR. KORGE: Okay. Except Section 5-2105.

13 CHAIRWOMAN MORENO: And subject to the
14 change in the --

15 MR. AIZENSTAT: The changes, correct.

16 MR. KORGE: The changes that we previously
17 discussed. In particular, the change was Subsection
18 E of Section 5-2106 will read the same as Subsection
19 H of Section 5-2104, and also, you'll renumber so
20 that they're consecutively numbered after deleting
21 Section 5-2105.

22 MR. AIZENSTAT: And also, under fund raising
23 car washes, that we find out why individual is there.

24 MR. KORGE: Oh, yeah.

25 CHAIRWOMAN MORENO: Okay.

1 MR. TEIN: You need to renumber --

2 MR. KORGE: And excuse me for interrupting.
3 If it was supposed to be industrial, then to insert
4 industrial.

5 CHAIRWOMAN MORENO: Okay, I need a second.

6 MR. AIZENSTAT: I'll second that.

7 CHAIRWOMAN MORENO: We have a new second.
8 Call the roll.

9 MS. MENENDEZ-DURAN: Michael Tein?

10 MR. TEIN: Yes.

11 MS. MENENDEZ-DURAN: Michael Steffens?

12 MR. STEFFENS: Yes.

13 MS. MENENDEZ-DURAN: Eibi Aizenstat?

14 MR. AIZENSTAT: Yes.

15 MS. MENENDEZ-DURAN: Tom Korge?

16 MR. KORGE: Yes.

17 MS. MENENDEZ-DURAN: Bill Mayville?

18 MR. MAYVILLE: Yes.

19 MS. MENENDEZ-DURAN: Cristina Moreno?

20 CHAIRWOMAN MORENO: Yes.

21 Now I do need a break.

22 MR. SIEMON: Okay.

23 CHAIRWOMAN MORENO: Let's make it really
24 five minutes.

25 MR. SIEMON: Okay.

1 (Thereupon, a recess was taken.)

2 CHAIRWOMAN MORENO: Are we ready, Mr.
3 Siemon?

4 MR. SIEMON: Yes.

5 CHAIRWOMAN MORENO: Underground Utilities.

6 MR. AIZENSTAT: I'm sorry?

7 MR. TEIN: Underground Utilities.

8 CHAIRWOMAN MORENO: Underground Utilities,
9 Division 2.

10 MR. SIEMON: This division, in the October
11 draft, represented a significant revision and
12 amplification of the existing Code on the basis of
13 this. We were provided by the City Attorney and the
14 City Manager an ordinance which was in effect in
15 another community in this area and asked that this
16 was what they wanted to implement, and the text you
17 see before you varies very modestly from what was in
18 the October draft, only edited. The substance,
19 though, was in the prior Code, and it does represent
20 a fairly significant change.

21 It represents a practice the City
22 administration wishes to implement with regard to
23 underground utilities in a mature community where
24 redevelopment is the primary activity, as opposed to
25 new development, and these provisions were added,

1 substantially in their entirety, to address that
2 issue.

3 MR. RIEL: And if you recall, that was part
4 of the significant amount of discussion when we
5 developed the MXD-3.

6 MR. KORGE: Yeah, I remember that, but where
7 did you get --

8 MR. RIEL: And I can tell you, the
9 Commission is pretty much -- Miami Beach, I believe.

10 MR. KORGE: You got it from Miami Beach?

11 MR. SIEMON: It was the Miami Beach
12 ordinance.

13 CHAIRWOMAN MORENO: Okay, but this says, in
14 B, 2, when a structure undergoes a rehabilitation
15 where the cost is more than 50 percent, it has to
16 be -- it has to go underground. But in a lot of our
17 residential areas, the electricity is -- I mean, you
18 can't just underground one house, can you?

19 MR. AIZENSTAT: Yes.

20 CHAIRWOMAN MORENO: You can?

21 MR. AIZENSTAT: You can actually go, from
22 experience, from the transformer --

23 CHAIRWOMAN MORENO: Uh-huh.

24 MR. AIZENSTAT: -- you can actually put your
25 utilities underground.

1 CHAIRWOMAN MORENO: Your own utilities?

2 MR. AIZENSTAT: Your own utilities that

3 service your house.

4 CHAIRWOMAN MORENO: Okay, but the main

5 line --

6 MR. STEFFENS: From the pole.

7 CHAIRWOMAN MORENO: From the pole.

8 MR. AIZENSTAT: From the pole.

9 MR. STEFFENS: From the pole to the house.

10 CHAIRWOMAN MORENO: Okay.

11 MR. AIZENSTAT: Exactly.

12 CHAIRWOMAN MORENO: All right.

13 MR. AIZENSTAT: That's the only part that

14 you can do.

15 CHAIRWOMAN MORENO: That's the answer I

16 want. And then little by little, I guess, we get the

17 whole City done.

18 MR. AIZENSTAT: As people do it.

19 MR. KORGE: From the pole to the house.

20 MR. SIEMON: Yeah.

21 MR. STEFFENS: From the pole to the house.

22 MR. KORGE: That doesn't get rid of the

23 pole.

24 MR. SIEMON: Right.

25 MR. STEFFENS: No.

1 MR. AIZENSTAT: That's going to be, I guess,
2 a different issue that we tackle with Florida Power &
3 Light and --

4 MR. SIEMON: That's a whole different or
5 difficult --

6 MR. AIZENSTAT: A whole difficult issue.

7 MR. SIEMON: -- challenge.

8 MR. STEFFENS: And if they did it, it would
9 probably happen in the front of the house.

10 MR. SIEMON: There is -- I think there's an
11 explicit --

12 MR. AIZENSTAT: Would you consider cable as
13 a utility, also, I assume, correct? In other words,
14 when you bury, you would bury phone --

15 MR. SIEMON: All cables.

16 MR. AIZENSTAT: -- and all utilities, not
17 just electrical and so forth, and let them have --

18 CHAIRWOMAN MORENO: I'm thinking, my cable
19 is already underground.

20 MR. AIZENSTAT: Right, but I have seen some
21 instances where people have actually put their
22 electrical underground, and for some reason, down the
23 road, the cable company will come and say, you know,
24 "We can't feed it through those tubes," or something,
25 and they'll just stick a wire back up. How do you

1 handle that?

2 MR. STEFFENS: You could require that when
3 they underground their utilities -- and we're talking
4 residential now --

5 MR. AIZENSTAT: Yes.

6 MR. STEFFENS: When they underground their
7 utilities, they provide an empty conduit or two, if
8 they don't have cable or if they don't have --

9 MR. SIEMON: Utility lines are defined
10 without regard to whether the cables -- whether they
11 are for television, electrical, whatever. It's the
12 cable that is the subject matter of the utility.

13 MR. STEFFENS: Yeah, but I think Eibi has a
14 point, because somebody might not have cable, and
15 they renovate their house and they put the services
16 underground, and they put the electric and the phone,
17 but they don't put the cable, and they come back
18 later, they get cable service, and they string a wire
19 up.

20 MR. SIEMON: That would not be permitted
21 under this Code. It would be a violation.

22 MR. AIZENSTAT: Or what has happened in the
23 past has also been --

24 CHAIRWOMAN MORENO: What makes it a
25 violation?

1 MR. KORGE: Yeah, I was going to ask.

2 MR. SIEMON: It's a utility, which --

3 MR. KORGE: Yeah, but --

4 CHAIRWOMAN MORENO: Right, but what he's
5 saying is, when you do your new construction, you put
6 it under -- you put your existing utilities
7 underground.

8 MR. KORGE: Three years later, you come back
9 with a cable.

10 MR. SIEMON: If you do anything that's
11 new -- Just because you have an old home doesn't mean
12 when you do something --

13 MR. AIZENSTAT: If you don't renovate your
14 home, she's saying. Let's say you renovate your
15 home --

16 MR. KORGE: You build a new home --

17 MR. SIEMON: If it's --

18 MR. KORGE: -- and three years later --

19 MR. SIEMON: You have an existing home. You
20 don't have to take an existing cable and place the
21 cable underground unless you go to 50 percent.

22 If you build a new home, you don't have an
23 existing cable up there, and if you install an
24 existing cable, this Code requires that it be
25 underground.

1 CHAIRWOMAN MORENO: What if --

2 MR. KORGE: Four years later --

3 MR. AIZENSTAT: Three years later, or four
4 years --

5 MR. SIEMON: It doesn't matter, whenever you
6 do it. The only time you can have above-ground
7 utilities is when it's grandfathered in, and it's
8 subject to that period of time. When you install a
9 utility, it's got to be underground.

10 MR. AIZENSTAT: And then sometimes a utility
11 company, such as a cable company, will not want to
12 run the wire through the conduit anymore, because
13 they'll tell you they can't. They'll want to run it
14 above ground. So they will not be able to do that?

15 MR. SIEMON: It would be a violation of this
16 Code.

17 MR. RIEL: Satellite dish.

18 MR. KORGE: I'm sorry, then I didn't read it
19 very carefully. Where does it say that if you
20 install cable today, you have to install it
21 underground?

22 MR. SIEMON: It says utilities must be
23 underground. There's an exception to that --

24 CHAIRWOMAN MORENO: It just says this
25 section shall only apply to those two new uses.

1 MR. KORGE: No, it says all utilities --

2 Paragraph B, all utility lines --

3 MR. SIEMON: Except as expressly provided

4 otherwise --

5 MR. KORGE: Shall be installed underground.

6 MR. SIEMON: All utility lines.

7 CHAIRWOMAN MORENO: But then the last

8 sentence is, "This section shall be applicable to the

9 following uses."

10 MR. SIEMON: Right. New construction. If

11 you don't have an existing utility and you install an

12 existing utility, it must be put underground. The

13 only time it's not underground is when it's

14 previously existing, and you may maintain it until

15 you redevelop it to the extent of 50 percent. If

16 you --

17 CHAIRWOMAN MORENO: Okay, to me, new

18 construction meant building a new house --

19 MR. KORGE: Right.

20 CHAIRWOMAN MORENO: -- not putting in cable

21 that I didn't have before.

22 MR. KORGE: Right.

23 MR. STEFFENS: So installing cable is

24 construction?

25 CHAIRWOMAN MORENO: Is new construction.

1 MR. KORGE: Shouldn't it just read -- That
2 sentence should read something to the effect of,
3 "This section shall not apply to any existing
4 construction unless the structure undergoes a
5 rehabilitation wherein the cost is 50 percent or more
6 of the replacement value," et cetera.

7 CHAIRWOMAN MORENO: I mean, the idea is that
8 if you bring cable into your 1925 house, like I did,
9 it has to go underground. That's the idea.

10 MR. STEFFENS: Or what if you have a 1999
11 house with everything else underground, and then you
12 want to put cable in?

13 CHAIRWOMAN MORENO: Yeah. Whatever you do
14 from now on, you've got to underground it.

15 MR. AIZENSTAT: That's not what I'm
16 interpreting, though.

17 CHAIRWOMAN MORENO: That's not what I'm
18 interpreting, either.

19 MR. KORGE: Yeah, it's just unclear.

20 CHAIRWOMAN MORENO: I don't think it says
21 that now.

22 MR. STEFFENS: I think you need to change
23 Item 1 to be more clear, Line 23.

24 CHAIRWOMAN MORENO: All new installation.

25 MR. STEFFENS: All new construction and

1 utility installations.

2 MR. SIEMON: All new utility service
3 facilities shall be installed underground -- be
4 installed underground, except for rehabilitation of
5 structures of less than 50 percent.

6 CHAIRWOMAN MORENO: Okay.

7 MR. SIEMON: The -- I think the draftsmen
8 thought that they had achieved that with the prior
9 language, but we'll clarify that.

10 CHAIRWOMAN MORENO: Okay. Are we ready to
11 move on this one?

12 MR. KORGE: Yeah, but I just have one more
13 question, real quick.

14 CHAIRWOMAN MORENO: Yeah. Ask lots of
15 questions.

16 MR. KORGE: The MX district, when we install
17 the utilities underground, are we getting rid of the
18 poles, as well? I know that's not part of this
19 discussion here.

20 MR. RIEL: Yes.

21 MR. KORGE: That's correct?

22 MR. RIEL: Yes.

23 MR. KORGE: And that's set forth in the MX
24 provisions?

25 MR. RIEL: Yes.

1 MR. KORGE: We don't go to here, to get it?

2 MR. RIEL: Correct.

3 CHAIRWOMAN MORENO: Okay. Do I have a
4 motion?

5 MR. STEFFENS: Move to approve, with the
6 clarifications at Line 23.

7 MR. AIZENSTAT: With clarification as
8 stated.

9 CHAIRWOMAN MORENO: Is that a second from
10 you, Eibi?

11 MR. AIZENSTAT: Yes.

12 CHAIRWOMAN MORENO: Okay.
13 Call the roll, please.

14 MR. CANNONE: Mr. Eibi Aizenstat?

15 MR. AIZENSTAT: Yes.

16 MR. CANNONE: Mr. Tom Korge?

17 MR. KORGE: Yes.

18 MR. CANNONE: Mr. Bill Mayville?

19 MR. MAYVILLE: Yes.

20 MR. CANNONE: Mr. Michael Tein?

21 MR. TEIN: Yes.

22 MR. CANNONE: Mr. Michael Steffens?

23 MR. STEFFENS: Yes.

24 MR. CANNONE: Ms. Cristina Moreno?

25 CHAIRWOMAN MORENO: Yes.

1 MR. STEFFENS: Boy, your voice has gotten
2 deep.

3 MR. RIEL: We have a new secretary.

4 CHAIRWOMAN MORENO: Okay.

5 MR. SIEMON: Article 5, Division 23, is a --
6 is different from the old green Code, but it reflects
7 changes that were made after the codification -- the
8 last codification of the green book that were adopted
9 in Ordinance 3518, and you all just went through this
10 section, basically, and this just codifies what you
11 recently adopted, within the last eighteen months, or
12 twelve or thirteen months.

13 CHAIRWOMAN MORENO: I remember all of that.

14 MR. RIEL: You remember that?

15 MR. SIEMON: And we didn't touch it.

16 MR. STEFFENS: We adopted --

17 MR. SIEMON: The City Commission adopted it.

18 MR. STEFFENS: City Commission adopted
19 declaration of restrictive covenant in lieu thereof,
20 just generally, not specifically for one site, as we
21 had previously approved?

22 CHAIRWOMAN MORENO: No. It is -- These
23 applied to wherever the -- Wherever a project is
24 required to have a restrictive covenant in lieu, then
25 these are the standards for that restrictive

1 covenant, but you impose the requirement on a
2 case-by-case basis.

3 MR. KORGE: This is the existing law.

4 MR. STEFFENS: But we didn't have
5 declaration in lieu of restrictive covenant
6 previously, did we?

7 CHAIRWOMAN MORENO: We had a whole
8 discussion and we went through and we created a --

9 MR. STEFFENS: We created this for Starwood.

10 MR. RIEL: We created this within the
11 last -- whenever we did the --

12 MR. STEFFENS: And it was created for the
13 Starwood property.

14 MR. RIEL: Yes.

15 MR. KORGE: But this is existing law.

16 MR. RIEL: Right.

17 MR. KORGE: This is not new.

18 MR. STEFFENS: No. It was existing law
19 outside of Coral Gables prior to that.

20 MR. KORGE: But it's existing law today.

21 CHAIRWOMAN MORENO: Yeah, but when we
22 adopted it for Starwood, we adopted the whole -- not
23 just for Starwood, as a conceptual basis of how we
24 would do restrictive covenants.

25 MR. STEFFENS: Oh. Well, then, let me ask,

1 if the problems of Starwood are addressed in this,
2 the problems that I had with the restrictive covenant
3 instead of unity of title is that they took the
4 development rights from the property without
5 developing the property. The property that they used
6 to join together with theirs, they did not develop
7 that adjacent property, which is the David's Bridal/
8 House of India property. They just took the excess
9 development rights --

10 MR. RIEL: Correct.

11 MR. STEFFENS: -- and loaded it onto their
12 site.

13 MR. AIZENSTAT: A transfer --

14 MR. RIEL: We created a downtown overlay
15 district that allowed that.

16 MR. STEFFENS: No, they didn't do a transfer
17 of development rights, because it was within the
18 declaration of restrictive covenant. They could
19 develop --

20 MR. KORGE: It's one property.

21 MR. STEFFENS: It's one property,
22 theoretically.

23 MR. KORGE: Right.

24 CHAIRWOMAN MORENO: Right. A declaration of
25 restrictive covenant you use when you have different

1 owners so you can't do a unity of title.

2 MR. STEFFENS: Right, but what happens is
3 what happened there. They didn't develop that
4 property. So now that property has no more
5 development rights --

6 CHAIRWOMAN MORENO: Yes.

7 MR. STEFFENS: -- than what exist --

8 CHAIRWOMAN MORENO: Right.

9 MR. STEFFENS: -- which is probably not what
10 we want to happen on there. You know, if we're
11 talking about Miracle Mile being a three or
12 four-story corridor, in ultimate development, with
13 bigger development behind it, that property will
14 always be a one-story property, and that property
15 combined with the property adjacent to it, the
16 Denny's site, is a very prominent site in the City,
17 which probably deserves a three or four-story
18 building, as an entranceway to the City and providing
19 a Gateway into Miracle Mile, et cetera, et cetera,
20 but it can't happen, because the development rights
21 have been pulled away from the property.

22 CHAIRWOMAN MORENO: Yeah, but you could
23 theoretically transfer from Denny's onto that site
24 and bring that one up, bring both of them up
25 together.

1 MR. STEFFENS: But it won't work.

2 CHAIRWOMAN MORENO: Why?

3 MR. KORGE: You'd have to unify with the
4 Starwood property.

5 MR. RIEL: You'd have to change the unity of
6 title.

7 MR. STEFFENS: Yeah, but then you're
8 spreading the development rights over a small piece
9 of property. The other problem is that you then
10 bulked up the Starwood property to a mass that it
11 probably shouldn't have been, because you're taking
12 development rights away from this other piece. So
13 you're not equally spreading your bulk and mass.
14 You're sort of densifying it and building bulkier
15 buildings and leaving other properties that --

16 MR. KORGE: Are you opposed to unifying
17 properties like that?

18 MR. STEFFENS: No, I'm not opposed to
19 unifying properties. I think the properties should
20 be unified the way they used to be, as a unity of
21 title. Then people say, "Okay, I have all this
22 property, I need to use it, I'm going to develop on
23 this piece of property." They don't leave a little
24 piece hanging out as some kind of tail that's wagging
25 a dog.

1 MR. KORGE: But if it was -- if those
2 properties were combined in a unity of title,
3 wouldn't they still be able to develop exactly the
4 same?

5 CHAIRWOMAN MORENO: Yes.

6 MR. STEFFENS: They could have, but they
7 probably wouldn't have.

8 MR. KORGE: Why wouldn't they have?

9 CHAIRWOMAN MORENO: Of course, they could
10 have. Of course, they could have.

11 MR. STEFFENS: No, they could have, but if
12 they owned the David's Bridals property, it would
13 have made for a more efficient project. It would
14 have made for a much more efficient building. It
15 would have been better for them to actually take that
16 property and spread their building out more. It
17 would have been a better building in all ways.

18 MR. KORGE: I see. They don't own that
19 adjacent property?

20 MR. RIEL: No, they don't.

21 MR. STEFFENS: They have it by -- they have
22 it by restrictive covenant, and what they did was
23 take the additional 2.5 FAR from that property,
24 because that building covers the site so it's 1 FAR,
25 and load it into the Starwood building, bulking up

1 the Starwood building, instead of --

2 MR. KORGE: But they don't -- but they
3 don't own the bridal shop.

4 MR. RIEL: Let me just interject, that was
5 not done via the restrictive covenant. That was done
6 via the downtown overlay provisions that allowed that
7 practice to occur. So your comment would probably be
8 more appropriate when we talk about the downtown
9 overlay, because that was -- the restrictive covenant
10 was just a legal tool. The downtown overlay was the
11 development review process to allow it to happen.

12 MR. STEFFENS: Yeah, but the restrictive
13 covenant will allow somebody to come in and assemble
14 or make an agreement with several property owners
15 adjacent to their property --

16 MR. RIEL: In the downtown area, yes. With
17 the downtown overlay, yes.

18 MR. STEFFENS: Several properties owners,
19 they could have little, crummy buildings. He'll
20 build his big building and leave those buildings to
21 be what they are.

22 CHAIRWOMAN MORENO: Well, we let -- we let
23 Starwood. I mean, Starwood was before us and we
24 approved it, and Felix gave a whole speech about how
25 this -- why this was such a good project. I mean, I

1 remember this.

2 MR. SIEMON: I think the problem you're
3 describing -- I mean, I don't know anything about the
4 particular project, but the problem you're describing
5 is not the problem of the declaration of
6 restrictions. It's the approval that --

7 CHAIRWOMAN MORENO: Of the project.

8 MR. SIEMON: -- that was granted in the
9 first place.

10 MR. STEFFENS: Well, Starwood pointed --
11 they pointed at that property and said, "Well, no,
12 this guy still owns it and he wants to keep his
13 bridal shop there," and you said, "Well, okay, he
14 does still own it and he can still do with his
15 property what he wants."

16 MR. SIEMON: But it was letting him transfer
17 the rights away from, that's the problem.

18 MR. RIEL: There's no provision in the Code
19 to allow him to do that, and that's why we created
20 the downtown overlay provisions, to allow that.

21 MR. KORGE: Right, but --

22 MR. RIEL: If you removed the downtown
23 overlay provisions, you would not be able to have
24 Starwood, so --

25 MR. KORGE: Yeah, but if you remove the

1 declaration of restrictive covenants and unity of
2 title, then, in order to do that, you're going to
3 have to acquire the property.

4 CHAIRWOMAN MORENO: No, you could -- what
5 you can do is what was being done before, which was,
6 they would sell the property to Starwood, they would
7 condominiumize the whole thing, and then they would
8 sell --

9 MR. SIEMON: Sell it back.

10 CHAIRWOMAN MORENO: -- that piece as a unit
11 of the condominium. This --

12 MR. KORGE: Ah.

13 CHAIRWOMAN MORENO: This way, it's a much
14 more practical way to do it. But that's what they
15 were doing. They were condominiumizing it. There
16 were several projects that were done that way. Liz
17 suggested to update our Code, to bring it in line --

18 MR. KORGE: I stand corrected.

19 CHAIRWOMAN MORENO: -- with what everybody
20 else was doing.

21 MR. KORGE: I stand corrected. This is
22 just -- this is just a mechanical feature.

23 MR. RIEL: Mechanical.

24 MR. KORGE: It doesn't -- so it should stay
25 in here.

1 CHAIRWOMAN MORENO: It doesn't grant the
2 approvals.

3 MR. KORGE: Yeah.

4 MR. RIEL: Right.

5 MR. STEFFENS: So nothing in here would
6 prevent or cause that problem from happening. This
7 is just a -- so we need to address that in some other
8 carrier.

9 MR. RIEL: When the downtown overlay is
10 discussed, which -- I don't know what article it is,
11 but it's probably at the end, my assumption. Or, no,
12 when we talk about zoning districts.

13 MR. SIEMON: The long and short of this
14 ordinance is that it's our understanding this was
15 given considerable consideration and was adopted, and
16 we've simply codified it.

17 MR. KORGE: This is existing law. I'll move
18 to approve.

19 MR. SIEMON: But I just want to hasten -- if
20 you go back and look at that green book, it's never
21 been codified into that book.

22 CHAIRWOMAN MORENO: No, it was --

23 MR. KORGE: It doesn't matter, as long as --

24 MR. SIEMON: Yeah.

25 MR. KORGE: -- you know, it's existing law.

1 I don't care where it shows it.

2 MR. SIEMON: Right.

3 CHAIRWOMAN MORENO: Okay.

4 MR. KORGE: Move to approve.

5 CHAIRWOMAN MORENO: Second?

6 MR. TEIN: Second.

7 CHAIRWOMAN MORENO: Okay, call the roll.

8 MR. CANNONE: Tom Korge?

9 MR. KORGE: Yes.

10 MR. CANNONE: Bill Mayville?

11 MR. MAYVILLE: Yes.

12 MR. CANNONE: Michael Tein?

13 MR. TEIN: Yes.

14 MR. CANNONE: Michael Steffens?

15 MR. STEFFENS: Yes.

16 MR. CANNONE: Eibi Aizenstat?

17 MR. AIZENSTAT: Yes.

18 MR. CANNONE: Cristina Moreno?

19 CHAIRWOMAN MORENO: Yes.

20 Walls and fences.

21 MR. SIEMON: The provisions of the wall and

22 fences are -- Originally, there were modifications to

23 the existing Code in return -- in regard to

24 cross-references and duplicative statements about who

25 would review the various approvals, which were

1 consolidated and put in Article 3.

2 Subsequent to this version, there has been
3 an additional substantive modification, which appears
4 on the underlining on Page 2 of 3, in regard to --
5 Line 21, coral or masonry walls, and then the text
6 that's at Line 26 through 28, and in regard to the
7 extension. And did those come from Dennis?

8 MR. RIEL: My assumption, they came from
9 Dennis.

10 MR. SIEMON: Yeah, I believe these came from
11 Dennis, as a gap in our regulatory scheme.

12 MR. RIEL: Right.

13 CHAIRWOMAN MORENO: Okay, in Section 5-2402,
14 B, it allows wire fences in any residential or
15 special use district. We don't allow wire fences in
16 the front of the property, right?

17 MR. STEFFENS: No, look at d.

18 CHAIRWOMAN MORENO: Yeah, but those are
19 all not -- those are not all subsequent requirements.
20 See, these are separate requirements. It seems to
21 me that --

22 MR. KORGE: Yeah, that's my recollection.
23 They couldn't be visible from the street.

24 CHAIRWOMAN MORENO: Right.

25 MR. KORGE: But that doesn't say --

1 CHAIRWOMAN MORENO: That doesn't say that.

2 MR. STEFFENS: No, you can have them
3 starting at the back line of your house, back. And
4 they aren't required to have a screening wall or
5 anything.

6 MR. KORGE: Even though they're -- even
7 though you can -- they're visible from the street?

8 MR. STEFFENS: Theoretically visible from
9 the street. If you want to bring them closer than
10 the back line of your house, you need to provide a
11 screening wall, and then from the wall, you can have
12 them behind that.

13 CHAIRWOMAN MORENO: Where does it say that,
14 though? I don't see that anywhere here.

15 MR. AIZENSTAT: Would that be a different
16 section?

17 MR. STEFFENS: Here, e, "Along the side
18 property line to the rear corner of the building
19 closest to the side lot line." Item e.

20 CHAIRWOMAN MORENO: Yeah, but that's --

21 MR. KORGE: 1, a says it.

22 CHAIRWOMAN MORENO: 1, a, "Any residential
23 or special use district."

24 MR. AIZENSTAT: You should probably have
25 clarification on this.

1 MR. KORGE: Is this what the language said
2 in the ordinance, currently?

3 MR. SIEMON: (Nods head).

4 MR. AIZENSTAT: I move that we table this,
5 actually, because it's not very clear at all.

6 MR. KORGE: Yeah. I mean, it really is
7 confusing.

8 MR. AIZENSTAT: One other thing that I would
9 like to also look at. In the areas where you do
10 allow wood fencing, that the good side be to the
11 neighbor, at the very least, which I don't see that
12 here, either, or just define what type of wood
13 fence.

14 MR. MAYVILLE: I'm just curious, on D, why
15 there was D in here.

16 MR. STEFFENS: D? Because they have the
17 historic Colonial Village on Santa Maria, that
18 historically have had wood fencing.

19 Also, in C, I believe there was something
20 added to the Code --

21 CHAIRWOMAN MORENO: Uh-huh.

22 MR. STEFFENS: -- about masonry pilasters in
23 conjunction with aluminum or iron fences, that you
24 need to have a masonry pilaster at least at the
25 corners and driveways and then every so often.

1 CHAIRWOMAN MORENO: Yeah. I don't think
2 that this --

3 MR. AIZENSTAT: I don't think we're ready
4 for it.

5 CHAIRWOMAN MORENO: Yeah. Okay, so we'll
6 table that one.

7 Violations, enforcements and penalties,
8 we're not doing today, right?

9 MR. SIEMON: Let me just -- no, we were
10 scheduled to do that today.

11 CHAIRWOMAN MORENO: Oh, I thought -- Tom,
12 you led me astray.

13 MR. RIEL: No definitions, Number 8.

14 MR. SIEMON: It's 8 we're not going to do.

15 CHAIRWOMAN MORENO: Oh.

16 MR. SIEMON: 7 is -- Article 7, the
17 provisions of this Code, of this chapter, are
18 primarily -- involve two things. One, there are
19 violation enforcement provisions in various parts of
20 the Code related to various Code provisions. They've
21 all been brought together. The language has been
22 harmonized.

23 The second thing that was done was that
24 the -- there was some additional language that was
25 added with regard to the Building Official's right to

1 issue stop-work orders and enforce stop-work orders
2 when there was construction proceeding in violation
3 of the Code, which although that had been a practice,
4 was not clearly authorized in the existing Code.

5 Other than that, I would represent to you
6 that that document was primarily a process of
7 compilation and editing, and that the only real
8 substantive change into that Code was the provision
9 with regard to the ability to issue stop -- and
10 enforce stop-work orders, which I guess was contested
11 in a court proceeding, because that recommendation
12 came from the City Attorney.

13 MR. RIEL: Right. The City Attorney and the
14 Building & Zoning Department did get together outside
15 of the other meetings and draft this new language,
16 based upon, obviously, the City Attorney's experience
17 in litigation recently.

18 MR. SIEMON: If you look on Page --
19 unfortunately, there's no line numbering on this
20 section, I apologize, but Page 2 of 6, on the top of
21 the page, you'll see some underscoring. We -- and
22 the Code creates a Development Review Official, who
23 is the authority for issuing all final approvals, to
24 ensure that we have consistency, and this provision,
25 which we just modified in its original provision, was

1 found objectionable by Dennis, and he asked that it
2 be deleted, and so we have, in this draft, complied
3 with that. If he doesn't want to talk to the
4 Development Review Official, there's no reason to put
5 something in that he's not going to do, so -- it's
6 not worth fighting over, was basically our --

7 The other changes you'll see are, instead of
8 using the LDRs, it's -- the word regulations has been
9 substituted, because the Code Enforcement Board's
10 authority extends beyond, in some other codes that
11 are outside, so we clarified that. But those are the
12 only changes to this Code, to this provision of the
13 article.

14 MR. KORGE: The provision that you deleted,
15 Paragraph B, there's a choice of which body will hear
16 the allegations of violations? Is that something
17 that's optional? I mean, you get to pick and choose
18 which body hears it, or is it set forth in the Code
19 which body would hear the violation?

20 MR. SIEMON: Well, there are a number of
21 ways. There is a Code Enforcement Board. There is
22 also a Board of Adjustment. And the suggestion was
23 that it would be appropriate to talk to the
24 Development Review Official, to examine whether going
25 the zoning -- the variance route would be an

1 appropriate route under the Code and whether it ran a
2 risk of setting an adverse precedent, so that if the
3 variance is granted repeatedly, you can never turn
4 one down.

5 MR. KORGE: So does it end up -- if there's
6 a violation, does it end up going to the Code
7 Enforcement Board?

8 MR. SIEMON: Well, it may. The Code
9 Enforcement officer has some discretion, and he can
10 require -- he can suggest that you file for a
11 variance to solve the problem.

12 MR. KORGE: Then he wouldn't issue a
13 citation?

14 MR. SIEMON: He might issue a warning, but
15 he wouldn't actually formally cite --

16 MR. KORGE: I guess what I'm trying to ask
17 is -- not very well, obviously, is if the citation is
18 issued, then it goes to a particular body, the Code
19 Enforcement Board?

20 MR. SIEMON: It then goes to the Code
21 Enforcement Board.

22 MR. KORGE: Right.

23 MR. SIEMON: So when it goes to the Code
24 Enforcement Board is subject to the enforcement
25 officer's discretion, and --

1 MR. KORGE: Why? I mean, if he -- if he
2 cites a violation of the Code, is there, like -- I
3 guess I'm confused. I mean, you get violations, like
4 you didn't clean your roof, you know, it's got mold
5 all over it, you've got to clean it. You know, the
6 white roof is now brown, please clean it, and they
7 give you a certain period --

8 MR. RIEL: Right.

9 MR. KORGE: -- to comply, and if you don't
10 comply, then you get a violation? Is that how it
11 works? Or should I just not even ask?

12 MR. RIEL: No, once you get a violation, you
13 have a certain time to comply. Then, if you don't,
14 then you go to the Code Enforcement Board, is the way
15 I understand it.

16 MR. KORGE: So -- But the time to comply --

17 MR. RIEL: You can be issued a warning or a
18 violation. It obviously depends on --

19 MR. KORGE: And the Code Enforcement
20 officer has some discretion in how much time to --

21 MR. RIEL: I think it's a fixed time frame,
22 depending on the type of violation.

23 MR. SIEMON: Once he issues the warning.

24 MR. RIEL: Yeah, it's not like, "I like you,
25 I'll give you 12 days," versus, "I'll give your

1 neighbor 10," you know, or something like that.

2 MR. KORGE: No, but the reason I ask is
3 because, in my office building, we were required by
4 the Fire Department to make some change, some -- you
5 know, change relating to the front door. I don't
6 remember what it was, but he said, you know, you need
7 it by this date, and the people we were going to have
8 come in and do it couldn't get it done by that date,
9 so he said, "Well, I'll give you a few more days, you
10 know, that's reasonable."

11 Is that what we're going to be dealing with
12 in the future, where --

13 MR. RIEL: That's Life Safety Code. That's
14 not --

15 MR. KORGE: Okay.

16 MR. SIEMON: This provision only dealt with
17 use, questions of use.

18 MR. KORGE: Okay.

19 MR. SIEMON: And what it said was, before
20 the Building Official decides how he's going to deal
21 with it, it would be prudent to talk to the Building
22 Review Official who represents the permitting
23 authority, and I can give you an example of where a
24 fateful decision was made in a recent Code
25 violation -- alleged Code violation proceeding, where

1 an official made an interpretation and it went to --
2 that resulted in it going to the Board of Adjustment,
3 picked a particular track to address the problem, and
4 it had some -- it was a very hotly debated subject,
5 and if there had been more communication about what
6 the definitions and how it fit in with regard to use,
7 the interpretation of use, it might have been
8 avoided, and so we recommended that before you go
9 down course A, you ought to talk to the other side of
10 the house, which is the development review side.

11 MR. KORGE: The other side of the house
12 doesn't want to talk?

13 MR. SIEMON: And the other side of the house
14 declined the opportunity. But that's the only
15 modification. That was an addition, and it's been
16 recommended to be deleted.

17 CHAIRWOMAN MORENO: Okay. Do we have a
18 motion?

19 MR. KORGE: I'll move to approve.

20 MR. STEFFENS: Second.

21 CHAIRWOMAN MORENO: Call the roll.

22 MR. CANNONE: Bill Mayville?

23 MR. MAYVILLE: Yes.

24 MR. CANNONE: Michael Tein?

25 MR. TEIN: Yes.

1 MR. CANNONE: Michael Steffens?

2 MR. STEFFENS: Yes.

3 MR. CANNONE: Eibi Aizenstat?

4 MR. AIZENSTAT: Yes.

5 MR. CANNONE: Tom Korge?

6 MR. KORGE: Yes.

7 MR. CANNONE: Cristina Moreno?

8 CHAIRWOMAN MORENO: Yes.

9 MR. SIEMON: The last item that was on the
10 agenda today is Article 8. As I previously
11 suggested, Article 8 really, even though it was on
12 the list to discuss tonight, is a work in progress.
13 As we work through each of the substantive chapters,
14 we're working through modifying definitions,
15 identifying definitions.

16 We did want to ask you that if you could
17 take the time -- many of you all have sat on the
18 Board of Adjustment or other bodies at another
19 time -- and go through these definitions, we would
20 like to leave as few opportunities for future
21 arbitration as possible, and so we would really
22 appreciate it if you have -- if you go through them
23 and you see things that you think can be improved,
24 based on your experience or your professional
25 background or your best judgment, please let us know.

1 We'd like not to spend a whole lot of time
2 discussing them in a collective forum, but we did
3 want to put them on your radar, because they're vital
4 to the ultimate success of the Code. But ultimately,
5 this will be the last thing you actually will
6 recommend.

7 So, and that would -- if you accept my
8 suggestion that no action is required, and unless
9 someone has a burning desire to discuss any
10 particular definitions, that would be the end of our
11 presentation.

12 CHAIRWOMAN MORENO: Eric, on one of the
13 sections we approved, I notice we had a comment from
14 the public, on the Trussed Rafters. Was that
15 discussed with Dennis?

16 MR. RIEL: Yes.

17 CHAIRWOMAN MORENO: Okay. Thanks. Then the
18 meeting is adjourned.

19 MR. AIZENSTAT: Thank you.

20 MR. SIEMON: Thank you.

21 (Thereupon, the meeting was adjourned at
22 9:53 p.m.)

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CERTIFICATE

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STATE OF FLORIDA:

SS.

COUNTY OF MIAMI-DADE:

I, JOAN L. BAILEY, Registered Diplomate Reporter, and a Notary Public for the State of Florida at Large, do hereby certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

DATED this 2nd day of March, 2004.

JOAN L. BAILEY, RDR

