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THE CITY OF CORAL GABLES
CITY COMMISSION MEETING
405 BILTMORE WAY
CORAL GABLES, FLORIDA 33134
THURSDAY, JULY 13, 2006, 8:00 A.M.

IN RE:)
)
Zoning Code REWRITE)
)
_____)

CITY COMMISSION:

MAYOR DONALD D. SLESNICK, II
VICE-MAYOR MARIA ANDERSON
COMMISSIONER RAFAEL "RALPH" CABRERA, JR.
COMMISSIONER WAYNE "CHIP" WITHERS
COMMISSIONER WILLIAM H. KERDYK, JR.

FOR THE CITY:

DAVID L. BROWN, CITY MANAGER
ELIZABETH M. HERNANDEZ, CITY ATTORNEY
ERIC RIEL, PLANNING DIRECTOR
WALTER CARLSON, ASSISTANT PLANNING DIRECTOR
CHARLES SIEMON, SIEMON & LARSEN
MARGARET PASS, BUILDING & ZONING DIRECTOR

1 (Thereupon, the following proceedings were
2 held.)

3 MAYOR SLESNICK: Good morning, everyone.
4 This is our -- day three of three days of
5 meetings, and we're back, and, Eric, are you --
6 or David, okay.

7 MR. BROWN: Yes, Mr. Mayor, thanks.

8 You know, the City --

9 MAYOR SLESNICK: Let me just say that this
10 is a workshop session. It's a session that is
11 on the record. As you can see, there's a
12 record, but it's a session for us to work with
13 Staff on understanding what the new Zoning Code
14 proposal is all about.

15 This is not our public hearing. This is
16 not our decision making time. This is a time
17 for us to interact with Staff, because this is a
18 new matter that we have actually followed from
19 afar, as the citizens have, I mean, by reading
20 the paper or just by talking to Staff and by
21 being exposed to sessions for the Zoning Code.

22 This is our first official look at the
23 Zoning Code as it's been proposed to be
24 restructured and rewritten.

25 David.

1 MR. BROWN: Thank you, Mr. Mayor. You
2 know, the City's embarked on a path based on the
3 Commission policy and direction to improve the
4 City Beautiful. The City Commission requested
5 the City administration undertake this
6 assignment, with a vision to the future, but not
7 forgetting the past.

8 The Commission allowed the funding to
9 complete a Charrette. They provided specific
10 policy direction to be committed to securing
11 public input and requesting that we not forget
12 the planning studies of the past, and we've done
13 that.

14 The City Commission has identified four
15 major goals for this year: To apply private and
16 public best practices as a way of doing
17 business -- we talked about that yesterday --
18 ensure future infrastructure capacity for
19 community services and livability, to develop
20 programming that enhances our quality of life
21 and to maximize a safe downtown experience,
22 setting the standard for urban living.

23 The Zoning Code rewrite is an integral part
24 of accomplishing all of these goals. The Zoning
25 Code applies to how businesses are operating and

1 provides the necessary infrastructure to ensure
2 and maintain the high quality of life, and it
3 also provides the setting for the high standards
4 that this City desires and wants.

5 To accomplish these Commission policies,
6 City administrative has targeted five areas:
7 To -- review and update of the old charter.
8 We've completed that. We've -- the update of
9 the City code. We talked about that yesterday,
10 and that's completed.

11 Today, we should -- we roll out the Zoning
12 Code. That's under way. The update of the Comp
13 Plan is under way, and overall automation rolled
14 out on June 29th and will continue to roll out
15 for the rest of the year.

16 The City will continue its commitment to
17 this process after the rewrite is completed,
18 with the allocation of dollars to the CLUP or
19 the Comprehensive Land Use Plan rewrite, new
20 impact fee ordinance and the funding of a City
21 architect position, as required in the proposed
22 Zoning Code.

23 Staff is committed to this process, and it
24 has been extensive, and I can tell you that from
25 a personal standpoint.

1 Planning & Zoning Board's commitment has
2 also been extensive. This same presentation was
3 provided to the Board on June the 21. The Board
4 has labored extensively, reviewed The Code,
5 article by article, line by line. Mr. Riel will
6 provide an overview of the time and the
7 commitment in his presentation.

8 Same as the Planning & Zoning Board, line
9 by line, page by page, so has the City team.
10 The City team is in the audience, and it is in
11 support of this draft before you, the direction
12 and experience the City Commission provided this
13 Board, public input from property owners,
14 citizens, interested parties, stakeholders, and
15 the City team.

16 The City looks forward to your final
17 recommendation under this important document,
18 and Staff is dedicated to assist you, to allow
19 you to make an informed decision and
20 recommendation on this document.

21 On behalf of the City Commission and the
22 City administration, I want to thank you for
23 your time and commitment to this docket, and now
24 if I can just ask you, the presentation is going
25 to come in three sections, and if you could just

1 hold your comments or your questions until the
2 end of each section, we'll take them at that
3 time. We're scheduled to take two hours on this
4 presentation.

5 Mr. Mayor, thank you.

6 Mr. Riel.

7 MR. RIEL: Good morning, good evening or
8 good afternoon. We've been here a couple of
9 days in -- straight.

10 Let me just go ahead and just technically,
11 we do have copies of The Code back there, if
12 you'd like a copy of it. I also have additional
13 packets that we provided the Commission, and
14 as -- included in that packet is an executive
15 summary, on blue sheets of paper, providing an
16 overview of basically what the changes are to
17 date.

18 We have the minutes of the Planning &
19 Zoning Board where we did the same presentation,
20 a copy of my PowerPoint, a tracking chart, which
21 I'll go over in a little bit, the zoning --
22 proposed zoning maps are also included, the
23 legal ad, in terms of indicating that this
24 hearing is occurring. I also have a full
25 package, if anybody would want one, of those, as

1 well.

2 MAYOR SLESNICK: Eric, if this could be
3 moved about -- because this notebook has a
4 great, big flap down over the screen.

5 MR. RIEL: Right.

6 I have a brief PowerPoint. What we'd like
7 to do is, we've divided The Code up into three
8 sections. The first section has to do with
9 administrative.

10 Administrative Provisions deal with Article
11 1, 2, 3, 7 and 8.

12 The second section deals with the Zoning
13 Districts and Maps, which is Article 4 in the
14 zoning map, and then the third section is
15 Development Standards, which is Article 5 -- 5
16 and 6, and what we ask, if the Commission would
17 indulge us, is, let us go through each of the
18 sections and then we'll, you know, welcome your
19 comments and suggestions, after we finish each
20 section. That way we can move through this
21 quickly.

22 Let me just go ahead and go through a very
23 brief PowerPoint. I want to stress the fact
24 that this is a just a presentation. It's --
25 it's purely a presentation. As I indicated, we

1 did the same thing at the Planning & Zoning
2 Board.

3 The intent of the meetings is to provide a
4 complete picture of the rewrite process to date.

5 "Document prepared," was prepared to bring
6 together the City Commission, Planning & Zoning
7 Board, policy direction, City staff's
8 recommendation and the public hearing process.

9 The Board has reviewed The Code, article by
10 article, line by line. It's a work in progress
11 document. Will there be more changes? Yes.
12 Will there be more public input? Yes. Will
13 there be more City board input? Absolutely.
14 Will there be more City Staff input? Yes.
15 That's the function of the public hearing
16 process.

17 Planning & Zoning Board had the same
18 presentation on June 21st.

19 After all the input is received today,
20 well, our intention is to come to final public
21 hearings in August, September, and October.

22 Again, this presentation is divided into
23 three parts, Administrative, Zoning Districts,
24 and Development Standards.

25 In terms of public outreach, we e-mailed

1 about 200 people -- we have an interested party
2 list -- notifying them of this meeting. To date
3 we've received over 200 comments, pretty much
4 almost 200 pages -- 200 plus pages of comments.
5 All this information is on the web. The actual
6 code is on the web, and all the information that
7 you have today is on the web. As soon as
8 information is completed, we put it on the web,
9 basically within 24 hours. So I encourage
10 everybody to go to the City web page, if they
11 want to keep updated on -- in terms of the
12 process.

13 We also have a special e-mail,
14 rewritecomments@coralgables.com, where we can --
15 where people can submit comments, letters,
16 suggestions, photographs, et cetera.

17 In terms of the review process, if you'll
18 recall, back in February of 2004, we had a
19 workshop with the Commission down at the police
20 station, where we indicated -- where you
21 provided us some issues. You remember? We
22 utilized this in the drafting of The Code.

23 Also, what we did, in October, December of
24 2004, we created some charts, where we looked
25 for major policy direction from the Board and

1 the City Commission on various issues, and then
2 we had public and zoning -- Planning & Zoning
3 public hearings, workshops, obviously -- up to
4 today, from February 2005 to now. We also have
5 done City Commission updates every -- every
6 three months.

7 If I can have Javier bring that board over.

8 You also have a copy of this in your
9 packet. It's basically an orange board, that
10 shows -- the orange indicates those articles and
11 divisions that the Board has adopted and
12 recommended approval. The white indicates those
13 that they have not passed. For the most part --
14 actually, they have gone over The Code entirely.

15 Just for instance, they've talked about
16 parking at four separate occasions. They've
17 discussed various issues at more than one
18 meeting, and they're deferred those, but at this
19 point in time, they've seen the entire code, and
20 although as I indicate in the backup that they
21 did not review the landscape code, they actually
22 did give us some comments at the last meeting.

23 MAYOR SLESNICK: I'm sorry, I don't mean to
24 interrupt you, you've asked us not to, but I do
25 need clarification for us, as we're thinking

1 about this. The white is not accepted, but not
2 rejected, right?

3 MR. RIEL: No. It's -- most of them were
4 deferred.

5 THE MAYOR: Okay. Was there any piece
6 that's rejected from the Board?

7 MR. RIEL: No.

8 MAYOR SLESNICK: Okay.

9 MR. RIEL: No.

10 MAYOR SLESNICK: David, you said that the
11 Staff recommends The Code as being presented to
12 us today. Does that include the orange and the
13 white?

14 MR. RIEL: Yes. I mean, what happened is,
15 they were deferred, because they wanted to --

16 MR. BROWN: But Mr. Mayor --

17 MR. MAYOR: So the Staff has moved ahead of
18 the Board and the Staff recommends the entire
19 thing, including --

20 MR. BROWN: That's correct.

21 MAYOR SLESNICK: Okay. Okay.

22 MR. RIEL: And just kind of in summary --
23 if Javier can bring the other board -- we've had
24 30 public meetings and workshops to date with
25 the Planning & Zoning Board. There's 71

1 divisions. They've completed their review of 56
2 of them, about 80 percent. They've deferred
3 about 15 of those, but, again, they've seen
4 every section of The Code, and they basically
5 deferred, because they wanted more information,
6 and, also, I just want to also indicate that,
7 you know, it's been -- obviously, we had a
8 Charrette. Fifty-six recommendations came out
9 of that. About 25 of those recommendations
10 included conditions that when you needed to look
11 at the Zoning Code rewrite, they've also looked
12 at those, as well.

13 So I just wanted to make sure that
14 everybody understands, you know, the process to
15 date.

16 With that, Mr. Siemon and I are going to go
17 through the presentation, each of the articles,
18 and, again, if you could hold your questions to
19 the end, we'd appreciate that.

20 So with that, I'll turn it over to Charlie.
21 We're going to provide you with a basic summary
22 of each of the articles, and some of the major
23 changes from the existing code to the proposed
24 code.

25 With that, I'll turn it over to Charlie.

1 If we can have lights, please.

2 MR. SIEMON: Good morning, Mayor
3 Slesnick --

4 THE MAYOR: If you need to open that now,
5 because it's in the right position --

6 MR. SIEMON: I'll open it when I need it,
7 and, again, I hope that perhaps I'll be able to
8 answer any questions when we come to that part.

9 My name is Charles Siemon, Siemon & Larsen.

10 THE MAYOR: You're going to need to take
11 the mike or move it somehow closer to you, so
12 the people in the audience can hear.

13 MR. SIEMON: Okay?

14 MR. BROWN: If you just take it right out
15 and put it where the water is.

16 MR. SIEMON: Yeah, my name is Charles
17 Siemon, Siemon & Larsen, and we're proud to have
18 worked with the City over the last two years on
19 this project, and what I want to do is take you
20 through, article by article, and try to identify
21 what's the essence of those -- each of those
22 articles and the major points that we think you
23 need to focus on, as a matter of either,
24 understanding changes, and why there have been
25 changes, and policy issues that we think are --

1 require your specific attention as we go
2 through.

3 I want to start, however, by just giving --
4 reminding you of a brief -- give you a brief
5 reminder of what we sought to achieve here.

6 The first -- our first goal and our
7 obligation was to reorganize The Code in a way
8 to make it more user friendly, and a significant
9 component of the changes really involves, for
10 example, taking all the definitions that are
11 scattered all the way through The Code and
12 consolidating them in a single area called
13 Definitions.

14 We have reorganized The Code to take all
15 the Development Standards that apply and put
16 them in a separate article, and then present
17 them, for example, in alphabetical order, so
18 that if you want to know what regulations govern
19 walls and fences, you look in "W." If you're
20 interested in parking, you look at "P."

21 One of the problems we all have working
22 with your existing code is -- is a way of
23 finding it, where is that provision, and so
24 while it appears to be very different from what
25 you have now, in many, many ways it is simply

1 your existing code, pulled apart, reorganized,
2 and put in place.

3 Out of that came a series of
4 inconsistencies. They exist in The Code, but
5 they're not evident, because they are in a
6 different section, they're not encountered often
7 at the same time, and so when we put them --
8 reorganized them, all of a sudden we found
9 duplication or inconsistencies -- inconsistent
10 language.

11 So there were revisions made to harmonize
12 those provisions. In some cases, there were
13 some minor policy decisions, but in most cases,
14 in my judgment, the current draft simply
15 reflects historical practices of the City. Your
16 administration has done a wonderful job of
17 hamonizing those things on a case by case basis.
18 We've now adapted the rules to reflect what they
19 have actually practiced.

20 The third area is, there are a number of
21 policy implications that came from
22 recommendations that came out of the Charrette.
23 They came out of a question we asked, "Why do we
24 have 19 residential zoning districts that only
25 vary by the minimum required square footage for

1 the buildings," and that led to a reaffirmation
2 of the residential districts, that then
3 coincided with concerns that this Commission and
4 the Planning & Zoning Board have expressed about
5 the nature of some new development and
6 redevelopment in the neighborhoods and that's
7 left some changes.

8 So there are some substantive matters that
9 have come out, but our judgment is that about 75
10 percent of this, maybe 80 percent of this code,
11 is reorganization, reformatting, presentation,
12 unification of vocabulary, and -- and while it
13 may appear to be somewhat significant in its
14 change, I think if -- if you spend as much time
15 as we have with it, we continue to now find that
16 when someone asks a question, we're able to show
17 and explain that, in fact, it really reflects
18 traditional -- the past regulations are
19 corrected to reflect actual practice, and then
20 the balance does represent some new policy of
21 management.

22 Now, Article 1 is just the -- the typical
23 general provisions. I think most everything is
24 familiar to your authority.

25 The purpose, jurisdiction and treatment of

1 annexed lands, the relationship of this code to
2 a Comprehensive Plan, but what is, I think,
3 really important is that this code, to the
4 extent that it does involve both, changes in
5 substantive provisions, has a transitional
6 provision, 1-108, to govern the transition from
7 the old to the new. It's not a drop dead code
8 that says, "As of this date, when it's adopted,
9 everything changes."

10 There is a, we think, thoughtful course of
11 action to transition over from the old ordinance
12 to the new ordinance and to not leave current
13 applicants or current property owners or current
14 projects in an uncomfortable status.

15 There is also a prior zoning district.
16 Because we have consolidated districts, renamed
17 districts, there is a chart that says, "If
18 you're currently in the "D" use district, you
19 become Multi-Family Use District 1, which is --
20 it's not going to be a mystery as to what
21 happens to my property when this new ordinance
22 goes into effect.

23 That's really, I think -- the construction
24 rules, I think are -- are -- and separability
25 clauses are standard, have gone through a lot of

1 review with them during the process. That's
2 really what Article 1 does.

3 Article 2 is the Decision Making and
4 Administrative Bodies. I think we've told you
5 before that our recommendation, after looking at
6 this code, was -- the sort of first thing that
7 one thinks is really important to people in this
8 community, and, generally, who are not the
9 everyday users, our believe is that the ordinary
10 system says, a new person thinking about moving
11 to or investing in the community ought to be
12 able to look at The Code or have their counsel
13 look at The Code and figure out what are the
14 opportunities, what are the limitations and
15 restrictions, and one of the first things that
16 people ask is, how do I do things, who are the
17 players, who has authority, who do I go to,
18 what's the interrelationship, and so what we've
19 done is take all the provisions of your land
20 development regulations and bring them together
21 in Decision Making and Administrative Bodies,
22 and described, in a consistent format, who they
23 are, what their membership is, how they vote,
24 what their jurisdiction is, what their powers
25 and duties are, and so as I work through The

1 Code, as I see a development and review process
2 that requires me to go to the Planning & Zoning
3 Board and then to the City Commission, I can --
4 or the Architectural Review Board, I can go to
5 Article 2 and look at a section and understand,
6 on a body by body basis, who they are, what's
7 the forum, et cetera, and -- and we believe that
8 that will help to -- a couple of things have
9 happened in that.

10 One, we sort of unified, because many of
11 those provisions were adopted at individual
12 times, the Architectural Review Board was done
13 at one time, the Planning & Zoning Board's
14 responsibilities have been modified, there are
15 some inconsistencies between how they're
16 presented and whether there's the same
17 information in regard to quorum or matters like
18 that, and so one of the things that we have
19 done, as we went through this article, was to
20 bring some consistency to the information that's
21 provided for each of the decision making bodies,
22 and I think in the -- in the bargain, we've
23 reconciled some potential conflicts between
24 various jurisdictional responsibilities.

25 We've included the staff, because that's

1 really an entry point where people deal with.
2 We think it's important that they understand
3 that, whose are the responsibilities. It's also
4 important when ultimately Liz is defending a
5 lawsuit which claims that somebody said
6 something or another, their authority to speak
7 is clearly set out and what you can rely upon is
8 in The Code. So there can't be
9 misunderstandings. You talk to the building
10 official and they tell you "X," and it turns out
11 to be wrong, that that somehow binds the
12 governing body, and really I think that is the
13 sum and substance.

14 The only real change is, we have
15 recommended this -- I think you know, the
16 position of City architect be established within
17 the administrative capacity. We think it will
18 help to expedite some minor reviews that are
19 currently going to the Architectural Review
20 Board, who has an enormous burden, they meet
21 every day for an extended period of time, and we
22 think it will also bring some professional
23 design and support to the administration's
24 overall ability to work with citizens, to help
25 them get to appropriate solutions, but other

1 than that, I don't think there's any material
2 change, other than reorganization, reformatting,
3 unification and reconciliation of conflicts.

4 The third article is -- is, now that we
5 know who are the players, what's the process if
6 I want to do something, and in Article 3, we
7 have consolidated the Development Review
8 processes. Now, there is a substantive change
9 in this.

10 You have in the existing code a variety of
11 discretionary development review processes,
12 special exception, et cetera, et cetera, under
13 various labels. What we have recommended, and
14 what this code does, is consolidate them into a
15 single conditional use process, and the special
16 exception arose as a -- as a matter of law, back
17 in the Standard State Zoning Enabling Act. It
18 was at a time when regulations were relatively
19 rigid, they didn't address 80 percent of the
20 subject matters that are now part of this code.
21 The law has evolved. The neighboring
22 legislature has evolved and our experience is
23 that recognizing it as a conditional use, which
24 says, "You may obtain approval for this, but
25 it's subject to a discretionary review, subject

1 to specified standards, and the decision maker
2 has the authority to append conditions to that
3 approval, to ensure consistency with the City's
4 Comprehensive Plan and land development
5 regulation," and we think all those
6 discretionary approvals that you had under
7 various categories can fall neatly under a
8 unified set of rules for one discretionary
9 process, and -- and we originally proposed a
10 concept of a major conditional use and a minor
11 conditional use. As we work through the process
12 of consideration of the availability of the City
13 architect, we've ended up with an administrative
14 discretionary process, subject to certain
15 appeals, and one conditional use, and, then, of
16 course, classical comprehensive and zoning
17 changes.

18 In The Code, we've tried to do a number of
19 things to make it easier for people to use this
20 Article 3. We've tried to use charts, so that
21 you can use the chart, you don't have to wade
22 through the text, and at a -- at a significant
23 level understand who are the players, and the --
24 the first chart, which appears on Page 2 of 2 of
25 Article 3, Division 1, "Purpose and

1 Applicability," puts on the left-hand side the
2 various kinds of development approvals, so that
3 if you're looking at a zoning district and it
4 says you need a land use map change or you need
5 a plat subdivision or you need a conditional
6 use, you can look across this column and
7 understand, in summary fashion, what article --
8 who does the preliminary review, who does the --
9 who makes the recommendation, if anybody, and
10 who's the final decision maker.

11 We've also, on the opposite side of that
12 page, done flow charts, which we found to be
13 very useful in explaining to people how the
14 process works.

15 When I go to a strange community, the first
16 thing I do is create a flow chart from their
17 code, so that I can understand and explain to my
18 client what we're going to be going through and
19 what's the likely time line.

20 First thing they ask you, "How long is it
21 going to take, and who do I have to go see," and
22 so this chart is made to give them a leg up in
23 understanding what's there.

24 We've also tried to unify, to the extent we
25 can, so that all applications travel a constant

1 course, that you don't have 10 different ways of
2 proceeding. Now, you have some things that will
3 only go to the Building Department for approval.
4 You have other things that will go all the way
5 to the City Council, but you ought to have, to
6 the extent we can, relatively consistent rules,
7 and that's what we've tried to do, and so we
8 really have in -- set out in this -- the first
9 Division 2, general Development Review, to apply
10 to everything, to every process, through --
11 across the board.

12 I want to make a comment about building
13 site determinations. We've talked
14 extensively -- we've talked with you about
15 whether lot splits or lots assemblies were --
16 whether remedial legislation was appropriate.

17 After a lot of consideration, what you have
18 before you is what's in your code, and -- and we
19 are still talking. We have now -- having gone a
20 circle, we're now in the process of getting some
21 input and some vote from Staff and from the
22 outside, that indicates that there still may be
23 some policy decisions we need to make under this
24 subject, but as The Code stands today, it is the
25 building site determination and master

1 regulations that are in your existing code.

2 The article -- Division 3, Development
3 Review, is the Uniform Notice Procedures for
4 Public Hearing. Scattered all through your code
5 are various notes, provisions and some of them
6 are inconsistent, and so what we've done is try
7 to harmonize them. Where State law allows the
8 City to establish them, we've tried to get
9 uniform notice procedures.

10 Several reasons, one, to make it more
11 consistent and predictable. Also, to avoid the
12 mistakes. Unfortunately, when you have five
13 different or ten different notice provisions,
14 it's not uncommon for the wrong notice to be
15 given. "Oh, this includes a variance, we're
16 supposed to give 14 days' notice, not whatever."

17 So where we're allowed, under Florida law,
18 we have tried to harmonize those things, so that
19 there will be a predictable -- it will also
20 allow better alignment of the processes, in
21 terms of -- again, one of our objectives was to
22 streamline the process, to make it so that
23 applicants could get through the processes as
24 effectively as possible.

25 The -- some clarification, but I think the

1 substance of these provisions is largely your
2 existing code, just reformatted and represented.

3 I've talked to your -- article -- Division
4 4 is the conditional use of process. It's
5 presented in both, the narrative and graphic
6 forms that I've described for you. It includes
7 standards of review, provisions for minor
8 changes and for the expiration.

9 Division 5 is Planned Area Development.
10 It's basically your existing code. They're
11 simply reformatted in -- for that provision.
12 The substance is -- is not --

13 MR. RIEL: Let me just interject. There
14 have been some changes to the PAD. We did
15 reduce the size of the PAD, to try to encourage
16 more PADs, and it's very important for Staff
17 work closely with property owners, such as the
18 application you heard on Tuesday. So -- because
19 in the past, the regulations were drafted in the
20 early '80s, and to date we've only had two or
21 three PADs.

22 So there was obviously something that was
23 not correct with The Code, that we didn't start
24 seeing the PADs until the last couple of years.
25 So we put some more flexibility in there, in

1 terms of the minimum, and, also, the FAR
2 perviously only allowed the 2.5. When you can
3 build outright a 3.0, not too many people were
4 going to go through the PAD process.

5 COMMISSIONER KERDYK: Since you brought it
6 up, what did you reduce it from?

7 MR. RIEL: It's basically what the
8 underlying zoning is, the underlying FAR. So if
9 you have a 3.0 commercial zoning, you have a
10 3.0 --

11 COMMISSIONER KERDYK: I understand that,
12 but the size of the PAD --

13 MR. BROWN: Two to one.

14 MR. RIEL: One acre. It went down to one
15 acre.

16 COMMISSIONER KERDYK: One acre to two
17 acres. It was two acres before, right?

18 MR. BROWN: Two to one.

19 MR. RIEL: Correct.

20 COMMISSIONER KERDYK: And you think that's
21 going to stimulate more PADs? Is that --

22 MR. RIEL: You know, it's hard to get two
23 acres in the City. I mean, it's very hard to
24 find two acres of vacant land. So -- I mean, a
25 lot of communities use the PAD. I was

1 surprised, when I came to the City, that most
2 cities utilize the PAD process extensively, and,
3 you know, try to work with property owners in
4 getting a project that truly benefits the
5 public, as well as the City, as well as the
6 property owners.

7 COMMISSIONER KERDYK: So you think the PAD
8 definitely benefits the public (inaudible) that
9 goes that direction --

10 MR. RIEL: I believe so. I mean, it goes
11 through the same kind of a public hearing
12 process. I just think it's a good process.
13 I've utilized it in the three cities I've worked
14 previously, and I think the end result is good.

15 COMMISSIONER KERDYK: And maybe the reason
16 that people have not used PADs is because we've
17 had such a good Zoning Code and land use plan?
18 Is that process --

19 MR. RIEL: I think the issue was the FAR,
20 the FAR and the size. You know, I mean, if
21 you're only allowed 2.5 on the PAD, and you've
22 got by right 3, you know, FAR, why would you use
23 the PAD? You would be taking away .5 of your
24 FAR.

25 COMMISSIONER KERDYK: Right. So that's

1 going to be encouraging more development than
2 we've --

3 MR. RIEL: I don't think it's going to be
4 encouraging more development. I think it's
5 going to be encouraging the opportunity for
6 Staff to work more closely, and PADs come to
7 this Commission, as well.

8 VICE-MAYOR ANDERSON: From what I
9 understand, to make that a more unified design.

10 MR. RIEL: Yes, more unified design.

11 COMMISSIONER KERDYK: All right. I'll talk
12 to you later about it.

13 MR. RIEL: Sure.

14 MR. SIEMON: The next article is Division
15 6, Appeals. The way appeals are presented in
16 your existing code is that they're scattered,
17 various procedures, who does what, what is the
18 next appeal. If you appeal to the Board of
19 Adjustment, is there an appeal from that? It's
20 not evident, without referring to several
21 different sections of The Code.

22 So we've consolidated them in a single
23 article -- division, with a flow chart that
24 explains who goes to what.

25 I do want to bring to your attention that

1 in discussing appeals from the City architect
2 with the Planning & Zoning Board, we have --
3 we're -- I think you'll see, when we finally get
4 to present to you, that we're likely to change
5 that from an appeal. We have a review that can
6 be done by the City architect. If someone is
7 dissatisfied with that, they ought to have a
8 right to go to the full Board of Architects, and
9 I think, for legal reasons, we're going to call
10 that reconsideration, rather than appeal, and --
11 so that's a change that will appear in 3-603
12 (B), I believe, before The Code actually gets to
13 you.

14 Article 3, Division 7, on Moratoriums,
15 establishes a general process for adopting a
16 moratorium.

17 Division 8 are Variances. Basically what
18 you have today, reformatted.

19 Platting and Subdivision, which is Division
20 9, again, this is largely governed by State law,
21 but it's your code, reformatted, to fit into
22 this approach.

23 Transfer of Development Rights, as you
24 know, we have discussed a number of different
25 alternatives, but when we get around to this

1 recommendation, at this point, because it does
2 not include the proposed Ponce districts, the
3 TDRs are as they are today, where you transfer
4 to, where you -- where you have rights and where
5 you can transfer them to them, is what is your
6 current regulations.

7 Historic Preservation is the next division,
8 Division 11. There have been some -- some
9 modifications to that provision, and we've
10 worked with Dona and -- over -- through this
11 project. Most of them are clarifications.
12 There's some additional non-conformity
13 provisions that we've recognized in the -- as a
14 result of some of the storms in the last couple
15 of years, that the 50 percent rule probably
16 doesn't make sense, in the context of historic
17 buildings. If someone has a major destruction
18 or damage and it's more than 50 percent, we
19 ought to allow them to restore it, if that's
20 their wish, because they're important structures
21 that have value in our community, but other than
22 that, I think there's largely harmonization, and
23 we have tried to -- and we've worked with Staff.

24 This is a particular provision that Staff
25 has played a key role in any substantive changes

1 that are -- that are included.

2 There is some additional material in regard
3 to non-designated buildings and demolition
4 permits, to give the City an opportunity to
5 consider whether a structure merits additional
6 protection, rather than finding out after the
7 demolition permit has been issued, and it's too
8 late, and we're working on a couple of
9 additional issues that have been identified
10 recently during Staff review.

11 I think you'll see some -- some additional
12 edits that will be coming forth.

13 And Abandonment and Vacations provision, to
14 reflect a division of the review of that between
15 the City code, but this is a provision that
16 says, if there's a request to abandon or vacate
17 public property, there ought to be a process for
18 identifying implications to the Comprehensive
19 Plan and mitigation may result from either,
20 consolidation of the parcels, into a large
21 parcel of land, impacts that would result from
22 that vacation, that would not otherwise be
23 managed, that there is a mitigation process to
24 ensure that the consequences that may increase
25 burdens on a City have an appropriate entry

1 point for a mitigation program as a -- as a
2 requirement of that approval.

3 Concurrency Review is basically your
4 existent concurrency review. There's some
5 substantive provisions which are currently
6 working through some modifications, and if those
7 changes require procedural modifications, those
8 would be brought forward at another time, but
9 this is basically your existing code.

10 Division 13 (sic) is Zoning Code, text and
11 map amendments. There's been some additional
12 application. The process has not changed,
13 Florida law sets that process, but we've
14 articulated it, I think, in a more consistent
15 fashion and presented it with a flow chart that
16 says, if you need a zoning change or want a
17 zoning change, this is how. You need to go
18 through either, text or a map.

19 The same for Comprehensive Land Use
20 Amendments, both text and map. All my comments
21 for that I've gone through.

22 DIRs are simply the DIR law and your
23 existing rules for handling them, and all we've
24 done is reflect that in the same order and
25 format.

1 Article 3, Division 17, is a new provision,
2 which attempts to -- establishes a process that
3 in the event, under Florida law, there should be
4 a claim that a legislative action results in an
5 inordinate burden that would give rise to a
6 Harris Claim Act, there would be a process and
7 authority to comply with that act, reaching an
8 amicable resolution with a property owner.

9 We think that that will help to protect the
10 City and give it the authority to implement
11 decisions that it makes to resolve those kinds
12 of conflicts.

13 Article 3, Division 18, Vested Rights
14 Determinations, is basically your existing code,
15 and Article 3, Division 19, governs Development
16 Agreements, and those regulations, I think, are
17 largely what you have in your existing code,
18 which were adopted within the last three years,
19 Eric?

20 MR. RIEL: Last two years.

21 MR. SIEMON: Last two years, and we went
22 through a process of identifying the regulatory
23 frame work for adopting --

24 MR. RIEL: Division 20 is Affordable
25 Housing rights. When we draft those, those will

1 be put in there.

2 So that basically concludes, in terms of
3 the Administrative portion, and then we're going
4 to try to -- continue to try to get you out of
5 here by 10:00 a.m., but we'll be happy to answer
6 any questions, as well.

7 MR. SIEMON: We actually have -- I mean, I
8 don't intend to go through them, but Article 7,
9 we've consolidated all the violations,
10 enforcement and penalties provisions. There
11 were several -- five different places in your
12 code where a penalty is established for a
13 violation of the terms of The Code, but they're
14 not -- they're not -- they're in -- if you have
15 a historic preservation, there's a violation
16 provision in there. We've consolidated all the
17 violation provisions in a single article, which
18 is Article 7, and as I indicated to you
19 previously, we've consolidated all the
20 Definitions in Article 8.

21 We had to make a choice. Do you make --
22 put Definitions first or Definitions last. We
23 wanted to have more Definitions, not less,
24 because there are lots of terms of art in this
25 code. So we thought putting the bulk of that at

1 the back of The Code, in sort of the --
2 reminiscent of a glossary, and where you would
3 find a glossary, that that was an appropriate
4 organization.

5 MR. RIEL: And Article 8, Definitions, as
6 we've gone through the process, we've put
7 definitions in there. This is the article that
8 we need to go back through to look and see, you
9 know, what we've written in The Code, to make
10 sure the definition is consistent.

11 We went from about 80 definitions to about
12 300, so we need to make sure that those are
13 correct. So this is probably the last part of
14 The Code that we'll look at, and make sure that
15 there's some consistency.

16 Now we're finished with the Administrative
17 side.

18 MAYOR SLESNICK: Questions?

19 VICE-MAYOR ANDERSON: Do you want to do the
20 whole thing before we --

21 MR. RIEL: No, I'd like to get your
22 comments on the Administrative portion.

23 VICE-MAYOR ANDERSON: Yeah. I was looking
24 at the appeals process, and a couple of times
25 during the last few years we've had variances or

1 things that have come before us from the Board
2 of Adjustment that we referred back to the
3 Planning & Zoning Board and we should -- it
4 might have been that it really needed to go the
5 Planning & Zoning Board first. Is there some
6 type of -- did that get considered, a better --
7 maybe a better flow process, because we ended up
8 usually just sending them back to the Planning &
9 Zoning Board?

10 MR. RIEL: That process didn't change. We
11 left that the same way. I mean, if you feel
12 that an issue needs Planning & Zoning Board
13 input, you refer those back, but we have not
14 made any changes, because the Appeals section
15 was recently done in the past few years, as
16 well.

17 VICE-MAYOR ANDERSON: Okay. I just thought
18 maybe that there was a way, without
19 circumventing proper process, that that could be
20 looked -- I mean, it could -- I'd like for it to
21 be looked at, and see if there is a way, unless
22 my colleagues feel differently, just to see if
23 you could just streamline it.

24 COMMISSIONER WITHERS: Are you talking
25 about Administrative Reviews or what --

1 VICE-MAYOR ANDERSON: Well, you know, there
2 have been times -- it's been a few days and I
3 don't know which end is up, but I remember one
4 time, I think, Ms. Russo, you were before us and
5 we said, "Why is this here before us now? It
6 shouldn't have been here. Go back through the
7 process that's in place," and I --

8 COMMISSIONER WITHERS: So it's the whole --
9 it's the chronology of the whole thing.

10 VICE-MAYOR ANDERSON: It's the chronology
11 of how it comes to us, and I don't know if it's
12 right or wrong or anything like that, and if it
13 bears looking at it, just to look at it and
14 understand if there's a way to streamline it,
15 without circumventing the purpose and the things
16 that it needs to do and the protections under
17 the law. Is there a -- is there a better
18 logical process?

19 MR. RIEL: Because most of the times
20 there's been a referral back to the Planning
21 Board for a -- looking at some specific change
22 in The Code.

23 For instance, the Sleep Center issue, when
24 it came up, I mean, that brought to light the
25 fact that we needed to look at stringent

1 performing standards with commercial properties
2 that face single-family homes. So, you know, we
3 created new provisions, and that end result is
4 good, but I don't know -- you know, the appeal
5 process is pretty fairly structured. In other
6 words, you can go -- but let us look at that and
7 see --

8 VICE-MAYOR ANDERSON: That's fine. I just
9 was wondering.

10 THE MAYOR: All right, David.

11 You have something more to ask?

12 VICE-MAYOR ANDERSON: Just one more thing.
13 I'd like, for the -- for the future, I guess,
14 when we finalize that, I don't know if this is
15 appropriate, it's come up several times in the
16 last few Planning & Zoning Board meetings, the
17 third provision of our lot split ordinances, and
18 our esteemed counsel, that comes before here,
19 has kind of talked through it, so there's a
20 chance to look at it one more time and clarify
21 that building site determination, Number 3, I
22 believe. That's all from that section.

23 COMMISSIONER KERDYK: 3-4, Conditional
24 Uses, can you expand upon that a little bit?
25 (Inaudible.)

1 MR. SIEMON: All right. This is the
2 provision that we have recommended that all of
3 your things, like special exceptions and other
4 discretionary approvals, be consolidated into
5 and treated as conditional uses.

6 It's a process that has Staff review, goes
7 to Planning & Zoning Board for review and
8 recommendation. We did discuss with the
9 Planning Board whether they should have review
10 and recommendation or whether it could be a
11 final determination, subject to an appeal to the
12 Commission, to try to expedite the process, to
13 create a presumption that the Board's decision
14 is correct and reflects the City's position,
15 with the right of appeal.

16 They ultimately recommended that the
17 Commission be the final decision maker, because
18 of the discretion that is involved in that.

19 We've tried to improve the process in a
20 number of different ways, in terms of
21 specifications and completion of applications,
22 to ensure that adequate information is
23 presented.

24 One of the things we tried to do in this
25 code is -- is to make -- draw a distinction

1 between an application that is complete and one
2 that is not. Too often an application is
3 submitted, it starts through the Development
4 Review process, and it doesn't have all its
5 elements, and what that leads to is either, late
6 arriving information, which doesn't get in the
7 packet or people don't have a chance to respond
8 to it. Also results in Staff doing a lot more
9 work.

10 So what we've tried to do is fine tune the
11 process every time we can, to make sure that
12 they have the information necessary to conduct
13 their analysis, that there's not -- we think
14 that will make the conditional use process, in
15 particular, operate more effectively.

16 We have general standards for review, and
17 in a number of the districts, for specific uses,
18 "X" uses and conditional use in this district,
19 there are articulated standards for that.

20 We would anticipate, in the future, that
21 those additional standards will evolve. As you
22 start using this process, you'll find that
23 you're judging those additional specific uses,
24 in the specific districts, on the basis of
25 certain criteria. We expect that additional

1 specific criteria would be added to the
2 district, as additional and specific standards,
3 over time.

4 COMMISSIONER KERDYK: Has the rewriting of
5 the Zoning Code created any conditional uses
6 that we need to be aware of, that might be
7 buffering a location now, that -- that might
8 create hardship for individual ownership of a
9 property or a business that currently exists?

10 MR. SIEMON: I think that the -- I would
11 answer that question by saying, I think that it
12 raises the possibility that it -- it creates a
13 possibility where additional conditions will be
14 applied to an approval to respond to specific
15 concerns about adjacent land use, I think, in
16 terms of the amount of the development, the
17 intensity of the development. The character,
18 the uses that are permitted doesn't change.
19 What's likely to occur is, as you look at a more
20 fine grain analysis of it, you're going to
21 suggest that this ought to have an additional
22 wall or additional landscape material or have
23 limitations on the openings in the back side of
24 the building, which is adjacent to residential,
25 so as to try to control noise, if it's operating

1 in the evening.

2 MR. RIEL: As I indicated --

3 MR. SIEMON: Oops, I'm sorry.

4 MR. RIEL: As I indicated, the major change
5 is the nighttime -- what we call the nighttime
6 provision. Any type of a use that goes beyond a
7 certain time frame, needing -- it has to meet
8 certain performance standards, additional
9 landscaping, additional buffering.

10 There's also a limitation on uses, and that
11 is a major change in The Code. Where previously
12 we had the -- the CA and CB, they did have some
13 performance standards, now those performance
14 standards apply to all commercial districts,
15 when they're adjacent to single family homes.
16 So that there's very specific provisions, which
17 provides protection of the single-family.

18 COMMISSIONER KERDYK: So I guess the
19 further question is -- is that, for existing
20 businesses, how are existing business treated?
21 Do they immediately have to conform to our
22 standards there?

23 How did that work out? Tell me how the
24 transition works.

25 MR. SIEMON: There are -- in general, there

1 are no immediate compliance requirements --
2 any -- excuse me. The compliance requirements
3 would kick in when they propose a change, an
4 enlargement or expansion, and then it's only for
5 the expansion, not for the existing structure.

6 The sole exception to that is that there
7 are three circumstances in which an existing
8 establishment, which is -- has certain
9 characteristics that we've described as
10 nuisance-like, noise, a light, aromas, that are
11 currently established, have an obligation to
12 come into compliance within two years or if
13 there's a change of ownership prior to that
14 two-year period, but other than that -- and
15 those are the -- I won't name any individual
16 examples --

17 COMMISSIONER KERDYK: Like restaurants.

18 MR. SIEMON: -- but there are a few
19 particular examples, where the administration
20 has recommended that over a two-year period,
21 these uses, because they're going to stay,
22 they're not going away -- in a historical
23 perspective, non-conformities is that -- that
24 they will go away over time, and history has
25 proven that's exactly the opposite, what they

1 become is institutionalized.

2 So this is a means of saying, we're going
3 to preserve your right to continue, but there
4 are these particular aspects of them, that we
5 think is appropriate to give you a two-year
6 compliance window, and we'll discuss those when
7 we get to the substance of that.

8 VICE-MAYOR ANDERSON: You're actually
9 talking about something like restaurants, you
10 know, and that type --

11 MR. RIEL: That's in Article 6, and I can
12 tell you that, in the last month or two, has
13 generated the most discussion and input from the
14 Planning & Zoning Board. They have not approved
15 that, but they've deferred that a number of
16 times, and we've been working on that. That's
17 had a lot of input.

18 COMMISSIONER KERDYK: I mean, I've never
19 been really sympathetic to that -- that
20 particular plight, but I am cognizant of other
21 possible conflicts and I'd just -- I'll review
22 the record more before we come to final and come
23 up with some examples that may be problematic
24 for individual land owners, but your explanation
25 is good.

1 The second thing I'd like to talk to you is
2 3-12, which is Abandonment and Vacations, and
3 how do you propose the mitigation of possible
4 alleyway abandonments, et cetera? How does --

5 MR. SIEMON: There could be regulatory
6 conditions imposed, direction, the flow of
7 traffic. Abandonment of a property may affect
8 access to and from the property, for example,
9 and it may require a -- impositions or
10 conditions that control access.

11 It also may impose costs on the City, in
12 order to accommodate a turn signal or a turning
13 lane, or something like that --

14 COMMISSIONER KERDYK: Right. Right.

15 MR. SIEMON: -- and so the objective or its
16 purpose is to say, when you make the
17 abandonment, look at those potential
18 consequences and make mitigation of that a part
19 of the abandonment approval process.

20 COMMISSIONER KERDYK: All right. How about
21 vacation of an alley?

22 MR. SIEMON: That would be the same --

23 COMMISSIONER KERDYK: That would be a
24 classic case of it.

25 MR. SIEMON: -- classic case.

1 COMMISSIONER KERDYK: But you don't have --
2 you don't have the mechanism in place. I guess
3 we can't have a mechanism in place, where it
4 says, if we get an appraisal, we -- of what that
5 land is worth, then you'll have to compensate
6 the City for that alleyway, for that monetary
7 thing? I guess that's --

8 MR. SIEMON: Some communities do do that.

9 COMMISSIONER KERDYK: Oh, they do do that,
10 all right. Interesting.

11 MR. SIEMON: And the community I live in,
12 reside in, in the City of Boca Raton, has a
13 general policy that if they vacate a
14 right-of-way, you'll pay -- you pay the
15 appraised value. Our focus has been on, because
16 often alley vacations have to do with community
17 redevelopment --

18 COMMISSIONER KERDYK: Right.

19 MR. SIEMON: -- and trying to achieve a
20 desired objective --

21 COMMISSIONER KERDYK: Right.

22 MR. SIEMON: -- that the -- the important
23 consideration we focused on is, if there are
24 impacts to the community, the local community at
25 large, that those ought to be mitigated. If

1 there are no such impacts, then -- and it makes
2 sense to vacate it, to achieve the community
3 redevelopment objective, we do recommend that --

4 COMMISSIONER KERDYK: But who makes that
5 determination, if it's --

6 MR. SIEMON: Ultimately you do.

7 COMMISSIONER KERDYK: But who -- Staff
8 recommends it --

9 MR. RIEL: That's a change. Previously it
10 was Street and Alley Vacation Committee and then
11 the Commission. Now the Planning & Zoning
12 Board.

13 COMMISSIONER KERDYK: Now the Planning &
14 Zoning Board is (unintelligible)

15 MR. RIEL: It's included in that. That
16 recommendation comes forward to you.

17 COMMISSIONER KERDYK: So the Planning &
18 Zoning makes the decision or recommendation that
19 a vacation or abandonment may or may not need
20 mitigation; is that correct?

21 MR. RIEL: That's correct.

22 MR. SIEMON: Staff makes a recommendation.
23 Goes to the P&Z and ultimately to you.

24 COMMISSIONER KERDYK: Right. Right.
25 Right. Right. All right.

1 All right. Thank you.

2 MAYOR SLESNICK: Were the changes in the
3 Historic Preservation portion passed by the
4 Preservation Board?

5 MR. SIEMON: Yes.

6 MAYOR SLESNICK: So everything we're
7 looking at in Preservation, the Board, I
8 presume, recommended?

9 MR. SIEMON: Yes, sir.

10 MAYOR SLESNICK: Section 2.

11 MR. RIEL: Okay. Very good.

12 Article 4 is Amendments.

13 MR. SIEMON: The first, I guess,
14 observation I want to make, in the spirit of
15 trying to simplify and make it easier to use, we
16 have a proposed use category table, which shows,
17 left-hand side, every land use that's permitted,
18 either as a permitted use or a conditional use,
19 and then indicates what districts.

20 So it's an easy reference document. It
21 doesn't contain anything else.

22 There's still some work going, there always
23 is, about what the names of the uses, et cetera,
24 are. There will be additions and deletions, but
25 ultimately we -- our expectation is that this

1 will be a chart which reflects all uses, as The
2 Code is adopted.

3 The residential is organized into
4 residential districts, overlay and special
5 purpose districts, non-residential districts and
6 then prohibited uses.

7 The residential districts, I've already
8 sort of indicated to you the principal change.
9 We went from all the "R" numbers to a single
10 district, and while we have considered a whole
11 variety of different provisions, two districts,
12 one for old Gables, one for new Gables, P&Z has
13 recommended for approval a single residential
14 district with -- I want to make it very clear --
15 site specific regulations that currently exist,
16 to continue enforcement of that.

17 We did take the site specific regulations
18 out of the middle of the text and make it an
19 Appendix A, because we believe that was a more
20 useful organization format for following that.

21 MR. RIEL: And when -- they passed on first
22 reading the single family rights, and they
23 passed on second reading. Those documents will
24 be presented and put into this section.

25 The one that's in here right now was in

1 transition, since this was produced on June 7th.
2 So I just want to make sure that you understand
3 that.

4 What you finally adopted on the 22nd was
5 just reformatted into this code.

6 MR. SIEMON: The multi-family districts,
7 there are two districts. One is the duplex
8 district, as you -- as you know it today, and
9 the second is the apartments general.
10 Basically, reformatting, reorganization, but as
11 it comes today, with the exception of the
12 Alhambra area, which we have characterized as an
13 MF-2 special area district, the apartment
14 districts are a reformatting, reconsolidation,
15 simplification, of your existing "A" districts.
16 They're not now three subdivisions, there's a
17 single district.

18 There's some additional things, definitions
19 of townhouses, et cetera, that don't exist in
20 your current code, that have been added to it.

21 The special area is the moratorium
22 ordinance which we adopted.

23 Overlay and Special Purpose Districts, the
24 mixed-use district is effectively your M-3
25 district in the existing code.

1 The downtown overlay district, Section
2 4-203, is your existing district.

3 The preservation district is your existing
4 "P" district, again, reformatted. We've
5 organized it around, but there's no substantive
6 change, that I'm aware of, and that's really
7 Division 2.

8 Division 2 is, also, if you were to adopt
9 in the future additional districts, like Ponce
10 district or something, conservation district,
11 they would be included in that area, but as you
12 know, at this point, we're recommending going
13 forward with this code and deferring
14 consideration of the North Ponce district.

15 The non-residential districts, we -- you
16 have three districts right now. We went through
17 the process. I think we presented it to you
18 all. It seemed to us you really had two general
19 categories of commercial activity.

20 One is the area where there's commercial
21 along major roads, that has relatively narrow
22 lot depths and it's abutted in the back by
23 residential, and those create natural tensions
24 between those uses, and then you have general
25 commercial districts, and so we recommended that

1 they be -- the three districts be consolidated
2 into a commercial limited and a general
3 commercial, and the focus on commercial limited
4 was to look realistically at those -- those --
5 the location and the characteristics of those,
6 and to identify which uses, within the
7 commercial districts, that were appropriate.

8 There were some discussions about how much
9 FAR should be allowed, et cetera, in those
10 areas. While we think it's impractical,
11 unlikely, that anybody can reach a 400 ratio,
12 3.0, in a CL district, we've agreed to just
13 leave the 3.0 there, to make sure that there is
14 no consternation, that we're -- have any
15 inadvertent effects of any existing
16 expectations, and, again, it's intended to -- I
17 think we have added live/work as an opportunity
18 in those areas, which we think will be in many
19 neighborhoods a very desirable future use of
20 those lands, that would -- you know, it's a
21 combination that can relay both ways. It could
22 be a residence, and even we -- given on a quick
23 design, it could have residential on the back
24 side and the live/work -- the work address on
25 the front side and the residential address on

1 the back side, and we've seen a couple of
2 projects in other communities that reflect that.

3 VICE-MAYOR ANDERSON: What division is
4 that, I'm sorry?

5 MR. SIEMON: I'm sorry. It's Division --
6 it's Division 4-301.

7 VICE-MAYOR ANDERSON: Division 4-301.

8 MR. SIEMON: CL, the commercial limited
9 district.

10 VICE-MAYOR ANDERSON: Okay. You did say
11 that.

12 MR. SIEMON: The commercial district, I
13 think is largely a consolidation of your
14 existing provisions that govern the tentative
15 aspects of what was originally the CB and the CC
16 districts, and the mapping, we think has to be
17 done. It's going to have to be a little
18 exercise of judgment, because there are a few
19 areas where CL is not a linear -- where the
20 relationship between the commercially zoned or
21 designated property and the residentially zoned,
22 isn't a straight line along the -- the road, and
23 we've recommended that that must be dealt with
24 on -- as you adopt The Code, you make a
25 determination of the impropriety of the mapping.

1 As you know, there's things in mapping that's
2 been done.

3 Prohibited uses, Eric, you will have to
4 help me. I don't recollect any changes we've
5 made.

6 MR. RIEL: No. I mean, most -- this did
7 generate a lot of discussion from the Planning &
8 Zoning Board. A lot of discussion had to do
9 with wild -- wild animals, and although we
10 appreciated the input of the Planning & Zoning
11 Board, we're going to probably just leave The
12 Code the way it is regarding the wild animals,
13 but for the most part, we just did fine tuning
14 on this section, in terms of we truly defined
15 what is a prohibited use.

16 So with that, let me turn it over to
17 Walter, who's going to go quickly through the
18 maps.

19 (Thereupon, COMMISSIONER RAFAEL CABRERA,
20 JR. entered the Chambers.)

21 MR. CARLSON: I'll be very brief. In your
22 packages, Staff has provided some information on
23 the properties which are included in the
24 inconsistency list for rezoning. Originally
25 there were 67 inconsistent properties included

1 by Staff. Twenty-four of those were public
2 parcels and 43 of those were privately owned
3 parcels.

4 The intent was to cure the inconsistencies
5 for both, the public and private, at that time.

6 Since that time, Staff has recommended that
7 only the public parcels and those parcels which
8 are inconsistent as a result of a scrivener's
9 error be included in the inconsistencies list.

10 That reduced the number on the list from 67
11 down to 19. Eighteen of those are publicly
12 owned parcels and one is as a result of a
13 scrivener's error. The vast majority are being
14 -- are bringing the zoning for a public park
15 into compliance, to the proper "F" zoning.

16 In your packet, you have a map, which
17 locates the -- this is the north portion of the
18 map, that locates where each one of these
19 parcels are. This is the south.

20 We've also included a chart, which gives
21 the address and description, what the existing
22 and proposed zoning is, and comments about the
23 proposed rezoning, and corrects the
24 inconsistencies, and, again, most of them are
25 changes in public parks, to "F" special zoning,

1 which is the appropriate zoning. There are a
2 couple which are to preservation, which is the
3 appropriate zoning for the existing preservation
4 areas, and there is one scrivener's error.

5 All right. This a two-part process. The
6 first part is to change the inconsistencies
7 which are before you with this rewrite. The
8 second part is the rezoning of all property in
9 the City to the new zoning categories which were
10 just explained to you.

11 Thank you.

12 MAYOR SLESNICK: Eric, does that bring us
13 to the end of the --

14 MR. RIEL: Yes. Yes, it does. Can we have
15 lights back up?

16 MAYOR SLESNICK: Yes. Let me ask two
17 questions.

18 MR. RIEL: It brings us to the end of the
19 second part.

20 MAYOR SLESNICK: Yes. You said, "We'll get
21 back to North Ponce." Where, when, what, how?

22 MR. RIEL: What we've done with North Ponce
23 is that the study was produced. We started with
24 the public hearings in front of the Planning &
25 Zoning Board. Actually we've only had two hours

1 of public hearings. The problem was, we wanted
2 to try to move forward with the Zoning Code, and
3 there were some major issues that needed to be
4 made, so we intend to do that after the Zoning
5 Code is adopted, and we're looking at an overlay
6 conservation district methodology.

7 MAYOR SLESNICK: I just wanted to know --
8 what's your time table projection --

9 MR. RIEL: As soon as the Zoning Code is
10 completed, we're going to jump right into that.

11 MAYOR SLESNICK: I mean, I think it's a
12 good segue, in the fact that I hope that
13 everyone understands how much this Commission
14 appreciates the work that this Planning & Zoning
15 Board, its members, and some have changed, so
16 there's past members, current members and
17 recently joined members who have given an awful
18 lot of --

19 MR. RIEL: There's been actually 13
20 individuals that have worked on The Code, within
21 the review.

22 MAYOR SLESNICK: Is that really?

23 The second, I want to go back to the areas
24 that border residential. This is one of the
25 bigger changes to The Code.

1 MR. RIEL: Right.

2 MAYOR SLESNICK: Did I hear you correctly
3 as saying that the -- and correct me, because
4 I'm not sure I heard it, but the only
5 significant change in that zoning was usage?

6 MR. SIEMON: Use and the -- what we have
7 described as nighttime activities.

8 MAYOR SLESNICK: Nighttime activities.

9 The FAR, the height, the mass, nothing has
10 changed, just uses, including nighttime
11 activity?

12 MR. SIEMON: That's correct.

13 MR. RIEL: Also those issues -- you talked
14 about a comprehensive Comp Plan. Those have not
15 changed.

16 MR. SIEMON: Actually, there is one other
17 change that's included, and that is that the --
18 there has been a change in the parking
19 requirements for a change of use in the CL
20 district, and to not require -- if you have 13
21 parking spaces, and you want a change in
22 permitted use -- it's permitted, and you have an
23 adequate parking, you can make that conversion,
24 and the thinking is that it's better to have it
25 put into a productive than to remain in one

1 that's not productive and contributes to the
2 community.

3 MAYOR SLESNICK: Okay. I think there was
4 one other change, now that I think about it.
5 You said there was a screening change, too.

6 MR. RIEL: Yes, in terms of nighttime
7 uses --

8 MR. SIEMON: Those are nighttime uses.

9 MAYOR SLESNICK: Yeah, and I thought you
10 said that they have to have a buffer. Didn't
11 you say there was --

12 MR. RIEL: In the landscape code, we've
13 been required -- we've asked for an increase in
14 the wall height to six feet and we've included a
15 more --

16 MAYOR SLESNICK: I just wanted to make it
17 clear, because I think that the majority -- I
18 have gotten very little input, except for one
19 group that has written several letters, saying,
20 "Don't adopt the Zoning Code," but from owners,
21 in -- one area that has drawn attention is this
22 area. So I want to make it clear, in my mind,
23 that what we're doing, when I speak to those
24 owners, during the course of the process,
25 whenever the City Attorney allows us to speak to

1 people, I take it this -- Liz, this is
2 legislative, so we can speak to people on this?

3 MS. HERNANDEZ: Yes.

4 MAYOR SLESNICK: Okay. So when I talk to
5 owners who have properties, I can faithfully
6 say, yeah -- it doesn't mean that we don't like
7 it, but, I mean, that, yes, we required
8 additional vegetation or wall, and we have
9 limited the uses, and we've added some nighttime
10 protections of noise, lights, and aromas.

11 MR. RIEL: Sanitation is included in that.

12 MAYOR SLESNICK: But, otherwise, they can
13 build on their property the same thing they
14 could build before?

15 MR. RIEL: Same FAR, same height, yes.

16 MAYOR SLESNICK: Yes.

17 COMMISSIONER WITHERS: Can I ask you just
18 two quick questions?

19 What's the City's official position on the
20 conflict when the land use and the -- when we
21 hit those irregularities and the
22 inconsistencies? Do you take the high road -- I
23 mean, I don't want to --

24 MR. RIEL: On the public properties --

25 COMMISSIONER WITHERS: On the public

1 properties, it's interpreted on either way,
2 which you felt was best for the City.

3 MR. RIEL: On the public properties, we're
4 taking the Comp Plan designation as the higher
5 road.

6 COMMISSIONER WITHERS: Okay. And on the
7 private?

8 MR. RIEL: On the private, the one on the
9 private was truly an inconsistency. We had the
10 wrong designation on the map. We went back for
11 the ordinance. It was just incorrect.

12 COMMISSIONER WITHERS: Okay. And as far as
13 the commercial limited/unlimited, it seems that
14 most of the issues occur in the alleyways.
15 That's where I've seen a lot of friction.
16 That's where the noise, that's where the others
17 -- is there any -- has there been any tinkering
18 with what use the alleys, according to time
19 frame -- can they clean out grease traps at 4:00
20 in the morning? Can they take deliveries at
21 2:00 in the morning?

22 Have we looked at that part, as far as
23 regulating possible conflicts between -- I'm
24 talking more of the commercial unlimited, I
25 guess. That's the strip? Is that the one

1 that's the strip?

2 MR. RIEL: Right.

3 MR. SIEMON: The nighttime uses provision,
4 which applies to all of the CL district --

5 COMMISSIONER WITHERS: I understand.

6 MR. RIEL: -- also applies in the "C"
7 district, where it is adjacent residential.

8 COMMISSIONER WITHERS: Okay.

9 MR. SIEMON: So you have the same set of
10 preventions operating in both.

11 COMMISSIONER WITHERS: Okay. I'm talking
12 specifically about alleyway involvement. That's
13 where it seems -- I mean, I think -- I think
14 inside the building is not as obnoxious as what
15 goes on in the alley, a lot of times. So I
16 don't know if you've looked at --

17 MR. RIEL: That situation only occurs south
18 of Ponce Circle plat, because that's the only
19 place where commercial is abutting where there's
20 an alley.

21 COMMISSIONER WITHERS: No, it's along
22 Ponce, north of Bird. There's potential
23 products, where the Sleep Center is at.

24 MR. RIEL: That's what I'm talking about.

25 COMMISSIONER WITHERS: Oh, I thought you

1 were talking about LeJeune Road.

2 VICE-MAYOR ANDERSON: There's also
3 LeJeune.

4 COMMISSIONER WITHERS: LeJeune, south of
5 Bird, between US-1.

6 MR. RIEL: There's -- and your question is,
7 have we looked at, in terms of allowing things
8 to happen in the evening hours --

9 COMMISSIONER WITHERS: Overall -- overall
10 use of alleys, egress, ingress, bank teller use,
11 residential use. We've got -- you know, we've
12 got this new development coming up now where
13 they're planning on using the alley for pickup
14 and drop off.

15 MR. SIEMON: I don't know.

16 MR. RIEL: Yeah, we have a provision in
17 there in terms of, you know, you can't have
18 openings facing the residential. The intent is
19 to have buffering, to make sure that headlights
20 are not flashing, you know, into the adjoining,
21 you know, residential. So sanitation -- we did
22 a limitation on sanitation pickup and that had a
23 lot of discussion, but the intent is to try
24 to --

25 COMMISSIONER WITHERS: There's an alley --

1 I'm sorry -- behind the shopping center on US-1,
2 across -- next to Friday's there. We've had
3 issues with those residents.

4 VICE-MAYOR ANDERSON: Absolutely. That's
5 correct. (Inaudible.)

6 COMMISSIONER WITHERS: No, I'm not saying
7 we need to really, you know, beat up on this
8 more, but maybe that's an area that we all want
9 to look at, as far as use of alleys.

10 I'm not saying prohibited uses, but maybe
11 restrictive uses, as far as times goes.

12 MR. RIEL: In terms of that, the existing
13 uses provisions that Charlie was talking about,
14 within 24 months after The Code is adopted, the
15 way we've written that language is, we've
16 allowed flexibility, to the greatest extent
17 possible, that they can put in buffering and
18 landscaping, in limited use.

19 COMMISSIONER WITHERS: Well, as our
20 downtown develops with more residential housing,
21 and we have restaurants backing on to
22 residential, I mean, we're going to have issues
23 with odor and trash-pick up and --

24 MAYOR SLESNICK: We have it now.

25 COMMISSIONER WITHERS: We have it now, but

1 it's going to get --

2 MAYOR SLESNICK: We have gotten calls
3 consistently.

4 MR. RIEL: We've looked at -- regarding
5 dumpsters, if you have a restaurant, it's got to
6 be in an enclosed area and it's got to be
7 air-conditioned. That's a change.

8 So we're understanding the mixing of uses,
9 but you're absolutely right. (Inaudible.)

10 COMMISSIONER WITHERS: Enough of that.

11 MR. SIEMON: The only thing we've really
12 done, Commissioners, is we've prohibited
13 deliveries between 8:00 p.m. and 6:00 a.m.

14 COMMISSIONER WITHERS: Is that trash-pick
15 up, too, or that's just deliveries?

16 MR. SIEMON: That's just deliveries.

17 COMMISSIONER WITHERS: Yeah. See,
18 complaints come from the "bang, bang." You
19 know, that's where --

20 MR. SIEMON: That's --

21 MR. RIEL: That's it for us.

22 COMMISSIONER KERDYK: I do have one
23 question. Do you look at the Central Business
24 District -- extension in the Central Business
25 District in that? No?

1 MR. RIEL: No, we left the boundaries the
2 same, and we're working towards some changes
3 that -- in terms of parking. No, the boundaries
4 are the same.

5 COMMISSIONER CABRERA: Was that something
6 you wanted to see?

7 COMMISSIONER KERDYK: Well, no, I've never
8 been for it, but now that we're expanding where
9 our single-family -- or eliminate where
10 single-family is, maybe it is time that we
11 started looking where (inaudible.)

12 We considered it before, and we've denied
13 it, but I just wanted to see if there was any
14 mood or appetite to -- to move it one way or
15 another.

16 MAYOR SLESNICK: You're the first one to
17 get your name on --

18 COMMISSIONER KERDYK: Is that right?

19 MR. SIEMON: The last major area is
20 Development Standards, and we're going to
21 discuss two separate provisions. One is what we
22 call development standards, and the second are
23 nonconformities, and as I said earlier, what
24 we've attempted to do is to take all the
25 development standards, organize them into some

1 relatively useful categories, and then present
2 them in a way that's alphabetized, so that it's
3 relatively easy to find them.

4 So while this document, in its current
5 form, isn't as -- isn't what it would be in a
6 public forum, we think that finding the
7 development standards has become relatively easy
8 in this document, because, if -- if you're
9 looking for walls and fences, and you find
10 parking, you know which direction to go, which
11 is not like in the existing code, when you're
12 looking back and forth.

13 Accessory uses is basically the same
14 concept, but that is -- what is -- what
15 constitutes accessory uses in your code and the
16 specific standards, with specific accessory
17 uses, to my knowledge, are what's in your
18 existing code. I don't know of any material
19 substantive change.

20 MR. RIEL: Just to review. You know,
21 looking at, you know, how you define guest
22 house, green house, a refining of the
23 definition.

24 MR. SIEMON: The second division is
25 automobile service standards, which is your

1 existing code.

2 Third is awnings and canopies. Again, the
3 provisions of your existing code are followed.
4 Now, awnings and canopies were all over the
5 place, and so they've all be consolidated here.
6 So there were provisions in the residential
7 district for carports and awnings that were
8 permitted. We've moved them, because there
9 are -- have -- our observations, and we've been
10 told by the various interests, they're often
11 overlooked, because they're in that section. So
12 we've moved them here.

13 Clearing, filling and excavation is your
14 existing code.

15 The Coral Gables cottage regulations are
16 just your existing code, again, reformatted in
17 a -- in a discreet location.

18 Division 6, Design Review Standards, are
19 the same standards that you have, but they've
20 been consolidated into a single location and
21 some conflicting provisions have been
22 reconciled, I believe, in each case, to the more
23 conservative standard that was applied.

24 The Mediterranean regulations, which are in
25 Section 5-604, I just -- for the record, we had

1 a lot of consideration during the history of
2 this project about modifications to that
3 program. The only modifications that this draft
4 code includes are the modifications that were
5 adopted as a part of the moratorium ordinance
6 for the Alhambra special area district, MF-2
7 special area district. The Mediterranean
8 bonuses, as is, for the rest of the areas to
9 which it applies, and there has been a question
10 raised, and I just want to acknowledge it, as to
11 whether it applies to the CL district. We
12 believe that the consequence of restoring the
13 program to its prior status, except for the
14 Alhambra area, means it applies to the CL
15 district, and we're going to make that clear in
16 the revision to the draft that ultimately comes
17 out after our meeting -- our internal meeting on
18 the 17th, but I just want to bring that to your
19 attention, that somebody has raised that
20 question.

21 Now --

22 MR. RIEL: Division 7, Distance
23 Requirements, no -- no change in that section.

24 MR. SIEMON: Division 8, I don't believe
25 there is any change.

1 MR. RIEL: No change in that.

2 MR. SIEMON: And the same for Division 9,
3 group homes, ALFs and child care facilities.
4 Those, I think, have been consolidated.
5 Scattered, again, in various parts of The Code,
6 but all been brought forth.

7 Heliport and helistops, there's no change.
8 It's just been set out, and this was a big
9 mystery, under "H."

10 COMMISSIONER WITHERS: They can still land
11 helicopters on the Granada golf course in front
12 of Don's house.

13 MR. BROWN: Marine 1.

14 MR. RIEL: Division 11 is the landscaping
15 ordinance. The Board did discuss it on the
16 21st. Staff, internally, Department of Public
17 Service and I are still working on it.

18 We intend to have a final draft this week.
19 We're going to go to the Landscaping Advisory
20 Board, and then ultimately what they recommend,
21 and what Staff recommends will be in the final
22 code.

23 And for the most part, obviously we're
24 under Miami-Dade County restrictions, where you
25 -- more restrictive provisions are placed in

1 this code to provide more protection.

2 So this code is supplemental to the
3 Miami-Dade County's code. So you need to read
4 both at the same time, when you're interpreting
5 them. To try to go back and consolidate them
6 was almost impossible.

7 MR. SIEMON: Division 12 is Lighting, in
8 your existing regulations, and, by the way, we
9 have carried forth the arguments, references
10 that come from your existing code. So if
11 someone wants to look, we've tried to preserve
12 that historical record, as to where the origin
13 of these provisions are.

14 Division 13 is called Miscellaneous
15 Construction Requirements. These provisions are
16 from your existing code. They're found in a
17 number of different districts and places, and we
18 have tried to consolidate them. We've tried to
19 think of a name, and ultimately concluded
20 Miscellaneous was it -- was it. If you can't
21 find one of these things, where do you look, and
22 Miscellaneous is how we categorized it.

23 Now, in working with this, and responding
24 to Staff questions about how does this work, how
25 does this fit, where is it, I can tell you that

1 I think this "M" organization of it,
2 Miscellaneous, has -- we can't -- if it's not
3 somewhere else, let's look in Miscellaneous, and
4 it's worked reasonably well.

5 Parking, Loading and Driveway Requirements,
6 this is a section that has been subject to a
7 great deal of discussion in front of the
8 Planning & Zoning Board, the Parking Advisory
9 Committee --

10 MR. RIEL: Parking Advisory Board.

11 MR. SIEMON: -- and quite an extensive
12 amount of internal discussion between Staff, and
13 what this document really does is represent a
14 consensus of all those sources as to future
15 required parking.

16 COMMISSIONER CABRERA: Let me stop you
17 there.

18 MR. SIEMON: Yeah.

19 COMMISSIONER CABRERA: I've had discussions
20 with the Parking Board, at least on one
21 occasion, with regards to the valet parking, as
22 well as the Building & Zoning Department. Was
23 that incorporated somewhere in the section?

24 MR. RIEL: Yes.

25 MR. SIEMON: Yes, it is.

1 COMMISSIONER CABRERA: And what exactly is
2 your recommendation?

3 MR. RIEL: If you look at --

4 COMMISSIONER CABRERA: I don't have the
5 binder with me, so you'll just --

6 MR. RIEL: I can get you -- can we give him
7 another copy?

8 COMMISSIONER CABRERA: Thanks.

9 MR. RIEL: Article 5, Division 14,
10 provision --

11 COMMISSIONER CABRERA: What page?

12 MR. RIEL: It's actually the last page.

13 Let me just give you mine. It's going to
14 be kind of difficult for you to find.

15 The section called Parking Design Standards
16 deals with mechanical parking lifts and valet
17 parking. This issue was flushed out a little
18 bit more in the North Ponce study.

19 Although it might be brief in form here,
20 but the issue itself, in terms of the use of
21 mechanical, is flushed out in much more detail
22 in the North Ponce study.

23 COMMISSIONER CABRERA: Well, I guess what
24 I'm concerned about is, I want to be able to
25 ensure ourselves that it's included in the

1 rewrite, if and when the City decides to adopt a
2 valet parking system for, you know, municipal
3 parking. Whether we end up doing it in the next
4 two years or in the next twenty years, I just
5 want to make sure that somehow it's
6 incorporated, and I was under the impression
7 that Staff found the concept to be supportive --
8 that Staff was supportive of the concept, and
9 that Staff also had made some studies in regards
10 to the concept. So I just don't want to leave it
11 out.

12 MR. RIEL: Okay.

13 COMMISSIONER CABRERA: And if I can take
14 you back for one second to Landscaping. Does
15 Landscaping address any issues with regards to
16 hedges, and heights of hedges?

17 MR. RIEL: For residential? No. No.
18 We've stayed away from that, because it's
19 extremely hard, in terms of Code Enforcement, to
20 monitor it.

21 COMMISSIONER CABRERA: Okay.

22 MR. RIEL: There is a provision in terms of
23 sight visibility triangles that remains in The
24 Code, but for most part, no, we've not.

25 COMMISSIONER CABRERA: How do you all feel

1 about that?

2 COMMISSIONER WITHERS: About what?

3 COMMISSIONER CABRERA: With regards to not
4 regulating the hedge height.

5 COMMISSIONER WITHERS: I think we should
6 stay away from it.

7 COMMISSIONER CABRERA: Really?

8 COMMISSIONER WITHERS: I mean, when is an
9 Aurelia palm a hedge? You know, you can put 10
10 or 15 Aurelias together, and create a hedge, and
11 then you start regulating heights of trees, when
12 this happens.

13 COMMISSIONER CABRERA: Well, but if you --

14 MAYOR SLESNICK: (Inaudible) It's in the
15 Zoning Code.

16 COMMISSIONER CABRERA: The triangle of
17 visibility.

18 COMMISSIONER WITHERS: You're talking about
19 privacy between neighbors?

20 COMMISSIONER CABRERA: Yeah, I'm talking
21 about a neighbor installing a ficus hedge and
22 allowing it to go 30 feet high. If you install
23 a ficus hedge, and you allow the hedge to go
24 that high, then it calls for a greater root
25 intrusion, because literally the roots will be

1 as high as the highest point of the hedge.

2 So you go on to people's, you know, private
3 properties, into pools, into decks, and possibly
4 even the foundation of a home and septic tanks.

5 I mean, it's happening. It's happening
6 today. We've got huge, huge arguments between
7 residents, and other cities regulate this, local
8 cities.

9 COMMISSIONER WITHERS: I'm not -- you know,
10 I'm indifferent, one way or the other.

11 COMMISSIONER CABRERA: Well, I mean -- I
12 mean, I'm not going to fall on a sword for this
13 thing, but I just know that it's going to
14 continue to come up, and one of the things that
15 I had addressed with several residents that had
16 this problem was that at some point in time it
17 would be addressed in the rewrite of the Zoning
18 Code, but if the appetite is not there, then,
19 you know.

20 I mean, I'm not going to make this a big
21 issue, but I did think that it was going to be
22 somehow addressed in this rewrite.

23 MR. RIEL: I mean, we did. We did discuss
24 it internally, and it came down to enforcement,
25 an enforcement issue, to try to enforce --

1 COMMISSIONER CABRERA: I know.

2 MR. RIEL: -- to try to enforce the height.

3 VICE-MAYOR ANDERSON: (Inaudible) as well.

4 MAYOR SLESNICK: Also, what height is the
5 right height? I mean, if they're saying they
6 could have a 15-foot hedge, it will intrude 15
7 feet into the property.

8 COMMISSIONER CABRERA: Okay. All right
9 then.

10 MAYOR SLESNICK: If there is an extreme to
11 which it becomes a public nuisance, and if that
12 can be verified to us by some expert -- I mean,
13 in other words, if it's -- something over 20
14 feet is really --

15 MR. RIEL: We'll look at that.

16 VICE-MAYOR ANDERSON: I think what you're
17 asking to address is the issue of life safety,
18 where those things, destruction of property --

19 COMMISSIONER CABRERA: Probably the
20 destruction of property.

21 VICE-MAYOR ANDERSON: Sure. The issues of
22 septic tank.

23 COMMISSIONER CABRERA: Foundations, decks.

24 VICE-MAYOR ANDERSON: Foundations. Yeah,
25 those are concerns that have been raised several

1 times.

2 MAYOR SLESNICK: Well, you have to have
3 specifics --

4 COMMISSIONER CABRERA: Well, if you have a
5 20-foot hedge there, yeah, but, I mean, I don't
6 want to get off -- yeah, but it's happening, and
7 it's happening more and more and unfortunately
8 where it's happening is in the 50 by 100 lots,
9 and 100 by 100 lots, and as Chip says, you know,
10 the Aurelias, if you put a bunch of Aurelia
11 trees together, then it's not a problem, because
12 you want those trees to be high, but, you know,
13 typically what people do with hedge material
14 today is use ficus, which is very quick to grow
15 and it's easy to maintain and you get a hedge
16 pretty quickly.

17 All right. So much for that.

18 MAYOR SLESNICK: Any other comments?

19 MR. SIEMON: All right. The next division
20 is Division 15. These are Platting Standards.
21 These are your existing standards. There's not
22 a whole lot of platting activities, but it
23 carries them forward.

24 Article 5, Division 16, Roofs, again, there
25 are a number of roof provisions in various

1 districts. We've consolidated them. So if you
2 want to know what's -- what's permitted and
3 what's not permitted, as far as the roofs, it's
4 in a single section.

5 There's no substantive change, other than
6 to make sure that the provisions of this are
7 consistent with the provisions governing height
8 in residential districts, which is set forth in
9 the district itself --

10 MR. RIEL: And I'll interject here, the
11 metal roof provisions, however they come out,
12 will be put into the final code.

13 The Planning & Zoning Board did have a
14 discussion item last evening, with five members
15 of the Board present. They did recommend to
16 allow metal roofs City wide, with certain
17 provisions, in terms of neutral color, review by
18 the Board of Architect, with some additional
19 performance standards, and they also had said to
20 the Board of Architect that they would like for
21 them approve of that.

22 So we're going to finalize that process and
23 those provisions. However they may be, will be
24 provided in the final code, and will be
25 highlighted as a part of that discussion, since

1 it was kind of a late addition, pursuant to the
2 Commission's direction.

3 COMMISSIONER CABRERA: So last night's
4 meeting, did it go through a formal vote?

5 MR. RIEL: It was -- basically they looked
6 at it, and said, "This is how we would like to
7 proceed," but it was a discussion item. It will
8 be subject to a further public hearing when The
9 Code comes back.

10 VICE-MAYOR ANDERSON: You're going to get a
11 draft, recommendations, bring it back to them --

12 MR. RIEL: Right. Right. We needed a
13 starting point. We had a couple of different
14 versions. So now we have some direction.

15 MR. SIEMON: Eric, help me with sanitation.

16 MR. RIEL: Sanitation, for the most part,
17 it did not change.

18 MR. SIEMON: Division 18 is the
19 consolidation of screening provisions that are
20 contained in various parts of The Code. Now all
21 consolidated in a single provision to govern
22 what's screening.

23 MR. RIEL: Yes.

24 MR. SIEMON: Division 19 is Signs. You all
25 spent a considerable amount of time on signage

1 just before this -- we got involved in this
2 project. The only substantive modifications to
3 The Code relates to the descriptions of some
4 regulatory standards in which we have
5 recommended changes that would make it clear the
6 regulations are not regulating on the basis of
7 content, but are regulating on the basis of the
8 physical characteristics of the sign and its
9 location, because content neutrality is an
10 element. There were a number of provisions that
11 got through that implied -- that didn't actually
12 speak to content neutrality, but the substance,
13 that is, what the purpose of the regulation is,
14 we've just defined it, based on its physical
15 characteristics, rather than implying -- any
16 implication of its content.

17 Other than that, these are your existing
18 signs, consolidated and organized in a single
19 section.

20 MR. RIEL: Division 20 is
21 Telecommunications. The City Attorney Office's
22 secured outside counsel to actually look at this
23 portion of The Code. It did involve some
24 substantial changes, based upon recent changes
25 in the law. We did undergo a specific public

1 hearing review and does the City Attorney have
2 any comments on that?

3 MS. HERNANDEZ: No, Mr. Riel.

4 MR. SIEMON: Division 21 is Temporary Uses.
5 This is basically your existing regulations that
6 control carnivals, Christmas trees, garage
7 sales, and the like. Commercial photography, it
8 does involve a few modest changes to make it
9 clear where that applies. There was some
10 ambiguities in The Code, existing code, as to
11 whether it applied in residential districts, as
12 well, and we have clarified what is the current
13 practice.

14 We have not changed the rules. We've just
15 reflected how it's been interpreted and applied,
16 notwithstanding the ambiguity, in the past.

17 Underground Utilities is basically your
18 existing code, simply clarification of some
19 language, no real change.

20 The same for Unity of Title and Declaration
21 of Restrictive Covenant in Lieu Thereof,
22 existing regulations and existing practice.

23 Walls and Fences, again, this is the
24 consolidation of your existing provisions, and I
25 don't believe there are any material changes.

1 MR. RIEL: There was a lot of discussion on
2 this section, but it was mainly on the type of
3 materials utilized, but there was some flushing
4 out in terms of what types of materials could be
5 used for all fences. So that has been -- been
6 changed.

7 MR. SIEMON: Again, I think the guiding
8 outcome was how Staff has been administering The
9 Code in the past, where they were on certain
10 issues.

11 This leads -- that's the end of Article 5.

12 VICE-MAYOR ANDERSON: I have a question.

13 MR. SIEMON: Yes, ma'am.

14 VICE-MAYOR ANDERSON: Article 5, Division
15 14, Page 10 of 13, and I've discussed this with
16 Staff, but it relates to parking in the Central
17 Business District.

18 Over the years, historically, we've had
19 restaurants coming in or high volume businesses
20 coming in and not provide any parking.

21 As a consequence, we've had some parking
22 issues, which have led to other solutions, which
23 are not ideal, but we've dealt with them, and
24 from the Manager, I understand -- he talks about
25 the exceptions from the parking requirements, in

1 order to make sure that the liveliness of the
2 downtown is encouraged and continues, and I'm
3 fully supportive, and not to damage -- and,
4 also, he said, not to damage the small mom and
5 pop stores, the smaller business, that couldn't
6 afford to provide parking.

7 What I want to look at, and what I would
8 like -- and I understand and respect this, but
9 what about those high volume businesses that do
10 impact us, that do create a parking problem,
11 and, then, we, as a municipality, have to deal
12 with it through a parking garage or through
13 alternative methods, basically, i.e., money that
14 has to be expended. We just spent \$13,000,000
15 on a parking garage.

16 Is there a way, without discriminating or
17 hurting the smaller business concerns -- the
18 smaller business concern, to address the issue
19 of some type of parking fund or some type of
20 mitigation payment in lieu of that, as a
21 potential future thing that we can add?

22 I understand that it might go to the
23 district. I really feel strongly that that
24 issue has to be addressed.

25 MR. RIEL: Let me just make sure I

1 understand this. Regarding restaurants only?

2 VICE-MAYOR ANDERSON: Well, whatever that
3 creates --

4 MR. RIEL: High volume business.

5 VICE-MAYOR ANDERSON: Like, for instance --
6 well, it used to be Houston's. Now there are
7 several restaurants, and we're only going to
8 grow, and restaurants on Miracle Mile, or in the
9 Central Business District, those create
10 municipal issues for us, in terms of providing
11 parking, off-street parking or parking garages,
12 and we're basically hamstrung.

13 MR. SIEMON: We've had an extended amount
14 of conversation on this subject, as I think you
15 probably know. There are really two different
16 sets of provisions that are in this as it's
17 drafted.

18 The answer to your question is, yes, you
19 can do those thing, if that is your public
20 policy decision.

21 As we currently -- I believe this is
22 correct, Eric, will correct me -- for new
23 buildings, improvements, there's -- there is a
24 parking requirement. It's reduced from outside
25 the CB, but there is a parking requirement.

1 MR. RIEL: If it's less than 1.45 FAR,
2 there's no parking requirement.

3 MR. SIEMON: Right. But if it's more than
4 1.45, there is.

5 We have included a provision, after a lot
6 of discussion, if you have an existing building
7 and a change of use, which is permitted, that --
8 requiring additional parking.

9 So you go from a reading room to a
10 restaurant, we are not requiring additional
11 off-street parking. The reading room required
12 four spaces, the restaurant requires fifteen,
13 the public policy decision that we came out on
14 is that it's more important to support the
15 vital, active use of that building than -- and
16 that parking, particular in this immediate,
17 should be accommodated in a number of different
18 ways, but the answer to your question is, many
19 communities, in these circumstances, have
20 required a payment in lieu of providing
21 off-street parking.

22 We've talked about it at some great length,
23 both here in the -- both, in the downtown and in
24 the North Ponce planning exercise, and have not
25 recommended that at this point, but it's

1 something that can be done.

2 The other side that we've been expanding
3 the public policy discussion is, will that be a
4 deterrent to establishing these kinds of small
5 scale restaurants and character and adaptive
6 reuse in our downtown, and those are vital. I
7 mean, as an outsider, I can tell you that's a
8 great part of the character.

9 We have a Houston's in Boca Raton. I don't
10 need to come here --

11 VICE-MAYOR ANDERSON: I mean, the struggle
12 is how to pay for it.

13 MR. SIEMON: Right.

14 VICE-MAYOR ANDERSON: And if my colleagues
15 feel an appetite for discussing this further, I
16 don't know if they -- you know, that's important
17 enough to discuss it.

18 COMMISSIONER WITHERS: Appetite,
19 restaurants. I get it.

20 VICE-MAYOR ANDERSON: Hey. I still got my
21 mind going after three days.

22 I just feel that in the future we're going
23 to have to pay for parking lots, because
24 increasingly it's hard to find the money, you
25 know, and I don't want to discriminate against

1 the small businesses, but I do think that there
2 is some type of thing where we don't damage the
3 nightlife or discourage it.

4 MR. SIEMON: I would just make one
5 observation to you --

6 VICE-MAYOR ANDERSON: Yeah.

7 MR. SIEMON: -- as someone who is fairly
8 active in community redevelopment around,
9 particularly, South Florida right now.

10 I see an emerging trend for more and more
11 public responsibility for off-street parking in
12 redevelopment or urban or downtown areas, and I
13 think that either special assessment districts
14 or parking authorities or payments in lieu or
15 all three are going to become more much a part
16 of the future of South Florida as it grows and
17 matures. It's just an observation for your
18 consideration.

19 The next is non --

20 COMMISSIONER WITHERS: Can I ask Eric real
21 quick, this will only take a second --

22 MR. RIEL: Sure.

23 COMMISSIONER WITHERS: On the Unity of
24 Title issue, if -- are we requiring in
25 residential neighborhoods, if someone has two

1 lots, and one residence does not encumber on the
2 another lot, and they come up for a building
3 permit, are we requiring a unity of title on the
4 two lots before we issue that building permit?

5 MR. RIEL: I would have to defer to
6 Building & Zoning on that, if they can answer
7 that. I don't know.

8 MS. PASS: If the --

9 COMMISSIONER WITHERS: If someone has two
10 lots. They're not joined by unity of title now,
11 they're platted separately, and they come up for
12 a building permit, whether it's a remodel,
13 whether it's a roof or whatever, and yet it
14 doesn't encumber on the other lot, the other lot
15 is free and clear, do we still require them to
16 provide a unity of title before we give a
17 building permit?

18 MS. PASS: If they come in with a survey
19 showing both lots, and if any of that other
20 property is used in their calculations for that
21 house, even though it may sit on its own on that
22 lot, as far as setback, by itself, but if it is
23 used in any way, then we have to tie it
24 together.

25 MS. HERNANDEZ: As well as if they have

1 only one folio number.

2 COMMISSIONER WITHERS: No, I understand if
3 it's one folio, but if it's two separate lots --
4 so it's only if it's used in the overall
5 calculation of area? Okay.

6 MS. PASS: And we've had people come in not
7 knowing or realizing, until after the fact, that
8 they actually have a survey that showed both
9 properties, even though one was really --
10 stood -- it could have stood on its own -- it
11 could have been a stand alone, and they tied it
12 together at that point.

13 COMMISSIONER WITHERS: Okay, but we're not
14 forcing unity of title on residents?

15 MS. PASS: No, we're not. Not at all.

16 COMMISSIONER WITHERS: Okay. Thank you.

17 VICE-MAYOR ANDERSON: I -- I'm sorry.

18 COMMISSIONER KERDYK: I was going to ask --
19 if you want to go ahead, because I was going to
20 go back to your parking question.

21 VICE-MAYOR ANDERSON: It's just to
22 follow-up on that, because --

23 COMMISSIONER KERDYK: Okay.

24 VICE-MAYOR ANDERSON: -- Mr. Siemon you
25 mentioned parking authorities, special

1 assessment district and payments in lieu of, but
2 Mr. Siemon I feel I didn't get a resolution to
3 what we're going to think about in the future,
4 whether nothing happens right now that can
5 contemplate that.

6 MR. RIEL: I mean, I can tell you that is a
7 part of the North Ponce study, as Charlie
8 indicated earlier, with some other issues,
9 before we make any suggestions on mechanical or
10 trying to get parking in the area, perhaps that
11 can be a part of that discussion, I don't know.

12 VICE-MAYOR ANDERSON: It's going to impact
13 the CBD. I can tell you that right now.

14 MR. RIEL: I understand, where -- whatever
15 comes out of the North Ponce study, it does --
16 you know, some of those ideas will obviously
17 be --

18 VICE-MAYOR ANDERSON: You can put that as a
19 file holder there and remember that and think
20 about it. That's a real concern.

21 COMMISSIONER KERDYK: Yes. I'm glad to see
22 that we've decided to keep in the 1.25 or 1.45
23 and build Mediterranean for the CBD.

24 For buildings that are a larger size, that
25 do require parking, what are the ratios that we

1 are now asking the developers to provide? Have
2 they changed?

3 MR. RIEL: Retail, one to 250.

4 MR. BROWN: One to 250.

5 COMMISSIONER KERDYK: One per 250 for the
6 retail.

7 MR. RIEL: For the residential, the
8 requirements did go up slightly.

9 COMMISSIONER KERDYK: And how about for the
10 office usage?

11 MR. RIEL: One to 300.

12 COMMISSIONER KERDYK: And it used to be
13 what?

14 MR. RIEL: I believe it was one for 350.

15 COMMISSIONER KERDYK: And the retail was
16 what?

17 MR. RIEL: Retail was one for 250.

18 COMMISSIONER KERDYK: Retail was one for
19 250.

20 MR. BROWN: It was all 1/350.

21 COMMISSIONER KERDYK: So to answer, this
22 really doesn't hit at Commissioner Anderson's
23 question, but it certainly does show that we are
24 asking for more parking, especially in the
25 buildings that are including or requesting

1 parking. We're being far more aggressive in our
2 parking ratios. Is that correct?

3 MR. SIEMON: It's more aggressive. I don't
4 know that I would say "far."

5 MR. RIEL: Those issues, in terms of
6 parking, and what to do, in terms of those
7 numbers, we heard clearly from the Commissioner
8 when they did they're --

9 COMMISSIONER KERDYK: Thank you very much.

10 MR. SIEMON: The last article we're going
11 to discuss is Article 6, Nonconformities in law
12 or existent uses. We've consolidated the
13 nonconformity provisions all into this section,
14 with one exception, that nonconformities
15 relevant to the historic structures, that's
16 currently pending, there has been ongoing
17 discussion as to whether that organizational
18 point, whether it's appropriate or not.

19 There are three sections that I'd like to
20 bring to your attention. The first is Section
21 6-206 on Page 1 of 5.

22 Oh, I'm sorry, I just resist this thing
23 terribly. I apologize.

24 This is the upgrading of nonconforming uses
25 and there's three, perimeter buffer

1 requirements, sanitation requirements, and
2 standards for nighttime uses, if they're
3 applicable, are the three areas that would be
4 required to be brought into 24 months after
5 adoption of these regulations and within 12
6 months of a change in ownership, these
7 provisions would apply, and, again, they are
8 those existing primary residential --

9 MAYOR SLESNICK: Whichever comes first.

10 MR. SIEMON: Whichever is first.

11 There are those existing restaurant uses
12 that have been problematic uses in the past and
13 this is how we have collectively recommended
14 that the City address those issues, and there's
15 been -- we haven't done it lightly. There's
16 been a lot of discussion about the potential
17 impacts, but, also, in the context of the kind
18 of neighborhood concerns that we've tried to
19 deal with in the past, this has been our
20 recommendation to you.

21 The second item I want to bring to your
22 attention is not in your code. I told you a few
23 minutes ago that we moved the nonconformities
24 provisions for Historic back into the Historic
25 section. When that was done, there was an

1 administrative error on our Staff's part,
2 because they just moved the whole thing and then
3 deleted from a provision.

4 The Planning & Zoning Board, with our
5 recommendation, has recommended that
6 nonconformities be -- your existing
7 nonconformities provision be modified, to allow
8 the re-establishment of any existing residential
9 use, even in the event of a hundred percent
10 destruction as a result of a storm or fire or
11 other occasion, but, in other words, we have
12 units, and that appears in Section -- will
13 appear in 6-302. It does not go to
14 nonresidential. It goes to people's homes, and
15 protects that, and that was -- after Wilma last
16 year, it became a fairly pressing policy
17 decision -- concern that was discussed both,
18 with Staff and with P&Z, and that's our
19 collective recommendation, that that be
20 approved.

21 The final provision I want to bring to your
22 attention is Division 6, which is the
23 Termination of Status as a Nonconformity, and
24 I'll just summarize the concept for this.

25 Nonconformities don't go away, and people

1 want to upgrade them, they want to expand them,
2 they want to do things to them, and can't do it,
3 because they can't come into compliance. They
4 cannot provide the off-street parking, no matter
5 what they try, it's just not possible, and so
6 you have a hard choice for a community, it stays
7 as it is, and it's not improved.

8 So what we've suggested and recommended and
9 it's included in this is a provision that would
10 allow them to become not a nonconforming use,
11 but a lawfully conforming use, by getting a
12 conditional use, a discretionary approval, that
13 you go through a conditional use process,
14 demonstrate compliance to the maximum extent
15 possible, and ensures, again, those three areas
16 -- three areas of concern, perimeter buffer,
17 off-street parking is improved, and you meet the
18 landscaping standards, so that if you've got an
19 existing surface parking lot that's unattractive
20 and undesirable, we'll consider granting you
21 lawfully existing status, but with an implied
22 condition, that requires you to landscape that
23 parking, so it improves the quality and
24 character of it, and that's the concept of a
25 lawfully existing use.

1 This is a provision that's involved in
2 introducing The Codes for now almost 20 years,
3 and I can report that in many, many communities
4 they've turned out to be very desirable, because
5 what happened is, uses that are otherwise caught
6 in a nonconforming status, no reason to invest
7 or can't invest, have come into a more
8 productive use, and those are the three major
9 changes in the nonconformities provisions, and I
10 think you understand now -- I hope you
11 understand the origins of each one of those, and
12 that is our introduction to where we are in The
13 Code, and this is a starting point.

14 We've tried very hard, and we look forward
15 to working with you to its final consideration.

16 MR. RIEL: Let me -- a couple of comments.
17 Again, I just want to reiterate, you know, we've
18 gone through this code for about a year and a
19 half now, article by article. This brings this
20 all into one document, because what's happened
21 is, since Staff is going to be looking at all
22 the input we've received again today, we're
23 going to be producing a new document in early
24 August, and we're scheduled for public hearing
25 for the Planning & Zoning Board, and then it

1 comes to the Commission, and all that
2 information will be available on the web.

3 MAYOR SLESNICK: When do you think it will
4 come to the Commission?

5 MR. RIEL: My guess is September. We're
6 going to probably have two boards -- two
7 meetings before the board, one in August, and
8 probably in early September.

9 MAYOR SLESNICK: So our second meeting in
10 September could be the --

11 MR. RIEL: Probably going to be the second
12 meeting in September, and it could be --

13 MAYOR SLESNICK: However you would --

14 MR. RIEL: But that is kind of a target.

15 COMMISSIONER CABRERA: Let's make a note of
16 that so --

17 MR. BROWN: We have a budget meeting that
18 night.

19 COMMISSIONER CABRERA: Okay. Then I don't
20 agree with doing it the same day. If we have a
21 budget hearing that night and we're going to
22 take on this matter that same day, I don't
23 recommend it.

24 MR. RIEL: You know, we'll work with the
25 Manager's office for scheduling.

1 COMMISSIONER CABRERA: It's just -- you
2 know, it's just too important. Both items are
3 way too important to put them together and
4 expect us to be able to do it.

5 MAYOR SLESNICK: How about our meeting in
6 October?

7 COMMISSIONER CABRERA: That's fine. If it
8 can't be the first meeting in September, then
9 it's going to have to be in October.

10 MAYOR SLESNICK: It gives you the time.
11 First meeting in October.

12 MR. RIEL: And then a lot of the --

13 MR. BROWN: I'm sorry, I couldn't hear you,
14 Mayor.

15 MAYOR SLESNICK: First meeting in October.

16 MR. BROWN: I think it's the 12th.

17 MAYOR SLESNICK: No, we're just saying
18 it's --

19 COMMISSIONER CABRERA: We're just saying
20 that --

21 MAYOR SLESNICK: Our budget will be
22 adopted, our new fiscal will be upon us, and
23 this will be our first act for the new fiscal
24 year.

25 MR. RIEL: Okay. We can do that.

1 MR. BROWN: We can do that.

2 MAYOR SLESNICK: That gives you, without
3 having to --

4 MR. RIEL: The Board is on vacation -- they
5 have vacation, as well, in August, so it's kind
6 of difficult in the summer months.

7 COMMISSIONER CABRERA: You're looking at
8 October the 10th to be able to --

9 MR. RIEL: Yeah.

10 VICE-MAYOR ANDERSON: They've been working
11 hard.

12 MR. RIEL: No, they've been working
13 extremely hard. So on behalf of the Staff and
14 the City, we want to thank you.

15 MAYOR SLESNICK: We're going to take one
16 final round here of comments and questions.

17 COMMISSIONER KERDYK: All right, since
18 we're two minutes ahead, and we want to take the
19 whole two minutes we have here, as far as
20 Development Standards goes, did you put anything
21 in there about what constitutes a high-rise --
22 what constitutes a high-rise site, from the
23 standard being that we've had a couple of
24 incidents recently where we've always had, you
25 know, in our Zoning Code that 200 feet had to be

1 a minimum amount of footage, based -- on a
2 street, and, of course, if you look at our
3 zoning maps or our land use map, they don't
4 specifically state it.

5 Our high-rise zoning are intensified on the
6 major corridors, the Ponce de Leon, the Alhambra
7 Circle, and LeJeune Road, and so forth, and
8 Miracle Mile, which we tried to avoid, but
9 whatever it is, we've had -- again, we've had a
10 couple of situations here where the 200 feet
11 frontage has been interpreted on a side street
12 instead of being on the front street. Have we
13 looked at that and rectified that situation?
14 Have we not addressed the issue? Is it
15 something that Staff doesn't want to address?
16 So where do we stand, as far as that goes?

17 MR. RIEL: We -- the 200-foot provision is
18 still in there, and I believe it's -- we've
19 indicated that it's a primary street.

20 COMMISSIONER KERDYK: It should be a
21 primary street, in my estimation.

22 MR. RIEL: We had (inaudible) and he really
23 did not touch on it, but I know it's the issue
24 of primary versus secondary.

25 COMMISSIONER KERDYK: It would need to be a

1 primary street, as far as I'm concerned, and if
2 you would check that, and just get back to me,
3 that'd be great. That's really the only
4 question I have.

5 MAYOR SLESNICK: Maria.

6 VICE-MAYOR ANDERSON: I've gone over the
7 parking, remember that, and -- but I want to
8 just thank you all. It's been a long, long
9 road. I know a lot of people have looked at it,
10 and thank you all who've read it line by line of
11 the Planning Board. I guess we should have a
12 special ceremony for that. They have done an
13 amazing job.

14 MR. RIEL: We will bring all the Board
15 members.

16 VICE-MAYOR ANDERSON: That's great. Thank
17 you.

18 MAYOR SLESNICK: Ralph?

19 COMMISSIONER CABRERA: I have nothing.

20 MAYOR SLESNICK: Chip?

21 COMMISSIONER WITHERS: I want to ask Eric a
22 personal observation, okay, after going through
23 this. You know, I went into this thing hoping
24 that we would accomplish two things, to speed up
25 the process, I think that was one of our

1 objectives, and at the same time really maintain
2 the core values and fabric and feel of the City,
3 and one of the ways of doing that was to
4 hopefully streamline the process and make the
5 system work, as opposed to relying on
6 individual's interpretation of The Code, Staff's
7 interpretation.

8 Have you seen that? Is that going to
9 happen? Is that a benefit from all this?

10 MR. RIEL: I think so, because I think by
11 streamlining it, as I point to a couple of
12 things, first off, the recodifying and putting
13 the sections all together, as you know, The Code
14 has been amended and adopted over 20, 30 years.
15 Each section, as it was written, stood on its
16 own. In other words, conformities were in its
17 section, parking. I think that in itself will
18 streamline it.

19 I think the other major change is the City
20 architect's position. By having less items come
21 into the Board, they can focus more on the
22 larger projects, instead of the items that they
23 now review, and those minor mundane things are
24 going to go to the City architect, and will
25 speed up the process of those votes that may not

1 need to go to the Board.

2 In terms of the core values, I think the
3 core values are here. They've been further
4 strengthened by the fact that we've had an
5 opportunity to look at The Code as a whole. The
6 department is involved in it, the public input
7 we received.

8 We've gone to the Planning & Zoning Board,
9 Parking Advisory Board, Landscape Advisory
10 Board, you know, there's been a number of

11 economic developments, you have Preservation, I
12 think ultimately we had a good Zoning Code. I
13 think it's much better now and it reflects more
14 innovative planning and zoning techniques, and,
15 now, obviously we have some more work to do with
16 mechanical parking, because that's a new trend
17 right now.

18 It's been a balance in trying to, you know,
19 prosper development into downtown. It's been a
20 challenge to -- because we know we're going to
21 have more residential in the downtown, and, you
22 know, that trash being, you know, picked up at
23 three o'clock in the morning, and, you know,
24 we're also trying to encourage that restaurant
25 in the ground floor, I think we put performance

1 standards in here that will address that.

2 Is The Code perfect? I would say to you
3 it's not perfect. There's going to be changes
4 that need to be made. As with any other code,
5 as you go through the process, you identify
6 other issues.

7 So, you know, when we adopt it, will we be
8 back in a year or two? Absolutely. Absolutely.

9 COMMISSIONER WITHERS: Thank you.

10 MR. RIEL: Thank you.

11 MAYOR SLESNICK: Eric, on behalf of the
12 Commission, we want to thank our Planning &
13 Zoning Board and your Staff, all the other
14 Boards, Historic Preservation Board, I know the
15 Board of Architects, and Building & Zoning
16 Department, and, Margaret, all your Staff, and
17 so forth, but this is from the Commission, so
18 that all of those people, and, Charlie, I've
19 worked with you, and we appreciate your expert
20 guidance.

21 I just want to make sure, from the
22 Commission's perspective, before we let the
23 Manager close his session that he brought us
24 here for, to the public of Coral Gables who are
25 -- is this being broadcast or is this just

1 in-house, David?

2 COMMISSIONER CABRERA: This is
3 broadcasting. I was watching at home.

4 MAYOR SLESNICK: The fact of the matter is,
5 I want everyone to understand one thing. It's
6 not over until it's over. We may be
7 complimentary of the process, but I'm sure there
8 are still important questions to be asked.
9 There are challenges to be brought forward.
10 Each Commissioner will have his or her own
11 feelings about certain things.

12 I think, though, that I would hope today,
13 if you watched this or if you will watch the
14 replay of this, that you will realize that in
15 large part this has been an effort to bring
16 conformity and cleanup and consistency and
17 relevancy and understandability to our code.

18 So this exercise has been one in which we
19 made no substantive change at all, at the end of
20 this, but still have a better product for the
21 public to use and for the citizens to
22 understand.

23 Having said that, as you heard already,
24 this Commission will be -- have this code
25 brought back for public hearing and public

1 input, and as you also heard the City Attorney's
2 rule earlier that this is a legislative process,
3 this is not the application of somebody
4 specifically referring to one piece of property,
5 so it's not quasi-judicial. That means that the
6 Commission is open to input as we go along, from
7 the public, and from the residents, from our
8 business community, and I know that we are all
9 open at all times for that.

10 And with that, David.

11 MR. BROWN: Thank you, Mr. Mayor.

12 I'd be remised if I didn't point out to you
13 and to the public the enormity of this task. I
14 said it at the Planning & Zoning Board, but I
15 wanted to save it for the closing tonight, you
16 know, that there was a City team assembled, who
17 have sat down and read that document nine times,
18 paragraph by paragraph, line by line, and we
19 gathered in a room nine times, either for a day
20 or a half a day, to make sure that we did
21 exactly what Charlie and Eric had presented, and
22 we tried to not forget anything as we took The
23 Code apart and put it back together, but I need
24 to recognize those people, because they really
25 have given an enormous amount of hours to this

1 task, and that's Liz Hernandez, Dona Lubin,
2 Martha Blanco-Salazar, Maria Jimenez, Wally
3 Carlson, Eric Riel, Dennis Smith, Margaret Pass
4 and Charlie Siemon.

5 We all got in that room nine times to bring
6 this document to you today, and like we said,
7 we're not done yet.

8 So thank you for your time this morning,
9 and thank you for your input.

10 VICE-MAYOR ANDERSON: You're welcome.

11 MAYOR SLESNICK: The next Commission
12 meeting will be on August 22nd, in this room, on
13 this television station, and until then we wish
14 everyone a very healthy, happy and safe summer.

15 (Thereupon, the proceedings were concluded
16 at 10:08 a.m.)

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C E R T I F I C A T E

STATE OF FLORIDA:

SS.

COUNTY OF MIAMI-DADE:

I, NIEVES SANCHEZ, Court 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 19th day of July, 2006.

NIEVES SANCHEZ