

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2022-__

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE, ARTICLE 10, "PARKING," SECTION 10-109, "PAYMENT IN LIEU AND REMOTE OFF-STREET PARKING;" TO REVISE REMOTE PARKING AND PAYMENT-IN-LIEU PROCESSES, REQUIREMENTS, AND FEE STRUCTURES; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission wishes to make new buildings compatible with expected future mobility trends which will lead to lower demand for parking structures; and

WHEREAS, City Staff is requesting a Zoning Code text amendment to clarify the current Remote Parking and Payment-in-lieu standards; and

WHEREAS, the City Commission recently amended the Remote Parking and Payment-in-lieu requirements to allow remote parking for new construction in the CBD, Ponce de Leon Corridor, and Design & Innovation District and updated the review process with the adoption of the Zoning Code Update, adopted via Ordinance No. 2021-07 (as amended), and

WHEREAS, through the City's current mobility system (such as the City Trolley service and Freebee service), connectivity is provided from the Metrorail system to throughout the CBD, Ponce de Leon Corridor, and the Design & Innovation District; and

WHEREAS, there are private parking facilities within Coral Gables that are significantly underutilized during certain hours of the day; and

WHEREAS, allowing the use of underutilized private parking facilities will lead to better efficiency and utilization of the private parking facility that will benefit the overall parking system within Coral Gables; and

WHEREAS, private investment in public parking facilities will enable the development of additional public parking facilities and increase the overall efficiency of the parking system within Coral Gables; and

WHEREAS, this text amendment also allows for alignment with applicable sections and anticipated revisions of Division 5, Article III, Chapter 74 of the City Code entitled Parking Replacement Assessment; and

WHEREAS, after notice was duly published, a public hearing was held before the Planning and Zoning Board on November 1, 2022, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the Planning and Zoning Board was presented with text amendments to the Official Zoning Code, and after due consideration, recommended deferral (vote: 6 to 0) of the text amendment; and

WHEREAS, after notice was duly published, a public hearing was held before the Planning and Zoning Board on December 14, 2022, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the Planning and Zoning Board was presented with text amendments to the Official Zoning Code, and after due consideration, recommended approval (vote: 6 to 0) of the text amendment; and

WHEREAS, a public hearing for First Reading was held before the City Commission, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, after notice was duly published, a public hearing for Second Reading was held before the City Commission, at which hearing all interested parties were afforded the opportunity to be heard.

NOW THEREFORE BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES THAT:

SECTION 1. The foregoing “**WHEREAS**” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. The Official Zoning Code of the City of Coral Gables is hereby amended as follows¹.

Article 10. Parking

Section 10-109. Remote off-street parking and Payment-in-lieu and remote off-street parking.

- A. ~~Parking allowed off site via Payment in lieu shall be as set forth in Chapter 74 Sec. 74-172(d) of the City Code. For new construction exercising the remote off street parking option as set forth in this section, a minimum of twenty five (25%) percent of the required parking shall be provided as a public benefit via Payment in lieu as set forth in Section 74-172(d) of the City Code. This provision shall not apply to properties~~

¹ Deletions are indicated by ~~striketrough~~. Insertions are indicated by underline.

~~within the Zain/Friedman Miraele Mile Downtown District Overlay facing Miraele Mile.~~

~~B. Remote off-street Parking. Use of Remote Parking may be allowed A as an alternative to, or in conjunction with providing required parking onsite or through payment in lieu. The one-time payment into the Parking Trust Fund for use of Remote Parking shall be satisfied for one hundred percent (100%) of the requested remote parking spaces to comply with up to one hundred percent (100%) of the required on-site parking and shall be collected prior to the issuance of a building permit in the amount established by the City Commission. of providing required parking pursuant to City Code Section 74-172(d), an applicant may apply to use remote off-street parking to meet the off-street parking requirements of the Zoning Code. The ability to use remote parking may be granted in the reasonable discretion of the City in compliance with the terms of this subsection.~~

1. Definition. For purposes of this subsection, the "applicant" is defined as the owner(s) of the land of which the uses(s) seeking to utilize remote parking is located. The owner of the land on which the remote parking is located may not apply for remote parking, unless that owner also owns the property on which the use seeking to utilize remote parking is located.

2. Applicability.

a. ~~Location of project and of remote parking spaces. Applications for remote parking shall be accepted when t~~ The proposed project building site location and the location of the remote parking spaces ~~are~~ shall both be located within the CBD, and the Design & Innovation District, and for properties or located within one-hundred (100) feet of the Ponce de Leon right of way, south of SW 8th Street. ~~When project and remote parking spaces are outside of these designated areas, an applicant can request a Waiver from the City Commission pursuant to subsection B4. The remote parking spaces must always be located in the City. Projects facing Miraele Mile shall remote park 100% of their required parking with no reductions. The remote parking facility(ies) shall not be located in a single-family zoning district.~~

b. ~~For expansion and changes of use. Infeasibility or impracticability of providing required parking. Applications may be approved if the physical layout of the project, as determined in the reasonable discretion of the Director of Development Services, cannot reasonably be altered to provide the Zoning Code required parking onsite as part of the proposed expansion or change of use.~~

e. Distance. The remote parking spaces ~~must~~ shall be located within one thousand (1,000) feet of the applicant's project building site. ~~The distance shall be~~

~~measured using airline measurement~~ from the property line of the ~~project building~~ site to the property line of the off-street parking facility(ies) containing the remote parking spaces.

- ~~d. The remote parking facility(ies) shall not be located in a single family zoning district.~~
 - ~~ce. No cap on Minimum and maximum remote parking. A minimum of ten (10) remote parking spaces shall be requested and The applicant may request to use remote parking spaces for up to one-hundred (100%) percent of the Code required off-street parking for the project. A Payment-in-lieu may be requested if a building site requires less than ten (10) off-site parking spaces.~~
 - ~~df. Approval process. Remote off-street parking for new construction requesting more than twenty-five (25) parking spaces shall be subject to a Conditional Use approval as set-forth in Article 14-203.2 of the Zoning Code, including conditions to allow a combination of Remote Parking and Payment-in-lieu. The Development Services Director ~~shall~~ may review and approve an application requesting twenty-five (25) to provide remote off-street parking spaces or less for an expansion or change in use of an existing project located in the City upon finding that all of the requirements of this subsection have been satisfied.~~
 - ~~e. Miracle Mile. Projects facing Miracle Mile shall remote park one hundred percent (100%) of their required parking with no reductions. No minimum number of remote parking spaces are required. The Development Services Director may review and approve an application requesting less than twenty-five (25) remote off-street parking spaces.~~
3. Application. The applicant shall file an application in the form specified by the City, including site plans, and shall be accompanied by applicable fees. ~~all of the following at a minimum:~~
- ~~a. A survey showing the exact location, traffic flow and current physical layout of the proposed remote parking spaces;~~
 - ~~b. Documentation certifying that where the remote parking spaces will be located:
 - ~~i. Are owned by the applicant, if the applicant owns the structure containing the use requiring remote parking; or~~
 - ~~ii. Have been secured for the applicant's use by means of a lease with a term of at least one (1) year, if the applicant leases the structure containing the use requiring remote parking; and~~
 - ~~iii. Are in excess of those parking spaces required to serve any onsite development. The number of required parking spaces shall be measured based on the square footage and parking demand of each approved onsite use, assuming one hundred (100%) percent occupancy.~~~~

- ~~e. If the remote parking spaces are leased, then documentation of the remote parking lease arrangement must be acceptable to the City Attorney and acceptable in substance to the Development Services Director, and must be recorded in the public records of Miami Dade County against both the applicant's project site and the property housing the remote parking spaces. The lease for the remote parking spaces must have a term of at least one (1) year and can be terminated on no less than ninety (90) days advance notice, which shall be provided to both the Development Services Director and the parties. The lease must also assure the City's right to access the remote spaces to inspect them as provided herein;~~
 - ~~d. Copies of the approved plans for the remote parking spaces, as they may have been amended to date;~~
 - ~~e. Sworn affidavits from the owner of the remote parking spaces establishing that no leases, approved plans, or other commitments exist or will be entered into for the life of the remote parking approval, if the spaces are owned, or the life of the lease if the spaces are leased, that would interfere with the proposed use of the remote parking spaces for remote parking; and~~
 - ~~f. The application fee.~~
4. Covenants. The application shall also be accompanied by property owner(s) shall submit an appropriate covenant prior to issuance of the first building permit which shall run with the land and declaration of restrictions for the remote parking spaces executed by the owner of the property containing the remote parking spaces and the applicant, as applicable in recordable form acceptable to the City Attorney and acceptable in substance to the Director of Development Services, including at least all of the following:
- a. That the owner of the remote spaces (and the heirs, successors, personal representatives and assigns, and upon all mortgagees and lessees and others presently or in the future having any interest in the property) assures that the remote parking spaces are in excess of those parking spaces required to serve any existing development and the continued rights to the remote parking spaces until such time as the City Manager or designee releases the obligation, and if the spaces are leased, the City's right to access the remote spaces to inspect them as provided herein;
 - b. That, ~~if the applicant plans to relocate upon any relocation of~~ the remote parking spaces to another location that meets the requirements of this subsection, ~~it shall submit~~ an application shall be submitted to amend the remote parking approval promptly, at least ninety (90) days prior to the termination of the remote parking arrangement. Such amendment shall be subject to the same application requirements, procedure and fee as a new application, and shall be implemented

in a manner that assures the continuous availability of the remote parking for the project;

- c. That ~~the applicant shall report~~ any unplanned changes shall be reported in the facts related to the application or approved remote parking arrangement to the Director of Development Services within five (5) business days of the occurrence of the change, and shall submit a remedial plan consistent with the requirements of subsection 8 below, together with the review fee, within ten (10) business days of the occurrence of the change. The Development Services Director shall have the sole but reasonable discretion to approve the remedial plan and set the timing of implementation, and may extend the above deadlines if good cause is shown;
 - d. That ~~the applicant and the property owner of the remote parking spaces~~ authorize the City shall be authorized to inspect the remote parking spaces at will to determine the continuing adequacy of the remote parking arrangements, during the normal hours of operation of the use that is being served by the remote parking spaces;
 - e. That ~~the applicant shall annually submit~~ an affidavit shall be annually submitted confirming that the facts supporting the applicant's initial approval of the use of remote parking remain accurate at the time of renewal of the certificate(s) of use for the applicant's property(ies);
 - f. That at the time of entering into a new lease or renewing a lease, ~~the applicant shall submit~~ renewed documentation and affidavits shall be submitted as required by B.3 above; and
 - g. That ~~the applicant recognizes and accepts that~~ any material failure to meet the requirements of this subsection (or the requirements of the related agreements, covenants or conditions) that is not cured as provided herein will immediately subject the applicant to the original and full parking requirements of the Zoning Code. The materiality of any failure shall be determined by the Development Services Director, in consultation with the City Attorney.
 - h. That a submitted survey shows the exact location, traffic flow, and current physical layout of the proposed remote parking spaces.
5. Remedial plan. The ~~submittal purpose~~ purpose of a remedial plan is to provide remedy options if the initial remote parking agreement has been terminated and other spaces meeting the criteria are no longer available and, whether required pursuant to subsection B.4 above or subsection B.6 below, shall be accompanied by a review fee ~~which shall be the same as the application fee~~. If the Development Services Director finds, in his or her reasonable discretion, that the remedial plan fully meets the parking requirements for the remaining uses and square footages, utilizing any combination of alternatives permitted by the City Code and Zoning Code in effect

at the time, and the requirements of this subsection ~~B~~, then the Development Services Director shall approve the remedial plan. The remedial plan may include any or all of the following options, and shall be implemented according to the timing and schedule established in the individual remedial plan:

- a. Provide a one-time ~~P~~payment-in-lieu of required parking in accordance with Section ~~74-201~~172(d) of the Code of Ordinances, or
 - b. Modify the use of the applicant's property(ies) so that the remote parking spaces are no longer required to be provided to meet the Code parking standards (for example, by reducing the square footage of uses, or changing one or more uses to a use(s) with a lower parking requirement), or
 - c. Secure alternate remote parking spaces meeting all of the requirements of this subsection, including execution of any required agreements and affidavits, or
 - d. Provide additional onsite parking spaces.
6. Renewal. The applicant shall, prior to the annual renewal of the certificate(s) of use for the applicant's property(ies) using remote parking, submit renewed documentation if required by ~~B.4.f~~ above, and an affidavit affirming that the matters ~~addressed under subsections B.b and B.3.e~~ above as originally approved remain in effect, which shall be reviewed by the Development Services Director. The certificate(s) of use shall not be issued unless the affidavit, and documentation if required, demonstrates that all the requirements of this subsection ~~B.2-B.6~~ continue to be met for the remote parking arrangement as it was approved.
7. Noncompliance. If the Development Services Director discovers at any time, including during a renewal review, that the applicable requirements of this subsection are not met in any material way or that the remote parking is not maintained continually as described in the application and provided in the recorded covenant, he or she shall notify the applicant and require the applicant either to (i) demonstrate that the violation has been cured or did not exist, or (ii) provide a remedial plan meeting the requirements of subsection ~~B.5~~ above, together with the review fee. The materiality of any noncompliance shall be determined by the Development Services Director, in consultation with the City Attorney. The applicant's response shall be reviewed and approved in the sole but reasonable discretion of the Development Services Director. The Development Services Director shall set the deadline for the applicant to develop and submit the remedial plan and may extend it if good cause is shown.

Also, if the Development Services Director determines that the applicant has failed to meet any of the following four (4) requirements, the Director shall deem the applicant's remote parking approval void, and the applicant shall not again seek to use remote parking until six (6) months have elapsed from the date that the approval is deemed void:

- a. The requirement to notify the City of changes pursuant to ~~7-4.e~~ ^{above} within the required time frame;
 - b. The requirement to submit a remedial plan by any deadline set or extended by the Development Services Director;
 - c. The requirement to implement the remedial plan according to the implementation schedule approved or extended by the Development Services Director; or
 - d. The requirement to comply in any other material regard with all of the requirements of this subsection, including failure to comply with the recorded covenants as required herein. The materiality of any noncompliance shall be determined by the Development Services Director, in consultation with the City Attorney. The Development Services Director shall also have the discretion in consultation with the City Attorney to begin Code Enforcement procedures as set forth in Section 14-300.
8. City Commission Waiver.
- a. Standard for waivers. The City Commission may approve a waiver pursuant to this subsection ~~B4~~ ^{upon} finding that the waiver will neither (A) harm the public interest nor (B) create parking problems in the area surrounding the applicant's project site.
 - b. Requirements that may be waived. An applicant may request that the City Commission review its application for remote parking and, following a public hearing, approve a waiver of one (1) or more of these requirements, and may impose any conditions it deems necessary on such waiver:
 - i. The one-thousand (1,000) foot maximum distance between the remote parking spaces and the applicant's project site; and
 - ii. The requirement that the remote parking be located within the CBD or Design & Innovation District, or one-hundred (100) feet from the Ponce de Leon right of way, south of SW 8th Street; and
 - iii. The requirement that the land containing the use seeking to utilize remote parking be located within the CBD or the Design & Innovation District, or one-hundred (100) feet from the North Ponce de Leon right of way.
 - c. Effect of waiver. All of the remaining requirements of ~~section 10-109.B~~, that have not been waived by the City Commission, must be satisfied.
9. Appeals. The applicant may appeal any determinations made by the Development Services Director under this subsection through the process set forth in Section 14-208 of the Zoning Code.

B. Payment-in-lieu. Payment-in-lieu may be allowed per Chapter 74 Sec. 74-172(d) of the City Code, provided that:

1. The applicant’s prior agreement to Remote Park has been terminated by the private parking facility and the Director of Development Services has determined that obtaining Remote Parking elsewhere is infeasible or impracticable; or

2. Less than ten (10) parking spaces are required and on-site parking is determined infeasible or impracticable, as determined in the reasonable discretion of the Director of Development Services, and the physical layout of the property(ies) cannot reasonably be altered to provide the required parking.

The Payment-in-lieu shall be satisfied by a one-time payment prior to the issuance of building permit(s) or issuance or renewal of certificate(s) of use in the amount established by the City Commission. The Payment-in-lieu fee shall be collected in addition to any Remote Parking payments into the Parking Trust Fund.

SECTION 3. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made part of the “Zoning Code” of the City of Coral Gables, Florida; and that the sections of this “ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. Applications for review that have received preliminary Board of Architects approval by the adoption of this Ordinance shall be vested applications. Applications securing preliminary Board of Architects approval after the adoption of this Ordinance shall satisfy these regulations.

SECTION 7. If the Official Zoning Code of the City of Coral Gables Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 8. This Ordinance shall become effective upon the date of its adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, A.D., 2023.

(Moved: / Seconded:)

(Yeas:)

(; Vote)

APPROVED:

VINCE LAGO
MAYOR

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

BILLY Y. URQUIA
CITY CLERK

MIRIAM SOLER RAMOS
CITY ATTORNEY