

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2021-13

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE PURSUANT TO ZONING CODE ARTICLE 14, "PROCESS," SECTION 14-212, "ZONING CODE TEXT AND MAP AMENDMENTS," BY AMENDING THE FOLLOWING PROVISIONS RELATING TO 'MIRACLE MILE': (1) ARTICLE 2 "ZONING DISTRICTS," REDUCING THE MAXIMUM HEIGHT AND MODIFYING AND CONFORMING ASSOCIATED PROVISIONS INCLUDING, GROUND FLOOR DESIGN, STEPBACKS, VEHICLE ACCESS, AND SITE PLAN REVIEW IN THE 'ZAIN/FRIEDMAN MIRACLE MILE DOWNTOWN DISTRICT OVERLAY (DO) AND THE MIXED-USE 2 (MX2) DISTRICT FACING MIRACLE MILE; (2) ARTICLE 4, "URBAN DESIGN AND PUBLIC IMPROVEMENT STANDARDS," CLARIFYING A BUILD-TO-LINE; (3) ARTICLE 10 "PARKING," SECTION 10-109, REQUIRING REMOTE OFF-STREET PARKING; AND (4) ARTICLE 14 "PROCESS," SECTION 14-204.5, PROHIBITING USE OF TRANSFER OF DEVELOPMENT RIGHTS (TDRS) AS RECEIVER SITES; PROVIDING FOR REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission commenced a comprehensive update to the City's Zoning Code to reorganize, reformat, simplify, modernize, streamline and provide improvements; and

WHEREAS, the Zoning Code Update process and all background information including but not limited to agendas, presentations, public notices, minutes, etc., have been available for public review and inspection throughout the entire process on the City web page at www.coralgables.com/zoningupdate and at the Planning Division Office; and

WHEREAS, the Business Improvement District (BID) met on May 11, 2018, to discuss current issues and goals related to Miracle Mile and Downtown Coral Gables; and

WHEREAS, a Working Group was formed with multiple individuals with varying professions and backgrounds to provide input and review preliminary proposed updates to the Zoning Code; and

WHEREAS, the Working Group convened on June 1, June 15, and August 10, 2018, to provide input for and review preliminary results of the assessment and analysis of the Zoning Code; and

WHEREAS, the Staff Committee comprised of various City Departments convened on May 14, June 11, and August 6, 2018, to provide input for and review preliminary results of the assessment and analysis of the Zoning Code; and

WHEREAS, the required notice was published pursuant to Florida Statutes advising of the public hearings and the opportunity to provide input; and

WHEREAS, after notice of a public hearing being duly published, the Planning and Zoning Board on September 21, 2018 conducted a public workshop to seek input from the Board prior to drafting update proposals; and

WHEREAS, after notice of a public hearing being duly published, the Planning and Zoning Board on October 17, 2018 conducted a public hearing, secured public input and testimony, allowed all interested persons the opportunity to be heard, discussed the presented draft of the Assessment and Analysis and reorganization; and

WHEREAS, after notice of a public hearing being duly published, the Planning and Zoning Board on February 13, 2019 conducted a public hearing, secured public input and testimony, allowed all interested persons the opportunity to be heard, and recommended approval of the re-organized Zoning Code to the City Commission (vote: 5-0); and

WHEREAS, the Working Group convened on April 22, 2019, to provide input for proposed updates to the Zoning Code; and

WHEREAS, after notice of a public hearing being duly published, the Planning and Zoning Board on May 8, 2019 conducted a public hearing, secured public input and testimony, allowed all interested persons the opportunity to be heard, and discussed proposed technical corrections to the Zoning Code; and

WHEREAS, after notice of a public Commission Workshop being duly published, the City Commission convened on June 24, 2019, allowed all interested persons the opportunity to be heard, and reviewed proposed updates to open space and downtown provisions in the Zoning Code; and

WHEREAS, after notice of a public Commission Workshop being duly published, the City Commission convened on September 4, 2019, allowed all interested persons the opportunity to be heard, and reviewed proposed updates and improvements to proposed provisions for Multi-Family 2 (MF2) / North Ponce area in the Zoning Code; and

WHEREAS, after notice of a public hearing being duly published, the Planning and Zoning Board on September 11, 2019 conducted a public hearing, secured public input and testimony, allowed all interested persons the opportunity to be heard, and deferred review of the proposed technical corrections to the Zoning Code; and

WHEREAS, after notice of a public hearing being duly published, the Planning

and Zoning Board on October 16, 2019 conducted a public hearing, secured public input and testimony, allowed all interested persons the opportunity to be heard, and recommended approval of the proposed technical corrections of the Zoning Code to the City Commission (vote: 6-0); and

WHEREAS, after notice of a public Commission Workshop being duly published, the City Commission convened on January 13, 2020, allowed all interested persons the opportunity to be heard, and discussed updates to remote parking and payment-in-lieu provisions in the Zoning Code; and

WHEREAS, after notice of a public Commission Workshop being duly published, the City Commission convened on March 5, 2020, allowed all interested persons the opportunity to be heard, and reviewed a preliminary draft of proposed updates to the entire Zoning Code; and

WHEREAS, after notice of a public hearing being duly published, the Planning and Zoning Board on July 29, 2020 conducted a public hearing, secured public input and testimony, allowed all interested persons the opportunity to be heard, and recommended approval of the re-organized Zoning Code to the City Commission (vote: 7-0); and

WHEREAS, after notice of a public hearing being duly published, the Planning and Zoning Board on August 20, 2020 conducted a public hearing, secured public input and testimony, allowed all interested persons the opportunity to be heard, and recommended approval of the updated Zoning Code to the City Commission (vote: 7-0); and

WHEREAS, after notice of a public hearing being duly published, the Planning and Zoning Board on September 9, 2020 conducted a public hearing, secured public input and testimony, and allowed all interested persons the opportunity to be heard; and

WHEREAS, the City Commission on September 15, 2020 conducted a public hearing, secured public input and testimony, and allowed all interested persons the opportunity to be heard; and

WHEREAS, after notice of a public Commission Workshop being duly published, the City Commission convened on October 19, 2020, allowed all interested persons the opportunity to be heard, and reviewed a preliminary draft of proposed updates to the entire Zoning Code; and

WHEREAS, the City Commission on October 27, 2020 conducted a public hearing for First Reading of the Zoning Code Update, secured public input and testimony, and allowed all interested persons the opportunity to be heard; and

WHEREAS, the City Commission on October 27, 2020 approved the proposed Zoning Code Update on First Reading and at which time the City Commission directed that on Second Reading that the Zoning Code Update Ordinance be divided and the proposed provisions related to “Miracle Mile” and the Crafts Section be heard separately and that Miracle Mile to be considered in this Ordinance; and

WHEREAS, after notice of a public Commission Workshop being duly published,

the City Commission convened on November 30, 2020, allowed all interested persons the opportunity to be heard, and reviewed the proposed provisions related to Miracle Mile, and

WHEREAS, after notice of a virtual Community Meeting being duly published, Staff presented proposed changes to the public January 14, 2021, secured public input and testimony, and allowed all interested persons the opportunity to be heard; and

WHEREAS, after notice of a virtual Community Meeting being duly published, Staff presented proposed changes to the public February 1, 2021, secured public input and testimony, and allowed all interested persons the opportunity to be heard; and

WHEREAS, after notice of public hearing duly published and notifications of all property owners of record and current tenants within one thousand (1,000) feet, a public hearing was held before the City Commission on February 9, 2021, at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, after notice of a public Commission Workshop being duly published, the City Commission convened on February 24, 2021, allowed all interested persons the opportunity to be heard, reviewed the proposed provisions and alternates related to Miracle Mile, and requested this Ordinance to provide among other things: prohibit Miracle Mile to be a receiver site of Transfer of Development Rights (TDRs); limit height to four stories and fifty feet with a setback; require remote off-street parking; and other changes to Miracle Mile; and

WHEREAS, the goal of the setback requirement, aside from its aesthetic benefits, is to encourage and maximize activated outdoor rooftop, while preserving established development rights; and

WHEREAS, the City Commission convened on March 9, 2021, allowed all interested persons the opportunity to be heard, and approved the proposed provisions related to Miracle Mile at first reading, and

WHEREAS, after notice of public hearing duly published and notifications of all property owners of record and current tenants within one thousand (1,000) feet, a public hearing was held before the City Commission on March 23, 2021, at which hearing all interested persons were afforded the opportunity to be heard.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

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 2 Zoning Districts.

Section 2-201. Mixed Use 1, 2 and 3 (MX1, MX2 and MX3) Districts.

B. Principal and Accessory uses and structures. The following uses are permitted in the MX districts:

4. For MX1 facing Giralda Plaza and South Ponce de Leon Boulevard, MX2 facing Miracle Mile, and MX3 facing North Ponce de Leon Boulevard:

- a. A minimum of ninety (90%) percent of the linear ground floor building frontage shall be shopfront and include retail sales and services, or restaurant uses, or courtyard and building entries.

D. Performance Standards.

9. Architecture. Building architecture shall be as per Article 5, Architecture.

h. A shopfront may occur at the street-facing edge of the building or it may be set back under or inside an arcade, courtyard, or overhang. If set back, the shopfront windows and doors shall remain publicly accessible and visible from the sidewalk edge. Facing Miracle Mile, Giralda Plaza and Ponce de Leon Boulevard, a minimum of ninety (90%) percent of the linear ground floor of each building shall be a shopfront.

k. Arcades, loggias, or covered areas shall have a minimum depth of ten (10) feet and may accommodate up to eighty (80%) percent of the entire linear length of the building based upon the site plan review criteria listed herein. Encroachment of the entire length or one-hundred (100%) percent may be requested subject to review and approval at the time of site plan consideration. Limitations of encroachments on corners of buildings may be required to control view corridors and ground floor building bulk and massing. Arcades or loggias are prohibited on Miracle Mile and Giralda Plaza.

¹ Deletions are indicated by ~~strike through~~. Insertions are indicated by underline.

10. Parking, garages and driveways. Parking, garages and driveways shall be as per Article 10, Parking and Access.

c. Driveways, curb cuts, and vehicular use areas.

iii. For MX districts facing Lejeune Road, Ponce de Leon Boulevard, East Ponce de Leon Boulevard, Miracle Mile, Giralda Plaza, Alhambra Circle, Douglas Road, and Red Road, and other primary streets: driveways, curb cuts, vehicular use areas, and loading entries accessed from the street shall not be permitted.

d. Off-street loading. Off-street loading shall be as per Article 10, Parking and Access.

iii. Curb cuts for loading entrances shall be prohibited on Ponce de Leon Boulevard and East Ponce de Leon Boulevard, Miracle Mile, Giralda Plaza, Alhambra Circle, Lejeune Road, Douglas Road, and Red Road.

Section 2-402. Zain/Friedman Miracle Mile Downtown District Overlay (DO). [formerly 4-203]

A. Purpose and applicability.

1. The purpose of the Zain/Friedman Miracle Mile Downtown District Overlay (DO) ~~District~~ is to promote the goals, objectives, and policies of the City's Comprehensive Plan in accordance with a set of comprehensive standards to be approved within the Miracle Mile area. These standards are provided for the continuance and enhancement of the historic downtown area as the functional and symbolic center of the City.
2. The district is established in order to maintain the following objectives:
 - a. Maintain the aesthetic, physical, historic and environmental character of Downtown Coral Gables.
 - b. Provide continued protection for residential neighborhoods from incompatible uses that would disrupt or degrade the health, safety, tranquility, aesthetics and welfare of the neighborhood by noise, light, glare, odor, vibration, dust, hazardous materials or traffic.

- c. Promote and encourage pedestrian activities in Downtown Coral Gables by promoting the concepts of mixed use development and pedestrian-friendly design alternatives.
 - d. Limit building height, bulk, mass and intensity on Miracle Mile of large-scale developments to promote compatibility with the existing low-rise scale of development in Downtown Coral Gables as it presently exists.
 - e. Generate pride and confidence in the Downtown area.
 - f. Protect property values through quality control.
3. Applicability. The District applies to the area bounded by the following streets: Douglas Road (SW 37 Avenue) on the East, LeJeune Road (SW 42 Avenue) on the West, Aragon Avenue and Merrick Way on the North, and Andalusia Avenue on the South.

Unless otherwise provided in this section, all provisions of ~~applicable underlying zoning district designations~~ the MX2 District affecting individual property in this district shall control use and development.

B. Regulations.

- 1. ~~The properties shall be designated High Rise Intensity Commercial Land Use on the Comprehensive Plan Map from the right of way line of Miracle Mile north to Aragon Avenue and the right of way line of Miracle Mile south to Andalusia Avenue.~~
- 1. ~~2.~~ The building height of the development of the properties shall be limited to not more than six-four (6-4) stories or seventy-fifty (7-50) feet of building height or, whichever is less, measured from finished floor to the tie-beam on the top floor for properties from Miracle Mile to the centerline of the alley to the north or south of Miracle Mile. Additional height or stories available from architectural incentives shall not apply on Miracle Mile.
- 2. ~~3.~~ A minimum of ninety (90%) percent of the lot front facing Miracle Mile, at ground level, shall be storefronts limited to retail, restaurant, art galleries, personal services, courtyards and building entries. Minimum ground floor height shall be fifteen (15) feet to create high-quality shopfronts.
- 3. ~~4.~~ Except for pedestrian building entrances and pedestrian courtyards, there shall be a mandatory zero (0) foot setback along the Miracle Mile frontage and there shall be no side setbacks along Miracle Mile to ensure a continuous pedestrian scale façade up to the third floor, with the maximum allowable setback possible that does not impede the property owner's use of allowable FAR, above the third floor. Where possible, a ten (10) foot minimum setback above the third floor, shall be required if it does not impede the property owner's use of allowable FAR.
- 4. Required parking is prohibited on properties facing Miracle Mile and shall be provided remotely per Section 10-109.

~~5. In order to ensure consistency with these regulations and to ensure that the development as proposed will be compatible with and further the development of the pedestrian character and scale of Miracle Mile, all such projects shall be subject to site plan review by the Planning and Zoning Board with recommendation to the City Commission.~~

Use of Transfer Development Rights (TDRs) as receiver sites are prohibited on properties facing Miracle Mile.

~~6.7.~~ Alterations, expansions, renovations, and similar improvements of existing structures shall, to the extent feasible, conform to the requirements of this section and other applicable provisions of these regulations.

~~7.B.~~ Within the DO District, abutting or adjacent property owners having more than two hundred

(200) feet of frontage on Miracle Mile, and containing more than twenty-thousand (20,000) square feet of combined lot area, ~~and designated Commercial High Rise Intensity pursuant to the Coral Gables Comprehensive Plan,~~ shall be required to submit submission to the Planning and Zoning Board an application for site plan review and City Commission approval, as provided below, and ~~the~~ subject properties shall be considered as if they were a single building site for all purposes under these regulations ~~and such application shall be subject to the following requirements.~~

~~8.6.~~ Where the designated site or project is subject to multiple ownership, as part of the application for site plan review, ~~the Planning and Zoning Board may allow the Owners of the property to~~ may submit a Covenant in Lieu of Unity of Title in accordance with the provisions of ~~Article 5, Division 23 Section 14-205.~~

~~9. Residential uses shall only be permitted on parcels more than 20,000 square feet of lot area.~~

Article 4 Urban Design and Public Improvement Standards.

Section 4-206. Mandatory Setbacks and Build-to-Lines on Certain Streets.

B. Build-to Lines on Certain Streets. To enhance the shopping experience of retail-priority streets, a build-to-line shall apply to all buildings on Miracle Mile, Giralda Plaza, and Ponce de Leon Boulevard from Minorca Avenue to University Drive.

Article 10 Parking.

Section 10-109. 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 within the Zain/Friedman Miracle Mile Downtown District Overlay facing Miracle Mile.

- B. Remote off-street parking.

2. Applicability.

- a. Location of project and of remote parking spaces. Applications for remote parking shall only be accepted when the proposed project location and the location of the remote parking spaces are both located within the CBD and Design & Innovation District, and for properties 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 B.4. The remote parking spaces must always be located in the City. Projects facing Miracle Mile shall remote park 100% of their required parking with no reductions.

Article 14 Process.

Section 14-204.5. Use of TDRs on receiver sites.

- A. Use of TDRs on receiver sites. The receiving sites shall be (i) located within the boundaries of the CBD and designated mixed-use zoning, or (ii) located within the boundaries of the North Ponce de Leon Boulevard Mixed Use District and designated mixed-use zoning, or (iii) located within the boundaries of the Design & Innovation District and designated mixed-use zoning. Use of TDRs as receiver sites are prohibited on properties within the Zain/Friedman Miracle Mile Downtown District Overlay facing Miracle Mile.

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 City Commission that the provisions of this Ordinance shall become and be made a part of Ordinance No. 2007-01 as amended and known as the "Zoning Code" of the City of Coral Gables, Florida, which provisions may be renumbered or re-lettered and the word ordinance be changed to "section", "article", or other appropriate word to accomplish such intention.

SECTION 6. 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 7. This Ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-THIRD DAY OF MARCH, A.D.,
2021.


(Moved: Keon/ Seconded: Mena)
(Yeas: Keon, Mena, Fors., Jr., Valdes-Fauli)
(Nays: Lago)
(Majority: 4-1 Vote)
(Agenda Item: F-2)

APPROVED:



RAUL VALDES-FAULI
MAYOR

ATTEST:



BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



MIRIAM SOLER RAMOS
CITY ATTORNEY