

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2011-20

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA PROVIDING FOR A TEXT AMENDMENT TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE, ARTICLE 4, "ZONING DISTRICTS", DIVISION 2, "OVERLAY AND SPECIAL PURPOSE DISTRICTS", SECTION 4-201, "MIXED USE DISTRICT (MXD)", AMENDING GROUND FLOOR OFFICE USE PROVISIONS FOR MXD PROJECTS; AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, City Staff is requesting a Zoning Code text amendment to amend ground floor office use provisions for MXD projects; and

WHEREAS, after notice duly published, a public hearing was held before the Planning and Zoning Board on October 19, 2011, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the Board was presented with the text amendment to the Official Zoning Code, and after due consideration, recommended approval (vote: 5-0) of the text amendment; and

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Commission on November 8, 2011, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the City Commission was presented with a text amendment to the Zoning Code, and after due consideration and discussion, approved the amendment on First Reading (vote: 5-0);

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 follows:

ARTICLE 4. ZONING DISTRICTS

Division 2. Overlay and Special Purpose Districts

Section 4-201. Mixed Use District (MXD).

- B. Permitted uses for overlay districts only. The following uses are permitted in the Mixed Use District overlay districts in addition to the permitted and conditional uses of the underlying zoning district, subject to the standards in this Section and other applicable regulations in Article 5:
1. Accessory uses, residential.
 2. Accessory uses, non residential, except for drive through facilities.
 3. Alcoholic beverage sales.
 4. Government uses.
 5. Ground floor uses.
 - a. Government uses.
 - b. Live work units.
 - c. Multi-family dwellings.
 - d. Museums.
 - e. Offices.
 - f. Overnight accommodations.
 - g. Restaurants.
 - h. Retail sales and services.
 - i. Theaters.
 - j. Sales and/or leasing offices as a part of a residential development for a period not to exceed twelve (12) months from the issuance of a Certificate of Occupancy. The City Manager may grant a maximum of two (2) extensions for a period of six (6) months each with a cumulative total not to exceed twelve (12) months.
 6. Religious Institutions.
 7. Swimming pool as an accessory use.
 8. Uses permitted in the underlying district as a permitted use and conditional use subject to the permitted ground floor uses as listed above.

Table 1.

Reference	Individual building(s)	Overlay District	Type	Requirements
E. Building regulations.				
1.		✓	Encroachments of bridges over rights-of way.	Bridges traversing a public right-of-way are permitted, however, only if properties on both sides are under same ownership.
2.	✓	✓	Encroachments for balconies, awnings, etc.	Subject to applicable regulations.
3.		✓	Floor area ratio.	Up to 3.5 with Mediterranean architecture.
4.	✓	✓	Floors.	No minimum or maximum required.
5.	✓	✓	Floor-to-floor height.	The minimum floor-to-floor height shall be permitted as regulated per the Building Code.
6.		✓	Height.	The permitted heights for habitable space for the following underlying zoning designations shall be as follows: <ul style="list-style-type: none"> • Up to a maximum of one hundred (100) feet in an Industrial District. • Underlying Commercial Limited District. Up to a maximum of seventy five (75) feet. • Manufacturing uses shall be limited to forty-five (45) feet. • Commercial District up to a maximum of one hundred (100) feet.
7.	✓	✓	Heights of architectural elements, etc.	The permitted height of architectural elements, spires, bell towers, elevator housings or similar non-habitable structures for the following underlying zoning designations shall be as follows: <ul style="list-style-type: none"> • Commercial Limited District: up to a maximum of fifteen (15) feet. • Industrial and Commercial Districts: up to a maximum of twenty-five (25) feet. • Manufacturing uses shall be limited to ten (10) feet.
8.		✓	Height adjoining residential uses.	Properties which are adjacent to residential district designations shall be limited to a maximum height (habitable space) of forty-five (45) feet within one hundred (100) feet of the adjacent right-of-way line. Ten (10) additional feet are permitted for roof top architectural elements, etc. above the habitable height.
9.	✓	✓	Number of buildings per site.	No minimum or maximum required.
10	✓	✓	Ground floor building frontage on primary streets.	Minimum of fifty (50%) percent of the linear ground floor building frontage shall include retail sales and service, office, or restaurant or public realm land area (i.e. plazas, courtyards, open space, etc.) uses. Primary street means a major street of considerable continuity which serves or is intended to serve as a major traffic artery connecting large areas of the community (City).
11	✓	✓	Ground floor building frontage on secondary streets.	Minimum of forty (40%) percent of the linear ground floor building frontage shall include retail sales and service, office, or restaurant or public realm land area (i.e. plazas, courtyards, open space, etc.) uses. Secondary street means a minor street used to access abutting properties which carries traffic to the primary street system.
12	✓	✓	Retail frontage on alleys.	No minimum or maximum required.

Table 1.

Reference	Individual building(s)	Overlay District	Type	Requirements
13		✓	Residential density.	Up to a maximum of one hundred and twenty-five (125) units per acre.
14	✓	✓	Setbacks (buildings).	<p>Front: Up to forty-five (45) feet in height: None. If over forty-five (45) feet in height: Ten (10) feet</p> <p>Side: Interior side: None. Side street: Fifteen (15) feet.</p> <p>Rear: Abutting a dedicated alley or street: None. No abutting dedicated alley or street: Ten (10) feet.</p> <p>Balconies: Cantilevered open balconies may project into the required setback areas a maximum of six (6) feet.</p> <p>Applicants and property owners desiring to develop pursuant to these regulations may not seek a variance for relief or reduction in building setbacks. Reductions are only permitted subject to the below listed regulations.</p>
15	✓	✓	Setback reductions and vertical building setbacks.	<p>Reduction in setbacks. Setbacks may be reduced subject to the following standards:</p> <p>Minimum percentage of open space. A minimum of fifty (50%) percent of the total ground floor square footage received from the setback reduction is provided as publicly accessible street level open space and landscape area on the private property. The open space is subject to the following:</p> <ul style="list-style-type: none"> • Types of open space. Types of open space shall be in the form of courtyards, plazas, arcades/loggias, pedestrian pass-throughs and open atriums adjacent/contiguous to the adjacent rights-of-way. • Minimum area. Minimum square footage of allowable open space (i.e., plazas) shall be five hundred (500) square feet. • Include both hard and softscape landscape improvements and pedestrian amenities. • Vertical volume. As a minimum include a vertical volume of space equal from street level to the first floor height or a minimum of thirteen (13) feet. Additional height may be recommended. • Restaurant seating. This area may be used for outdoor restaurant seating subject to approval as provided for in these regulations. <p>Vertical building setbacks. A vertical building setback of a minimum of ten (10) feet shall be provided at a maximum height of forty-five (45) feet on all façades. Additional vertical building setbacks may be required by the City Architect and the entire Board of Architects to further reduce the potential impacts of the building bulk and mass.</p>
16		✓	Setbacks adjoining residential uses.	Residential districts. All property lines abutting a residential land use or district shall be a minimum of fifteen (15) feet. No reductions in setbacks may be requested or granted.
17		✓	Street/lot frontage.	No minimum or maximum.

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 Table of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. That this Ordinance shall become effective within ten (10) days following the date of its passage and adoption herein.


PASSED AND ADOPTED THIS THIRTEENTH DAY OF DECEMBER, A.D. 2011.

(Moved: Anderson / Seconded: Kerdyk)
(Yeas: Anderson, Cabrera, Kerdyk, Quesada, Cason)
(Majority: 5-0 Vote)
(Agenda Item: E-6)

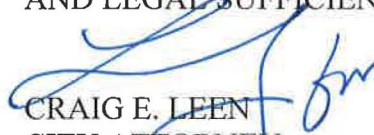
APPROVED:


JIM CASON
MAYOR

ATTEST:


WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


CRAIG E. LEEN
CITY ATTORNEY