

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2023-06

AN ORDINANCE OF THE CITY COMMISSION PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE, ARTICLE 3, “USES,” SECTION 3-315, “RESTAURANT, OPEN AIR DINING AT GROUND LEVEL AND OTHER LOCATION” AND ARTICLE 16, “DEFINITIONS;” BY REMOVING FLOOR AREA RATIO (FAR) REQUIREMENTS FOR ROOFTOP DINING; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND FOR AN EFFECTIVE DATE.

WHEREAS, open-air dining at upper stories of a building were required to comply with Floor Area Ratio (FAR) and parking with the adoption of the Zoning Code Update via Ordinance No. 2021-07; and

WHEREAS, a goal in the Comprehensive Plan is to strengthen and enhance the city as a vibrant community and make the city a very desirable place to work, live and play; and

WHEREAS, Staff has drafted a Zoning Code text amendment to encourage rooftop open air dining by removing Floor Area Ratio (FAR) restrictions; 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, after notice was duly published, a public hearing was held before the City Commission for First Reading on January 10, 2023, 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 3. Uses

Section 3-315. Restaurant, open air dining at ground level and other location.

- A. Open air dining on private property at the ground level and upper stories, as accessory to a restaurant, provided that:
1. The operation of such business shall not interfere with the circulation of pedestrian or vehicular traffic on the adjoining streets, alleys or sidewalks.
 2. Any open-air dining at a retail food establishment shall be in compliance with all state and local regulations and the applicant shall be required to submit a maintenance plan for review and approval by the City, and shall meet all requirements of this section.
 3. That the open-air dining area at the ground level shall not occupy an area of more than thirty (30%) percent of the public indoor area of the primary restaurant operation. ~~and~~
 4. That the open-air dining area shall be exempt from parking requirements.
 - ~~5~~4. That the open-air dining area shall be unenclosed and shall be open except that it may be covered with a canvas cover or structural canopy of a building's arcade, loggia or overhang.
 - ~~6~~5. Open-air dining located under a building's arcade or loggia adjacent to a public sidewalk shall not have perimeter structures such as fences, railings, planters or other such barriers, including furniture, surrounding the open-air dining area which would restrict pedestrian circulation or discourage the free use of building's arcade or loggia by the general public. Movable planters may be permitted provided that it can be demonstrated that the free flow of pedestrian circulation can be maintained at all times through the arcade or loggia.
 - ~~7~~6. That all kitchen equipment used to service the open-air dining area shall be located within the kitchen of the primary restaurant or business.
 - ~~8~~7. That the open-air dining area shall be kept in a neat and orderly appearance and shall be kept free from refuse, debris and chewing gum.

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

910. Walk-up counters for the purpose of serving patrons shall require conditional use review and approval pursuant to Section 14-203, Conditional Uses. The service of patrons for walk-up counters shall not encroach into the public right-of-way and shall not interfere with pedestrian circulation on adjacent public sidewalks.

109. The standards for nighttime uses in Section 3-418 are met.

~~B. Open-air dining at upper stories of a building shall comply with zoning requirements applicable to a restaurant, including FAR and parking.~~

C. Open-air dining on public property, as accessory to a restaurant, provided that:

Article 16. Definitions

Floor area ratio (FAR) is the ratio of the applicable interior or exterior floor area of a building or buildings on a building site divided by the area of the site, as measured from the interior facing of exterior walls, and shall exclude:

A. The following areas in the ground floor:

1. Electrical rooms / FPL vault room;
2. Fire command room;
3. Fire pump room;
4. Lobbies;
5. Phone / IT room; and
6. Trash room

B. The following areas in all floors:

1. Stairwell;
2. Elevator; and
3. Trash chute

C. Balconies, porches, or stoops, subject to requirement of restrictive covenant prohibiting enclosures;

D. Basements and uninhabitable attics within a pitched roof;

E. Trellis or canopy located on the roof not exceeding a combined area of fifty percent (50%) of the rooftop floor area;

F. Upper volume of courtyards open to the sky.

GF. Off-street parking areas.

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.

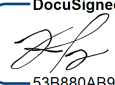
SECTION 6. If the Official Zoning Code of the City of Coral Gables Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

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

PASSED AND ADOPTED THIS TWENTY-FOURTH DAY JANUARY, A.D., 2023.

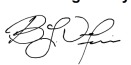
(Moved: Anderson / Seconded: Menendez)
(Yeas: Cason, Mena, Menendez, Anderson, Lago)
(Unanimous: 5-0 Vote)
(Agenda Item: F-3)

APPROVED:

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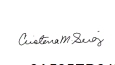
VINCE LAGO
MAYOR

ATTEST:

DocuSigned by:

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BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

DocuSigned by:

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CRISTINA M. SUÁREZ
CITY ATTORNEY