



City of Coral Gables Planning and Zoning Staff Report

Applicant: City of Coral Gables
 Application: **Zoning Code Text Amendment: Rooftop Dining**
 Public Hearing: Planning and Zoning Board
 Date & Time: **December 14, 2022; 6:00 – 9:00 p.m.**
 Location: City Commission Chambers, City Hall,
 405 Biltmore Way, Coral Gables, Florida 33134

1. APPLICATION REQUEST

The City of Coral Gables has initiated a request for a Zoning Code Text Amendment as follows:

An Ordinance of the City Commission of Coral Gables, Florida, 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.

The request requires three public hearings, including review and recommendation by the Planning and Zoning Board, and 1st and 2nd Reading before the City Commission.

2. APPLICATION SUMMARY

As requested by the City Manager, Zoning Code text amendments are proposed to encourage rooftop dining by removing Floor Area Ratio (FAR) requirements. Rooftop dining had been utilizing the general provisions for open-air dining on private property until the adopted changes of the Zoning Code Update, when rooftop dining was required to comply with both FAR and parking. Recent proposed mixed-use buildings have demonstrated that these additional regulations are not consistent with the purpose of FAR, which is to control and limit the bulk and mass of a building.

Therefore, Zoning Code text amendments are proposed for both the open-air dining on private property section of the Zoning Code and the definition of FAR to clarify what can be excluded. Below summarizes the proposed changes:

- Rooftop dining is excluded from FAR limitations if uncovered or if under a trellis or canopy
- Rooftop dining is exempt from parking requirements - as is in all open-air dining

3. REVIEW TIMELINE / PUBLIC NOTICE

City Review Timeline

The submitted applications have undergone the following City reviews:

REVIEW COMMITTEES AND BOARDS	DATE
Planning and Zoning Board	12.14.22
City Commission – 1 st Reading	TBD
City Commission – 2 nd Reading	TBD

The following has been completed to solicit input and provide notice of the Application:

PUBLIC NOTICE	DATE
Legal advertisement	12.02.22
Posted agenda and Staff report on City web page/City Hall	12.09.22

4. FINDINGS OF FACT

The request is a Text Amendment to Article 3, “Uses,” Section 3-315, “Restaurant, open air dining at ground level and other location” and Article 16, “Definitions.” The proposed changes are provided in Attachment A in ~~strikethrough~~ / underline format.

Zoning Code Section 14-212.5 provides review standards for Zoning Code text amendments:

Standard	Staff Evaluation
a. Promotes the public health, safety, and welfare.	The intent of the proposed amendment is to exclude open-air dining from FAR and parking limitations. This encourages rooftop dining that both creates destinations for visitors and adds more “eyes on the street” to promote public health, safety, and the welfare of the business community.
b. Does not permit uses the Comprehensive Plan prohibits in the area affected by the text amendment.	The proposed amendment does not affect any uses permitted in the Comprehensive Plan. The use of open-air dining is specified in the Zoning Code to only restaurants within a mixed-use district.
c. Does not allow densities or intensities in excess of the densities and intensities which are permitted by the future land use categories of the affected property.	The proposed text amendment does not allow densities or intensities in excess of what are permitted by the future land uses.
d. Will not cause a decline in the level of service for public infrastructure which is the subject of a concurrency requirement to a level of service which is less than the minimum requirements of the Comprehensive Plan.	The proposed text amendment will not cause a decline on the level of service for public infrastructure, as the patrons the rooftop dining will now utilize existing parking facilities. The requirements and review for any restaurant will remain the same to ensure level of service compliance.
e. Does not directly conflict with any objective or policy of the Comprehensive Plan.	The proposed amendment does not conflict with any objective or policy, and fulfils the CP’s Goals, Objectives and Policies to enhance the city as a vibrant community and very desirable place to work, live and play.

Staff comments:

The proposed text amendment to the Zoning Code removes the limitations of Floor Area Ratio (FAR) and parking for rooftop dining. Encouraging rooftop dining and activity enhances the urban areas to be vibrant and a desirable place to work, live, and play, as listed as the first goal of the Future Land Use element in the Comprehensive Plan. The standards identified in Section 14-212.5 for the proposed Zoning text amendment are **satisfied**.

5. STAFF RECOMMENDATION

Based upon the complete Findings of Fact contained within this report, staff recommends **Approval**.

6. ATTACHMENTS

- A. Draft Ordinance with proposed text amendments.
- B. Legal advertisement published.

Please visit the City's webpage at www.coralgables.com to view all Application plans and materials, notices, applicable public comments, minutes, etc. The complete Application and all background information also is on file and available for examination during business hours at the Planning and Zoning Division, 427 Biltmore Way, Suite 201, Coral Gables, Florida 33134.

Respectfully submitted,



Jennifer Garcia, AICP, CNU-A
City Planner
City of Coral Gables, Florida

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 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 12, 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: _ to _) of the text amendment; and

WHEREAS, after notice was duly published, a public hearing was held before the City Commission for First Reading on (month) (day), 2022, 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 ~~strike through~~. 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:~~

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Article 16. Definitions

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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.

~~G~~F. 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 adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, A.D., 2022.

(Moved: / Seconded:)

(Yeas:)

(; Vote)

APPROVED:

VINCE LAGO
MAYOR

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

BILLY Y. URQUIA

MIRIAM SOLER RAMOS

CITY CLERK

CITY ATTORNEY

MIAMI-DADE

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared GUILLERMO GARCIA, who on oath says that he or she is the DIRECTOR OF OPERATIONS, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

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in the XXXX Court, was published in said newspaper by print in the issues of and/or by publication on the newspaper's website, if authorized, on

12/02/2022

Affiant further says that the newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

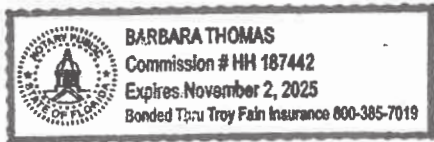

Guillermo Garcia
Sworn to and subscribed before me this

2 day of DECEMBER, A.D. 2022

Barbara Thomas

(SEAL)

GUILLERMO GARCIA personally known to me

**CITY OF CORAL GABLES, FLORIDA
NOTICE OF PUBLIC HEARING
HYBRID MEETING ON ZOOM PLATFORM**

City Public Hearing	Local Planning Agency / Planning and Zoning Board
Dates/Times	Wednesday, December 14, 2022, 6:00 p.m.
Location	City Commission Chamber, City Hall 405 Biltmore Way, Coral Gables, FL 33134

PUBLIC NOTICE is hereby given that the City of Coral Gables, Florida, Local Planning Agency (LPA)/ Planning and Zoning Board (PZB) will conduct Public Hearing on the following:

1. 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 structure; providing for severability, repealer, codification, and for an effective date.
2. An Ordinance of the City Commission of Coral Gables, Florida, 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;" by removing Floor Area Ratio (FAR) requirements for rooftop dining; providing for severability, repealer, codification, and for an effective date.
3. An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code Article 2, "Zoning Districts", Section 2-101, "Single-Family Residential (SFR) District, amending performance standards for ground area coverage by deleting required covenant; and providing for severability, repealer, codification, and for an effective date.

City of Coral Gables, Florida Notice of Public Hearing Hybrid Meeting on Zoom Platform

The Planning and Zoning Board will be holding its regular board meeting on Wednesday, December 14, 2022, commencing at 6:00 p.m. Pursuant to Resolution No. 2021-118, the City of Coral Gables has returned to traditional in-person meetings. However, the City Commission has established the ability for the public to virtually provide sworn testimony or public comments (non-sworn and without evidentiary value). Any individual who wishes to provide sworn testimony virtually must have their video on and must be sworn in.

Members of the public may join the meeting via Zoom at (<https://zoom.us/j/83788709513>). In addition, a dedicated phone line will be available so that any individual who does not wish (or is unable) to use Zoom may listen to and participate in the meeting by dialing: (305) 461-6769 Meeting ID: 837 8870 9513. The public may comment on an item using the City's E-Comment function which may be found on the City's website at: (<https://coralgables.granicusideas.com/meetings>) once the meeting's agenda is published, or by sending an email to planning@coralgables.com prior to the meeting.

The meeting will also be broadcasted live for members of the public to view on the City's website (www.coralgables.com/cgtv) as well as Channel 77 on Comcast.

Sincerely,
City of Coral Gables, Florida
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