

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA PROVIDING FOR A TEXT AMENDMENT TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE BY AMENDING ARTICLE 4, "ZONING DISTRICTS," DIVISION 3, "NONRESIDENTIAL DISTRICTS," SECTION 4-302, "COMMERCIAL DISTRICT;" AND, ARTICLE 5, "DEVELOPMENT STANDARDS," DIVISION 1, "ACCESSORY USES," SECTION 5-115, "DRIVE-THROUGHS, WALK-UP WINDOWS, AND AUTOMATED TELLER MACHINES (ATM)" REQUIRING CONDITIONAL USE REVIEW FOR DRIVE THROUGH FACILITIES; PROVIDING FOR REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, City Staff has proposed a Zoning Code text amendment requiring all drive-through facilities to be reviewed via the conditional use approval process;

**WHEREAS**, after notice was duly published, a public hearing was held before the Planning and Zoning Board on November 9, 2016, at which hearing all interested parties were afforded the opportunity to be heard;

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

**WHEREAS**, a public hearing for First Reading was held before the City Commission on December 6, 2016, 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: 4-0); and,

**WHEREAS**, after notice was duly published, a public hearing was held before the City Commission on January 10, 2017, at which hearing all interested parties 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 follows<sup>1</sup>:

## **ARTICLE 4 - ZONING DISTRICTS**

### **Division 3. Nonresidential Districts**

#### **Section 4-302. Commercial District (C).**

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B. Permitted uses. The following uses are permitted subject to the standards in this Section and other applicable regulations in Article 5:

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~~9. Drive through facilities not abutting or adjacent to SFR, MF1, MF2, and MFSA zoning districts.~~

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C. Conditional uses. The following uses are permitted as conditional uses, if approved under the provisions of Article 3, Division 4, subject to the standards in this Section and other applicable regulations in Article 5:

1. Assisted living facilities (ALF).

2. Drive through facilities ~~abutting and/or adjacent to SFR, MF1, MF2, and MFSA zoning districts.~~

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## **Article 5 - Development Standards**

### **Division 1. Accessory Uses**

#### **Section 5-115. Drive-throughs, walk-up windows, and automated teller machines (ATM).**

~~Drive-throughs,~~ shall be reviewed as a conditional use subject to the conditions below. ~~Walk-up windows,~~ and ATMs accessory to banks, restaurants, and retail sales and service shall be permitted provided that:

A. Such uses are designed so as to not interfere with the circulation of pedestrian or vehicular traffic on the adjoining streets, alleys or sidewalks or block on-site parking facilities. If a drive-through fails to perform as designed, whether such use was previously approved or approved as a conditional use pursuant to this section, then the City may take enforcement action including revocation of the certificate of use and of the conditional use by the City

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<sup>1</sup> Deletions are indicated by ~~strike through~~. Insertions are indicated by underline.

Commission. Such revocation of the certificate of use and of the conditional use will only be used as enforcement action for violations of the Zoning Code that occur after the effective date of this ordinance.

- B. Drive-through lanes and vehicle stacking areas adjacent to public streets or sidewalks shall be separated from such streets or sidewalks by walls, railings, or hedges at least thirty-six (36) inches in height.
- C. Three-hundred and sixty (360) degree architectural treatment is utilized. Building design shall incorporate variation in building height, building mass, roof forms and changes in wall planes so as to avoid large expanses of flat, uninterrupted building walls. Drive through, ATMs and walk-up elements should be architecturally integrated into the building, rather than appearing to be applied or “stuck on” to the building.
- D. Drive-through displays, ordering areas, walk-up windows, ATMs and parking canopies shall not serve as the singularly dominant feature on the site or as a sign or an attention-getting device.
- E. Exterior walk-up ATMs serving pedestrians may be permitted up to a maximum of two (2) square feet in sign area per ATM machine. Such signage shall not be internally illuminated.
- F. Entries and/or exits to drive-through facilities shall be a minimum of one hundred (100) feet from any intersection and provided from a side street or alley if determined to be appropriate. Shorter distances from road intersections may be approved if the Development Review Officer determines that public safety and/or the efficiency of traffic circulation are not being compromised.
- G. Drive-through stacking lanes shall be a minimum of one hundred (100) feet from any single-family residential parcel.
- H. All service areas, restrooms and ground mounted equipment associated with the drive-through shall be screened from public view.
- I. Landscaping shall screen drive-through aisles from the public right-of-way and adjacent uses and shall be used to minimize the visual impacts of the drive-through.
- J. A traffic study shall be required for drive-through applications. The City has the discretion to request a traffic analysis based on similar uses in the South Florida area or as determined by City Staff. Issues related to stacking analysis, impact of the drive-through facility on the urban character of the neighborhood, and operation will be reviewed as a part of the design review process. Interference with the circulation of pedestrian or vehicular traffic on adjoining streets, alleys or sidewalks and blocking of on-site parking facilities shall not be allowed.
- K. Drive-through facilities may be required to provide a bypass lane based on site conditions to afford customers with the opportunity to exit the drive-through.

**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 \_\_\_\_\_, 2017.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2017.

APPROVED:

JIM CASON  
MAYOR

ATTEST:

WALTER FOEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

CRAIG E. LEEN  
CITY ATTORNEY