

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2023-33

AN ORDINANCE OF THE CITY COMMISSION PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE BY AMENDING ARTICLE 3, "USES," SECTION 3-315, "RESTAURANT, OPEN AIR DINING AT GROUND LEVEL AND OTHER LOCATION," TO PROVIDE A MINIMUM CLEAR DISTANCE FOR PEDESTRIAN TRAFFIC WITHIN ANY ARCADE OR LOGGIA THAT HAS OUTDOOR SEATING, PROVIDING FOR REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Zoning Code requires an arcade or loggia to be no less than 10 feet in width; and

WHEREAS, the Zoning Code does not currently have a requirement for a minimum clear distance for pedestrians to pass through an arcade or loggia that has outdoor seating and adjacent to a public sidewalk; and

WHEREAS, a goal in the Comprehensive Plan is to promote the safe movement of pedestrian traffic; and

WHEREAS, a member of the City Commission requested a Zoning Code text amendment to provide a 4-foot minimum clear distance for pedestrians to pass through an arcade or loggia that has outdoor seating and adjacent to a public sidewalk; and

WHEREAS, new outdoor seating permit applications will be required to comply with a site plan illustrating the minimum 4-foot clearance; and

WHEREAS, existing outdoor seating permits are not required to comply and are not required to resubmit site plans illustrating the minimum 4-foot clearance; and

WHEREAS, after notice was duly published, a public hearing was held before the Planning and Zoning Board on September 21, 2023, 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 1) of the text amendment; and

WHEREAS, after notice was duly published, a public hearing was held before the City Commission for First Reading on October 10th, 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 6. 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:

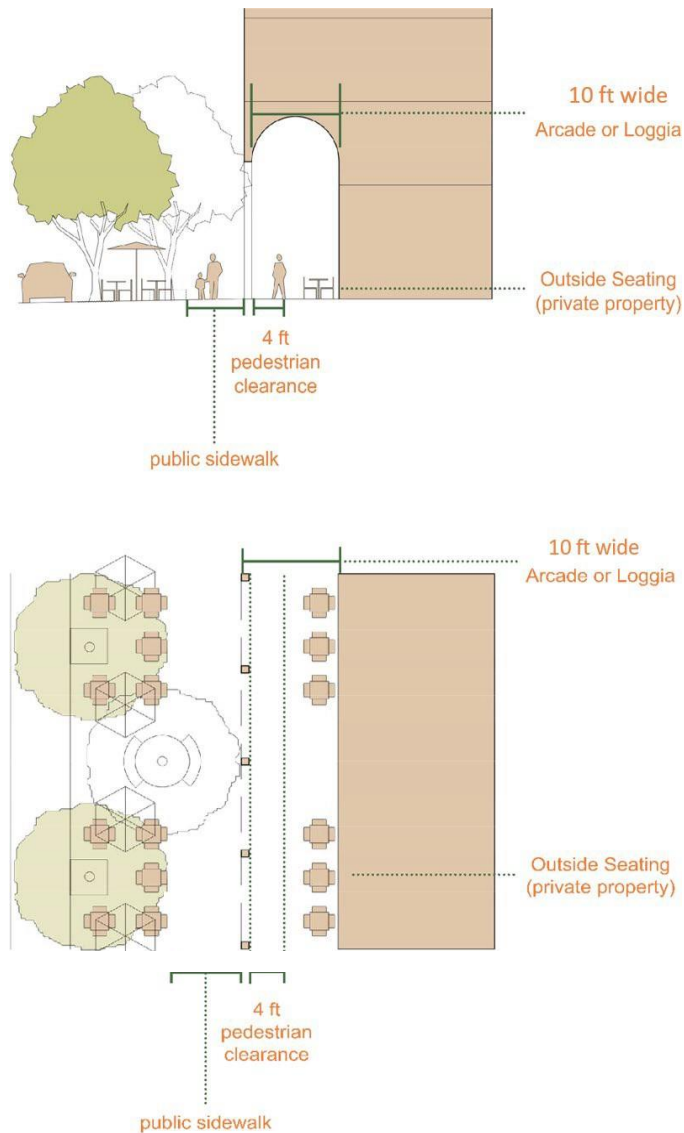
1. The operation of such business shall not interfere with the circulation of pedestrian or vehicular traffic on the adjoining streets, alleys or sidewalks.
2. Any open-air dining at a retail food establishment shall be in compliance with all state and local regulations and the applicant shall be required 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.
4. That the open-air dining area shall be exempt from parking requirements.
5. 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. 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. There shall

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

be maintained a minimum of four (4) foot clear distance within any arcade or loggia adjacent to a public sidewalk to allow adequate pedestrian movement.

7. 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. 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.
9. 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.
10. The standards for nighttime uses in Section 3-418 are met.

SECTION 3. New outdoor seating permit applications will be required to comply and illustrate a site plan showing the minimum 4-foot clearance as exhibited in this illustration.



SECTION 4. All Ordinances or parts of Ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5. 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 6. 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 7. 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 8. This Ordinance shall become effective upon the date of its adoption.

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

(Moved: Anderson / Seconded: Fernandez)
(Yeas: Menendez, Anderson, Castro, Fernandez, Lago)
(Unanimous; 5-0 Vote)
(Agenda Item: E-1)


APPROVED:

DocuSigned by:

53B880AB93824A5...


VINCE LAGO
MAYOR

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

DocuSigned by:

358417D2FA884FF...

BILLY Y. URQUIA
CITY CLERK

DocuSigned by:

9A595ED64D304E8...

CRISTINA M. SUÁREZ
CITY ATTORNEY