



City of Coral Gables Planning and Zoning Staff Report

Applicant: City of Coral Gables
 Application: **Zoning Code Text Amendment: Remote Parking & Payment-in-Lieu**
 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 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 structures; 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 clarify the Remote Parking and Payment-in-lieu procedures and fee structure. The Remote Parking and Payment-in-lieu requirements were amended significantly with the Zoning Code Update, adopted via Ordinance No. 2021-07 (as amended). The most significant change in 2021 was to allow remote parking for new construction in the Central Business District (CBD), Ponce de Leon Boulevard corridor, and the Design & Innovation District. In addition to allowing this parking option for new construction, anyone proposing to utilize Remote Parking must pay into the Parking Trust Fund of an amount of 25% of the *total required parking* as a public benefit. However, the intent was to collect a payment into the Parking Trust Fund for *each remote parking space* provided (i.e. 100% of the *remote parking spaces*). Additionally, the consideration for smaller redevelopments that were discussed at length during the Zoning Code Update was also not clearly incorporated into the Zoning Code. Therefore, Staff is proposing to clarify this original intent of payment for each remote parking space provided, summarized as follows:

- A payment of 100% of the requested remote parking spaces is paid into the Parking Trust Fund
- Payment-in-lieu may only be utilized either when a prior remote parking agreement has been terminated and no alternate parking arrangement can be made, or when on-site or remote parking are determined infeasible or impracticable
- 10 spaces minimum for Remote Parking, otherwise the applicant may utilize the Payment-in-lieu program
- Less than 25 spaces will be reviewed administratively by the Development Services Director
- Specific requirements for Miracle Mile, as it is required to remote park

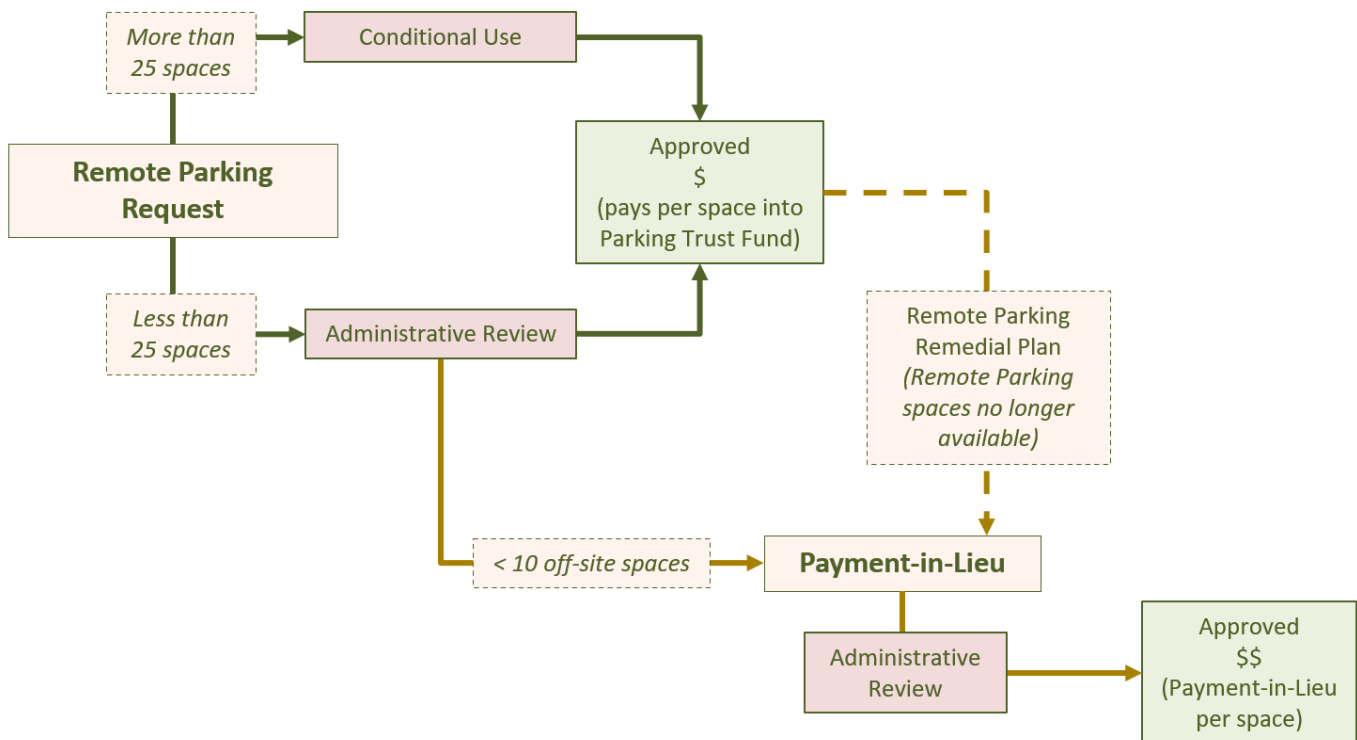
Levels of parking provided on-site are calculated with the total building height. However, the square footage of parking provided is exempt from being calculated into the total building’s floor area ratio (FAR).

The basis of providing a payment with each parking space is based on the estimated cost of construction for parking structures. A February 2021 appraisal was conducted specifically related to requiring Remote Parking on Miracle Mile. The appraisal had estimated that a property owner would save between \$25,000 to \$30,000 per parking space by not providing on-site parking in a parking structure. Based on this analysis, the following substantially reduced fees were adopted via Resolution 2021-44:

- \$12,500 per space – city-wide (Central Business District (CBD) and Ponce de Leon Boulevard)
- \$10,000 per space – Design & Innovation District
- \$5,500 per space – Miracle Mile

Both the Parking Improvement Trust Fund and Payment-in-Lieu procedures are specified in the City Code, Article III, Division 5, “Parking Replacement Assessment.” There may be additional clarifications drafted and approved by the City Commission to the City Code.

Below is the general process for the remote parking request, and the payment-in-lieu as a last resort:



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	11.01.22
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	10.21.22
Posted agenda and Staff report on City web page/City Hall	10.28.22
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 10, “Parking,” Section 10-109, “Payment in lieu and remote off-street parking.” The proposed changes are provided in Attachment A in ~~striketrough~~ / 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 clarify the original intent of the remote parking and payment-in-lieu provisions of the Zoning Code. This encourages more efficient use of parking which promotes the public health and welfare of the urban 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 Remote Parking and Payment-in-Lieu is specified in the Zoning Code to only the Central Business District (CBD), Ponce de Leon Boulevard, and the Design & Innovation 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 intent of the Remote Parking will utilize existing parking facilities and infrastructure that are available for new development.

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|---|--|
| 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 by allowing a development to reduce on-site parking requirements where the alternative transportation of the Coral Gables Trolley and existing parking supply supports the new development. Policy MOB 3.1.3. further discourages surplus parking on-site because rigid adherence to provide excessive additional parking can only exacerbate roadway capacity limitations. When large amounts of parking are available, trips are more likely to be done in car. However, when parking is more limited, the types of trips are expanded to include alternative modes of transportation, such as transit, car-sharing, bicycle/scooter, or walking. |
|---|--|

Staff comments:

The proposed text amendment to the Zoning Code clarifies the intent of the procedures and payment for Remote Parking and Payment-in-Lieu. The efficient use of existing excess parking via Remote Parking encourages alternative modes of transportation and reduce the number of cars on the city’s streets. This fulfills many goals, objectives, and policies in the Mobility Element of the Comprehensive Plan to support alternatives to the automobile and reduce required parking if in proximity to transit and in the City’s urbanized areas. Furthermore, Policy MOB 3.1.3. requires the adoption of a payment-in-lieu system to reduce parking requirements. The standards identified in Section 14-212.5 for the proposed Zoning text amendment are **satisfied**.

5. STAFF RECOMMENDATION

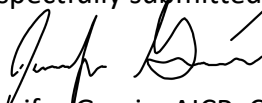
Based upon the complete Findings of Fact contained within this report, staff recommends **Approval**.

6. ATTACHMENTS

- A. Draft Ordinance with proposed text amendments.
- B. Payment-in-Lieu in City Code Article III, Division 5, “Parking Replacement Assessment.”
- C. Quinlivan Appraisal, February 2021, with estimated cost of construction.
- D. Resolution 2021-44 with fees.
- E. 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 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 STRUCTURES; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission wishes to make new buildings compatible with expected future mobility trends which will lead to lower demand for parking structures; and

WHEREAS, City Staff is requesting a Zoning Code text amendment to clarify the current Remote Parking and Payment in lieu standards; and

WHEREAS, the City Commission recently amended the Remote Parking and Payment-in-lieu requirements to allow remote parking for new construction in the CBD, Ponce de Leon Corridor, and Design & Innovation District and updated the review process with the adoption of the Zoning Code Update, adopted via Ordinance No. 2021-07 (as amended), and

WHEREAS, through the City's current mobility system (such as the City Trolley service and Freebee service), connectivity is provided from the Metrorail system to throughout the CBD, Ponce de Leon Corridor, and the Design & Innovation District; and

WHEREAS, there are private parking facilities within Coral Gables that are significantly underutilized during certain hours of the day; and

WHEREAS, allowing the use of underutilized private parking facilities will lead to better efficiency and utilization of the private parking facility that will benefit the overall parking system within Coral Gables; and

WHEREAS, private investment in public parking facilities will enable the development of additional public parking facilities and increase the overall efficiency of the parking system within Coral Gables; and

WHEREAS, this text amendment also allows for alignment with applicable sections and anticipated revisions of Division 5, Article III, Chapter 74 of the City Code entitled Parking Replacement Assessment; and

WHEREAS, after notice was duly published, a public hearing was held before the Planning and Zoning Board on November 1, 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 deferral (vote: 6 to 0) of the text amendment; 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, a public hearing for First Reading was held before the City Commission, 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 10. Parking

Section 10-109. Remote off-street parking and Payment in lieu and ~~remote off-street parking.~~

- A. ~~Parking allowed off site via Payment in lieu shall be as set forth in Chapter 74 Sec. 74-172(d) of the City Code. For new construction exercising the remote off street parking option as set forth in this section, a minimum of twenty five (25%) percent of the required parking shall be provided as a public benefit via Payment in lieu as set forth in Section 74-172(d) of the City Code. This provision shall not apply to properties~~

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

~~within the Zain/Friedman Miraele Mile Downtown District Overlay facing Miraele Mile.~~

~~B. Remote off-street Parking. Use of Remote Parking may be allowed A as an alternative to, or in conjunction with providing required parking onsite or through payment in-lieu. The one-time payment into the Parking Trust Fund for use of Remote Parking shall be satisfied for one hundred percent (100%) of the requested remote parking spaces to comply with up to one hundred percent (100%) of the required on-site parking and shall be collected prior to the issuance of a building permit in the amount established by the City Commission. of providing required parking pursuant to City Code Section 74-172(d), an applicant may apply to use remote off-street parking to meet the off-street parking requirements of the Zoning Code. The ability to use remote parking may be granted in the reasonable discretion of the City in compliance with the terms of this subsection.~~

1. Definition. For purposes of this subsection, the "applicant" is defined as the owner(s) of the land of which the uses(s) seeking to utilize remote parking is located. The owner of the land on which the remote parking is located may not apply for remote parking, unless that owner also owns the property on which the use seeking to utilize remote parking is located.

2. Applicability.

a. ~~Location of project and of remote parking spaces. Applications for remote parking shall be accepted when t~~ The proposed project building site location and the location of the remote parking spaces ~~are~~ shall both be located within the CBD, and the Design & Innovation District, and for properties or located within one-hundred (100) feet of the Ponce de Leon right of way, south of SW 8th Street. ~~When project and remote parking spaces are outside of these designated areas, an applicant can request a Waiver from the City Commission pursuant to subsection B4. The remote parking spaces must always be located in the City. Projects facing Miraele Mile shall remote park 100% of their required parking with no reductions. The remote parking facility(ies) shall not be located in a single-family zoning district.~~

b. ~~For expansion and changes of use. Infeasibility or impracticability of providing required parking. Applications may be approved if the physical layout of the project, as determined in the reasonable discretion of the Director of Development Services, cannot reasonably be altered to provide the Zoning Code required parking onsite as part of the proposed expansion or change of use.~~

e. Distance. The remote parking spaces ~~must~~ shall be located within one thousand (1,000) feet of the applicant's project building site. ~~The distance shall be~~

~~measured using airline measurement~~ from the property line of the project site to the property line of the off-street parking facility(ies) containing the remote parking spaces.

- ~~d. The remote parking facility(ies) shall not be located in a single family zoning district.~~
 - ~~ce. No cap on Minimum and maximum remote parking. A minimum of ten (10) remote parking spaces shall be requested and The applicant may request to use remote parking spaces for up to one-hundred (100%) percent of the Code required off-street parking for the project. A payment-in-lieu may be requested if a building site requires less than ten (10) off-site parking spaces.~~
 - ~~df. Approval process. Remote off-street parking for new construction requesting more than twenty-five (25) parking spaces shall be subject to a Conditional Use approval as set forth in Article 14-203.2 of the Zoning Code. The Development Services Director ~~shall~~ may review and approve an application requesting twenty-five (25) to provide remote off-street parking spaces or less for an expansion or change in use of an existing project located in the City upon finding that all of the requirements of this subsection have been satisfied.~~
 - ~~e. Miracle Mile. Projects facing Miracle Mile shall remote park one hundred percent (100%) of their required parking with no reductions. No minimum number of remote parking spaces are required. The Development Services Director may review and approve an application requesting less than twenty-five (25) remote off-street parking spaces.~~
3. Application. The applicant shall file an application in the form specified by the City, including site plans, and shall be accompanied by applicable fees. ~~all of the following at a minimum:~~
- ~~a. A survey showing the exact location, traffic flow and current physical layout of the proposed remote parking spaces;~~
 - ~~b. Documentation certifying that where the remote parking spaces will be located:
 - ~~i. Are owned by the applicant, if the applicant owns the structure containing the use requiring remote parking; or~~
 - ~~ii. Have been secured for the applicant's use by means of a lease with a term of at least one (1) year, if the applicant leases the structure containing the use requiring remote parking; and~~
 - ~~iii. Are in excess of those parking spaces required to serve any onsite development. The number of required parking spaces shall be measured based on the square footage and parking demand of each approved onsite use, assuming one hundred (100%) percent occupancy.~~~~

- ~~e. If the remote parking spaces are leased, then documentation of the remote parking lease arrangement must be acceptable to the City Attorney and acceptable in substance to the Development Services Director, and must be recorded in the public records of Miami Dade County against both the applicant's project site and the property housing the remote parking spaces. The lease for the remote parking spaces must have a term of at least one (1) year and can be terminated on no less than ninety (90) days advance notice, which shall be provided to both the Development Services Director and the parties. The lease must also assure the City's right to access the remote spaces to inspect them as provided herein;~~
 - ~~d. Copies of the approved plans for the remote parking spaces, as they may have been amended to date;~~
 - ~~e. Sworn affidavits from the owner of the remote parking spaces establishing that no leases, approved plans, or other commitments exist or will be entered into for the life of the remote parking approval, if the spaces are owned, or the life of the lease if the spaces are leased, that would interfere with the proposed use of the remote parking spaces for remote parking; and~~
 - ~~f. The application fee.~~
4. Covenants. The application shall also be accompanied by property owner(s) shall submit an appropriate covenant prior to issuance of the first building permit which shall run with the land and declaration of restrictions for the remote parking spaces executed by the owner of the property containing the remote parking spaces and the applicant, as applicable in recordable form acceptable to the City Attorney and acceptable in substance to the Director of Development Services, including at least all of the following:
- a. That the owner of the remote spaces (and the heirs, successors, personal representatives and assigns, and upon all mortgagees and lessees and others presently or in the future having any interest in the property) assures the continued rights to the remote parking spaces until such time as the City Manager or designee releases the obligation, and if the spaces are leased, the City's right to access the remote spaces to inspect them as provided herein;
 - b. That, ~~if the applicant plans to relocate upon any relocation of~~ upon any relocation of the remote parking spaces to another location that meets the requirements of this subsection, ~~it shall submit~~ an application shall be submitted to amend the remote parking approval promptly, at least ninety (90) days prior to the termination of the remote parking arrangement. Such amendment shall be subject to the same application requirements, procedure and fee as a new application, and shall be implemented in a manner that assures the continuous availability of the remote parking for the project;

- c. That ~~the applicant shall report~~ any unplanned changes shall be reported in the facts related to the application or approved remote parking arrangement to the Director of Development Services within five (5) business days of the occurrence of the change, and shall submit a remedial plan consistent with the requirements of subsection 8 below, together with the review fee, within ten (10) business days of the occurrence of the change. The Development Services Director shall have the sole but reasonable discretion to approve the remedial plan and set the timing of implementation, and may extend the above deadlines if good cause is shown;
 - d. That ~~the applicant and the property owner of the remote parking spaces authorize~~ the City shall be authorized to inspect the remote parking spaces at will to determine the continuing adequacy of the remote parking arrangements, during the normal hours of operation of the use that is being served by the remote parking spaces;
 - e. That ~~the applicant shall annually submit~~ an affidavit shall be annually submitted confirming that the facts supporting the applicant's initial approval of the use of remote parking remain accurate and that the remote parking spaces are in excess of those parking spaces required to serve any onsite development at the time of renewal of the certificate(s) of use for the applicant's property(ies);
 - f. That at the time of entering into a new lease or renewing a lease, ~~the applicant shall submit~~ renewed documentation and affidavits shall be submitted as required by B.3 above; and
 - g. That ~~the applicant recognizes and accepts that~~ any material failure to meet the requirements of this subsection (or the requirements of the related agreements, covenants or conditions) that is not cured as provided herein will immediately subject the applicant to the original and full parking requirements of the Zoning Code. The materiality of any failure shall be determined by the Development Services Director, in consultation with the City Attorney.
 - h. That a submitted survey shows the exact location, traffic flow, and current physical layout of the proposed remote parking spaces.
5. Remedial plan. The ~~submittal purpose~~ purpose of a remedial plan is to provide remedy options if the initial remote parking agreement has been terminated and other spaces meeting the criteria are no longer available and, whether required pursuant to subsection B.4 above or subsection B.6 below, shall be accompanied by a review fee ~~which shall be the same as the application fee~~. If the Development Services Director finds, in his or her reasonable discretion, that the remedial plan fully meets the parking requirements for the remaining uses and square footages, utilizing any combination of alternatives permitted by the City Code and Zoning Code in effect at the time, and the requirements of this subsection ~~B~~, then the Development Services Director shall approve the remedial plan. The remedial plan may include

any or all of the following options, and shall be implemented according to the timing and schedule established in the individual remedial plan:

- a. Provide a one-time payment-in-lieu of required parking in accordance with Section ~~74-201~~172(d) of the Code of Ordinances, or
 - b. Modify the use of the applicant's property(ies) so that the remote parking spaces are no longer required to be provided to meet the Code parking standards (for example, by reducing the square footage of uses, or changing one or more uses to a use(s) with a lower parking requirement), or
 - c. Secure alternate remote parking spaces meeting all of the requirements of this subsection, including execution of any required agreements and affidavits, or
 - d. Provide additional onsite parking spaces.
6. Renewal. The applicant shall, prior to the annual renewal of the certificate(s) of use for the applicant's property(ies) using remote parking, submit renewed documentation if required by ~~B.4.f~~ above, and an affidavit affirming that the matters ~~addressed under subsections B.b and B.3.e above~~ as originally approved remain in effect, which shall be reviewed by the Development Services Director. The certificate(s) of use shall not be issued unless the affidavit, and documentation if required, demonstrates that all the requirements of this subsection ~~B.2-B.6~~ continue to be met for the remote parking arrangement as it was approved.
7. Noncompliance. If the Development Services Director discovers at any time, including during a renewal review, that the applicable requirements of this subsection are not met in any material way or that the remote parking is not maintained continually as described in the application and provided in the recorded covenant, he or she shall notify the applicant and require the applicant either to (i) demonstrate that the violation has been cured or did not exist, or (ii) provide a remedial plan meeting the requirements of subsection ~~B.5~~ above, together with the review fee. The materiality of any noncompliance shall be determined by the Development Services Director, in consultation with the City Attorney. The applicant's response shall be reviewed and approved in the sole but reasonable discretion of the Development Services Director. The Development Services Director shall set the deadline for the applicant to develop and submit the remedial plan and may extend it if good cause is shown.

Also, if the Development Services Director determines that the applicant has failed to meet any of the following four (4) requirements, the Director shall deem the applicant's remote parking approval void, and the applicant shall not again seek to use remote parking until six (6) months have elapsed from the date that the approval is deemed void:

- a. The requirement to notify the City of changes pursuant to ~~7-4.e~~ above within the required time frame;

- b. The requirement to submit a remedial plan by any deadline set or extended by the Development Services Director;
 - c. The requirement to implement the remedial plan according to the implementation schedule approved or extended by the Development Services Director; or
 - d. The requirement to comply in any other material regard with all of the requirements of this subsection, including failure to comply with the recorded covenants as required herein. The materiality of any noncompliance shall be determined by the Development Services Director, in consultation with the City Attorney. The Development Services Director shall also have the discretion in consultation with the City Attorney to begin Code Enforcement procedures as set forth in Section 14-300.
8. City Commission Waiver.
- a. Standard for waivers. The City Commission may approve a waiver pursuant to this subsection ~~B4 upon~~ finding that the waiver will neither (A) harm the public interest nor (B) create parking problems in the area surrounding the applicant's project site.
 - b. Requirements that may be waived. An applicant may request that the City Commission review its application for remote parking and, following a public hearing, approve a waiver of one (1) or more of these requirements, and may impose any conditions it deems necessary on such waiver:
 - i. The one-thousand (1,000) foot maximum distance between the remote parking spaces and the applicant's project site; and
 - ii. The requirement that the remote parking be located within the CBD or Design & Innovation District, or one-hundred (100) feet from the Ponce de Leon right of way, south of SW 8th Street; and
 - iii. The requirement that the land containing the use seeking to utilize remote parking be located within the CBD or the Design & Innovation District, or one-hundred (100) feet from the North Ponce de Leon right of way.
 - c. Effect of waiver. All of the remaining requirements ~~of section 10-109.B,~~ that have not been waived by the City Commission, must be satisfied.
9. Appeals. The applicant may appeal any determinations made by the Development Services Director under this subsection through the process set forth in Section 14-208 of the Zoning Code.

B. Payment-in-lieu. Payment-in-lieu may be allowed per Chapter 74 Sec. 74-172(d) of the City Code, provided that:

1. The applicant’s prior agreement to remote park has been terminated by the private parking facility and unable to obtain remote parking elsewhere; or

2. On-site Parking or Remote Parking are determined infeasible or impracticable, as determined in the reasonable discretion of the Director of Development Services, and the physical layout of the property(ies) cannot reasonably be altered to provide the required parking.

The Payment-in-lieu shall be satisfied by a one-time payment prior to the issuance of a building permit in the amount established by the City Commission. The Payment-in-Lieu fee shall be collected in addition to any Remote Parking payments into the Parking Trust Fund.

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. Applications for review that have received preliminary Board of Architects approval by the adoption of this Ordinance shall be vested applications. Applications securing preliminary Board of Architects approval after the adoption of this Ordinance shall satisfy these regulations.

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 ____ DAY OF _____, A.D., 2022.

(Moved: / Seconded:)

(Yeas:)

(; Vote)

APPROVED:

VINCE LAGO
MAYOR

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

BILLY Y. URQUIA
CITY CLERK

MIRIAM SOLER RAMOS
CITY ATTORNEY

Sec. 74-172. - Generally.

- (a) *Purpose.* The parking replacement assessment is established for the purpose of developing and maintaining adequate public parking within the city. Funds generated by this assessment shall be used to develop additional public parking owned and operated by the city.
- (b) *Lost spaces within the right-of-way.* Any new construction, addition, alteration or rehabilitation that results in the loss of public parking within the right-of-way requires payment of replacement costs as established.
 - (1) Replacement costs must be paid for all parking spaces lost to provide ingress and egress to a development, restrictive signage for a development, streetscape improvements adjacent to a development and/or any other permitted use of the parking right-of-way.
 - a. Any development that provides parking on-site will be allowed up to 22 feet, as established in zoning code section 10-102(c)(2) (a), of curb space to provide ingress and egress to the parking facility without assessment.
 - b. Any restrictive use of the parking right-of-way or signage must be approved by the parking director and the public works director or their designees.
 - (2) Development including attainable housing may be permitted a reduction in the parking assessment fee as provided in the zoning code or section 1-8.
 - (3) When an on-street parking space abutting a development is lost solely to meet an established streetscape master plan or traffic improvement required by the city or other governmental entity, the parking replacement assessment for that space shall be reduced by 50 percent.
- (c) *Existing annual payments.* Where an abutting property owner is making an annual payment for lost parking meter revenue pursuant to prior ordinance, the property owner may terminate that payment at any time by paying the parking replacement assessment provided for in this division.
- (d) *Payment in lieu.* Any new construction, addition, alteration or rehabilitation on property that creates or increases off-street parking requirements under zoning code section 10-110 may propose satisfying those requirements for off-street parking by providing a payment-in-lieu as established section 1-8 as follows:
 - (1) Where the new construction, addition, alteration, or rehabilitation is in the central business district, design and innovation district, or along the Ponce de Leon Boulevard Corridor south of SW 8th Street;
 - (2) For new construction, additions, alterations or rehabilitations that create an off-street parking requirement under the zoning code, such requirements may be satisfied through constructing the parking, providing remote parking or payment into the parking trust fund for 100 percent of the requirement, or by meeting the requirement through a combination of new parking spaces, remote parking or payment into the parking trust fund as permitted by the zoning code; and
 - (3) Where a proposal for payment in lieu is for more than 25 parking spaces, the parking advisory board shall review the proposal for any impacts it may have on the public parking system.

(Code 2006, § 74-201; Ord. No. 2011-01, § 2, 1-11-2011; Ord. No. 2021-14, § 2, 3-23-2021)

Sec. 74-173. - Payment of fee.

The parking replacement assessment or payment-in-lieu shall be satisfied by a one-time payment prior to the issuance of a building permit. The assessment will be paid in the amount established in section 1-8.

(Code 2006, § 74-202; Ord. No. 2011-01, § 2, 1-11-2011; Ord. No. 2021-14, § 2, 3-23-2021)

Sec. 74-174. - Parking improvement trust fund.

- (a) There is hereby established a parking improvement trust fund to be maintained and administered by the City of Coral Gables or as designated by the city commission. All funds paid to the city pursuant to city Code sections 74-172—74-174 shall be deposited into the trust fund.
- (b) Funds maintained in the trust fund shall only be used to facilitate parking purposes, create publicly accessible off-street parking, or provide for infrastructure improvements and maintenance. Funds may be expended to accomplish the following activities:

- (1) Acquire fee simple or other interest in land, and other real property for parking purposes;
 - (2) Construct, lease manage, fund or provide off-street parking facilities for public use;
 - (3) Provide public information to enhance parking utilization including publicity campaigns, graphics and signage, and other informational devices;
 - (4) Coordinate plans for parking facility improvements or expansion;
 - (5) Provide accessibility to off-street parking facilities or alternative transportation facilities by suitable means such as public shuttle, tram or trolley service; or
- (c) The parking advisory board shall review and make recommendations on expenditures from the parking improvement trust fund.
- (d) An annual financial report shall be prepared at the close of each fiscal year reporting fund balance, receipts, and expenditures.

(Ord. No. 2021-14, § 2, 3-23-2021)

Editor's note— Ord. No. 2021-14, § 2, adopted March 23, 2021, repealed the former § 74-174, and enacted a new § 74-174 as set out herein. The former § 74-174 pertained to deposit of funds and derived from Code 2006, § 74-203; Ord. No. 2011-01, § 2, adopted Jan. 11, 2011.

Secs. 74-175—74-201. - Reserved.

QUINLIVAN APPRAISAL
A PROFESSIONAL ASSOCIATION
7300 NORTH KENDALL DRIVE, SUITE 530
MIAMI, FLORIDA 33156

Thomas F. Magenheimer, MAI
State Certified General Appraiser
RZ 0000553

Telephone (305) 663-6611
Fax (305) 670-4330
E-mail:tmagmai@aol.com

MEMORANDUM

TO: Coral Gables City Commission

FROM: Thomas F. Magenheimer, MAI
Quinlivan Appraisal, P. A.

DATE: February 2, 2021

SUBJECT: Zoning Code Proposal – Miracle Mile

The Coral Gables City Commission is considering several proposals to the zoning code for the Miracle Mile overlay district. This memorandum will analyze several of the proposed changes to the overlay district.

Based on an interview with Zoning Director, Ramon Trias, part of the current zoning regulations for properties fronting on Miracle Mile include a 70-foot building height limitation, an on-site parking requirement, and a base floor area ratio of 3.0 and a maximum floor area ratio of 3.5 (including Mediterranean bonuses). Any building area utilized for parking is not included in the floor area calculation.

The portions of the proposed changes to the Miracle Mile overlay district in this analysis include:

- 1) The impact of a 60-foot no parking building setback from Miracle Mile
- 2) The impact of a 15-foot ceiling height requirement for ground floor retail
- 3) The impact of allowing remote parking and allowing a payment into a trust fund in lieu of on-site parking
- 4) The impact of eliminating the floor area ratio Mediterranean bonus for allowing payment in lieu of on-site parking (including a 25% minimum ratio for payment in lieu).

The planning and architecture consultant to the city, Elizabeth Plater Zyberk, was interviewed related to the 60-foot building setback and the 15-foot ceiling height requirements. Ms. Zyberk reported that the 60 foot setback requirement would not have an impact on constructions cost or functional utility for buildings fronting on Miracle Mile. The majority of lots fronting on Miracle Mile have a depth of at least 100 feet and most have a depth of 120 feet. Therefore, the 60-foot parking setback should not impact design criteria and should not compromise accessibility for buildings fronting on Miracle Mile as long as properties can have vehicular access from an

abutting alley. The 15-foot ceiling height requirement for storefronts on Miracle Mile should also not impact design criteria for buildings. Current design trends for retail development are for higher ceilings than the existing older retail buildings in Coral Gables.

The Parking Director for the city, Kevin Kinney, was consulted related to the impact of remote parking and the required payment in lieu of providing parking. Mr. Kinney reported that monthly parking permits in the city operated parking garages is \$110 per space. Monthly parking rates in privately owned properties in Coral Gables generally ranged from \$150 to \$170 per space before the pandemic. Therefore, the annual cost to a property owner to rent a remote parking space would be at a minimum of \$1,320 (\$110 per month x 12 months). Mr. Kinney also reported that the proposed fee to pay into a parking trust in lieu of parking provided by on-site has been recommend by his staff at \$12,500 per space. It should be noted that the fee to pay in lieu has not been finalized and could be as high as \$17,000 to \$18,000 per space. The fee in lieu of parking is therefore estimated at \$15,000 per space.

The impact on values of a property owner not having to provide on-site parking versus allowing remote parking and/or the payment in lieu was analyzed by comparing the cost of constructing parking to the expense of leasing a remote space. The City of Coral Gables has constructed several parking structures in the recent past. Therefore, the city Parking Department is considered a good source for providing construction costs for parking structures. Mr. Kinney reported that the most recent parking structure built on Andalusia Avenue cost approximately \$26,000 per space. However, Mr. Kinney reported that other recently constructed parking structures had costs up to \$35,000 per space. The cost service Marshall Valuation Manual estimates the construction cost for parking structures between \$11,100 and \$24,100 per space. As a conclusion, it is estimated that a property owner would save in the range of \$25,000 to \$30,000 per space by not having to provide parking on-site in a parking garage. It should be noted that the cost per space to construct parking structures can vary, sometimes significantly, based on irregularly shaped sites, elevation, or building size.

The impact on value of renting remote parking spaces was estimated by capitalizing the annual rent per space. As discussed previously, the rent per month in a city owned garage is presently \$110 per space or \$1,320 annually. The rent per month in a privately owned garage is presently at least \$150 per space or \$1,800 annually (\$150 per month x 12 months).

Overall capitalization rates have been abstracted from recent sales of retail and office properties in Miami-Dade County. Summaries of the overall capitalization rates abstracted from market sales of retail and office buildings are contained on a following page. The *Realty Rates.com Investor Survey – Fourth Quarter 2020* indicates overall rates for of office properties ranging from 4.21% to 12.56%, with the average being 8.84%. The *Realty Rates.com Investor Survey – Fourth Quarter 2020* indicates overall rates for of retail properties ranging from 4.31% to 13.90%, with the average being 9.13%. The overall capitalization rates abstracted from the

market sales of office and retail properties were given primary emphasis in the final analysis. Based on the above sources, a capitalization rate of 6.0% is considered appropriate for this analysis.

The impact on market value of remote parking is calculated as follows:

Annual Rent Per Space	÷	Overall Rate	=	Market Value Per Space
\$1,320	÷	6.00%	=	\$22,000
\$1,800	÷	6.00%	=	\$30,000

Based on the above analysis, the impact on the market value of a property of the remote parking option would be between \$22,000 and \$30,000 per space.

The impact of the option of paying a fee in lieu of providing on-site parking would be more significant. By choosing the option of paying the fee in lieu would not eliminate the need for a property owner to provide parking. If a property is leased to a tenant, a property with no parking would command less rent than a property with parking. If a property is owner occupied, the owner would have to provide parking, either rented spaces or valet, for employees and clients. Based on the proposed deed in lieu of \$15,000 per space, the potential impact on market value of choosing the fee in lieu option would be \$37,000 per space (\$22,000 + \$15,000) to \$45,000 per space (\$30,000 + \$15,000).

The option of eliminating the floor area ratio Mediterranean bonuses by eliminating the design bonus would have a negative impact on market value of properties. As stated previously, the base floor area ratio is 3.0. The floor area ratio with the design bonus is 3.5. Mathematically, eliminating the design bonus and reducing the floor area ratio by 0.5 would indicate a difference of 16.7% ($3.0 - 3.5 \div 3.0$). A hypothetical example of the difference in the floor area ratio of a property with a 20,000 square foot site and a potential net income of \$35.00 per square foot would be as follows:

Site Size (S.F.)	X	F.A.R	=	Bldg. Size (S.F.)
20,000	X	3.5	=	70,000
20,000	X	3.0	=	<u>60,000</u>
Difference				10,000
Net Income per Square Foot				<u>\$35.00</u>
Potential Net Income				\$350,000
Capitalized at		6.0%		\$5,833,333

Note: The design criteria necessary to achieve the Mediterranean design bonuses could result in higher construction costs which would lower the amount of the above example.

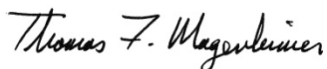
A reduction in floor area ratios, at the intensity of the zoning applicable to the properties fronting on Miracle Mile, would most likely cause a reduction in value of most of the properties fronting on Miracle Mile.

Conclusions

- Based on conversations with the planning and architectural consultant to the city, the 60-foot no parking site back and the 15-foot ceiling height requirement would have nominal impact on building designs and construction costs for buildings fronting on Miracle Mile.
- The option of allowing remote parking would indicate that the construction cost savings of not having to provide on-site parking would be slightly higher than the expense to pay for remote parking space.
- The option of allowing a payment in lieu of providing on-site parking would indicate that the construction cost savings of not having to provide on-site parking would be lower than the payment in lieu and the expense to pay for remote parking.
- A removal of Mediterranean bonuses for floor area ratio as an offset for allowing remote parking or payment in lieu would cause a significant reduction in value.

It should be noted that analysis and conclusions contained herein are based on general concepts for the zoning code proposal for properties fronting on Miracle Mile. The analysis and conclusions could be different for specific properties or if fees, parking ratios, and costs vary.

Respectfully submitted,



Thomas F. Magenheimer, MAI
State-Certified General Appraiser
Certification Number: RZ 553

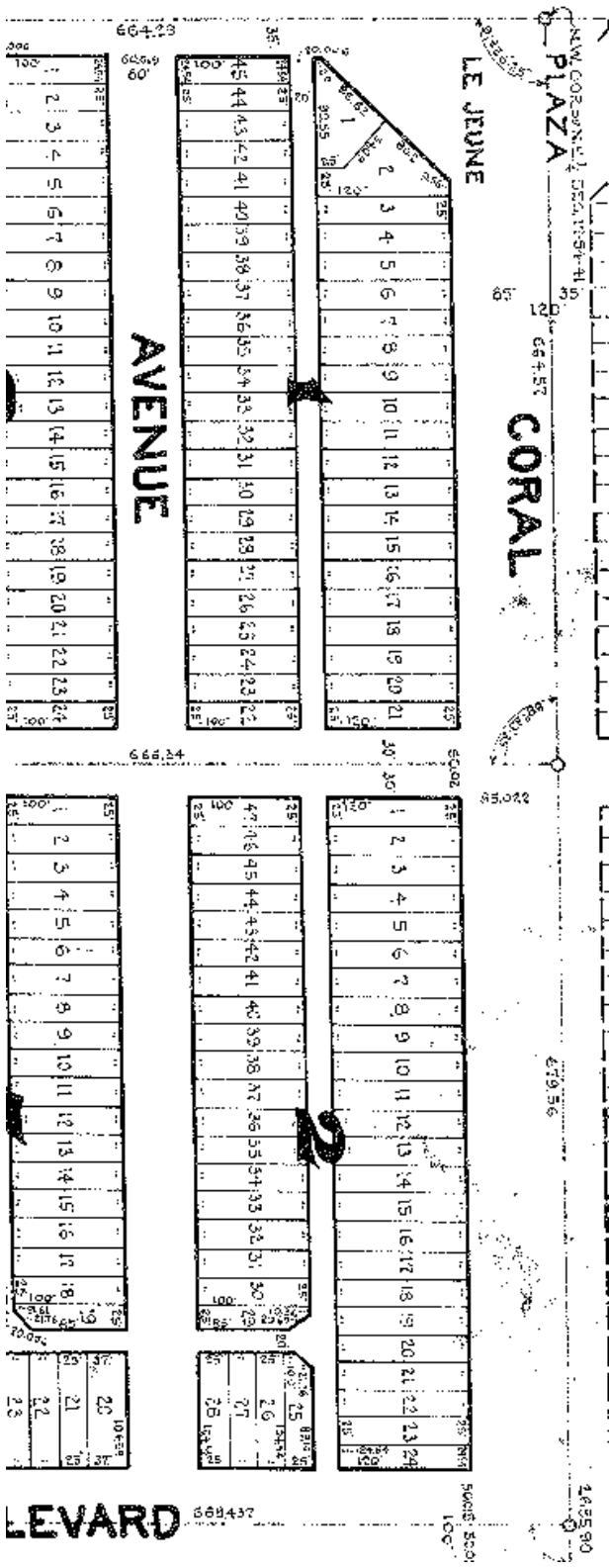
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ADDENDA

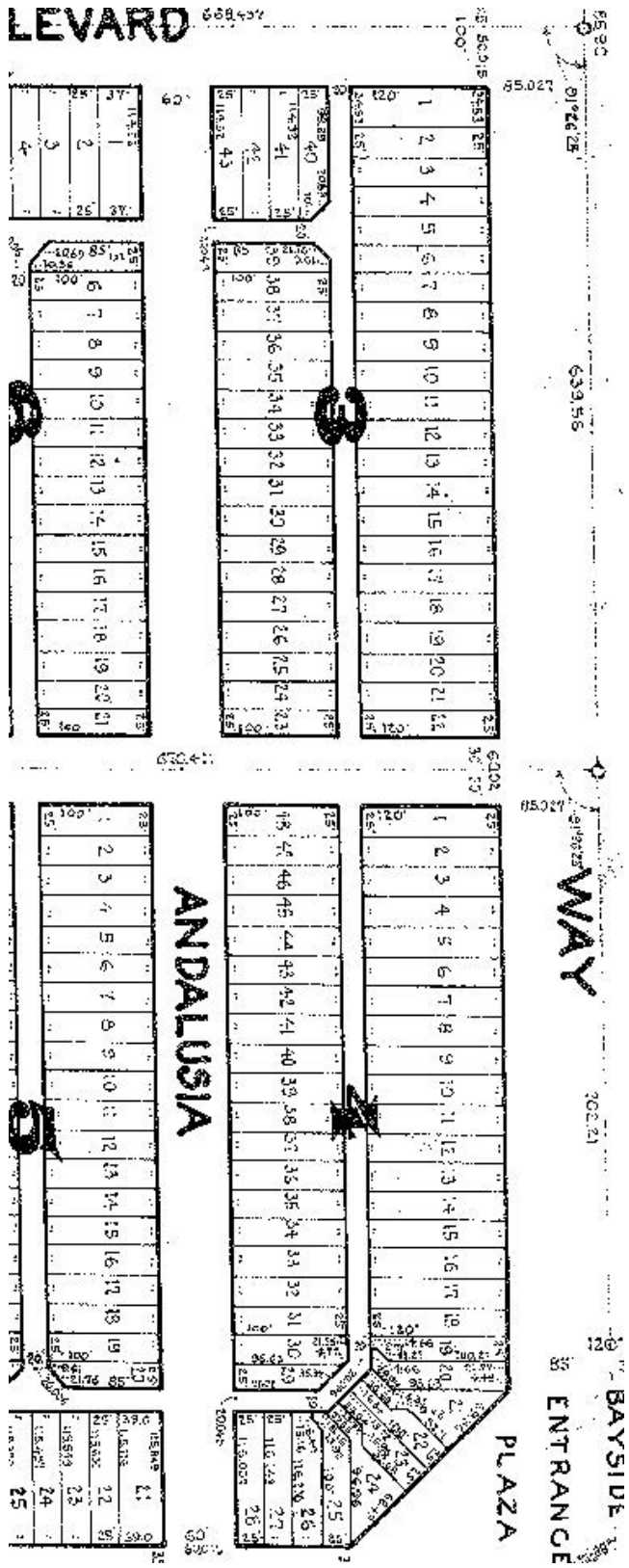
OVERALL RATES FROM MARKET SALES OF OFFICE PROPERTIES – MIAMI-DADE COUNTY				
NO.	LOCATION	DATE	PRICE	OVERALL RATE
1	550 Biltmore Way, Coral Gables	6/19	\$54,400,000	5.7%
2	11880 Bird Road, Miami-Dade Co.	8/19	\$11,524,100	8.0%
3	2490 Coral Way, Miami	8/19	\$2,800,000	7.4%
4	2020 N.E. 163 Street, North Miami Beach	12/19	\$6,000,000	5.85%
5	1490 West 49 Street, Hialeah	12/19	\$5,900,000	6.7%
6	1800 S.W. 27 Avenue, Miami	1/20	\$7,200,000	7.5%
7	3280 Ponce de Leon Blvd., Coral Gables	1/20	\$2,700,000	5.9%
8	1800 S.W. 1 Street, Mismi	6/20	\$5,400,000	5.6%
9	2601 Biscayne Boulevard, Miami	10/20	\$2,000,000	7.0%
10	6285 Sunset Drive, South Miami	10/20	\$3,401,400	7.1%

OVERALL RATES FROM MARKET SALES OF RETAIL PROPERTIES – MIAMI-DADE COUNTY				
NO.	LOCATION	DATE	PRICE	OVERALL RATE
1	13621 N.W. 7 Avenue, North Miami	2/20	\$2,650,000	5.7%
2	6787 Miller Drive, Miami-Dade Co.	2/20	\$1,780,000	6.5%
3	19321 N.W. 2 Avenue, Miami Gardens	3/20	\$2,325,000	6.0%
4	2007 S.W. 8 Street, Miami	3/20	\$1,100,000	5.9%
5	395 East 8 Street, Hialeah	5/20	\$1,000,000	7.7%
6	2829 Bird Avenue, Miami	6/20	\$3,100,000	5.8%
7	1755 N.E. 162 Street, North Miami Beach	6/20	\$1,200,000	4.5%
8	5841 West Flagler Street, Miami	7/20	\$1,450,000	5.2%
9	101 N.W. 20 Street, Miami	12/20	\$1,600,000	6.5%
10	45 Curtiss Parkway, Miami Springs	1/21	\$1,000,000	8.0%

Plat - Crafts Section



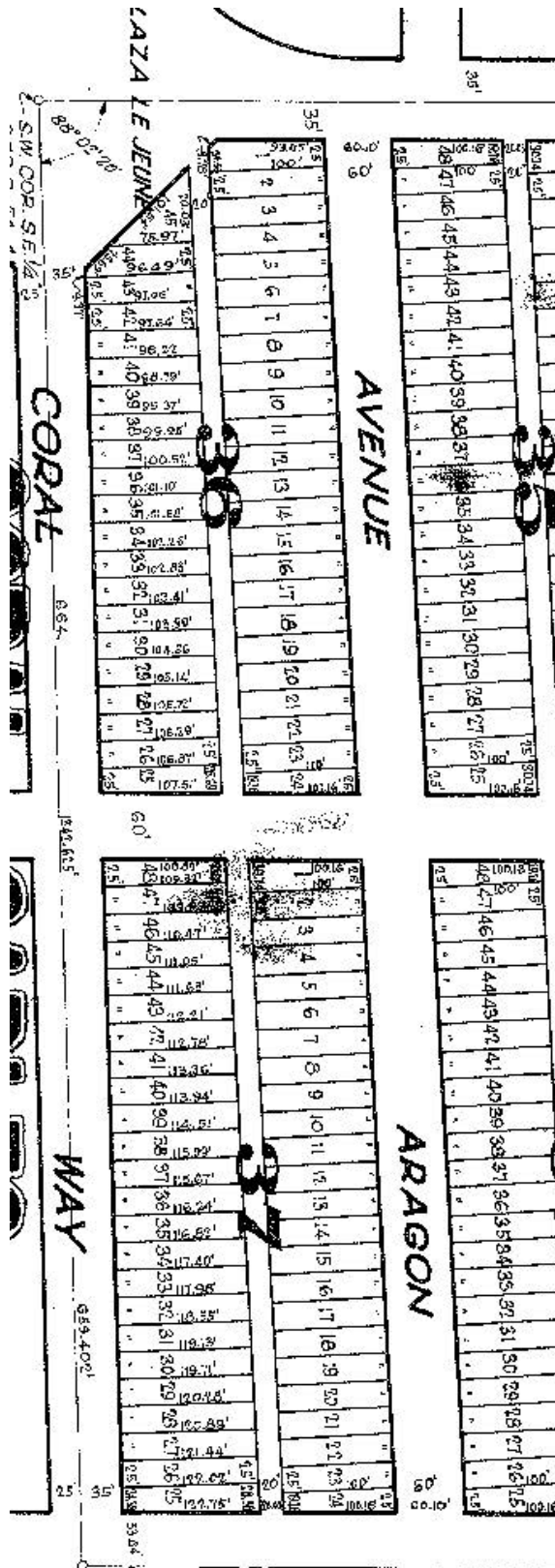
Plat - Crafts Section

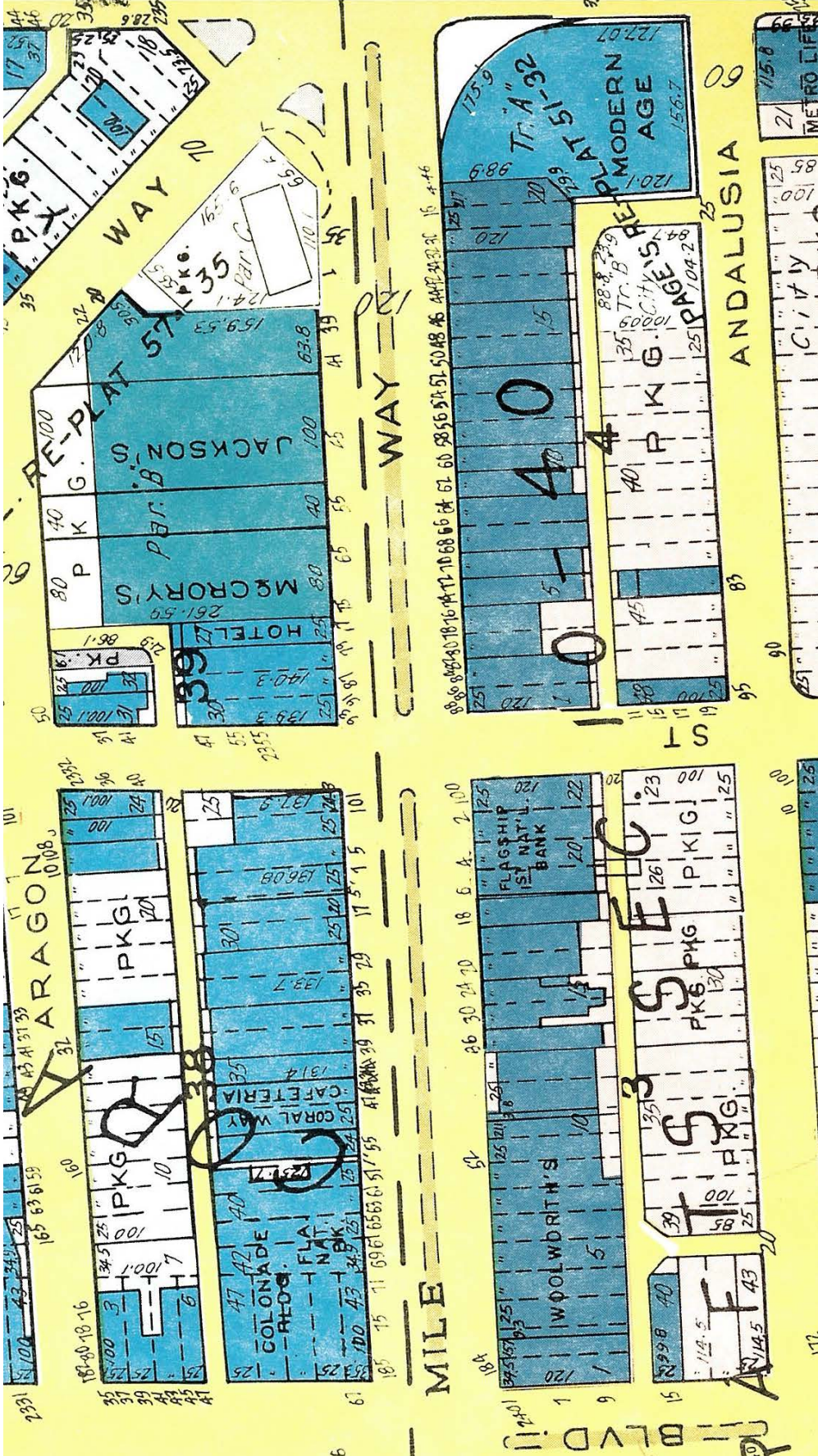


Plat - Section "L"



Plat - Section "K"





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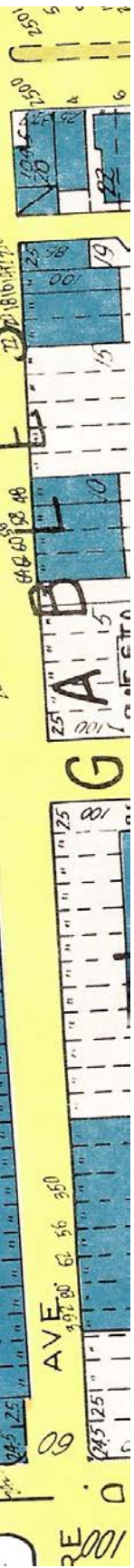
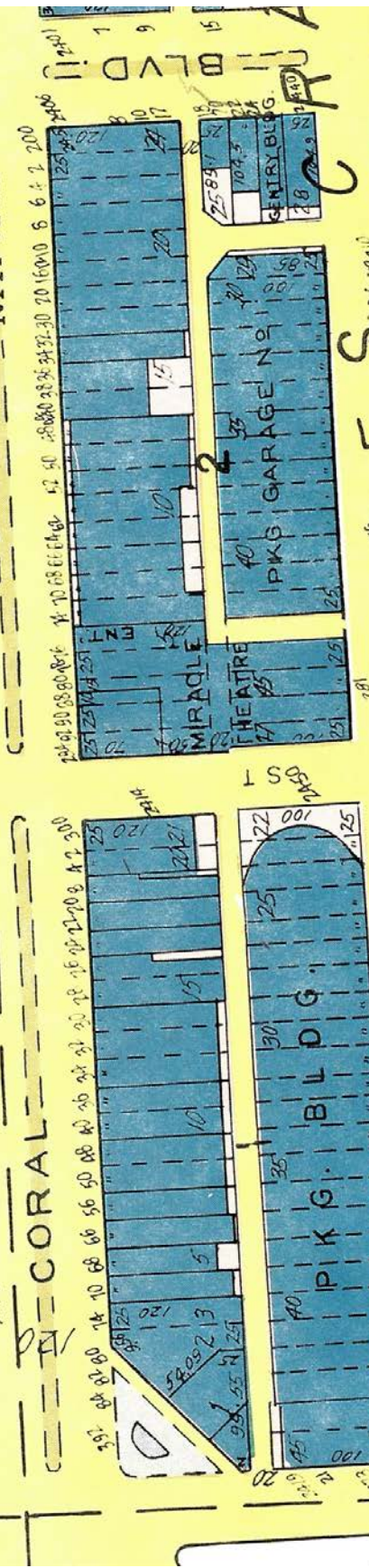
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CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2021-44

A RESOLUTION OF THE CITY COMMISSION AMENDING RESOLUTION 2013-256 TO ADD A PARKING IN LIEU FEE IN ACCORDANCE WITH CITY CODE CHAPTER 74 – TRAFFIC AND VEHICLES, ARTICLE III – STOPPING, STANDING AND PARKING, DIVISION 5. PARKING REPLACEMENT ASSESSMENT, PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Resolution No. 2006-187, passed and adopted by the City Commission on September 24, 2013 established the fee for Parking Replacement Assessment and Payment in Lieu at \$42,000; and

WHEREAS, the City wishes to improve the efficient use of and shared parking impacts of parking infrastructure within urban areas in the City; and

WHEREAS, efficiently planned and developed shared use parking reduces excessive, unnecessary development of expensive parking infrastructure and allows for design of a better pedestrian environment; and

WHEREAS, private investment in public parking facilities will enable the development of additional public parking facilities and increase the overall efficiency of the parking system within Coral Gables; and

WHEREAS, public and private parking supply within Coral Gables is currently used inefficiently and is underutilized; and

WHEREAS, the City wishes to prevent the development of Parking Structure in identified Development Zones or Overlay Districts to preserve pedestrian oriented public spaces; and

WHEREAS, the Parking Advisory Board discussed these amendments to the existing “Parking Replacement Assessment” and recommends approval; and

WHEREAS, on January 11, 2011, the City Commission adopted Ordinance No. 2011-01 which among other things modified the City’s Parking Replacement Assessment Ordinance to expand the “payment in lieu” program, the fees for which were to be established in the fee resolution approved by the City Commission; and

WHEREAS, this resolution will amend the payment in lieu fees in accordance with the City Code provisions for the Parking Replacement Assessment codified as Sections 74-172 through 74-175 of the City Code.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

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 Resolution upon adoption hereof.

SECTION 2. The Parking Replacement Assessment provided for in 74-172(b) of Coral Gables City Code is set at \$42,000 per space.

SECTION 3. Parking requirements of the Coral Gables Zoning Code that may be satisfied by a Payment in Lieu as provided for in 74-172(d) of Coral Gables City Code is set at \$12,500 per space, with the fee in the Design & Innovation District Overlay set at \$10,000 per space.

SECTION 4. Where a proposed Payment in Lieu as provided for in 74-172(d) is within the Zain/Friedman Miracle Mile Downtown District Overlay, the fee is set at \$5,500 per space.

SECTION 5. Future amendments to the City Code or Zoning Code that change the numbering of the code sections for which fees are charged in this document shall not affect the fees or fines. Future amendments to the City Code that change the numbering of the code sections for which fees are charged in this document shall not affect the fees or fines.

SECTION 6. The fees established in Section 1 – 3 above shall be reviewed with the Parking Advisory Board every three years to determine whether they should recommend amendment of the fee to the City Commission.

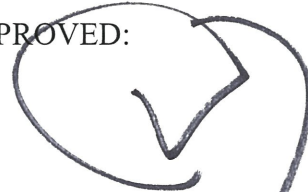
SECTION 7. If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

SECTION 8. This Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-THIRD DAY OF MARCH, A.D.,
2021.

(Moved: Keon / Seconded: Fors., Jr.)
(Yeas: Mena, Fors, Jr., Keon, Lago, Valdes-Fauli)
(Unanimous: 5-0 Vote)
(Agenda Item: F-9)

APPROVED:

A large, stylized handwritten signature in black ink, consisting of a large loop at the top and a long, sweeping line that descends towards the bottom right.

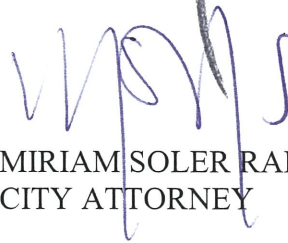
RAUL VALDES-FAULI
MAYOR

ATTEST:

A handwritten signature in black ink, appearing to read 'B. Y. Urquia' in a cursive style.

BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

A handwritten signature in blue ink, consisting of several vertical strokes and loops, appearing to read 'M. Soler Ramos'.

MIRIAM SOLER RAMOS
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

CITY OF CORAL GABLES - PUBLIC HEARING - LOCAL PLANNING AGENCY / PLANNING AND ZONING BOARD - DEC. 14, 2022

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.

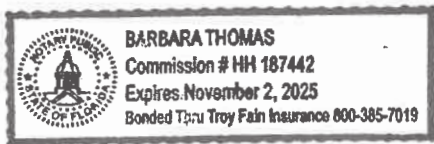

Guillermo Garcia
Sworn to and subscribed before me this

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
12/2

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