

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE BY AMENDING ARTICLE 2, “DECISION MAKING AND ADMINISTRATIVE BODIES”; ARTICLE 4, “ZONING DISTRICTS”; ARTICLE 5, “DEVELOPMENT STANDARDS”; AND, ARTICLE 8, “DEFINITIONS” TO ADDRESS ZONING CODE MATTERS SUCH AS TIE VOTES, RESTAURANT WALK-UP COUNTERS, REQUIRED PARKING AND BAY WINDOWS; PROVIDING FOR REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Staff is requesting various Zoning Code text amendments to the Official Zoning Code of the City of Coral Gables as indicated in the title of this Ordinance; and,

WHEREAS, after notice was duly published, a public hearing was held before the Planning and Zoning Board on February 10, 2016, at which hearing all interested parties were afforded the opportunity to be heard; and,

WHEREAS, the Board was presented with the text amendments to the Official Zoning Code, and after due consideration, recommended approval (vote: 5-0) of the text amendments; and,

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Commission on March 29, 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/denied) the amendment on First Reading (vote: __-__).

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 provided in Attachment A - Zoning Code Text Amendments¹.

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

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 All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.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 _____, 2016.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2016.

APPROVED:

JIM CASON
MAYOR

ATTEST:

WALTER FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY

Zoning Code Text Amendment #1: Tie Vote Provisions for Planning and Zoning Board¹

Article 2 - Decision Making and Administrative Bodies

Division 2. Planning and Zoning Board

Section 2-203. Meetings; Quorum; Required vote.

- B. Quorum; Required Vote. Four (4) members of the Board shall constitute a quorum and the affirmative vote of four (4) members shall be necessary for the adoption of any motion. A workshop meeting where no business is conducted may be held without a quorum. ~~A tie vote shall result in the automatic continuance of the matter to the next meeting, which shall be continued until a majority vote is achieved.~~ If only four (4) members of the Board are present, an applicant may request and be entitled to a ~~postponement~~ continuance to the next regularly scheduled meeting of the Board. If a matter is ~~postponed~~ continued due to lack of a quorum, the Chairperson or Secretary of the Board may set a special meeting to consider such matter. In the event of a tie vote an applicant may request a continuance or allow the application to proceed to the City Commission without a recommendation.

¹ This heading is to aid the reader and is not part of the ordinance to be codified.

Zoning Code Text Amendment #2: Restaurant Walk-Up Counters²

Article 4 - Zoning Districts

Division 3. Nonresidential Districts

Section 4-302. Commercial District (C).

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. Drive through facilities abutting and/or adjacent to SFR, MF1, MF2, and MFSA zoning districts.
2. Helistop.
3. Marina facilities.
4. Medical Marijuana Retail Center.
5. Mixed use building(s).
6. Outdoor recreation/entertainment.
7. Private yacht basin.
8. Walk-up counter only as an accessory use to a restaurant.

² This heading is to aid the reader and is not part of the ordinance to be codified.

Division 4. Prohibited Uses

Section 4-402. Prohibited uses, certain streets.

- A. Except as provided in Section 4-403(F), no service station, public garage, auto repair shop, machine shop, used car lot, or any business conducted outside a building ~~and/or restaurants~~ shall be permitted on any lots or premises abutting Coral Way (a portion of which is known as Miracle Mile), or Biltmore Way, or upon lots or premises abutting Ponce De Leon Boulevard between Southwest 8th Street and Bird Road.

Section 4-403. Business outside a building.

No business shall be permitted unless such business is carried on within and under cover of a building or buildings according to the provisions of this and other ordinances of the City of Coral Gables; provided, however, that this section shall not apply to the following:

- E. Restaurant drive-in service windows or walk-up counters and bank drive-in ~~and/or~~ walk-up tellers when approved in accordance with the provisions of Article 5, Division 1.

Article 5 - Development Standards

Division 1. Accessory Uses

Section 5-119. Restaurant, open air.

A. Open air dining on private property, 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 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 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.
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.
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.
7. That the open-air dining area shall be kept in a neat and orderly appearance and shall be kept free from refuse and debris.
8. Walk-up counters for the purpose of serving patrons shall require conditional use review and approval pursuant to Article 3, Division 4, Conditional Uses. Wherever reasonably practicable, walk-up counters shall be set back at least ten (10) feet from all property lines and the service of patrons shall not interfere with pedestrian circulation on adjacent public sidewalks.
9. The standards for nighttime uses in Article 4, Division 3 are met.

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

1. A permit issued for an open-air dining located on public property shall be issued for a period of one (1) year, renewable annually by the Planning ~~Department~~ and Zoning Division. Such permit shall not be transferable in any manner.
2. Open-air dining area shall be restricted to the length of the sidewalk or public right-of-way immediately fronting the cafe and/or restaurant. The utilization of space extending no more than twenty-five (25) linear feet on either side beyond the subject property frontage may be authorized subject to annual written consent provided by tenants in front of whose businesses the outdoor dining service would occur.
3. ~~No pass-through window~~ Walk-up counters for the purpose of serving patrons shall require conditional use review and approval pursuant to Article 3, Division 4, Conditional Uses. Wherever reasonably practicable, walk-up counters shall be set back at least ten (10) feet from all property lines and the service of patrons shall not interfere with pedestrian circulation on adjacent public sidewalks.
4. There shall be maintained a minimum of five (5) foot clear distance of public sidewalk, free of all obstructions, in order to allow adequate pedestrian movement. The minimum distance shall be measured from the portion of the open-air dining area nearest either the curb-line or the nearest obstruction.
5. No awning, canopy or covering of any kind, except individual table umbrellas, shall be allowed over any portion of the open-air dining area located on public property except as allowed under separate covenant process.
6. No perimeter structures such as fences, railings, planters or other such barriers shall surround the open-air dining area which would restrict the free and unobstructed pedestrian flow or discourage the free use of the tables or chairs by the general public.
7. No signage shall be permitted on the public portion of the property.
8. All open-air dining areas shall be at the same elevation as the adjoining sidewalk or public right-of-way.
9. Under no circumstances shall any open-air dining interfere with the free and unobstructed public access to any bus stop, crosswalks, public seating areas and conveniences, street intersections, alley, service easements, handicap facilities or access to adjacent commercial establishments.
10. The property owner/operator shall be responsible for maintaining the outdoor dining area in a clean and safe condition. All trash and litter shall be removed daily.
11. The hours of operation shall coincide with that of the primary restaurant. Tables, chairs and all other furniture used in the operation of an outdoor dining area shall not be anchored or restrained in any visible manner as with a chain, rope or wire.

12. The standards for nighttime uses in Article 4, Division 3 are met.
13. Open-air dining may be suspended by the City Manager for community or special events, utility, sidewalk or road repairs, or emergency situations or violations of provisions contained herein. The length of suspension shall be for duration as determined necessary by the City Manager. Removal of all street furniture and related obstructions shall be the responsibility of the cafe and/or restaurant owner/operator.

Zoning Code Text Amendment #3: Amount of Required³

Article 5 - Development Standards

Division 14. Parking, Loading, and Driveway Requirements

Section 5-1409. Amount of required parking.

B. Calculation of parking requirements.

1. Required parking shall be provided for each use on a building site, according to the following table:

<i>Use</i>	<i>Minimum parking requirements</i>
<i>Residential</i>	
Multi-family dwellings.	Efficiency, <u>and one (1) bedroom units - 1.0 space per unit.</u> and t <u>Two (2) bedroom units – 1.75 spaces per unit.</u> Three (3) or more bedroom units – 2.25 spaces per unit.

³ This heading is to aid the reader and is not part of the ordinance to be codified.

Zoning Code Text Amendment #4: Bay Window⁴

Article 5 - Development Standards

Division 16. Roofs

Section 5-1609. Roof projections.

Roofs ~~and bay windows that do not extend to the ground~~ may project into the required minimum setback area not more than the following:

- A. On setbacks from five (5) feet to ten (10) feet, roofs may project not more than two-and-one-half (2½) feet into the required minimum setback area.
- B. On setbacks from ten and one-tenth (10.1) feet to fifteen (15) feet, roofs ~~and bay windows~~ may project not more than three (3) feet into the required minimum setback area.
- C. On setbacks from fifteen and one-tenth (15.1) feet to twenty (20) feet, roofs ~~and bay windows~~ may project not more than three-and-one-half (3½) feet into the required minimum setback area.
- D. On setbacks from twenty and one-tenth (20.1) feet to twenty-five (25) feet, roofs ~~and bay windows~~ may project not more than four-and-one-half (4½) feet into the required minimum setback area.
- E. On setbacks of twenty-five (25) feet or more, roofs ~~and bay windows~~ may project not more than five (5) feet into the required minimum setback area.

Article 8 - Definitions

Window, bay means a window built to project outward from an exterior wall and is covered by a roof. All bay windows must comply with setback requirements and any bay window with a floor area of more than ten (10) square feet shall count towards gross floor area.

⁴ This heading is to aid the reader and is not part of the ordinance to be codified.