



City of Coral Gables Planning and Zoning Staff Report

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| Applicant: | City of Coral Gables |
| Application: | <u>Zoning Code Text Amendments – Outdoor Seating</u> |
| Public Hearing: | Planning and Zoning Board |
| Date & Time: | September 21, 2023; 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 is requesting review and consideration of the following:

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 outdoor seating within any arcade or loggia, providing for repealer provision, severability clause, codification, and providing 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.

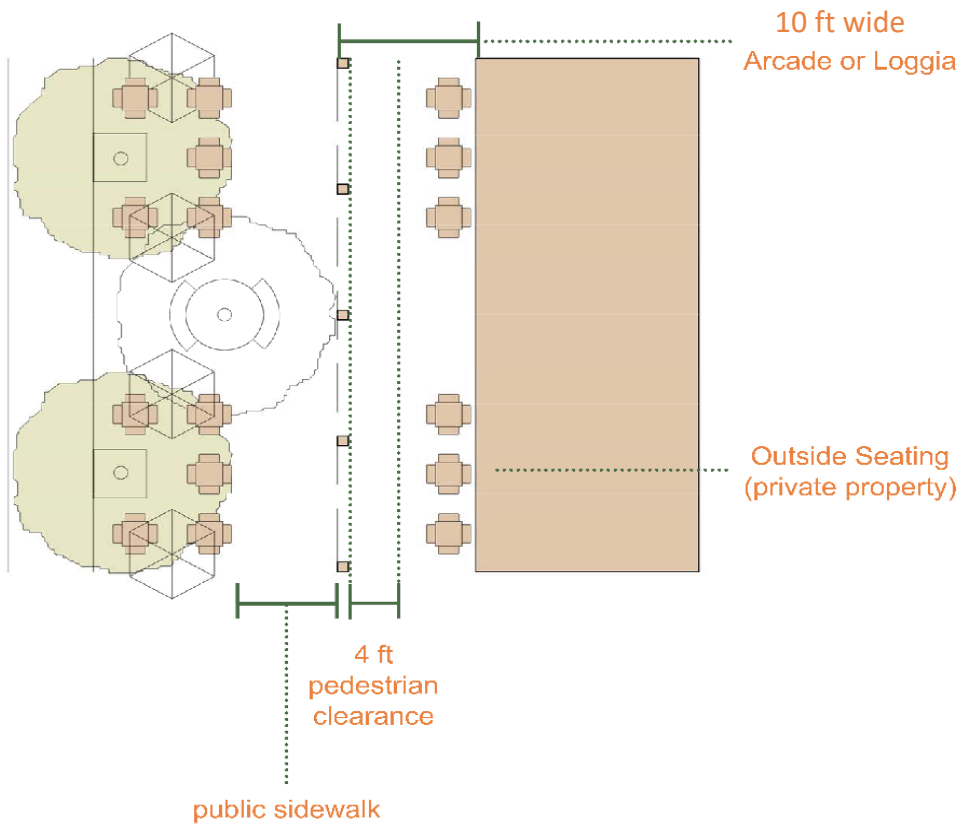
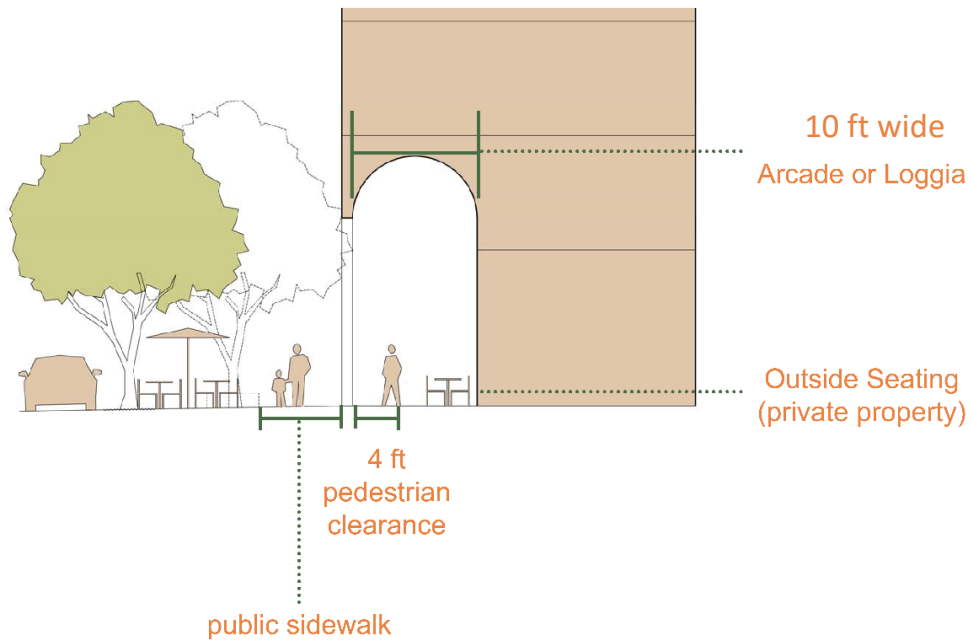
2. BACKGROUND INFORMATION

Section 3-315 of the Zoning Code sets regulations for outdoor dining on private property. While the Zoning Code requires an arcade or loggia to be no less than 10 feet in width, the current outdoor seating regulations do not have a requirement for a minimum clear distance for the remainder of the arcade or loggia space for pedestrians adjacent to a public sidewalk.

At the request of a Commissioner, Staff has prepared a Zoning Code text amendment to the provisions for outdoor seating to provide a minimum 4-foot clear distance within any arcade or loggia and next to a public sidewalk. The purpose of the clearance is to allow for sufficient pedestrian movement when the arcade includes outdoor seating.

Restaurants are required to have issued outdoor seating permits to have open-air dining on private property. The application requires the Applicant to upload a site plan that illustrates the location of proposed tables and chairs and the area of outdoor dining, as well as approval from Miami-Dade County Department of Environmental Resources Management (DERM) and Water and Sewer Department (WASA). The DERM and FOG approval require plans that provide seating counts for the exterior and interior.

The proposed amendment will require the Applicant to account for and illustrate the minimum 4-foot clearance in the site plans.



3. PROPOSED ZONING CODE TEXT AMENDMENT

The proposed Zoning Code text amendments are provided below in ~~striketrough~~/underline format.

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.
 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 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.

4. 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 | 09.21.23 |
| City Commission – 1 st and 2 nd Readings | TBD |

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

| PUBLIC NOTICE | DATE |
|---|----------|
| Legal advertisement | 09.08.23 |
| Posted agenda and Staff report on City web page/City Hall | 09.15.23 |

5. FINDINGS OF FACT

In accordance with Section 14-212.5 of the Zoning Code, the Planning and Zoning Board shall not recommend adoption of, and the City Commission shall not adopt, text amendments to these land Zoning Code unless the text amendment:

| Standard | Staff Evaluation |
|---|---|
| a. Promotes the public health, safety, and welfare. | The intent of the proposed text amendment for outdoor dining is to provide a 4-foot minimum clearance requirement inside any arcade or loggia adjacent to a public sidewalk. Currently Section 3-315 of the Zoning Code has a gap by not providing a minimum clearance requirement on private property. A minimum clear distance would provide pedestrians enough space to move through an arcade or loggia that has outdoor seating areas. The 4-foot clearance fosters walkability and connectivity and contributes to a more pedestrian-friendly arcade or loggia. By having a dedicated space to pass through, residents may be more inclined to shop at retail stores and/or eat at restaurants, which promotes the welfare and economy of the area. Additionally, the minimum clearance will comply with ADA regulations, and allow enforcement at the local level. |
| 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. |
| 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. |

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| 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 affect the level of service for public infrastructure. |
| e. Does not directly conflict with any objective or policy of the Comprehensive Plan. | The proposed amendment does not directly conflict with any objective or policy of the Comprehensive Plan. |

Staff comments:

This granted authority is consistent with the goals, objectives, and policies of the Coral Gables Comprehensive Plan.

Per Policy MOB-2.3.5., *“As a part of development review, the City shall promote the safe movement of bicycle and pedestrian traffic”* and per Policy GRN-1.3.2. *“All new development proposals shall include designated safe pedestrian paths of travel within the site and provides pedestrian access to and from the public right-of-way to encourage walkability.”* A minimum clearance requirement for pedestrian movement will enhance walkability to move more freely in an arcade or loggia that has outdoor seating. In other words, this text amendment will improve accessibility for pedestrians to walk to services and amenities safely and comfortably in arcades and loggias, and therefore meets these policies of the comprehensive plan.

Per Policy FLU-1.9.1., the City aspires to *“Encourage balanced mixed use development in the central business district and adjoining commercial areas to promote pedestrian activity and provide for specific commitments to design excellence and long term economic and cultural vitality.”* The current provisions of the Code do not specify a minimum clearance for pedestrians and therefore, allows restaurants to occupy the entirety of the private area and potentially block pedestrian access. Without this dedicated pathway, pedestrians may be discouraged to freely walk underneath the arcade or loggia and overlook retail and restaurant services that exist within these private spaces. With this text amendment, pedestrians will be able to move through arcades and loggias and notice the services and amenities that interest them, and therefore, enhance economic and cultural vitality. Furthermore, arcades and loggias are designed to protect pedestrians from the sun and heat by providing shade when there is a lack of tree canopy. This text amendment furthers the goal of design excellence.

Staff finds that all five of these criteria are **satisfied**.

6. STAFF RECOMMENDATION

The Planning and Zoning Division recommends **approval**.

7. ATTACHMENTS

- A. 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,

A handwritten signature in black ink, appearing to read "Jennifer Garcia", written in a cursive style.

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

MIAMI-DADE

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

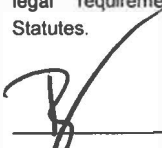
Before the undersigned authority personally appeared ROSANA SALGADO, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, of Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

CITY OF CORAL GABLES - PUBLIC HEARING - LOCAL PLANNING AGENCY / PLANNING AND ZONING BOARD - SEPT. 21, 2023

in the XXXX Court, was published in a newspaper by print in the issues of Miami Daily Business Review f/k/a Miami Review on

09/08/2023

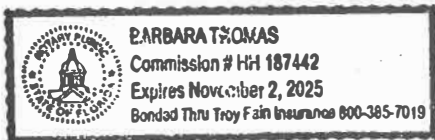
Affiant further says that the newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.



Sworn to and subscribed before me this 8 day of SEPTEMBER, A.D. 2023



(SEAL)
ROSANA SALGADO personally known to me



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

City Public Hearing Dates/Times Local Planning Agency / Planning and Zoning Board Thursday, September 21, 2023, 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 amending the Future Land Use Map of the City of Coral Gables Comprehensive Plan pursuant to Zoning Code Article 14, "Process," Section 14-213, "Comprehensive Plan Text and Map Amendments," and Small Scale amendment procedures (ss. 163.3187, Florida Statutes), from "Commercial Mid-Rise Intensity" to "Mixed-Use" for all of Block 15, Coral Gables Section "L" (20 and 42 Navarre Avenue, 33, 43 and 47 Alhambra Circle and 2001 Galiano Street), Coral Gables, Florida; providing for a repealer provision, severability clause, and providing for an effective date. (LPA review) (07 12 23 PZB meeting - deferred by Applicant)
2. An Ordinance of the City Commission of Coral Gables, Florida making zoning district boundary changes pursuant to Zoning Code Article 14, "Process," Section 14-212, "Zoning Code Text and Map Amendments," from Mixed-Use 2 (MX2) District to Mixed-Use 2.5 (MX2.5) District for all of Block 15, Coral Gables Section "L" (20 and 42 Navarre Avenue, 33, 43 and 47 Alhambra Circle and 2001 Galiano Street); providing for a repealer provision, severability clause, and providing for an effective date. (07 12 23 PZB meeting - deferred by Applicant)
3. An Ordinance of the City Commission of Coral Gables, Florida granting approval of a Planned Area Development (PAD) pursuant to Zoning Code Article 14, "Process," Section 14-206, "General Procedures for Planned Area Development" for a proposed mixed-use project referred to as "33 Alhambra" on the property legally described as all of Block 15, "Coral Gables Section L" (20 and 42 Navarre Avenue, 33, 43 and 47 Alhambra Circle and 2001 Galiano Street), Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. (07 12 23 PZB meeting - deferred by Applicant)

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4. A Resolution of the City Commission of Coral Gables, Florida approving Mixed-Use Site Plan and Conditional Use review pursuant to Zoning Code Article 14, "Process" Section 14-203, "Conditional Uses," for a proposed Mixed-Use project referred to as "33 Alhambra" on the property legally described as all of Block 15, "Coral Gables Section L" (20 and 42 Navarre Avenue, 33, 43 and 47 Alhambra Circle and 2001 Galiano Street), Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. (07 12 23 PZB meeting - deferred by Applicant)
5. An Ordinance of the City Commission of Coral Gables, Florida providing for a text amendment to Article 2 "Zoning Districts," Section 2-405 "Residential Infill Regulations Overlay District (RIR)" of the City of Coral Gables Official Zoning Code to provide a maximum building length of three hundred feet for all properties seeking approval pursuant to the Residential Infill Regulations; providing for severability, repealer, codification, and an effective date. (06 06 23 and 07 12 23 deferred by PZB)
6. 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 outdoor seating within any arcade or loggia, providing for repealer provision, severability clause, codification, and providing for an effective date.
7. A Resolution of the City Commission of Coral Gables, Florida granting Remote Parking (Section 10-109) Conditional Use approval pursuant to Article 14, "Process", Section 14-203, "Conditional Uses," for proposed remote parking associated with a mixed-use project referred to as "4241 Aurora" on the property legally described as Lots 12 through 22, Block 6, Coral Gables Industrial Section (4241 Aurora St), Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and an effective date.
8. A Resolution of the City Commission of Coral Gables, Florida approving receipt of Transfer of Development Rights (TDRs) pursuant to Zoning Code Article 14, "Process," Section 14-204.6, "Review and approval of use of TDRs on receiver sites," for the receipt and use of TDRs for a mixed-use project referred to as "4241 Aurora" on the property legally described as Lots 12 through 22, Block 6, Coral Gables Industrial Section (4241 Aurora St), Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and an effective date.
9. A Resolution of the City Commission of Coral Gables, Florida approving Mixed-Use Site Plan and Conditional Use review pursuant to Zoning Code Article 14, "Process" Section 14-203, "Conditional Uses," for a proposed mixed-use project referred to as "4241 Aurora" on the property legally described as Lots 12 through 22, Block 6, Coral Gables Industrial Section (4241 Aurora St), Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and an effective date.

The Planning and Zoning Board will be holding its board meeting on Thursday, September 21, 2023, 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/cctv) as well as Channel 77 on Comcast.

Sincerely,
City of Coral Gables, Florida
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