

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2017-12

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA PROVIDING FOR A TEXT AMENDMENT TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE BY AMENDING ARTICLE 4, "ZONING DISTRICTS," SECTION 4-206, "BUSINESS IMPROVEMENT OVERLAY DISTRICT" TO INCLUDE SPECIAL PROVISIONS FOR ALL PROPERTIES WITHIN THE DISTRICT SUCH AS PEDESTRIAN-ORIENTED SIGNAGE, HOURS OF OPERATION, AND OUTDOOR DINING; AND PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Staff has proposed a Zoning Code text amendment creating the Business Improvement Overlay District; and

WHEREAS, the proposed Overlay District has been developed through involvement with the Business Improvement District and through meetings with the Planning and Zoning Board; and

WHEREAS, the City has invested over \$20 million in the streetscape project; and

WHEREAS, one of the purposes of the streetscape project is to attract patrons to the downtown area through the use of the City's right of way; and

WHEREAS, the Miracle Mile and Giralda Plaza Outdoor Dining Plans and associated fees will be determined upon completion of the streetscape project and will be brought forward separately; and

WHEREAS, after notice was duly published, a public hearing was held before the Planning and Zoning Board on March 15, 2017, at which hearing all interested parties were afforded the opportunity to be heard; and

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

WHEREAS, a public hearing for First Reading was held before the City Commission on February 28, 2017, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the City Commission was presented with a text amendment to the Zoning Code, and after due consideration and discussion, approved the amendment on First Reading (vote: 5-0); and

WHEREAS, after notice was duly published, a public hearing for Second Reading was held before the City Commission on March 28, 2017, at which hearing all interested parties were afforded the opportunity to be heard;

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

SECTION 1. The foregoing “**WHEREAS**” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. The Official Zoning Code of the City of Coral Gables is hereby amended as follows¹:

ARTICLE 4 - ZONING DISTRICTS

Division 2. Overlay and Special Purpose Districts

Section 4-206. Business Improvement Overlay District.

A. Applicability.

1. The following provisions shall apply within the boundaries of the Business Improvement District (BID) as established pursuant to Resolution No. 2012-99.

B. Business Operation Standards.

1. Pedestrian Oriented Signs. Messages and information shall be in accordance with Section 5-1921(A). In addition to the signage permitted in the Zoning Code, the following Pedestrian Oriented Signs shall be permitted within the District:

- a. Retail Directory Sign.

- i. Retail Directory Signs may include multiple tenant listings, addresses, location maps, and directional arrows. Retail Directory Signs shall be initiated through a Downtown promotional organization or government organization such as the City of Coral Gables, the Business Improvement District, or the Chamber of Commerce. These Retail Directory Signs contain government speech, and they are not intended in any way to create a public forum to the extent they provide information, but are not intended in any way to create a public forum.

- ii. Design Standards.

- (a) Location: Edge of curb of the sidewalk at pedestrian crosswalks, within the public right-of-way.
 - (b) Number permitted: One (1) per pedestrian crosswalk
 - (c) Sign Area: Fifteen (15) square foot maximum.
 - (d) Sign Length: No limit.
 - (e) Lettering Height: No limit.
 - (f) Height from sidewalk to the top of the Sign: Eight (8) foot maximum.
 - (g) Distance Requirement: The Retail Directory Sign may not encroach within the pedestrian “clear zone” of the sidewalk.
 - (h) Information: Tenant name, address, location map or wayfinding symbols.
 - (i) Illumination: Permitted pursuant to Section 5-1903.
- iii. These regulations are merely advisory as they relate to the City providing the Retail Directory Signs in its proprietary capacity for a public purpose.

b. Digital Kiosks.

- i. Digital kiosks may include multiple interactive applications, including retail directories, maps, advertising, and other information, as approved by the City. Digital kiosks and their information shall be initiated through a Downtown promotional organization or government organization such as the City of Coral Gables, the Business Improvement District, or the Chamber of Commerce, which may then contract with a third party vendor. Digital kiosks are not signs, but rather, are interactive digital devices and/or equipment. These Digital Kiosks contain government speech to the extent they provide information, and they are not intended in any way to create a public forum.
- ii. Design Standards. As determined by the City’s Public Works Department, in consultation with the Development Services and Economic Development Departments.
- iii. These regulations are merely advisory as they relate to the City providing the kiosks in its proprietary capacity for a public purpose.

c. Window Decal Sign.

- i. Design Standards.
 - (a) Location: Ground Floor Shopfront.
 - (b) Number permitted: No limit.
 - (c) Sign Area: Ten (10%) percent window area maximum not to exceed twenty (20) square feet maximum.
 - (d) Sign Length: No limit.
 - (e) Lettering Height: Six (6) inch maximum.
 - (f) Sign Height: No limit.
 - (g) Distance Requirement: Flush with window.
 - (h) Information: Tenant name or logo or both tenant name and logo.

d. Temporary Window Signs/Wraps.

- i. Ground floor window (i.e. “Coming Soon”) signs/wraps are allowed in vacant retail spaces on a temporary basis to advertise an incoming business, as reviewed and approved administratively by the Development Review Official, in consultation with the Economic Development Department and/or Business Improvement District. The Property Owner and/or Applicant may also choose to

request approval from the Board of Architects. Temporary signs must be removed at the time of the business' opening.

ii. Design Standards.

- (a) Location: Ground Floor Shopfront.
- (b) Number permitted: Limited only by number of windows.
- (c) Sign Area: One-hundred (100%) percent of the window area.
- (d) Sign Length: Limited only by length of window.
- (e) Lettering Height: No limit.
- (f) Sign Height: Limited only by height of window.
- (g) Distance Requirement: Flush with window.
- (h) Information: Tenant name or logo or both tenant name and logo. Lettering shall not exceed fifty (50%) percent of sign area.

e. Downtown Projection Sign.

i. Design Standards. As permitted for Projection Signs.

ii. Consolidated Approval Process.

- (a) Within the District, Projection Signs that comply with Zoning Code Design Standards shall be reviewed and approved administratively by the Development Review Official. Property Owner and/or Applicant may also choose to request approval from the Board of Architects.
- (b) Insurance Requirements. Insurance requirements for Projection Signs within the District shall be covered by the Property Owner and/or the Applicant in coordination with the City.
- (c) Public Works Restrictive Covenant. A Uniform District Restrictive Covenant shall be available to applicants for compliance with code requirements.

f. Umbrella Sign.

i. Design Standards.

- (a) Location: As approved via the Outdoor Dining Permit.
- (b) Number permitted: Four (4) per umbrella (the total number of umbrellas shall be subject to the Outdoor Dining Permit approval).
- (c) Sign Area: No limit.
- (d) Sign Length: Half ($\frac{1}{2}$) the umbrella valance length.
- (e) Signage Placement: Limited to the umbrella valance.
- (f) Lettering Height: Six (6) inch maximum.
- (g) Valance Height: Six (6) feet and (8) inches above the sidewalk minimum.
- (h) Information: Tenant name or logo or both tenant name and logo.

g. Awning Sign.

i. Design Standards.

- (a) Location: Over entrances and/or openings.
- (b) Number permitted: One (1) per entrance and/or opening.
- (c) Sign Area: Four (4) square feet maximum.
- (d) Sign Length: Half ($\frac{1}{2}$) the awning valance length.
- (e) Lettering Height: Six (6) inch maximum.
- (f) Distance Requirement: No limit.
- (g) Information: Tenant name or logo or both tenant name and logo.
- (h) Illumination: Permitted pursuant to Section 5-1903.

- h. Colonnade/Arcade signage.
 - i. Tenant signage may be permitted to be located directly on a colonnade or arcade.
 - ii. Retail sign design standards for tenants located within a colonnade or arcade may be increased by twenty-five (25%) percent above and beyond the required design standards in order to improve the tenant's visibility from the street and sidewalk, as reviewed and approved administratively by the Development Review Official.

- i. Menu Board Sign.
 - i. Design Standards:
 - (a) Location: As approved via the Outdoor Dining Permit.
 - (b) Number permitted: One (1) menu board and one (1) specials board per tenant.
 - (c) Sign Area: Two (2) square feet maximum.
 - (d) Sign Length: No limit.
 - (e) Sign Height: Five (5) foot maximum from the sidewalk to the top of the sign.
 - (f) Distance Requirement: Must be located on the tenant's private property.
 - (g) Information: Tenant name, logo or menu.
 - (h) Illumination: Permitted pursuant to Section 5-1903.
 - (i) Sign Type: Menu board signs shall not be an A-frame type sign. A-frame signs are only permitted in conjunction with Special Events.

- j. Alley Wall Sign.
 - i. Alley Wall Signs shall be permitted along the walls or on rear door of premises facing an alley within the District.
 - ii. Design Standards:
 - (a) Location: Attached to the building wall or door.
 - (b) Number Permitted: One (1) per tenant.
 - (c) Sign Area: Eighteen (18) square feet per tenant.
 - (d) Information: Tenant name or logo or both tenant name and logo.
 - (e) Lettering Height: Eight (8) inches maximum.
 - (f) Illumination: Permitted pursuant to Section 5-1903, except neon signs shall not be allowed.

- k. Prohibited Signs.
 - i. No food displays shall be permitted outside of the establishment.
 - ii. No advertising signs or tenant signs shall be permitted on the public right-of-way except as otherwise allowed under this Section.

- 2. Special Event Signs. Timing: Only permitted in conjunction with a special events permit such as a Farmer's Market, Festival, Gallery Walk, etc. May not be used outside of approved timeframe for special event.
 - a. A-frame Signs.
 - i. Design Standards.
 - (a) Location: Private property.
 - (b) Number permitted: One (1) per tenant.

- (c) Sign Area: Six (6) square feet maximum.
- (d) Sign Length: No limit.
- (e) Lettering Height: Six (6) inch maximum.
- (f) Sign Height: Three (3) foot, six (6) inch maximum from the sidewalk to the top of the sign.
- (g) Distance Requirement: Must be located on the tenant's private property.
- (h) Information: Tenant name or logo or both tenant name and logo.
- (i) Illumination: Permitted pursuant to Section 5-1903. No projecting lights, neon signs, or backlit signs are permitted.

b. Banner.

i. Design Standards.

- (a) Location: Attached to Building Face and/or perpendicular to the façade.
- (b) Number permitted: One (1) per tenant.
- (c) Sign Area: Ten (10) square feet maximum.
- (d) Sign Length: Five (5) feet maximum.
- (e) Lettering Height: No limit.
- (f) Sign Height: Minimum clearance of seven (7) feet from the sidewalk to the bottom of the banner.
- (g) Distance Requirement: Minimum five (5) feet from the side property line.
- (h) Information: Tenant name or logo or both tenant name and logo.
- (i) Illumination: Permitted pursuant to Section 5-1903.

3. Hours of Operation – modified regulation for establishments fronting Miracle Mile and Giralda Plaza.

a. Hours of Operation and Music Outdoors:

- i. Sunday night into Monday morning through Thursday night into Friday morning, the hours of operation of public outdoor portions of restaurants, lounges, and/or entertainment establishments is prohibited from 12:00 AM (midnight) to 8:00 AM; no live music shall be played outdoors from 11:00 PM to 10:00 AM.
- ii. Friday night into Saturday morning and Saturday night into Sunday morning, the hours of operation of public outdoor portions of restaurants, lounges, and/or entertainment establishments shall be extended to 1:00 AM the following day; no live music shall be played outdoors from 12:00 AM (midnight) to 10:00 AM.
- iii. Recorded music shall be prohibited outdoors at all times.
- iv. Amplified music, including amplified live music, shall be prohibited outdoors at all times.

b. Hours of Operation and Music Indoors:

- i. The hours of operation of indoor portions of bars, lounges, and/or entertainment establishments is prohibited between the hours of 2:00 AM to 7:00 AM. All times must comply with the City Code General Noise Ordinance. All alcohol sales shall require Certificate of Use for Alcohol Sales.

c. Alcohol Sales. Permitted in accordance with the State of Florida Laws. All alcohol sales shall require Certificate of Use for Alcohol Sales.

- d. Outdoor Noise Levels. Noise levels shall be governed by the City of Coral Gables Municipal Codes. All noise, including music, must comply with the City Code General Noise Ordinance. Special Exceptions may be granted on a case by case basis as a Temporary or Special Events Permit.
 - e. Rooftop Terraces.
 - i. Outdoor Dining areas and Lounges may occupy rooftop terraces in accordance with the Hours of Operation, Noise Regulations and Building Code Regulations.
4. Outdoor Dining – Pre-approved outdoor dining locations and design for restaurants fronting Miracle Mile and Giralda Plaza; expedited process
- a. Miracle Mile and Giralda Plaza Expedited Approval Process. The Development Review Official shall serve as a point of contact for applicants for the Miracle Mile and Giralda Plaza. Applications that meet the Pre-Approved Design Standards below shall be subject of Expedited Review and shall be processed within one (1) month of receipt.
 - i. Location. Expedited Review will be provided for outdoor dining for the Pre-Approved Design Standards below on both private property and public right-of-way for properties abutting the following streets:
 - (a) Miracle Mile.
 - (b) Giralda Plaza.
 - ii. Pre-Approved Design Standards. The Development Review Official will maintain a Miracle Mile and Giralda Plaza Outdoor Dining Plan with pre-approved locations, configurations, and a menu of pre-approved furniture options for Expedited Outdoor Dining Permits. The menu of pre-approved furniture options may be amended from time to time to include outdoor dining furniture that has been previously approved by the Board of Architects. Applications that comply with the Outdoor Dining Plan shall be reviewed and approved administratively by the Development Review Official.
 - iii. Special Design Review. For Applicants seeking unique outdoor dining locations, configurations, and furniture not addressed in the Miracle Mile and Giralda Plaza Outdoor Dining Plan, Board of Architects approval shall be required as per the Zoning Code.
 - iv. Insurance Requirements. Insurance requirements for Outdoor Dining within the public right-of-way on Miracle Mile and Giralda Plaza shall be covered by the Property Owner and/or the Applicant in coordination with the City.
 - v. Public Works and/or City of Coral Gables Public Services Restrictive Covenant. A Uniform Miracle Mile and Giralda Plaza Restrictive Covenant for right-of-way encroachments shall be available to applicants. Restrictive Covenants shall be coordinated by the Development Review Official.
 - vi. Fees. As set forth in the Fee Schedule.
 - vii. Applicant. The Applicant for an outdoor dining permit shall be the business that will operate the restaurant and corresponding outdoor dining.
 - (a) Standards, Criteria and Conditions:
 - (i) The area covered by a sidewalk cafe permit, and the sidewalk and street immediately adjacent to it, shall be maintained in a clean, neat and orderly appearance at all times by the permittee. The area of the sidewalk, curb and gutter immediately adjacent to the sidewalk cafe shall be cleared

of all debris during hours of operation, and again at the close of each business day, or as may otherwise be determined by the Development Review Official.

- (ii) Outdoor dining furniture shall be located at least five (5) feet from the storefront or façade of the building. If the building is set back then a five (5) foot clearance of the sidewalk shall be maintained.
- (iii) Tables, chairs, umbrellas and any other sidewalk cafe furniture shall be maintained in a clean, attractive, and orderly appearance, and shall be maintained and kept in good repair at all times.
- (iv) All sidewalk cafe furniture shall be of high quality, design, materials, and workmanship so as to ensure the safety and convenience of the public.
- (v) The stacking or piling up of chairs shall be prohibited on the right-of-way at all times.
- (vi) The Development Review Official may require a permittee to store its tables, chairs and/or umbrellas off of the right-of-way if, in his reasonable judgment and discretion, the Development Review Official determines that the sidewalk cafe permit area and immediately adjacent public right-of-way are not being adequately maintained in accordance with this division.
- (vii) No storage of dishes, silverware or other similar sidewalk cafe equipment shall be allowed in the permit area, or in any other portion of the public right-of-way, or outside the structural confines of the building in which the restaurant is located, during non-business hours.
- (viii) Live entertainment or speakers placed in permitted areas shall comply with noise regulations and hours of operation.
- (ix) No food preparation, food storage, refrigeration apparatus or equipment, or fire apparatus or equipment, shall be allowed on the right-of-way.
- (x) No food displays shall be permitted on the public right-of-way.
- (xi) No advertising signs or business identification signs shall be permitted on the public right-of-way except as otherwise allowed in this Section.
- (xii) No retail sales or displays shall be allowed on any public right-of-way areas, except as otherwise approved by the City Manager or his/her designee on a conditional and revocable basis where said displays are found to be compatible with, and further, City objectives.
- (xiii) Umbrellas shall be fire-retardant, pressure-treated or manufactured of fire-resistant material. No portion of an umbrella shall be less than six (6) feet eight (8) inches above the right-of-way. Two (2) or more umbrellas may not be clipped, zipped or otherwise fastened together in order to form a tent like structure. Clear plastics or other materials may not be fastened, rolled or otherwise be attached to umbrella edges in order to create an enclosure.
- (xiv) The Development Review Official may permit the use of planters with the material configuration, number, and size to be reviewed at time of application. Placement of planters within sidewalk cafe areas shall be set at a minimum of five (5) feet from the building frontage. Planters shall not block the normal pedestrian flow or impede handicap accessibility on any sidewalk area or street crossing. Planters shall not enclose portions of the sidewalk but may be used as buffers from vehicular traffic. Artificial planting materials (i.e. fake flowers and plants) shall be prohibited within planters. It shall be the permittee's responsibility to immediately remove planters, upon written and/or verbal notice from the

- City Manager, in case of emergency or other circumstances as provided in this division. Maximum size of planters shall not exceed the following:
- (A) Rectangular planters: A maximum thirty (30) inches long, by fifteen (15) inches wide by twenty (20) inches high.
 - (B) Round planters: A maximum of twenty-four (24) inches diameter by twenty-four (24) inches high.
 - (C) Planters twenty (20) inches or higher shall be on rollers or on rolling bases.
 - (D) The combination of planters and plant height should not exceed a table height of thirty-four (34) inches.
- (xv) All Outdoor Dining facilities on public rights-of-way shall be located at the same elevation as the adjoining sidewalk.
 - (xvi) Outdoor Dining shall not 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, access to adjacent commercial establishments, fire hydrants and/or other City utilities.
 - (xvii) Outdoor Dining shall comply with the standards set forth in Sections 5-119(A)(7) and (B)(10) of the City of Coral Gables Zoning Code.
 - (xviii) The Development Review Official may impose conditions, accept proffers and establish bonus programs to address potential harms and nuisances to serve the health, safety and welfare, and in particular, to ensure compatibility of the various uses within the right-of-way and adjoining areas.
 - (xix) Plants shall be properly maintained. Distressed plants shall be promptly replaced. Plant fertilizers which contain material that can stain the sidewalks shall not be allowed. Water drainage from any plants onto the sidewalk shall not be allowed. Potted plants shall have saucers or other suitable systems to retain seepage.
- b. Private Property. For locations within the District not listed in Section 4.a. above, the Zoning Code provisions for Outdoor Dining on private property shall apply.
 - c. Public Right-of-Way. For locations within the District not listed in Section 4.a. above, the Zoning Code provisions for Outdoor Dining in the public right-of-way shall apply. When Outdoor Dining is proposed on public and private property then both requirements for outdoor dining on public and private property shall apply.
 - d. A permit used for Outdoor Dining in the public right-of-way shall be issued for a period of two (2) years, renewable biannually by the Division of Planning and Zoning. Such permit shall be paid on a bi-annual basis.
 - e. Outdoor Dining shall be restricted to the frontage of the abutting business property frontage line. The utilization of space extending no more than fifty (50) linear feet on either side of the property frontage line may be authorized and transferable subject to a written consent between the neighboring Property Owners and/or Tenants in front of whose businesses the Outdoor Dining service shall occur. Said written consent must stipulate that, if any of the two (2) properties go Out-of-Business, the Property Owners and the Tenants must forfeit their written consent and the individual property/frontage bundle of rights shall revert back to the original state. Should obstacles in the public ROW prohibit a restaurant from being able to provide outdoor

dining in front of, or adjacent to, their place of business, the Development Review Official may permit the restaurant to use other underutilized outdoor dining areas in close proximity to the restaurant, subject to the same written consent requirements provided above.

- f. The City Manager may adopt administrative regulations to implement and enforce the standards for outdoor dining set forth herein.
5. Pop-Up Retail. Expedited administrative review and approval may be granted by the Development Review Official for temporary, short-term use of existing retail space (i.e. “pop-up retail”) within a building.
6. District Disclosure Form. Any real estate transfer of a residential unit within the District shall require the buyer or renter (applicable to residential leases of six (6) months or longer) to sign a District disclosure form prior to closing acknowledging that they have been made aware of the District’s business operation standards, including, but not limited to, the high potential for street closures, regular events and noise within the District. The seller or landlord is responsible for transmitting the form to the City Clerk’s Office, in the matter and time required by the City Administration.
7. Management/Maintenance Agreement. The City Commission may adopt a Management/Maintenance Agreement over the right-of-way and adjoining areas when the request is consistent with the aesthetic and economic development goals of the City.
8. It is the intent of the overlay district to be lively, vibrant and changing yet appropriate. The City Manager or his/her designee may approve temporary adjustments to these provisions to achieve these purposes consistent with the City Manager’s authority over special events consistent with Ch. 62 of the City of Coral Gables Code.

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.

herein. **SECTION 7.** This ordinance shall become effective upon passage and adoption
2017. PASSED AND ADOPTED THIS TWENTY-EIGHTH DAY OF MARCH, A.D.,

(Moved: Quesada / Seconded: Lago)
(Yeas: Quesada, Slesnick, Keon, Lago, Cason)
(Unanimous: 5-0 Vote)
(Agenda Item: E-4)

APPROVED:



JIM CASON
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



CRAIG E. LEEN
CITY ATTORNEY