



**City of Coral Gables
CITY COMMISSION MEETING
October 24, 2023**

ITEM TITLE:

Ordinance on Second Reading. Zoning Code Text Amendment.

An Ordinance of the City Commission providing for text amendments to the City of Coral Gables Official Zoning Code by amending Article 3, "Uses," Section 3-315, "Restaurant, open air dining at ground level and other location," to provide a minimum clear distance for pedestrian traffic within any arcade or loggia that has outdoor seating, providing for repealer provision, severability clause, codification, and providing for an effective date.

DEPARTMENT HEAD RECOMMENDATION:

Approval.

PLANNING AND ZONING BOARD RECOMMENDATION:

At the 09.21.23 Planning and Zoning Board meeting, the Board recommended approval for the proposed zoning code text amendment (vote: 6-1).

BRIEF HISTORY:

No changes have been made since First Reading.

At the request of a member of the City Commission, Staff has prepared a Zoning Code text amendment to the provisions for outdoor seating to provide a minimum 4-foot clearance 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. The proposed amendment will require the Applicant to account for and illustrate the minimum 4-foot clearance in the site plans.

Planning & Zoning Board

At their September 21, 2023 meeting, the Planning and Zoning Board discussed whether the minimum 4-foot clear distance would be an adequate amount of space for pedestrians and bicyclists to pass through an arcade or loggia. Staff clarified that a bicyclist is more likely to ride on the sidewalk, if allowed, or the street. The first motion to defer the proposed Zoning Code text amendment failed with a vote of 4-3. A second motion to recommend approval as presented by Staff passed with a vote of 6-1.

The draft Ordinance for the Zoning Code text amendment is provided as Exhibit A.

PUBLIC NOTIFICATION(S):

Date	Form of Notification
09.21.23	PZB Legal Advertisement.
09.15.23	Planning and Zoning Board staff report, legal notice and all attachments posted on City web page.
10.03.23	City Commission meeting agenda posted on City webpage.
10.13.23	City Commission legal advertisement.
10.16.23	City Commission meeting agenda posted on City webpage.

EXHIBITS(S):

- A. Draft Ordinance.

FINANCIAL INFORMATION:

No.	Amount	Account No.	Source of Funds
1.	\$0		
Total:	\$0		

Fiscal Impact:

The approval to provide a minimum clear distance for outdoor seating within any arcade or loggia will not have a direct fiscal impact on the City.

BUSINESS IMPACT:

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. By not specifying a minimum clearance for pedestrian, this 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.

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 and enhances 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. Additionally, the minimum clearance will comply with ADA regulations, and allow enforcement at the local level.

The proposed text amendment will not have a direct fiscal impact for restaurants applying for outdoor seating permits. Nor will the proposed text amendment have a direct fiscal impact on businesses with existing outdoor seating permits. Existing permits are not required to comply nor

submit site plans illustrating the minimum 4-foot clearance.

There will not be any direct compliance costs that businesses may reasonably incur if the ordinance is enacted, nor any new charges, fees or municipality regulatory costs subject to this text amendment. The proposed provision solely aims to provide clarity to the required distance for pedestrian circulation within an arcade.

The proposed text amendment would only apply to new outdoor seating permits. A total of 7 outdoor seating permits were issued within the last year. Therefore, this ordinance may impact approximately 7 businesses each year.