

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO.

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, ADOPTING A DOWNTOWN SIDEWALK CAFÉ PLAN THAT INCLUDES AMONGST OTHER THINGS CITY PRE-APPROVED SIDEWALK CAFÉ LOCATIONS AND FURNITURE, A SIDEWALK CAFÉ FEE BASED ON SQUARE FOOTAGE; AUTHORIZING THE CITY MANAGER TO MAKE ADMINISTRATIVE CHANGES TO THE PLAN AS DEEMED NECESSARY TO IMPLEMENT THE BUSINESS IMPROVEMENT OVERLAY DISTRICT; UPDATING THE SIDEWALK CAFÉ APPLICATION FEE CITYWIDE; PROVIDING SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, on August 26, 2014, the City Commission approved the Miracle Mile and Giralda Avenue Streetscape Project (Streetscape Project) that will transform the City's main street and a one-block stretch of Giralda Avenue known as "Restaurant Row" by widening sidewalks, installing landscaping, incorporating public art, improving drainage, providing decorative street lighting, furniture and wayfinding signs; and

WHEREAS, the Streetscape Project is estimated to cost \$21.6 million funded by the City and assessments from properties directly on Miracle Mile and Giralda Avenue, as well as the adjacent properties that are within one-half block of the directly fronting properties; and

WHEREAS, the City Commission recognizes the disruption and inconvenience to the affected businesses since initial construction of April 2016 and directed building permit fee waivers, permit review assistance as well as reduced parking and valet fees for affected businesses on October 13, 2015; and

WHEREAS, to reflect the enhanced streetscape of Miracle Mile and Giralda Avenue, the City Commission approved a Business Improvement Overlay District (BIOD) for areas of the Business Improvement District on March 28, 2017, that provided regulations for signage, digital kiosks, hours of operation, outdoor dining, etc.; and

WHEREAS, the City Commission directs staff to take further action to implement the BIOD by approving in substantial form the Sidewalk Café Plan set forth in the Miracle Mile & Giralda Plaza Outdoor Dining Application that depicts pre-approved sidewalk café locations and furniture; a city-wide sidewalk café application fee of \$250; a sidewalk café fee based on square footage for outdoor dining areas located within the public right-of-way affected by the Streetscape Project, at \$15 per square foot and a reduced \$10 per square foot if a restaurant operator agrees to voluntarily enforce a “No Outdoor Smoking” policy; and any other actions necessary to further implement and enforce the BIOD; and

WHEREAS, consistent with past Commission actions to assist affected businesses during streetscape construction, the application fee and sidewalk café fee based on square footage for restaurants with a valid Business Tax Registration and Certificate of Use and in operation during the Streetscape Project are hereby suspended for 12 months from the time the City declares that portion of the streetscape has reached “substantially completion”, provided that a “No Outdoor Smoking” policy is enforced by the sidewalk café applicant; and

WHEREAS, the City Commission directs the City Manager to further adopt, enforce and amend administrative regulations to implement the BIOD.

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 City Commission directs staff to implement the BIOD and approves the Sidewalk Café Plan substantially in the form set forth in the Miracle Mile & Giralda Plaza Outdoor Dining Application.

SECTION 3. The City Manager is directed to further adopt, enforce, and amend administrative regulations to implement the BIOD.

SECTION 4. The City reserves the authority to impose conditions, accept proffers, and establish bonus programs in connection with outdoor dining, as set forth in Section 4-206(B)(4)(a(xviii)) of the Zoning Code

SECTION 5. SEVERABILITY. 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 6. That this Resolution shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED THIS _____ DAY OF _____ A.D., 2017.

APPROVED:

RAÚL VALDÉS-FAULI
MAYOR

ATTEST:

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

WALTER J. FOEMAN
CITY CLERK

CRAIG E. LEEN
CITY ATTORNEY