

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2019-322

A RESOLUTION OF THE CITY COMMISSION ISSUING A ZONING IN PROGRESS, IN ACCORDANCE WITH ARTICLE 3, "DEVELOPMENT REVIEW," DIVISION 7, "MORATORIUM," SECTION 3-703, "ZONING IN PROGRESS REQUEST" AND 3-704, "CITY COMMISSION ZONING IN PROGRESS RESOLUTION REVIEW AND DECISION" FOR THE CONSIDERATION OF ZONING CODE TEXT AMENDMENTS TO ADDRESS THE OPERATION OF RETAIL VAPE SHOPS WITHIN THE CITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 2(b), Article VIII of the Florida Constitution, Chapter 166 of the Florida Statutes, the Miami-Dade County Home Rule Amendment, the County Charter, and the City Charter, the City of Coral Gables possesses the powers to enact ordinances and resolutions to protect the health, safety, and welfare of the City's citizens and residents; and

WHEREAS, the City Commission of the City of Coral Gables, Florida determines that it is in the best interest of its residents, businesses, and visitors to enact sufficient land use and zoning regulations to ensure their health, safety, and welfare; and

WHEREAS, the Florida Legislature recently passed Senate Bill 7012 ("SB 7012"), an extension of the Florida Clean Indoor Air Act, which among other things, prohibits vaping in an enclosed indoor workplace except as provided therein; and

WHEREAS, according to the Centers for Disease Control and Prevention (the "CDC"), the long-term health effects associated with vaping are still unknown; and

WHEREAS, this is an evolving area of law and regulations and the City intends to study the impact of SB 7012 and to propose amendments to the Zoning Code and if necessary, the City Code, in order to better promote the safety and general welfare of the City businesses, residents, and visitors; and

WHEREAS, the City Manager filed a request with the City Commission for a Zoning in Progress Resolution pursuant to Zoning Code Section 3-703 to address the operation of retail business engaged in the sale of vapor-generating electronic devices and components, parts, and accessories for such products as a principal retail product ("retail vape shop") within the City; and

WHEREAS, the Zoning in Progress Resolution request requires review, preliminary findings, and approval or denial by the City Commission, pursuant to Zoning Code Section 3-704; and

WHEREAS, the City Commission finds and declares a need to temporarily suspend the processing of applications for, and the issuance of permits, site plan approvals, business tax receipts, or any other official action of the City of Coral Gables permitting or having the effect of allowing the operation of a retail vape shop in the City; and

WHEREAS, a temporary moratorium on the processing of applications for, and the issuance of permits, site plan approvals, business tax receipts, or any other official action of the City of Coral Gables permitting or having the effect of allowing the operation of a retail vape shop will maintain the status quo and allow time to review, study, hold public hearings, and prepare an adopt an amendment or amendments to the City Code and/or Zoning Code; and

WHEREAS, a public hearing was held before the City Commission on October 22, 2019, at which hearing this item was presented; and

WHEREAS, the City Commission on October 22, 2019, approved the Zoning in Progress Resolution for a period not to exceed the first regularly scheduled City Commission meeting after 120 days, and ordered that Staff report to the Planning and Zoning Board and City Commission with a report, proposed Zoning Code Text Amendment, and recommendations related to a potential moratorium, within 90 days, in accordance with Zoning Code Section 3-704; and

WHEREAS, upon adoption of the Zoning in Progress Resolution, the City Clerk shall publish this adopted resolution in a newspaper of general circulation published in the City of Coral Gables, or in Miami-Dade County, Florida, within ten (10) days following the date of adoption, in accordance with Zoning Code Section 3-704; and

WHEREAS, the City Commission for the City of Coral Gables, Florida finds and declares that this resolution is in the best interest of the public health, safety, and welfare of the citizens and residents of the City of Coral Gables, Florida and that it advances a significant and important governmental interest;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES THAT:

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. Zoning in Progress shall be in effect for any requests or applications for permits, site plan approvals, business tax receipts, or any other official action of the City of Coral Gables permitting or having the effect of allowing the operation of a retail vape shop. During the period of time that the Planning and Zoning Board and City Commission are considering a moratorium ordinance, no approvals, permits or development orders of any kind shall be issued if issuance may result in the operation of a retail vape shop in the City. To the extent such a request or application is submitted, the City staff is authorized to take action to reject such application during the term of this Zoning in Progress.

SECTION 3. The Zoning in Progress is temporary and, unless dissolved earlier by the City, shall automatically dissolve on the date of the first regularly scheduled City Commission meeting after 120 days from the effective date of this resolution, unless extended in accordance with applicable law. This moratorium may be reasonably extended, if necessary, by resolution of the City Commission.

SECTION 4. That this Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-SECOND DAY OF OCTOBER, A.D., 2019.

(Moved: Keon / Seconded: Lago)

(Yeas: Mena, Fors, Jr., Keon, Lago, Valdes-Fauli)


(Unanimous: 5-0 Vote)

(Agenda Item: I-6)

APPROVED:


RAÚL VALDÉS-FAULI
MAYOR

ATTEST:


BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


MIRIAM SOLER RAMOS
CITY ATTORNEY