

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2020-__

AN ORDINANCE OF THE CITY OF CORAL GABLES, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF CORAL GABLES CHAPTER 6, SECTION 6-4, "ADMINISTRATIVE REVIEW BY CITY MANAGER WITH APPROVAL BY CITY COMMISSION FOR RETAIL BEVERAGE AND RETAIL LIQUOR STORE LICENSES ISSUED TO NONRESTAURANT FACILITIES" TO PERMIT OPEN AIR SEATING FOR NONRESTAURANT FACILITIES THAT HAVE OBTAINED APPROVAL TO SELL ALCOHOLIC BEVERAGES; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on October 8, 2019, the City Commission adopted Ordinance No. 2019-34 which amended Section 4-206 of the City's Zoning Code to permit a conditional use for outdoor seating for nonrestaurant facilities fronting Miracle Mile and Giralda Plaza and Ordinance 2019-35 which further amended Section 4-206 to permit a conditional use for outdoor seating on private property only for nonrestaurant facilities in areas of the Business Improvement District not fronting Miracle Mile or Giralda Plaza; and

WHEREAS, on December 10, 2019, the City Commission, pursuant to Resolution No. 2019-371 directed Staff to propose amendments to not require mailed notices and public information meetings for nonrestaurant facilities requesting open air seating; and

WHEREAS, Staff's recommendation to the City Commission is to amend Section 6-4 of the City Code to allow for requests for open-air seating by nonrestaurant facilities that have obtained retail beverage or retail liquor store licenses under that section and consequently, to repeal Ordinance No. 2019-34 and 2019-35; and

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

SECTION 1. That 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. That Chapter 6, Section 6-4 of the Code of Ordinances of the City of Coral Gables is hereby amended as follows¹:

Chapter 6 – ALCOHOLIC BEVERAGES

Sec. 6-4. Administrative review by city manager with approval by city commission for retail beverage and retail liquor store licenses issued to nonrestaurant facilities.

- (a) Retail beverage and retail liquor store licenses issued by the state, as permitted by state law limiting the number of permitted licenses for the sale of alcoholic beverages and intoxicating liquors, may be issued by the city commission, after administrative review by the city manager, for the following:
- (1) Art galleries, including private art galleries, for the retail sale of art.
 - (2) Theaters.
 - (3) Museums.
 - (4) Other nonrestaurant facilities as determined on an individual basis by the city commission. In approving such facilities, the city commission may impose appropriate conditions and safeguards to protect the public health, safety and welfare.
- (b) In order for a nonrestaurant facility to qualify for a retail beverage or retail liquor store license under this section, the following minimum requirements shall be met in addition to other requirements set out elsewhere in this chapter:
- (1) That the nonrestaurant facility shall have a valid certificate of use and local business tax.
 - (2) The sale of alcoholic beverages and intoxicating liquors shall be only incidental to the primary function of the facility.
 - (3) Permanent bars or counters with a surface area not exceeding 45 square feet shall be permitted. It is provided, however, that this restriction shall not apply to an event space or venue facility with a minimum of 4,000 or more permanent seats.
 - (4) Total receipts from the sale of alcoholic beverages and intoxicating liquors shall not exceed 25 percent of the total annual gross receipts of any nonrestaurant facility. It shall be the responsibility of the nonrestaurant facility to maintain records open for inspection by the city to demonstrate compliance with this requirement.

¹ Deletions are indicated by ~~strikethrough~~. Insertions are indicated by underline.

(5) Nonrestaurant facilities holding a state retail beverage or retail liquor store license shall always be subject to inspection by the city manager or his or her designee for the purpose of determining that such nonrestaurant facilities are in compliance with the existing requirements.

(c) A nonrestaurant facility that has been issued a retail beverage or retail liquor store license under this section may request open air seating from the City Commission if the following minimum requirements are met, in addition to other requirements set out elsewhere in this chapter:

(1) That the nonrestaurant facility requesting open air seating on private property is located within the Business Improvement District (BID).

(2) That if the nonrestaurant facility is requesting open air seating in the public right-of-way, the nonrestaurant facility shall front Miracle Mile or Giralda Plaza.

(3) That the open air seating must comply with the standards, criteria, and conditions for Outdoor Dining for restaurants set forth in Section 4-206 of the Zoning Code, and any other state and local regulations, including, without limitation, any state alcohol licensing requirements.

(4) The City Commission may impose additional appropriate conditions to protect the public health, safety, and welfare.

(5) The nonrestaurant facility shall apply for the applicable open air seating permit after obtaining the City Commission approval. Any permit application and user permit fees as specified in the fee schedule applicable to sidewalk cafes in the public right of way or outdoor dining on private property shall apply.

(6) The issued open air seating permit may be administratively renewed, consistent with Section 4-206 of the Zoning Code, if (a) there are no proposed changes to the open air seating; (b) the nonrestaurant facility is in compliance with all requirements of its retail beverage or retail liquor store license under this section and all conditions required by the City Commission; and (c) no code enforcement citations have been issued to the nonrestaurant facility. Otherwise, renewal must be reviewed and approved by the City Commission.

SECTION 3. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed. Specifically, Ordinance Nos. 2019-34 and 2019-35 are expressly 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 Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made part of the City Code, which provisions may be renumbered or re-lettered and the ordinance be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. 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 7. All ordinances or parts of ordinances inconsistent or in conflict herewith are hereby repealed to the extent of any conflict.

SECTION 8. This Ordinance shall become effective immediately upon the date of its adoption herein.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2020.

APPROVED:

RAUL VALDES-FAULI
MAYOR

ATTEST:

BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MIRIAM SOLER RAMOS
CITY ATTORNEY