



City of Coral Gables
CITY COMMISSION MEETING
July 14, 2020

ITEM TITLE:

Ordinance on First Reading. Zoning Code Text Amendment. An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, by amending Article 4, "Zoning Districts," Section 4-402, "Prohibited uses, certain streets;" Article 5, "Development Standards," Division 7 "Distance Requirements;" and Article 8, "Definitions," to create provisions and clarity for retail vape shops; providing for repealer provision, severability clause, codification, and providing for an effective date.

DEPARTMENT HEAD RECOMMENDATION:

Approval.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board at their 02.12.20 meeting recommended approval (Vote 7-0).

BRIEF HISTORY:

On October 22, 2019, the City Commission approved a Zoning in Progress resolution for retail Vape Shops (Reso. No. 2019-322). In Section 3-701 of the Zoning Code, the Zoning in Progress requires staff to prepare text amendments as necessary.

The proposed text amendments create provisions and clarity for the operation of retail businesses engaged in the sale of vape related products, incorporating the following:

- a. Prohibit vape shops or any retail business that sells vape-related products in areas referenced in the Downtown Coral Gables Retail Strategy: Miracle Mile, 100 Block of Giralda Avenue (known as Giralda Plaza), Ponce de Leon Boulevard between Giralda Avenue and Valencia Avenue, or Aragon Avenue between Ponce de Leon Boulevard and Salzedo Street;
- b. Require a 500-foot distance separation for Vape Shops or any retail business that sells vape-related products from any schools; and
- c. Define Vape Shops.

The current distance requirement for the sale of alcoholic beverages and liquors in the Zoning Code allows approval by the Board of Adjustment if certain criteria are met. After researching the current school issues and effects of vaping, staff is proposing to NOT allow a variance to be granted from the distance requirements. Schools are currently defined in the Zoning Code as an elementary, middle, or high school, and exceptional learning center.

The Planning and Zoning Board on February 12, 2020, discussed the proposed text amendment and voted to approve the proposed text amendment (Vote: 7-0), with the following suggestions to be forwarded to the Commission:

- a. Expand the definition to include the amount of sales for vapor-related products;
- b. Include parks in the one-thousand-foot distance requirement;

- c. Reduce the amount of sales floor area to 25%;
- d. Expand prohibited areas to include SW 8th Street; Red Road; and Shops at Merrick Park; and
- e. Restrict operation of cigar and other tobacco retail stores with proposed text amendment.

The draft Ordinance for the proposed Zoning Code text amendment has been updated to eliminate distance between shops; reduce the floor area limit to 25%; add a limit of 51% of the total quarterly gross sales revenues; and expand the definitions. The draft Ordinance is provided as Exhibit A.

OTHER ADVISORY BOARD/COMMITTEE RECOMMENDATION(S):

Date	Board/Committee	Comments (if any)
02.12.20	Planning and Zoning Board	Recommended approval (vote: 7-0).

PUBLIC NOTIFICATION(S):

Date	Form of Notification
01.31.20	Planning and Zoning Board legal advertisement and agenda posted at City Hall.
02.07.20	Planning and Zoning Board agenda, staff report, legal notice and all attachments posted on City web page.
07.14.20	City Commission meeting agenda posted on City web page (1 st reading).

APPROVED BY:

Asst. Director of Development Services for Planning and Zoning


EXHIBIT(S):

- A. Draft Ordinance.
- B. 02.12.20 Planning Division Staff report and recommendation with attachments.
- C. Excerpt of 02.12.20 Planning and Zoning Board Meeting Minutes.
- D. Map Showing Eligible Vape Shop Locations.