

CITY OF CORAL GABLES, FLORIDA

EMERGENCY ORDINANCE NO. 2020-

AN EMERGENCY ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, AMENDING DIVISION 21 “TEMPORARY USES” OF THE ZONING CODE TO CREATE SECTION 5-2111 “COVID-19 EMERGENCY BUSINESS RECOVERY TEMPORARY USE PERMIT” TO SAFELY EXPAND AND CREATE ECONOMIC OPPORTUNITIES FOR BUSINESSES AND CERTAIN FLEXABILITIES FOR CIVIC USES IN THE CITY IMPACTED BY THE COVID-19 PANDEMIC; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE, AND WAIVING THE PRE-PUBLICATION REQUIREMENT.

WHEREAS, in response to the Novel Coronavirus Disease-2019 (“COVID-19”), on March 12, 2020, Mayor Raúl Valdés-Fauli declared a state of emergency for the City of Coral Gables, Florida (the “City”) and on March 25, 2020 issued a “Safer at Home” Emergency Order; and

WHEREAS, the Miami-Dade County Mayor has issued a series of emergency orders, collectively known as the “Safer at Home” protocols pursuant to Emergency Order 12-20; and

WHEREAS, the Governor has issued a series of executive orders, including Executive Order Nos. 20-112, 20-120, 20-122, and 20-123 setting forth the terms for the gradual reopening of businesses throughout the state; and

WHEREAS, based on the above-mentioned Governor’s Executive Orders, Miami-Dade County Mayor issued Emergency Order 23-20, as later amended, allowing for the re-opening of restaurants and certain retail establishments with specific conditions, requiring certain measures if an employee tests positive, and expressly allowing for municipalities to impose more stringent standards; and

WHEREAS, on May 16, 2020 Mayor Valdés-Fauli issued an Emergency Order Allowing for the Limited Re-opening of Restaurants and Certain Establishments with Conditions which amended the City’s Safer At Home Order, and on May 29, 2020 issued Amendment No. 1, to allow for the re-opening of restaurants and certain retail and other establishments with conditions (the “Limited Reopening Order”); and

WHEREAS, the Limited Reopening Order authorizes the City Manager to provide expanded opportunities for outdoor/open-air dining in the right of way, private property, and city-owned properties by relaxing the requirements in Section 4-206(B)(4) and 5-119 of the Zoning

Code; to relax requirements related to signage; and to relax standards related to uses on a temporary basis; and

WHEREAS, as the City returns to a new normal in the wake of the COVID-19 public health crisis, the City Commission has tasked staff with finding additional creative ways to support businesses and encourage individuals to participate in the local economy; and

WHEREAS, the City Commission finds that Temporary Use Permits may be an avenue through which impacted local businesses and civic uses may be further supported and wishes to provide an avenue to enhance economic opportunities for businesses and operational flexibility for civic uses impacted by COVID-19; and

WHEREAS, the Temporary Use Permit may provide a local business with the opportunity to expand its operations outdoors onto a surface parking lot or vacant lot and a civic type use with the ability to operationally expand into temporary structures in order to respond to the emergency nature of the COVID-19 pandemic and all necessary guidelines associated with the County's re-opening plan "The New Normal"; and

WHEREAS, given the emergency nature of the COVID-19 pandemic and its ongoing impact on businesses and civic uses in the City, the City Commission finds that it is necessary to immediately authorize the City Manager to provide for the review and approval of temporary uses for businesses impacted by COVID-19.

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 the adoption hereof.

SECTION 2. Zoning Code of the City of Coral Gables is hereby amended as follows^a:

ARTICLE V. DEVELOPMENT STANDARDS

DIVISION 21.-TEMPORARY USES

Section 5-2111 - Covid-19 Emergency Business Recovery Temporary Use Permit

(a) For purposes of this section, the following definitions shall apply:

^a Deletions are indicated by ~~strike through~~. Insertions are indicated by underline.

Businesses shall mean any local business currently operating with an active Certificate of Use within the City of Coral Gables.

Covid-19 emergency means the pandemic and public health crisis related to the Novel Coronavirus Disease-2019 which resulted in the issuance of various emergency orders by the State of Florida, Miami-Dade County, and the City which ordered the temporary closure of certain businesses and establishments and set forth strict re-opening conditions on a phased basis, including reduced indoor capacity and social distancing measures.

Covid-19 Recovery Temporary Use Permit shall mean a permit designed to allow a temporary use or event organized to enhance economic opportunities for a business or other establishment impacted by the Covid 19 emergency. It shall not include other events or business ventures unrelated to the impact of the Covid-19 emergency.

- (b) The City Manager or assigned designee is authorized to allow for temporary uses and structures to occur on private property, public property or on a combination of private and public properties. Temporary uses and occupancies are limited to those businesses, educational facilities and governmental uses that have been impacted by the Covid-19 emergency and potential events that may economically benefit those businesses impacted by the Covid-19 emergency.
- (c) Covid-19 Recovery Temporary Use Permits are intended to provide economic relief to businesses and operational flexibility to educational facilities and governmental uses for a limited duration.
 - a. Temporary Use Permits shall remain active through January 15, 2021 unless extended at the discretion of the City Commission.
 - b. The City Manager may, in his or her discretion, revoke a Covid-19 Recovery Temporary Use Permit if the conditions of the permit are violated or the City Manager feels that doing so is in the best interest of the City.
 - c. If the conditions of a Covid-19 Recovery Temporary Use Permit are violated, it may be revoked after the issuance of a written warning.
 - d. Revocation of a Covid-19 Recovery Temporary Use Permit may be appealed, in writing, to the City Clerk within fourteen (14) days of the written revocation of the Covid-19 Recovery Temporary Use Permit. The City Manager or his or her designee shall have five (5) days to respond in writing. A special magistrate appointed by the City will review the filings and render a written order within seven (7) days of receipt of the appeal.
- (d) The City Manager is authorized to establish an expedited application and permitting process for Covid-19 Recovery Temporary Use Permits, provided that at all times, any Covid-19 Temporary Use Permit shall comply with the requirements of the Florida Building Code, Americans

with Disabilities Act, general life safety standards, and all Covid-19 regulations, including social distancing measures, set forth in state, county, and local laws, including all applicable emergency orders and applicable zoning regulations.

(e) Requirements for Covid-19 Temporary Use Permits, are as follows:

- (1) Application. The City Manager is authorized, at his discretion, to prepare a simplified permit application form specifically for Covid-19 Temporary Uses.
- (2) Time limitation for application. The City Manager is authorized to accept permit applications within a reasonable time before the proposed Covid-19 recovery special event to allow for appropriate review and determination.
- (3) Review and approval of permit applications. Completed applications shall be routed internally by staff for concurrent review and approval or denial by the following departments:
 - a. Development Services
 - b. Fire
 - c. Police
 - d. Economic Development
 - e. Public Works (when on public property)
 - f. Any other department as determined necessary based on the nature of the application by the City Manager or assigned designee.
- (4) Submittal package. Submittal package should include the following:
 - a. Narrative outlining the intended Uses and affected businesses
 - b. Site Plan
 - c. Construction Drawings when necessary
 - d. Noise attenuation plan
 - e. Additional requirements, as deemed necessary, may be required.
- (5) Fees. There shall be no application fee for a Covid-19 recovery temporary use permit application. However, all fees associated with city services shall apply. The City Manager retains the authority to waive or reduce fees as necessary.

SECTION 3. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby 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 City Commission that the provisions of this Ordinance shall become and be made a part of the Zoning Code, which provisions may be renumbered or re-lettered and the word ordinance be changed to “section”, “article”, or other appropriate word to accomplish such intention.

SECTION 6. That for purposes of offering immediate support to businesses impacted by the COVID-19 pandemic, in order to ensure that such businesses have available a streamlined and expedited process for review of Covid-19 Recovery Temporary Use Permits, this ordinance is

hereby declared an emergency measure, waiving a second reading and pre-publication and requiring a 4/5th vote of the City Commission.

SECTION 7. This Ordinance shall become effective upon the date of its adoption and shall expire on January 15, 2021.

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

(Moved: / Seconded:)

(Yeas: / Nays:)

(Vote:)

(Agenda Item:)

APPROVED:

RAUL VALDES-FAULI
MAYOR

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

WALTER J. FOEMAN
CITY CLERK

MIRIAM SOLER RAMOS
CITY ATTORNEY