

CITY OF CORAL GABLES, FLORIDA

EMERGENCY ORDINANCE NO. 2020-

AN EMERGENCY ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, AMENDING CHAPTER 62, ARTICLE VII "SPECIAL EVENTS AND PARADES" OF THE CITY CODE TO CREATE SECTION 62-303 "COVID-19 EMERGENCY BUSINESS RECOVERY SPECIAL EVENT PERMIT" TO STREAMLINE THE SPECIAL EVENT PROCESS IN ORDER TO SAFELY EXPAND ECONOMIC OPPORTUNITIES TO BUSINESSES IN THE CITY IMPACTED BY THE COVID-19 PANDEMIC; PROVIDING FOR SEVERABILITY, REPEALER, AND CODIFICATION; WAIVING PRE-PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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, as later amended, 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 special events may be an avenue through which impacted businesses may be further supported and wishes to provide a streamlined and expedited process for review and approval of special events organized to enhance economic opportunities for businesses impacted by COVID-19, waive the application fee for such special event permit applications, and relax other requirements; and

WHEREAS, given the emergency nature of the COVID-19 pandemic and its ongoing impact on businesses in the City, the City Commission finds that it is necessary to immediately authorize the City Manager to provide for the streamlined and expedited process for review and approval of special events organized to enhance economic opportunities 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. The Code of Ordinances of the City of Coral Gables is hereby amended as follows^a:

Chapter 62-STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE VII. SPECIAL EVENTS AND PARADES

DIVISION 2.-PERMIT

Section 62-303 Covid-19 Emergency Business Recovery Special Event Permit

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

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

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

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 special event shall mean a special event as defined in this article organized to enhance economic opportunities for a business or other establishment impacted by the Covid 19 emergency. It shall not include other special events unrelated to the impact of the Covid-19 emergency.

- (b) The City Manager is authorized to establish an expedited application and permitting process, which may include a relaxation of certain special events standards, for Covid-19 recovery special events, provided that at all times, any Covid-19 recovery special event 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.
- (c) The City Manager is specifically authorized to relax certain requirements for Covid-19 recovery special events, as follows:
 - (1) *Application.* The City Manager is authorized, at his discretion, to prepare a simplified permit application form specifically for Covid-19 recovery special events. The City Manager retains the authority to require an applicant to submit an application that includes all of the contents set forth in Section 62-289 if necessary for appropriate review of a proposed Covid-19 recovery special event.
 - (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 for Covid-19 recovery special events shall be routed internally by staff for concurrent review and approval or denial by the chief of police, the fire chief, and the director of any other department as determined by the director of parks and recreation/community recreation. In relation to Covid-19 recovery special events only, all of the functions delegated to the special events and parades staff committee set forth in this article are delegated to the City Manager or his or her designee. The applicant shall not be required to appear at a pre-permit coordination meeting, unless required by the director of parks and recreation/community recreation. In reviewing a permit application for a Covid-19 recovery special event, the standards and criteria for approval of application set forth in Section 62-291 shall be considered by the appropriate reviewers and applied in order to impose any appropriate conditions or restrictions on the Covid-19 recovery special event permit.
 - (4) *Determination of time specified area will be used; maximum length of events; location and time of events.* The City Manager, or his or her designee, is authorized to relax the limitations set forth in section 62-260 as to the time that a specific area may be utilized and the maximum length of events (including the allowable days of the week that special events may be allowed).
 - (5) *Fees.* There shall be no application fee for a Covid-19 recovery special event permit application. However, all fees for city services, including but not limited to cost of all police services as determined by the chief of police, costs of site plan

and traffic plan, and performance bond requirements set forth in section 62-293(c), (d), and (e) shall apply. The City Manager retains the authority to waive or reduce fees or the performance bond requirement as provided section 62-293(f).

(6) *Contents of permit.* The Covid-19 recovery special event permit shall include the information set forth in Section 62-301, as well as any other additional information or conditions necessary to ensure the Covid-19 recovery special event complies with all social distancing regulations in place pursuant to state, local, or city laws, including emergency orders.

(7) *All other requirements for special events apply.* Unless otherwise addressed in this section, all other requirements for special events shall apply to Covid-19 recovery special events.

(d) The provisions set forth in this section shall be valid and applicable to Covid-19 recovery special events scheduled through January 15, 2021. This section shall expire on January 15, 2021.

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 City 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. If the City Code’s Tables of Contents, Supplemental History Table, or other reference portions are affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. 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 special events, 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 8. 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