

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, AMENDING SECTION 3-600 TEMPORARY USES; SECTION 3-611 “COVID-19 EMERGENCY BUSINESS RECOVERY TEMPORARY USE PERMIT” OF THE ZONING CODE TO EXTEND ITS APPLICABILITY AND EXPIRATION OF TEMPORARY USE PERMITS THROUGH JANUARY 15, 2022 IN ORDER TO SAFELY CONTINUE TO EXPAND AND CREATE ECONOMIC OPPORTUNITIES FOR BUSINESSES AND CERTAIN FLEXIBILITIES FOR CIVIC USES IN THE CITY IMPACTED BY THE COVID-19 PANDEMIC; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND 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 (“Declaration”) for the City of Coral Gables, Florida (the “City”); and

WHEREAS, in order to provide for expanded economic opportunities to establishments affected by COVID-19 while complying with social distancing measures, on July 14, 2020, the City Commission adopted Emergency Ordinance No. 2020-20 which amended the City Zoning Code to create Section 3-611¹ “Covid-19 Emergency Business Recovery Temporary Use Permit” to 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; and

WHEREAS, pursuant to Emergency Ordinance No. 2020-20, Section 3-611(c) of the Zoning Code provided that “Covid-19 Recovery Temporary Use Permits shall remain active through January 15, 2021 unless extended at the discretion of the City Commission” and Emergency Ordinance No. 2020-20 further provided that the Ordinance “shall expire on January 15, 2021;” and

WHEREAS, the City Commission amended Section 6-611 pursuant to Ordinance No. 2021-04 to allow such temporary use permits to remain active through June 15, 2021 and also provide that the ordinance shall expire on June 15, 2021; and

¹Emergency Ordinance No. 2020-20 created Section 5-2111 under the then-existing numbering of the City’s 2007 Zoning Code (As Amended). The Zoning Code was subsequently updated, re-organized, and re-numbered and this Ordinance refers to the current code sections of the Zoning Code.

WHEREAS, the City Commission acknowledges that establishment of such temporary use permits has been a successful measure to allow affected establishments to maximize their ability to serve patrons while implementing social distancing measures and that the expanded opportunities have been well-received in the community; and

WHEREAS, given that the Declaration remains in effect and that establishments in the City continue to seek effective ways of implementing social distancing measures, the City Commission wishes to extend the applicability and expiration of temporary use permits set forth in Section 3-611 of the Zoning Code and in Emergency Ordinance 2020-20 and Ordinance No. 2021-04 through January 15, 2022; and

WHEREAS, the City Commission finds that this ordinance does not impose restrictions or mandates upon businesses or individuals due to the COVID-19 emergency and instead, expands economic opportunities for businesses, and as such, is in compliance with the Governor's Executive Order No. 21-102.

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 follows²:

ARTICLE V. DEVELOPMENT STANDARDS

SECTION 3-600.-TEMPORARY USES

Section 3-611. Covid-19 Emergency Business Recovery Temporary Use Permit

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

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.

² Deletions are indicated by ~~strike through~~. Insertions are indicated by underline.

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 June 15, 2021-2022 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. This Ordinance shall become effective upon the date of its adoption and shall expire on January 15, 2022.

PASSED AND ADOPTED THIS _____ OF MAY, A.D., 2021.

(Moved: / Seconded:)

(Yeas: / Nays:)

(Vote:)

(Agenda Item:)

APPROVED:

VINCE LAGO
MAYOR

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

WALTER J. FOEMAN
CITY CLERK

MIRIAM SOLER RAMOS
CITY ATTORNEY

DRAFT