



## City of Coral Gables Implementing Order of the City Manager

**Implementing Order No.:** 2020-04 **Title:** Covid-19 Emergency Business Recovery Temporary Use Permit

Ordered: July 14, 2020 Effective: July 14, 2020

**AUTHORITY:** Executive Order 2020-122 re: Broward and Miami-Dade Counties to Phase 1: Safe. Smart. Step-by-Step. Plan for Florida's Recovery; Executive Order 2020-139 re: Phase 2: Safe. Smart. Step-by-Step. Plan for Florida's Recovery; Miami-Dade County Emergency Order 23-20, as amended; Miami-Dade County Emergency Order 24-20; Coral Gables Emergency Order, as amended, allowing for the limited re-opening of restaurants (May 20, 2020) and certain establishments (May 18, 2020) with conditions; Ordinance No. 2020-20.

### **PURPOSE**

The purpose of this Implementing Order is to establish an expedited permit process for Temporary Use permits related to COVID-19 business recovery and educational and government operations. As the City returns to a new normal in the wake of the COVID-19 public health crisis, the City Commission has tasked the administration with finding creative ways to support businesses and encourage individuals to participate in the local economy. In response to the re-opening of businesses and other establishments under the strict conditions outlined in applicable emergency orders and corresponding handbooks<sup>1</sup>, which include social distancing and reduced indoor capacity, the City Commission passed Emergency Ordinance No. 2020-20 which amended Division 21 "Temporary Uses" of the Zoning Code to create Section 5-2111 "COVID-19 Emergency Business Recovery Permit" to safely expand and create economic opportunities for businesses in the City impacted by the COVID-19 pandemic. The amendment also provides greater flexibility to government and educational facilities that need to temporarily adjust their uses to comply with COVID-19 related regulations. The Ordinance sunsets on January 15, 2021.

### **APPLICABILITY**

The Emergency Business Recovery Temporary Use Permit can be used for temporary uses or events organized to enhance economic opportunities for a business or establishment impacted by the COVID-19 emergency; and to adjust temporary uses and occupancies of educational facilities and government entities that have been impacted by COVID-19. It shall not include events, uses, or business ventures unrelated to the impact of the COVID-19 emergency.

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<sup>1</sup> Miami-Dade County's New Normal Handbook and the City of Coral Gables' Reopening the Local Economy Handbook

**APPLICATION PROCESS FOR TEMPORARY USE PERMIT**

The Emergency Business Recovery Temporary Use Permit is a **NO FEE permit**. However, all fees associated with city services shall apply. The City Manager retains the authority to waive or reduce fees as may be appropriate.

To apply for an Emergency Business Recovery Temporary Use Permit, the applicant must submit the following items electronically to Development Services Department Building Division.

- (1) Application
- (2) Narrative outlining the intended Uses and affected businesses
- (3) Site Plan
- (4) Construction Drawings when necessary
- (5) Noise attenuation plan
- (6) Additional requirements, as deemed necessary, may be required at the discretion of the City Manager or his designee

**REVIEW PROCESS FOR TEMPORARY USE PERMIT**

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) Public Works (when application contemplates uses on the public right-of-way.)
- d) Any other department as determined necessary based on the nature of the application by the City Manager or their designee.

**EXPIRATION**

In accordance with the expiration date of Ordinance No. 2020-20, this Order, along with all temporary permits issued pursuant to this Order, shall expire on January 15, 2021, unless otherwise terminated or extended at the City Commission’s discretion.

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**APPROVED BY:**



Peter J. Iglesias, P.E.

City Manager

7/14/2020

Date

**CITY OF CORAL GABLES, FLORIDA**

**EMERGENCY ORDINANCE NO. 2020-20**

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<sup>a</sup>:

**ARTICLE V. DEVELOPMENT STANDARDS**

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**DIVISION 21.-TEMPORARY USES**

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

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<sup>a</sup> Deletions are indicated by ~~strikethrough~~. Insertions are indicated by underline.

(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.

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 4/5<sup>th</sup> 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 FOURTEENTH DAY OF JULY, A.D., 2020.

(Moved: Lago / Seconded: Mena)

(Yeas: Keon, Lago, Mena, Fors, Jr., Valdes-Fauli)

(Unanimous: 5-0 Vote)

(Agenda Item: F-1)

APPROVED:



RAUL VALDES-FAULI  
MAYOR

ATTEST:



BILLY Y. URQUIA  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY



MIRIAM SOLER RAMOS  
CITY ATTORNEY