



City of Coral Gables Implementing Order of the City Manager

Implementing Order No.: 2020-02 **Title:** Temporary Open-Air Dining Permit to provide businesses with enhanced economic opportunities to aid their recovery from the COVID-19 pandemic.

Ordered: May 26, 2020 Effective: May 27, 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; Miami Dade County Emergency Order 23-20; Coral Gables Emergency Order allowing for the limited re-opening of restaurants (May 20, 2020) and certain establishments (May 18, 2020) with conditions; Resolution No. 2020-119

PURPOSE

The purpose of this Implementing Order is to establish an expedited permit process for restaurants to take advantage of expanded open-air dining opportunities on a temporary basis. 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 restaurants under the strict conditions outlined in applicable emergency orders and corresponding handbooks¹, which include social distancing and reduced indoor seating capacity, the City will temporarily relax the requirements in Sections 4-206(B)(4) and 5-119 of the Zoning Code to allow expanded open-air dining opportunities in the right-of-way, on private property and on city owned property, while continuing to adhere to the requirements of the Americans with Disabilities Act and general life safety standards.

APPLICABILITY

All restaurants within the City may apply for a Temporary Open-Air Dining Permit. Nothing in this Order shall be construed to override or be more lenient than the COVID-19-related regulations set forth by state, county, or local laws, including all applicable Emergency Orders.

APPLICATION PROCESS FOR TEMPORARY OPEN-AIR DINING PERMIT

The Temporary Open-Air Dining Permit is intended to create a business-friendly, expedited avenue for restaurants to safely offer open-air or expanded open dining areas to their clientele for a limited time. The Temporary Open-Air Dining Permit is a **NO FEE Permit**. The site plan required as part of the application process does not need to be prepared by an engineer or architect and can be hand-drawn, provided all elements listed below are included. With the exception of type, quantity, and location of outdoor furnishings, all other regulations contained in Sections 4-206(B)(4) and 5-119 of the Zoning Code continue to apply to restaurants unless otherwise waived by the City Manager.

¹ Miami-Dade County's Moving to a New Normal Handbook and the City of Coral Gables' Reopening the Local Economy Handbook

1. Restaurants operating with or without a current outdoor dining permit may apply for a Temporary Open-Air Dining Permit to add or expand outdoor seating on private property, in the right of way, or on city-owned property such as surface parking lots.

To apply, please visit www.coralgables.com/sidewalkcafe and submit an application to PZapplications@coralgables.com.

Once issued, the temporary permit must be posted on site in a common area with other certificates.

REVIEW PROCESS FOR TEMPORARY OPEN-AIR DINING PERMIT

1. All Temporary Open-Air Dining Applications must be submitted via email to PZapplications@coralgables.com.
2. Once a complete application is submitted, staff will internally route the application for concurrent expedited review as outlined below:
 - a. A request to use the sidewalk only, must be reviewed by the Public Works Right of Way Division.
 - b. A request to use on-street parking spaces must be approved by the Public Works Right of Way Division, the Fire Department, and the Parking Department.
 - c. A request to use city-owned off-street parking spaces must be approved by the Building Department, Fire Department, and Parking Department.
 - d. A request to use other city-owned property must be approved at a minimum by the Building Department and Fire Department.
 - e. A request to use private property, including private surface parking lots, must be approved by the Building Department and Fire Department.
 - f. In all cases, insurance compliance will be provided by the Risk Management Division.
3. Once all necessary approvals are obtained, the Planning Division will issue the temporary permit to the applicant via email.
4. Restaurants are required to post the temporary permit in a common area on-site with other certificates. The temporary permit should be available for inspection at all times.
5. Code Enforcement will conduct periodic site inspections to ensure compliance.

EXPIRATION

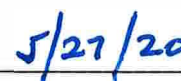
This Order along with all temporary permits issued pursuant to this Order shall expire on January 15, 2021, unless otherwise terminated or extended at the City Commission's discretion.

APPROVED BY:



Peter J. Iglesias, P.E.

City Manager



Date



City of
Coral Gables,
Florida

Temporary Open-Air Dining Permit Application (Covid-19 Economic Stimulus)

Address: 427 Biltmore Way, 2nd Floor, Coral Gables, Florida 33134

Email: PZapplications@coralgables.com

Phone: 305.460.5211

Application request (check all that apply)

- Temporary Expanded Sidewalk Café for **Sidewalk**
- Temporary Expanded Sidewalk Café for **Parking Areas**
- Temporary Expanded Outdoor Seating for **City-owned Property**
- Temporary Expanded Outdoor Seating for **Private Property**

Property information

Name of Restaurant: _____

Address: _____

Total number of seats as listed on Certificate of Use: _____

Current size of permitted sidewalk café or outdoor seating (if applicable): _____ tables _____ chairs

Proposed: _____ tables _____ chairs. Inside restaurant: _____ seats inside restaurant

Business Owner(s) Name(s): _____

Telephone Contact No: _____ Email: _____ @ _____

Abutting Business Owner 1 Name (if utilizing abutting space): _____

Abutting Business Telephone Contact No: _____ Email: _____ @ _____

Abutting Business Owner Signature (Consenting use of public or private area of abutting business):

Abutting Business Owner 2 Name (if utilizing abutting space): _____

Abutting Business Telephone Contact No: _____ Email: _____ @ _____

Abutting Business Owner Signature (Consenting use of public or private area of abutting business):

Provide a brief description of restaurant's intent:

Temporary Open-Air Dining Permit for Economic Stimulus Application

Temporary Open-Air Dining Requirements

Open-Air dining is subject to the restrictions below and the regulations provided in **Zoning Code Section 5-119 and Section 4-206 (B)(4)** (fronting Miracle Mile and Giralda Plaza), as modified below on a temporary basis.

1. Furniture may be Pre-Approved Furniture from www.coralgables.com/sidewalkcafe, or alternative furniture if approved by the Development Review Official provided such alternative will not cause damage any streetscape improvement.
2. To facilitate the review process, please ensure you provide all elements listed below in you Site Plan sketch:
 - a. Proposed location and layout of tables, chairs, and other furniture with dimensions and pedestrian paths;
 - b. Location of doorways, steps, trees or landscaped areas, fountains, parking meters, fire hydrants, bus shelters, directory/kiosks, public benches, trash receptacles, and any other existing fixtures, furnishings, or other obstruction(s) with the proposed open-air dining area; and
 - c. Total seating capacity originally permitted, and the total proposed seating capacity, inclusive of the expanded area. The proposed seating cannot exceed the restaurant's existing total seating capacity.
3. Seating shall be located at **least six (6) feet** from individual dining areas when seated, measured from back of chair to back of chair for social distancing.
4. Pedestrian pathways must remain unobstructed. If the restaurant is on **Miracle Mile or Giralda Plaza**, at least **six (6) feet** shall be maintained unobstructed between sidewalk seating areas and storefront / property line.
5. ADA (American with Disabilities Act) regulations and requirements must be adhered to at all times.
6. Adjacent on-street parking spaces or adjacent surface parking lots (except ADA parking spaces) may be used for open-air dining for social distancing purposes. Proposed parking spaces shall be sufficiently buffered from travel lanes with city-approved barriers.
7. Dining area may extend to include the frontage area of the abutting property, provided that 1) property owner is not a restaurant use, and 2) signed consent from abutting business(es) is provided with application.
8. Dining area may extend to private property provided that signed consent from private property owner is provided.

Insurance requirements

Applicant shall provide evidence in the form of certificates of insurance and copies of endorsements of:

- (a) Commercial General Liability Insurance with limits of no less than \$1,000,000 per occurrence adding the City of Coral Gables as an additional insured; and
- (b) Workers compensation insurance with limits of \$500,000 for employer liability with a waiver of subrogation in favor of the City of Coral Gables.

Application requirements and supporting information

Electronic copy. One (1) PDF of the entire application shall be submitted via email to PZapplications@coralgables.com including all the items identified below:

- Temporary Open-Air Dining Permit Application (Covid-19 Economic Stimulus).
- Site Plan Sketch of seating layout with Pre-Approved Furniture selections.

Temporary Open-Air Dining Permit for Economic Stimulus Application

- Insurance certificates
- Written consent of private property owner if applicant is seeking use of adjacent private property.

Indemnification and Hold Harmless

By submitting this Application, Applicant hereby agrees to hold harmless, indemnify and defend the City of Coral Gables, its representatives, officers, agents, affiliates, employees, the administration and elected and appointed officials ("the City") from and against all liability, suits, actions, claims, costs, expenses or demands (including, without limitation, suits, actions, claims, costs, expenses or demands resulting from death, personal injury and property damage) or expenses of every kind and character, including reasonable attorney's fees, costs and appeals, arising or resulting in whole or in part, as a result of any tort, intentional action, negligent acts or omissions on the part of the Applicant, its employees, guests, or any employee of any person, employee, agent, or third party acting on Applicant's behalf in connection with the Temporary Open-Air Dining Permit. This indemnification provision includes claims made by the entitlement, if any, to immunity under section 440.11, Florida Statutes. Nothing contained herein shall be construed as a waiver of any immunity or limitation of liability the City may have under the doctrine of sovereign immunity of section §768.28, Florida Statutes. The Applicant hereby also agrees to hold harmless, indemnify, and defend the City against any and all claims or challenges related to the approval of this application whether the approved seating be on the right-of-way, private property, or City-owned property.

Application fees

No fees required for temporary permit.

Business Owner(s) Signature(s): _____