

EMERGENCY ORDINANCE No. 2020-14

AN EMERGENCY ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AUTHORIZING OUTDOOR SEATING AS A TEMPORARY USE AT RESTAURANTS IN THE CITY OF DORAL TO AID IN MITIGATING THE IMPACTS OF THE COVID-19 PANDEMIC; PROVIDING FOR A REPEALER PROVISION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on March 9, 2020, the Governor of Florida issued Executive Order Number 20-52, declaring a State of Emergency for the State of Florida related to Coronavirus Disease 2019 (COVID-19); and

WHEREAS, on March 12, 2020, the County Mayor declared a State of Emergency for Miami-Dade County related to COVID-19; and

WHEREAS, pursuant to orders issued by the Governor, County and City restaurants have been closed for on-premises dining; and

WHEREAS, on April 29, 2020, the Governor issued Executive Order 20-112, which provides a pathway for the eventual reopening of restaurants under certain conditions; and

WHEREAS, on May 13, 2020 the County Mayor published a “New Normal Guide” handbook guiding the county’s reopening strategy; and

WHEREAS, on May 15, 2020 the City adopted the New Normal Guide handbook; and

WHEREAS, pursuant to the “New Normal Guide”, restaurants operation must be limited by the Governor’s Executive Order but no more than 50% of its building occupancy while maintaining social distancing of 6 feet between parties; and

WHEREAS, the Mayor & City Council desire to promote business operation and economic recovery while maintaining focus on core health, safety, and welfare principles; and

WHEREAS, allowing restaurants to have outdoor seating on a temporary basis, even where such seating is not currently provided for on a permanent basis in the restaurants' approved plan; and

WHEREAS, it is critically important that local small businesses, including restaurants, be allowed to offer services in a way that will allow these businesses to recover from the economic impact of COVID-19; and

WHEREAS, under the circumstances, temporarily allowing outdoor seating and temporarily waiving fees for outdoor seating at restaurants under certain condition is warranted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DORAL AS FOLLOWS:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Emergency Ordinance upon adoption hereof.

Section 2. The Mayor and City Council hereby direct Staff to authorize temporary outdoor seating at restaurants in the City of Doral unless such seating would pose an immediate risk to human health or safety. Temporary outdoor seating at restaurants is permitted subject to the following conditions:

1. Restaurants will be required to submit an informal outdoor seating plan to the City's Planning and Zoning Department. Details of the outdoor dining area shall include an exterior floor plan depicting location of chairs, tables, and other

furniture. Property owner must provide written approval that the restaurant can extend outdoor seating on property.

2. Sidewalk dining and sidewalk dining elements shall not interfere with or obstruct any areas required for accessibility for disabled persons, whether patrons or employees.
3. Restaurants may utilize up to 2,000 sq. ft. outdoor space, provided the combined indoor and outdoor seating capacity does not exceed 100% of its legally permitted capacity listed on their Certificate of Use.
4. The outdoor dining area shall be restricted to the sidewalk frontage of the building. Restaurants shall provide a four-foot clear pedestrian passage between the dining area and the edge of the pavement or another row of tables and chairs. If the outdoor dining area is proposed in a paved public space not within the sidewalk frontage, approval from the property owner is required.
5. Restaurants may serve alcoholic beverages in the outdoor dining area provided the restaurant complies with all applicable city, county, and/or state law.
6. No amplified music, whether live or recorded, shall be permitted within sidewalk dining areas. No speakers, microphones, televisions or other audio or video devices shall be permitted within sidewalk dining areas.
7. All kitchen equipment and refuse containers used to service the outdoor dining area shall be located inside the primary restaurant.
8. Upon the issuance of a hurricane warning, all outdoor furniture shall be removed from the outdoor dining area.
9. The restaurant owner or operator shall be responsible for maintaining the outdoor dining area in a clean, neat, orderly, and safe condition. All debris and litter shall be removed daily.
10. The restaurant owner or operator shall indemnify, defend, and hold harmless the City against any and all claims or suits for damages or injury arising from permittee's or the permittee's agents', employees', vendors', and/or patrons' use of the ROW or the sidewalk dining area or from any activity, work, or act done, permitted, or suffered by permittee in or about the sidewalk dining area, and shall further indemnify, defend, and hold harmless the City against and from any and all claims or suits arising from any breach or default of any performance of any obligation of permittee under this Ordinance or the outdoor seating permit, and against and from all costs, attorneys' fees, expenses, and liabilities related to any

claim or any action or proceeding brought within the scope of this indemnification.

11. In the event that the City police, planning and zoning, public works or code enforcement departments determine that the location of an encroachment, including but not limited to sidewalk dining elements, constitutes an immediate physical danger to life, safety or health, the encroachment may be removed immediately without prior notice.
12. The permit is for a permissive use only and the issuing of the permit shall not operate to create or vest any property rights in the permittee.

Section 3. The allowance of outdoor seating is temporary and, unless lifted earlier or extended by the City Council, shall automatically cease sixty (60) days from the date of adoption of this Ordinance.

Section 4. The following regulations temporarily shall supersede and replace any conflicting provisions of the City's zoning ordinances or regulations governing outdoor dining services. All approvals and permits governed by this Ordinance shall automatically expire on August 10, 2020 at 11:59:59 p.m., unless such approval or permit is otherwise suspended, modified, amended, or extended in accordance with this Ordinance or a subsequent ordinance adopted by City Council.

Section 5. This Emergency Ordinance shall be effective immediately upon passage by the City Council.

The foregoing Emergency Ordinance was offered by Councilmember Cabrera who moved its adoption. The motion was seconded by Councilmember Mariaca upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Christi Fraga	Yes
Councilwoman Digna Cabral	Yes
Councilman Pete Cabrera	Yes
Councilwoman Claudia Mariaca	Yes

PASSED AND ADOPTED this 10 day of June, 2020.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:



LUIS FIGUEREDO, ESQ.
CITY ATTORNEY