

**EMERGENCY ORDINANCE No. 2020-27**

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

**WHEREAS**, the coronavirus disease 2019 ("COVID-19"), is a severe acute respiratory illness caused by the SARS-CoV-2 virus that can spread rapidly from person to person and cause serious illness or death, constitutes a clear and present threat to the lives, health, welfare and safety of the people of the City of Doral; and

**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 11, 2020, the World Health Organization declared the rapidly spreading coronavirus outbreak a pandemic; and

**WHEREAS**, on March 12, 2020, Mayor Carlos A. Gimenez declared a local State of Emergency for Miami-Dade County invoking his authority to issue orders to protect the health, safety, and welfare of the community, including possibly imposing a curfew and closing certain businesses; and

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

**WHEREAS**, on March 13, 2020, the President of the United States declared a national emergency concerning the COVID-19 pandemic; 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 Miami-Dade County Mayor published a “New Normal Guide” handbook guiding the Miami-Dade County’s reopening strategy; and

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

**WHEREAS**, On June 10th, 2020, the Mayor and City Council adopted Emergency Ordinance No. 2020-14, Temporary Outdoor Seating at Restaurants, to aid in the economic recovery of restaurants located within the City of Doral. The allowance of outdoor seating automatically ceases in sixty days (60); and

**WHEREAS**, On August 14th, 2020, the Mayor and City Council adopted Emergency Ordinance No. 2020-17, Temporary Outdoor Seating at Restaurants, to aid in the economic recovery of restaurants located within the City of Doral. The allowance of outdoor seating automatically ceases in sixty days (60); and

**WHEREAS**, pursuant to the Ordinance, the City is temporarily allowing restaurants to have new or expanded outdoor seating on a temporary basis, requiring an additional CU at no cost even when such seating is not currently allowed under the restaurant’s Certificate of Use; and

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

**WHEREAS**, allowing restaurants to have new or expanded outdoor seating on a temporary basis, even where such dining 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 exist during the COVID-19 pandemic; and

**WHEREAS**, under the circumstances, temporarily allowing outdoor seating and temporarily waiving fees for outdoor seating CU at restaurants under certain conditions are warranted.

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

**Section 1. Recitals.** 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. Implementation.** The Mayor and City Council hereby direct Staff to authorize Ordinance 2020-27 to allow temporary outdoor seating at restaurants within the City of Doral unless such dining would pose an immediate risk to human health, safety, and welfare. 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 seating area shall include an exterior floor plan depicting location of chairs, tables, other furniture. Property owner must provide written approval that the restaurant can extend outdoor seating on property.

2. Restaurants may utilize up to 2,000 sq. ft. of outdoor space, provided that the combined indoor and outdoor seating capacity does not exceed 100% of its legally permitted capacity listed on their Certificate of Use (CU).
3. The outdoor seating area shall be restricted to the sidewalk frontage of the building. Restaurants shall provide a four-foot clear pedestrian passage between all seating areas or sidewalks. If the outdoor seating area is proposed in a paved public space not within the sidewalk frontage, approval from the property owner is required.
4. Restaurants may serve alcoholic beverages in the outdoor seating areas provided the restaurant complies with all applicable city, county, and /or state laws and licenses.
5. All kitchen equipment and refuse containers used to service the outdoor seating areas shall be located inside the primary restaurant.
6. Upon the issuance of a hurricane warning or high winds, all outdoor furniture shall be removed from the outdoor seating area.
7. The restaurant owner or operator shall be responsible for maintaining the outdoor seating areas in a clean, neat, orderly, and safe condition. All debris and litter shall be removed daily.

**Section 3. Severability.** 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. Conflicts.** The following regulations temporarily shall supersede and replace any conflicting provisions of the City's zoning ordinances or regulations governing outdoor seating services. All approvals and permits governed by this Emergency Ordinance shall become effective on October 14, 2020 and shall automatically expire on December 14, 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. Effective Date.** This Emergency Ordinance shall be effective on October 14, 2020.

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 14 day of October, 2020.

  
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JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:

  
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CONNIE DIAZ, MMC  
CITY CLERK

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

  
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LUIS FIGUEREDO, ESQ.  
CITY ATTORNEY