



CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **VIRTUAL COUNCIL ZONING MEETING** on **Tuesday, September 22, 2020 beginning at 10:00 AM**, to consider the following amendment to the City of Doral's Comprehensive Plan, Future Land Use Map. The City Council will consider this item for **SECOND READING**. The meeting will be held with the elected officials, administration and City staff participating via video conferencing.

Governor DeSantis' Executive Order Number 20-69 and extension 20-193 suspended the requirements of Section 112.286, Florida Statutes and the Florida Sunshine Law, that a quorum to be present in person, and that a local government body meet at a specific public place. The Executive Order also allows local government bodies to utilize communications media technology, such as telephonic and video conferencing for local government body meetings.

Public Comment: members of the public that wish to provide comments may do so by emailing the City Clerk at cityclerk@cityofdoral.com. Comments must be submitted with your name and full address by **Monday, September 21, 2020**. The comments will be circulated to the elected officials and administration, as well as remain as a part of the record for the meeting.

The meeting will be broadcasted live for members of the public to view on the City of Doral's website (<https://www.cityofdoral.com/government/city-clerk/council-meetings>) as well as Channel 77 and Facebook Live.

The City of Doral proposes to adopt the following Ordinance:

ORDINANCE No. 2020-06

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING/DENYING AN AMENDMENT TO THE CITY OF DORAL COMPREHENSIVE PLAN, FUTURE LAND USE MAP (FLUM) TO INCLUDE AND GRAPHICALLY DISPLAY THE "DOWNTOWN ARTS REUSE DISTRICT" OVERLAY BOUNDARIES REFERENCED IN POLICY 2.1.2 ENTITLED "INDUSTRIAL" CATEGORY OF THE FUTURE LAND USE ELEMENT; AND AUTHORIZING THE TRANSMITTAL OF THE MAP AMENDMENT ADOPTION PACKAGE TO THE STATE LAND PLANNING AGENCY IN THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND OTHER REQUIRED GOVERNMENTAL REVIEWING AGENCIES PURSUANT TO THE PROVISIONS OF SECTION 163.3184, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE

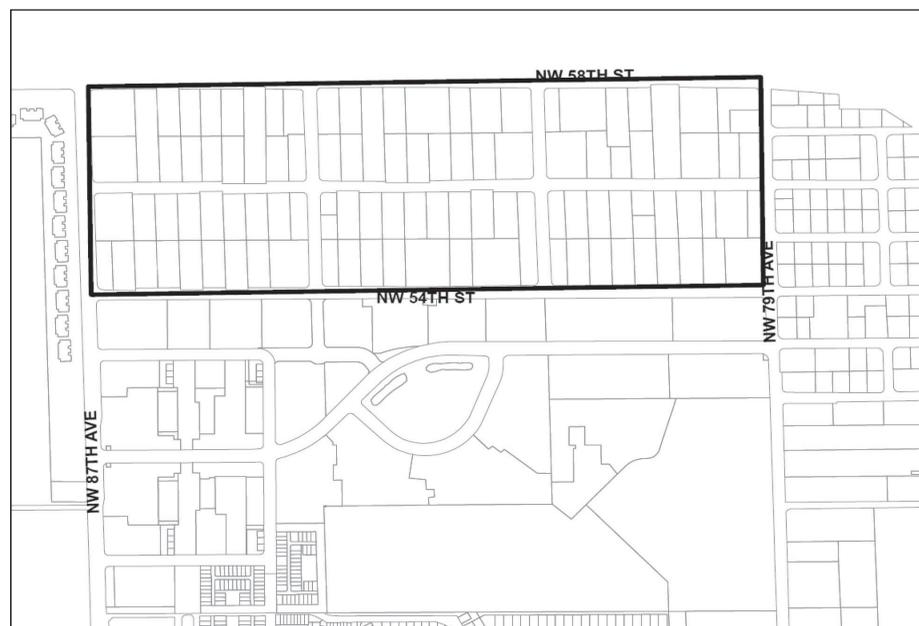
HEARING NO.: 20-09-DOR-03

APPLICANT: City of Doral

LOCATION: Area located north of Downtown Doral, bounded by NW 87th Avenue to the west, NW 58th Street to the north, NW 79th Avenue to the east and NW 54th Street to the south.

REQUEST: The City of Doral (the "Applicant") is requesting Mayor and City Council approval of an amendment to the City of Doral Comprehensive Plan, Future Land Use Map (FLUM) to include and graphically display the "Downtown Arts Reuse District" overlay boundaries referenced in Policy 2.1.2 entitled "Industrial" category of the Future Land Use Element.

Location Map



Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

Pursuant to Section 286.0105, Florida Statutes If a person decides to appeal any decisions made by the City Council with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, any person who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Planning and Zoning Department at 305-59-DORAL no later than three (3) business days prior to the proceeding.

Connie Diaz, MMC
City Clerk
City of Doral



REAL ESTATE



Condominium Associations' Power to Restrict Access to Areas on the Property

Commentary by
Steven Carlyle Cronig
and **Ofonedu-Ime Goodwyn**

With this week's news of the skyrocketing increase in COVID-19 cases occurring throughout Florida (the



Cronig



Goodwyn

emergency), many condominium associations, condominium unit owners and outside service providers, including real estate brokers, may be confused about a condominium association's authority to restrict access to the common areas and condominium units located within the condominium property.

Condominiums cannot impose restrictions that directly conflict with emergency orders issued by state and local government agencies (government orders) but can enforce their own governing documents in accordance with applicable law, (including the Condominium Statute, Florida Statutes Chapter 718).

This can include rules that are more stringent than required by government orders. Florida Statutes Section 718.1265(g) provides condominium associations with broad emergency powers, including the power to prevent access to specific parts of the common elements such as swimming pools and gyms. While these provisions originally appeared applicable only to emergencies resulting in physical damage, such as hurricanes, the authors believe that, when read in conjunction with the various recent government orders, COVID constitutes an emergency situation that affords condominium associations the right to use these emergency powers to regulate use of the condominium property during the pendency of the emergency. Here are some common questions and answers:

- Can a condominium association entirely prevent access to the condominium property by people who are not actual owners/residents of the condominium?

No. Condominiums cannot entirely ban entry onto the condominium property by nonresidents. Most declarations provide that unit owners have an absolute right of passage to their units, for themselves and their invitees and there appears to be no government order to the contrary.

- If a condominium association cannot prevent access entirely, can the condominium association restrict entry to the condominium property and regulate behavior within the condominium property?

Yes. Condominium associations absolutely can regulate entry into the condominium property and regulate use of the common areas within the condominium. Condominium associations may rely on government orders to insist upon social distancing

and face coverings whenever anyone, unit owner or otherwise, enters into the common elements of the condominium. This would include hallways, elevators, garages and lobbies, as well as gyms and swimming pools (which are covered by additional stricter government orders).

Most condominium governing documents already vest powers in the board of directors to regulate use of all common elements. Unit owners have a right to allow guests and other nonresidents such as real estate brokers, housekeepers and workers to enter onto the condominium property to provide services, however, the entry by such third parties should be strictly regulated by the condominium. Condominium associations reasonably can place a time limit on visits by real estate agents and other outside service providers, require them to observe social distancing and face-covering rules and require them to be accompanied directly from the entrance to the unit that is their destination. In light of the emergency, Condominium boards can and should also enact emergency rules in line with government requirements.

The condominium association has the right to restrict entry by any person who refuses to comply with these rules or any government order and to ask any person violating the rules after entry to leave.

- Can a condominium association hold its annual owners' meeting entirely virtually?

Florida Statutes Section 617.0721(3) allows not-for-profit corporations to hold virtual meetings. Since no direct prohibition against this exists in the condominium statute, and given the uncertainty caused by the emergency, Condominium boards should again err on the side of caution and hold such meetings by Zoom or other videoconferencing software to avoid the possibility of unit owners from becoming infected. Until there is a court case specifically prohibiting such virtual meetings in light of the emergency, it is a reasonable business decision for boards to do so. Voting for directors must still be done either by voting machine or written ballot, but the lead time required for such elections is the 60-day period provided by the condominium statute, which should be more than sufficient time to plan for it.

No court case has yet found that these emergency powers are not effective in emergencies other than hurricanes and, absent a direct conflict with government orders or a condominium association's governing documents, boards of directors should err on the side of caution in protecting their unit owners and residents against COVID-19 infection. It's better to have to defend an election than a wrongful death action.

Steven Carlyle Cronig is a partner and Ofonedu-Ime Goodwyn is an associate in the Coral Gables office of Hinshaw & Culbertson. They focus on real estate law and lender representation. Contact Cronig at scc@hinshawlaw.com and Goodwyn at ogoodwyn@hinshawlaw.com.

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