

**ORDINANCE No. 2020-25**

**AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AUTHORIZING RESTAURANTS TO APPLY FOR A TEMPORARY OUTDOOR SEATING CERTIFICATE OF USE (CU) WITH A SUNSET PROVISION OF DECEMBER 31, 2021, IN AN EFFORT TO PROMOTE THE ECONOMIC RECOVERY OF THE CITY'S RESTAURANTS DUE TO 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 were 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 provided 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 10, 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. Under the Emergency Ordinance, restaurants were allowed to have temporary outdoor seating for a period of sixty (60) days; and

**WHEREAS**, On August 12, 2020, the Mayor and City Council adopted Emergency Ordinance No. 2020-17, “Temporary Outdoor Seating at Restaurants,” extending temporary outdoor seating at restaurants for an additional sixty (60) day period; and

**WHEREAS**, On October 14, 2020, the Mayor and City Council adopted Emergency Ordinance No. 2020-27, “Temporary Outdoor Seating at Restaurants,” further extending temporary outdoor seating at restaurants for an additional sixty (60) day period; and

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

**WHEREAS**, restaurants within the City of Doral are critical for the economic health of the city, businesses, and the community; and

**WHEREAS**, under the circumstances, temporarily allowing outdoor seating and temporarily waiving fees for outdoor seating permits 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 Ordinance upon adoption hereof.

**Section 2. Implementation.** The Mayor and City Council hereby direct the City Manager 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 provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 4. Conflicts.** All ordinances or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

**Section 5. Effective Date and Repeal.** This Ordinance shall become effective upon the date of its passage and adoption herein. This Ordinance shall remain in effect until December 31, 2021, and on that date this Ordinance is repealed.


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

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Pete Cabrera	Yes
Councilwoman Digna Cabral	Yes
Councilwoman Claudia Mariaca	Yes
Councilman Oscar Puig-Corve	Yes

PASSED AND ADOPTED on FIRST READING this 14 day of October, 2020.

PASSED AND ADOPTED on SECOND READING this 13 day of January, 2021.

ATTEST:

  
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CONNIE DIAZ, MMC  
CITY CLERK

  
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JUAN CARLOS BERMUDEZ, MAYOR

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