



**CITY OF DORAL EMERGENCY ORDER No. 2020-42
Emergency Order Authorizing Outdoor Seating as a Temporary use at
Restaurants in the City of Doral**

WHEREAS, on March 9th,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 12th,2020, the County Mayor declared 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;

WHEREAS, on May 13th,2020, the County Mayor published a “New Normal Guide” handbook guiding the county’s reopening strategy and was adopted by the City on May 15th, 2020;

WHEREAS, pursuant to the Miami Dade County Emergency Order No. 26-20, Amendment No. 2, the County banned indoor dining; 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 conditions warranted; and



THEREFORE, under the of Section 1.04 of the City Charter, and the home rule powers permitted under the Constitution and laws of the State, the City of Doral will implement the County's reopening plan.

Section 1. Authorization. City of Doral 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 2. Failure to comply. Failure to comply with this Order shall constitute a misdemeanor subject to fines and imprisonment punishable as provided in F.S. §§ 775.082 and 775.083.

The Emergency measures that have been ordered and promulgated above effective are extended through August 12th, 2020.



JUAN CARLOS BERMUDEZ, MAYOR
Date: 8/5/20

ATTEST:


CONNIE DIAZ, MMC
CITY CLERK

