

MEMORANDUM

Agenda Item No. 11(A)(19)

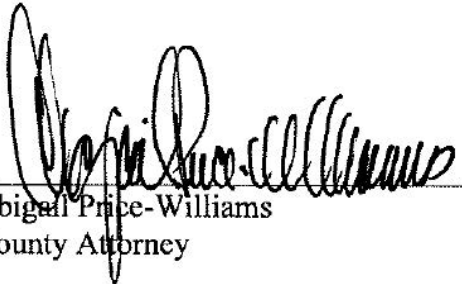
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: May 19, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the County Mayor to authorize outdoor seating as a temporary use at restaurants in the unincorporated municipal service area to aid in mitigating the impacts of coronavirus disease 2019 (COVID-19); directing the County Mayor to provide a report

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Joe A. Martinez.


Abigail Price-Williams
County Attorney

APW/uw



MEMORANDUM
(Revised)

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and Members, Board of County Commissioners

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Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(19)
5-19-20

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR TO AUTHORIZE OUTDOOR SEATING AS A TEMPORARY USE AT RESTAURANTS IN THE UNINCORPORATED MUNICIPAL SERVICE AREA TO AID IN MITIGATING THE IMPACTS OF CORONAVIRUS DISEASE 2019 (COVID-19); DIRECTING THE COUNTY MAYOR TO PROVIDE A REPORT

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 all of Miami-Dade County related to COVID-19; and

WHEREAS, pursuant to orders issued by the County Mayor and the Governor, 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, the County Mayor has indicated that he is pursuing a path to a “new normal,” which will include reopening of restaurants under certain conditions; 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 County’s Zoning Code or in the restaurant’s physical plan, will allow restaurants to serve more customers in a safer fashion; and

WHEREAS, the County's Zoning Code authorizes the Zoning Director to approve conditional permits in the unincorporated municipal service area for special uses on a temporary basis; 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 survive; and

WHEREAS, under the circumstances, temporarily allowing outdoor seating at restaurants under certain conditions is warranted,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The County Mayor is hereby directed to authorize outdoor seating at restaurants in the unincorporated municipal service area, including uncovered outdoor seating and seating under a tent or canopy, as a temporary use pursuant to section 33-36 of the Code of Miami-Dade County, unless such seating would pose an immediate risk to human health, and under reasonable conditions to ensure that the outdoor seating area provides appropriate social distancing, satisfies standard building and safety regulations, does not interfere with pedestrian or vehicular ingress and egress, does not detrimentally impact surrounding uses or properties, and would not allow for more total customers than the rated capacity of the restaurant. The County Mayor is directed to take all other discretionary actions to allow such temporary seating. This directive shall remain in place until there are no further state or local orders limiting restaurants from operating at their rated capacities.

Section 2. The County Mayor shall provide a written report to this Board on the implementation of this directive within 30 days of the effective date of this resolution pursuant to Ordinance No. 14-65. The report shall address waiver of fees associated with the approval of such outdoor seating areas and the extension of provisions to allow for consumption of alcohol at such outdoor space.

The Prime Sponsor of the foregoing resolution is Commissioner Joe A. Martinez. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman	
Rebeca Sosa, Vice Chairwoman	
Esteban L. Bovo, Jr.	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Eileen Higgins	Barbara J. Jordan
Joe A. Martinez	Jean Monestime
Dennis C. Moss	Sen. Javier D. Souto
Xavier L. Suarez	

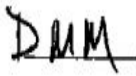
The Chairperson thereupon declared this resolution duly passed and adopted this 19th day of May, 2020. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



David M. Murray