

RESOLUTION NO. 20 -1677

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, PROVIDING TEMPORARY ENFORCEMENT RELAXATION OF ARTICLE VIII, CHAPTER 13, TITLED “PARKING REQUIREMENTS”, TO ALLOW RESTAURANTS TO PROVIDE TEMPORARY SEATING TO PATRONS DURING THE DURATION OF THE TOWN’S STATE OF EMERGENCY; PROVIDING FOR TRANSMITTAL PROVIDING FOR INSTRUCTIONS TO THE CLERK; AND PROVIDING FOR AN EFFECTIVE DATE. (N. RODRIGUEZ)

WHEREAS, on March 9, 2020, Florida Governor Ron DeSantis declared a State of Emergency due to the discovery and spread of the novel, COVID-19 virus; and

WHEREAS, on March 12, 2020, the Town of Miami Lakes (the “Town”) and Miami-Dade County, in their individual capacity, adopted Emergency Orders in the wake of the COVID-19 virus; and

WHEREAS, the novel, COVID-19 virus is a highly contagious and deadly respiratory disease, which is responsible for over 500 deaths in Miami-Dade County; and

WHEREAS, during the months of March and April 2020, in order to stymie the spread of COVID-19, the State of Florida, Miami-Dade County, and the Town promulgated orders requiring the closure of non-essential businesses and parks, cessation of non-essential activity, and mandatory social distancing requirements; and

WHEREAS, on May 15, 2020, based on available information detailing overall decline in COVID-19 infections and deaths, Miami-Dade County issued Emergency Order 23-20, allowing the re-opening of restaurants with social distancing restrictions; and

WHEREAS, specifically, Emergency Order 23-20 requires restaurants to space-out outdoor seating and reduce interior dining space by 50%, restricting restaurant’s ability to serve desiring patrons; and

WHEREAS, according to the U.S. Center for Disease Control, COVID-19 virus has a decreased transmittal rate in open-air spaces; and

WHEREAS, currently, the Town’s Code allows out-door seating provided that the tenant restaurant obtains permission from the landlord; and

WHEREAS, in order to assist restaurants during the current COVID-19 virus State of Emergency, the Town Council desires to relax enforcement of parking requirements in order to allow restaurant out-door seating to encroach onto existing parking; and

WHEREAS, the Town Council encourages local landlord's to work with their restaurant tenants in order to address outdoor seating during the current COVID-19 virus.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by reference.

Section 2. Relaxation of Code Enforcement. The Town Council hereby relaxes code enforcement of Article VII, Chapter 13 "Parking Enforcement" during the duration of its State of Emergency, in order to encourage restaurants to use outdoor seating.

Section 3. Instructions to the Manager. The manager is hereby instructed to create and adopt in an emergency order the rules and criteria for the allowance of encroachment of outdoor seating onto existing required parking spaces.

Section 3. Instructions to the Clerk. The Town Clerk is hereby authorized to send a copy of this resolution along with a cover letter authored by the Town Manager to landowners who have restaurant tenants, encouraging the landlord to allow for outdoor seating during the COVID-19, Town State of Emergency.


Section 4. Effective Date. This Resolution shall be effective immediately upon adoption.

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Passed and adopted this 19th of May 2020.

The foregoing resolution was offered by Vice Mayor Rodriguez who moved its adoption. The motion was seconded by Councilmember Dieguez and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	Recused
Vice Mayor Nelson Rodriguez	yes
Councilmember Carlos O. Alvarez	yes
Councilmember Luis Collazo	yes
Councilmember Josh Dieguez	yes
Councilmember Jeffrey Rodriguez	Recused
Councilmember Marilyn Ruano	yes



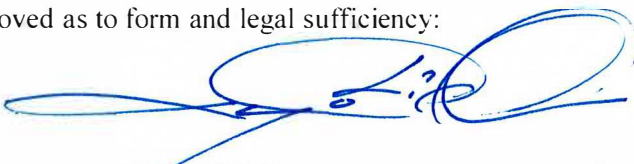
Manny Cid
MAYOR

Attest:



Gina M. Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:



Raul Gastesi, Jr.
Gastesi, Lopez and Mestre, PLLC
TOWN ATTORNEY