

RESOLUTION NO. 2020-126

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, WAIVING THE PERMIT REQUIREMENTS OF SECTION 13-380(e) OF THE CITY OF COCONUT CREEK CODE OF ORDINANCES RELATING TO OUTDOOR DINING AND OUTDOOR CAFES THROUGH PHASE 1, PHASE 2, AND THE FIRST THIRTY (30) DAYS OF IMPLEMENTATION OF PHASE 3 OF RE-OPENING, AS APPLICABLE WITHIN THE CITY OF COCONUT CREEK, TO ADDRESS IMPACTS ON THE RESTAURANT INDUSTRY RELATED TO THE COVID-19 VIRUS; ENCOURAGING CITY OF COCONUT CREEK RESTAURANTS AND CAFES TO UTILIZE OUTDOOR AREAS IMMEDIATELY ADJACENT TO AN ENTRANCE OF A RESTAURANT FOR OUTDOOR DINING; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Novel Coronavirus (COVID-19) has had a tremendous impact on the City of Coconut Creek business community; and

WHEREAS, the Florida Governor issued Executive Order Number 20-52 (EO 20-52) on Monday, March 9, 2020, as extended by EO 20-114 on May 8, 2020, declaring a state of emergency statewide, and authorizing in accordance with Section 252.38, Florida Statutes, each political subdivision within the State to "waive the procedures and formalities otherwise required of the political subdivision by law pertaining to . . . [the] [p]erformance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;" and

WHEREAS, the Mayor of the City of Coconut Creek, Florida, proclaimed and declared the existence of a City-wide **"STATE OF EMERGENCY"** on March 12, 2020, as continuously extended thereafter and authorized that all proper and lawful actions necessary to swiftly resolve the emergency and return the City to a condition of normalcy shall be taken; and

WHEREAS, Section 312 of the City of Coconut Creek City Charter authorizes certain emergency measures to be taken under emergency conditions; and

WHEREAS, COVID-19 has forced businesses, including restaurants, to close partially or completely during various phases of this crisis and to radically change their business models to survive during this period; and

WHEREAS, during the week of April 20, 2020, Governor DeSantis convened the Task Force to Re-Open Florida to evaluate how to safely and strategically re-open the State economy, which Task Force, on May 1, 2020, issued a three (3) phase re-opening plan “Safe. Smart. Step-by-Step. Plan for Florida’s Recovery;” and

WHEREAS, on April 29, 2020, Governor DeSantis issued EO 20-112, introducing Phase 1 of the State’s “Safe. Smart. Step-by-Step. Plan for Florida’s Recovery” for all counties in the State of Florida, except Miami-Dade, Broward, and Palm Beach Counties; and

WHEREAS, on May 14, 2020, Governor DeSantis issued EO 20-122 permitting Broward County to participate in the Phase 1 re-opening identified in EO 20-112 and any future orders pertaining to Phase 1 or the phased re-opening of Florida; and

WHEREAS, on May 14, 2020, Governor DeSantis also issued EO 20-123 permitting restaurants to serve patrons at indoor seating so long as they limit indoor occupancy to fifty (50) percent of their seating capacity (bar areas must remain closed), subject to safety measures established by the Department of Business and Professional Regulation; and

WHEREAS, on May 14, 2020, Broward County issued Emergency Order 20-10 permitting Phase 1 re-opening and allowing restaurant operations subject to 1) the guidelines attached hereto as Exhibit “1;” 2) CDC Guidelines, including the six-foot (6’) distancing requirement; 3) Broward County Emergency Order 20-07, as amended; and 4) capacity limitations currently established at fifty percent (50%) of the maximum indoor seating capacity of the establishment with the combined indoor and outdoor seating not

exceeding one hundred percent (100%) of the maximum occupancy for the establishment; and

WHEREAS, the City desires to support the business community as we transition through the Phases of re-opening, as applicable to the City pursuant to state and county orders; and

WHEREAS, the City Commission finds and determines that such relief in the form of an emergency temporary waiver of the outdoor dining and outdoor café regulations is in the best interests of the residents of the City of Coconut Creek and serves a public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this resolution.

Section 2: That the City Commission hereby waives the permit requirements of Section 13-380(e) of the City’s Code of Ordinances, for the permitting of outdoor dining and outdoor cafés, throughout re-opening Phase 1 and Phase 2 and for a period of thirty (30) days from the implementation of Phase 3 re-opening (the “Waiver Period”) pursuant to state and county emergency orders as applicable within the City of Coconut Creek, subject to the following requirements:

- 1) All restaurants shall comply with capacity limitations of state and county re-opening orders. Restaurant capacities are currently limited to fifty percent (50%) of the maximum indoor seating capacity of the establishment with the combined indoor and outdoor seating not exceeding one hundred percent (100%) of the maximum occupancy for the establishment. Indoor restaurant seating capacity may expand as permitted by applicable state and/or county re-opening orders, as applicable within the City of Coconut Creek, provided combined indoor and outdoor dining/outdoor café area does not exceed total permitted maximum occupancy for the establishment.
- 2) Outdoor dining and outdoor café seating or service areas shall not be permitted in any public right-of-way or in required parking or vehicular areas.
- 3) Compliance with all requirements of Section 13-380 of the City of Coconut Creek Code of Ordinances, other than the permit requirements of Subsection

- 13-380(e), including written permission of property owner or property manager must be obtained for the use of any outdoor space not owned by the restaurant.
- 4) Compliance with the safety and operational guidelines pertaining to restaurants as adopted in Broward County Emergency Order 20-10 and attached hereto and included herein as Exhibit "1."
 - 5) Compliance with all CDC guidelines, including six foot (6') distancing requirements.
 - 6) Compliance with requirements for wearing facial coverings. Facial coverings help prevent the spread of COVID-19 and help keep patrons, workers, and those around them safe. Facial coverings are in addition to, and not a substitute for, the required social distancing. Facial coverings must be worn by:
 - a. All Restaurant workers during in-person interactions with the public;
 - b. All Restaurant workers while preparing food, unless doing so would pose a hazard or health risk;
 - c. All Restaurant workers during all phases of food service, table clearing, and cleaning;
 - d. All Persons obtaining pick-up food orders or entering or leaving any restaurant;
 - e. All restaurant patrons at all times except while seated at their table, after all patrons at the table have placed their order and their server has removed any menus and left the table, masks may be removed, but they must be replaced before leaving the table for any reason.
 - 7) Use of outdoor dining/outdoor café seating areas shall not be permitted after the Waiver Period without a City of Coconut Creek Outdoor Dining/Outdoor Café Permit, which may be applied for at any time during the Waiver Period.

Section 3: That if any clause, section, other part or application of this resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or in application, it shall not affect the validity of the remaining portion or applications of this resolution.

Section 4: That this resolution shall be in full force and effect immediately upon its adoption.

Adopted this 28th day of May, 2020.

Louis Sarbone, Mayor

Attest:

Leslie Wallace May, City Clerk

Sarbone	<u>Aye</u>
Rydell	<u>Aye</u>
Tooley	<u>Aye</u>
Belvedere	<u>Aye</u>
Welch	<u>Aye</u>