

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82 OF THE CITY CODE, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE IV, "USES IN PUBLIC RIGHTS-OF-WAY," DIVISION 5, "SIDEWALK CAFES," SUBDIVISION II, SECTION 82-382, ENTITLED "APPLICATION," AND SECTION 82-383, ENTITLED "PERMIT FEE; PENALTIES FOR LATE PAYMENT; REVIEW OF FEE; EXCEPTION," TO ABATE SIDEWALK CAFÉ FEES FOR BUSINESSES LOCATED NORTH OF 63<sup>RD</sup> STREET AND WASHINGTON AVENUE FROM 6<sup>TH</sup> STREET TO LINCOLN ROAD, FROM THE EFFECTIVE DATE OF THIS ORDINANCE THROUGH AND INCLUDING SEPTEMBER 30, 2021; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

**WHEREAS**, Chapter 82 of the City Code authorizes the City to collect the following fees to operate a sidewalk cafe on a public right-of-way: an annual permit fee of \$150.00, plus \$25.00 per square foot of the sidewalk cafe area; and

**WHEREAS**, in prior years, and pursuant to Ordinance Nos. 98-3146, 2000-3237, 2003-3397, and 2013-3824, 2015-3968, the City Commission has waived or abated square footage fees for sidewalk cafes in the North Beach area of the City; and

**WHEREAS**, most recently, on September 13, 2017, the Mayor and City Commission adopted Ordinance No. 2017-4144 which abated square footage fees for sidewalk cafes located north of 63rd Street for a two-year period ending on September 30, 2021; and

**WHEREAS**, the Mayor and City Commission desire to waive sidewalk cafe permit application fees and sidewalk cafe permit fees for businesses on Washington Avenue from 6<sup>th</sup> Street to Lincoln Road, in order to encourage businesses to open sidewalk cafes; and

**WHEREAS**, the City Commission desires to encourage continued economic development in the North Beach area by extending the sidewalk cafe square footage fee waiver provision for an additional two years through and including September 30, 2021.

**NOW, THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:**

**SECTION 1.** That Section 82-382 of Chapter 82 of the Miami Beach City Code is hereby amended as follows:

**CHAPTER 82  
PUBLIC PROPERTY**

\* \* \*

**ARTICLE IV. USES IN PUBLIC RIGHTS- OF-WAY**

\* \* \*

**Article IV. Uses in Public Rights-of-Way**

\* \* \*

**Division 5. Sidewalk Cafes**

\* \* \*

**Subdivision II. Permit**

\* \* \*

**Sec. 82-382. Application.**

\* \* \*

b) Application for a permit to operate a sidewalk cafe shall include, but not be limited to, the following information:

\* \* \*

9) The annual application shall be accompanied by a non- refundable base application fee as set forth in Appendix A. However, the non- refundable base application fee shall not be required for sidewalk cafe permit applications submitted to the City in conjunction with the Washington Avenue Pilot Parklet Program, which program shall terminate on March 31, 2021. Additionally, the non-refundable base application fee shall not be required for sidewalk cafe permit applications submitted to the City for businesses on Washington Avenue from 6th Street to Lincoln Road. for the period ending on September 30, 2019 2021.

\* \* \*

**SECTION 2.** That Section 82-383 of Chapter 82 of the Miami Beach City Code is hereby amended as follows:

\* \* \*

**Sec. 82-383. Permit fee; penalties for late payments; review of fee; exception.**

(a) The annual permit fee for operation of a sidewalk café shall be as set forth in appendix A and shall be based on a per square foot calculation of permitted sidewalk area including the area between the tables and chairs).

(1) Notwithstanding any other paragraphs or provisions of this article; no square footage fee as required by this section shall be required for the operation of sidewalk cafes north of 63rd Street through and including September 30, 2019 2021. The abatement of sidewalk café square footage fees for businesses north of 63rd Street shall be the subject of a budget analysis and review by the City Administration by September 30, 2019 2021. However, a permit must be obtained, and the annual base application fee required by

subsection 82- 382 (b)(9) shall be paid for the operation of sidewalk cafes north of 63rd Street.

- (2) No square footage fee as required by this section shall be required for the operation of sidewalk cafés in conjunction with the Washington Avenue Pilot Parklet Program, which program shall terminate on March 31, 2021. Additionally, no square footage fee as required by this section shall be required for the operation of sidewalk cafés on Washington Avenue from 6th Street to Lincoln Road for the period ending on September 30, ~~2017~~ 2021.

### **SECTION 3. REPEALER.**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

### **SECTION 4. SEVERABILITY.**

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

### **SECTION 5. CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

### **SECTION 6. EFFECTIVE DATE.**

This Ordinance shall take effect the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**PASSED** and **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

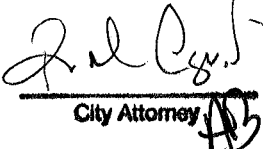
**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado, City Clerk

(Sponsored by Vice Mayor Ricky Arriola)

\_\_\_\_\_  
Mayor Dan Gelber

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

10-7-19  
\_\_\_\_\_  
Date