

# MIAMI BEACH

## CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARING

### ORDINANCE AMENDING SIDEWALK CAFES PENALTIES JANUARY 27, 2021 CITY COMMISSION MEETING

On January 27, 2021, the City of Miami Beach will host a Hybrid Commission Meeting. During the Hybrid Commission Meeting, a quorum of the City Commission will be physically present in a socially distanced manner at the Convention Center, while staff, applicants, and the public attend the meeting virtually. This Meeting is being held as a Hybrid Meeting, in compliance with Resolution No. 2020-31474, to comply with social distancing recommendations intended to protect the life and safety of individuals in the community during the Coronavirus/COVID-19 pandemic. Members of the public may comment on any item on the agenda using the Zoom platform. To participate or provide comments virtually, the public may join the City Commission Meeting at: <https://miamibeachfl.gov.zoom.us/j/82722627304> or via telephone at 1.929.205.6099 (U.S.) or 888.475.4499 (Toll Free). Webinar ID: 82722627304#.

Members of the public wanting to speak on an item during the meeting, are required to click the "raise hand" icon if using the Zoom app or press \*9 on the telephone to raise their hand. Members of the public who do not have access to a computer and wish to provide public comment at the Commission meeting, may appear in-person at the Miami Beach Convention Center, 1901 Convention Center Drive, Washington Avenue Entrance, Room 237, Miami Beach, FL 33139. At this location, members of the public will be provided access to a computer to provide public comment (only in audio form) on agenda item(s).

**NOTICE IS HEREBY GIVEN** that the following Public Hearing will be heard by the Mayor and City Commissioners of the City of Miami Beach, Florida, on **January 27, 2021 at 5:01 p.m.** or as soon thereafter as the matter can be heard:

**5:01 p.m. Second Reading Public Hearing**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE IV, ENTITLED "USES IN PUBLIC RIGHTS-OF-WAY," BY AMENDING DIVISION 5, ENTITLED "SIDEWALK CAFES," BY AMENDING SUBDIVISION I, ENTITLED "GENERALLY," BY AMENDING SECTION 82-371 THEREOF, ENTITLED "CIVIL FINES AND PENALTIES; DENIAL OF FUTURE PERMITS TO REPEAT VIOLATORS; ENHANCED PENALTIES," BY MODIFYING THOSE PENALTIES TO BE IMPOSED FOR VIOLATIONS OF THIS DIVISION, AND BY AMENDING SUBDIVISION II, ENTITLED "PERMIT," BY AMENDING SECTION 82-382 THEREOF, ENTITLED "APPLICATION," BY FURTHER ENHANCING THE PROHIBITION FOR PERMITTEES THAT REPEATEDLY VIOLATE THIS DIVISION; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. *This Ordinance is being heard pursuant to Section 2.05 of the City Charter and Sec. 166.041 F.S. Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

INTERESTED PARTIES are invited to take part in this meeting or be represented by an agent. The public may submit written comments by sending an email to: [CityClerk@miamibeachfl.gov](mailto:CityClerk@miamibeachfl.gov) by 5:00 p.m. the day before the City Commission Meeting. Please identify the Agenda Item Number in the email subject line. Emails received will be forwarded to the Mayor and Commissioners and will be included as a part of the meeting record.

Copies of Agenda Items are available for public inspection at: <https://www.miamibeachfl.gov/city-hall/city-clerk/agenda-archive-main-page-2/>. This meeting, or any item therein, may be continued, and under such circumstances, additional legal notice need not be provided.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceedings, call 305.604.2489 and select 1 for English or 2 for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

The City Commission Meeting will be broadcast live on Miami Beach TV (MBTV), viewable on the City's website at <https://www.miamibeachfl.gov/government/mbtv/>, as well as on Atlantic Broadband Cable channel 660, AT&T U-verse channel 99, Hotwire Communications channel 395, and ROKU device on PEG.TV channel, and on social media at <https://www.facebook.com/cityofmiamibeach>.

Rafael E. Granado, City Clerk  
City of Miami Beach  
[CityClerk@miamibeachfl.gov](mailto:CityClerk@miamibeachfl.gov)  
305.673.7411

Ad 01272021-01

# MIAMI BEACH

## CITY OF MIAMI BEACH

### HOW A PERSON MAY PARTICIPATE DURING THE JANUARY 27, 2021 CITY COMMISSION MEETING

On January 27, 2021, commencing at 5:00 p.m., the City of Miami Beach will host a Hybrid Commission Meeting. During the Hybrid Commission Meeting, a quorum of the City Commission will be physically present in a socially distanced manner at the Convention Center, while staff, applicants, and the public attend the meeting virtually. This Meeting is being held as a Hybrid Meeting, in compliance with Resolution No. 2020-31474, to comply with social distancing recommendations intended to protect the life and safety of individuals in the community during the Coronavirus/COVID-19 pandemic.

**Observing the Commission Meeting:**

The Commission Meeting will be broadcast live on Miami Beach TV (MBTV), viewable on the City's website at <https://www.miamibeachfl.gov/government/mbtv/>, as well as on Atlantic Broadband Cable channel 660, AT&T U-verse channel 99, Hotwire Communications channel 395, and ROKU device on PEG.TV channel. Closed captioning displays of the audio portion of the Commission Meeting is available in English and Spanish on MBTV. The Commission Meeting will also be broadcast live on social media at [facebook.com/cityofmiamibeach](https://www.facebook.com/cityofmiamibeach). Closed captioning displays of the audio portion of the Commission Meeting is available in English on Facebook.

**Submitting written public comment before the Commission Meeting:**

The public may submit written comments by sending an email to [CityClerk@miamibeachfl.gov](mailto:CityClerk@miamibeachfl.gov) by 5:00 p.m. the day before the Commission Meeting. Please identify the Agenda Item Number in the email subject line. Emails received will be forwarded to the Mayor and Commissioners and will be included as a part of the meeting record.

**Providing spoken public comment during the Commission Meeting:**

To participate or provide comments during the Commission Meeting, the public may join the webinar at: <https://miamibeachfl.gov.zoom.us/j/82722627304> or via telephone at 1.929.205.6099 (U.S.) or 888.475.4499 (Toll Free). The Webinar ID is: 82722627304#. Members of the public wanting to speak on an item during the meeting, must click the "raise hand" icon if using the Zoom app or press \*9 on the telephone to raise their hand.

Members of the public who do not have access to a computer and wish to provide public comment at the Commission meeting, may appear in-person at the Miami Beach Convention Center, 1901 Convention Center Drive, Washington Avenue Entrance, Room 237, Miami Beach, FL 33139. At this location, members of the public will be provided access to a computer to provide public comment (only in audio form) on an agenda item or during the Dr. Stanley Sutnick Citizen's Speakers Forum.

**AUDIO/VISUAL PRESENTATIONS**

Members of the public may present audio/visual (AV) materials relating to Agenda Items at City Commission Meetings by utilizing the City's AV equipment, provided that materials are submitted to the Department of Marketing and Communications by 8:30 a.m., one (1) business day prior to the meeting. Advance submittal of a presentation will allow the Communications Department to plan for the use of the appropriate AV equipment. AV materials must be submitted via email at [communications@miamibeachfl.gov](mailto:communications@miamibeachfl.gov). The body of the email must include a notation listing the name or group, contact person, daytime telephone number, email address, description/title of the presentation, and Agenda Item Title as well as the Agenda Item Number. Please reference "Audio/Visual Material" in the email subject line. Acceptable formats for electronic submission are .pdf, .ppt, .pptx, .pps, .ppsx, .wmv, .avi, and .mov. (Note that .pdf is the preferred format for PowerPoint presentations.)

Interested parties are invited to take part in this meeting or be represented by an agent. Copies of Agenda Items are available for public inspection at: <https://www.miamibeachfl.gov/city-hall/city-clerk/agenda-archive-main-page-2/>. This meeting, or any item therein, may be continued, and under such circumstances, additional legal notice need not be provided.

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