

EXHIBIT "A"

RESTAURANT RECOVERY OUTDOOR SEATING PILOT PROGRAM

1. **Pilot program.** The Restaurant Recovery Outdoor Seating Pilot Program (the "Program") shall be implemented via special event permits pursuant to Section 12-5 of the City Code. Permits under the Program shall be separate from, and shall not otherwise alter or amend the terms of, any existing sidewalk café permits issued pursuant to Chapter 82, Article IV, Division 5 of the City Code (the "Sidewalk Café Ordinance"). The permit shall authorize a restaurant to expand sidewalk café seating areas onto approved public rights-of-way, or other outdoor seating areas on private property, provided the restaurant's then-existing total seating capacity (including indoor and outdoor seating) is not exceeded. The purpose of this Program is to mitigate the loss of revenue-generating seating associated with implementing social distancing requirements.
2. **Duration of permit and periodic review.** Each special event permit issued pursuant to the Program shall terminate no later than September 30, 2021, unless the Program is extended by the City Commission. At the expiration of the Program, the City Manager shall present a written report to the City Commission tracking the implementation of this Program, and the City Commission may, in its discretion, extend the term or otherwise modify the provisions of this Program.
3. **Application.** Applicants wishing to participate in the Program must submit a completed special event permit application to the Public Works Director. Each application must be accompanied by a sworn affidavit, signed by the applicant, acknowledging and agreeing to comply with all applicable provisions of the City Code, of this Resolution, and any Federal, State, County, or City law or emergency order (including without limitation Miami-Dade County Emergency Order 28-20 ["County EO 28-20"], and including the Handbook attached to County EO 28-20 as Exhibit A). As to requests for expansion on private property, the owner of the property shall be required to sign the application as a co-applicant.
4. **Waiver of fees.** No special event application fee or permit fee shall be required to operate expanded outdoor seating areas pursuant to the Program.
5. **Occupancy.** In no event shall any expansion of a restaurant's seating capacity exceed its then-existing total aggregate capacity for indoor and outdoor seating.
6. **Social distancing and sanitation guidelines.** Permittees shall at all times comply with social distancing and sanitation guidelines or requirements imposed by the State of Florida, Miami-Dade County, or City of Miami Beach in any Emergency Order, including County EO 28-20, and including the Handbook attached to County EO 28-20 as Exhibit A.
7. **Site plan review.**
 - a. Each applicant shall be required to submit a proposed site plan showing the layout and dimensions of the proposed seating

area(s); proposed location, size, and number of tables, chairs, and any other furniture; any ramps, paths, pedestrian push buttons, fixtures, or any other features required by any applicable accessibility codes including, without limitation, the Americans with Disabilities Act (“ADA”) or State code provisions addressing accessibility for building construction; and location of doorways, steps, trees and/or landscaped areas, fountains, parking meters, fire hydrants, bus shelters, directory/kiosks, public benches, trash receptacles, and any other existing fixtures, furnishings and/or other obstruction(s) within the proposed expanded outdoor seating area.

- b. The site plan shall be subject to the approval of the Public Works Director prior to the issuance of a permit, to ensure that any site-specific conditions or issues are appropriately addressed, and that the expansion will not compromise public safety, pedestrian and vehicular traffic, or any required public access. The permit shall be specifically limited to the subject area shown on the approved site plan.
 - c. With respect to any site plan requesting a street or lane closure, the City Manager (or designee) shall have the sole and absolute discretion (subject to County approval, if required) to determine whether and which parts of public rights-of-way may be closed to pedestrian or vehicular traffic, or parking, in order to accommodate outdoor seating areas pursuant to this Program.
8. **Compliance with Sidewalk Café Ordinance.** Permittees shall at all times abide by applicable provisions of the City’s Sidewalk Café Ordinance, subject to the following exceptions:
- a. Sidewalk café furniture, as defined in Section 82-366, shall be limited to tables, chairs, umbrellas (with a base of weights rated to resist winds of up to 35 miles per hour) and planters **only**. No other furniture will be allowed.
 - b. Notwithstanding the provisions of Section 82-385(r) of the City Code, the use of floor fans and extension cords on the public right-of-way shall be prohibited. Any lighting on the public right-of-way shall be cordless and battery-operated.
9. **Compliance with all other applicable laws.** Permittees shall at all times comply fully with all applicable Federal, State, County, or City laws (including the Land Development Regulations of the City Code).
10. **Indemnification.** Permittees shall be required to indemnify, defend, save, and hold harmless the City from any and all claims, liability, lawsuits, damages, and causes of action which may arise out of the permit or the permittee’s activities on public rights-of-way or in expanded outdoor seating areas on private property.
11. **Insurance.** Permittees shall be required to maintain, for the entire term of the permit, certain insurance requirements (subject to the approval of the

City's Public Works Director and/or Risk Manager), and shall additionally be required to list the City as an additional insured party.

12. **Enforcement / Termination of the Permit.** In addition to the enforcement and penalty provisions set forth in Section 12-5 of the City Code and/or the Sidewalk Café Ordinance, the Permit shall be revocable and terminable at any time if the City Manager determines it is in the public interest to do so.