



MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Alina T. Hudak, City Manager 
DATE: June 23, 2021

First Reading

SUBJECT: 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," ARTICLE IV, ENTITLED "USES IN PUBLIC RIGHTS-OF-WAY," DIVISION 5, ENTITLED "SIDEWALK CAFES," SUBDIVISION II, ENTITLED "PERMIT," BY AMENDING SECTION 82-382, ENTITLED "APPLICATION," AND SECTION 82-383, ENTITLED "PERMIT FEE; PENALTIES FOR LATE PAYMENT; REVIEW OF FEE; EXCEPTION," TO REPEAL OUTDATED PROVISIONS; AND BY CREATING SECTION 82-390 THEREOF, ENTITLED "PARKLET PROGRAM," TO CREATE A SIDEWALK CAFÉ PARKLET PROGRAM, ESTABLISH THE SCOPE OF THE PROGRAM, PROVIDE FOR DESIGN GUIDELINES, IDENTIFY PERMITTED PARKLET AREAS, PROVIDE FOR AN APPLICATION, SITE PLAN, AND FEES, INCORPORATE THE PROVISIONS OF THE SIDEWALK CAFÉ ORDINANCE, AND PROVIDE FOR REMOVAL; AND AMENDING APPENDIX "A" TO THE CITY CODE, ENTITLED "FEE SCHEDULE," TO ESTABLISH A BASE PARKLET APPLICATION FEE AND AN ANNUAL PER-SQUARE-FOOT PARKLET FEE; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

The Administration recommends that the City Commission (1) accept the recommendation of the Land Use and Sustainability Committee (“LUSC”) to continue to permit expanded outdoor seating on a more permanent basis, and to include the Sunset Harbour neighborhood; (2) approve the attached Ordinance on First Reading, which Ordinance codifies the sidewalk café parklet program, incorporates existing requirements for sidewalk cafés, and creates additional requirements specific to parklets; and (3) schedule a Second Reading/Public Hearing on July 28, 2021.

BACKGROUND/HISTORY

A parklet is a small park, plaza, or creative public space that is physically installed or constructed in an on-street parking space. In 2015, the Mayor's Blue Ribbon Panel for Washington Avenue recommended that the City Commission encourage the establishment of parklets along Washington Avenue, in order to stimulate economic development and further activate the Washington Avenue corridor.

The Mayor and City Commission approved the creation of the Washington Avenue Pilot Parklet Program (“Pilot Program”) on December 9, 2015, allowing businesses located along Washington Avenue to install parklets for utilization by sidewalk cafés in on-street parking spaces on a temporary basis, subject to certain requirements and criteria.

In order to encourage restaurants to participate in the Pilot Program, the Mayor and City Commission amended the City Code to abate sidewalk café permit application fees and per-square-foot permit fees for sidewalk café operators that participated in the Pilot Program. The abatement was extended for a total duration of three (3) years.

The Pilot Program was originally scheduled to terminate on March 31, 2019. On July 17, 2019, the City Commission adopted Ordinance No. 2019-4281, extending the duration of the Pilot Program through March 31, 2021.

On January 20, 2021, the LUSC held a discussion regarding sidewalk cafés and parklets in the Sunset Harbour neighborhood. The LUSC recommended that parklets for sidewalk café seating continue to be permitted, and recommended that staff draft an Ordinance to make the program permanent.

ANALYSIS

Following the World Health Organization declaration of the COVID-19 pandemic on March 11, 2020, Miami-Dade County and the City of Miami Beach issued a number of Emergency Orders that temporarily closed and/or imposed restrictions on public and private facilities, including temporary closures, occupancy limits, and other restrictions applicable to restaurants.

The foregoing restrictions greatly limited economic activity in the City of Miami Beach, and adversely impacted City businesses, including restaurants. On May 13, 2020, the City Commission adopted Resolution No. 2020-31276, creating the Restaurant Recovery Outdoor Seating Program ("Outdoor Seating Program"), in an effort to encourage businesses to reopen and promote economic recovery, while safeguarding the public's health and safety. The Outdoor Seating Program, which has been extended through September 30, 2021 (pursuant to Resolution No. 2021-31632), permits restaurants to expand their footprint to promote social distancing and activate the public realm.

The attached Ordinance has been drafted to implement the LUSC's recommendation to continue to permit parklets along Washington Avenue, between 6th Street and Lincoln Road, and include Sunset Harbour on a more permanent basis. The Ordinance creates a Parklet Program, establishes the scope of the Program, provides for Parklet Design Guidelines, identifies permitted parklet areas, provides for an application, site plan, and fees, incorporates provisions of the Sidewalk Café Ordinance, and provides for removal. If the Ordinance is approved at First Reading, the Administration will present the proposed Parklet Design Guidelines to the City Commission for approval at Second Reading.

SUPPORTING SURVEY DATA

Results from the 2019 Resident Survey regarding Satisfaction with Perceptions of the City show that 47% of residents rated City efforts to plan for growth as very satisfied/satisfied. In order to continue maintaining excellent standards in this area, the City recommends that the City Commission approve the Ordinance on First Reading.

CONCLUSION

The Administration recommends that the City Commission (1) accept the recommendation of the Land Use and Sustainability Committee ("LUSC") to continue to permit expanded outdoor seating on a more permanent basis, and to include the Sunset Harbour neighborhood; (2) approve the attached Ordinance on First Reading, which Ordinance codifies the sidewalk café parklet program, incorporates existing requirements for sidewalk cafés, and creates additional requirements specific to parklets; and (3) schedule a Second Reading/Public Hearing on July 28, 2021.

Applicable Area

South Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Strategic Connection

Prosperity - Market and promote Miami Beach as a world class arts, culture, and quality entertainment destination.

Legislative Tracking

Public Works

Sponsor

Commissioner Ricky Arriola

ATTACHMENTS:

Description

- ▣ Ordinance