

RESOLUTION NO. 2021-31632

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, EXTENDING THE DURATION OF THE "RESTAURANT RECOVERY OUTDOOR SEATING PILOT PROGRAM," AS ESTABLISHED BY RESOLUTION NO. 2020-31276, THROUGH SEPTEMBER 30, 2021, WHICH PROGRAM TEMPORARILY ALLOWS RESTAURANTS TO EXPAND SIDEWALK CAFÉ SEATING AREAS ONTO PUBLIC RIGHTS-OF-WAY, OR OTHER OUTDOOR SEATING AREAS ON PRIVATE PROPERTY, VIA SPECIAL EVENT PERMITS ISSUED PURSUANT TO SECTION 12-5 OF THE CITY CODE, WITH ANY SUCH PERMITS SUBJECT TO EACH RESTAURANT OPERATOR'S COMPLIANCE WITH (1) APPLICABLE PROVISIONS OF THE CITY'S SIDEWALK CAFÉ ORDINANCE, AS SET FORTH IN CHAPTER 82, ARTICLE IV, DIVISION 5 OF THE CITY CODE; AND (2) SOCIAL DISTANCING AND SANITATION REQUIREMENTS OR GUIDELINES IMPOSED BY THE STATE OF FLORIDA, MIAMI-DADE COUNTY, AND CITY OF MIAMI BEACH UNDER ANY APPLICABLE EMERGENCY ORDER, WHICH SHALL CONTINUE UNLESS TERMINATED BY THE CITY COMMISSION.**

**WHEREAS**, coronavirus disease 2019 ("COVID-19"), a severe acute respiratory illness caused by the SARS-CoV-2 virus that can spread rapidly from person to person and cause serious illness or death, constitutes a clear and present threat to the lives, health, welfare and safety of the people of the City of Miami Beach; and

**WHEREAS**, on March 9, 2020, Governor Ron DeSantis issued Executive Order 20-52, declaring a state of emergency for the entire State of Florida as a result of COVID-19; and

**WHEREAS**, on March 11, 2020, the World Health Organization declared the rapidly spreading coronavirus outbreak a pandemic; and

**WHEREAS**, on March 12, 2020, Miami-Dade County Mayor Carlos Gimenez declared a State of Emergency for all of Miami-Dade County due to the threats associated with COVID-19; and

**WHEREAS**, on March 12, 2020, the City Manager for the City of Miami Beach declared a State of Emergency for the City of Miami Beach, as COVID-19 poses a health risk to the City's residents; and

**WHEREAS**, the County and the City have 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; and

**WHEREAS**, the foregoing restrictions have greatly limited economic activity in the City of Miami Beach, and continue to adversely impact City businesses, including restaurants; and

**WHEREAS**, the path to re-opening businesses in the City must promote business operation and economic recovery while safeguarding the public's health and safety; and

**WHEREAS**, the significant reductions to indoor occupancy in response to the COVID-19 Pandemic, has placed financial strain on many restaurants throughout the City; and

**WHEREAS**, the City Commission adopted Resolution No. 2020-31276 on May 13, 2020, which established the Restaurant Recovery Outdoor Seating Pilot Program (the "Program"), in order to permit restaurants to expand their footprint as a further effort to mitigate the loss of seating associated with COVID-19 social distancing requirements in response to State, County, and City Emergency Orders; and

**WHEREAS**, the Program permits restaurants to expand their sidewalk café seating areas onto public rights-of-way, or other outdoor seating areas on private property, subject to the Administration's review and approval of the proposed site plan for these expanded area(s); and

**WHEREAS**, these restaurant operators are subject to those applicable provisions of the Sidewalk Café Ordinance (set forth in Chapter 82, Article IV, Division 5 of the City Code), and social distancing and sanitation guidelines or requirements imposed by the State of Florida, Miami-Dade County, and City of Miami Beach pursuant to those emergency orders issued to prevent the spread of COVID-19; and

**WHEREAS**, the City Commission approved an extension to the program on September 16, 2020, via Resolution 2020-31406, which expired on December 31, 2020; and another extension on December 9, 2020, via Resolution 2020-31523, which is set to expire on March 31, 2021; and

**WHEREAS**, the Administration recommends an additional extension to the Restaurant Recovery Outdoor Seating Pilot Program through September 30, 2021, in order to continue to promote business operations and economic recovery consistent with the terms of the Program as set forth in Exhibit "A" to this Resolution, and incorporated herein by reference.

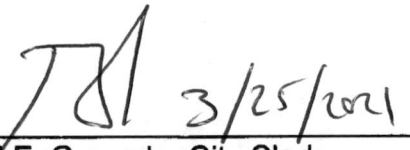
**NOW, THEREFORE, BE IT DULY RESOLVED THAT THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA,** that the Mayor and City Commission hereby extend the duration of the "Restaurant Recovery Outdoor Seating Pilot Program," as established by Resolution No. 2020-31276, through September 30, 2021, which Program temporarily allows restaurants to expand sidewalk café seating areas onto public rights-of-way, or other outdoor seating areas on private property, via special event permits issued pursuant to Section 12-5 of the City Code, with any such permits subject to each restaurant operator's compliance with (1) applicable provisions of the Sidewalk Café Ordinance, as set forth in Chapter 82, Article IV, Division 5 of the City Code; and (2) social distancing and sanitation guidelines imposed by the State of Florida, Miami-Dade County, and the City of Miami Beach, which shall continue until terminated by the City Commission.

**PASSED and ADOPTED** this 17<sup>th</sup> day of March, 2021.

**ATTEST:**



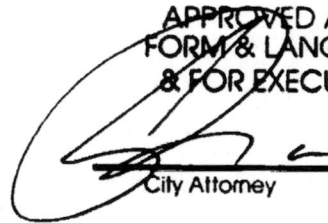
\_\_\_\_\_  
Dan Gelber, Mayor



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Rafael E. Granado, City Clerk



APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION



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

3/9/21  
Date