

RESOLUTION NO. 2020-31276

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ESTABLISHING THE “RESTAURANT RECOVERY OUTDOOR SEATING PILOT PROGRAM,” AS SET FORTH IN EXHIBIT “A” TO THIS RESOLUTION, TO TEMPORARILY ALLOW 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; AND PROVIDED, FURTHER, THAT THE PROGRAM SHALL TERMINATE ON SEPTEMBER 30, 2020, UNLESS OTHERWISE EXTENDED 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, 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, subsequently, both the County and the City issued various Emergency Orders temporarily closing public and private facilities, including the temporary closure of all non-essential retail and commercial establishments, and the closure of all restaurants for in-person dining; and

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

WHEREAS, on April 29, 2020, based on data showing a downward trajectory of hospitalizations for influenza-like illness and COVID-19-like syndromic cases, a decrease in percent positive test results, and a significant increase in hospital capacity, Governor DeSantis issued Executive Order 20-112 initiating Phase 1 of the Safe. Smart. Step-by-Step. Plan for Florida's Recovery; and

WHEREAS, pursuant to Executive Order 20-112, restaurants and food establishments (excluding restaurants in Palm Beach County, Broward County and Miami-Dade County) may allow on-premises consumption of food and beverage, so long as they adopt appropriate social distancing measures and limit their indoor occupancy to no more than 25% of their building capacity, and in addition thereto, outdoor seating is permissible with appropriate social distancing of a minimum of six (6) feet between parties; and

WHEREAS, Executive Order 20-112 does not immediately provide for restaurants and food establishments to reopen in Miami-Dade County; however, the City Commission desires to create a regulatory framework to expand outdoor seating onto public rights-of-way and other property once the State of Florida and Miami-Dade County permit restaurants to reopen, provided that each restaurant's then-existing total seating capacity (including indoor and outdoor seating) is not exceeded; 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, significant reductions to indoor occupancy will likely place financial strain on many restaurants in the City; and

WHEREAS, as such, it is the intent of the Mayor and City Commission to establish a Restaurant Recovery Outdoor Seating Pilot Program (the "Program") to create opportunities for restaurants to expand their footprint to mitigate the loss of seating associated with implementing social distancing requirements, in compliance with the Governor's Executive Order 20-112 and any future State, County or City Emergency Order, provided that each restaurant's then-existing total seating capacity is not exceeded; and

WHEREAS, the Program will temporarily allow restaurants to expand 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 the expanded area(s) to ensure all public safety and public access issues are appropriately addressed, and further subject to the restaurant operator's compliance with (1) applicable provisions of the Sidewalk Café Ordinance (set forth in Chapter 82, Article IV, Division 5 of the City Code); and (2) social distancing and sanitation guidelines or requirements imposed by the State of Florida, Miami-Dade County, and City of Miami Beach in any emergency order issued to prevent the further spread of COVID-19; and

WHEREAS, the terms of the Program are set forth in Exhibit "A" to this Resolution, and incorporated by reference herein.


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 establish the "Restaurant Recovery Outdoor Seating Pilot Program," as set forth in Exhibit "A" to this Resolution, to temporarily allow 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; and provided, further, that the Program shall terminate on September 30, 2020, unless otherwise extended by the City Commission.

PASSED and ADOPTED this 13th day of May, 2020.

ATTEST:




Dan Gelber, Mayor

 9/14/2020

Rafael E. Granado, City Clerk

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

 8/27/20

City Attorney NK Date

