



OFFICE OF THE CITY ATTORNEY

RAFAEL PAZ, ACTING CITY ATTORNEY

COMMISSION MEMORANDUM

**TO: MAYOR DAN GELBER
MEMBERS OF THE CITY COMMISSION**

SECOND READING

FROM: RAFAEL A. PAZ, ACTING CITY ATTORNEY

DATE: SEPTEMBER 17, 2021

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", BY CREATING SECTION 82-391, ENTITLED "VOLUNTARY CITY SUBSIDY ADVANCE PROGRAM FOR SIDEWALK CAFES AND PARKLETS" IN ORDER TO CREATE A VOLUNTARY CITY SIDEWALK CAFE AND PARKLET SUBSIDY PROGRAM FOR THOSE OPERATORS WHO ELECT TO PARTICIPATE AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Mayor Dan Gelber has sponsored the attached Ordinance, which would establish a voluntary city subsidy advance program for sidewalk cafes and parklets ("the Program") to provide a City subsidy payment to sidewalk cafe and parklet program participants who request to participate and agree to comply with the program guidelines. Some guidelines (which will be left to the city manager to draft and for the city commission to approve by resolution) that have been suggested: size limitations on alcoholic beverages served at sidewalk cafes and parklets, restrict smoking vapor-generating devices at sidewalk cafes and parklets, and require uniforms for employees at sidewalk cafes and parklets. The proposed amount of the voluntary subsidy payment, for those sidewalk cafe and parklet operators who request it and qualify for it, is an amount equal to \$125 per square foot of sidewalk cafe and \$90 per square foot of parklet space (based upon a standard 187 square foot parking space, regardless of actual size) per year.

The proposed Ordinance was approved by the Mayor and City Commission on first reading on July 28, 2021. It was considered at the Land Use and Sustainability Committee on September 14, 2021.

RAP/RR/ym