

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE AGREEMENT AND GUIDELINES FOR THE VOLUNTARY CITY SUBSIDY ADVANCE PROGRAM FOR SIDEWALK CAFES AND PARKLETS FOR PERMIT YEAR COMMENCING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022.**

**WHEREAS** the City has determined that sidewalk cafes and parklets, operated in a manner that advance the interests of the City, as defined by the City (in its sole discretion), are desirable and provide positive dining options for the enjoyment of public outdoor areas, thereby enhancing the quality of life for residents and the quality of the tourist experience for the City's visitors, and is a valid public purpose; and

**WHEREAS**, sidewalk cafes and parklets can, if operated at a high standard, provide a unique environment and ambiance, and an aesthetically pleasing experience for relaxation and food and/or beverage consumption that enhances the sophisticated and mature brand that the City has determined to promote; and

**WHEREAS**, the City is not required to allow private business operations, including sidewalk cafes and parklets, on the City's sidewalks or other rights-of-way, and the City retains at all times its right to discontinue issuing sidewalk cafe and parklet permits (in whole or in part) if their operation no longer advances the City's interests, as determined by the City in its sole discretion; and

**WHEREAS**, a sidewalk cafe or parklet permit issued by the City offers the use of the City's valuable public property solely in its proprietary capacity as the owner of the interest in the land on which sidewalk cafes and parklets shall be allowed; and

**WHEREAS**, it is desirable, however, that sidewalk cafes and parklets be operated and maintained in accordance with the highest levels of service and quality, befitting the status of a recognized world class, international resort destination like Miami Beach; and

**WHEREAS**, the City has determined that allowing privately owned sidewalk cafes and parklets that advance the proprietary interests of the City in improving the quality of life for residents and advancing the tourism-related goals of enhancing the experience for visitors, as defined by the City (in its sole discretion), is a valuable public purpose, so providing further incentive for sidewalk cafes and parklets that are operated strictly in a manner that advances the interests of the City, as defined by the City (in its sole discretion), is an efficacious use of public resources. To that end, sidewalk cafes and parklets that meet the unique requirements for eligibility and execute (and comply with) the City's sidewalk cafe and parklet voluntary subsidy program participation agreement should now be further subsidized by the City by providing a payment from the City to participants; and

**WHEREAS**, pursuant to this declaration of necessity and intent, the following guidelines are enacted for program applicants and participants, compliance with which shall be stipulated by an executed sidewalk cafe and parklet voluntary City subsidy program participation agreement, drafted by the City at its sole discretion, between the City and each program participant; and

**WHEREAS**, the program guidelines apply only to conduct on City property, are bargained for by the City in its propriety interest, and are not intended to regulate lawful restaurant business activity that is not conducted on City property; and

**WHEREAS**, paying the City subsidy to private businesses that operate their sidewalk cafes and/or parklets in a manner that does not advance the City's interests, as defined by the City (in its sole discretion), is not desirable, is not appreciated by its residents and its visitors, and is not a valid public purpose; and

**WHEREAS**, the guidelines set forth here will advance the sophisticated and mature brand that the City has determined to promote by permitting qualified sidewalk cafes and parklets to participate in the program.

**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 approve the agreement and guidelines for the voluntary city subsidy advance program for sidewalk cafes and parklets for permit year commencing October 1, 2021 and ending September 30, 2022 (attached as Exhibit A).

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**ATTEST:**

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

\_\_\_\_\_  
Rafael E. Granado, City Clerk

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

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

9-1-21  
\_\_\_\_\_  
Date