

**ORDINANCE NO. 2021-\_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING APPENDIX "A" OF THE CITY CODE, ENTITLED "FEE SCHEDULE," TO REVISE FEES CHARGED FOR SIDEWALK CAFÉ PARKLET PERMITS, AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, a parklet is a small park, plaza, or creative public space that is physically installed or constructed in an on-street parking space; and

**WHEREAS**, on July 7, 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; and

**WHEREAS**, 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 cafes in on-street parking spaces on a temporary basis, subject to certain requirements and criteria; and

**WHEREAS**, in order to encourage restaurants to participate in the Pilot Program, the Mayor and City Commission amended the City Code to abate sidewalk cafe permit application fees, and per-square-foot permit fees for sidewalk cafe operators that participated in the Pilot Program; and

**WHEREAS**, the abatement was extended for a total duration of three (3) years, and the Pilot Program was originally scheduled to terminate on March 31, 2019; and

**WHEREAS**, on July 17, 2019, the City Commission adopted Ordinance No. 2019-4281, extending the duration of the Pilot Program through March 31, 2021; and

**WHEREAS**, on January 20, 2021, the Land use and Sustainability Committee ("LUSC" or the "Committee") held a discussion regarding sidewalk cafes and parklets in the Sunset Harbour neighborhood; and

**WHEREAS**, the Committee recommended that parklets for sidewalk cafe seating continue to be permitted, and recommended that staff draft an Ordinance to make the program permanent; and

**WHEREAS**, on June 23, 2021, Ordinance No. 2021-4427 was read into the record and approved by the City Commission on first reading; and

**WHEREAS**, on July 28, 2021, following a public hearing, the City Commission adopted Ordinance No. 2021-4427 extending the Parklet program on Washington Avenue and Sunset Harbour; and

**WHEREAS**, in addition, the Mayor and City Commission also approved the proposed Parklet Design Guidelines presented by the Administration; and

**WHEREAS**, the City Administration is proposing to change the fee structure for the parklets to be consistent with the fee structure of the sidewalk cafes, and therefore reflect the current market prices; and

**WHEREAS**, the current parklet fee approved via Ordinance No. 2021-4427 was a per-parking-space, per day, in the amount of \$34; and

**WHEREAS**, the new proposed annual parklet fee in this Ordinance will be \$150 per-square-foot, based upon a standard-sized parking space of 187 square feet, with maximum of two parking spaces per parklet.

**NOW, THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:**

**SECTION 1.**

Appendix A to the City Code, entitled "Fee Schedule," is hereby amended as set forth in "Exhibit A" to this Ordinance.

**SECTION 2. REPEALER.**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 3. SEVERABILITY.**

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

**SECTION 5. CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall take effect the \_\_\_\_ day \_\_\_\_\_ 2021.

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

**ATTEST:**

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

(sponsored by Mayor Dan Gelber)

\_\_\_\_\_  
Dan Gelber, Mayor  
APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

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

9-5-21  
\_\_\_\_\_  
Date

## EXHIBIT "A"

### APPENDIX A - FEE SCHEDULE

Pursuant to section 1-15 of this Code, this appendix includes all fees and charges established by the city commission that are referred to in the indicated sections of the Code of Ordinances. Certain specified fees and charges, as identified herein, shall be subject to annual adjustment by the city manager, pursuant to the provisions of section 1-15 and this Appendix "A". A schedule of all current city fees and charges as set forth in Appendix "A" shall be maintained on the city's website.

* * *			
	<b>Chapter 82. Public Property</b>		
* * *			
	<i>Article III. Use of Public Property</i>		
* * *			
	<i>Division 5. Sidewalk Cafes</i>		
* * *			
82-390	Base parklet application fee	850.00	[A]
82-390	Annual parklet fee, <u>per-square-foot, based upon a standard-sized parking space of 187 square feet, with maximum of two parking spaces per parklet</u> <del>per day</del>	34.00	[A]
		<u>150.00</u>	
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