

ORDINANCE No. _____

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, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE IV, ENTITLED "USES IN PUBLIC RIGHTS- OF- WAY," BY AMENDING DIVISION 5, ENTITLED "SIDEWALK CAFES," BY AMENDING SUBDIVISION II, ENTITLED "PERMIT," BY AMENDING SECTIONS 82-382 AND 82-383 THEREOF, TO ABATE SIDEWALK CAFE FEES FOR PERMITTEES LOCATED NORTH OF 63RD STREET, FROM THE EFFECTIVE DATE OF THIS ORDINANCE THROUGH AND INCLUDING SEPTEMBER 30, 2023; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, currently, Chapter 82 of the City Code authorizes the City to collect an annual permit fee of \$159.00, plus \$27.00 per square foot in order to operate a sidewalk cafe on a public right-of-way; and

WHEREAS, in prior years, the City Commission has waived or abated square footage fees for sidewalk cafes in the North Beach area of the City, north of 63rd Street, as a way to encourage its revitalization; and

WHEREAS, on December 11, 2019, the Mayor and City Commission adopted Ordinance 2019-4320, which abated square footage fees for sidewalk cafes located north of 63rd Street for a two-year period ending on September 30, 2021; and

WHEREAS, the Administration desires to continue to waive sidewalk cafe permit application fees and sidewalk cafe permit fees for businesses in the North Beach Area, to encourage continued economic development for an additional two years through and including September 30, 2023.

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

SECTION 1. That Sections 82-382 and 82-383 of Article IV of Chapter 82 of the Miami Beach City Code is hereby amended as follows:

**CHAPTER 82
PUBLIC PROPERTY**

* * *

ARTICLE IV. USES IN PUBLIC RIGHTS- OF-WAY

* * *

Division 5. Sidewalk Cafes

* * *

Subdivision II. Permit

* * *

Sec. 82- 382. Application.

- (a) A sidewalk café permit shall be effective for one year, from October 1 until September 30 of the following year.
- (b) Application for a permit to operate a sidewalk cafe shall include, but not be limited to, the following information:

* * *

(9) The annual application shall be accompanied by a nonrefundable base application fee as set forth in appendix A hereof. The nonrefundable base application fee shall not be required for sidewalk café permit applications submitted to the city in conjunction with the Washington Avenue Pilot Parklet Program, which program shall terminate on March 31, 2021. Additionally, the nonrefundable base application fee shall not be required for sidewalk café permit applications submitted to the city for businesses on Washington Avenue from 6th Street to Lincoln Road, for the period ending on September 30, ~~2024~~ 2023.

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Sec. 82-383. Permit fee; penalties for late payments; review of fee; exception.

a) The annual permit fee for operation of a sidewalk café shall be as set forth in appendix A and shall be based on a per square foot calculation of permitted sidewalk area including the area between the tables and chairs).

1) Notwithstanding any other paragraphs or provisions of this article; no square footage fee as required by this section shall be required for the operation of sidewalk cafes north of 63rd Street through and including September 30, ~~2024~~2023. The abatement of sidewalk café square footage fees for businesses north of 63rd Street shall be the subject of a budget analysis and review by the City Administration by September 30, ~~2024~~2023. However, a permit must be obtained, and the annual base application fee required by 2 subsection 82- 382 (b)(9) shall be paid for the operation of sidewalk cafes north of 63rd Street.

2) No square footage fee as required by this section shall be required for the operation of sidewalk cafés on Washington Avenue from 5th Street to Lincoln Road for the period ending on September 30, ~~2024~~2023.

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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 4. 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 5. EFFECTIVE DATE.

This Ordinance shall take effect the ____ day ____ 2021.

PASSED and **ADOPTED** this ____ day of ____, 2021.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

Underline denotes additions
~~Strikethrough denotes deletions~~

(Sponsored by Vice Mayor Ricky Arriola)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney *FA*

8-31-21
Date