

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Rafael Paz, Acting City Attorney
DATE: July 28, 2021

First Reading

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING APPENDIX A, "FEE SCHEDULE," TO REVISE FEES CHARGED FOR SIDEWALK CAFE PERMITS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

ANALYSIS

See Memorandum and Ordinance attached.

SUPPORTING SURVEY DATA

N/A

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

No

Does this item utilize G.O. Bond Funds?

No

Legislative Tracking

Office of the City Attorney

Sponsor

Mayor Dan Gelber

ATTACHMENTS:

Description


- ▣ Memorandum
- ▣ Ordinance

MIAMI BEACH

OFFICE OF THE CITY ATTORNEY
RAFAEL PAZ, ACTING CITY ATTORNEY

COMMISSION MEMORANDUM

TO: MAYOR DAN GELBER
MEMBERS OF THE CITY COMMISSION FIRST READING

FROM: RAFAEL A. PAZ, ACTING CITY ATTORNEY 

DATE: JULY 28, 2021

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING APPENDIX A, "FEE SCHEDULE," TO REVISE FEES CHARGED FOR SIDEWALK CAFE PERMITS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Mayor Dan Gelber has sponsored the attached Ordinance, which would raise the generally applicable City fee per square foot for sidewalk cafes, from the current \$27 per square foot annually (which is based upon a cost-recovery model) to \$150 per square foot annually (which is based upon a revenue generation model). The base application fee would also be raised from \$159 to \$865.

The proposed Ordinance is submitted for the Mayor and City Commission's consideration on first reading.

RAP/RR/ym

ORDINANCE NO. _____

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

WHEREAS, the City of Miami Beach has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, Section 83-383 of the City Code references per-square-foot fees in order to obtain or renew a sidewalk cafe permit; and

WHEREAS, the City's current fee per square foot to obtain a sidewalk cafe permit is based upon a cost-recovery model designed to recoup for the City its expenses incurred administering the sidewalk cafe program; and

WHEREAS, the City has determined that transferring to a new revenue-generation model for sidewalk cafe permit fees is in the best interests of the City; and

WHEREAS, the City has determined that an adjustment of the per square foot annual fee to obtain a sidewalk cafe permit and of the base application fee for a sidewalk cafe should be enacted to reflect an amount that advances the City's revenue-generation interests while taking into account the current rate to rent space on the City's main sidewalk cafe corridors.

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

SECTION 1.

That Appendix A, entitled "Fee Schedule," is hereby amended as provided in "Exhibit A" to this Ordinance.

SECTION 2. REPEALER.

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

SECTION 3. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on _____, 2021.

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

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Mayor Dan Gelber)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney



Date

EXHIBIT "A"

Proposed Amendments to Appendix A to the City Code, entitled "Fee Schedule"

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.

Section of this Code	Description	Amount (Sales tax or other taxes may apply)	Annual Adjustment (References shown are defined at the end of this Appendix A)
* * *			
Chapter 82. Public Property			
* * *			
	Division 5. Sidewalk Cafes		
	Subdivision II. Permit		
82-382(b)	Base application fee	150.00 <u>865.00</u>	[A]
82-383(a)	Annual fee, per square foot of usable sidewalk area, including the area between the tables and chairs	27.00 <u>150.00</u>	[A]
* * *			