

MIAMIBEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMITTEE MEMORANDUM

TO: Honorable Chair and Members of the Public Safety and
Neighborhood Quality of Life Committee

FROM: Alina T. Hudak, City Manager 

DATE: February 28, 2023

SUBJECT: DISCUSSION REGARDING BEACH CONCESSIONS,
REGULATIONS, AND LAYOUT TO ENSURE THAT SUFFICIENT
AREA REMAINS AVAILABLE AT ALL TIMES FOR PUBLIC
ENJOYMENT OF BEACHES.

BACKGROUND

On November 16, 2022, the Mayor and City Commission approved, the referral of item C4 F, sponsored by Commissioner Alex Fernandez to the Public Safety and Neighborhood Quality of Life Committee (PSNQLC) to discuss the Beachfront Concessions, Regulations and layouts to ensure sufficient beach area remains vacant for use by members of the public at all times.

The City's Rules and Regulations for Beachfront Concession Operations (Rules and Regulations) has been amended five (5) times with material modifications addressing issues and/or updates. On January 31, 2001, the Mayor and City Commission adopted and approved the First Amendment to the Rules and Regulations, which prohibited cooking or heating food on the Beachfront. On June 27, 2001, the Mayor and City Commission directed the Administration to revisit the issue of cooking and heating on the Beachfront, the minimum size requirements for facilities to accommodate the same, and to provide for a description of waterside equipment that may be used in non-watersport channel areas and swim zones. Thereafter, on July 25, 2001, the Mayor and City Commission directed the Administration to address new issues, which included among others, beach chair density and layout. Consequently, the Second Amended and Restated Rules and Regulations was adopted via Resolution No. 2001-24571, which addressed and resolved the issues requested by the Mayor and City Commission by: (1) requiring that only upland owners may apply for Beachfront Concession Operations; (2) providing for a new fee schedule based on number of upland units; (3) providing a definition for waterside equipment that may be used in swim areas; and (4) providing for cooking and/or heating of food.

Thereafter, the Third Amended and Restated Rules and Regulations was adopted pursuant to Resolution No. 2016-29403. A Fourth Amended and Restated Rules and Regulations was later adopted via Resolution No. 2018-30498, which allowed the operations of food

trailers by upland owner concessionaires as part of the concession facilities. Subsequently, on October 16, 2019, the Mayor and City Commission adopted Resolution No. 2019-31017, approving the Fifth Amended and Restated Rules and Regulation. Material changes to this amendment included requiring all upland beachfront concession operations and their third-party concession operators, including delivery services to utilize 100% reusable wares in connection with the consumption of food and beverages.

ANALYSIS

For several months the Administration has been gathering input from upland property owners and concessionaires, City-contracted concessionaries, the City Attorney's Office and the Environment and Sustainability Department to provide updates to the Rules and Regulations. The Administration is also programming engagement with other key stakeholders, including neighborhood associations, and Miami-Dade County to gather relevant feedback in order to address the Sixth Amendment to the Beachfront Concession Rules and Regulations. At current, the following are a few revisions being contemplated for the proposed amendment.

- Centralizing rules and regulations for Food Truck concessionaires
- Providing guidance for creating "Children's Play Areas" (proper security, parental supervision, etc.)
- Providing guidance for use of private watercrafts (specifically jet-skis and wave runners)
- Clearly delineating rules, regulations, and fee structures for private beach clubs
- Providing clear guidance for placement of chairs (with reference to mean water line)
- Required language for the Beach Safety Rules
- Required language for the Concessionaire Acknowledgement and Authorization
- Considerable edits to the "Workable Concession Area" section which dictates beach area available for use and enjoyment.

Currently, the Administration is scheduling to meet with the Mid-Beach Neighborhood Association's working group in March to provide additional input. Collectively, the information gathered from all stakeholders will provide a holistic approach to the addressing the modifications needed to the Rules and Regulations.

CONCLUSION

The proposed Sixth Amendment to the Rules and Regulations is still a work in progress. The Administration will continue working closely with stakeholders to gather input and formulate a final document that will be presented to the Public Safety and Neighborhood Quality of Life Committee with the recommended modifications.

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Vice-Mayor Alex Fernandez
DATE: November 16, 2022

SUBJECT: REFERRAL TO THE PUBLIC SAFETY AND NEIGHBORHOOD QUALITY OF LIFE COMMITTEE REGARDING BEACH CONCESSIONS, REGULATIONS, AND LAYOUT TO ENSURE THAT SUFFICIENT AREA REMAINS AVAILABLE AT ALL TIMES FOR PUBLIC ENJOYMENT OF BEACHES.

BACKGROUND/HISTORY

The Mid Beach Neighborhood Association has approached me with a desire to collaborate with the City to ensure that sufficient public beach space always remains available for the enjoyment of our residents. Specifically, MBNA has expressed concern about the lack of a standard square footage or formula to determine the amount of beach space or occupancy allowed by property or concession agreements. MBNA has suggested the need for "a formula of how many food trucks, concessions, chairs and umbrellas should/could be allocated based on the condominium or hotel size/use and their potential impacts to our beach and water quality."

I would like to request from the City Administration an update at Committee on the revisions being considered to the current concession manual. The City Administration should provide a memo in the Committee Agenda explaining the provisions of the current manual, the updates being considered, and the process for stakeholder engagement.

Please do not hesitate to contact me at alex@miamibeachfl.gov with any questions or suggestions.

SUPPORTING SURVEY DATA

n/a

FINANCIAL INFORMATION

n/a

Applicable Area

Citywide

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

Yes

Does this item utilize G.O. Bond Funds?

No

Strategic Connection

Non-Applicable

Legislative Tracking

Vice-Mayor Alex Fernandez