

ORDINANCE _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE FINANCE AND CITYWIDE PROJECTS COMMITTEE AT ITS JULY 13, 2018 BUDGET BRIEFING; AND AMENDING APPENDIX "A," ENTITLED "FEE SCHEDULE," TO THE CITY CODE, IN ORDER TO MODIFY THE FEE CHARGED PURSUANT TO SECTION 82-383(a), ENTITLED "PERMIT FEE; PENALTIES FOR LATE PAYMENT; REVIEW OF FEE; EXCEPTION," IN ORDER TO MODIFY THE ANNUAL SQUARE FOOT FEE FOR SIDEWALK CAFES, INCREASING THE PER SQUARE FOOT FEE FROM \$20 TO \$25, PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, sidewalk cafes located in the City provide a unique environment for relaxation and food and beverage consumption; and

WHEREAS, sidewalk cafes encourage pedestrian traffic to the areas utilizing them; and

WHEREAS, sidewalk cafes can impede traffic flow in these areas; and

WHEREAS, there is a need for regulations and standards for the existence and operation of sidewalk cafes to facilitate and ensure a safe environment; and

WHEREAS, the City charges fees to offset the cost of staff who review sidewalk café permit applications and who conduct inspections; and

WHEREAS, staff from Fire, Public Works, Planning, and the Building Department performed a cost recovery analysis both sidewalk café fees, which results in a recommendation that the City should charge approximately \$25.00, per square foot, for sidewalk cafés; and

WHEREAS, the Finance and Citywide Projects Committee, at its July 13, 2018 Budget Briefing, recommended increasing sidewalk café permit fees from \$20.00 per square foot, to \$25.00 per square foot.

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

SECTION 1. The Mayor and City Commission accept the recommendation of the Budget Briefing of the Finance and Citywide Projects Committee at its July 13, 2018 meeting; to amend Appendix "A" entitled "Fee Schedule," to reflect the increase in the sidewalk café fee from \$20.00 to \$25.00, per square foot.

SECTION 2. Amending Appendix A, to the City Code, entitled "Fee Schedule" as follows:

APPENDIX A - FEE SCHEDULE		
<i>Section of the Code</i>	<i>Description</i>	<i>Amount</i>
	* * *	

	<i>Chapter 82. Public Property Article III. Use of Public Property</i>	
82-383(a)	<i>Annual fee, per square foot of usable sidewalk area, including the area between the tables and chairs: Effective October 1, 2010 17.50 Effective October 1, 2011 20.00 <u>\$25.00, per square foot</u></i>	

SECTION 3. REPEALER

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

SECTION 4. 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 relettered 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 10 days following adoption.

PASSED and ADOPTED on this ____ day of September 2018.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

First Reading: September 12, 2018
Second Reading: September 26, 2018

(Sponsors: Commissioner Ricky Arriola)

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

[Signature] _____
City Attorney
[Signature] _____
Date