

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE NEIGHBORHOOD AND QUALITY OF LIFE COMMITTEE AT ITS DECEMBER 16, 2020 MEETING, DIRECTING THE CITY ADMINISTRATION TO ALLOW SIDEWALK CAFE PERMITEES TO CONTINUE TO OPERATE PURSUANT TO THEIR EXISTING SIDEWALK CAFE PERMITS; EXTENDING SUCH PERMITS (COMMENCING RETROACTIVELY FROM JANUARY 1, 2021), ON A MONTH-TO-MONTH BASIS, UNTIL SUCH TIME AS HEIGHTENED IDENTIFIABLE CRITERIA IS DEVELOPED FOR THE APPROVAL OR DENIAL OF SIDEWALK CAFE PERMITS.

WHEREAS, the City of Miami Beach ("City") has permitted the establishment and operation of sidewalk cafés on the City's governmental property, in order to provide a unique environment for its residents and visitors, which allows these individuals to relax and enjoy the consumption of food and/or beverage(s) amongst the City's tropical and vibrant scenery; and

WHEREAS, a sidewalk café permit is a privilege and not a right, and the approval, issuance and continued operation of a permitted sidewalk café is conditional at all times. Additionally, those business establishments granted the privilege to operate a sidewalk café on the City's property are subject to certain identifiable standards, criteria, requirements, and conditions; and

WHEREAS, the City issues sidewalk cafe permits for the duration of one (1) year, effective from October 1 to September 30 of the following calendar year; and

WHEREAS, with regard to the permit year which commenced on October 1, 2019, the Mayor and City Commission adopted Resolution Nos 2020-31275 and 2020-31405, respectively, directing the City Manager to suspend or prorate annual sidewalk café permit fees from May 13, 2020, through September 30, 2020, and October 1, 2020, through December 31, 2020, respectively; and

WHEREAS, as a result of the ongoing COVID-19 State of Emergency declaration, the Administration has not renewed the sidewalk café permits for next permit year, but rather extended the sidewalk café permits for the permit year which commenced on October 1, 2019, through December 31, 2020.

WHEREAS, the Police Citizen Relations Committee at its September 15, 2020 meeting, expressed concerns regarding the City's approval process for its sidewalk cafe permits, and urged the Manager and City Commission to enhance the review process of sidewalk cafe permit applications; and

WHEREAS, the sidewalk cafe permitting process is primarily managed by the Public Works Department's Right-of-Way Section, and upon submission of those applications; or renewals of a sidewalk cafe permit, are reviewed pursuant to certain identifiable requirements and provisions set forth in the City Code; and

WHEREAS, in order to ensure the thorough review of these applications, the City's Finance, Code Compliance and Police Department correspondingly assess such applications; review for any outstanding violations or citations; and determine whether the applications are deemed compliant for approval and issuance of the sidewalk café permit; and

WHEREAS, the Neighborhood & Quality of Life Committee (NQLC), at its December 16, 2020 meeting, held a discussion regarding concerns related to the sidewalk cafe permitting approval process; and

WHEREAS, the NQLC made a motion directing the City Administration to allow sidewalk cafe permittees to continue their operations (for the permit year which commenced on October 1, 2019), on a month-to-month basis, until such time that the City Manager and City Commission set forth identifiable criteria, which will outline heightened standards to be utilized by the Administration for the approval of sidewalk cafe permits.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby accept the recommendation of the Neighborhoods and Quality of Life Committee at its December 16, 2020 meeting, directing the City Administration to allow sidewalk cafe permittees to continue to operate pursuant to their existing sidewalk cafe permits; extending such permits (commencing retroactively from January 1, 2021), on a month-to-month basis, until such time as heightened identifiable criteria is developed for the approval or denial of sidewalk cafe permits.

PASSED and ADOPTED this ____ day of _____, 2021.

DAN GELBER, MAYOR

ATTEST:

RAFAEL E. GRANADO, CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

1-8-21

Date