



COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Kathie G. Brooks, Interim City Manager

 for KGB

DATE: February 13, 2013

SUBJECT: **DISCUSSION OF SIDEWALK CAFÉ ORDINANCE**

BACKGROUND

This discussion referral originates from multiple sources:

- At the January 16, 2013 Commission meeting, the following requests were made:
 - Under item C4R, Commissioner Michael Góngora requested a referral to the Land Use and Development Committee to discuss the Lincoln Road utilization areas for Sidewalk Cafés.
 - Under item R9G, Commissioner Deede Weithorn requested a discussion regarding the use of electricity by Sidewalk Cafés and the item was referred to the Land Use and Development Committee by the Commission.
- At the December 12, 2012 Commission meeting Commissioner Tobin requested a referral to the Neighborhood/Community Affairs Committee under item C4H, to discuss Restaurant Solicitation of Pedestrians on City Sidewalks, Particularly Ocean Drive and Lincoln Road.
- At the October 24, 2012 Commission meeting the Administration requested a referral to the Neighborhood/Community Affairs Committee under item C4H, to discuss and seek direction for amendments to the current Sidewalk Café ordinance.

INTRODUCTION

The Sidewalk Cafés are an ingrained part of the charm and what makes the City of Miami Beach unique. According to City Code, Section 82-366, a Sidewalk Café is defined as a “use located on a right-of-way which is associated with a restaurant and is primarily characterized by tables and chairs; may be shaded by awnings, canopies or umbrellas; and may include such other Sidewalk cafe furniture.” The Sidewalk Café furniture is further defined as nonpermanent fixtures, furnishings and equipment associated with the operation of a Sidewalk Café, including tables, chairs, umbrellas, planters, heaters, fans, rolling service stations, service carts, bussing stations, and menus and/or specials boards.

Sidewalk Café businesses must first obtain a business tax receipt (BTR) and a certificate of use, have inside seating and operate at a location allowed by zoning and land development regulations. The Sidewalk Café permit can be obtained and is renewed annually through the Public Works Department’s Sidewalk Café Coordinator, and with the input and approval from Planning, Zoning, Fire Prevention, Building, and Finance Departments.

The Sidewalk Café Coordinator (Public Works Department) is tasked with ensuring that the permit application, site plan, certificate of insurance and other documents submitted are in compliance

with the requirements of the ordinance. The Code Compliance Division is responsible for the enforcement of the provisions of the ordinance.

ANALYSIS

Sections 82-381 through 82-387 of the City of Miami Beach Code of Ordinances regulate the application process, permit fees, frontage requirements, pedestrian access, indemnification and insurance requirements, and other conditions related to the operation of Sidewalk Cafés.

There are currently in excess of 160 Sidewalk Cafés permitted throughout the City, the majority of which are located on Lincoln Road and Ocean Drive. Collectively, the Sidewalk Café accounts generate more than \$1M in annual revenue to the City.

In early 2012, the Code Compliance Division initiated a process to comprehensively review each of the Sidewalk Cafés to address regulations and issues of concern. These site inspections were conducted by Code Compliance Officers (CCOs) in conjunction with the Sidewalk Café Coordinator (Public Works). During this process, in excess of 100 Sidewalk Cafés were visited and staff met with Café Ownership/Managers to discuss site plans and other concerns. During the site inspections and meetings, the following concerns were reviewed to ensure that:

- Sidewalk Cafés not expand outside permitted areas and have the proper amount of tables in accordance to the approved site plan.
- American Disabilities Act (ADA) access, crosswalk, bus stops, taxi stands, alleys and public amenities have required clearance.
- Tables, chairs, umbrellas and other Sidewalk furniture are not obstructing pedestrian pathways.
- Areas are maintained clean and bussing stations have no storage of dishes, silverware and other equipment.
- Sidewalk café furniture and umbrellas are not physically attached, chained, affixed, and that umbrellas are not clipped, zipped, or fastened together.
- Furniture, planters, menu boards, and other items do not create a safety hazard.
- Food displays are not within public property or right of way.
- No live entertainment or speakers are placed unless reflected in a Special Event Permit

During a 13 month period, (January 1, 2012 through January 31, 2013), the Code Compliance Division issued a total of 349 Notices of Violation (NOVs) to Sidewalk Cafés. An analysis of the data reflects the most commonly identified code violations for Sidewalk Cafés. Arranged by highest number of violations issued, these are:

- Failure to Adhere to Site Plan (i.e. extra chairs, tables, expanding area, etc.)
- Failure to Renew Permit / Operating Without Permit
- Obstructing Pedestrian Pathway
- Creating physical barrier (i.e. planters, extra furniture)
- Umbrella (linked/attached, lower than allowed requirement, excess signage)
- Unauthorized use of Electrical Power / Extension cords)
- Illegal Signage (A Frame, multiple menu boards, more signs than allowed)
- Unauthorized Food Display

Other identified code violations in the data report include conducting a special event without a permit (live performance), unauthorized displays (i.e. balloons, lights). It is also notable that on more than 50% of the instances, Code Compliance staff identified multiple violations.

Currently, there is a number of code violations that have been placed in abeyance pending additional direction; and from the Public Works perspective, the items reflected below have been raised by Sidewalk Café owners or City Administration as issues that should be discussed during the next amendment to the Sidewalk Café Ordinance:

- More specific guidance regarding Sidewalk Café furniture such as tables, chairs, umbrellas, planters, camouflaged serving station areas, heaters, fans, rolling service stations, service carts, basin stations, illuminated menu or special boards
- Anchoring umbrellas to the sidewalks/drilling directly into the concrete – this is not specifically mentioned in the ordinance.
- Expand the use of electrical outlets for other uses than floor fans, such as: point of sale card readers and lights. Ordinance Section 82.385 (t) states “Permittees may make written request to the City Manager to use City Electricity for powering floor fans during the summer months. Summer months defined as the period beginning on May 1st and ending September 30th using electrical outlets for powering lights, menu board lighting, and any electrical devise is strictly prohibited. Permittees violating this restriction will have the electrical boxes deactivated and forfeit any moneys paid for electrical use. Fans must be UL approved for outdoor use. Extension cords are not allowed.” It should be noted that the City Commission, in referring this item, stated that when protocols for the use of electricity are set, warning notices should be issued prior to citations.
- Use of electrical power outlets during non-approved periods,
- Clipping and/or zipping umbrellas together. (Section 82.385 (r) states “two or more umbrellas may not be clipped, zipped, or otherwise fastened together in order to form a tent-like structure”).
- Minimum height requirements and angle of umbrellas and canopies obstructing façade of building. Ordinance Section 82-385(r) requires umbrellas to be at least 6’ 8” above the right of way.
- Roll down materials attached to the umbrella edges that create an enclosure during inclement weather. Ordinance Section 82-385 (r) states “clear plastics or other material may not be fastened, rolled, or otherwise be attached to umbrella edges, in order to create an enclosure.”
- Illuminated menu or “Specials Boards”. Ordinance Section 82-366 definitions for Menu Board and Specials Board state these boards “may not be internally illuminated”
- Placement of booths and sofas. Ordinance Section 82-366 defines Sidewalk Café Furniture “those non-permanent fixtures, furnishings, and equipment associated with the operation of a sidewalk café and approved pursuant to this division including, without limitation, tables, chairs, umbrellas, planters, heaters, fans, rolling service stations, service carts, bussing stations, and menus and/or special boards.” Sofas and booths are not contained within this definition.

The Commission has also expressed concerns about the amount of area per block utilized for seating sidewalk cafes. On Lincoln Road, The City established pedestrian and emergency vehicle lanes (five feet and 12 feet respectively) and allows sidewalk cafes, with some minor limitations near the fountains, to occupy the balance of Lincoln Road. On blocks with a high concentration or restaurants, this could lead to a significant portion of the public space to be occupied by the sidewalk café seating areas, bussing stations, etc.

On Ocean Drive, the sidewalk café operations are required to maintain only a 5 foot pedestrian corridor and the balance of the 15 foot sidewalk width is utilized as the seating area for the sidewalk café. The seats, couches and banquettes in addition to the umbrellas, shade structures and other equipment used by the operators can often lead to a congested feeling for the pedestrians that are not patrons of the café establishments. Furthermore, on Lincoln Road, the majority of the sidewalk café area takes place on the Morris Lapidus “piano keys” or the black and white stripes which is one of the signature design features of the Road. The constant movement of the chairs and tables severely reduces the paint’s longevity. In addition, when the City re-paints the stripes, the required paint curing period of 48 hours is impossible to achieve as the operators usually move the furniture back into place before the paint has had an opportunity to cure. This reduces the longevity of the paint job and with the high impact caused by the tables and chairs and the general operation of the café the stripes quickly become unsightly again.

PLANNING DEPARTMENT COMMENTS

The Planning Department would add additional concerns that have been raised by the Historic Preservation Board, Design Review Board, Planning staff, and property and business owners on Lincoln Road and Ocean Drive. Addressing these concerns as well as the issues noted above, should result in an enhanced quality of the outdoor café dining experience as well as the pedestrian experiences in these respective areas. These additional issues are as follow:

- No large planter boxes should be permitted to substantially enclose any outdoor café area or to encroach outside of the permitted outdoor café area.
- No outdoor café umbrellas should be permitted to be attached to any building or to any awning or other projection from any building.
- Outdoor café umbrellas should be required to be kept in a horizontal position at all time with a height to the lower edge of the umbrella of no less that 6’-8” or higher than 7’-8”.
- The maximum canopy size of an umbrella should not exceed what is reasonably required to provide shade and protection from light rain for one 4 to 6 person outdoor café table.
- Double or triple size umbrellas or continuous (long) umbrellas, or similar, of any kind should not be permitted.
- The shape, size, color, and configuration of all outdoor café umbrellas should be subject to Planning staff review and approval prior to installation.
- Historic shade structures on Lincoln Road as well as new shade structures constructed there in the mid-1990s should not be used for bussing or service stations or for storage of any restaurant service related equipment either during or after restaurant business hours.
- Unobstructed fire equipment access corridors should be maintained on both the north and south sides of Lincoln Road, in the pedestrian mall area, at all times, in a manner to be reviewed and approved by the Fire Department.

AGGRESSIVE SOLICITATION

As it relates to previous discussion regarding restaurant solicitation of pedestrians along sidewalks on Ocean Drive and Lincoln Road, City Code (74.1) reflects that it is “*unlawful for any person, while upon any public street or sidewalk ...to accost any pedestrian on such street or sidewalk for the purpose of soliciting him to purchase any property, real or personal, or any food, beverage or service.*” During the past 13 months, the Code Compliance Division has issued six (6) Notice of Violations (NOVs) for the aggressive solicitation of business by Sidewalk Café operators. It should be noted that the numbers are low, partly because the process requires for a Code Compliance Officer (CCO) to observe the violation taking place in order to issue the Notice of Violation; and that oftentimes the violator will cease solicitation once they observe a Code Compliance officer in the vicinity.

CONCLUSION

The above information is provided to guide the discussion regarding the Sidewalk Café Ordinance by members of the Land Use and Development Committee.

KGB/JGG/SS/HC/RSA

Attachment: Sidewalk Café Ordinance – 82.381 through 82.387

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Miami Beach, Florida, Code of Ordinances >> Subpart A - GENERAL ORDINANCES >> **Chapter 82 - PUBLIC PROPERTY** >> **ARTICLE IV. - USES IN PUBLIC RIGHTS-OF-WAY** >> **DIVISION 5. - SIDEWALK CAFES** >> **Subdivision I. - Generally** >>

Subdivision I. - Generally

Sec. 82-366. - Definitions.

Sec. 82-367. - Declaration of necessity and intent.

Sec. 82-368. - Removal and storage fees; disposition of property.

Sec. 82-369. - Appeals from the decision of the city manager.

Sec. 82-370. - Notice of violation.

Sec. 82-371. - Civil fines and penalties; denial of future permits to repeat violators.

Sec. 82-372. - Rights; payment of fine; right to appeal; failure to pay civil fine or to appeal.

Sec. 82-373. - Recovery of unpaid fines; unpaid fines to constitute a lien; foreclosure.

Secs. 82-374—82-380. - Reserved.

Sec. 82-366. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City manager means the city manager or the city manager's designee.

Code compliance officer means the code compliance officers, fire inspectors, or any other authorized agent or employee of the city whose duty it is to assure code compliance.

Menu board means a board allowing for the posting of a restaurant's complete menu and fabricated in such a manner so as not to constitute a form of general advertising or establishment identification. The location, size, design, materials and color of the menu board shall be approved by the city manager and shown on the sidewalk cafe site plan (as hereinafter defined). Menu boards shall be no larger than six square feet; may not be internally illuminated; and the top of the board shall not exceed five feet, six inches from grade. The menu board shall not be a sandwich board sign (as defined herein).

Permittee means the recipient of a sidewalk cafe permit under the terms and provisions of this division.

Restaurant for purposes of this division only, means a food service establishment that is maintained and operated as a place where food and/or beverages are prepared and/or served and sold for consumption within the premises, or a business establishment which has, as an ancillary or secondary use, a part thereof where food and/or beverages are prepared and/or served and sold for consumption within the premises. No sidewalk cafe permit shall be issued to a restaurant whose occupational license or certificate of use is limited to take-out service and does not have inside seating.

Right-of-way means land in which the state, the state department of transportation, the county or the city owns the fee or has an easement devoted to or required for use as a transportation facility or street.

Sandwich board sign means a freestanding, A-frame structure located on a sidewalk or street which may be affixed in position or is collapsible and which contains a sign (as defined in section 114-1).

Sidewalk means that portion of the right-of-way which is located between the curb line or the lateral line of a street and the adjacent property line and which is intended for use by pedestrians; provided that on Lincoln Road Mall, a sidewalk shall mean a right-of-way as defined in this section, but shall only refer to that area between the property line and the centerline of the right-of-way, exclusive of landscaped areas and a 12-foot-wide clear path for emergency and maintenance vehicular access.

Sidewalk cafe means a use located on a right-of-way which is associated with a restaurant and is primarily characterized by tables and chairs; may be shaded by awnings, canopies or umbrellas; and may include such other sidewalk cafe furniture (as hereinafter defined) as permitted and/or approved pursuant to this division.

Sidewalk cafe furniture means those nonpermanent fixtures, furnishings and equipment associated with the operation of a sidewalk cafe and approved pursuant to this division including, without limitation, tables, chairs, umbrellas, planters, heaters, fans, rolling service stations, service carts, bussing stations, and menus and/or specials boards.

Sidewalk cafe site map means a city-approved map detailing the location of the pedestrian pathway as it relates to a sidewalk cafe.

Sign shall have the same meaning as provided for in section 114-1.

Specials board means a board allowing for the posting of a restaurant's daily specials and fabricated in such a manner so as to not constitute a form of advertising or establishment identification. The location, size, design, materials and color of the specials board shall be approved by the city manager and shall be shown on the sidewalk cafe site plan. specials boards shall be no larger than six square feet; may not be internally illuminated; and the top of the board shall not exceed five feet six inches from grade. The specials board shall not be a sandwich board sign (as defined herein).

Street means that portion of a right-of-way improved, designed or ordinarily used for vehicular traffic and/or parking.

(Ord. No. 2007-3590, § 1, 12-12-07; Ord. No. 2008-3601, § 1, 3-12-08)

Cross reference— Definitions generally, § 1-2.

Sec. 82-367. - Declaration of necessity and intent.

It is hereby found and declared that:

- (1) There exists the need for outdoor eating establishments (sidewalk cafes) in certain areas of the city to provide a unique environment for relaxation and food and/or beverage consumption.
- (2)

The existence of sidewalk cafes encourages additional pedestrian traffic to these areas.

- (3) The presence of sidewalk cafes may thus impede the free and safe flow of pedestrian traffic.
- (4) There is a need for regulations and standards for the existence and operation of sidewalk cafes to facilitate and ensure a safe environment in these areas.
- (5) The establishment of permit conditions and safety standards for sidewalk cafes is necessary to protect and promote the general health, safety and welfare of the residents of the city.

(Ord. No. 2007-3590, § 1, 12-12-07; Ord. No. 2008-3601, § 1, 3-12-08)

Sec. 82-368. - Removal and storage fees; disposition of property.

If, pursuant to this division, the city removes, relocates, and/or stores any sidewalk cafe furniture, the permittee shall be responsible for the reasonable expenses incurred by the city for the removal, relocation, and/or storage of all such sidewalk cafe furniture. The city manager shall promulgate and review, as needed, regulations regarding the storage and disposition of sidewalk cafe furniture under this division. The city and its officers and employees shall not be responsible for any damage to or loss of any sidewalk cafe furniture, removed, relocated and/or stored pursuant to this division.

(Ord. No. 2007-3590, § 1, 12-12-07; Ord. No. 2008-3601, § 1, 3-12-08)

Sec. 82-369. - Appeals from the decision of the city manager.

Appeals from decisions of the city manager made pursuant to this division shall be to the special master in accordance with the procedures set forth in sections 30-72 and 30-73 hereof. Appeals from the decisions of the special master shall be to a court of competent jurisdiction by petition for writ of certiorari.

(Ord. No. 2007-3590, § 1, 12-12-07; Ord. No. 2008-3601, § 1, 3-12-08)

Sec. 82-370. - Notice of violation.

- (a) Code compliance officers shall issue 24-hour warning notices for all non-life safety violations of this division.
- (b) No warning notices shall be required prior to the issuance of life safety violations and/or sidewalk cafe site plan violations, and such violations shall be corrected immediately. Life safety violations are defined as those conditions which, in the reasonable determination and judgment of the city manager, involve serious danger and/or risk to the public health, safety or welfare (including, without limitation, blocking pedestrian pathways and violations of the state accessibility code for building construction). Site plan violations are defined to include those instances where the permittee is operating outside of the permitted sidewalk cafe area (as approved pursuant to subsection 82-382(b)(6)) and shall include a table or tables set up outside the approved boundaries of the sidewalk cafe site plan, and/or umbrellas, heaters, fans, bussing stations and other sidewalk cafe furniture found to be outside the approved site plan; but shall not be deemed to include instances where a chair or chairs are moved outside the approved boundaries of site plan by a sidewalk cafe patron(s).
- (c) If a code compliance officer finds a violation of this division, such code compliance officer shall issue a notice of violation to the violator, as follows:

- (1) For non-life-safety violations of this division (where a 24-hour notice has been previously issued within the preceding 60 days for the same violation), a violation will be issued.
- (2) For life safety violations of this division and for site plan violations, no 24-hour warning notice is required, and a violation may be issued at any time.

(Ord. No. 2007-3590, § 1, 12-12-07; Ord. No. 2008-3601, § 1, 3-12-08)

Sec. 82-371. - Civil fines and penalties; denial of future permits to repeat violators.

- (a) The following civil fines and penalties shall be imposed for violations of this division:
 - (1) First violation\$ 100.00
 - (2) Second violation within the preceding 12 months250.00
 - (3) Third violation within the preceding 12 months500.00
 - (4) Fourth within the preceding 12 months750.00
 - (5) Fifth violation within the preceding 12 months, suspension of the sidewalk cafe permit for one weekend (Saturday and Sunday) and1,000.00
 - (6) Sixth violation within the preceding 12 months, revocation of the sidewalk cafe permit for the remaining portion of the permit year and1,000.00
 - (7) Failure to apply for permit—termination of sidewalk cafe operations.
 - (8) Failure to renew permit—suspension of sidewalk cafe operations.
- (b) A permittee who has been issued more than six violations pursuant to this division within a permit year shall be prohibited from applying for and obtaining a sidewalk cafe permit for a period of two permit years, following the permit year in which the applicant/permittee incurred the aforesated violations.

(Ord. No. 2007-3590, § 1, 12-12-07; Ord. No. 2008-3601, § 1, 3-12-08)

Sec. 82-372. - Rights; payment of fine; right to appeal; failure to pay civil fine or to appeal.

- (a) A violator who has been served with a notice of violation shall elect either to:
 - (1) Pay the civil fine in the manner indicated on the notice; or
 - (2) Request an administrative hearing before a special master, to appeal the decision of the code compliance officer which resulted in the issuance of the notice of violation. Warnings may not be appealed.
- (b) The procedures for appeal shall be as set forth in sections 30-72 and 30-73 hereof.
- (c) Failure of the named violator to appeal the decision of the code compliance officer within ten days after the date printed on the notice of violation shall constitute a waiver of the violator's right to administrative hearing. A waiver of the right to administrative hearing shall be treated as an admission of the violation, and penalties shall be assessed accordingly.
- (d) Any party aggrieved by the decision of a special master may appeal that decision to a court of competent jurisdiction by petition for writ of certiorari.

(Ord. No. 2007-3590, § 1, 12-12-07; Ord. No. 2008-3601, § 1, 3-12-08)

Sec. 82-373. - Recovery of unpaid fines; unpaid fines to constitute a lien; foreclosure.

- (a) The city may institute proceedings in a court of competent jurisdiction to compel payment of civil fines.
- (b) A certified copy of an order imposing a civil fine may be recorded in the public records and thereafter shall constitute a lien upon any other real or personal property owned by the violator, and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After two months from the filing of any such lien which remains unpaid, the city may foreclose or otherwise execute on the lien.

(Ord. No. 2007-3590, § 1, 12-12-07)

Secs. 82-374—82-380. - Reserved.

Miami Beach, Florida, Code of Ordinances >> Subpart A - GENERAL ORDINANCES >> Chapter 82 - PUBLIC PROPERTY >> ARTICLE IV. - USES IN PUBLIC RIGHTS-OF-WAY >> DIVISION 5. - SIDEWALK CAFES >> Subdivision II. - Permit >>

Subdivision II. - Permit

Sec. 82-381. - Permitted areas; conditional permit; city manager's right to remove sidewalk cafes.

Sec. 82-382. - Application.

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

Sec. 82-384. - Permitted sidewalk cafe frontage; requests for expansions.

Sec. 82-385. - Minimum standards, criteria, and conditions for operation of sidewalk cafes.

Sec. 82-386. - Indemnification and insurance.

Sec. 82-387. - Prohibited "no table" zones.

Secs. 82-388--82-410. - Reserved.

Sec. 82-381. - Permitted areas; conditional permit; city manager's right to remove sidewalk cafes.

- (a) Sidewalk cafes shall only be located where permitted by the city's zoning ordinance and land development regulations, as same may be amended from time to time.
- (b) The approval and issuance of a sidewalk cafe permit is conditional at all times.
- (c) It shall be unlawful for any person to operate a sidewalk cafe without a valid permit as required by this division.
- (d) The city manager shall have the right to immediately remove, after 24-hours written and/or verbal notice to the permittee, any sidewalk cafe furniture used in connection with a sidewalk cafe which is operating without a valid permit.
- (e) The city manager may cause the immediate removal, relocation and/or storage of all or part of a sidewalk cafe in emergency situations or for public safety considerations.
- (f) The city manager may require the temporary removal and/or relocation of all or part of a sidewalk cafe when street, sidewalk, or utility repairs, or other public construction, necessitates such action. If such temporary removal exceeds 15 days, the city manager shall pro-rate the remaining permit fee for each additional day the sidewalk cafe (or portion thereof) is removed and apply a credit toward the following year's permit fee or, upon written request by the permittee, refund the remaining fee to the permittee.
- (g) Upon written and/or verbal notification by the city manager of a hurricane or other major weather event, or the issuance of a hurricane warning by Miami-Dade County, whichever occurs first, the permittee shall, within no more than four hours of same, remove and place indoors all tables, chairs and any other sidewalk cafe furniture located on the right-of-way. The notification by the city manager of a hurricane or other major weather event, or the issuance of a hurricane warning, shall constitute a public emergency situation as referenced in this division. The city manager may remove, relocate, and/or store any sidewalk cafe furniture found on the right-of-way that has otherwise not been removed by the permittee pursuant to this subsection. Any and all costs incurred by the city for removal, relocation and/or storage of sidewalk cafe furniture shall be the responsibility of the permittee. Sidewalk cafes will not re-open for business following a hurricane or other major weather event until

notified by the city manager. Violation of this subsection (g) shall result in the issuance of an immediate \$1,000.00 fine, and/or suspension, for up to 30 days, of the sidewalk cafe permit.

(Ord. No. 2007-3590, § 1, 12-12-07; Ord. No. 2008-3601, § 1, 3-12-08)

Sec. 82-382. - Application.

- (a) A sidewalk cafe 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:
 - (1) The name, address and telephone number of the applicant/permittee.
 - (2) The name and address of the business establishment seeking a permit to operate the sidewalk cafe (including the name and address of the restaurant).
 - (3) A copy of a valid city occupational license to operate the restaurant in front of which the proposed sidewalk cafe will be operating. The total count of chairs to be utilized for the restaurant must include the number of chairs used in conjunction with the sidewalk cafe and the number of chairs inside the restaurant, as authorized by the license.
 - (4) A copy of a valid certificate of use for the restaurant in front of which the proposed sidewalk cafe will be operating.
 - (5) Copies of current certificates of insurance in the amounts and categories required by section 82-386
 - (6) A site plan signed and sealed by a duly licensed architect or engineer which accurately depicts the layout and dimensions of the existing sidewalk area and adjacent private property; proposed location, size and number of tables, chairs, umbrellas, and any other sidewalk cafe furniture; and location of doorways, steps, trees and/or landscaped areas, fountains, parking meters, fire hydrants, bus shelters, directory/kiosks, public benches, trash receptacles, and any other existing public fixtures, furnishings and/or other obstruction(s), within the proposed sidewalk cafe area. The sidewalk cafe site plan shall be approved by the city manager prior to the issuance of a sidewalk cafe permit and the permit shall be specifically limited to the subject area shown on the approved site plan.
 - (7) Photographs, drawings or manufacturer's brochures fully describing the appearance and dimensions of all proposed tables, chairs, umbrellas, and any other sidewalk cafe furniture related to the operation of the sidewalk cafe. Tables, chairs, umbrellas, and any and all other sidewalk cafe furniture shall be approved by the city manager prior to the issuance of a sidewalk cafe permit.
 - (8) A copy of the approved sidewalk cafe site plan, shall be maintained on the permittee's premises and shall be available for inspection by city personnel at all times.
 - (9) The annual application shall be accompanied by a non-refundable base application fee as set forth in appendix A.
 - (10) Applications shall be reviewed for compliance with applicable city, state and federal laws, and must be reviewed and approved by the city's public works department; fire department; office of risk management; finance department; planning and zoning department; and building department.
 - (11) Prior to issuance of a sidewalk cafe permit, the city's chief financial officer shall certify that there are no outstanding fines, monies, fees, taxes or other charges owed to the city by the applicant/permittee and/or the business establishment/restaurant. A

sidewalk cafe permit will not be issued until all outstanding debts to the city are paid in full.

- (12) No sidewalk cafe permit shall be issued to a restaurant whose occupational license or certificate of use is limited to take-out service and does not have inside seating.
 - (13) A sidewalk cafe permit may not be transferred and/or otherwise assigned. A new owner and/or operator of a restaurant and/or business establishment with a sidewalk cafe permit will be required to apply for and obtain a new permit.
 - (14) The permit covers only the public right-of-way. Tables and chairs on private property will be governed by other applicable regulations. No outdoor seating authorized pursuant to this division shall be used for calculating seating requirements pertaining to location of, applications for, or issuance of, a liquor license; nor shall the outdoor seating be used as the basis for computing required seating for restaurants, or as grounds for claiming exemption from such requirements under the provisions of any applicable city, county, and/or state law.
 - (15) Sidewalk cafes shall comply with all applicable accessibility codes including, without limitation, the Americans with Disabilities Act (ADA), and state code provisions addressing accessibility for building construction, as same may be amended from time to time.
- (c) Renewals. As provided in subsection 82-371(b), a permittee who has been issued more than six violations pursuant to this division within a permit year, shall be prohibited from applying for and obtaining a sidewalk cafe permit for the following two consecutive permit years.

(Ord. No. 2007-3590, § 1, 12-12-07; Ord. No. 2008-3601, § 1, 3-12-08)

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

- (a) The annual permit fee for operation of a sidewalk cafe 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).
- (b) The city manager, in his reasonable discretion and judgment, may suspend or prorate the annual permit fee in cases of public construction or public emergency situations.
- (c) The permit fee shall be paid on or before October 1, and shall cover the time period from October 1 through September 30 of the following calendar year (permit year). If the permit fee exceeds \$2,000.00, the fee may be paid in two semiannual installments, with the first installment due on October 1, and the second due on April 1. No permit shall be issued for any portion of a year, but any person/entity operating a sidewalk cafe for a period beginning after the commencement date of the full permit year (October 1) may obtain a permit for the remaining portion of that permit year upon payment of a pro-rated portion of the permit fee calculated from the first day of the month of issuance of the permit to the end of the permit year. Except as expressly provided in this division, no refund of the permit fee shall be granted.
- (d) Late payments for permit fees shall accrue at the rate of ten percent per annum for the first 30 days. If the permit fee is not paid within 60 days after it is due, the permit shall terminate automatically. Any continued operation of a sidewalk cafe after termination of a permit shall be construed as operating a sidewalk cafe without a valid permit, and the city manager shall have the right to remove, upon 24 hours' written and/or verbal notice to the permittee, any and all sidewalk cafe furniture used in connection with the sidewalk cafe.
- (e)

As provided in Resolution No. 2003-25299, a review of the annual permit fee will be required whenever the change in the Consumer Price Index (CPI), between the latest CPI and the date of the CPI used for the last fee adjustment, is five percent or greater.

(Ord. No. 2007-3590, § 1, 12-12-07; Ord. No. 2008-3601, § 1, 3-12-08)

Sec. 82-384. - Permitted sidewalk cafe frontage; requests for expansions.

- (a) Sidewalk cafes are restricted to the sidewalk frontage of the restaurant to which the permit is issued or, if the restaurant is an ancillary and/or secondary use to another type of business establishment, the sidewalk cafe shall be restricted to the sidewalk frontage of the building (or portion thereof) of the "primary" business establishment (within which the restaurant is located). Only a restaurant whose premises are on a ground floor adjacent to and fronting the sidewalk may be issued a sidewalk cafe permit. Sidewalk cafes may be extended into a loading zone fronting a restaurant as provided in subsection (d) below.
- (b) An applicant for a sidewalk cafe permit may be permitted, upon prior written request by the permittee to the city manager, to extend by a maximum total of 50 feet in the right-of-way on one side and/or the other side of the restaurant to which the permit is issued (of the business establishment where the restaurant is located); the permittee shall make written application to the city manager setting forth the reason(s) for the proposed expansion and provide a site plan showing the proposed expansion. All requests for expansions pursuant to this subsection (b) shall be reviewed by the city manager on a case by case basis. In reviewing such requests, the city manager, in making his determination to approve or deny, shall consider the following:
 - (1) Pedestrian access.
 - (2) Visibility of the front of the adjacent owner's business.
 - (3) Obstructions.
 - (4) Accessibility to the adjacent owner's business by patrons.
 - (5) The city manager, shall solicit input from businesses and property owners on the same block including, without limitation, the immediately adjacent (i.e., next door) business and property owners.
 - (6) The city manager shall provide written notice to the adjacent business establishment (tenant) and property owner on to whose frontage the sidewalk cafe proposes to expand. The notification shall include the following information: the name and address of the permittee/business establishment requesting the expansion; the approximate location and size of the area requested; and the name and address of the city official and/or employee to forward comments to, and the time period within which to forward said comments (which time period shall be no less than fourteen (14) days). Said notice shall be sent, as to the adjacent business establishment (tenant), to the name and address on file with the city for the establishment's occupational license and, for the property owner, to the name and address identified in the records of the Miami-Dade County Property Tax Appraiser's Officer. Any objections not submitted and received by the city within the date provided in the notice shall be deemed waived.
 - (7) The city manager may also consider any history of violations and/or warnings pursuant to section 82-371

In the event of approval by the city manager to expand a sidewalk cafe pursuant to this subsection (b), the additional square footage will be computed into the new permit fee.

Notwithstanding the city manager's approval of a sidewalk cafe expansion pursuant to this subsection (b), in the event that the adjacent business establishment and/or property owner (on to

which a sidewalk cafe has expanded) subsequently elects to apply for a sidewalk cafe permit to operate a cafe in front of its premises, that new applicant/permittee shall provide the city manager with notice of such intent stating the applicant's name; the property address; the name of the business establishment and/or the restaurant (of which the cafe is a part of); and the anticipated opening date. The city will provide the business establishment (tenant) and property owner which is currently expanding into the proposed new applicant/permittee's frontage with a courtesy copy of the notice. Following receipt of said written notice by the city, and provided that the new applicant/permittee obtains a sidewalk cafe permit, as well as any other required permits and/or licenses for operation of the business establishment and/or restaurant associated with the proposed new sidewalk cafe, then the city manager's prior consent for expansion shall terminate, and the city shall provide written notice to the adjacent sidewalk cafe permittee advising it of such termination, and providing a termination date therefore. The city's notice shall provide the adjacent property owner with at least seven calendar days' notice prior to the effective date of termination of the expansion. Upon the termination date of the city's consent to expansion, the sidewalk cafe permit and the permit fee will be adjusted accordingly.

- (c) In the case of sidewalk cafes on Lincoln Road, an expansion of a sidewalk cafe across the centerline of Lincoln Road Mall may also be permitted. The permittee shall make written application to the city manager setting forth the reason for the proposed expansion and provide a site plan showing the proposed expansion. Requests for expansions pursuant to this subsection (c) shall be reviewed by the city manager on a case by case basis. In reviewing such requests, the city manager shall consider the following:
- (1) The applicant/permittee would otherwise be significantly deprived of the use of the right-of-way for which the sidewalk cafe permit is sought;
 - (2) There are special circumstances and conditions that exist, which were not self-created by the applicant/permittee, and are peculiar to that portion of the right-of-way, and are not generally applicable to other rights-of-way in the immediate area;
 - (3) The granting of the expansion is the minimum that will allow the applicant/permittee's reasonable use of the area for its sidewalk cafe operations; and
 - (4) The granting of the expansion will not significantly impair the ability of pedestrians on that particular portion of Lincoln Road Mall to walk comfortably from one side of the mall to the other.

In the event of approval by the city manager to expand a sidewalk cafe pursuant to this subsection (c), the additional square footage will be computed into the new permit fee.

- (d) Loading zones in front of a ground floor restaurant use with sidewalk frontage and a sidewalk cafe permit may be used as part of an expanded sidewalk cafe permit area when the street on which the loading zone is located is closed to traffic, provided that the loading zone is within a street area that is regularly closed to traffic during certain days or hours, a minimum of five days each week. All platforms, tables and chairs in the loading zone shall be removed at the close of business each night. A permit modification will be required before use of a loading zone may commence, subject to suspension or revocation at the discretion of the public works director. The fee for the temporary expanded sidewalk cafe permit area shall be as provided in section 82-383, of the City Code.

(Ord. No. 2007-3590, § 1, 12-12-07; Ord. No. 2008-3601, § 1, 3-12-08; Ord. No. 2012-3752, § 1, 2-8-12)

Sec. 82-385. - Minimum standards, criteria, and conditions for operation of sidewalk cafes.

- (a)

The permittee shall take any and all actions to assure that its use of the public right-of-way in no way interferes with patrons of other sidewalk cafes, or limits their free, unobstructed passage thereto.

- (b) Sidewalk cafes shall be located in such a manner that a distance of not less than five feet is maintained at all times as a clear and unobstructed five-foot pedestrian path around public amenities and areas such as, by way of example, fountains, landscaped areas (excluding city planters), and seating/shade structures. Notwithstanding the preceding, the city manager, in his reasonable judgment and discretion, and on a case-by-case basis, may approve and allow for a pedestrian path of less than five feet where an applicant/permittee's sidewalk cafe operation would be significantly impacted. In considering such cases, and in determining whether an applicant/permittee is "significantly impacted," the city manager may apply the criteria set forth in subsections 82-384 (c)(1)—(4). A five-foot pedestrian path shall also be required and established where the city manager, in his reasonable judgment and discretion, determines that the operation of a sidewalk cafe inhibits pedestrian access to an adjacent business establishment or adversely affects the visibility of an adjacent storefront.
- (c) No tables, chairs, umbrellas, or other sidewalk cafe furniture shall be permitted within ten feet of a bus bench and/or bus shelter. A distance of five feet shall be maintained from taxi stands, fire hydrants, bike racks, directory signage/kiosks, and/or other similar public street furniture and/or fixtures.
- (d) No tables, chairs, umbrellas or other sidewalk cafe furniture shall be permitted within five feet of an alley, pedestrian crosswalk, or corner curb cut.
- (e) The pedestrian path for Lincoln Road shall be a 12-foot clear path for emergency and maintenance vehicles. The exact location of the path on each block shall be determined by the city manager, in his reasonable judgment and discretion, and shall be incorporated into the sidewalk cafe site map of Lincoln Road.
- (f) No object shall be permitted around the perimeter of an area occupied by tables and chairs which would have the effect of forming a physical or visual barrier discouraging the free use of the tables and chairs by the public, or (in the case of Lincoln Road) which would have the effect of obstructing the pedestrian path or public access between the north and south sides of Lincoln Road.
- (g) The area covered by a sidewalk cafe permit, and the sidewalk and street immediately adjacent to it, shall be maintained in a clean, neat and orderly appearance at all times by the permittee. The area of the sidewalk, curb and gutter immediately adjacent to the sidewalk cafe shall be cleared of all debris during hours of operation, and again at the close of each business day, or as may otherwise be determined by the city manager. The permittee shall be responsible for pressure cleaning the floor surface on which the sidewalk cafe is located at the close of each business day. The city shall pressure wash the right-of-way from time to time in accordance with such schedule as shall be established in the reasonable judgment and discretion of the city manager. In establishing said schedule, the city manager shall use reasonable efforts to assure that the city's pressure cleaning of the public right-of-way occurs at such times as will cause the least disruption to sidewalk cafe operations.
- (h) Tables, chairs, umbrellas and any other sidewalk cafe furniture shall be maintained in a clean, attractive, and orderly appearance, and shall be maintained and kept in good repair at all times.
- (i) All sidewalk cafe furniture shall be of high quality, design, materials, and workmanship so as to ensure the safety and convenience of the public.
- (j) Only the sidewalk cafe furniture specifically shown on the approved sidewalk cafe site plan shall be allowed in the permit area.

- (k) All tables, chairs, umbrellas, and any other sidewalk cafe furniture shall be readily removable, and shall not be physically attached, chained, or in any other manner affixed to any public structure, street furniture, signage, and/or other public fixture, or to a curb and/or public right-of-way.
- (l) The stacking or piling up of chairs shall be prohibited on the right-of-way. On Lincoln Road Mall, tables, chairs and closed-up umbrellas may only remain on the right-of-way (within the permit area) as long as they are placed in an orderly manner. Notwithstanding the foregoing, on Lincoln Road Mall tables, chairs and closed-up umbrellas may remain on the right-of-way as long as 80 percent of the restaurants on Lincoln Road Mall are open for lunch beginning at 11:00 a.m. The city will make this determination on two separate times during each permit year. The first determination shall be made on October 1, with the second determination being made on April 1 of each year. The phrase "open for lunch" shall be defined by the serving of meals to patrons during the lunch hour. If the city determines that less than 80 percent of the restaurants on Lincoln Road Mall are open for lunch on either October 1 or April 1 of a permit year, then the following regulation shall apply to all restaurants on Lincoln Road Mall. Any and all other sidewalk cafe furniture including without limitation, rolling service stations, service carts and bussing stations, may only be maintained in the permit area during hours of operation provided however, that planters that cannot be readily removed may remain within the permit area subject to the provisions of subsection (s) hereof. On Lincoln Road Mall, rolling service stations, service carts, and bussing stations shall not be permitted to be placed within five feet of the walls, columns, or posts of the Lapidus structures, city planters, or in front of other storefronts and/or business establishments. Notwithstanding anything contained in this subsection (l), the city manager may require a permittee to store its tables, chairs and/or umbrellas off of the right-of-way if, in his reasonable judgment and discretion, the city manager determines that the sidewalk cafe permit area and immediately adjacent public right-of-way are not being adequately maintained in accordance with this division.
- (m) No storage of dishes, silverware or other similar sidewalk cafe equipment shall be allowed in the permit area, or in any other portion of the public right-of-way, or outside the structural confines of the building in which the restaurant is located, during non-business hours.
- (n) There shall be no live entertainment or speakers placed in the permit area unless expressly permitted as a special event. Conditions such as hours and days of operation and audio levels will be regulated by the city's special events office, and these may vary during the year.
- (o) One menu board and one specials board shall be permitted, per sidewalk cafe, for every 50 feet of frontage.
- (p) No food preparation, food storage, refrigeration apparatus or equipment, or fire apparatus or equipment, shall be allowed on the right-of-way.
- (q) No food displays shall be permitted on the public right-of-way. No advertising signs or business identification signs shall be permitted on the public right-of-way except that the restaurant name and/or its logo may be permitted on umbrellas but such logos and/or lettering may not exceed six inches in height.
- (r) Umbrellas shall be fire-retardant, pressure-treated or manufactured of fire-resistant material. No portion of an umbrella shall be less than six feet eight inches above the right-of-way. Two or more umbrellas may not be clipped, zipped or otherwise fastened together in order to form a tentlike structure. Clear plastics or other materials may not be fastened, rolled or otherwise be attached to umbrella edges in order to create an enclosure.
- (s)

The city manager may permit the use of planters manufactured of terra-cotta or polymer materials, with the number and size to be reviewed at time of application. Placement of planters within sidewalk cafe areas shall be five feet apart or greater. It shall be the permittee's responsibility to immediately remove planters, upon written and/or verbal notice from the city manager, in case of emergency or other circumstances as provided in this division. Maximum size of planters shall not exceed the following:

- (1) Rectangular planters: 30 inches long, by 15 inches wide by 20 inches high.
- (2) Round planters: 24 inches diameter by 24 inches high.
- (3) Planters 20 inches or higher shall be on rollers or on rolling bases.
- (4) The combination of planters and plant height should not exceed a table height of 34 inches.

Plants shall be properly maintained. Distressed plants shall be promptly replaced. Plant fertilizers which contain material that can stain the sidewalks shall not be allowed. Water drainage from any plants onto the sidewalk shall not be allowed. Potted plants shall have saucers or other suitable systems to retain seepage.

- (t) Permittees may make written request to the city manager to use city electricity for powering floor fans during the summer months. Summer months are defined as the period beginning on May 1, and ending on September 30. The city manager will make electrical outlets operable upon payment of a flat fee, which fee shall be determined, and may be adjusted from time to time, in the reasonable judgment and discretion of the city manager, for each of the calendar days during the summer months. City electrical outlets will be restricted to powering floor fans only. Using the electrical outlets for powering lights, menu board lighting, and any other electrical device is strictly prohibited. Permittees violating this restriction will have the electrical boxes deactivated and forfeit any monies paid for electrical use. Fans must be UL approved for outdoor use. Extension cords are not allowed.
- (u) No permit shall be granted on Lincoln Road in an area designated in the sidewalk cafe site map as restricted for special and cultural events; provided however, that the city manager may approve temporary use of such area(s), on a case by case basis, and only for a defined, limited time.

(Ord. No. 2007-3590, § 1, 12-12-07; Ord. No. 2008-3601, § 1, 3-12-08; Ord. No. 2009-3645, § 1.A, 7-15-09)

Sec. 82-386. - Indemnification and insurance.

- (a) The permittee agrees to indemnify, defend, save and hold harmless the city, its officers and employees from any and all claims, liability, lawsuits, damages and causes of action which may arise out of the permit or the permittee's activity on the public right-of-way.
- (b) The permittee agrees to meet and maintain for the entire permit period, at its own expense, the following requirements:
 - (1) Commercial general liability insurance in the amount of \$1,000,000.00 per occurrence for bodily injury and property damage. The city must be named as an additional insured on this policy, and an endorsement must be issued as part of the policy reflecting compliance with this requirement.
 - (2) For sidewalk cafes which serve alcoholic beverages, liquor liability insurance in the amount of \$1,000,000.00 per occurrence for bodily injury and property damage. The city must be named as an additional insured on this policy, and an endorsement must be issued as part of the policy reflecting compliance with this requirement.
 - (3) Workers' compensation and employers' liability as required by the state.
- (c)

All policies must be issued by companies authorized to do business in the state and rated B+:VI or better per Best's Key Rating Guide, latest edition.

- (d) The city must receive 30 days' written notice prior to any cancellation, non-renewal or material change in the coverage provided.
- (e) The permittee must provide and have approved by the city an original certificate of insurance as evidence that the requirements set forth in this section have been met prior to commencing operations.
- (f) Failure to comply with these requirements shall be deemed to be operating without a valid permit and shall cause an immediate suspension or revocation of the permit.

(Ord. No. 2007-3590, § 1, 12-12-07; Ord. No. 2008-3601, § 1, 3-12-08)

Sec. 82-387. - Prohibited "no table" zones.

- (a) There shall be no sidewalk cafes permitted and/or placed within a section of the 1100 block of Lincoln Road Mall, between Lenox Avenue and Alton Road; said section as more specifically defined by the following description:

Land Description:

A portion of Lincoln Road lying between Alton Road and Lenox Avenue, as shown on "Commercial Subdivision," according to the plat thereof, as recorded in Plat Book 6, at page 5 of the public records of Miami/Dade County, Florida, being more particularly described as follows:

Commence at the southwest corner of Lot 6, Block 39 of said "Commercial Subdivision;" thence south 89°08;deg;55" west along the south line of Block 39 of said "Commercial Subdivision," a distance of 11.20 feet; thence south 00°51;deg;05" east, a distance of 25.00 feet to the point of beginning; thence continue south 00°51;deg;05" east, a distance of 50.00 feet; thence south 89°08;deg;55" west along a line 25.00 feet north and parallel with the south right-of-way line of said Lincoln Road, a distance of 190.08 feet; thence north 00°51;deg;05 west, a distance of 50.00 feet; thence north 89°08;deg;55" east along a line 25.00 feet south and parallel with the north right-of-way line of said Lincoln Road, a distance of 190.08 feet to the point of beginning.

Said land situate, lying and being in the City of Miami Beach, Miami/Dade County, Florida; containing 9,504 square feet, more or less.

(Ord. No. 2009-3645, § 1.B, 7-15-09)

Secs. 82-388—82-410. - Reserved.

from the filing of any such lien which remains unpaid, the city may foreclose or otherwise execute upon the lien.

- (c) *[Procedures for appeals.]* The procedures for appeal of the notice of violation by administrative hearing shall be as set forth in sections 102-384 and 102-385

(Code 1964, § 25-86.1; Ord. No. 2012-3756, § 2, 4-11-12)

C4 - Commission Committee Assignments (Continued)

- ✶ C4R Referral To The Land Use And Development Committee To Discuss The Lincoln Road Utilization Areas For Sidewalk Cafes.
(Requested by Vice-Mayor Michael Góngora)

- C4S Referral To The Finance And Citywide Projects Committee Requesting A Status Update On The Delayed Issuance Of The RFP For The Professional Food And Beverage Facilities Management For The Miami Beach Convention Center.
(Requested By Commissioner Deede Weithorn)

- C4T Referral To The Neighborhood/Community Affairs Committee For The Status Of The Major Event Plan For Spring Break.
(Requested by Commissioner Jorge R. Exposito)



MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Ms. Kathie Brooks, Interim City Manager

CC: Mr. Rafael Granado, City Clerk

FROM: Commissioner Deede Weithorn

DATE: January 3, 2013

SUBJECT: Discussion Item:
Use of Electricity by Sidewalk Cafes

It has been brought to the attention of Commissioner Weithorn that Code Compliance has been directed by your office to cite unauthorized use of electricity on Lincoln Road where currently thirty-one (31) establishments are permitted by the Public Works Department to utilize the City's electrical outlets.

Our City Code currently reads as follows:

"City electrical outlets will be restricted to powering floor fans only. Using the electrical outlets for powering lights, menu board lighting, and any other electrical device is strictly prohibited."

However, staff has informed us that most businesses permitted to use electrical outlets on Lincoln Road do indeed utilize the electricity to power lights, especially at night time. It is the Commissioner's concern that though we expect all businesses to comply with the City's code, citing businesses for using electricity to power lights without previously providing a cure period, could potentially be financially disastrous to restaurants on Lincoln Road. As such, Commissioner Weithorn would like to request that an item be placed on the January City Commission meeting to discuss the use of electrical outlets on Lincoln Road and any changes that may or may not be appropriate to address current use. It is also requested that a reprieve on violations for this section of the City's Code be authorized until the City Commission has had an opportunity to provide direction on this issue.

Should you have any questions and/or concerns, please do not hesitate to contact me at extension 6528.

Thank you,

Alex J. Fernández,
Commissioner Weithorn's Office

We are committed to providing excellent public service and safety to all who live, work, and play in our city.

Agenda Item R96
Date 1-16-13



MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Kathie Brooks, Interim City Manager
FROM: Ed Tobin, Commissioner
DATE: November 29, 2012
SUBJECT: Agenda item for December 12th City Commission Meeting

Please place on the December 12, 2012 Commission Meeting Agenda a referral to Neighborhoods to discuss restaurant solicitation of pedestrians on city sidewalks particularly Ocean Drive and Lincoln Road.

If you have any questions please contact, Dessiree Kane at Extension 6274

ET/dk