



RESOLUTION # 2025-26

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA, RECOGNIZING THE EXISTING OPEN-AIR DINING OPERATIONS AT CERTAIN ESTABLISHMENTS LOCATED IN THE CITY OF WEST MIAMI, INCLUDING CERTO RESTAURANT, LATIN AMERICAN CAFETERIA, LATIN AMERICAN BAKERY & CAFE, AND CAFE VIÑALES; ACKNOWLEDGING THAT THESE USES WERE PERMITTED UNDER COUNTY EMERGENCY ORDERS DURING THE COVID-19 PANDEMIC; WAIVING SPECIAL USE PERMIT REQUIREMENTS PURSUANT TO ORDINANCE 2004-05 ON AN INTERIM BASIS; PROVIDING FOR STAFF TO STUDY AND RECOMMEND AN UPDATED REGULATORY FRAMEWORK; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of West Miami recognizes the importance of supporting local businesses and promoting economic development while ensuring public health and safety; and

WHEREAS, during the COVID-19 pandemic, Miami-Dade County issued emergency orders permitting open-air dining throughout the County in response to public health concerns and to support the food service industry; and

WHEREAS, several businesses in the City of West Miami, including Certo Restaurant, Latin American Cafeteria, Latin America Bakery & Cafe, and Cafe Viñales, began operating open-air dining in accordance with the County's emergency guidelines; and

WHEREAS, Ordinance No. 2004-05 of the City of West Miami requires a special use permit for open-air dining operations within the City limits; and

WHEREAS, the special use permit process as outlined in the 2004-05 Ordinance was not implemented or enforced during the time of the COVID pandemic emergency orders, and as a result, such permits were not issued for the aforementioned businesses; and

WHEREAS, the City Manager desires to address this issue and bring existing businesses into compliance without disrupting their current operations, and in a manner that is fair, transparent, and protective of both the public interest and private enterprise; and

WHEREAS, the City Commission agrees, that a temporary waiver of the special use permit requirement shall be granted for existing open-air dining operations while the Planning and Zoning Department reviews and updates the open-air dining regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA, AS FOLLOWS:

SECTION 1. The City Commission hereby acknowledges the existence of open-air dining operations at Certo Restaurant, Latin American Cafeteria, Latin America Bakery & Cafe, and Cafe Viñales, and recognizes that these uses began pursuant to County emergency orders during the COVID-19 pandemic.

SECTION 2. The City Commission hereby grants an interim waiver of the special use permit requirement as established by Ordinance 2004-05 for the businesses listed in Section 1, provided that such operations comply with all applicable life safety, building, and ADA requirements.

SECTION 3. The Planning and Zoning Department is directed to conduct a review of the City's existing open-air dining regulations and to provide recommendations for updated guidelines, including procedures for permitting, enforcement, and ongoing compliance.

SECTION 4. This Resolution shall not be construed as creating a permanent entitlement for open-air dining and shall remain in effect until such time that revised regulations are adopted or further action is taken by the City Commission.

SECTION 5. If any section, clause, or provision of this Resolution is declared invalid or unenforceable, the remainder shall not be affected and shall remain in full force and effect.

SECTION 6. This Resolution shall become effective immediately upon adoption.

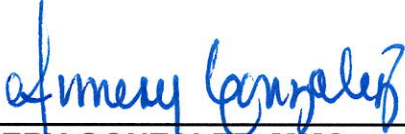
PASSED AND ADOPTED this 11th day of April 2025.

APPROVED:



ERIC DIAZ-PADRON, MAYOR

ATTEST:



ANNERY GONZALEZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



DEXTER W. LEHTINEN, CITY ATTORNEY

ROLL CALL VOTE:

This Resolution was offered by Commissioner Chavez, Jr. who moved its adoption. The motion was seconded by Commissioner Blanes. The vote was as follows:

MAYOR ERIC DIAZ-PADRON	<u>Y</u>
VICE-MAYOR NATALIE MILIAN ORBIS	<u>ABSENT</u>
COMMISSIONER IVAN CHAVEZ, JR.	<u>Y</u>
COMMISSIONER JUAN M. BLANES	<u>Y</u>
COMMISSIONER LUCIANO L. SUAREZ	<u>Y</u>