



MEMORANDUM

Office of the City Attorney

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TO: Mayor and City Commission

DATE: September 11, 2000
SECOND READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-00-78; Petition No. 35TCH-00PB
An ordinance of the City of Gainesville, Florida; amending subsection 30-66(e)(4) relating to sidewalk cafes in the central corridor district (CCD), providing that a license for a sidewalk café must be renewed upon change of owner of the principal use, revising the requirements and conditions for an enclosure or barrier around the cafe, and revising the requirements for a clear pedestrian path; amending section 30-87 relating to outdoor cafes, revising the requirements and conditions for an enclosure or barrier around the café and requiring the café to not interfere with pedestrian or vehicular circulation; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance, as amended.

STAFF REPORT

The Downtown Redevelopment Advisory Board (DRAB) made a motion at their January 6, 2000 meeting that the land development code provisions for sidewalk cafes and outdoor cafes be revised to address the issues of: whether or not the cafes are used and what to do with a non-used cafe; the amount of space needed for pedestrians on a sidewalk; and the need for barriers of any kind. The DRAB was concerned about some situations in downtown where it appears that a sidewalk cafe is not in use, yet barriers remain in place.

At present, the Land Development Code allows sidewalk cafes and outdoor cafes in certain zoning districts. An outdoor cafe is defined as an unenclosed establishment that is located on private property, open to the public and operates under the regulations for food service of the Florida Department of Agriculture or Florida Department of Business and Professional Regulation. Outdoor cafes are allowed in the CCD, MU-1 and MU-2 zoning districts in accordance with the requirements of Article VI, Section 30-87.

Sidewalk cafes are permitted in the CCD zoning district, provided that a license is obtained for the use of the public right-of-way, and that the cafe is operated in conjunction with a permitted principal use. Sidewalk cafes are only permitted use of the sidewalk up to 5 feet from the


curbline of the street and from any fire hydrants, planters or other public improvements in the right-of-way. Both sidewalk cafes and outdoor cafes are required by the Land Development Code to be defined by an enclosure of a least 3 feet in height. For sidewalk cafes, if the use is abandoned or if the enclosure no longer meets the requirements of the Land Development Code, the code requires that all obstructions of the right-of-way be removed.

The Plan Board reviewed the petition and recommended approval of the petition as presented by staff.


Public notice was published in the Gainesville Sun on June 6, 2000. The Plan Board held a public hearing June 22, 2000. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 35TCH-00 PB. Plan Board vote 5-0. **Staff is proposing a change on page 4, line 1, of the ordinance to clarify when items associated with a café must be removed from the sidewalk. The change is shown in shaded text.**

Fiscal Note
None

Prepared by:


Patricia M. Carter
Sr. Assistant City Attorney

Approved and
Submitted by:


Marlon J. Radson
City Attorney

MJR:PMC:sw

PASSED ON FIRST READING BY A VOTE OF 3-0.