

**LEGISLATIVE #**

**110942B**



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**TO:** City Plan Board **Item Number:** 7

**FROM:** Planning and Development Services Staff **DATE:** April 26, 2012

**SUBJECT:** Petition PB-12-41 TCH. City of Gainesville. Amend the Land Development Code to allow sidewalk cafes within the College Park Special Area Plan area for Type I properties, providing a definition of sidewalk cafes and establishing a procedure for approval.

**Recommendation:**

Approve the petition.

**Discussion:**

This is a request to amend the land development code to allow sidewalk cafes in the College Park Special Area Plan area for Type I buildings (see Exhibit 1). On March 1, 2012, the City Commission heard a request by the agent for the Roberts' Stadium Club project regarding the ability for outdoor seating to be provided associated with the retail use of building.

The Land Development Code addresses outdoor seating in two ways as either a sideway café or outdoor café. Sidewalk cafés are permissible as an accessory use on public property (sidewalks) and currently are only allowed in the Central City District (CCD), downtown. Outdoor cafés are allowed as an accessory use on private property and not within the public right-of-way throughout the City in most commercial and mixed use zoning districts. Given that Roberts' Stadium Club would need to use a portion of the public sidewalk, the focus of this petition is on sidewalk cafés. On March 1, 2012, the City Commission approved a motion to direct staff to initiate a petition allowing outdoor seating accessory to a principal use within applicable zoning districts and subject to specific criteria.

Staff has review the issue and given that the 'College Park Type I Building' area is very pedestrian oriented; staff feel that it is appropriate to allow sidewalk cafés in this area. There are outdoor cafes in the area located on private property such as the Swamp and the recently added Asian restaurant on University Avenue, there are other that are more internal to the development sites that are not located adjacent to public right-of-way. It appears that these outdoor spaces adds vitality to the area and helps to maintain a street life consistent with the goals of the City.

Over the last few months a staff committee involving the Building, Code Enforcement, Risk Management, Public Works, Fire, Planning and GRU have been reviewing how the City regulates and permits sidewalk cafes. Given that the work of the committee is not complete and the needs of the Stadium Club project staff is only proposing some minor changes to the existing code to allow the Stadium club project to move forward. Additionally the City has hired a land

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development code consultant that will also be updating the land development code for different areas throughout the City. There are also issues that must be worked out with the FDOT for any types of permitting on State right-of-way. Staff views this change as an interim measure and recommends that the land development code be amended to allow sidewalk cafes in the College Park area as shown in Exhibit 2.

Respectfully submitted



Ralph Hilliard  
Planning Manager

Attachment: Exhibit 1- College Park Map  
Exhibit 2-Proposed Changes