

LEGISLATIVE #

110942E

**From:** Hilliard, Ralph W.  
**Sent:** Wednesday, April 25, 2012 5:53 PM  
**To:** Mimms, Dean L.  
**Subject:** Sidewalk Cafe Petition PB12-41TCH

Below are a few changes and corrections to the Sidewalk Café language, highlighted in yellow, please forward to the Plan Board Memembers.

## Exhibit 2

### + Sidewalk Cafes

Amendment to the College Park Special Plan (Appendix A, Section 3, Exhibit B)  
 Urban Regulations for New Construction-Type I

#### **Building Use**

1. Allowable uses are those permitted in the UMU-1 zoning district of the Land Development Code (Chapter 30) and sidewalk cafes as a use by right in accordance with 30-66(e)(3).

Amend section 30-23 definitions to add a definition of **sidewalk café**: an accessory use associated with an eating place or an alcoholic beverage establishment that consists of tables and chairs within the public sidewalk area adjacent to a business licensed to operate as an eating place or alcoholic beverage establishment.

#### **Existing language in Section 30-66(e)(3)**

##### *(3) Sidewalk cafes.*

- a. Sidewalk cafes may be operated in conjunction with a permitted principal use provided a license permit ~~therefore~~ is first issued by the city manager or designee. Sidewalk cafes within FDOT and County right-of-way must be approved by that entity, unless approval authority was given to the City. The city manager or designee is authorized to issue revocable ~~licenses~~ annual permits, terminable upon 15 days' notice, for the use of public right-of-way for sidewalk cafes, provided all requirements of this chapter are met, the principal use and sidewalk cafe are in compliance with the requirements of this Code, the owner of the principal use agrees in writing to maintain the portion of the right-of-way where the sidewalk cafe exists, the owner of the principal use agrees in writing to hold the City harmless for any personal injury or property damage resulting from the existence or operation of the sidewalk cafe and the condition and maintenance of the right-of-way including utilities upon which it is located, and the owner of the principal use annually furnishes evidence of general liability insurance in the amounts not less than \$500,000 combined single limit ~~of \$100,000.00 per person and \$200,000.00 per occurrence~~ with the city as additional named insured. A license permit for a sidewalk cafe must be renewed annually and upon the change of ownership

of the permitted principal use.

b. This ~~license permit~~ shall only ~~permit allow the~~ use of the sidewalk up to 5 feet from the curbline of the street and from any fire hydrants. A minimum 5-foot wide clear pedestrian path shall be maintained at all times, except where a sidewalk cafe is adjacent to a lane of traffic with no on-street parking, and located on an arterial street. In such cases, a minimum 6-foot wide clear pedestrian path on the sidewalk shall be maintained at all times. A ~~license permit~~ issued to a sidewalk cafe that serves an eating place, as defined in section 30-23, may include the area adjacent to the curbline, when adjacent to on-street parking, if there is sufficient public sidewalk to maintain a 5-foot wide clear pedestrian path. The width of a required clear pedestrian path may be increased or decreased by the city manager or designee if deemed necessary for ~~pedestrian circulation~~ purposes that promote public health, safety and welfare, **however a minimum of 36 inches of clear width must be maintained for accessibility.** No such ~~license permit~~ shall authorize the use or obstruction of a sidewalk located within the triangular area at the intersection of 2 streets as defined in section 30-341.

c. Every sidewalk cafe that serves as an alcoholic beverage establishment, as defined in section 30-23, shall be defined by an enclosure or barrier of at least 3 feet in height, measured from the ground or sidewalk level, except for entrances/exits of customary width. If the alcoholic beverage establishment does not operate between the hours of 8:00 a.m. and 6:00 p.m., elements of the enclosure shall not be permanently affixed to the sidewalk, unless otherwise required by a governmental entity. Sidewalk cafe that serves an eating place, as defined in section 30-23, shall not be required to have an enclosure or barrier. If a business owner does not provide a permanent enclosure or barrier to define the area of use, all chairs, tables, elements of the barrier or enclosure and related items shall be put into storage when the cafe is closed, or be securely stored near the building. If enclosures or barriers are provided, they shall be designed to ensure access to the public right-of-way by people with disabilities. Such enclosures or barriers may consist of screens, planters, fencing, or other material that defines that area of use. Unless otherwise specified in this section, provided that the business operates four out of seven days a week and is in operation by 6:00 p.m. each business day, such enclosure and other improvements may be permanently affixed to the sidewalk, provided they are removed, and the sidewalk repaired to its original condition, upon termination of the license or abandonment of the sidewalk cafe use. If at any time, parts or part of the enclosure are removed or withdrawn to such an extent that the enclosure is no longer sufficient to meet the requirements stated herein, all right-of-way obstruction must be removed. The city manager or designee is authorized to revoke any ~~license permit~~ issued pursuant to this section if it is determined by the city manager or designee that the ~~licensee permit holder~~ has violated the terms of the license agreement or this section.

d. No heating or cooking of food or open flames shall be allowed in the sidewalk café area, except as may be allowed by the Chief Fire Official.

#### Appendix A- Schedule of Fees, Rates and Charges Street, Sidewalks and Other Public Places

(3)	Sidewalk Café annual permit	\$60.00
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FYI: Under Florida's public records law, most written communications to or from City officers and employees regarding City business are public records and are available to the public upon request. Your e-mail communications may be subject to public disclosure.

Please note that normal hours are now 7:00 a.m. to 6:00 p.m., Monday through Thursday.