



## Legislation Text

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**File #:** 110942., **Version:** 2

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### SIDEWALK CAFES - TEXT CHANGE TO THE LAND DEVELOPMENT CODE (B)

Ordinance No. 110942; Petition No. PB-12-41 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code related to sidewalk cafes; by amending Section 30-23 to add a definition; by creating Section 30-121 to add sidewalk cafes as a specially regulated use; by amending Section 30-66(c) to allow sidewalk cafes within the Central City District; by deleting Section 30-66(e)(3) related to requirements for sidewalk cafes within the Central City District; by amending Appendix A. - Special Area Plans, Section 3. - Special Area Plan for College Park, Exhibit B, Urban Regulations For New Construction - Type 1, Building Use to allow sidewalk cafes; by amending Appendix A - Schedule of Fees, Rates and Charges of the Code of Ordinances to add an annual fee for sidewalk cafes; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

The City Commission adopt the proposed ordinance, as amended at first reading.

### PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This ordinance amends the land development code to allow sidewalk cafes in the College Park Special Area Plan area for Type I properties. The location of these properties is depicted on the College Park Master Plan.

The Land Development Code addresses outdoor seating areas in two ways: (1) as a sidewalk cafe, or (2) as an outdoor cafe. Sidewalk cafes are currently allowed only in the Central City District (CCD) zoning district. Sidewalk cafes are described as a dining area within the public right-of-way that is an accessory use to the principal permitted use. In contrast, outdoor cafes are allowed as an accessory use on private property (not within the public right-of-way) throughout the City in most commercial and mixed use zoning districts. On March 1, 2012, the City Commission directed staff to initiate a petition to allow outdoor seating accessory to a principal use within applicable zoning districts and subject to specific criteria.

Staff has reviewed the issue and, given that the College Park Type I Building properties are very pedestrian oriented, recommends allowing sidewalk cafes within the public right-of-way in this area. A staff committee with representatives from the City Manager's Office, Building, Code Enforcement, Risk Management, Public Works, Fire, Planning, FDOT and GRU has been reviewing how the City regulates and permits sidewalk cafes. Additionally the City has hired a land 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. These efforts are on-going and this petition and ordinance reflect the initial recommended revisions necessary to allow sidewalk cafes in a certain area within the College Park Special Area Plan to accommodate pending development that is interested in a sidewalk cafe. The recommendation also includes a \$60 sidewalk cafe permit fee.

Public notice was published in the Gainesville Sun on April 10, 2012. On April 26, 2012, the City Plan Board held a public hearing and, by a vote of 5-0, approved the petition.

The ordinance was amended by the City Commission at first reading to revise the definition of Sidewalk cafe in Section 1 of the ordinance.

### CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on September 6, 2012.