



Legislation Details (With Text)

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File created: 8/26/2013 **In control:** Community Development Committee
On agenda: 12/5/2013 **Final action:** 12/5/2013
Title: Sidewalk Cafés (B)

This item involves a recommendation from the Community Development Committee to the City Commission to hear a staff presentation, authorize staff to enter into an agreement with Florida Department of Transportation (FDOT), and amend the Land Development Code to include FDOT requirements.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 130261A_CDC Presentation_20131113.pdf, 2. 130261B_Ordinance 110942_20131113.pdf, 3. 130261C_Sidewalk Cafes Lease Agreement_20131113.pdf, 4. 130261D_Sidewalk Cafes Lease Agreement Addendum_20131113.pdf, 5. 130261A_SidewalkCafesPPT_20131205.pdf, 6. 130261B_Ordinance 110942_20131205.pdf, 7. 130261C_Sidewalk Cafes Lease Agreement_20131205.pdf, 8. 130261D_Sidewalk Cafes Lease Agreement Addendum_20131205.pdf

Date	Ver.	Action By	Action	Result
12/5/2013	3	City Commission	Approved as Recommended	
11/13/2013	2	Community Development Committee	Approved, as shown above - See Motion(s)	
9/19/2013	1	City Commission	Approved as Recommended	Pass
9/5/2013	1	City Commission	Approved as Recommended	Pass

Sidewalk Cafés (B)

This item involves a recommendation from the Community Development Committee to the City Commission to hear a staff presentation, authorize staff to enter into an agreement with Florida Department of Transportation (FDOT), and amend the Land Development Code to include FDOT requirements.

This item was discussed by the Community Development Committee on November 13, 2013.

Section 30-121 of the City's Land Development Code regulates sidewalk cafés on the right-of-way by requiring business owners to apply for a City license and to maintain general liability insurance in the amount of no less than \$500,000, holding the city harmless for any personal injury or property damage resulting from the existence or operation of the sidewalk café. The license must be renewed annually.

The Florida Department of Transportation (FDOT) no longer allows sidewalk cafés on state-owned right-of-way free of charge. FDOT now requires the City to enter into a lease agreement with the State to manage sidewalk cafés on state-owned right-of-way, assessing a fee of \$2.00 per square feet per year. This fee is in addition to the license fee charged by the City. In addition, the State requires that business owners maintain

general liability insurance in the amount of no less than \$2,000,000.

There are currently seven sidewalk cafés along state roads that would be affected by this change with current business owners interested in establishing at least two additional sidewalk cafes at the Woolly event venue and the Pop A Top Corner Store on North Main Street.

For sidewalk cafes along state roads, the City would lease the property from FDOT and then most likely enter into a license agreement with businesses wanting sidewalk cafés. The City would pass on all FDOT requirements to the business including payment of \$2.00 per square foot, insurance requirements, indemnifications, etc. The costs to the City would mainly be additional staff time to periodically monitor the sidewalk cafes and any additional costs incurred due to additional liability exposure; however, this is no different from the situation on city right-of-way that is used for sidewalk cafes.

The Community Development Committee to the City Commission - 1) authorize the City Manager to execute Sidewalk Café Lease Agreements with the FDOT, subject to approval by the City Attorney as to form and legality; and 2) direct staff to initiate a petition to the City Plan Board to amend the Land Development Code to provide for sidewalk cafes on FDOT right-of-way.