



Legislation Details (With Text)

File #: 130895. **Version:** 3 **Name:**
Type: Ordinance **Status:** Adopted
File created: 4/14/2014 **In control:** City Attorney
On agenda: 6/19/2014 **Final action:** 12/18/2014
Title: TEXT CHANGE - SIDEWALK CAFES - REQUIREMENTS FOR USE OF STATE RIGHT-OF-WAYS (B)

Ordinance 130895; Petition No. PB-14-31 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code Section 30-121 Sidewalk cafes to add provisions required by the Florida Department of Transportation in order for the city to permit sidewalk cafes to be located in state right-of-ways; amending Appendix A - Schedule of Fees, Rates and Charges of the Code of Ordinances to add an annual license agreement fee for sidewalk cafes located in State of Florida right-of-ways; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 130895E_staff report_20141204.pdf, 2. 130895F_Attach 1_Addendum to Lease_20141204.pdf, 3. 130895G_Attach 2_Application_20141204.pdf, 4. 130895H_CPB minutes_20141204.pdf, 5. 130895A_draft ordinance_2014124.pdf, 6. 130895D_COG Sidewalk Cafe License Agreement_2014124.pdf, 7. 130895B_FDOT Lease Agreement_2014124.pdf, 8. 130895C_FDOT Addendum to Lease Agreement_2014124.pdf, 9. 130895_ordinance_20141218.pdf

Date	Ver.	Action By	Action	Result
12/18/2014	3	City Commission	Adopted on Final Reading (Ordinance)	Pass
12/4/2014	2	City Commission	Approved (Petition) and Adopted on First Reading (Ordinance)	Pass

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The City Commission adopt the proposed ordinance.

PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This ordinance amends the Land Development Code to add certain provisions that the Florida Department of Transportation (FDOT) requires if the city would like to permit sidewalk cafes to be located in state right-of-ways. Specifically, the FDOT now requires an annual fee of two dollars per square foot of state right-of-way

used, requires any business using a state right-of-way to carry general liability insurance with certain minimums, and requires the city to sign a lease agreement with the FDOT for the use of any applicable state right-of-way. The city would then sublease with a business for use of that state right-of-way by executing a license agreement with the business.

On November 13, 2013, the Community Development Committee discussed this issue, heard from stakeholders and directed staff to initiate a petition and develop a process to allow sidewalk cafes on state right-of ways in accordance with the FDOT requirements. Sidewalk cafes are currently allowed in the Central City District (CCD) and within the College Park Special Area Plan. The Community Development Committee directed staff to allow sidewalk cafes in state right-of-way in the CCD only due to safety concerns with allowing sidewalk cafes in state right-of-ways in the College Park Special Area Plan, such as University Avenue.

After public notice was published in the Gainesville Sun on March 11, 2014, the City Plan Board held a public hearing on March 27, 2014, and recommended approval of the petition by a vote of 6-0.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings and shall become effective immediately upon adoption at second reading.