



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#15-0705

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: June 16, 2015

TITLE: Ordinance Amending Chapter 25, Article VII of the Code of Ordinances
to Permit Sidewalk Cafés Along the Riverwalk

Recommendation

It is recommended that the City Commission adopt an ordinance to permit sidewalk cafés along the New River within the downtown and to permit sidewalk cafés in association with businesses other than restaurants.

Background

At the June 2, 2015 City Commission meeting the City Commission approved the proposed amendment by a vote of 5-0 with direction to staff to clarify the required width of the available public sidewalk area when a sidewalk café is permitted. Further, staff went to the New River in the areas where sidewalk cafés may potentially be located and determined the proposed minimum width of 10-feet for a pedestrian area, as recommended in first reading, would unduly limit the area in which a sidewalk café could be located.

For instance, if a sidewalk café were to be placed along the water's edge in front of the Downtowner restaurant there is only 15-feet of usable area (this area is around 30-feet wide, but some of that space is taken up with existing landscaping and benches). With a minimum width requirement of 10-feet there would only be 5-feet in which to fit tables and chairs. Staff believes lowering the minimum requirement of width dedicated to the pedestrian to 8-feet will still give pedestrians a suitable amount of space in which to travel and give the prospective sidewalk café 7-feet in which to locate. To address these two issues, staff has made the following revision between first and second reading of the ordinance:

The proposed language addressing this requirement and as presented on first reading stated the following: *Sidewalk cafés shall maintain a minimum of ten (10) feet of open pedestrian area.*

The proposed language has been revised for second reading to state the following: *Sidewalk cafés shall be designed and set-up in such a manner to ensure a clear and unobstructed pedestrian area with a minimum width of eight (8) feet, as measured perpendicular to the water's edge.*

The Riverwalk District Plan outlines a vision for the north and south banks of the New River where activities spill out of doors allowing for a physical connection to the water and enhancing the scenic beauty of the area. The Riverwalk District Plan outlines ways to create a lively, safe, attractive, and comfortable public space, drawing people and activity to the river to strengthen and expand the identity and presence of arts, cultural and entertainment uses. The Code of Ordinances for the City of Fort Lauderdale currently limits the location of sidewalk cafés to areas located directly adjacent to a licensed restaurant.

Staff has received inquiries from restaurant operators about placing sidewalk cafés within areas that are not directly adjacent to the establishment, including locations across the street from the establishment adjacent to the water's edge along the New River. Generally, it is not desirable to have wait-staff and customers crossing a roadway to an area to dine and service tables, however, there are instances when this type of sidewalk café can be accommodated in a safe manner. Furthermore, allowing sidewalk cafés along areas such as the Riverwalk can be beneficial to the continued enhancement and activation of the area in accordance with the Riverwalk District Plan.

Staff has also received inquiries from establishments other than restaurants interested in placing tables and chairs outside for the benefit of their customers. These requests include establishments such as coffee shops, specialty shops, juice bars, and establishments serving alcoholic beverages, but that do not necessarily serve food.

To address this issue, staff is seeking to amend the Code of Ordinances of the City of Fort Lauderdale to allow sidewalk cafés along the water's edge of the New River within downtown area, when associated with an establishment licensed to sell food or drinks. The sidewalk cafés, when located in this area, will be permitted on the opposite side of the street from the associated establishment abutting the waterway subject to specific criteria that will address life safety and operational issues.

In addition, the general requirement for a sidewalk café to be associated only with a licensed restaurant will be amended to include any business that sells food and/or drinks with this portion of the proposed amendment taking affect citywide.

It should be noted that this amendment would not remove any of the current requirements for a sidewalk café. All requirements currently listed in the Code of Ordinances of the City of Fort Lauderdale will remain.

The proposed amendment will be added to Article VIII – Sidewalk Cafés. The following is a summary of the proposed requirements:

- A sidewalk café located within the public right-of-way along the New River may be placed in the public right-of-way without the need to be located directly adjacent to the associated business.

- Sidewalk cafés shall maintain a minimum distance of five feet from any equipment located within the public right-of-way. This includes fire equipment, electrical hookups for docked boats or any other equipment located along the New River.
- Sidewalk cafés shall only consist of tables and chairs. There shall be no signage, restaurant side stations/wait stations, or any other type of equipment or furniture placed within the right-of-way other than approved tables and chairs.
- Applicant is responsible for maintaining the sidewalk café area free of litter and is required to keep the area associated with the sidewalk café neat and free of debris.
- Chairs associated with a sidewalk café shall be prohibited from being oriented so that the back of the chair faces the water's edge.
- Sidewalk cafés shall maintain a minimum of eight feet of open pedestrian area.
- Sidewalk cafés that are located at the water's edge will be required to install a protective barrier consisting of bollards with connecting chains, weighted planter boxes with appropriate landscape material or some other safety device at the applicant's expense and subject to the review and approval of the City Engineer and the Parks and Recreation Department.
- The applicant may be required to install additional improvements such as additional waste and recycling receptacles.
- The City Engineer and the Parks and Recreation Department may require additional improvements to address life safety issues such as the removal of tripping hazards, installation of American with Disabilities Act (ADA) ramps, installation of accessible pedestrian paths through existing landscape areas, or any other improvements necessary to ensure a safe dining and pedestrian experience.

In addition to the above the amendment will also remove the requirements for sidewalk cafés only in association with licensed restaurants.

The proposed ordinance attached as Exhibit 1.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included in the Public Places Cylinder of Excellence, specifically advancing:

- Goal 3: Be a community that finds opportunities and leverages partnerships to create unique, inviting, and connected gathering places that highlight our beaches, waterways, urban area, and parks.
- Objective 1: Improve access to and enjoyment of our beach, Riverwalk, waterways, parks, and opens spaces for everyone.

- Initiative 2: Enhance and expand pedestrian and bike-friendly connections and amenities.

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are Community*.

Attachment:
Exhibit 1 – Proposed Ordinance

Prepared by: Anthony Gregory Fajardo, Zoning Administrator

Department Director: Jenni Morejon, Department of Sustainable Development