



# SIDEWALK CAFÉ CASE STUDY





## WHY HAVE SIDEWALK CAFÉS?

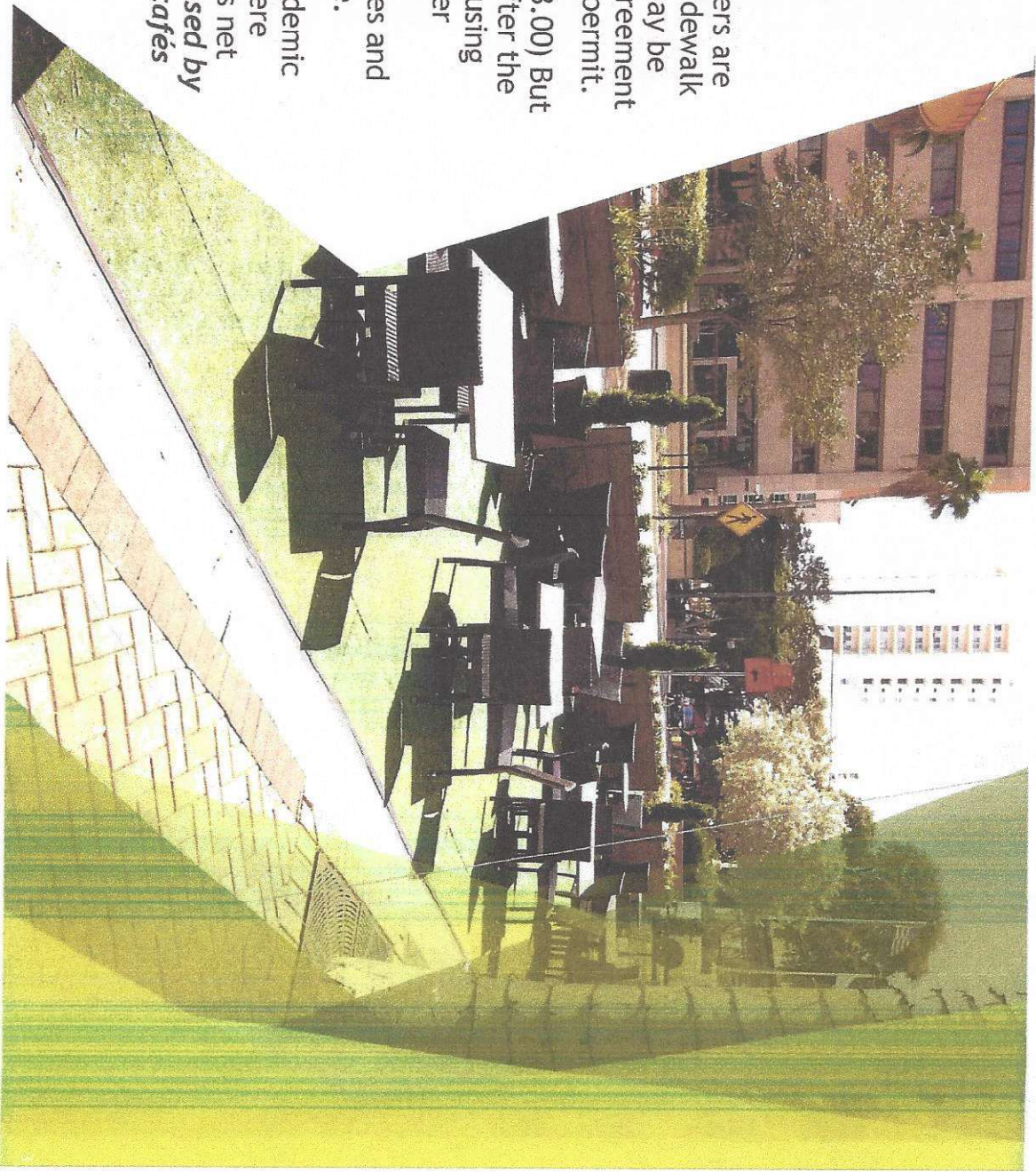
- ▶ “The street café provides a unique setting, special to cities: a place where people can sit lazily, legitimately, be on view, and watch the world go by...”  
--Christopher Alexander, Architectural Theorist
- ▶ “At sidewalk cafes, as well, the life on the sidewalk in front of the café is the prime attraction... Sidewalks are, not unexpectedly, the very reason for creating sidewalk cafes.”  
--Jan Gehl, Urban Planner
- ▶ *People go to where people are.*

# CURRENT STATE OF SARASOTA

Tables, Chairs, Umbrellas, and Heaters are all allowed in the right-of-way via sidewalk café permit. Planters and lighting may be installed under an encroachment agreement independently of the sidewalk café permit.

A permit has a high initial cost (\$548.00) But a low per-table fee (\$50.00/ Table after the first 2). The price might discourage using the sidewalk for dining among smaller restaurants but encourages larger restaurants to squeeze as many tables and chairs into their property as possible.

During the start of the COVID-19 epidemic and continuing into 2021, permits were issued for free. Since then, the City's net number of sidewalk cafes has **increased by over 34%, increasing 19 sidewalk cafés with 75 total sidewalk cafés.**





## CURRENT STATE OF SARASOTA

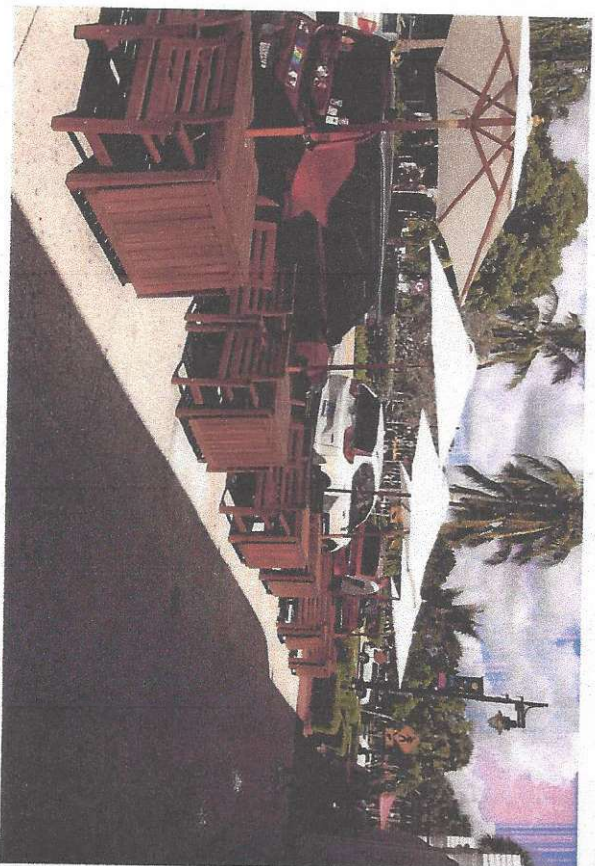
▶ The City has an emergency program to allow the use of parking spaces as additional dining areas. The program has met with widespread approval, but we see ongoing issues regarding a lack of standards for barricades and conflicts with Special Events.

▶ Enforcement remains an ongoing issue as well. City staff must balance quick response with the severity of the case.

▶ Responsibility for standard Sidewalk Café Inspections falls on Public Works, Engineering Division. But if the situation escalates, the issue is forwarded to Code Enforcement. Our approach is to give a verbal warning, a written warning, and then begin fines at \$150/day until the issue is corrected. As a last resort, Public Works can impound the street furniture.

# RESEARCH METHODOLOGY

- ▶ Municipalities were divided into four categories:
  - ❖ Small Coastal Cities and Towns
  - ❖ Large Cities
  - ❖ Miami Coast
  - ❖ Out-of-State Examples
- ▶ Representatives were contacted and provided a questionnaire requesting their permit documents and a link to relevant ordinances for reference.
- ▶ Recommendations are made and options are provided according to both the typical responses given and the applicability of the responders. For instance, New York's 8' Pedestrian Clear Spaces are not applicable to City of Sarasota sidewalks, which are rarely more than 10' wide.



Municipality	# Cafes	Personnel
Sarasota, FL	75	2
Coral Gables, FL	40	1
Delray Beach, FL	60	2
Hollywood, FL	100	2
Key West, FL	10	Code Enforcement
Miami, FL	30	Code Enforcement
Naples, FL	14	3
New York, NY	1500+	Unknown
Orlando, FL	70	Code Enforcement
Panama City, FL	~10	None*
Pompano Beach, FL	40	2-3
St. Petersburg, FL	100+	2-3
Venice, FL	15	5-7

## ENFORCEMENT

- ▶ Regardless of the size of the Cities or the number of sidewalk cafes, the number of inspectors generally remained under 3.
- ▶ Those that did not have assigned personnel relied on Code Enforcement to inspect cafes instead.
- ▶ Option 1: Utilizing the current number of City inspectors as they already adequately meet the City's needs.
- ▶ Option 2: Delegate responsibility for Sidewalk Café Inspections to Code Enforcement.



## FOLLOW-UP INSPECTIONS

- ▶ Typically, other Cities issue fines immediately or upon follow-up inspections. Fees, fines, and penalties were not typically outlined in City Ordinances
- ▶ Typical Reinspection occurs 2-3 days after the first violation. Very rarely was this policy written down.
- ▶ A single department typically handled enforcement tracking.
- ▶ **Recommendation:** Codify a standard response and fee schedule for cafes that violate their permit or operate without a permit.

# PERMIT COSTS

- ▶ Municipalities used varying methods to determine permit costs.
- ▶ Generally, municipalities with larger economies tended to charge more for the permit.
- ▶ Option 1: Reduce the flat permitting fee to \$275 and increase the cost per table to encourage smaller sidewalk cafes to participate.
- ▶ Option 2: Switch to a Per-Square-Foot basis of permitting costs. The costs would better link sidewalk cafes to liquor licenses. Recommended permit cost be no more than \$250 + \$4/SF. Limit table and chairs based on ADA requirements and based on what is permitted.

Sarasota, FL	75	\$548+\$50 *(# Tables over 2)	\$548+\$25*(# Tables over 2)	November 1st
Coral Gables, FL	40	No Cost	No Cost	Expires January 2022
Delray Beach, FL	60	\$150+\$4.75*(Square Footage)	\$4.75*(Square Footage)	July 1st
Hollywood, FL	100	Application Fee; \$125.00 City ROW: \$200+\$25 per table	City ROW: \$200+\$25 per table	September 30th
Key West, FL	10	\$100 Fee -\$500 PER SEAT +One Time \$592 Per Seat paid over a 5-year period.	\$100 Fee +\$500 PER SEAT	September 30th
Miami, FL	30	\$185	\$11.50 per Square Foot	October 1st
Naples, FL	14	\$500	\$500	Not Available
New York, NY	1500+	Variable Schedule Depending on Square Footage	Variable Schedule Depending on Square Footage	Biannual Renewals
Orlando, FL	70	\$500-\$700 Dollars for Permit; \$91.35/Seat for open seating \$182.70/Seat for under Awning		Annually from Permit's Approval.
Panama City, FL	-10	No Cost	No Cost	None
Pompano Beach, FL	40	\$20 for first 4 Tables. \$20 for every additional table.	\$20 for first 4 Tables. \$20 for every additional table.	September 30th
Redmond, WA	N/A	\$0.70 - \$1.40 per square foot.	\$0.70 - \$1.40 per square foot.	N/A
St. Petersburg, FL	19	\$35+\$20/Chair	\$15/Chair	September 30th
Venice, FL	15	\$25 Flat Fee	\$25 Flat Fee	September 30th

Municipality	Minimum Sidewalk
Sarasota, FL	5'
Coral Gables, FL	6'
Delray Beach, FL	6'
Hollywood, FL	4', with allowed bottlenecks of 36" for 2 feet.
Key West, FL	5'
Miami, FL	5'
Naples, FL	Reviewed by Fire Marshal
New York, NY	8'
Orlando, FL	5'
Panama City, FL	4' *
Pompano Beach, FL	5'
Redmond, WA	5'
St. Petersburg, FL	5'
Venice, FL	44" **

## WALKABILITY

- ▶ All Cities required, on paper, a clear pedestrian sidewalk width of 5' or greater. However, some municipalities have de-facto policies that relax this requirement.

- ▶ Coral Gables and Delray Beach both used improved 6' clear pedestrian spaces. New York City, which emphasizes walkability, demands at least 8' feet or half the sidewalk, whichever's greater.

- ▶ **Option 1:** Retain a 5' clearance but adjust café layout requirements to demand parallel seating next to the sidewalk to reduce the number of chairs encroaching into pedestrian traffic.

**Option 2:** Increase the clear pedestrian path from 5' to 6'. This would require most sidewalk cafés to redraw and reorient their tables. Care should be taken as to when and how the adjustment would be made. Sidewalk Café renewal times for FY 2022 would be impacted as the City would be forced to revisit all existing sidewalk café plans.

## PERMITTED FEATURES

- ▶ Tables, chairs, and umbrellas were always permitted. Menu boards and heaters less so.
- ▶ Some municipalities also permitted lightweight planter pots under their sidewalk café permit so long as they were included in the sidewalk café permit plan.
- ▶ Option 1: Remove heaters from permit and right-of-way. This may reduce the overall usage of sidewalk café spaces in the peak season.
- ▶ Option 2: Modify existing ordinance to formalize heaters as a feature of sidewalk cafés.

Municipality	Allows
Sarasota, FL	Tables, Chairs, Umbrellas, Heaters, Signs (via separate permit)
Coral Gables, FL	Tables, Chairs, Umbrellas
Delray Beach, FL	Tables, Chairs, Umbrellas
Hollywood, FL	Tables, Chairs, Umbrellas
Key West, FL	Tables, Chairs, Umbrellas, Heaters, Signs
Miami, FL	Tables, Chairs, Umbrellas, Heaters
Naples, FL	Tables, Chairs, Umbrellas, Heaters
New York, NY	Tables, Chairs, Umbrellas, Heaters, Signs
Orlando, FL	Tables, Chairs, Umbrellas, Heaters, Signs
Panama City, FL	Tables, Chairs, Umbrellas, Signs
Pompano Beach, FL	Tables, Chairs, Umbrellas
Redmond, WA	Tables, Chairs, Umbrellas, Tents
St. Petersburg, FL	Tables, Chairs, Umbrellas, Heaters, Signs
Venice, FL	Tables, Chairs, Umbrellas, Heaters, Signs

Municipality		Parking Space/Parklets
Sarasota, FL		For emergencies with special form. Need barricades.
Coral Gables, FL	No	
Delray Beach, FL		For emergencies with special form. Need barricades, planters, hay, or plastic signs.
Hollywood, FL	Yes	
Key West, FL	No	
Miami, FL	No	
Naples, FL	No	
New York, NY	Yes	
Orlando, FL	No	
Panama City, FL	Yes	
Pompano Beach, FL	No	
Redmond, WA	Yes	
St. Petersburg, FL	No	
Venice, FL	No	





# PARKLETS

► Municipalities that permitted the use of parking spaces as dining areas unilaterally required ADA Access to be provided. Only in Redmond was a constructed parklet required. Parklet had to comply with building codes.

► Delray Beach provided examples of suitable barricades for restaurants to use. Other Cities included a 2' minimum clearance from the travel way in addition to a barricade.

► **Recommendation:** Eliminate parking space dining. Not only is the practice dangerous without proper barricades and clearance, but the serving of alcohol in parking spaces is forbidden under City Code Sec. 5-17 (1): *"It shall be unlawful for any person licensed to sell alcoholic beverages...to any person upon any motor vehicular parking area...."*

► **Alternative Option:** Allow parking spaces to be used for sidewalk café. For any on-street spaces (parklet) option, the cost must include recovery for lost parking revenues.

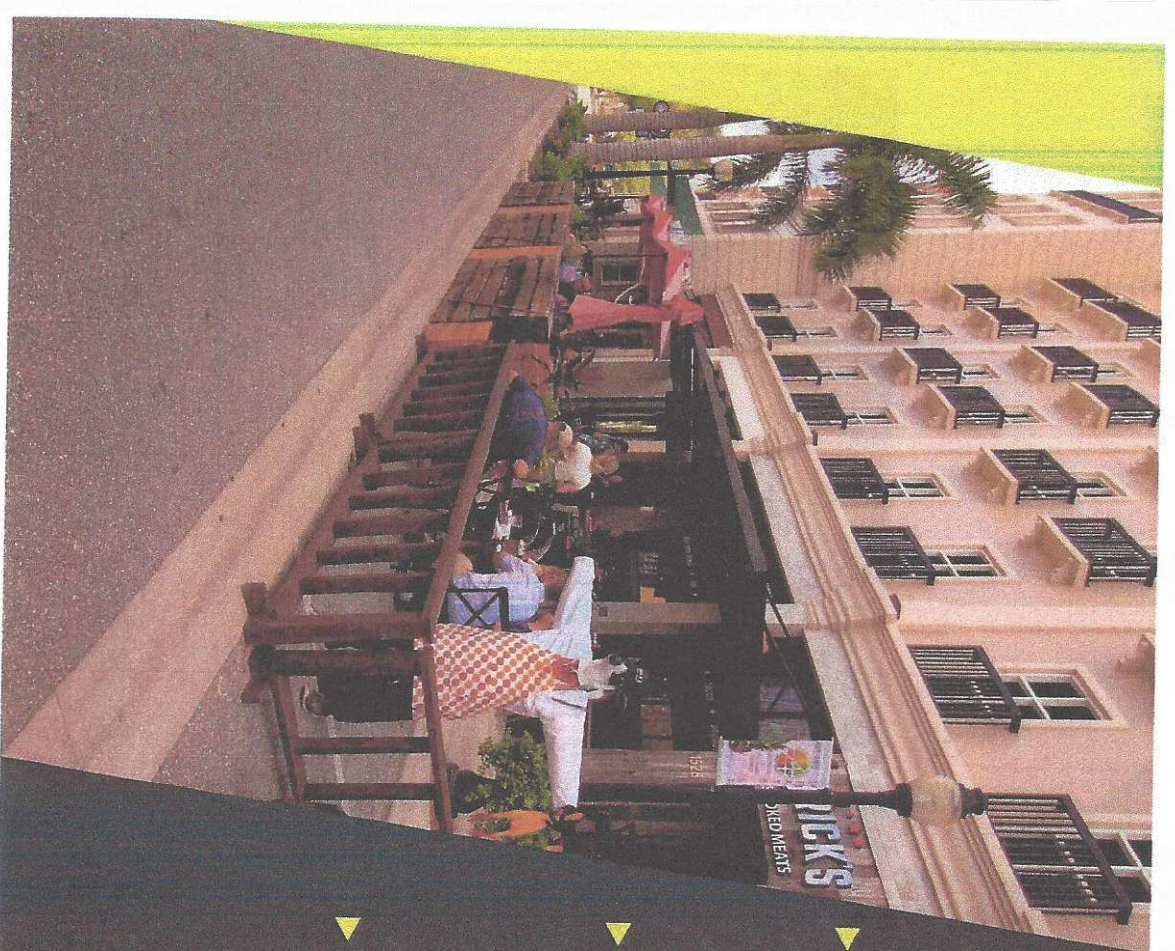
Traffic Barricade	Stow Barricade	Painted Plastic Barricades
		
Wood Pallets & Planters	Tin Planters	Plant
		

# MERCHANTS & MUSIC

- ▶ Very few municipalities have preexisting ordinances or regulations for displaying wares outside the store.
- ▶ Most applicable example: Delray Beach allows restaurants to display up to 10% of their wares outside, but they **must** represent the store's typical stock. A clothing store cannot sell fireworks for the 4th of July, for instance.
- ▶ Music and live entertainment policies were evenly split between requiring separate permits, not permitted, and explicitly not allowed.
- ▶ **Merchants Option 1:** Retain existing policies on merchants and live entertainment. The City does not allow displaying of merchant wares on the sidewalk. It should be noted that there is little room for the merchandise on the 'near' side of the sidewalk and placing them on the far side invites theft.
- ▶ **Merchants Option 2:** Modify code to allow sidewalk vending. The permit and permit fees for merchants should use the same or similar fees and requirements as sidewalk cafés.
- ▶ **Music Option 1:** Retain existing policies on live entertainment. Music is regulated by the sound ordinance and can be a challenge to permit and enforce.
- ▶ **Music Option 2:** Modify code create a new permit to allow live entertainment or add to existing café permit. Regulations may include allowing acoustic musicians only between specific hours.



Municipality	Sidewalk Merchants	Music/Live Entertainment
Sarasota, FL	No	Not Allowed
Coral Gables, FL	No	Not Permitted
Delray Beach, FL	Yes	Not Allowed
Hollywood, FL	No	Allowed
Key West, FL	No	Separate Permits for Live Entertainment
Miami, FL	Permitted as Mobile Vendors	Recorded Music Allowed at Low Volumes
Naples, FL	No	Must be Approved by City Council
New York, NY	Yes	N/A
Orlando, FL	No	Separate Permits for Live Entertainment
Panama City, FL	No	Not Allowed
Pompano Beach, FL	No	Allowed
Redmond, WA	No	Not Permitted
St. Petersburg, FL	Permitted in similarly to Sidewalk Cafes	Not Allowed
Venice, FL	Permitted in similarly to Sidewalk Cafes	Allowed



## INSURANCE

- ▶ Liability is typically \$1 million per incident, \$2 million general aggregate. Cities always request to be additional insured, though endorsements are not always mentioned as a requirement.
- ▶ Many Cities require a statement signed by sidewalk cafes agreeing to indemnify and hold harmless the municipality. This agreement is already incorporated into Form 'M' of the City of Sarasota's Sidewalk Café Application.
- ▶ **Recommendation:** Continue requiring \$1 million incident & \$2 million aggregate general liability plus an endorsement. Neither of these requirements is particularly difficult to meet, and they protect the city from legal action.

# TENTS

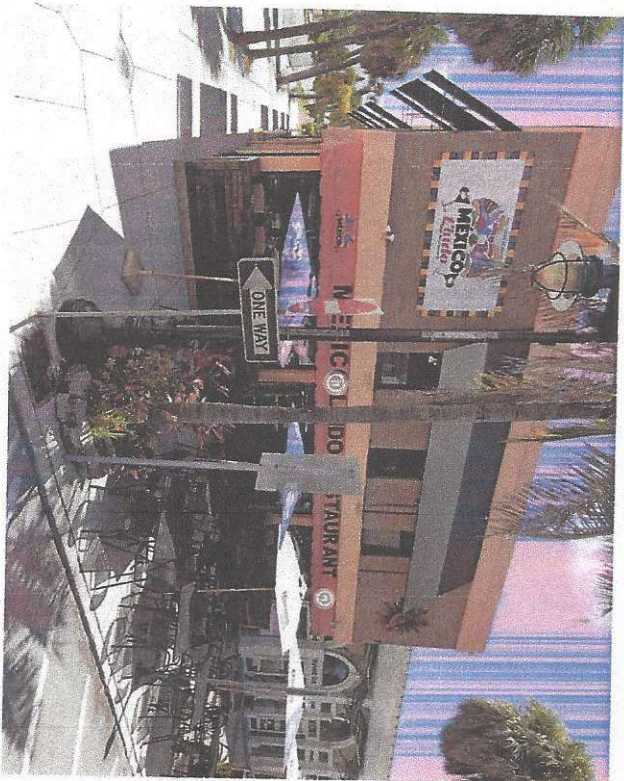
▶ Despite creating a system by which cafes could install tents, no café has come to use the new permit to obtain a tent. Even those that had already had tents chose to convert back to umbrellas.

▶ **Recommendation:** Emergency tent permit should be discontinued. Tents should be permitted separately and case-by-case by the building department and comply with the building code.



## ADVERTISING FOR ALCOHOLIC BEVERAGES

- ▶ State law (Fla. Statutes 561.42 (14)e.) prohibits the use of umbrellas, tables, chairs, or other items as advertising for alcoholic beverages outside the establishment's premises.
- ▶ Recommend specifying on sidewalk café permit as a permit criterion.



# SUMMARY

- ▶ Enforcement Division:
  - ❖ Keep in City Engineering, or
  - ❖ Move to Code Enforcement
- ▶ Fines:
  - ❖ Continue to charge as ROW permit violation fee, or
  - ❖ Codify fines specific to sidewalk café
- ▶ Permit Fees:
  - ❖ Reduce the fee to \$274 and raise the cost per table, or
  - ❖ Switch to a Per SF basis, at \$250 + \$4 per SF
- ▶ Pedestrian Clear Zone:
  - ❖ Retain at minimum 5-foot width, or
  - ❖ Increase to a 6-foot minimum width
- ▶ Permitted Features:
  - ❖ Disallow heaters in the right-of-way, or
  - ❖ Incorporate heaters as sidewalk café features by modifying existing ordinance.





# SUMMARY

## ▶ Outdoor Vending:

- ❖ Continue to not allow the sale of merchandise as part of business in the right-of-way, or
- ❖ Authorizing drafting of a zoning text amendment to allow vending to accompany the business

## ▶ Outdoor Music:

- ❖ Continue not to allow music as part of business in the right-of-way, or
- ❖ Authorizing drafting of a zoning text amendment to allow music to accompany the business

## ▶ Insurance:

- ❖ Keep the insurance the same with \$1 million per incident, \$2 million general aggregate.
- ❖ Lower or raise insurance requirement

## ▶ Tents:

- ❖ Eliminate emergency permits for tents

## ▶ Advertising:

- ❖ Prohibit advertising for alcoholic beverages as a condition on the sidewalk café permit per Florida Statutes

THANK YOU

