

ORDINANCE NO. 2671-06

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 90, ARTICLE VI "SIDEWALK CAFES" SO AS TO REGULATE SAFE PEDESTRIAN PASSAGE AROUND OR THROUGH SIDEWALK CAFES, ALLOW CERTAIN LOCATIONS TO OPERATE WITH TABLES NEAR THE CURB AS ACCEPTED UNDER STRICT CONDITIONS AND TO REQUIRE THE POSTING AND ADHERENCE OF INDIVIDUAL SEATING PLANS AND PERMITS BY EACH SIDEWALK CAFÉ WITH ENFORCEMENT CRITERIA FOR SUSPENSION OF SIDEWALK CAFÉ PERMITS AS DESCRIBED HEREIN.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF WINTER PARK:

SECTION 1. Chapter 90, Article VI, "The Winter Park Sidewalk Café Code" Section 90-158 "Application", Section 90-159 "Fee; renewal fee; penalties for late payments for renewal fee", Section 90-160 "Standards, criteria and conditions for Sidewalk Cafes", and Section 90-162 "Revocation or suspension; emergencies" are hereby amended to read as follows:

ARTICLE VI SIDEWALK CAFES

Sec. 90-158. Application

- (a) (9) A copy of the state alcoholic beverage license and state approved site plan identifying the extension of this permit to the sidewalk where the café seating will operate as required by section 90-160(z).

Sec. 90-159. Fee; renewal fee; penalties for late payments for renewal fee.

- (a) The annual permit fee for establishing or maintaining a sidewalk café shall be as set forth in a fee schedule established by the City Commission based on the number of seats specified by the permittee for sidewalk café seating.

Sec. 90-160. Standards, criteria and conditions for Sidewalk Cafes.

- (c) All tables, chairs, umbrellas, heaters, signs or other personal property must be placed immediately in front of the permittee's restaurant and will not be permitted within five feet of a pedestrian crosswalk or handicap corner curb cut.
- (d) Sidewalk cafes shall be located in such a manner that a distance of not less than five feet is maintained at all times as a clear unobstructed pedestrian path and a clear line of sight maintained around or through the sidewalk café. In instances where curbside seating promotes the clear line of sight and pedestrian walkway it is permitted given the following criteria are met.
- (1) Areas where there is no on-street parking allowed, will be permitted to place tables out near the curb to encourage the clear line of sight condition.
 - (2) The sidewalk café demonstrate the café seating will not obstruct vehicle passengers from exiting their cars with the placement of their curbside tables, and
 - (3) Curbside tables must be two-seater tables no larger than 28" wide with an orientation parallel to the sidewalk so no chairs will be placed in the pedestrian walkway or backing up to the exiting passenger from a parked vehicle. Areas where no on-street parking exists, given an approved site plan by the director or designee may be exempt from this parameter.

- (4) All table layouts will be approved on a site by site basis by the director or designee and curbside table placement, orientation, and size will require an on-site demonstration of the requirements above. This site plan must be posted and displayed in a conspicuous, easily accessed location along with the sidewalk café permit.
- (h) Umbrellas and other decorative material shall be fire-retardant, or manufactured of fire-resistive material and shall comply with applicable building and fire codes. The lowest part of the umbrella top must be a minimum of seven feet above the sidewalk. Signs are prohibited on umbrellas, chairs, tables, and other permissible personal property and fixtures which are located on the public right-of-way, except the establishment name and/or its logo is permitted on umbrellas. Lettering and/or logos may not exceed six inches in height.
- (q) The area covered by the permit and the sidewalk and roadway immediately adjacent to it shall be maintained in a neat, clean and orderly appearance at all times by the permittee, and the area shall be cleared of all debris as needed during the day, and again at the close of each business day and as determined by the director. The permittee shall also be responsible to pressure clean the sidewalk surface on which the sidewalk café is located regularly so as to maintain safe and clean sidewalk areas as determined by the director or his designee.
- (z) Approval of a sidewalk café permit shall be conditioned upon obtaining the necessary state alcoholic beverage license and meeting all state alcoholic beverage requirements. The approved site plan by the state for the state alcoholic beverage license to allow service outside of the establishment must conform to the proposed site plan for the café seating and must be submitted with the application for a sidewalk café permit. All tables and chairs must not exceed the boundaries of the State Alcoholic Beverage plan and the sidewalk café plan.

Sec. 90-162. Revocation or suspension; emergencies.

- (a)
- (3) The permittee exceeds the approved number of seats by placing additional tables, chairs, etc. in or beyond the approved area.
- (c) If a permittee is found in violation of the codes and given a written citation on three occasions in a single year as identified as the beginning date of the permit issuance the sidewalk café permit shall be suspended for a period of time, or revoked as determined by the director, effective immediately upon receipt of a third citation. In addition, if the director or designee believes that a permittee has engaged or is engaged in conduct warranting the suspension or revocation of the permit, the director shall serve the permittee by certified mail or hand delivery at his business address as disclosed in the application for the permit or at the permitted premises, a written administrative complaint which affords reasonable notice of facts or conduct which warrant the intended action. The permittee shall be given adequate opportunity to request an administrative hearing before the director of code enforcement unless the director finds that an emergency condition exists involving serious danger to public health, safety or welfare, in which case advance notice and hearing shall not be required. In the case of an emergency suspension or revocation, the permittee shall immediately be advised of the director's action and afforded a prompt post-suspension or revocation hearing in accordance with the procedures set forth in this Code. Appeals of applications or café seating plans rejected by the City may be heard by the City Commission for either upholding the decision of the director, further revising and approving the plan or approving the submitted plan.

SECTION 2. All ordinances or portions of ordinances in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall become effective immediately upon its final passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 8th day of May, 2006.



Mayor David C. Strong

ATTEST:



City Clerk

