

ORDINANCE NO. 2009-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, MAKING COMPREHENSIVE REVISIONS TO CITY OF TAMPA CODE OF ORDINANCES, CHAPTER 22 (STREETS AND SIDEWALKS); AMENDING SECTION 22-103, WHEN NEW SIDEWALK CONSTRUCTIONS IS REQUIRED; CONTRIBUTIONS TO "SIDEWALK TRUST FUND" IN LIEU OF CONSTRUCTING A SIDEWALK; AMENDING SECTION 22-224, ESTABLISHMENT AUTHORIZED TO OPERATE SIDEWALK CAFES; APPLICATION CRITERIA, REVIEW AND APPROVAL; AMENDING SECTION 22-225, PERMIT ISSUANCE; AMENDING SECTION 22-227, OPERATIONAL GUIDELINES; AMENDING SECTION 22-229, PERMIT RENEWAL; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City Council of the City of Tampa directed the Land Development Coordination office to complete the following amendments to Chapter 22, Code of Ordinances.

**WHEREAS**, the Hillsborough County City-County Planning Commission conducted a public hearing on this ordinance and made a finding that it is consistent with the Tampa Comprehensive Plan;

**WHEREAS**, the City Council of the City of Tampa has determined that the following amendments promote and protect the general health, safety and welfare of the residents of the City of Tampa; and,

**WHEREAS**, duly noticed public hearings as required by law were held by the City Council of the City of Tampa, at which public hearings all residents and interested persons were given an opportunity to be heard.

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA:**

**Section 1.** That "Sec. 22-103. When new sidewalk construction is required; contributions to "sidewalk trust fund" in lieu of constructing a sidewalk." is hereby amended by adding the underlined language as follows:

**"Sec. 22-103. When new sidewalk construction is required; contributions to "sidewalk trust fund" in lieu of constructing a sidewalk.**

1 (a) In order to provide continual access for pedestrians, sidewalks shall be provided  
2 by the property owner or permit applicant in the public right of way along or near  
3 the portions of any parcel of property abutting a public street when one (1) of the  
4 following events occur:

5  
6 (1) *Residential buildings/uses generally:* Whenever a permit is issued for the  
7 construction of: (a) a new single-family or multi family residential  
8 building or use; or (b) any expansion of any existing single-family or  
9 multi-family residential building in excess of fifty (50) percent of the  
10 existing square footage of building area on a parcel.

11  
12 (2) *Commercial/industrial/office and all other non-residential building uses:*  
13 Whenever a permit is issued for: (a) the construction of a new commercial,  
14 industrial or office building; or (b) any expansion of an existing building  
15 or use (other than a residential building or use) which results in an  
16 expansion of that building or use in excess of twenty-five (25) percent of  
17 the existing square footage of building area on a parcel.

18  
19 (3) *All uses:* All uses undergoing: (a) site plan controlled zoning approval; or  
20 (b) S-2 special use approval (excluding requests for alcoholic beverage  
21 sales in existing structures, unless proposing a change of use or increase in  
22 intensity); or (c) any change in an existing use requiring twenty-five (25)  
23 percent additional parking.

24  
25 Whenever sidewalk(s) is/are required above, then the sidewalk(s) shall be  
26 constructed in the public right of way along the full length of any and all  
27 streets abutting a parcel of property and parallel to the street in accordance  
28 with the latest standards established by the department of public works.  
29 The location of the sidewalk in the public right-of-way shall be  
30 determined by the transportation manager or his designee.”

31  
32 **Section 2.** That “**Sec. 22-224. Establishment authorized to operate**  
33 **sidewalk cafés; application criteria, review and approval procedures.**” is hereby  
34 amended by adding the underlined language and deleting the stricken language as  
35 follows:

36  
37 **“Sec. 22-224. Establishment authorized to operate sidewalk cafés; application**  
38 **criteria, review and approval procedures.**

39  
40 Any restaurant A restaurant, coffee shop, or retail tobacco shop (as defined in Chapter  
41 27) that complies with the provisions of this subdivision is authorized to operate a  
42 sidewalk café. ~~For purposes of this chapter, a restaurant is any establishment whose~~  
43 ~~principal business is the sale of food and beverage in a ready-to-consume state, where the~~  
44 ~~sale of alcoholic beverages is incidental and does not comprise more than fifty (50)~~  
45 ~~percent of sales and whose design or principal method of operation includes one (1) or~~  
46 ~~both of the following: (i) customers, normally provided with an individual menu, are~~

1 ~~served their food and beverage by a restaurant employee at the same table or counter at~~  
2 ~~which the items are consumed; or (ii) a cafeteria style operation is provided where food~~  
3 ~~and beverage are consumed within the restaurant structure. Permits issued under this~~  
4 ~~subdivision are valid for one (1) calendar year, commencing on July 1, with an automatic~~  
5 ~~expiration date of June 30 of the following calendar year. Permits may be issued for a~~  
6 ~~partial year, if the application is received subsequent to July 1; however, the expiration~~  
7 ~~date remains the same as above.~~  
8

9 (1) General Application Criteria: Before operating a sidewalk café, application for a  
10 sidewalk café permit shall be made to the official on a form provided by the  
11 official. Such application shall include, but not be limited to, the following  
12 information:  
13

14 a. The name, address, phone number of applicant, and name of duly  
15 authorized representative;  
16

17 b. Evidence of registration of a fictitious name or trade name, if any, under  
18 which the business applicant proposes to do business or is doing business;  
19

20 c. Two (2) copies of a detailed, sealed site plan including, but not limited to,  
21 the following:  
22

- 23 1. The proposed use, materials, colors and design;
- 24 2. Relationship of the sidewalk café to the adjacent existing building  
25 and their uses and entrance locations;
- 26 3. The location of any utilities that might effect or be affected by the  
27 proposal;
- 28 4. The relationship of the sidewalk café to the centerline of the  
29 adjacent street, if applicable, and to any existing or proposed  
30 public improvements, including, but not limited to, benches, fire  
31 hydrants, light standards and landscaping;
- 32 5. The legal description, total square footage and exact dimensions of  
33 the proposed sidewalk café;
- 34 6. The existing and proposed pedestrian circulation pattern;
- 35 7. Floor plan of the existing building and any proposed modification,  
36 showing the relationship of food preparation areas to the sidewalk  
37 café;

38  
39 d. The adjacent property owner's written consent for the minimum period of  
40 one (1) year if seeking to operate a sidewalk café that extends to a public  
41 right of way in front of an adjacent owner's property. It is contemplated  
42 hereby that an applicant and adjacent property owners may enter into an  
43 agreement for the right to extend a sidewalk café in front of an adjacent  
44 owner's property, therefore, for purposes of this ordinance, an applicant  
45 shall provide, at the applicant's option, evidence of consent by either  
46 presenting the agreement or short form agreement that, at minimum:

- i.1. Identifies and contains the notarized signature, with two (2) witnesses, of all interested property owner(s); and
- ii.2. Express language evidencing consent for the minimum period required by this ordinance; and,
- iii.3. An acknowledgment by the consenting party that the city shall be provided notice of any revocation or suspension of consent by registered mail, return receipt requested, within five (5) business days of exercising said revocation or suspension.
- iv.4. An acknowledgment that the city shall be held harmless from any and all liability arising out of the issuance of a sidewalk café permit.

e. Plans for the operation of the sidewalk café, including, but not limited to, hours of operation, maintenance of the sidewalk café and services to be provided.

(2) Application Criteria and Method of Review for Sidewalk Cafés on Franklin Street Mall, Herman C. Massey Park, NCNB Plaza, or on public sidewalks in the Franklin Street Mall Phase II District or in the Central Business District, Channel District, or Historic Ybor City:

a. Criteria and method of review: Any restaurant (the "applicant") Applications that ~~complies~~ comply with the provisions of this subsection, which are in addition to those above, ~~is~~ are authorized to operate a sidewalk café and obtain issuance of a permit therefore. Such Applications for sidewalk cafés to be located on the Franklin Street Mall, Herman C. Massey Park, NCNB Plaza, or on public sidewalks in the Franklin Street Mall Phase II District or Ybor City as defined in this chapter, shall be reviewed as follows:

1. The official shall examine the qualifications of the applicant and the applicant's plan for operation and maintenance of the sidewalk café.
2. The official shall route the application and plans to the appropriate agencies or departments for review, including but not limited to growth management & development services, fire, risk management.
- 2.3. The official shall approve plans, designs and specifications that do not unreasonably interfere with any of the following:
  - i. Adequate pedestrian flow;
  - ii. Access to public utilities, building entrances, crosswalks, bus stops and transient entrances;

- iii. Pedestrian and traffic safety; and
- iv. Aesthetic compatibility with the surrounding area.

4. The official may advise the applicant of the revisions to the applicant's plans, designs and specifications that will result in an application that conforms to the provisions of this subdivision.

5. The official shall deny an application for a sidewalk café permit if:

- i. The applicant has failed to comply with any of the submission requirements contained in this section;
- ii. The sidewalk café, as the applicant represents how it will be operated, fails to comply with the criteria set forth in this subdivision;
- iii. Any information submitted by the applicant is found to be incorrect; or
- iv. The official finds that the sidewalk café would create an obstruction to, or cause congestion of, pedestrian or vehicular traffic due to existing conditions on the surrounding public right-of-way so as to represent a danger to the health, safety or general welfare of the public.

~~b. Method of Review: Applications for sidewalk cafes to be located on public sidewalks in the city, except on the Franklin Street Mall, Herman C. Massey Park, NCNB Plaza, or on public sidewalks in the Franklin Street Mall Phase II District or Ybor City as defined in this chapter, shall be reviewed as follows:-~~

- ~~1. The official shall transmit one (1) copy of the application to the city clerk for presentation to the city council to set a public hearing.~~
- ~~2. The official shall cause an analysis to be made of the application based upon the criteria provided in subsection (2)a. of this section, and prepare a recommendation for consideration by the city council.~~
- ~~3. Prior to consideration of the application for approval of the sidewalk cafe, a public hearing thereon shall be held by the city council. The procedures for such public hearing shall be as follows:
  - ~~i. The city council shall set, by motion, a date for a public hearing on the application, which public hearing shall be scheduled not less than fifteen (15) days and no more than seventy-five (75) days from the date of the motion. Notice of the public hearing shall be published in a newspaper of general circulation in the city at least fifteen (15) days prior to the public hearing.~~~~

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- ii. ~~The applicant shall immediately, upon the passage of the motion fixing a date for a public hearing and not less than fifteen (15) days prior to the date set for the public hearing, send a notice to the owner, according to the latest ad valorem tax records, of every parcel of land within a distance of one hundred fifty (150) feet, excluding roads or streets, in all directions from the proposed sidewalk cafe which is the subject of the application. This notice shall be mailed to such owner at his usual post office address, by certificate of mailing. The applicant shall prepare an affidavit showing: (a) the lands that lie within one hundred fifty (150) feet, excluding roads and streets, in all directions from the subject property; (b) the names of the owners of such lands, (c) the date and post office address to which each copy of the notice was mailed. The applicant shall attach to the affidavit the certificate of mailing showing the date the notices were mailed and a photograph of the sign as posted on the property. The affidavit and a photograph of the sign as posted on the property shall be filed with the city clerk not less than five (5) days prior to the date of the public hearing.~~
  - iii. ~~The official shall provide a sign to be posted by the applicant in a conspicuous place on and near the front of the property where the proposed sidewalk cafe is to be located, fifteen (15) days prior to the scheduled public hearing. The sign, which may be cardboard, metal or other substance, shall be of a size of not less than eighteen (18) inches by twenty four (24) inches upon which shall appear the following information:  
Public Notice Sidewalk Cafe Hearing Before City Council, City of Tampa, City Council Chambers, City Hall (insert date and hour of hearing).~~
  - iv. ~~The applicant shall pay a fee, as established by the city council, at the time of filing. No fees shall be refunded unless the sidewalk cafe application has been unnecessarily filed due to administrative error and without the applicant's fault. In such cases the city council, by a majority vote, may authorize the director of finance to refund the fee.~~
  - v. ~~If the notices of the time and date of the public hearing are not mailed to property owners as required herein, or the requisite sign is not posted on and near the front of the property as required herein, or the affidavit, together with the certificate of mailing and a photograph of the sign as posted on the property, is not filed with the city clerk as required herein then public hearing shall be continued for no less than four (4) weeks and the applicant shall be~~

1 required to amend the application as provided herein. There  
2 shall only be one (1) continuance permitted for failure to  
3 meet the requirements herein, accordingly, in the event of a  
4 second violation the petition shall be deemed withdrawn  
5 and the petitioner will be required to file the petition anew.

6 vi. ~~Amended application. An application may be amended to~~  
7 ~~correct an error or omission. If this amendment requires re-~~  
8 ~~advertisement of the notice of public hearing, the applicant~~  
9 ~~shall pay an amendment fee, as established by resolution of~~  
10 ~~the city council, to cover the cost and expenses as a result~~  
11 ~~of the amendment at the time the amendment is filed.~~

12  
13 4. ~~After completion of the public hearing, the city council shall~~  
14 ~~approve, approve with conditions or deny the sidewalk cafe~~  
15 ~~application.~~

16  
17 5. ~~The official shall cause notice of the disposition of the application~~  
18 ~~to be sent to the applicant. The official, in the case of approval or~~  
19 ~~approval with conditions, shall issue a permit in accord with the~~  
20 ~~council's actions upon submission by the applicant of the items~~  
21 ~~listed in section 22-225 of this Code.~~

22  
23 (3) Application Criteria and Method of Review for Sidewalk Cafés outside of the  
24 Central Business District, Channel District, or Historic Ybor City:

25  
26 a. Criteria and method of review: Refer to (2)a.1-5 for criteria.

27  
28 b. Furthermore, applications shall be reviewed as follows:

29  
30 1. The official shall transmit one (1) copy of the application to the  
31 city clerk for presentation to the city council to set a public  
32 hearing.

33  
34 2. The official shall route the application and plans to the appropriate  
35 agencies or departments for review, including but not limited to  
36 growth management & development services, fire, risk  
37 management.

38  
39 3. The official shall cause an analysis to be made of the application  
40 based upon the criteria provided in subsection (2)a. of this section,  
41 and prepare a recommendation for consideration by the city  
42 council.

43  
44 4. Prior to consideration of the application for approval of the  
45 sidewalk café, a public hearing thereon shall be held by the city

1 council. The procedures for such public hearing shall be as  
2 follows:

3  
4 i. The city council shall set, by motion, a date for a public  
5 hearing on the application, which public hearing shall be  
6 scheduled not less than fifteen (15) days and no more than  
7 seventy-five (75) days from the date of the motion. Notice  
8 of the public hearing shall be published in a newspaper of  
9 general circulation in the city at least fifteen (15) days prior  
10 to the public hearing.

11 ii. The applicant shall immediately, upon the passage of the  
12 motion fixing a date for a public hearing and not less than  
13 fifteen (15) days prior to the date set for the public hearing,  
14 send a notice to the owner, according to the latest ad  
15 valorem tax records, of every parcel of land within a  
16 distance of one hundred fifty (150) feet, excluding roads or  
17 streets, in all directions from the proposed sidewalk café  
18 which is the subject of the application. This notice shall be  
19 mailed to such owner at his usual post office address, by  
20 certificate of mailing. The applicant shall prepare an  
21 affidavit showing: (a) the lands that lie within one hundred  
22 fifty (150) feet, excluding roads and streets, in all directions  
23 from the subject property; (b) the names of the owners of  
24 such lands, (c) the date and post office address to which  
25 each copy of the notice was mailed. The applicant shall  
26 attach to the affidavit the certificate of mailing showing the  
27 date the notices were mailed and a photograph of the sign  
28 as posted on the property. The affidavit and a photograph  
29 of the sign as posted on the property shall be filed with the  
30 city clerk not less than five (5) days prior to the date of the  
31 public hearing.

32 iii. The official shall provide a sign to be posted by the  
33 applicant in a conspicuous place on and near the front of  
34 the property where the proposed sidewalk café is to be  
35 located, fifteen (15) days prior to the scheduled public  
36 hearing. The sign, which may be cardboard, metal or other  
37 substance, shall be of a size of not less than eighteen (18)  
38 inches by twenty-four (24) inches upon which shall appear  
39 the following information:  
40 Public Notice--Sidewalk Café Hearing Before City  
41 Council, City of Tampa, City Council Chambers, City Hall  
42 (insert date and hour of hearing).

43 iv. The applicant shall pay a fee, as established by the city  
44 council, at the time of filing. No fees shall be refunded  
45 unless the sidewalk café application has been unnecessarily  
46 filed due to administrative error and without the applicant's

1 fault. In such cases the city council, by a majority vote,  
2 may authorize the director of finance to refund the fee.

3 v. If the notices of the time and date of the public hearing are  
4 not mailed to property owners as required herein, or the  
5 requisite sign is not posted on and near the front of the  
6 property as required herein, or the affidavit, together with  
7 the certificate of mailing and a photograph of the sign as  
8 posted on the property, is not filed with the city clerk as  
9 required herein then public hearing shall be continued for  
10 no less than four (4) weeks and the applicant shall be  
11 required to amend the application as provided herein. There  
12 shall only be one (1) continuance permitted for failure to  
13 meet the requirements herein, accordingly, in the event of a  
14 second violation the petition shall be deemed withdrawn  
15 and the petitioner will be required to file the petition anew.

16 vi. Amended application. An application may be amended to  
17 correct an error or omission. If this amendment requires re-  
18 advertisement of the notice of public hearing, the applicant  
19 shall pay an amendment fee, as established by resolution of  
20 the city council, to cover the cost and expenses as a result  
21 of the amendment at the time the amendment is filed.

22  
23 5. After completion of the public hearing, the city council shall  
24 approve, approve with conditions, or deny the sidewalk café  
25 application.

26  
27 6. The official shall cause notice of the disposition of the application  
28 to be sent to the applicant. The official, in the case of approval or  
29 approval with conditions, shall issue a permit in accord with the  
30 council's actions upon submission by the applicant of the items  
31 listed in section 22-225 of this Code.

32  
33 ~~(34)~~ Reapplication. Any current holder of a sidewalk café permit shall reapply for a  
34 new permit, subject to the applicable conditions above, if changes are proposed to  
35 the permitted sidewalk café.”

36  
37 **Section 3.** That “**Sec. 22-225. Permit issuance.**” is hereby amended by  
38 adding the underlined language and deleting the stricken language as follows:

39  
40 **“Sec. 22-225. Permit issuance.**

41  
42 (a) Prior to the issuance of a permit, the applicant shall furnish the official with the  
43 following:

44  
45 (1) A completed, signed permit application.  
46

- 1 (42) A copy of a valid City of Tampa occupational license tax receipt as  
2 required by this Code;  
3
- 4 (23) Copies of all required health department permits to operate a sidewalk  
5 cafe;  
6
- 7 (34) ~~A properly executed certificate of insurance on forms which are to be~~  
8 ~~furnished by the city providing commercial general liability insurance in~~  
9 ~~the amount of one million dollars (\$1,000,000.00) combined single limit~~  
10 ~~each occurrence. All insurance shall be from companies duly authorized to~~  
11 ~~do business in the State of Florida. All liability policies shall provide that~~  
12 ~~the city is an additional insured as to the operation of the sidewalk cafe~~  
13 ~~and shall provide the severability of interest provision. Insurance with~~  
14 ~~companies authorized to do business in Florida, with an A.M. best rating~~  
15 ~~of B+ or better and Class VII or higher. All liability policies shall name~~  
16 ~~City of Tampa as an additional insured as to the operations of the~~  
17 ~~permittee, and shall provide the Severability of Interest Provision. In lieu~~  
18 ~~of the additional named insured requirement, permittee may purchase an~~  
19 ~~Owner's and Contractor's Protective Liability policy. Such Policy shall be~~  
20 ~~written in the name of the City at the same limit as is required for General~~  
21 ~~Liability coverage. The permittee shall provide proof of a Commercial~~  
22 ~~General Liability insurance policy on the most current Insurance Services~~  
23 ~~Office (ISO) form, or its equivalent, with an amount of no less than~~  
24 ~~\$1,000,000 per occurrence and a \$2,000,000 general aggregate. The~~  
25 ~~insurance coverages and limits required must be evidenced by a properly~~  
26 ~~executed Accord 25 Certificate of Insurance form. This requirement is~~  
27 ~~waived for the owner of a personal dwelling; and, City Franchised~~  
28 ~~Utilities, the City, the State, the County, or other governmental body,~~  
29 ~~board, or authority, which are self-insured in limits exceeding those set~~  
30 ~~forth herein, provided further, however, that this waiver shall not be~~  
31 ~~applicable to any contractor employed by the owner of a personal dwelling~~  
32 ~~or any of the aforementioned governmental agencies. Thirty (30) days'~~  
33 ~~written notice must be given the city of any cancellation or reduction in~~  
34 ~~the policy coverages;~~
- 35
- 36 (45) ~~A fully executed sidewalk cafe lease, which includes a hold harmless~~  
37 ~~provision holding~~ An agreement in a form acceptable to the city attorney  
38 of the City of Tampa and executed by the applicant to hold the city  
39 harmless from any and all liability arising out of the issuance of a  
40 sidewalk cafe permit and/or execution of a sidewalk cafe lease.; and
- 41
- 42 (56) The sidewalk cafe permit fee.
- 43
- 44 (7) Two (2) copies of a sealed site plan in compliance with section 27-224.
- 45

1           (8) Written authorization (notarized) from owner(s) of property upon which  
2           the restaurant, coffee shop, or retail tobacco shop is located, authorizing  
3           the location of a sidewalk café adjacent to such property.  
4

5           (b) Upon approval of an application and submission of the aforesaid items, the  
6           official shall issue a sidewalk cafe permit.”  
7

8           **Section 4.** That “**Sec. 22-227. Operational guidelines.**” is hereby amended  
9           by adding the underlined language and deleting the stricken language as follows:  
10

11           **“Sec. 22-227. Operational guidelines.**

12           (a) *Location requirements.*

13           (1) The width of the sidewalk café is restricted ~~to~~ as follows:

14           a. ~~i.~~ The width shall not exceed the width of the sidewalk frontage of  
15           the subject property subject of the permit. However, the area of the  
16           permit may ~~also be extended up to~~ by a maximum of fifty (50) feet  
17           on one (1) side ~~and/or the other of the permittee's business of the~~  
18           subject location, subject to the provisions of subsection (~~ii~~ b) of  
19           this section.  
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21           b. ~~ii.~~ An applicant for a sidewalk café permit may be permitted to  
22           extend by a maximum of fifty (50) contiguous feet in the public  
23           right-of-way on one (1) side and/or the other side of the applicant's  
24           property so long as the applicants property abuts the public right of  
25           way. In order for the subject area of the permit to extend to a  
26           public right of way in front of an adjacent owner's property, the  
27           applicant must obtain: ~~written permission for use of such area~~  
28           ~~from the adjacent property owner(s) for a minimum period of one~~  
29           ~~(1) year. Such permission shall at all times take into consideration~~  
30           ~~applicable federal, state and local accessibility and safety~~  
31           ~~requirements. The revocation or suspension of such permission~~  
32           ~~shall not operate to grant the permittee a refund of the annual~~  
33           ~~permit fee or any other fees paid to the city for operation of a~~  
34           ~~sidewalk café. The party revoking or suspending such permission~~  
35           ~~shall have a continuing duty to inform the city, in writing, of the~~  
36           ~~revocation: upon receipt of said notice the area of the permit shall~~  
37           ~~be automatically constricted to exclude the area subject of the~~  
38           ~~revocation. In the event the fifty foot allowable area includes~~  
39           ~~consent from more than one (1) adjacent owner, and the revocation~~  
40           ~~by one (1) owner will result in breaking the contiguous quality of~~  
41           ~~the sidewalk café area extending from a particular side of the~~  
42           ~~permittee's property, then that entire side of the sidewalk café shall~~  
43           ~~constrict to the permittee's property boundary, regardless of the~~  
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45  
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1 continuing consent of the other property owner(s) on the affected  
2 side or reinstatement of consent by the original revoking party.

- 3
- 4 i. Written permission (notarized) for use of such area from  
5 the adjacent property owner(s) for a minimum period of  
6 one (1) year.
- 7 ii. Such permission shall at all times take into consideration  
8 applicable federal, state and local accessibility and safety  
9 requirements. If at any time such permission is revoked or  
10 suspended, there will be no refund granted to the permittee  
11 of the annual permit fee or any other fees paid to the city  
12 for operation of a sidewalk café.
- 13 iii. The party revoking or suspending such permission shall  
14 have a continuing duty to inform the city, in writing, of the  
15 revocation: upon receipt of said notice the area of the  
16 permit shall be automatically constricted to exclude the  
17 area subject of the revocation.
- 18 iv. In the event the extended area includes consent from more  
19 than one (1) adjacent owner, and the revocation by one (1)  
20 owner will result in breaking the contiguous quality of the  
21 sidewalk café area, then that entire side of the sidewalk  
22 café shall constrict to the permittee's property boundary,  
23 regardless of the continuing consent of the other property  
24 owner(s) on the affected side or reinstatement of consent by  
25 the original revoking party.

- 26
- 27 (2) ~~An adequate~~ A clearly marked, unobstructed, and durable pedestrian right-  
28 of-way, also known as the “pedestrian path”, that meets required  
29 accessibility standards, of no less than four (4) feet shall be maintained for  
30 each sidewalk café area fee and shall be reviewed by the traffic engineer  
31 or their designee to determine the appropriate width based on the existing  
32 and projected pedestrian demand, and shall adhere to the following  
33 standards: . ~~The pedestrian walkway shall be on the outside of the~~  
34 ~~sidewalk café and not through the middle of the café. The operational~~  
35 ~~hours of the café shall be determined by the transportation manager or~~  
36 ~~his/her designee through the permitting process. The minimum distance~~  
37 ~~shall be measured from the portion of the sidewalk café boundary which is~~  
38 ~~nearest either the curb line or the nearest obstruction. In no event may~~  
39 ~~recesses in the sidewalk café boundary be used to satisfy this unobstructed~~  
40 ~~width requirement, except that the corners of the sidewalk café may be~~  
41 ~~rounded or mitered. Sidewalk cafés shall maintain a clearance of four (4)~~  
42 ~~feet around the corners of the sidewalk cafés measured in radius. For the~~  
43 ~~purpose of the minimum clear path, but not the clearance from corners of~~  
44 ~~the sidewalk cafés, parking meters, traffic signs and trees which have~~  
45 ~~grating flushed to grade without fences or guards shall not count as~~  
46 ~~obstructions.~~

- 1  
2 a. The minimum distance of said path shall be measured from the  
3 portion of the sidewalk café boundary which is nearest either the  
4 curb line or the nearest obstruction.  
5 b. In no event may recesses in the sidewalk café boundary be used to  
6 satisfy this unobstructed width requirement for said path, except  
7 that the corners of the sidewalk café may be rounded or mitered.  
8 c. Sidewalk cafés shall maintain a clearance of four (4) feet around  
9 the corners of other sidewalk cafés measured in radius.

10  
11 (3) ~~The boundary of a sidewalk cafés shall at all times maintain a minimum~~  
12 pedestrian path shall maintain a minimum of four (4) feet from large  
13 obstructions. No tables, or chairs, umbrellas or other fixtures shall be  
14 permitted within four (4) feet of a pedestrian crosswalk or corner curb cut.  
15 For the purposes of this section, large obstructions shall be bus stops  
16 shelters, newsstands, existing planters or any other object greater than  
17 fifteen (15) square feet in area.

18  
19 (4) Access to fire hydrants, fire hose connections for sprinkler systems, and  
20 entrances and exits of all buildings shall not be obstructed at any time by  
21 barriers or seating. The twenty (20) feet fire lane shall not be obstructed at  
22 any time. There shall be a minimum of forty (40) inches in distance  
23 separating the edge of a table or chair to a Fire Department connection.

24  
25 (5) No object shall be permitted around the perimeter of an area occupied by  
26 tables and chairs which would have the effect of forming a physical or  
27 visual barrier discouraging the free use of the tables and chairs by the  
28 general public or which would have the effect of obstructing the  
29 pedestrian path.

30  
31 (6) The operational hours of the café may be restricted, based on the location  
32 and area conditions, and shall be determined by the transportation  
33 manager or designee through the permitting process.

34  
35 (b) *Construction; Signage; Maintenance and Umbrella-Requirements.*

36  
37 (1) Appropriate lighting of the sidewalk café is required;

38  
39 (2) Use of landscaping and planters is permissible;

40  
41 (3) All signage must be in compliance with this Code. Signs are prohibited on  
42 umbrellas, chairs, tables and other permissible fixtures which are located  
43 on the public right of way, except that the establishment identified on the  
44 permit and/or its logo shall be permitted on umbrellas.

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46 (4) Use of removable barriers to define the sidewalk café is permissible;

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- (5) No heating, cooking or open flames are permitted in the sidewalk café. However, space heaters are permitted provided that they are an outdoor approved type, are located in accordance with the manufacturer's recommendations, and are located at least two (2) feet from the edge of any umbrella canvas, any foliage, or any other flammable object or material;
- (6) No food preparation, plastic food displays, food storage, or refrigeration apparatus shall be allowed on the public right of way.
- (7) Umbrellas and other decorative material shall be fire-retardant, pressure-treated or manufactured of fire-resistant material. No portion of an umbrella shall be less than six (6) feet eight (8) inches (eighty (80) inches) above the sidewalk. ~~An applicant seeking authority to build an awning over the sidewalk café area, excluding that area of right of way on one (1) side and/or the other side of the applicant's property, may seek approval administratively in such manner as provided for in section 27-455(g) of this Code.~~
- (8) Sidewalk café seating shall be counted in determining the requirements for parking and bathroom facilities of the ~~restaurant subject of the permit~~ subject establishment.

1           **Section 5.** That “**Sec. 22-229. Permit renewal.**” is hereby amended by  
2 adding the underlined language and deleting the stricken language as follows:  
3

4           **“Sec. 22-229. Permit renewal.**

- 5
- 6           (a) The official shall, as deemed necessary, inspect all sidewalk cafes within the city  
7 for which permits have been issued to determine whether such sidewalk cafes  
8 conform to the criteria set forth in this subdivision.  
9
- 10           (b) A sidewalk cafe permit renewal fee will become due and payable on July 1 for  
11 each calendar year ~~thirty (30) days prior to the expiration of the existing sidewalk~~  
12 ~~cafe permit.~~ Such fee shall be for the sidewalk cafe then under an active permit  
13 for which a permittee desires a permit renewal. Together with such fee, the  
14 permittee shall provide the official with a renewal application on a form provided  
15 by the official containing the location of the sidewalk cafe.  
16
- 17           (c) Failure to pay the sidewalk cafe permit renewal fee or submit the renewal  
18 application on or before July 1 for ~~at least ten (10) days prior to the expiration of~~  
19 ~~the existing sidewalk cafe permit shall be grounds to reject the renewal~~  
20 ~~application~~ deem the permit expired until such time a new application is  
21 submitted, with required fee, for review. In the event ~~of rejection~~ the permit  
22 expires, the permittee shall remove the sidewalk cafe immediately upon the  
23 expiration of the existing sidewalk cafe permit.”  
24

25           **Section 6.** That should a court of competent jurisdiction declare any part of  
26 this Ordinance invalid the remaining parts hereof shall not, in any way, be affected by  
27 such determination as to the invalid part.  
28

29           **Section 7.** That all ordinances or parts of ordinances in conflict herewith are  
30 hereby repealed to the extent of any conflict.  
31

32           **Section 8.** That this ordinance shall take effect on December 15, 2009.  
33

1 PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
2 TAMPA, FLORIDA, ON \_\_\_\_\_.

3  
4 ATTEST:

5  
6 \_\_\_\_\_  
7 CHAIRMAN/CHAIRMAN PRO-TEM  
8 CITY COUNCIL

9  
10  
11 \_\_\_\_\_  
12 CITY CLERK/DEPUTY CITY CLERK

13  
14 APPROVED BY ME ON \_\_\_\_\_

15  
16  
17 \_\_\_\_\_  
18 PAM IORIO, MAYOR

19  
20  
21 APPROVED AS TO LEGAL  
22 SUFFICIENCY BY:

23  
24 \_\_\_\_\_ E/S \_\_\_\_\_  
25  
26 JULIA MANDELL COLE  
27 SENIOR ASSISTANT CITY ATTORNEY

28  
29 K:/Debbie/Ordinances/Chapter22/Ord\_General clean up\_Ch 22\_10.16.09\_v4