

Ordinance No. 9487-21

AN ORDINANCE OF THE CITY OF CLEARWATER MAKING AMENDMENTS TO THE COMMUNITY DEVELOPMENT CODE BY AMENDING SECTION 3-909.B OUTDOOR CAFES LOCATED WITHIN PUBLIC RIGHT(S)-OF-WAY BY CLARIFYING WHO MAY OBTAIN OUTDOOR CAFÉ PERMITS AND THAT SUCH PERMITS EXPIRE ON A YEARLY BASIS AND REQUIRE RENEWAL; BY AMENDING SUBSECTION 3-909.C, LOCATION AND DESIGN REQUIREMENTS BY ALLOWING OUTDOOR CAFES TO BE LOCATED IN ADJACENT STREETS IF CLOSED TO VEHICULAR TRAFFIC AND AUTHORIZED BY THE CITY; BY AMENDING SUBSECTION 3-909.D OPERATIONAL REQUIREMENTS TO REQUIRE OUTDOOR CAFÉ OPERATORS TO BE RESPONSIBLE FOR MAINTAINING OUTDOOR CAFÉ AREAS IN A NEAT AND ORDERLY APPEARANCE AND FREE AND CLEAR FROM DEBRIS; BY AMENDING APPENDIX A, SCHEDULE OF FEES, RATES AND CHARGES, VIII LAND DEVELOPMENT, (1) LEVEL ONE, BY ESTABLISHING A REDUCED RENEWAL FEE FOR OUTDOOR CAFÉ PERMITS AND DELETING A DUPLICATIVE AND HIGHER FEE FOR OUTDOOR CAFÉ PERMITS; CERTIFYING CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN AND PROPER ADVERTISEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, outdoor cafes encourage pedestrian traffic and activity and redevelopment;
and

WHEREAS, outdoor cafes provide a unique environment for relaxation and food consumption; and

WHEREAS, it is advisable to clarify certain permitting requirements for outdoor cafes;
and

WHEREAS, the established permit requirements and operational standards are necessary to protect and promote the general health, safety and welfare of the residents of the city, now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. That Article 3, Development Standards, Section 3- 909. Outdoor cafes located within public right(s)-of-way, Community Development Code, be amended to read as follows:

Section 3-909. Outdoor cafés located within public right(s)-of-way.

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B. Outdoor café permits ~~Application process~~. The community development coordinator shall review all outdoor cafes as an allowable encroachment into the public right(s)-of-way subject to compliance with the location, design and operational requirements below.

1. An outdoor cafe permit shall only be issued to a person who has paid the business tax for a business establishment and who wishes to provide tables and chairs on the right-of-way consistent with this section.

2. Outdoor cafe permits expire on September 30th of each year and shall be renewed yearly to continue operation of the café.

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C. *Location and design requirements.*

1. Outdoor cafés are restricted to the sidewalk frontage of the subject business applying for a permit, ~~except that outdoor cafes located within the Cleveland Street District may extend the linear distance of any adjacent business frontage, in accordance with the provisions of Section 3-909.D.10.~~ In the Cleveland Street Café District such cafes may also extend the linear distance of any adjacent business frontage, in accordance with the provisions of Section 3-909.D.10. If authorized by the city, outdoor cafes may also extend into the adjacent Cleveland Street right-of-way provided the street is closed to vehicular traffic and all applicable ADA requirements are met.

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Section 2. That Article 3, Development Standards, Section 3- 909. Outdoor cafes located within public right(s)-of-way, be amended to read as follows with subsections re-numbered as appropriate.

D. *Operational requirements.*

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15. The outdoor café operator is responsible for maintaining the outdoor café area and five feet beyond its perimeters in a neat and orderly appearance at all times and shall clear all debris on a periodic basis during the day and at the close of each business day. City owned waste receptacles shall not be used for café food and waste disposal.

Section 3. That Appendix A, Schedule of Fees, Rates and Charges, VIII. Land Development, Section (1) Level 1 Community Development Code, be amended to read as follows.

Appendix A, Schedule of Fees, Rates and Charges, VIII. Land Development

(1) *Level One*

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- (i) Outdoor café initial permit (applicable only if located within the public right(s)-of-way)
 . . \$50
 Yearly renewal \$25

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- (m) Dog-friendly restaurant ~~or outdoor café permit~~ \$75

Section 4. Amendments to the Community Development Code of the City of Clearwater (as originally adopted by Ordinance No. 6348-99 and subsequently amended) are hereby adopted to read as set forth in this Ordinance.

Section 5. The City of Clearwater does hereby certify that the amendments contained herein, as well as the provisions of this Ordinance, are consistent with and in conformance with the City's Comprehensive Plan.

Section 6. Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part declared to be invalid.

Section 7. Notice of the proposed enactment of this Ordinance has been properly advertised in a newspaper of general circulation in accordance with applicable law.

Section 8. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING _____

PASSED ON SECOND AND FINAL _____
READING AND ADOPTED

Frank V. Hibbard
Mayor

Approved as to form:

Attest:

Matthew Mytych
Assistant City Attorney

Rosemarie Call
City Clerk