



PLANNING BOARD MEETING CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Monday, November 23, 2020
4:00 PM

Call to Order
Pledge of Allegiance
Roll Call

REGULAR MEETING

1. Changes to the Agenda
2. Audience Comments - **Comments shall be limited to 3 minutes per person**
3. Approval of Minutes
 - a. **10/19/2020 Minutes**
4. Discussion Items
 - a. **Accessory Structure Review** Residential accessory structure Review of DIVISION 6 – SUPPLEMENTAL REGULATIONS
 - b. **Outdoor Dining - Parklet Program** The City of St Pete Beach's Pilot Parklet Program focuses on conversion of on-street parking spaces into publicly accessible open space on a temporary basis. The program provides a way for merchants to take individual actions in the development and beautification of the City's public spaces.
5. Adjournment

APPEAL: In accordance with 286.0105, Florida Statute (Notices of meetings and hearings must advise that a record is required to appeal), if a person decides to appeal any decision made by this committee, board, agency, or commission with respect to any matter considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

AMERICANS WITH DISABILITIES ACT (ADA): In accordance with the Americans with Disabilities Act and Florida Statutes, if any person with a disability defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact City Hall at (727) 367-2735.

**The public is cordially invited to attend this meeting.
All agenda material is available for review at City Hall or www.stpetebeach.org.**

DRAFT PLANNING BOARD MEETING MINUTES

October 19, 2020 4:00 P.M.

PRESENT: Tiffany Secka, Chair
Tom DeYampert, Member
Mark Grill, Member
Marvin Shavlan, Vice Chair

EXCUSED: Bev Jackson, Member

STAFF PRESENT: Matthew McConnell, Dickman Law Firm (telephonic)
Ginny Keeter-Bodkin, Deputy City Clerk
Wesley Wright, Community Development Director
Lynn Rosetti, Senior Planner
Brandon Berry, Planner II

Chair Secka called the meeting to order at 4:00 PM.

1. **Changes to the Agenda** - Mr. Wright asked to add an item 4b. for consideration and action of moving the December meeting due to holidays.
2. **Audience Comments** - There were no audience comments.
3. **Approval of Minutes** a. 08/17/2020

Vice Chair Shavlan moved and Member DeYampert seconded the approval of the minutes from the August 17, 2020 meeting as presented; the motion carried 4-0.

The Chair called the Board to order sitting as the Local Planning Agency.

4. Action Items

- a. **Ordinance 2020-24 – Amendments to the LDC Defining, Regulating, and Adding Review Criteria for Outdoor Eating and Drinking Areas**

Mr. Berry reviewed a presentation detailing the proposed amendments to the Land Development Code regarding outdoor eating and drinking areas and establishing criteria for them. The proposed changes would be consistent with the Comprehensive Plan. The amendments would add a definition for “roof dining or drinking area”, amend definitions for “outdoor dining” and “outdoor drinking”, make on-site outdoor seating without music a permitted use in all districts that permit restaurants, and make on-site outdoor seating with music or roof dining/drinking areas conditional uses. He reviewed maps of the districts and detailed the proposed differences. The Community Redevelopment Area-Eight Avenue (CRD-EA) is not changing. Any proposed outdoor music would still require Commission approval and comply with ordinance and conditions.

Brief discussion followed on liquor licenses and seating/parking requirements. Definitions and

specifications on live or recorded music in each Division will be further clarified. General requirements of buffering and the definition of rooftops on multi-level buildings were discussed. There was no public comment.

Member Grill moved to approve Ordinance 2020-24, AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT CODE, DIVISION 2 – DEFINITIONS, SECTION 2.1; DIVISION 6 – SUPPLEMENTAL REGULATIONS, SECTION 6.24 – OUTDOOR DINING AND OUTDOOR DRINKING AREAS; DIVISION 13 – ROR RESIDENTIAL/ OFFICE/ RETAIL DISTRICT, SECTION 13.2 AND 13.4; DIVISION 14 – RFM RESORT FACILITIES MEDIUM DISTRICT, SECTION 14.2 AND 14.4; DIVISION 15 – CG-1 COMMERCIAL DISTRICT, SECTIONS 15.2 AND 15.4; DIVISION 16 – CG-2 COMMERCIAL DISTRICT, SECTION 16.2 AND 16.4; DIVISION 30 – TC-1 TOWN CENTER CORE DISTRICT, SECTION 30.2 AND 30.4; DIVISION 32 – CC1 COMMERCIAL CORRIDOR BLIND PASS ROAD DISTRICT, SECTION 32.2 AND 32.4; DIVISION 33 – CC2 COMMERCIAL COORIDOR GULF BLVD DISTRICT, SECTION 33.2 AND 33.4; DIVISION 34 – DOWNTOWN CORE RESIDENTIAL DISTRICT, SECTION 34.4; DIVISION 35 – (LR) LARGE RESORT DISTRICT, SECTION 35.3 AND 35.4; DIVISION 37 – TC-2 TOWN CENTER COREY CIRCLE AND COQUINA WEST DISTRICTS, SECTION 37.2 AND 37.5; DIVISION 38 - AC ACTIVITY CENTER DISTRICT, SECTION 38.2 AND 38.4; DIVISION 39 – COMMUNITY REDEVELOPMENT DISTRICT GENERAL STANDARDS, SECTION 39.6; DIVISION 40 – COMMUNITY REDEVELOPMENT DISTRICT – EIGHTH AVENUE (CRD-EA), SECTION 40.4; DIVISION 46 – B/HC BOUTIQUE HOTEL/CONDO DISTRICT, SECTION 46.2 AND 46.4; PROVIDING FOR CONFLICTS, SEVERABILITY, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE, as presented. The motion was seconded by Member DeYampert and carried 4-0.

Chair Secka adjourned the meeting as the Local Planning Agency and reopened the meeting as the Planning Board.

b. Consideration and Action on Moving the December Planning Board Meeting

Mr. Wright proposed the rescheduling of the December 2020 meeting due to proximity to the holidays. The Board discussed and there were no objections.

Member DeYampert moved to reschedule the Planning Board meeting from December 21st to December 14th, 2020. The motion was seconded by Member Grill and passed 4-0.

5. Discussion Items

a. Fiscal Year 2020 Year-end Review

Mr. Wright reviewed eleven goals completed during the last fiscal year which included the full implementation of building software on-line scheduling, Building Permit Fee reviews, full

automation of the Business Tax Receipt process, and others. He also summarized a Permit Summary Report and Year-end Application Review.

b. Fiscal Year 2021 Projects

Mr. Wright reviewed a list of fifteen upcoming projects for himself and the Community Development Department and Ms. Rosetti spoke about the Comprehensive Plan and Land Development Code Consistency Review that is being conducted in partnership with Kimley-Horn Engineering and Consulting firm. The Evaluation and Appraisal Report of the Comprehensive Plan (due in 2023) is also being reviewed.

A brief discussion of the accessory structure ordinance followed; it was not well received at City Commission and will potentially be revisited.

6. Adjournment – Next Meeting 11/16/2020

There being no further business, Member DeYampert made a motion and the meeting was adjourned at 5:00 PM.

These minutes will be considered for approval at the November 16, 2020 Planning Board meeting.

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Accessory Structure Review

Date: November 23, 2020

Prepared By: Brandon Berry, Planner II

Through: Wesley Wright, Community Development Director

Summary of Issue: Staff periodically analyze City codes in light of requests for variances, technical advancements, and changes to building codes. Of the 32 variance cases reviewed in fiscal year 2020, over half related to residential requests for encroachments of accessory structures, ancillary equipment projections, and height of fences and walls. This percentage appears to be relatively stable with the distribution of variance cases in the preceding years.

The majority of the regulations related to setbacks, height, and other standards for residential accessory structures and ancillary features have not been updated since the adoption of the current Land Development Code in 2003. Staff wish to review these regulations with the Planning Board for input and potential recommendations regarding whether these standards are sufficient to serve the needs of the City's residential population in 2020.

Funding: N/A

Requested Motion: Discussion

Attachments:

1. Accessory Structure Review - Table
2. LDC Sec 6.13 6.14 6.15
3. Zoning Standards by Zoning District

Standard Accessory Structure Setbacks (Existing)*

Structure	Required Front Setback	Required Secondary	Required Side Setback	Required Rear Setback	Max Height	Max size	Notes
Detached garage	20'	10'	6'	10' if adjacent to alley; otherwise 20'	12' above crown of road	None	
Shed	60'	20'	0'	0' if non-waterfront; 20' if waterfront	8'	80 SF	Must be 6' from other accessory structures.
Swimming pools and spas	20'	10'	6'	9' if 2' or less above grade; otherwise, 20'	N/A	No max for pools; spas are max 64 SF	
Screened pool cage	20'	10'	6'	8' if 14' tall or less; otherwise, 20'	14'/30'	None	
Decks and patios	20'	10'	6'	10' if 2' or less above grade; otherwise, 20'	N/A	None	
Deck and patio covers	20'	10'	6'	15'	N/A	None	
Gazebos	20'	10'	6'	5' if non-waterfront; 20' if waterfront	12'	64 SF	
Garden trellis	0'	0'	0'	0'	8'	5' width, 35" length	No permit required
Fountains/waterfalls	5'	0'	0'	5'	5'	None	
Playground equipment	20'	10'	6'	None	12'	None	Must be in back yard
Satellite/radio antennas	Must be in back yard	10'	6'	15'	70'	20' diameter (receiving antenna)	
Portable storage unit	Generally must be on driveway	Generally must be on driveway	Generally must be on driveway	Generally must be on driveway	9'	8x16'	Can be placed in ROW with City approval
At-grade ancillary equipment (e.g. condensers, generators pool equipment)	16', must be screened	6'	3'	16'	At grade (on hurricane pad is OK)	N/A	
Above-grade ancillary equipment (e.g. condensers, generators)	20'	10'	6'	20'	Height of structure	N/A	
Fences and walls up to 4' tall	0'	0'	0'	0'	4'	N/A	
Fences and walls 4-8' tall	20'	10'	6'	0' if non-waterfront; 20' if waterfront	8'	N/A	

* Based on a standard lot of 6,000 square feet, 60' in width, located in the RU-2 district.

Sec. 6.13. - Residential accessory structures.

Accessory residential structures may be permitted only on zoning lots having one or more existing residential dwelling units and shall be regulated as follows:

- (a) Garage, private residential, as defined, fall into one of two types, either attached to or detached from the principal residential structure. Under the terms of this section, the term "garage" shall also include carports. For the purposes of this Code, a garage shall be deemed to be attached only when it shares at least 75 percent of the length of one wall in common with the principal structure to which it is an accessory.

- (1) *Attached garage.* An attached garage shall be subject to the same required yard and height requirements as the principal structure.

- (2) *Detached garage.* Detached garages shall be regulated as follows:

a. *Required yards:*

Front yard:	20 feet
Secondary front yard:	As required for the principal structure
Side yards:	As required for the principal structure
Rear yard:	Ten feet if accessible from an alley; otherwise 20 feet

- b. *Maximum height:* 12 feet above the crown of any street abutting the property.

- c. In no case shall a detached garage have any sleeping room, kitchen facilities or plumbing

- (b) *Residential storage buildings.* Residential storage buildings may be permitted as an accessory on a residential property. Only one such residential storage building is allowed, and the residential storage building shall be further regulated as follows:

- (1) The residential storage building shall be used exclusively for storage of household items, and no mechanical equipment shall be operated within or attached to such building.

- (2) The placement of a residential storage building shall require a building permit, meet all applicable building codes, and shall be properly anchored.

- (3) All storm water runoff shall be directed and maintained on the property upon which the building is located.

- (4) The residential storage building shall be located a minimum of 60 feet from the front property line and 20 feet from the secondary front yard, provided no residential storage building shall be permitted within the required yard for a waterfront yard.

- (5) Residential storage buildings shall be subject to the following dimensional and required yard requirements.

- a. *Maximum size:* 80 square feet in area.

- b. *Maximum height:* Eight feet in height as measured from grade to the highest point on the structure.

- c. *Location:* May be located along any side or rear property line, except in secondary front yards and waterfront yards as provided in paragraph (4) above; and must be separated at least six feet from any other accessory structure.
- (c) *Special accessory structures.* Special accessory structures include, but are not limited to, swimming pools, pool enclosures, decks, patio covers, gazebos, fountains, garden trellises and children's playground equipment. Tree houses are specifically excluded as special accessory structures.

(1) *Swimming pools and spas* may be permitted by the city and shall be regulated as follows:

- a. Pool setbacks shall be measured from the edge of the water.
- b. Swimming pools, spas and their accessory decks that will exceed two feet above grade shall meet all yard requirements for the district within which they are located. Other swimming pools and spas shall be regulated by paragraph c. below.
- c. *Required yards:* Front, secondary front and side yards shall be as required within the district for a principal structure

The required rear yard shall be nine feet; however, on a waterfront property when the pool is proposed closer than 20 feet to the seawall, the application shall be accompanied by plans and specifications prepared and sealed by a registered engineer showing how the seawall will be protected.

(2) *Screened pool enclosures* may be permitted by the city and shall be regulated as follows:

- a. Pool enclosures for swimming pools, spas and their accessory decks that will have a finished floor elevation in excess of two feet above grade shall meet all yard requirements for the district within which they are located. Other pool enclosures shall be regulated as follows:
- b. *Required yards:* Front and side yards shall be as required within the district for a principal structure. The minimum rear yard shall be eight feet.
- c. *Maximum height:* Pool enclosures within the setbacks required for principal structures may be constructed to the height allowed for the principal structure. For other pool enclosures, the maximum permitted height shall be 14 feet to the highest point of the enclosure

(3) *Decks and patios* with a finished floor elevation no higher than two feet above grade, other than those associated with swimming pools as regulated in paragraph (1) preceding, shall be regulated as follows:

- a. *Required yards:* Shall not encroach into any required front, secondary front or side yard and shall not encroach more than ten feet into any required rear yard

(4) *Deck and/or patio covers* consisting of the covering material and the minimum support mechanism or structure necessary to ensure its wind loading stability may be permitted by the city; provided that no such patio cover shall be permitted to be initially constructed or later enclosed in such a manner that it could be construed as living space. Structural elements of such patio covers shall not be permitted to exceed the dimensions of the patio more than six inches in any direction. Up to a one-foot overhang may be permitted.

- a. *Required yards:* Shall not encroach into any required front, secondary front or side yard and shall not encroach more than five feet into any required rear yard.

(5) *Gazebos* may be permitted by the city under the following conditions:

- a. *Maximum size:* 64 square feet in area.
- b. *Maximum height:* 12 feet above grade to the highest point of the roof.

- c. *Required yards:* Shall not encroach into any required front, secondary front or side yard and shall not encroach more than 15 feet into any required rear yard, except no gazebo shall be permitted to encroach into a required waterfront yard
- (6) *Fountains and waterfalls* may be permitted by the city as a decorative element of and shall be regulated as follows:
 - a. *Maximum height:* Five feet above grade.
 - b. *Required yards:* Shall not encroach into any required yard more than 15 feet.
- (7) *Garden trellises* shall be allowed without a permit, provided such trellis meets the following requirements:
 - a. *Maximum height:* Eight feet
 - b. *Maximum width:* Five feet, including walk through opening.
 - c. *Maximum dimension front to back:* 35 inches.
 - d. Shall not encroach onto public sidewalks, streets or alleys.
- (8) *Children's playground equipment* shall be allowed without a permit, provided such equipment is located within the rear yard.
 - a. Children's playground equipment shall not exceed 12 feet in height.
- (9) *Other special accessory structures* which cannot be located in accordance with the requirements of the preceding may be permitted after review in accordance with Division 5 of this Code.
- (d) *Satellite and amateur radio antennas.* The City of St. Pete Beach recognizes that satellite and amateur radio antennas should be regulated in order to protect the health, safety and general welfare of the public. The city recognizes that these antennas pose special problems because of their unique size, orientation requirements, construction and design considerations that set them apart from roof-mounted antennas. The city, therefore, finds it necessary to set the following requirements in order to mitigate potential adverse construction and aesthetic impacts. Where any provision of this section is found to be in conflict with Chapter 131 of the St. Pete Beach Code of Ordinances, Chapter 131 shall prevail.

Small satellite receiving antennas, properly installed and associated with digital satellite television, or "DIRECTV," as an alternative to cable television shall be exempt from the provisions of this section, provided such satellite receiving antennas are no larger than 24 inches in diameter.

- (1) Otherwise, in all zoning districts, the following regulations apply:
 - a. Satellite and amateur radio antennas shall be considered accessory structures and shall be located in the rear yard and meet the following requirements:

Maximum height: 70 feet from grade

Required yards: The entire antenna shall meet the minimum side yard requirements for the district in which it is located and be at least 15 feet from the rear property line.

- b. The antenna shall meet all manufacturer's specifications.
 - c. The antennas shall be non-reflective and their color shall blend in with the surroundings.

- d. The antenna shall be installed and maintained in compliance with the requirements of the building code and electrical code. A building permit shall be required prior to construction.
 - e. No advertising or signage of any type is permitted on an antenna.
- (e) *Portable storage units (PSU)*, as defined, shall be regulated as follows:
 - (1) A PSU shall not exceed eight feet in width, 16 feet in length and nine feet in height.
 - (2) A PSU shall be placed either on a driveway, approved parking area or in the buildable portion of the lot and shall not be placed in a public right-of-way except as allowed in subsection (3).
 - (3) When physical limitations of the property prevent locating the PSU within the areas designated in subsection (2), the police department may approve the placement of the PSU in a public right-of-way as follows:
 - a. The PSU may only be placed within an area approved for parking;
 - b. The public right-of-way shall be adjacent to the property using the PSU;
 - c. The PSU shall have safety reflectors on all sides of the container facing oncoming traffic;
 - d. The PSU shall be removed within 72 hours of placement or the city may remove it at the PSU owner's expense;
 - e. Placement of the PSU shall not create any unsafe condition; and
 - f. The police department shall be authorized to place any other restriction deemed necessary to avoid creating a threat to the safety of persons or property.
 - (4) PSUs shall not exceed the following duration of stay. An "event" shall mean the delivery and pickup of the PSU. Events shall be nonconsecutive.
 - a. *Residential use*: A maximum of seven calendar days per event with a maximum of four events per dwelling unit per calendar year.
 - b. *Nonresidential use*: A maximum of seven calendar days per event, with a maximum of four events per calendar year per each nonresidential unit on a property. Longer term storage of up to one 30-day event per calendar year shall be allowed for a nonresidential unit, provided the PSU is placed in a designated parking area on the property, and the parking area is located so that it has the least visibility from adjoining street rights-of-way. Placement of a PSU for longer term storage only shall require submittal and approval of a site plan by the city.
 - (5) The PSU shall have clearly posted on the exterior of the unit, the name, current phone number and address of the company providing the PSU, and the date the PSU was placed at the site.
 - (6) The PSU shall be locked and secured by the owner or tenant of the unit or property at all times when loading or unloading is not taking place. Storage of hazardous materials is prohibited.
 - (7) If the National Weather Advisory Service or other qualified weather advisory service identifies weather conditions which are predicted to include winds of 75 MPH or greater, every PSU shall be removed from all properties and placed in approved storage locations at least 24 hours prior to the predicted onset of such winds or as soon as reasonably practical if less notice is provided. Removal of a PSU under the provisions of this subsection shall not be considered an "event."
- (f) The use of portable toilets shall be strictly prohibited, except in conjunction with an active building permit, and

- (1) Shall be regulated in accordance with section 98-70 of the Code of Ordinances; and
- (2) Shall be removed from the premises immediately following the close of the building permit.
- (3) Violation of this chapter shall be declared to constitute a public nuisance and shall be processed in accordance with Chapter 46 of the Code of Ordinances.

(Ord. No. 03-7, § 3, 5-1-03; Ord. No. 03-15, § 1, 9-2-03; Ord. No. 2016-08, § 3, 10-11-16; Ord. No. 2017-07, § 2, 6-13-17)

Sec. 6.14. - Encroachment of certain specified ancillary residential equipment into required yards.

Ancillary residential equipment, such as but not limited to air conditioning compressors, swimming pool and spa filters and pumps, etc. shall be allowed to encroach into any required yards up to four feet, provided that any such equipment located in front of the residence shall be adequately shielded from the adjoining property by either a solid enclosure or solid fence or wall and no resulting setback shall be less than 3 feet from any property line. Equipment that is not at grade shall not encroach into any required front or side yard setback. New elevated equipment on any new or substantially improved structures shall not encroach into any required yard setback. This shall apply to any equipment installed for new or substantially improved structures or to such items being installed for existing structures the first time. Change-outs of existing equipment shall be exempt as long as they do not encroach into any required yard.

(Ord. No. 03-7, § 3, 5-1-03; Ord. No. 03-15, § 1, 9-2-03; Ord. No. 2017-07, § 2, 6-13-17)

Sec. 6.15. - Fences and walls.

Fences and walls are permitted, provided fences and walls shall not exceed four feet in height in required front yards and eight feet in height elsewhere. Secondary front yards shall also be considered as front yards for the purposes of this section; provided, however, fences and walls in waterfront yards shall not exceed four feet in height. See also section 6.21 for visibility requirements at street intersections.

- (a) The height of a fence or a wall shall be determined from grade to the average top elevation of the fence or wall. Landscape berms, in conjunction with fences, shall be included in height determinations.
- (b) No fence shall impede or divert the flow of water through any drainage way without the approval of the city.
- (c) In general, the design of fences shall be in keeping with neighborhood appearance. Fences shall be constructed of commonly used materials such as chain link, masonry, vinyl-, wrought iron, or wood. All fences except chain-link fences shall have upper and lower rails between posts. A chain-link fence shall have a top rail. Such materials as corrugated or sheet metal or any scrap or offensive material shall not be permitted. In addition, fences shall not contain any substance such as broken glass, spikes, barbs, nails, electronically charged wiring or similar materials designed to inflict pain or injury to any person or animal.
- (d) Temporary fencing during construction is permitted and regulated in Section 98 of the Code of Ordinances. Once a building permit is closed or becomes inactive, the temporary construction fencing shall be removed. The parcel may remain without a fence or a permanent fence can be erected pursuant to this section.

(Ord. No. 03-7, § 3, 5-1-03; Ord. No. 2013-05, § 1(Exh. A), 1-22-13; Ord. No. 2017-07, § 2, 6-13-17)

STANDARD RESIDENTIAL DISTRICTS					
AREA AND DIMENSIONAL STANDARDS	RU-1	RU-2	RLM-1	RLM-2	RM**
MINIMUM LOT DIMENSIONS					
AREA (sq. ft.)					
Detached SFR/Other Uses	7,000	6,000	6,000	4,400	5,000
Attached SFR	N/A	N/A	N/A	N/A	2,904
Multi-Family and Two Family Dwellings	N/A	N/A	N/A	4,356	2,904
WIDTH (ft.)					
Detached SFR/Other Uses	70	60	60	40	50
Attached SFR	N/A	N/A	N/A	N/A	50
Multi-Family and Two Family Dwellings	N/A	N/A	N/A	50	50
MINIMUM YARDS (ft.)					
Front	20	20	20	20	20
Secondary Front	20	10	10	10	10
Side	10%(W)*	10%(W)	10%(W)	10%(W)	10%(W)
Rear	20	20	20	20	20
MAXIMUM BUILDING HEIGHT	30	30	30	30	35
MAXIMUM FLOOR AREA RATIO (NON. RES.)	0.40	0.40	0.40	0.40	0.50
MAXIMUM RES. DENSITY (DU/A)	7.5	7.5	10	10	15
MAXIMUM IMPERVIOUS SURFACE RATIO					
Residential Uses	0.70	0.70	0.70	0.70	0.70
Non-Residential Uses	0.65	0.65	0.65	0.75	0.75

*Or seven feet for Detached SF Dwellings, **whichever is less.**

** A minimum of 30% of the total required yard areas shall be maintained as green space

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Outdoor Dining - Parklet Program

Date: November 23, 2020

Prepared By: Brandon Berry, Planner II

Through: Wesley Wright, Community Development Director

Summary of Issue: Due to the effects of the novel coronavirus, the City has permitted citywide temporary outdoor seating to allow restaurants and bars to continue operating since March 2020. The temporary outdoor seating allowed for businesses to utilize up to 4 public parking spaces in front of their establishments to expand their dining areas to comply with social distancing guidelines. City Staff have found the reaction from both the business and residential community to be positive, with no complaints about the operation of these outdoor seating areas. This discussion will be a guide to the development and implementation of a more permanent parklet program option for the City.

Funding: N/A

Requested Motion: Discussion

Attachments:

1. Parklet Support Articles
2. City of St Pete Beach Parklet Program v4 10-13-20

**MONEY**

As winter weather approaches, restaurants get creative with outdoor dining

Katie Akin, Patrick Cooley, Tom Daykin, Mark Kurlyandchik and Brett Molina

USA TODAY Network

Published 7:42 a.m. ET Oct. 8, 2020 | Updated 2:06 p.m. ET Oct. 8, 2020

At Jesse's Embers, a steakhouse and seafood restaurant in Des Moines, Iowa, summertime diners took their business to the parking lot.

Owner Deena Edelstein created a makeshift patio there in June, setting out several large, round tables on the asphalt. The outdoor dining area was adaptable and allowed abundant space for maintaining the required distance between customers suggested by the Centers for Disease Control & Prevention to prevent the spread of the novel coronavirus, which causes COVID-19.

It was an instant hit with customers. Edelstein said that even after the restaurant reopened its indoor dining room in September, most customers still requested to sit outside.

After several weeks of mandatory closure in the spring and with the capacity limits that accompanied reopening, Edelstein said the outdoor option made a big difference.

"Since we've done the outside seating, we were able to at least cover our expenses and pay our staff," she said.

Social distancing: It's not about you, it's about us

Leaving your coronavirus isolation?: Think about these 3 things first

For many restaurants across the nation, outdoor dining has served as a crucial pivot to recapture business lost because of the COVID-19 pandemic, which forced cities to shut down indoor dining to prevent the virus's spread.

As winter approaches and temperatures drop, restaurants in locations with colder weather are starting to rethink how to keep outdoor dining open.

Research from the National Restaurant Association found 1 in 6 restaurants closed permanently or long-term amid the pandemic. And as more states report rising numbers of COVID-19 cases, there's a fear more restaurants will shut down.

Time is ticking. According to a survey of 3,500 restaurants operators by the restaurant organization, establishments said they will be able to continue offering outdoor dining until November.

Nearly half of all full-service restaurants (49%) say they will take actions to extend outdoor dining, including adding tents and patio heaters.

In Milwaukee, Nomad World Pub made big changes – including expanded outdoor dining to a closed street on the city's east side.

Restaurant owner Mike Eitel and other local restaurateurs are considering ways to improve their outdoor dining spaces so they can operate throughout the winter – while hoping Milwaukee will better embrace the cold, snowy season. Eitel is considering ways to keep Nomad's patio open throughout winter.

Milwaukee began allowing restaurants to reopen with limited capacity on June 5.

Many patrons, mindful of the virus, prefer to dine outside.

Also, some restaurateurs remain concerned about the virus spreading even with reduced capacity, increased sanitation, mask requirements and other safety measures.

Nomad's indoor seating, with room for up to 99 patrons, remains closed.

The patio can normally accommodate up to 160 patrons. That's now limited to 80 because of the pandemic, Eitel said.

However, Nomad was the first Milwaukee restaurant to obtain city permission to shut down a street for outdoor dining under the new Active Streets for Businesses Program.

The pilot program, which the Common Council and Mayor Tom Barrett approved in June, suspends code and permit requirements to allow expedited city approval for restaurants to use streets and sidewalks for outdoor dining. It also waives fees for those businesses.

Several restaurants are using the program to convert parking lanes into seasonal dining space.

Nomad went further.

Along with a parking lane, it is using a small portion of North Warren Avenue, just south of Brady Street, during peak periods. Those public spaces have added room for 76 patrons.

"Oh my God, it saved our (butts)," Eitel said.

But the pilot program is set to end on Nov. 15. So Eitel's focus is on making the patio usable throughout winter.

A specific proposal to extend that program is coming soon for review by the Milwaukee Common Council, said Beth Weirick, Milwaukee Downtown Business Improvement District chief executive officer.

Meanwhile, the district is working on a marketing campaign to persuade people that outdoor drinking, dining and other activities can still be fun even when the cold wind blows.

The National Restaurant Association is urging local leaders across the country to offer more incentives to expand the outdoor dining season. In a letter last month to the U.S. Conference of Mayors, the organization suggested moves such as easing the process for obtaining permits to offer outdoor dining, and providing tax credits toward equipment used toward outdoor dining.

"While not a substitute for the resumption of full capacity indoor dining, actions that local leaders take to extend the outdoor dining season will help restaurants of all sizes in the community," wrote Mike Whatley, vice president of state and local affairs for the association.

Hen Quarter in Dublin, Ohio, is one of the few central Ohio eateries to see a year-over-year sales increase this spring and summer, which owner Ron Jordan largely attributed to the restaurant's expansive patio in the Bridge Park development.

Maintaining those sales figures means giving customers a sense of safety, Jordan said. He plans to set up heated tents and possibly "igloos" for small parties.

"I don't know how much of that is going to be possible, but that's the plan right now," he said.

Roughly two-thirds of seating at Gemut Biergarten in Columbus, Ohio, is outdoors, co-owner Kyle Hofmeister said. Last fall, the tavern erected a heated tent around its outdoor dining area, and plans to do the same this year.

"We had several events back there, whether it was DJ nights or a weekly trivia night," he said.

Gemut and Hen Quarter aren't alone. Treva Weaver, chief operating officer of the Columbus-based Wasserstrom Company, said other restaurants are adding tents, heaters and domes to prolong the outdoor season.

"After last weekend (when temperatures dipped below 70 degrees and into the 40s at night in much of Ohio) there was a lot more interest," she said.

Keep warm outside: The 10 top-rated outdoor blankets

Buy them while you can: 10 winter essentials to buy now before they sell out

In Detroit, EastEats has a unique restaurant concept: the outdoor space is composed of 12 geodesic domes built on platforms. Ten are for guests, who reserve the domes in time blocks online in advance, and the other two are for service staff.

Everything other than the domes is made from upcycled materials: The platforms the domes sit on are wood pallets, and the tables and seats are old shipping crates and wire spools. Sustainability is paramount here.

"This was born out of the pandemic," restaurant partner Kwaku Osei-Bonsu said. "Not to at all suggest that we saw only the financial opportunity, but out of tragedy comes industry. When we were looking at the tragedy of the pandemic and then the tragedy of the restaurant industry on top of it, we saw an opportunity there. The concept of dining out is not going to die. People still want to socialize and go out and entertain, but they need a space to do it in that makes sense for them."

The domes are open on one side during the warmer months, but EastEats will convert into enclosed heated domes for winter. The goal is to offer service year-round.

Anywhere from two to eight guests reserve a dome through the app Tock for their desired time slot on their desired day. The cost is \$45 per person and includes the dome rental, plus five food items cooked on the adjacent food truck. For another \$10 per party, you can bring your own alcohol.

While some restaurants look to expand outdoor dining, others are focusing on delivery. Alexander Hall, owner of several restaurants around the Des Moines area, said he doesn't plan to buy heaters or other outdoor equipment to stretch patio season, instead making adjustments to accommodate delivery.

Hall said 2020 has been the toughest year he's seen in nearly three decades working in the industry. But he sees a glimmer of hope at the end of a long winter indoors.

"I think we'll bloom next year," Hall said. "We've just got to buckle down over this period to get to the spring, and then everything will be great. It better be."

Katie Akin reports for the Des Moines Register. Patrick Cooley reports for the Columbus Dispatch. Tom Daykin reports for the Milwaukee Journal Sentinel. Mark Kurlyandchik reports for the Detroit Free Press. Brett Molina reports for USA TODAY.



STREET FOOD: TURN PARKING SPACES INTO DINING SPOTS AND NO ONE SEEMS TO MIND

NOEL KING, HOST:

If you live in a city, you know what a parking spot is worth. And here, I do not exaggerate, possibly as much as your rent. But during the pandemic, some people who live in cities are letting their parking spots go. Here's NPR's Camila Domonoske.

CAMILA DOMONOSKE, BYLINE: Philadelphia is a notoriously tough place to park. There was even a reality TV show called "Parking Wars" all about the tensions between residents and the dreaded parking authority.

(SOUNDBITE OF TV SHOW, "PARKING WARS")

UNIDENTIFIED PERSON #1: Why youse got to write us all tickets? What's wrong with youse?

UNIDENTIFIED PERSON #2: One hour, 30-minute parking - they got two minutes, sir.

(CROSSTALK)

UNIDENTIFIED PERSON #3: Well, where are you supposed to park at, buddy?

DOMONOSKE: And it's not just illegal parking that Philadelphians fight over. Proposals to reduce parking to create more space for bikes, pedestrians or parks usually prompt outrage. This is true in many cities. Car owners will vigorously object to even a few spaces disappearing. But a weird thing happened this summer. Hundreds of parking spaces were turned into outdoor dining. And to pretty much everyone's surprise...

RANDY RUCKER: No one's knocked on my door cussing at me.

DOMONOSKE: Randy Rucker is the chef and owner of River Twice, one of many Philadelphia restaurants that set up tables where cars used to be able to park. Local governments around the world have moved quickly to let more businesses move outdoors. In Philadelphia, indoor dining was banned all summer long. And in June, the city council made it easy for businesses to take over parking spots. At first, Danielle Renzulli was wary. She owns a bar called 12 Steps Down just north of the Italian Market.

DANIELLE RENZULLI: And I was hesitant to do the parklet because parking spaces are so valuable in the neighborhood.

DOMONOSKE: She thought there'd be too much backlash, a reasonable assumption. But as the pandemic stretched on, she realized she needed every table she could get.

RENZULLI: That's when I filed for the permit, and here we are (laughter).

DOMONOSKE: The first surprise was that getting the permit was easy. Before the pandemic, Renzulli had set up a few tables on the sidewalk. That meant blueprints and meetings.

RENZULLI: It took an entire year.

DOMONOSKE: Now the city's approving most permits to take over parking spaces in just three days. Renzulli set up a little patio.

RENZULLI: So we built a wooden barrier to protect the public from the traffic (laughter), and then we've hung some lights and some wreaths around it.

DOMONOSKE: And then came the second surprise - no one complained.

RENZULLI: Actually, I've gotten a lot of compliments on it. Everybody is like, it looks so cute. I love it.

DOMONOSKE: The lack of traffic might help explain the lack of outrage. Richard Shephard was recently eating lunch at a former parking spot outside of Flannel in South Philly.

RICHARD SHEPHARD: It would be a different story if people were moving their car more often and trying to find parking and were fighting for those parking spots. But since they pretty much are stationary at this point in time, I don't think people are too upset by it.

DOMONOSKE: But there's another reason people aren't upset. For restaurants that can't fill their dining rooms because of the risk of the coronavirus, the pandemic is an existential threat. Business owners say having extra tables has helped keep them afloat during really tough times. The city knows this, and residents are well aware of what's at stake. Brian Persons, for instance, was happy to be sitting in a parking space in front of Pistolas Del Sur.

BRIAN PERSONS: It is a nuisance, though. Like (laughter), as a parker, it does take up spots. But I'm grateful that we can dine and we can help make them survive.

DOMONOSKE: In short, he says, it's worth giving up the parking. Jamie Gauthier is a member of the Philadelphia city council and an urban planner by trade. She says, thinking like this is a shift for a car-centric city, and she hopes it continues.

JAMIE GAUTHIER: We have to weigh the benefit we're getting from having that be space for one car or having that be space for our communities to gather and enjoy themselves.

DOMONOSKE: It's hard to know whether this change in attitudes now will stick around once the pandemic is over. First, restaurants have to make it through the winter. But Danielle Renzulli, the owner of 12 Steps Down, says she's got one big takeaway from her experience taking space from cars and turning it into tables.

RENZULLI: We all probably imagined the worst. And you do it, and it was not bad at all.

DOMONOSKE: Change, she says, is not terrible.

Camila Domonoske, NPR News.

Drivers are surprisingly chill about restaurant patios taking up parking spaces



As restaurants have transitioned to outdoor service in response to COVID-19, one of the biggest logistical challenges has been setting up patio dining space. While this may not be such a big deal in towns or cities with wide sidewalks or lower density, in larger cities it's been a significant adjustment, with restaurateurs securing as much sidewalk space as they can and expanding into street parking spaces. But, amazingly enough, drivers seem to be pretty chill about the decreased number of parking spaces.

As reported by NPR, in Philadelphia, a city where street parking is already at a premium at the best of times, more than 400 restaurants are participating in a city program that allows them to use parking spaces as patio extensions, and the expected onslaught of complaints hasn't yet materialized. As written by NPR:

“Just ask Randy Rucker, the chef and owner of River Twice on East Passyunk Ave. The restaurant placed tables in the street where as many as four cars used to squeeze in, in a neighborhood where every parking spot is prized.

Rucker was ready to deal with the backlash. But to his surprise, there was none.

“No one’s knocking on my door cussing at me,” Rucker said. “It’s been a positive experience so far, believe it or not.”

There may be a few reasons behind the lack of complaints. For starters, “according to mapping company TomTom, Philadelphia’s streets are about half as congested as they were pre-pandemic.” But also, encouragingly, it’s being theorized that drivers realize this outdoor patio space is an existential need for restaurants, which is helping to temper whatever frustration they might feel as they search in vain for parking.

While NPR’s story only examines Philadelphia, it’s worth noting that the need for outdoor seating is even more extreme in more densely populated cities like New York. According to the NYC “Open Restaurants” database, there are over 10,000 restaurants currently in operation, but only around 5,400 are making use of either street seating, sidewalk seating, or a combination of the two. Given that outdoor seating is a factor that can make or break a restaurant’s ability to stay open, it’s safe to say that we can expect outdoor seating numbers to expand in the coming months, taking away additional parking spaces during a time when the comforts of a warm, dry, socially distanced car might seem particularly compelling. Hopefully as the months wear on drivers will remain calm, and restaurants will be able to eke out as much space as they can.

NYC outdoor dining will be 'permanent and year-round,' de Blasio says

Mayor [Bill de Blasio](#) announced Friday that the city's [Open Restaurants Program](#), which was created in June as a temporary solution to help restaurants survive the [coronavirus](#) restrictions, will be made "permanent and year-round."

"I want us to really take this model and make it part of the life of [New York City](#) for years and generations to come," de Blasio told [WNYC's Brian Lehrer](#) on Friday. "This has been, I think, an extraordinarily positive experiment and it's worked."

The program allows restaurants to seat diners outdoors on sidewalks or curb lanes bordering their businesses, according to the Open Restaurants [website](#).

It also allows restaurants to seat customers on streets that are closed to traffic, in coordination with New York City's already existing [Open Streets program](#).

According to the [mayor's office](#), there are 85 New York City streets that are closed to cars on specific days for restaurants to seat diners.

Overall, the Open Restaurants Program has enrolled 10,300 businesses and saved about 90,000 jobs since it started this summer, a press [release](#) said.

"Open Restaurants was a big, bold experiment in supporting a vital industry and reimagining our public space," de Blasio said in a statement. "And it worked. As we begin a long-term recovery, we're proud to extend and expand this effort to keep New York City the most vibrant city in the world. It's time for a new tradition."

According to the release, restaurants will be able to use heaters in their outdoor spaces, and "partial tent enclosures." However, if they're fully enclosed, they will have to abide by the 25% capacity rule for indoor dining, which goes into effect Sept. 30.

"The bottom line here is that we want restaurants to do well," de Blasio told Lehrer on Friday. "We want to see them thrive in the future and I think this is going to help a lot," he added later.



City of St Pete Beach Parklet Program

PERMIT GUIDELINES

2020

OVERVIEW

The City of St Pete Beach's Pilot Parklet Program focuses on conversion of on-street parking spaces into publicly accessible open space on a temporary basis. The program provides a way for merchants to take individual actions in the development and beautification of the City's public spaces. Parklets were first formally initiated in San Francisco in 2010 and duplicated in cities all around the world due to the success. The benefits that parklets provide are:

- Brings aesthetic enhancements to the city's streetscape
- Provides an economic solution to the need for increased public open spaces.
- Provides amenities like seating, planting, bike parking, and art.
- Reflects the city's commitment to encourage walking and biking
- Creates a pedestrian friendly street
- Provides an economic solution to the need for increased public open space

PROGRAM GOALS

Meet the demand of outdoor dining. As we continue to navigate through this pandemic, the desire for people to eat outdoors has grown immensely. Restaurants report 3 out of 4 people choose dining outdoors over indoors.

Reimagine the potential of the city streets. Parklets promote a low-cost, easily implementable approach to public space improvement through projects that energize and re-invent the streetscape of an area.

Encourage non-motorized transportation and pedestrian activity. Parklets provide pocket spaces for pedestrians to sit and relax and often provide bicycle parking.

Support local businesses. Parklets attract attention to businesses and provide additional seating that can be used by café customers and others. A parklet also beautifies the street and creates a neighborhood destination.

PARKLET GUIDELINES

- 1) Parklets are permitted on streets with speed limits of 25 mph or less.
- 2) Parking Spaces. Parklets can be sited along the curb line on streets where on-street parking spaces exist. They can be considered in any location where there are space(s) for on-street parallel, angled, or perpendicular parking, including spaces with metered or unmetered parking.
- 3) In general, parklets must be located at least one parking space away from an intersection or street corner. A curb extension (bulb-out), or some other physical barrier that would protect the parklet in a corner location may allow the city to consider corner parklets.
- 4) Parklets are prohibited in front of active driveways, on street curves or hills where horizontal or vertical sight-distance is an issue. There will be a required side parking offset of at least one parking space to any element that could impede sight lines. There must be visibility for anyone parking adjacent to the parklet.
- 5) Parklets are prohibited in bus lanes, in front of fire hydrants, at utility access points (like manholes), and at high turnover parking spots (like banks, post office, and reserved take out/ delivery service parking).
- 6) Parklets cannot be installed in locations where traffic congestion is an issue or where congestion could be an issue in the short term.

DESIGN GUIDELINES

Reflective Elements at Corners

Reflective elements are required at the outside corners of all parklets. Soft-hit posts are a standard solution deployed at the outside edges; however, the City will consider additional reflective elements incorporated in the parklet design.



Wheel Stops

For parklets in parallel parking spaces, a three-foot wheel stop must be installed one foot from the curb at the edge of the front and back parking spaces. When parklets are installed adjacent to parallel parking spaces, wheel stops should be setback four feet from the parklet structure. For angled parking spaces and adjacent to driveways, City staff will work with you to determine the appropriate location for wheel stops. Wheel stops shall be made of recycled rubber/plastic.



Site Conditions

Your initial site plan should accurately reflect the existing site conditions and include streetscape features like adjacent bike racks, utility covers, street poles, existing signs, street trees, tree wells, etc.

The Platform

The platform provides the structural base for the parklet. Platforms are not required for parklet spaces requesting for less than a 6 month period. Tables and chairs may be placed directly on the pavement. Parklets requesting more than a 6 month period are required to provide a platform structure. The City strongly recommends consulting a design or construction professional to ensure that the platform will be sturdy and safe.

Bolting

Bolting into the street or penetrating the surface of the road in any way is strongly discouraged and may not be allowed without a restoration plan and an excavation bond posted by the applicant and their contractor. Parklets may be bolted to the existing curb, with specific restoration requirements. The parklet shall not prevent the roadway from returning to its original state.

Platform Surface

The top of the parklet platform must be flush with the sidewalk with a maximum gap of one-half inch. In the case of a sloping street, staff will work with the designer to address issues of access.

Access and ADA compliance

If the platform base is not solid, the space underneath the platform surface must be accessible for maintenance through access panels, removable pavers, etc. A minimum 36" ADA accessible entryway to the Parklet must be maintained for all parklets.

Drainage

The parklet cannot impede the flow of curbside drainage. Designers are strongly encouraged to cover openings at either end of the parklet with screens to prevent blockage from debris.

Maintain a Visual Connection to the Street

Your parklet design should maintain a visual connection to the street. Continuous opaque walls above forty-two inches that block views into the parklet from the surrounding streetscape are prohibited. You are allowed to include columns and other vertical elements.

Umbrellas

For a parklet, if umbrellas are proposed, they shall not exceed 6 feet by 6 feet with a vertical clearance of 96 inches.

Barriers

Enclosures are required to provide a clearly defined boundary and help create a comfortable and separated space for patrons. A combination of Heavyweight Barriers and Lightweight Barriers must be used to demarcate the perimeter of the enclosure. Heavyweight barriers shall be placed no more than 6 feet apart. Lightweight barriers shall be used between Heavyweight Barriers to form a completely enclosed space.

Parklet Amenities

Amenities within the parklet space should provide comfortable seating and/or shopping arrangements. All amenities must conform to the traffic safety height requirements. Additionally, all dining elements need to sit flush with the ground without rocking.

Adherence to CDC Guidelines

Dining spaces, tables and chairs must be spaced 6 to 8 feet from table to table depending on chairs in between the tables.

Emergency Access

The following emergency vehicle access considerations must be considered as part of the parklet design:

- Tables, chairs, umbrellas, merchandise racks, or other objects or equipment shall not encroach into any fire lanes, circulations lanes, handicap spaces, pedestrian paths, sidewalk ramps, or corner curb ramp area.
- Maintain 12foot fire and emergency vehicle access on the streets
- Access to fire hydrants, fire hose connections for sprinkler systems, and entrances and exits of all buildings shall not be obstructed at any time by barriers or seating.

Emergency Action Plan

Prepare an Emergency Action Plan that will be taken in case of an emergency (hurricane or other natural disasters) addressing the removal of equipment and securing the parklet.

Responsibilities of Permittee

The permittee will be responsible for the following:

- A no-refundable application fee of *\$TBD*
- All costs related to design, materials and installation.
- In case of removal, the sponsor is responsible for all removal costs.
- The on-going maintenance of the parklet including replacing, painting or fixing elements damaged due to vandalism. All parklet designs shall contain at least one (1) ADA compliant accessible entrance.
- A (1) million combines single limit per occurrence liability insurance is required for the installation and maintenance of a parklet depending on location and use.
- Maintenance of any movable furniture. In addition, all movable elements of the parklet must be safely stored indoors after business hours or prior to a tropical storm or hurricane. Landscaping elements are encouraged in parklet design. All landscaping maintenance is the responsibility of the parklet permittee.
- General maintenance including furniture and non-approved graffiti removal. In addition, permittees must maintain the area under the parklet free of debris in order to allow proper drainage, and pressure clean the parklet as necessary.

Only street-fronting property owners or tenants may apply for a parklet. Sidewalk café parklets should also comply with applicable requirements related to the City's sidewalk café ordinance, as specified in the proposed permit application program. Parklets will only be allowed for businesses with sidewalk cafes. Landlord consent to apply for a parklet is not needed.

Parklets shall not have any additional signage other than the parklet public space designation approved by the City of St Pete Beach. Parklets must be located at least one parallel parking space away from the corner, unless curb configuration, such as a large bump-out, allows for safe placement of a parklet closer to the corner (evaluated on a case by case basis). In addition, parklets must have a three-foot wheel stop at both ends, and bollards or large non-movable planters, in order to provide adequate protection for parklet users. Parklets may not take up any handicap parking space.

It is understood that some parking spaces maybe in front of businesses. The location of the parklet on an existing on-street parking space will be reviewed as part of the application process. The City will allow parklets to cross over between property and business frontages.

The nature of the program will allow City staff to evaluate and adjust the program as needed. The Transportation Department will take parklet applications on a first come first serve basis.

Fees

1. A non-refundable application fee of \$TBD
2. \$TBD
3. The city has the right to waive the fees in case of declared state of emergencies.

1. Submit Application

a. Application form. All Applicants must complete the attached application form.

Applications maybe denied for the following reasons;

- Incomplete applications will not be accepted.
- Inactivity for a period of three (3) months since the last action was taken.
- Failing to meet any required deadlines.

b. Site Plan. All Applicants shall provide a plan with their application form that clearly includes and indicates all of the following information:

- The footprint of the proposed Parklet, including sufficient detailed information to illustrate the design elements on either end of the proposed Parklet. The site plan can go beyond the business footprint.
- Indicate all property lines, right-of-way lines, sidewalk width, Parklet length and width, existing parking stalls, and all surface obstructions within 15 feet of the occupied area (e.g., fire hydrants, streetlights, parking meters, street trees, utility access covers).
- The number(s) on all parking meters that are to be removed must also be included in all drawings. These numbers are generally posted on the meter.
- Provide as much detail as possible to aid in the City's review of the application.

c. Neighborhood Support: Parklet sponsors must demonstrate outreach to establish support for a parklet project through

- A public meeting will be scheduled for the applicant for provide the plan for the permit and allow for public input

d. Parklet Programming. Indicate what type of elements you are proposing on the Parklet (e.g. tables and chairs, benches, landscaping, bike parking, etc.)

e. Indemnity and hold harmless statement. Each applicant shall provide a signed agreement to defend, indemnify, save, and hold harmless the City and all its officer, agents, or employees from any liability for damages resulting from any and all operations under the permit in a form approved by the City Attorney.

2. Departmental review

An interdepartmental committee (Public Works, Planning, Transportation, Parks and Recreation) will review applications, on a first-come-first-served basis, to ensure that Applicants conceptually meet program criteria.

3. Permit Application

For those Applicants with an accepted conceptual application; the next step is to submit a construction permit application and fully detailed site plan, including but not limited to items such as cross sections, elevations, structural details, safety treatments, existing utilities and maintenance of traffic plans. City staff will work with the Applicant in a collaborative fashion during this period to ensure that the Parklet design is appropriate and that the final drawings produced meet requirements.

4. Department of Business and Professional Regulation

For those applicants that will be serving alcohol, we will require the extension of the DBPR alcohol permit with amended sketches of the service area.

5. Construction Permit Approval

a. Within 10 days from submittal of a Final Plan, if it is determined by the city departments that the application satisfies all policy requirements and the Applicant has paid all necessary fees, the Department of Transportation and Parking will grant final approval and issue a permit.

6. Construct Parklet

Upon permit issuance and as a condition of permit approval, Applicants are required to inform the Department of Transportation and Parking no less than ten (10) days before beginning any site work. Installation of the Parklet must be completed within 2 weeks of permit issuance.

7. Other Permits

In conjunction with the Parklet permit, the Applicant is required to obtain any other applicable permits that may be required by other agencies.

8. Parklet Removal

Permittee, at Permittee's sole cost, shall be responsible for removal of the Parklet and restoring the ROW to its original condition upon the occurrence of one (1) or more of the following:

- the cessation of use,
- failure to comply with permit conditions or other legal requirements, or
- The Parklet poses a dangerous condition or threat to life or property.

The City may remove the Parklet for any of the following reasons:

- a. Failure to maintain,
- b. Violation of this Pilot Program Policy,
- c. Violation of the Permit,
- d. Modifications unapproved by the City,
- e. When the Parklet encroachment causes a dangerous condition or threat of danger to life or property as determined by the city staff. This includes but is not limited to:
 - The Parklet is encroaching into a travel lane or bike lane
 - The Parklet has lost structural integrity
 - A gap develops between the Parklet and sidewalk
 - The Parklet creates a visibility issues
- f. As a condition of permit issuance, the Parklet Permittee shall agree in writing to authorize the City to remove the Parklet at the Permittee's sole cost in the event that any of the occurrence of any of the circumstances for removal herein.

If any of the above violations occur, the applicant will be sent notice of the violations and except in the case of dangerous or threatening conditions, will be given a maximum of five (5) working days to remedy the condition or remove the Parklet. If in the event that the Permittee fails to timely or adequately maintain or repair the encroachment or remove the encroachment within the five (5) working days, the permit will be terminated. Once the permit is terminated, the Parklet must be removed at the sole cost of the Permittee within three (3) calendar days. When the encroachment causes a dangerous condition or threat of danger to life or property, the permit will be terminated without the five (5) day notice and removed immediately at Permittee's cost.

The City, at its sole discretion, may remove the Parklet and restore the public right-of-way to its previous condition upon a finding that it is in the public interest for the City to fund or partially fund removal of the Parklet.

Transfer of Permits

If the Permittee sells its business interests, one of the following must be done:

1. Remove the Parklet; or
2. With the City's approval, Purchaser and Permittee must execute a new permit in the purchaser's name with their signature and comply with all other requirements for the issuance of a permit, such as insurance.