



CITY OF ORLANDO

Date: July 19, 2021 City Council Meeting

To: Orlando City Council

Thru: Thomas C. Chatmon, Jr., Executive Director, DDB/CRA

From: Mary-Stewart Droege, AICP, DDB/CRA
Jason Burton, AICP, Assistant Division Manager, City Planning Division

Subject: **Parklet Program for Qualifying On-Street Parking Spaces within the Downtown CRA, and Approving Businesses within the Rights-of-Way at Specific Parklets**

SUMMARY

This is a proposal to transition the temporary COVID-19 related parklet program into a 3-year program for certain rights-of-way within the Downtown Orlando Community Redevelopment Agency (CRA) area. Through this action:

- In accordance with Section 54.27-1 of the Code of the City of Orlando (the “Code”), City Council authorizes business to be conducted within certain rights-of-way as set forth herein, subject to encroachment agreements for each participating business coordinated with the City Attorney, Public Works Director, and City Transportation Engineer;
- Program standards are established for parklet operation and maintenance;
- If alcohol service is proposed within the parklet, the location must be approved by the Chief of Police in accordance with Section 33.06(b)(6) of the Code, and consistent with State requirements; and
- Existing parklet licensees that are operating in accordance with this parklet program will not need to submit a new application for the continued use of their parklets.

GENERAL BACKGROUND

During the height of the COVID-19 pandemic, a temporary “parklet” pilot program was developed, allowing for additional outdoor eating and drinking space facilitating social distancing, on abutting on-street parking spaces. This is consistent with a national trend in urban centers for more outdoor space. In particular, parklets are transforming underutilized parking areas into attractive spaces within rights-of-way, to activate the public realm and foster a vibrant urban core.

The CRA specific parklet approach was developed taking into account staff research, business interests, and the goals of the CRA’s Downtown Orlando Community Redevelopment Area Plan to pursue public improvements. Parklets offer a unique opportunity to enhance outdoor dining and encourage the retention and expansion of existing businesses. Regionally, Winter Garden and Winter Park are local examples of cities that have coordinated similar efforts which transformed on-street parking spaces. In the City of Orlando, the initial temporary program for parklets was approved in September 2020 by City Council, extended by Council on January 21, 2021, and expires with other COVID-19 related initiatives, on August 1, 2021.

Section 39.08 (17) of the Code authorized the Transportation Engineer to establish parameters for use of rights-of-way. Additionally, the Chief of Police could allow the sale and consumption of alcohol, upon review, within the City's rights-of-way consistent with Section 33.06(b)(6) of the Code. During the initial program, requests were reviewed on an individual basis when on-site consumption was requested, and five of the six businesses currently operating parklets were approved for alcohol consumption by the Chief of Police.

Also, at the time of the approval of the initial program, the Community Redevelopment Agency Board approved \$200,000 in CRA funding, thereby removing financial barriers for downtown businesses to expand seating operations into adjacent on-street public parking spaces. The funding was used for planters, furnishings and barriers for approved parklets. The parklet infrastructure and furnishings are owned by the CRA and are maintained by the Downtown Clean Team in cooperation with the business owner. To date, an estimated 30% of the \$200,000 in funding has been expended for parklet implementation.

ANALYSIS

Feedback from businesses, customers and City staff indicate that the parklet program has been successful. In Downtown Orlando, a total of five (5) parklets for six (6) businesses have been established in the Thornton Park Main Street District along E. Washington St. The overall impact of the parklets has been to beautify the Thornton Park commercial area, both day and night, and support expanded business service space.

PROPOSED PARKLET PROGRAM

I. ELIGIBLE LOCATIONS

A. **Parking Spaces and Road Speeds:** Permanent on-street parking locations within the Downtown CRA where the speed limit is 25 miles per hour or less; Volume of traffic on a roadway may also be considered;

B. **Non-Metered Parking Spaces:** Metered Parking spaces may also be allowed on a case-by-case basis, contingent on approval from the CRA Executive Director and Transportation Engineer, since meter costs must be defrayed; and

C. **Rights-of-Way Jurisdiction:** City controlled rights-of-way, or FDOT and Orange County controlled rights-of-way, with the permission of the relevant agency.

II. APPROVAL PROCESS

APPLICATION

STEP ONE: All applications will be submitted on-line. To apply, the applicant or business owner must provide business-related information, delineate the desired parklet location, and describe the desired parklet components and operations. The applicant will also advise if the desired intent is to serve alcohol in the parklet. Consent must also be provided by the business operator and the property owner.

STEP TWO: City staff will develop the final parklet site plan in consultation with the applicant. Applicant-proposed locations may be rejected at the City's discretion for reasons, including but not limited to, future programmed projects, transportation safety concerns or inadequate application information.

STEP THREE: After the parklet application is approved, an approval letter with the site plan and conditions will be issued to the applicant. The applicant must then provide proof of insurance and

if applicable, OPD Chief of Police approval of alcohol sales. The applicant will then be required to execute a ROW encroachment agreement.

CONSTRUCTION AND INSTALLATION

Construction and installation costs will be borne by the CRA. Generally, maintenance will be shared between the Downtown Clean Team and the business owner, as detailed in the ROW encroachment agreement.

OTHER

Application does not mean approval. The city may request additional information throughout the review process and include additional reviewing entities such as the Historic Preservation Officer and Appearance Review Officer. If the application is denied, a new application can be made at any time, demonstrating consistency with program rules. Approval only applies to the specific site and business ownership and cannot be transferred.

III. DURATION AND TEMPORARY SUSPENSION

Each parklet approval is subject to removal at the City's discretion. Notwithstanding the foregoing, no individual parklet approval shall extend beyond the duration of the parklet program. The only right conferred through the parklet program is a license to temporarily use the City's right-of-way. It is not intended, and shall not be construed, as a real property interest.

The City may temporarily suspend parklets, if necessary in its discretion, to safely accommodate special events such as parades, street festivals, or foot or bicycle races, or other City functions.

IV. GENERAL PARKLET RULES

The following rules apply to the Parklet Program and should be reflected in the operational plan to be submitted at time of application:

A. **Business Operations:** Parklets must be adjacent to the applicant's building and place of business, and the business must have an active City of Orlando Business Tax Receipt (BTR).

B. **Restricted Areas:** Parklets are not allowed in and around key City infrastructure including fire hydrants, manhole covers, public utilities, or catch basins nor are they allowed in any loading zone, fire lane, bus stop, taxi stand, ADA space, or other specially designated space. Curb and roadside drainage shall not be impeded.

C. **Perimeter Area:** In areas where the parking space is not individually delineated by markings, the parklet should occupy a space no greater than 7.5 ft. x 23 ft. for each parking space dimension, unless alternative dimensions are approved by the City Transportation Engineer.

D. **Parking Space Location:** The parklet site shall be located at least one parking spot from an intersection, or, if on a corner, the parklet must be protected by a bollard or streetscape bulb-out.

E. **Barriers:** Parklets shall have a physical barrier, a minimum of 30 inches in height, along any edge that is adjacent to a drive aisle. Type of barrier required may vary based on traffic conditions.

F. **Sight Line:** Parklets must maintain sight lines as required by the City Transportation Engineer.

G. **Buffers** If located adjacent to parallel parking spaces, parklets are required to have soft hit posts, wheel stops, or other buffers to prevent conflicts with parked cars. The City Transportation Engineer may require additional safety features depending on the context of the location.

H. **Hours of Operation:** The hours of operation for the parklet are limited to 8AM to 12AM (midnight).

I. **Food Service:** If food service is provided within the parklet:

i. Other than the parklet business owner or owners, no other food service operations or

vendors are allowed within the parklet.

ii. The business' kitchen facilities must be a permitted Food Service Establishment in good standing.

iii. Food trays, carts, receptacles for dirty dishes, etc. shall not be placed or stored on any portion of the sidewalk or parklet.

iv. The parklet business owner must maintain at least one trash receptacle in the parklet area and regularly empty it during operations.

J. Alcohol Service

i. The Chief of Police, or designee, must review and approve of the location for on premise alcohol sales and consumption, as provided at section 33.06(b)(6) of the Code.

ii. The principal use eating and drinking establishment to which the parklet is associated must be properly permitted by all applicable agencies to dispense alcoholic beverages for consumption on premises. All permits that authorize the dispensation of alcoholic beverages must reflect the parklet as part of the licensed premises. Once such permits reflect the parklet area as part of the licensed premises, the parklet area is exempt from the prohibition on the sales and consumption of alcoholic beverages outside of a licensed building as provided at section 33.09 of the City Code.

iii. During all business hours of the parklet, a conspicuous sign must be posted within the parklet area that effectively notifies patrons that section 33.10 of this Code prohibits removing open containers of alcoholic beverages from the licensed premises. The location, dimensions, and design of this notice is subject to review and approval by the City.

K. Signs: A single pedestrian-oriented menu placard may be placed on the sidewalk-facing portion of a parklet planter and one (1) menu board, associated with the business, may be sited in the parklet, out of the adjacent sidewalk clear path.

L. Tables and Chairs. All parklets must include either CRA-issued picnic tables, or tables and chairs provided by the business and approved by the CRA. At all times, the number and location of the tables and chairs must be maintained in accordance with the parklet's approved site plan. Assembly occupancy is prohibited within the parklet.

M. Lighting: Any lighting must be self-contained (i.e. solar and/or battery powered). Parklets may not have any features powered by extension cord. Lighting should be low-level as to not distract drivers.

N. Cleanliness and Safety: Parklets are required to be kept free of debris, grime, banners, unapproved signage, graffiti or other items that may be construed as a distraction or fire hazard by the parklet licensee.

O. Integrated Pest Control: The parklet licensee must have an integrated pest control system for the parklet to discourage insect, rodents and other pests.

P. Music: Amplified music is prohibited in the parklet.

Q. Americans with Disabilities Act: To participate in the program, minimum life safety requirements and Americans with Disabilities Act (ADA) must still be met, as required by law. It shall be the responsibility of the business to ensure that these requirements are maintained at all times the business is operating within public rights-of-way.

OTHER

A. Parklet Damage: All parklet damage shall be reported immediately upon discovery to the CRA Executive Director and the parklet will be closed until all issues are resolved.

B. Program Modification and Sunset: The City reserves the right to adjust, modify, or amend the program rules as necessary for the public health, safety, and welfare. The program may be

discontinued upon written notification by the City. The CRA Executive Director may modify the program in writing to participating locations within the CRA.

C. **Parklet Removal.** No parklets shall be reconfigured or removed without City approval and when applicable, may require applying for new ROW Encroachment Agreements and ROW permits.

V. PERMIT REVOCATION

The Chief Administrative Officer of the City reserves, in their sole discretion, the right to revoke the approval of a parklet for any reason, including but not limited to any safety, operational or maintenance requirements of the City.

VI. EXISTING PARKLETS

The following parklets, installed by the CRA during the pilot program, are recommended for approval by the City Council, subject to the execution of a ROW encroachment agreement:

1. Burtons/Mason Jar: 801-805 E Washington Street
2. Island Time: 712 E Washington Street
3. Cavo's: 900 E Washington Street
4. Sperry Deli: 707 E Washington Street
5. The Falcon: 819 E Washington Street (N. Hyer Ave. side)

COUNCIL AUTHORIZATION

In accordance with the guidelines and provisions of this program as outlined above and consistent with the program rules and any applicable ROW permit and ROW encroachment agreement, City Council hereby authorizes certain businesses to operate within the right-of-way and specifically designated on-street parking spaces within the Downtown CRA Area. Additionally, Council authorizes the Director of Public Works to execute ROW encroachment agreements, in substantially the form attached hereto, for parklets permitted under this Program.

The City reserves the right to immediately revoke authorization of any temporary use within the right-of-way, at any time, as deemed necessary by the City.

Attachment A – Form ROW Encroachment Agreement