

**CITY OF FLORENCE
ORDINANCE NO. 4, SERIES 2023**

**AN ORDINANCE AMENDING FLORENCE CITY CODE SECTION 8-2-4-1
TO ADD A RESTAURANT PARKING CAFÉ PERMIT PROGRAM**

RECITALS:

1. During the COVID-19 pandemic, and the resulting business guidelines which disallowed indoor seating for restaurants, the City of Florence allowed restaurants to expand their seating into the parking right-of-way.
2. This project was used by many restaurants in Historic Old Town, leading to increase in sales and revenue for the restaurants, and leading to a vibrant Old Town economy.
3. The City of Florence's Goals of Livability & Quality of Life and Economic Development are achieved by having a vibrant Old Town economy.
4. After the success of the temporary parking café program, the City Council wishes to formalize the program and create ongoing allowances for seating within the parking right-of-way under certain conditions.
5. Summer events, including the Rhododendron Festival, start in May. Restaurants need the opportunity to plan for and accommodate the crowds that come to Florence during the summer, and in particular for the Rhododendron Festival that starts in May. In order to accommodate the increase of summer visitors and in order to accommodate the needs of the City's local restaurants, it is necessary for this parking café program to take effect prior to the usual thirty-day effective date provided in the City Charter. Due to these conditions, an emergency effective date for this ordinance is justified.

NOW, THEREFORE, THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

1. The Florence Restaurant Parking Café Permit Program is adopted as an amendment to Florence City Code Section 8-2-4-1. FCC 8-2-4-1 is hereby amended in full to read as shown in Exhibit A.
2. Notwithstanding anything to the contrary in Exhibit A, the City Council adopts a permit application fee amount of \$117 for the Restaurant Parking Café Permit Program. As provided in FCC 8-2-4-1, the City Council may amend this permit application fee amount in the future by Council resolution.

3. In order to address the need for the Restaurant Parking Café Permit Program to take effect prior to summer events slated to start in May, this Ordinance will take effect on May 1, 2023.
4. The City Recorder is authorized to administratively correct any reference errors contained herein or in other provisions of the Florence City Code to the provisions added, amended, or repealed herein.

ADOPTION:

First Reading on the 17th day of April, 2023.

Second Reading on the 17th day of April, 2023.

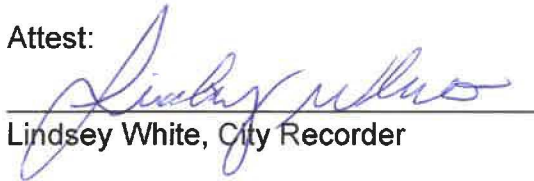
This Ordinance is passed and adopted on the 17th day of April, 2023.

AYES:	5	Councilors Wantz, Meyer, Carp, and Beaudreau and Mayor Ward.
NAYS:	0	
ABSTAIN	0	
ABSENT	0	



Rob Ward, Mayor

Attest:



Lindsey White, City Recorder

EXHIBIT A

TITLE 8 CHAPTER 2

8-2-4-1: PERMIT PROVISIONS:

It shall be unlawful for any person to conduct or permit to be conducted or cause to be conducted any business or commercial activity on a public street, highway or right-of-way within the City without a permit being obtained as provided in this Section.

- A. Right-of-Way Event Permit Program. Permits may be granted upon payment of the application fee set by the City Council and upon written application to the City Council for a specified period of time. Such permit may be canceled at any time by the City Council upon satisfactory proof that the conditions of the permit have been violated or when in the judgment of the City Council, the public interest requires cancellation.

In granting a permit the City Council shall consider the following criteria:

1. The applicant's willingness and ability to assume all risk for the proposed activities.
 2. Consent of the property owners and occupants of the affected adjacent property.
 3. The degree of interference with pedestrian and vehicular traffic and utilities use of the right-of-way.
 4. Compliance with land use designations on adjoining property.
 5. Compliance with all applicable state and local laws.
 6. Compatibility of proposed use with the purposes for which the right-of-way was dedicated.
- B. Sidewalk Café Permit Program. The City Manager may issue a permit for a sidewalk café allowing the service of food or beverages, including alcoholic beverages, within a public right-of-way.
1. Applicants must comply with all the following conditions:
 - a. The applicant pays the application fee established by resolution of the City Council. This fee may be waived at the discretion of the City Manager.

- b. The applicant assumes all risks associated with the use of the right-of-way.
- c. The applicant obtains liability insurance in a form and amount determined by the City Manager.
- d. The applicant submits an application containing all the information required by the City Manager.
- e. The applicant lawfully operates a restaurant adjacent to the right-of-way for which the applicant seeks a permit.
- f. The owner of the restaurant property consents to the issuance of the permit.
- g. The applicant demonstrates the use of the right-of-way will not interfere with existing utilities, pedestrian use of the right-of-way nor pose a hazard to vehicular traffic. The applicant must demonstrate that, at a minimum, there will be a pedestrian passage through the right-of-way of at least five feet in width and that the use of the right-of-way will be in compliance with vision clearance provisions of this Code.
- h. The applicant shall obtain and maintain compliance with all other necessary federal, state, and local permits and licenses.
- i. If the applicant seeks to use the right-of-way in front of properties contiguous to the restaurant, the applicant demonstrates that a restaurant is a permitted use for the contiguous property and the owner of the contiguous property consents to the issuance of the permit.
- j. The applicant demonstrates that the use of the right-of-way will comply with all ordinances and codes of the City.
- k. The applicant demonstrates that seating in the right-of-way will be provided for no more than 20 persons or, if seating is provided for a greater number, that off-street parking as required by Chapter 10-3 of this Code is provided in a ratio of no less than one parking space for each four seats over 20.
- l. The applicant demonstrates the proposed use of the right-of-way is not inconsistent with the use for which the right-of-way was dedicated to the City.

- m. The applicant agrees that any construction in the right-of-way in conjunction with the issuance of the permit shall be in compliance with this Code and the applicable building codes which shall be approved by the Public Works Director and the City Manager, and shall be removed upon demand of the City Manager.
 - 2. Sidewalk Café - Termination, Transfer, and Revocation of Permit.
 - a. A permit issued under subsection 8-2-4-1B of this Section shall automatically terminate on December 31 of the year of issuance and shall not be transferable. These permits must be renewed on January 1 of each calendar year after issuance.
 - b. A permit issued under Section 8-2-4-1B of this Section may be revoked by the City Manager after written notice and hearing before the City Manager in the following circumstances:
 - i. If the operator of the sidewalk café violates this Code or state or federal law or regulations.
 - ii. If the conditions specified in this Section are no longer being met; or
 - iii. If the operator of the outdoor café presents a danger to person or property.
- C. Restaurant Parking Café Permit Program. Notwithstanding other regulation of parking by the City, the City Manager may issue a permit for a parking café allowing the service of food and beverages, including alcoholic beverages, within parking right-of-way.
 - 1. Applicants must comply with all the following conditions:
 - a. Have a current business license and a current sidewalk café permit.
 - b. Operate at least four days per week and be open to the public for food or beverage service at least 6 hours on those days.
 - c. Operate using a table-service method for each table in the expanded outdoor seating area.
 - d. Each table in the outdoor seating area must be within a visual sight line from the interior of the restaurant.

- e. Secure all outdoor chairs and tables when not open to the public.
 - f. Written permission from the owner of the property, if different than the applicant business owner.
 - g. Assume all risks associated with the use of the right-of-way and maintain a general liability insurance policy with at least \$1,000,000 in coverage per occurrence.
 - h. Pay a permit fee established by City Council resolution.
 - i. The applicable right-of-way must be City right-of-way; permits are not available for county or state rights-of-way, such as Highway 101 or Highway 126.
 - j. Lawfully operate a restaurant adjacent to the right-of-way for which the applicant seeks a permit.
 - k. Demonstrate use of the right-of-way will not interfere with existing utilities, not interfere with pedestrian use of the right-of-way, and not pose a hazard to vehicular traffic. Demonstrate adherence to vision clearance provisions of this Code.
 - l. Obtain and maintain compliance with all applicable federal, state, and local permits and licenses. Follow all state and federal laws regarding the use of tobacco and the sale and consumption of alcohol.
 - m. Demonstrate that seating in the right-of-way will be provided for no more than 20 patrons.
2. Termination and Revocation of Permit.
- a. A permit issued under subsection 8-2-4-1C are valid for a single period beginning May 1 and ending on October 30 of the same year. A new permit must be obtained for subsequent periods.
 - b. A Restaurant Parking Café Permit may be revoked by the City Manager if:
 - i. The operator violates City Code or applicable state or federal law;
 - ii. The operator fails to maintain compliance with the requirements of the permit; or

iii. The operator creates a danger to persons or property in the operation of the parking café.

D. Temporary Suspension: A permit issued under this Section may be suspended by the City Manager if the public interest requires use of the right-of-way for a public event, construction, repair, or any other purpose.