

Sidewalk Café and Parklets Permit Standards, Procedures and Conditions

City code section 90-1 authorizes the Public Works Director or his or her designee to permit objects to be placed in public right-of-way and subject to reasonable conditions.

Pursuant to that authority, a sidewalk café or parklet may be operated within the public right-of-way in conjunction with a permitted adjacent, principal restaurant or food service establishment by the owner, operator, franchise holder or other person actually operating and having a Business Tax Receipt at that location. The sidewalk café or parklet use shall be accessory only to a primary use such as a restaurant or food establishment. A business must obtain a permit from the City of Lakeland's Public Works Department to authorize the use of the public right of way for a sidewalk café or parklet. The principal use and the sidewalk café or parklet shall not be in violation of and shall have complied with applicable provision of laws, ordinances, rules and regulations of the City of Lakeland or other governmental authority having jurisdiction. If the sidewalk café or parklet will offer alcoholic beverages for sale, service or consumption, then the sidewalk café or parklet shall be part of a restaurant or food establishment that is otherwise authorized, permitted and licensed to serve and sell alcoholic beverages for consumption on the premises.

Issuance of a sidewalk café or parklet permit shall not entitle the applicant to any additional signage as set forth in Section 4.9 of the City of Lakeland Land Development Code.

Sidewalk Café Design Standards

1. **Café Location and Boundaries:** The City's public right of way typically includes a motorized travel way, furnishings zone, pedestrian through zone, and frontage zone as illustrated in **Figure 1**. Sidewalk cafés are usually established within the frontage zone of the public right of way as depicted in **Figure 2a**.

The furnishing zone may be utilized for the sidewalk café area when a pedestrian through zone has been established adjacent to the building area as illustrated in **Figure 2b**.

- a. A decorative railing or other approved barrier is required to buffer the sidewalk café from motorized traffic when the sidewalk café is proposed adjacent to the motorized travel way. The location of street side railing shall be established based upon lateral offset requirements identified within the latest edition of the Florida Greenbook.
2. **Unobstructed Pedestrian Pathway:** Sidewalk café boundaries shall be established to maintain a 6' minimum clear pedestrian through zone within the public right of way. The Public Works Department may consider a 4' minimum distance at an isolated obstruction such as a fire hydrant.
 - a. Where street trees exist, the minimum pedestrian through zone will be measured from edge of the concrete tree well.

Figure 1: City of Lakeland Public Right of Way Zones

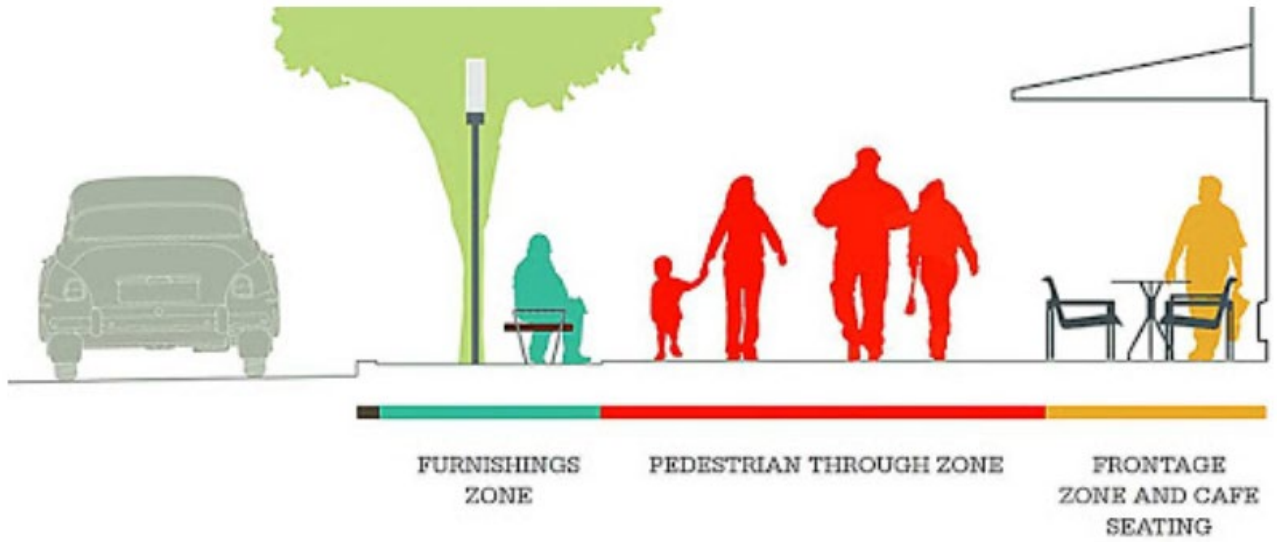


Figure 2a: Typical Sidewalk Café Boundary

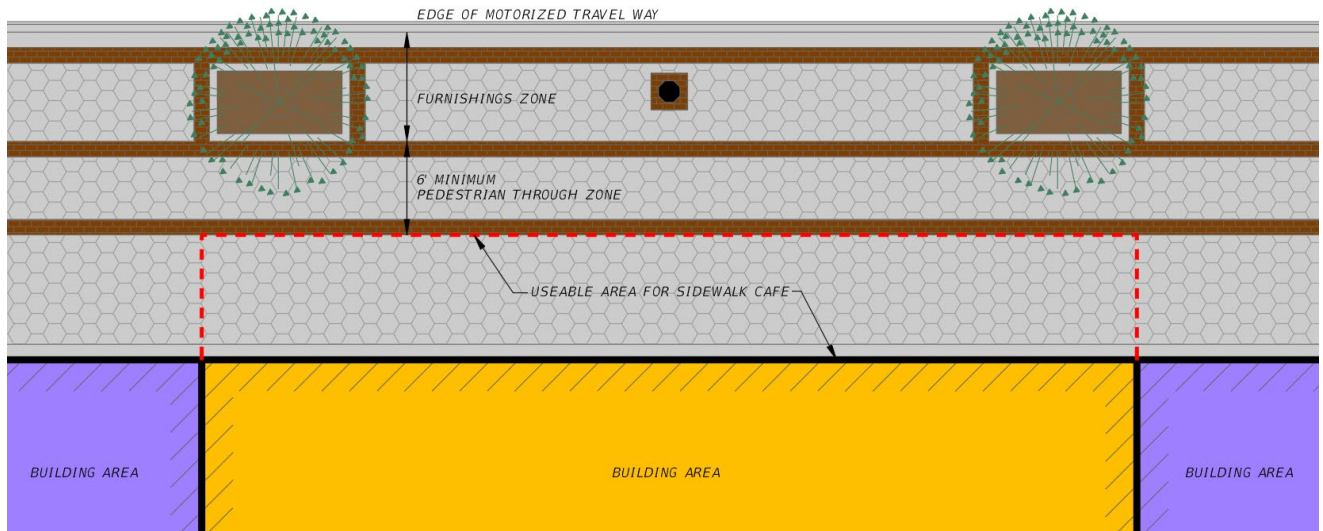
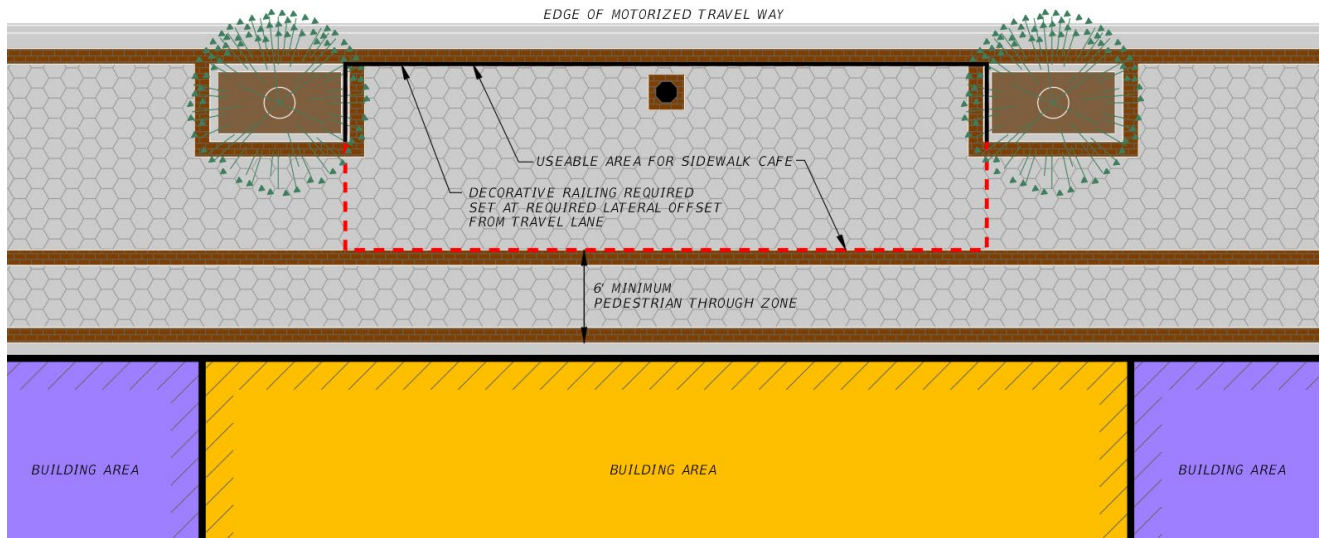


Figure 2b: Typical Sidewalk Café Boundary Utilizing Furnishings Zone



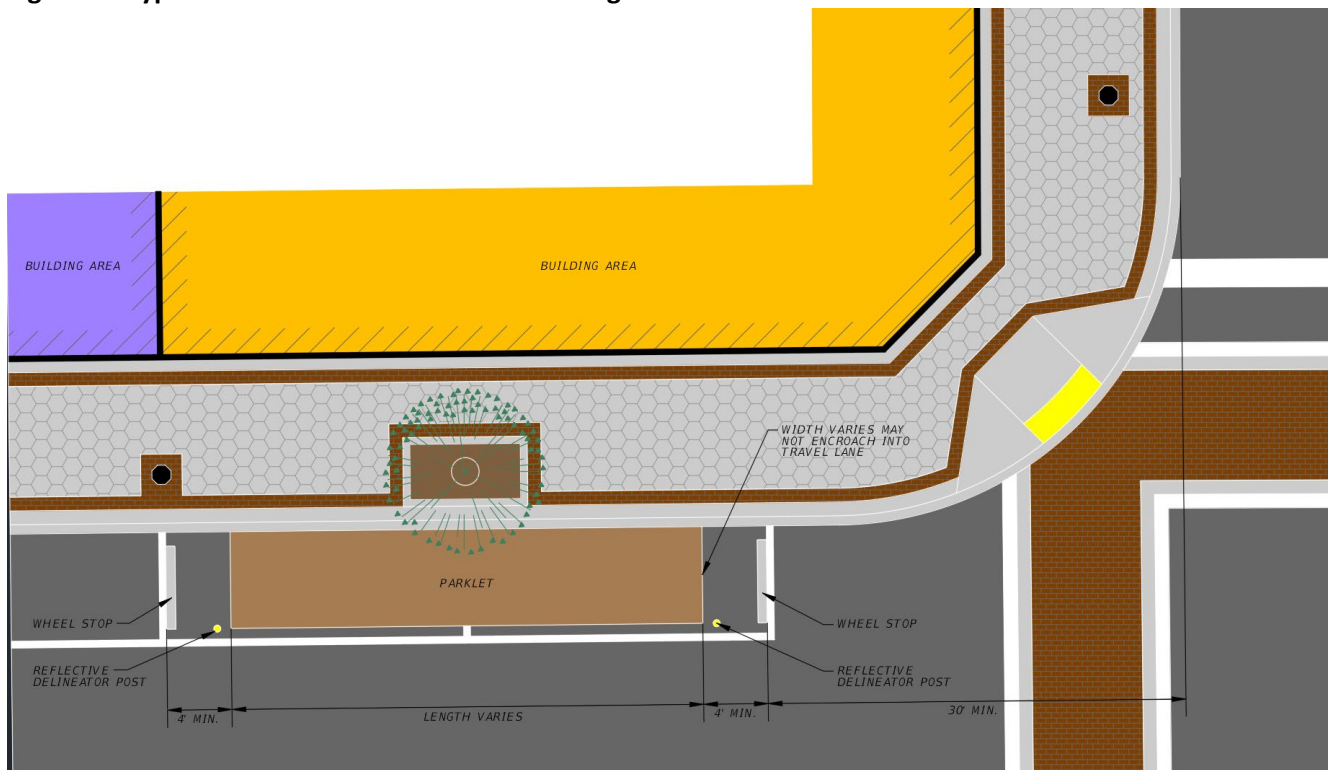
3. **Intersection Sight Distance:** Sidewalk cafés will not be permitted within an intersection sight distance triangle area as defined by the latest edition of the Manual of Uniform Minimum Standards for Design Construction and Maintenance for Streets and Highways (Florida Greenbook).
4. **Permanent Improvements:** A sidewalk café shall not consist of permanent improvements or structures which cannot be quickly removed for emergency access to private and/or public infrastructure located within the public right-of-way.
5. **Café Screening:** Screens, planters, decorative railing, or other materials which provide an enclosure of the sidewalk café may be permitted but must comply with:
 - a. Intersection sight distance requirements identified within the Florida Greenbook.
 - b. Lateral offset criteria established within the Florida Greenbook.
 - c. Guidelines for protruding objects within a pedestrian through zone as recommended with the U.S. Access Board's Public Rights of Way Accessibility Guidelines (PROWAG).
 - d. Design requirements of this policy.
6. **Café Furnishing:** Site furnishings such as tables, chairs, umbrellas, and other fixtures shall be of a uniform design and shall be compatible with the building in which the principal restaurant or food establishment is located. All site furnishing shall be of a commercial, exterior grade that is durable and weather resistant and shall be maintained in good repair. Site furnishings shall comply with:
 - a. Guidelines for street furniture and guidelines for protruding objects within a pedestrian through zone as recommended by the U.S. Access Board's PROWAG.
 - b. Umbrellas, if used shall consist of no more than a single color and shall not include writing, representation, emblem or any figure of similar character.

Parklet Design Standards

Parklets shall be designed in accordance with the guidelines within the National Association of City Transportation Officials (NACTO) Urban Street Design Guide and the following criteria:

1. **Parklet Location and Boundaries:** Parklets may be permitted within the Lakeland Downtown Development Authority boundary on streets with a posted speed limit of 30 mph or less. Parklets shall be located within existing public parking areas adjacent to a restaurant or food establishment. The Parklet area should be located and buffered in accordance with **Figure 3** and the following criteria:
 - a. Parklets must provide a minimum 4-foot buffer on each end of the parklet to minimize interaction with motorized traffic. The buffer will be comprised of a wheel stop or other method approved by the City of Lakeland Public Works Department.
 - b. Parklets must provide reflective flexible posts, bollards, or other method approved by the City of Lakeland Public Works Department to ensure visibility for moving traffic and parking vehicles.
 - c. The Parklet shall provide a stable vertical barrier with a maximum height of 42 inches along the ends of the parklet and along the side of the parklet which abuts the motorized travel lane.
 - d. The parklet area (inclusive of buffer) must be located a minimum of 30-feet from the travel lane of an intersecting roadway.

Figure 3: Typical Parklet Boundaries and Buffering



2. **Maintenance of Public Infrastructure:** Parklets shall be designed in a manner to facilitate the City's continuous operation and maintenance of public infrastructure.
 - a. Parklets may not obstruct utility access panels, manhole covers, storm drains, or fire hydrants.
 - b. Parklets must allow for curbside drainage flow by providing a 12" minimum clear gutter space along the entire length of the parklet platform.
 - c. The Parklet structure may not be bolted or affixed in any way to the roadway or any public infrastructure.
3. **Accessibility within the Public Right of Way:** All accessibility elements of the parklet platform shall be designed, constructed, and shall conform to the applicable provisions of the Florida Building Code and Americans with Disabilities Act.
4. **Parklet Screening:** Screens, planters, decorative railing, or other materials which provide an enclosure of the parklet area may be permitted but must comply with:
 - a. Intersection sight distance requirements identified within the Florida Greenbook.
 - b. Guidelines for protruding objects within a pedestrian through zone as recommended with the U.S. Access Board's Public Rights of Way Accessibility Guidelines (PROWAG).
 - c. Design guidelines of this policy.
5. **Parklet Furnishing:** Site furnishings such as tables, chairs, umbrellas, and other fixtures shall be of a uniform design and shall be compatible with the building in which the principal restaurant or food establishment is located. All site furnishing shall be of a commercial, exterior grade that is durable and weather resistant and shall be maintained in good repair. Site furnishings shall comply with:
 - a. Guidelines for street furniture and guidelines for protruding objects within a pedestrian through zone as recommended by the U.S. Access Board's PROWAG.
 - b. Umbrellas, if used shall consist of no more than a single color and shall not include writing, representation, emblem, or any figure of similar character.

Sidewalk Café and Parklet Permit Procedures

The Director of Public Works, or his or her designee, is authorized to receive applications for the use of the public right of way as a sidewalk café or parklet via a non-utility right of way use permit.

1. An applicant may contact the City's Public Works Engineering Division by phone at (863) 308-2228 or through email at SidewalkPermit@lakelandgov.net to begin the application process.
2. Public Works staff will conduct a pre-application meeting with the applicant onsite to determine the available boundaries for the proposed sidewalk café or parklet area and to discuss general permit requirements.
3. Following the pre-application meeting, city staff will provide an existing conditions site plan depicting hardscape features and delineating the boundary available for the sidewalk café or parklet permit.
4. The applicant will be required to prepare a proposed conditions site plan to demonstrate compliance with sidewalk café or parklet design standards. The site plan must include:
 - a. Location, type, style, color, and size of proposed site furnishing or screening. The location of screenings and furniture must be depicted on the site plan. The applicant may include photos, brochures, or manufacturer specifications to provide information related to type, style, and color of proposed furnishings.
 - b. The site plan must clearly indicate compliance with accessibility guidelines referenced within the sidewalk café or parklet design standards.
5. The applicant will submit the proposed site plan to Public Works Engineering for review.
 - a. Public Works staff will review the proposed condition site plan for compliance with sidewalk café or parklet design standards.
 - b. Community and Economic Development staff will review information regarding proposed screenings or furnishings and provide comments related to the aesthetic features of the sidewalk café or parklet.
 - c. The City's Department of Risk Management will review the proposed site plan and determine the required insurance requirements needed to approve the permit.
6. Public Works will provide comments to the applicant from all City Departments within fourteen (14) calendar days from receipt of the proposed conditions site plan and supporting documentation. The comments will include:
 - a. Request for additional information related to design standards or aesthetic features.
 - b. Limits of required sidewalk café or parklet insurance requirements.
 - c. Template indemnification/hold harmless agreement which must be executed prior to permit approval.
 - d. List of standard and site specific sidewalk café or parklet permit conditions.
 - e. Tabulation of annual sidewalk café or parklet fee.
7. The applicant will address the comments and provide the following information for permit approval:
 - a. Completed Right of Way Use Permit application.
 - b. Completed Indemnification/hold harmless agreement.
 - c. Proof of insurance requirements naming the City of Lakeland as additionally insured.

- d. Revised site plan which thoroughly addresses the comments provided by City staff.
- e. Acknowledgement of permit conditions.
- f. Payment of annual sidewalk café or parklet fee.

Sidewalk Café and Parklet Standard Permit Conditions

The Director of Public Works, or his or her designee, reserves the right to require site specific permit conditions when needed to protect the City's investment in public infrastructure and to ensure safe use of the City's public right of way. The following standard conditions will be applied to all sidewalk café or parklet permits:

1. The applicant must maintain conformance with all City of Lakeland design standards for sidewalk cafes and/or parklets.
2. The principal use, and the sidewalk café or parklet, shall not be in violation of and shall have complied with all applicable provisions of laws, ordinances, rules and regulations of the City of Lakeland or other governmental authority having jurisdiction.
3. A sidewalk café or parklet permit shall not entitle the permittee to any additional signage as set forth in the Land Development Code for the permitted premises or for the principal use thereof.
4. There shall be no variances for Floor Area Ratio, parking requirements or other Land Development Code standards as a result of expansion of the restaurant or food establishment into a sidewalk café or parklet area.
5. The sidewalk café or parklet may not offer alcoholic beverages for sale, service, or consumption unless the sidewalk café or parklet is part of a restaurant or food establishment that is otherwise authorized, permitted and licensed under the Land Development Code or state law to serve and sell alcoholic beverages for consumption on the premises.
6. No heating or cooking of food shall be permitted within the sidewalk café or parklet area.
7. The permittee is responsible for maintaining the cleanliness of the permitted sidewalk café or parklet area at all times.
8. The permittee will be required to remove all street furnishings, or screenings, and secure sidewalk café or parklet structures within forty-eight (48) hours from receiving notice that Public Works has implemented Phase III of its Emergency Operation Plan for catastrophic storm events. The cost for reestablishment of sidewalk café or parklet features shall be the sole responsibility of the permittee.
9. The City of Lakeland reserves the right to immediately remove sidewalk café or parklet structures when necessary for response to emergency situations, utility repairs or roadway repairs. The cost for reestablishment of sidewalk café or parklet features shall be the sole responsibility of the permittee.
10. The City of Lakeland will not be held responsible for damage to sidewalk café or parklet infrastructure resulting from public use or emergency removal by City of Lakeland staff.