



## **EXECUTIVE SUMMARY**

To: Patti McLauchlin, City Manager  
Cc: Todd Stoughton, Assistant City Manager  
Jim Young, Director of Code Compliance  
Amanda Brady, Licensing Official

From: Katie P. Halloran, Director of Planning Department  
Date: January 4, 2022  
Subject: Sidewalk Dining/Sidewalk Cafe Fees

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### **Action statement:**

Commission approval to adjust the fees for Café Dining/Café Seating licenses, effective immediately.

### **Background:**

Per F.S. Sec. 166.221 Regulatory fees.—A municipality may levy reasonable business, professional, and occupational regulatory fees, commensurate with the cost of the regulatory activity, including consumer protection, on such classes of businesses, professions, and occupations, the regulation of which has not been preempted by the state or a county pursuant to a county charter.

Currently, revocable license holders in the Café Seating program must pay an annual base application fee of \$100 to participate in the program. The licensing program also required a \$500 per seat Revocable License Fee. In addition, the City charges a one-time per seat impact fee of \$592, billed over seven years.

City elected officials and staff received input from restaurateurs and other local business owners expressing concern regarding the costs associated with the Sidewalk Café program. The City subsequently convened a workshop on June 8, 2021, to further discuss concerns related to the program with the public. City officials have expressed a desire to support and facilitate this program, especially in light of the public health benefits of outdoor dining during the pandemic.

At this time, staff recommends amending the Café Dining/Seating ordinance to require a one-time \$100 application fee and payment of the aforementioned impact fees, however at this time the

revocable license fee is recommended to be removed; these fee changes would be amended directly through Resolution of the City Commission. The proposed new fee schedule is attached to this document and to the Resolution as Exhibit A.

Other minor amendments to the ordinance include clarification of the requirement for an Affidavit of Non-Objection from adjacent property and business owners if a restaurant validly licensed for the Café Seating program would like to also place tables in front of an adjacent property/business.

**Options/Advantages/Disadvantages:**

Option 1: Approve the proposed amendments to Café Seating fees.

1. Consistency with the City's Strategic Plan, Vision, and Mission: This action would provide enhanced services consistent with the mission and vision of the City. Additional businesses may choose to request a Sidewalk Café license.
2. Financial Impact: The proposed amendment would reduce the total fees collected associated with this program.

Option 2: Deny the proposed amendments to Café Seating fees.

1. Consistency with the City's Strategic Plan, Vision, and Mission: This action may limit the number and type of businesses that can take advantage of this licensing program.
2. Financial Impact: There would be no impact to the City.

**RECOMMENDATION:**

Staff proposes the City Commission approve the proposed amendments to the Café Dining/Seating ordinance, Option 1, and adopt a resolution reducing the Sidewalk Café fees, as noted above and in the attached Exhibit A, effective immediately.