



**MEMORANDUM**

**To:** Orlando City Council

**Thru:** Elisabeth Dang, Planning Official and Chris Cairns, City Transportation Engineer

**From:** Katy Magruder, Planner II and Christina Moya, Traffic Control Manager

**Date:** August 25, 2020

**Subject:** Temporary Use Permit to Create a Temporary Parklet Program for On-Street Parking Spaces within the Downtown CRA (DET2020-10162) (COVID-19 Economic Recovery Initiative)

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**SUMMARY**

Create a new City program to authorize temporary parklets on city rights-of-way within on-street parking spaces within the Downtown CRA until February 1, 2021, including:

- Providing a process to approve temporary parklets for adjacent business use until February 1, 2021.
- Authorization by the City Council to conduct business within rights-of-ways for approved locations following review by the Planning Official and City Transportation Engineer.
- Providing standards for operation and maintenance.
- Permitting the consumption of alcohol within the parklets on city rights-of-way when coordinated and approved by the Chief of Police, and consistent with State requirements.

**BACKGROUND**

The COVID-19 global pandemic has altered many aspects of urban life and business operations in recent months. In response, several cities around the world have implemented strategic street closures and created other locations, such as on-street parking spaces, where businesses may be conducted in a socially distant manner.

Physical distancing is a core public health strategy to reduce the transmission and potential resurgence of outbreaks, especially as the phased reopening of our economy occurs. In particular, increasing the amount of outdoor space available to people can make it easier for businesses to comply with public health guidance for longer periods of time, aiding in efforts to reduce the spread of the virus. Ensuring safety and access to job opportunities is also key to our overall recovery.

A new temporary “parklet” program for an extension of outdoor commercial space (e.g. restaurant dining) into on-street parking spaces at the request of adjacent businesses will supplement the City’s economic recovery.

The City of Orlando has experience with such parklets during the annual “Park-In” day coordinated by the Transportation Department. The City typically organizes this annual event which includes temporary “park” transformations in the winter months, opposite of the national September date to avoid hurricane season. Regionally, Winter Garden and Winter Park are local examples of cities that have coordinated current similar efforts which transform on-street parking spaces in response to COVID-19 (see example images at the end of this document from Winter Garden).



Project DTO's vision also lends itself toward utilizing transportation spaces differently than what has been traditionally automobile focused in the past. Some of the images from that effort include transforming street corridors to induce more commercial activities within streetscapes and on the streets themselves. This effort could provide a stepping stone toward that vision.

## **ANALYSIS**

Section 54.27-1 of the City Code provides the City Council the ability to allow business to be conducted within the City's rights-of-way. While this has previously been granted through a "Temporary Use Permit Program for certain Temporary Signs, Outdoor Retail Sales & Restaurant Seating, and Small Tents (Citywide)" approved at the May 1, 2020 City Council meeting, it is now proposed to extend that concept to on-street parking spaces within City rights-of-way within the Downtown CRA directly adjacent to businesses through this proposal. This program will expand the number of businesses that are eligible to expand their commercial use to the outdoors due to the site conditions, especially when surface parking is unavailable or additional social distancing space may be needed within these urban environments.

The Chief of Police is authorized to allow the sale and consumption of alcohol within the City's rights-of-way per Section 33.06(b)(6), which would apply to this program and be reviewed on an individual basis when on-site consumption is requested. The recommended rules included below will create an expanded, yet defined premises for these operations so the temporary parklets are adequately spaced to provide proper social distancing. Section 39.08(17) also authorizes the Transportation Engineering Division Manager to establish parameters for use of rights-of-way, and it is proposed that the following program and rules be implemented for businesses desiring to utilize the city's on-street parking spaces for temporary parklets.

The City Transportation Engineer will need to approve of the barrier material appropriate to each location relative to the context and surroundings in order to ensure appropriate safety.

## **PROPOSED TEMPORARY PARKLET PROGRAM**

### Eligible Locations

- Permanent on-street parking locations where the speed limit is 25 miles per hour or less within the Downtown CRA.
- City controlled rights-of-way, or FDOT and Orange County controlled rights-of-way with the concurrence of the relevant agency.

### Application

- Apply to the City Planning Division at [cityplanning@orlando.gov](mailto:cityplanning@orlando.gov).
- Documents needed:
  - Site Plan (including surrounding 100-ft.).
  - Certificate of Insurance acceptable to the City's Risk Manager.
  - Descriptions of proposed improvements with proposed materials and/or a description of type(s) of elements proposed to be placed in the parklet; e.g. tables, chairs, benches, planters/landscaping, bicycle parking, life-size games, alcohol service, etc.
  - A detailed description of safety elements/barriers that will be included adjacent to travel lanes and open parking spaces.

### Safety & Operations

- Safety applications include planters, temporary fencing, water or sand filled containers, bicycle rack style crowd control barriers and jersey-style barriers (or a combination thereof), as approved by City Transportation Engineer for the appropriateness of the context.

### Costs

- There is no application fee.
- For metered spaces: Business shall coordinate with the Parking Division during the review process; the CRA or City may institute a separate program to defray costs for the metered on-street spaces if possible.

### General Parklet Rules

1. Parklets must be adjacent to applicant's building and place of business.
2. The hours of operation for the parklet are limited to 8AM to 12AM (midnight).
3. In areas where the proposed parking space is not individually delineated, design the parklet to occupy a space no greater than 7.5 ft. x 23 ft. for each parking space dimension.
4. Parklets shall have a continuous physical barrier, such as planters, furniture, or crowd control barriers, a minimum of 30 inches in height along any edge that is adjacent to a drive aisle.
5. Parklets must maintain sight lines as required by the City Transportation Engineer.
6. Parklets are allowed only in an existing permanent parking location, and not in any loading zone, fire lane, bus stop, taxi stand, ADA space, or other specially designated space.
7. Parklets are not allowed in front of City connections, fire hydrants, or over manhole covers, public utilities, or catch basins. Curb and roadside drainage shall not be impeded.
8. The roadway adjacent to the proposed parklet location should have a speed limit of 25 mph or less.
9. 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 bump-out.
10. The City will review proposed parklet locations for potential conflicts, and proposed locations may be rejected at the City's discretion for reasons including but not limited to: future programmed projects.
11. If located adjacent to parallel parking spaces, parklets are required to have soft hit posts, wheel stops, or other buffer to prevent conflicts with parked cars.
12. 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 and to not distract drivers.
13. Keep parklet well maintained and in good repair with daily cleaning.
14. Keep parklet free of debris, grime, and graffiti.
15. Water and maintain all parklet vegetation.
16. Amplified music is prohibited in the parklet.
17. Tables shall be placed approximately 10-ft apart.
18. If food service is proposed within the parklet:
  - a. The kitchen facilities must be a permitted Food Service Establishment in good standing.
  - b. Food trays, carts, receptacles for dirty dishes, etc. shall not be placed or stored on any portion of the sidewalk or parklet.
  - c. Cooking devices are prohibited within the parklet.
  - d. Any proposed removable tables, chairs, planters or other appurtenances that should be locked or stowed nightly according to City standards and best methods.
  - e. The permit holder must provide for at least one trash receptacle and one recycle bin that is emptied during the day and every night associated with its outdoor operation.
19. If alcohol service is proposed within the parklet:
  - a. The Chief of Police, or their designee, must review and approve of the location for on-premise consumption.
  - b. The adjacent business must have a valid state alcohol license for on-premise consumption, and follow DBPR requirements.
  - c. Signs shall be installed clarifying that alcoholic beverages may not be taken off-site, at the appropriate boundaries of the location.



20. To participate in the program, minimum life safety requirements and Americans with Disability Acts (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.
21. The City reserves the right to adjust, modify, or amend the program rules as necessary for the public health, safety, and welfare.

### **PREVIOUS CITY COUNCIL APPROVALS**

This proposed program expands outdoor business operations, previously approved by the following actions:

- May 1, 2020: Temporary Use Permit program for certain Temporary Signs, Outdoor Retail Sales & Restaurant Seating, and Small Tents (Citywide) DET2020-10081
- August 10, 2020: Extension of Temporary Use Permit program for certain Temporary Signs, Outdoor Retail Sales & Restaurant Seating, and Small Tents to February 1, 2021 (Citywide)

### **COUNCIL AUTHORIZATION**

In accordance with the guidelines and provisions of this program as outlined above, City Council authorizes certain businesses to operate within the right-of-way, and specifically designated on-street parking spaces within the Downtown CRA Area. Nothing contained herein is intended as, nor shall constitute, a waiver by the City of Orlando, of its grant of sovereign immunity under law.

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

### **GENERAL PROVISIONS**

All activities and temporary uses authorized by this program shall be removed should a tropical storm warning (or greater) be issued for Orange County. Additionally, all activities are only allowed for legal or legal non-conforming businesses located in the proper zoning district, which have obtained a valid business tax receipt from the City of Orlando.

By participating in this program, each business and adjacent property owner agrees to release the City from any liability that may arise due to the use of the right-of-way pursuant to this program, and further agrees to indemnify and hold harmless the City from and against any and all claims, damages, losses and expenses arising out of or resulting from the use of the right-of-way pursuant to this program.

Each business and property owner shall comply with all applicable federal, state and local laws, ordinances, rules and regulations, including the Americans with Disabilities Act. Violation of any federal, state or local law, ordinance, rule or regulation, or violation of any of the terms or conditions of this program, will result in the termination of all activities, signs and temporary uses authorized by this program.

Alcohol service in such parklets are subject to on-premise consumption rules through the State of Florida; applicants may need to extend their premises to cover the additional area if needed. Additionally, all businesses will need to comply with rules promulgated and enforced by the state's Department of Business and Professional Regulation, as well as any state, county, or local emergency order relating to COVID-19.

The City reserves the right to end this program at any time. The Chief Administrative Officer is authorized to monitor, adjust, modify, amend and implement this program. The Code Enforcement Division and Streets & Stormwater Division are authorized to enforce this program.



Signed:

*Elisabeth Dang*

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Elisabeth Dang, Planning Official

*Christopher Cairns*

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Christopher Cairns, City Transportation Engineer

EXAMPLE PICTURES IN DOWNTOWN WINTER GARDEN



POTENTIAL ON-STREET PARKING LOCATIONS IN THORNTON PARK

