



## MEMORANDUM TO VENICE CITY COUNCIL

**THROUGH CHARTER OFFICER:** Edward Lavalley, City Manager      **E-SIGN:**  
**FROM:** James R. Clinch, PE, Assistant City Manager  
          Roger Clark, AICP, Planning & Zoning Director  
**DEPARTMENT:** City Manager

**DATE:** 11/4/2022

**MEETING DATE:** 12/13/2022

**SUBJECT / TOPIC:** Ordinance 2022-34; Public ROW Use for Outdoor Dining and Display

### **BACKGROUND INFORMATION:**

The outdoor dining and display activities which occur within Historic Downtown Venice are regulated through City code Chapter 62, Article V, Public Right-of-Way and Public Property Permits. This Code has been modified in the past through Ordinance 2018-40 and 2021-25 in order to establish the regulatory process, specify the relevant rules for said use, and to ensure an open and accessible pedestrian walkway.

There have been several Council discussions concerning the potential application of Public Space Fees and the staff request was for additional information and public outreach. Public Workshops with the downtown merchants and general public were held on June 21, 2021 and on May 11, 2022. Additionally, research into other municipality regulations and fees have been performed. The results vary widely, from having no public space fees at all, to up to several thousand dollars annually. The majority of Cities researched charged under \$500 annually for the space use. The most current workshop presentation is attached which includes this data. The general feedback from the merchants in attendance was a preference to limit these fees due to several reasons, primarily the numerous recent business disturbances experienced and the overall public benefit that this outside dining contributes to the downtown district.

There have indeed been numerous business disturbances experienced over the past 3 years, including multiple red tide events, the downtown beautification project, the Covid-19 pandemic, and most recently Hurricane Ian. It was recognized that the downtown merchants were under considerable stress due to these outside factors, and adding public space fees for potential City revenue generation was not viewed favorably at the Public Workshops. Additionally, these businesses do care and maintain for the public space in question, as well as adding to the overall downtown ambiance and community atmosphere.

The attached Ordinance 2022-34 is based on the community feedback received, and proposes to simplify the process for the merchants by replacing the annual permit renewal requirement with a single approval process for the merchants. This would reduce the administrative requirements for the City and allow the merchants to gain City approval without the need for renewal unless changes to the site plan are needed. This ordinance also adds language for increased cleaning requirements, including quarterly pressure washing and also consistent litter collection and

cleaning whenever food stains and spills occur. It also adds enforcement language to assist with the code enforcement of these cleanliness standards and maintenance of proper pedestrian walkway widths.

The application of additional public space fees is still authorized under this code, and Council may choose to implement additional public space fees in the future. This code as drafted does include additional public benefits, to help balance the approved private use of the public property.

If approved, City staff will be reaching out to all downtown merchants to obtain an updated application and site plan for approval of the current outdoor dining and display uses in the Downtown District.

**SUPPORTS STRATEGIC PLAN:** Goal Six: Preserve the Venice Quality of Life through Proper Planning

**COUNCIL ACTION REQUESTED:** Approve Ordinance 2022-34

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Yes	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Document(s) Reviewed for ADA compliance <small>(required if for agenda posting)</small>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	City Attorney Reviewed/Approval
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Risk Management Review
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Finance Department Review/Approval
		Funds Availability (account number): <a href="#">Click or tap here to enter text.</a>

cc: