



Legislation Text

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**CITY COUNCIL AGENDA ITEM**

Memo Date: July 19, 2021  
Agenda Date: July 27, 2021  
Prepared By: Alix Bernard, Senior Planner  
Through: Charlene Neuterman, Interim Community Services Director  
Requested Action:

Staff is requesting approval of option one in regards to outdoor dining with three options listed below: (1) return to offering sidewalk cafes only, (2) continue with outdoor dining or (3) continue with outdoor dining during special events only.

**BACKGROUND:**

On Tuesday, February 23, 2021, Council approved Resolution 2021-13 extending the expiration date of expanded outdoor dining options for local restaurants currently approved for the temporary provision to June 30, 2021.

Prior Resolutions approved by Council:

On Tuesday, July 13, 2021 City Council agreed to abate the enforcement of outdoor dining until the options moving forward could be brought before City Council.

On Wednesday, May 6, 2020, Cocoa City Council approved Resolution 2020-146 establishing a limited permit-outdoor seating area for local restaurants to be able to expand dining options for patrons while under the seating capacity limitations ordered by the State. This resolution allowed restaurants to obtain a limited permit authorizing new, temporary outdoor seating areas that did not exist previously. Per the resolution, the limited permits were to expire upon the recession or expiration of Executive Orders, which maintains limited indoor seating capacity to seventy-five percent (75%) or less.

In October of 2020, Executive Order 20-244 expanded capacity of restaurants to no less than 100% occupancy, which would have expired the temporary permits in place. Thus, Cocoa City Council extended Resolution No. 2020-146 on October 13, 2020, to February 28, 2021.

During the pandemic, the City allowed for outdoor dining in an effort to support the local restaurant industry. A variety of different establishments took advantage of this opportunity. Since that time the temporary outdoor dining Resolution that the City established has sunset. There are still a few businesses that would like to continue to utilize City Right of Way, more specifically the parking in front of their businesses on a permanent bases for outdoor dining.

Cocoa's Sidewalk Café ordinance was implemented in 1999 and revised in 2008, this ordinance is

already very liberal in contrast to other communities that have similar ordinances. The businesses that have made the requested already have an active sidewalk café permit.

Currently, the following establishments have applied for and were approved for the temporary expanded outdoor seating areas:

- Beef O' Brady's - private area only utilized; no public or private parking areas used
- Ossorio Bakery & Café - public sidewalk area only
- Jerk Flavas Jamaican Restaurant - private area only and no public or private parking areas used
- Village Idiot Pub - approved 4 public parking spaces but currently utilizing only 3
- Pub Americana - approved 3 public parking spaces
- Dog and Bone - approved limited use of the gazebo in Myrt Tharpe Square - no public or private parking areas used

Here are the options moving forward:

- Return to offering sidewalk cafes only
- Continue with outdoor dining
- Continue with outdoor dining during special events only

➤ Option 1: Return to allowing sidewalk cafes only

Sidewalk cafes are currently an allowed use by permit. There are currently 14 business that have the ability to have sidewalk cafes. Sidewalk cafes allow for restaurants to have tables in front of their business or their neighboring business with the permission of the adjoining property owner, without impeding the right of way.

➤ Option 2: Continuing with outdoor dining as established during the pandemic (pros and cons)

In examining the idea of continuing with outdoor dining there are several different factors. While supporting the local restaurant industry during the height of the pandemic was important to help increase utilization of the village. One must consider the loss of parking, pedestrian safety (patrons are actually sitting in parking spaces). The City must them look at closing off parking spaces to all businesses in an effort to be fair and equitable to the entire business community.

➤ Option 3: Allow outdoor dining only during special events, when the streets are closed to vehicle traffic.

This option will allow for restaurants and other businesses to expand their outside display or sitting/eating area to the sidewalk in front of their establishment when the streets are closed to motor vehicles, this will help the local businesses entice more people into their establishments.

Staff is requesting direction moving forward since the approval of Resolution 2021-13, extending the expiration date of expanded outdoor dining options for local restaurants that expired on June 30, 2021.

If Council approves Option 1 this ordinance can be revised to include items such as weekly pressure washing, regular inspections to ensure compliance and utilizing outdoor speakers in responsible manner.

**STRATEGIC PLAN CONNECTION:**

N/A

**BUDGETARY IMPACT:**

N/A

**PREVIOUS ACTION:**

On May 6, 2020, Cocoa City Council approved Resolution 2020-146 establishing a limited permit-outdoor seating area for local restaurants to be able to expand dining options for patrons while under the seating capacity limitations ordered by the State.

On Tuesday, October 13, 2020, Cocoa City Council adopted Resolution 2020-218 extending Resolution 2020-146 expanding outdoor dining options through February 28, 2021.

On February 23, 2021, Council adopted Resolution 2021-13 to extend the expiration date of Resolution 2020-146, as amended by Resolution 2020-218, to June 30, 2021 to continue to allow expanded outdoor dining options due to the Covid-19 emergency..

**RECOMMENDED MOTION:**

Staff is requesting guidance from City Council in regard to outdoor dining with three options: continue with outdoor dining, continue with outdoor dining during special events only or return to offering sidewalk cafes only.