

SCARBROUGH PATIOS_Historic Commission Review

2018 / 04 / 23





ORDINANCE NO. 20120322-066

AN ORDINANCE CREATING A PILOT PROGRAM TO ALLOW FOR THE TEMPORARY USE OF ON-STREET PARKING SPACES FOR AN EXTENSION OF RETAIL USE AND WAIVING CERTAIN ASSOCIATED FEES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. This ordinance creates a pilot program allowing the temporary use of parking spaces for an extension of a retail use, to be called a "Street Patio." The pilot program participant ("Participant") will use the parking spaces to provide seated café space. The pilot program is intended to allow both the city and the public to observe and collect data in order to determine the feasibility of a permanent program.

PART 2. The parameters of the pilot program are:

- (A) This ordinance is applicable to the two parking spaces on Congress Avenue.
- (B) A person may not sell, barter, trade, store, or use the parking spaces within the Street Patio area in violation of Chapter 100, Subchapter C, *Obstructions*). This does not apply to food or beverages served in the Street Patio area.
- (C) The Participant will obtain a license agreement for the use of the spaces in City Right-of-Way. The license agreement shall be processed by city staff within 30 days of the application and the following for review and processing of the license:
 - (a) proof of general commercial liability insurance in the amount established by the department;
 - (b) submission of a visual plan for the use of the parking spaces, including number, aesthetic, and location of tables, chairs, and other furnishings; and
 - (c) maintenance of accessibility in accordance with the Americans with Disabilities Act (ADA) and Texas Accessibility Standards (TAS).
- (D) The furnishings or their new placement shall not:
 - (1) extend outside of the licensed area;
 - (2) constitute a danger to the health or safety of a patron or the public; and
 - (3) violate the terms of the license agreement.

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The parameters of the pilot program are:



City of Austin
Austin Transportation Department, Right of Way Management Division
3701 Lake Austin Blvd., Austin, Texas 78703

REQUIREMENTS FOR A TEMPORARY SIDEWALK CAFÉ/STREET PATIO PERMIT

Please read the Sidewalk Café Handbook or the Street Patio Handbook for important guidance information. The Handbooks includes Design Requirements. Be certain to follow those requirements. The handbooks and all other documents referenced in this application are available at austintexas.gov/sidewalkcafe.

About Sidewalk Café Permits: Sidewalk Cafés and Street Patios are not permanent structures; they are a temporary use of the public Right of Way permitted as a type of sidewalk café under the City of Austin Land Development Code Chapter 14-4, Sidewalk Cafes. Please see section on Sidewalk Café Permit Authorization, Ord. No. 20140828-074, Pt. 3, 9-8-14.

Applicants for Sidewalk Café Permits must be businesses licensed to serve food and beverages. The applicant does not have to be the property owner; but if they are not the owner, they must hold a valid lease for the building.

To obtain the necessary permit, please submit this application to the Right Of Way Management Division, Austin Transportation Department, at the address below. Only businesses with approved permits are allowed to operate Sidewalk Cafes and/or Street Patios in the City’s Right of Way. Please read the handbook, this application form, and all attachments. For a consultation and to set up an appointment with the Right of Way Division, please call 512-974-7180 or 311.

**City of Austin, Transportation Department
Right Of Way Management Division
512-974-7180
3701 Lake Austin Blvd., Austin, TX 78703
*For General Questions: Walk-in Hours – Monday through Friday, 8 a.m. to 1 p.m.***

STEPS TO OBTAIN A SIDEWALK CAFÉ PERMIT

1. Review the **Sidewalk Café Handbook** and/or the **Street Patio Handbook**. Ensure that the proposed Sidewalk Café and/or the Street Patio complies with all design guidelines and requirements listed, as well as the requirements of the Americans with Disabilities Act (ADA).
2. Submit the notarized application, the non-refundable \$100 application fee, and required supporting **documentation**.
3. Communicate with ROW staff as requested during the review period. Allow 30 days for review of the application, the documentation packet, and any site issues with the proposed location.
4. If the Sidewalk Cafe is approved, pay the annual \$200 permit fee (up to five years may be paid in advance); If the Street Patio is approved, pay the annual \$2,000 permit fee (up to five years may be paid in advance). The applicant will need to sign a notarized Sidewalk Café Maintenance Agreement and thereafter, a Sidewalk Café Permit can be activated by Right of Way Management.

PLEASE NOTE: A full application must be submitted annually, unless multiple years fees (up to five) are paid in advance.

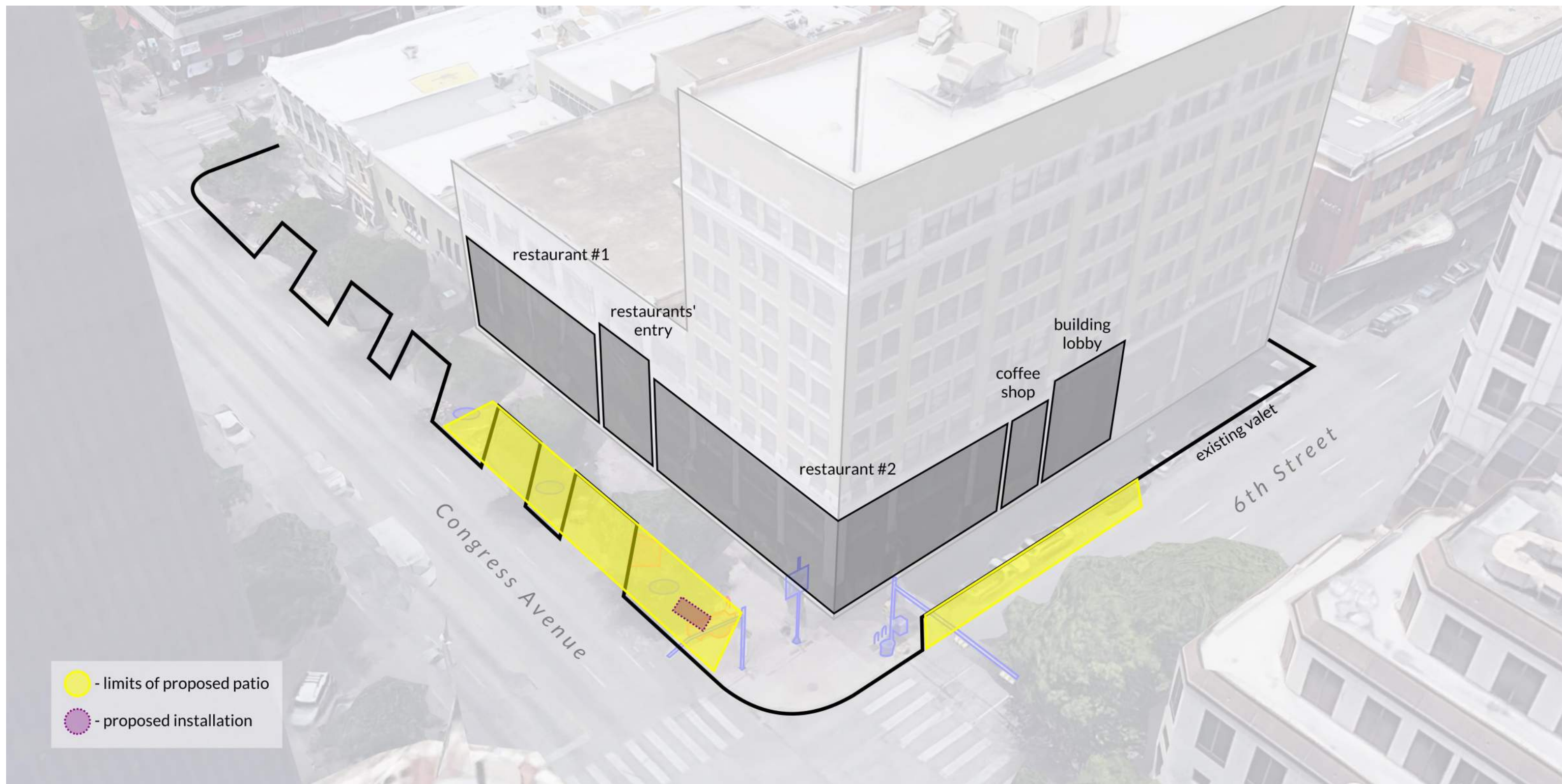
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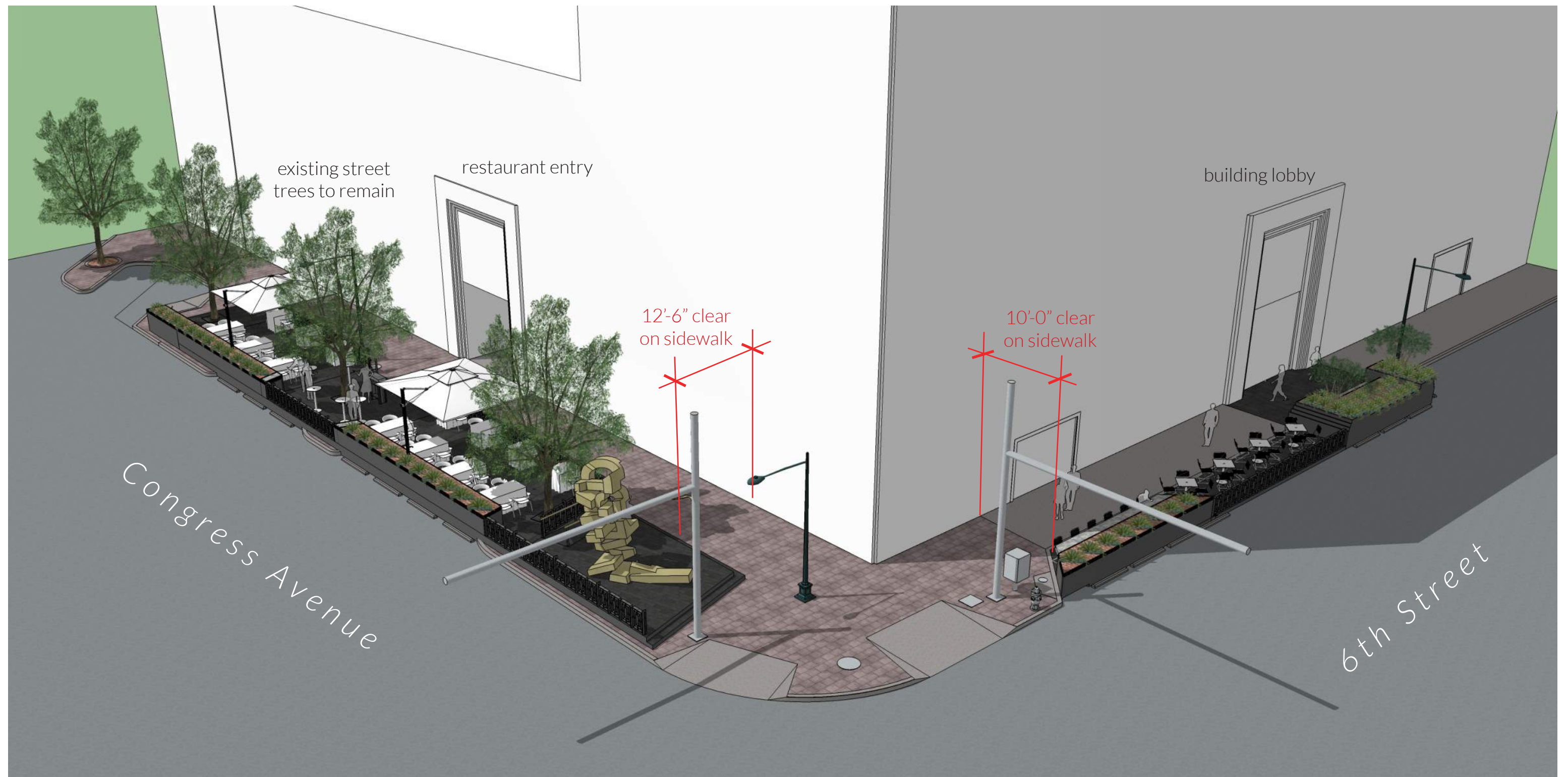










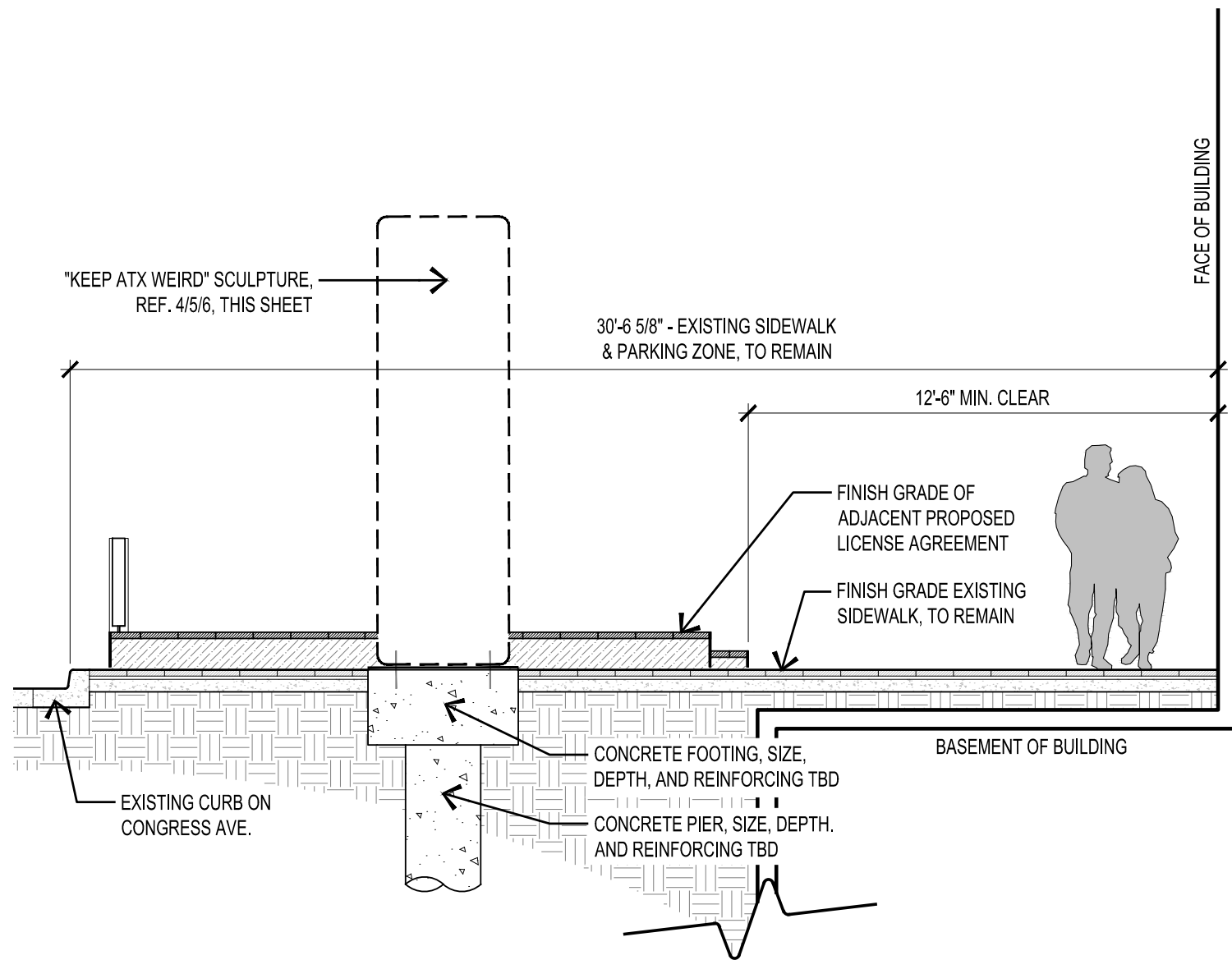




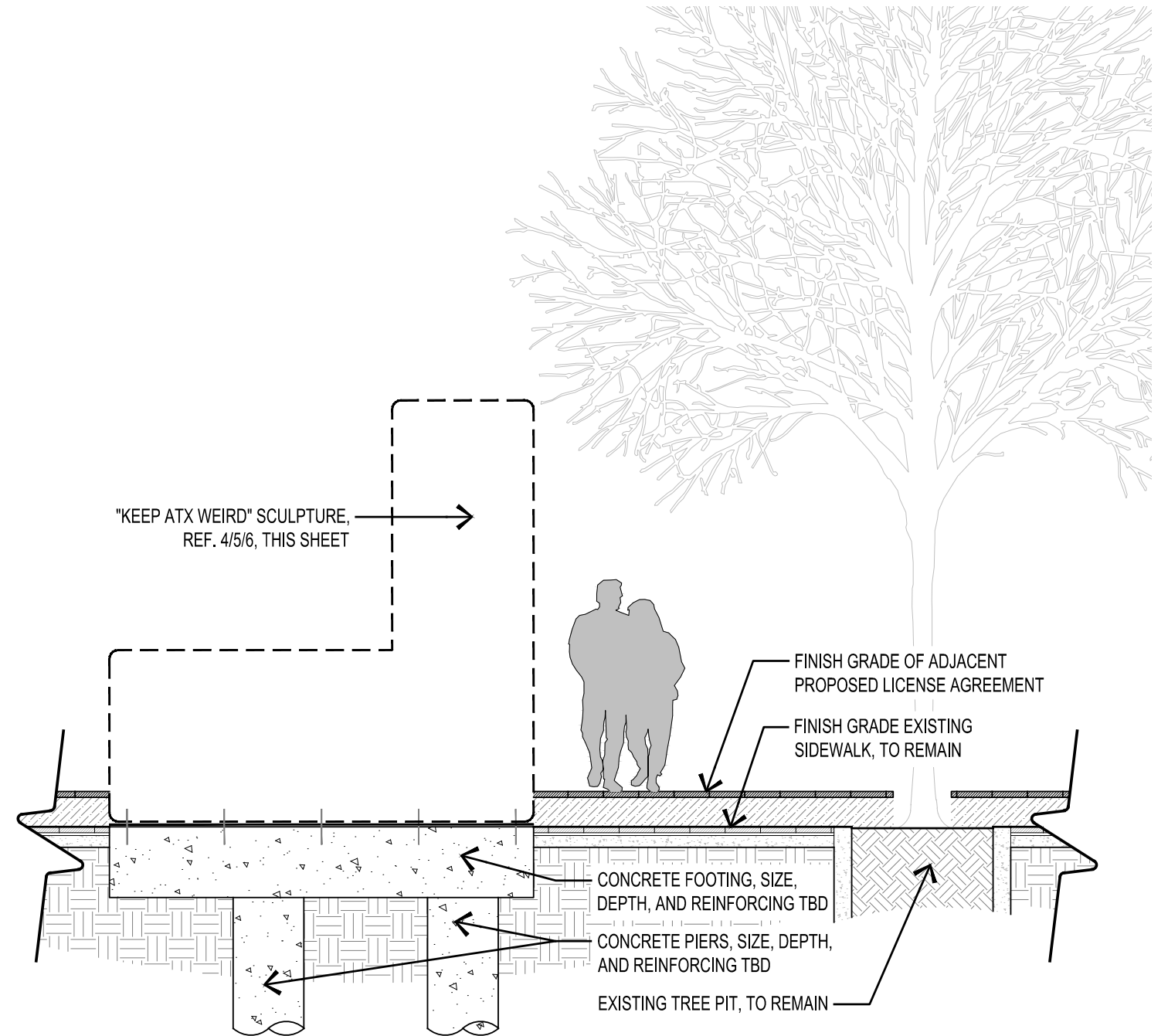








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