DOWNTOWN OUTDOOR DINING PROGRAM GUIDELINES AND POLICIES

DEFINITIONS

1. **"Establishment"** shall be defined as any restaurant, bar or other food establishment located with the Downtown Dining Program boundary as depicted in Exhibit A.

2. **"Outdoor Dining Area"** shall be defined as any portion of a restaurant, bar or other food or beverage establishment located on the City's public rights-of-way where patrons consume food and/or beverages provided by an adjacent food service establishment within the program boundary. Use of the public right-of-way for outdoor dining activities may only occur pursuant to an Outdoor Dining License Agreement.

DOWNTOWN OUTDOOR DINING PROGRAM GUIDELINES

1. Only properties meeting the definition of "Establishment" shall qualify for the Outdoor Dining Area.

2. Downtown Outdoor Dining Program shall be limited to the parking areas depicted in **Exhibit A**. The courtyard area along SW Seminole Street is included and is eligible for the outdoor dining program and guidelines.

3. Downtown Outdoor Dining Program shall be limited to 8% saturation level of the total available parking spaces within the program boundary. The 8% saturation level applies to those application seeking to use the existing parking spaces. Additional space on the sidewalk directly adjacent to the establishment throughout the City shall be available on limited basis and at the discretion of the City Manager and shall meet the guidelines herein.

4. Outdoor Dining area shall not exceed removal of more than 2 parking stalls along the street adjacent to the establishment.

5. All Signage or advertisement is prohibited on outdoor furniture/shading elements.

6. Outdoor Dining seating shall not require additional parking.

7. Establishments shall comply with all local, state and/or federal laws and regulations applicable to the operation and improvements of Outdoor Dining Areas.

8. Applicant recognizes that this program does not vest any property rights and the City of Stuart has the right to terminate without claim by the applicant.

FURNITURE AND FIXTURES

1. Establishments are responsible for providing the furniture for their Outdoor Dining Areas. All furniture/elements must be entirely contained within the Outdoor Dining Area.

2. Establishments shall provide a minimum of 2-3 potted planters that is at least 6 feet in height and spaced out evenly at the closest edge of the road.

3. Establishments are required to maintain all furniture in Outdoor Dining Areas in good visual appearance, without visible facing, dents, tears, rust, corrosion or chipping or peeling paint. All furniture shall be maintained in a clean condition at all times. All furniture shall be durable and sufficiently sturdy as to not blow over with normal winds.

4. All furniture other than dining tables, chairs, shading elements and planters are prohibited in the Outdoor Dining Area. The furniture shall always remain in the outdoor dining area unless the City declares a state of emergency due to a storm or strong winds. Examples of prohibited furniture include, but are not limited to, serving stations, bar counters, shelves, racks, sofas, trash receptacles (other than those provided by the City) and torches.

5. All furniture, railings and shading elements shall comply with the recommended traditional style as provided in **Exhibit B.** Establishments seeking any other type of furniture, fixtures or shading element other than what is permitted under **Exhibit B** will require approval by the Community Redevelopment Board (CRB).

6. Outdoor furniture and fixtures should complement the architectural style and colors of the adjacent building.

7. All furniture, railings, and shading elements shall remain within the outdoor dining deck area only as shown and approved on the site plan.

8. For outdoor dining area approved on the sidewalk, there shall be no furniture encroaching into public sidewalk, and shall at all times provide a clear, minimum, 4’ path.

9. Furniture must be Freestanding. It must not be secured to trees, lampposts, street signs, hydrants, or any other street infrastructure by means of ropes, chains, or any other such devices, whether during restaurant operating hours or at times when the restaurant is closed.

Tables:

1. Tables may be colored or of a natural unpainted material (i.e., aluminum, iron, or wood).

2. White resin tables and chairs are prohibited.

3. Tables are not permitted to be white plastic or any fluorescent or other strikingly bright or vivid color.

4. Square or rectangular tables are strongly recommended.

5. Although optimal table size varies by each establishment's specific Outdoor Dining Area, smaller tables are preferred and more efficient and flexible.

6. Establishments should strive for space-efficient seating layouts and furniture configuration.

7. If outdoor dining permitted on sidewalk, square or rectangular tables may fit flush against a building's wall to allow more space for patrons.

Chairs:

1. Chairs shall be colored or of a natural unpainted material (i.e. aluminum, iron, or wood).

2. Chairs are not permitted to be white plastic or of any fluorescent or other strikingly bright or vivid colors.

3. All chairs used within a particular establishment's outdoor seating area must match or be harmonious with each other by being of visually similar design, construction or color.

Shades or Coverings:

1. Shading elements may include umbrella, aluminum pergola, awnings, sail shade or any other element approved by the Community Redevelopment Board (CRB).

2. Motorized retractable or roll-up shades that is either made of transparent screen mesh or clear vinyl may be allowed for large openings.

3. Umbrellas shall comply with the following:
    a. Umbrellas must be of a single, solid color, which may (and is encouraged to) vary to reflect special holidays and events.
    b. Appropriately designed and sized umbrellas are permitted for use under this outdoor seating program.
    c. Umbrellas shall not extend over sidewalk.
    d. Umbrellas must be contained within the Outdoor Seating Area, and the lowest dimension of an extended umbrellas must be at least seven (7) feet above the sidewalk surface.
    e. The size and shape of any umbrella strongly affects its functionality within a constrained space. Square or octagonal umbrellas, and even clustered umbrellas are permitted.
    f. Material must be fade resistant canvas (no plastic or vinyl).

4. Shading elements such as umbrellas, awnings and sail shade must blend appropriately with the surrounding built environment. The shade element fabric is not permitted to be of any fluorescent or other strikingly bright or vivid color and must be removed/replaced if faded.

Lighting/Fans:

1. All electrical items (e.g. fans, lighting, tv, air conditioning system, etc.) within the Outdoor Dining Area shall be approved by the Community Redevelopment Board. Establishment is responsible for all building permits and fees for electrical permit associated with the project.

2. Establishments shall not use any City owned electrical outlets.

Raised Decks and Railings:

1. The City shall install the standard decks and railings, which consists of raised decks constructed with wood or composite decking boards and bridge over gutter to existing sidewalk with secured iron plank.

2. Decorative railings shall be installed on all sides adjacent to roadways for barrier. The railings shall be constructed of metal (aluminum, steel, iron, or similar) and must be a black color.

3. Establishment seeking any other material for the deck and/or railings shall be approved by the Community Redevelopment Board (CRB). Such installation shall be the responsibility of the applicant pursuant to the CRB approval. The applicant is responsible for building permits and fees associated with the improvements.

Removal of Items Owned by the Applicant:

1. Applicant shall be responsible for removing all outdoor dining furniture, umbrellas, awnings, sail shade, lighting, planters, and other items from the Outdoor Dining Area anytime the City declares a state of emergency due to a storm or strong winds.

2. In the event that an Applicant fails to remove all outdoor dining furniture, umbrellas, awnings, sail shade, lighting, planters and other items from the Outdoor Dining Area, the City may remove such items and charge the Applicant for all such costs incurred by the City.

OUTDOOR DINING REGULATIONS AND CONDITIONS

1. The spaces allocated for the Outdoor Dining Program shall be assigned on the first come first served basis. If there are no available spaces, a waiting list shall be maintained by the CRA Administrator. As soon as space becomes available, the first establishment on the list must enter into a license agreement or be removed from the list. To qualify to be on the list, you must be currently eligible and remain eligible for the license agreement based upon the terms and conditions of the program. If the establishment on the list becomes ineligible, there name shall be removed from the list. It is not assignable.

2. Renewal of Outdoor Dining License Agreements shall be accomplished by paying each year's Outdoor Dining License Fees in full by October 1st of that year. Alternatively, the Outdoor Dining License Fees may be paid in monthly payments, with the first payment made by October 1st of the involved year and first day of each month thereafter. Outdoor Dining License Renewal Fees not received on time shall incur a Late Payment Fee of 20% of the invoiced amount.

3. The Licensee shall obtain and maintain in force during the life of the Outdoor Dining License Agreement comprehensive general liability insurance and designate the City of Stuart as additional insured for the Outdoor Dining Area. The Licensee shall provide insurance verification for each year of Outdoor License Agreement renewal. The insurance policy shall include the space between the Outdoor Dining Area and the establishment as additional insured and as depicted on the site plan. Even though the sidewalk is additionally insured, it shall not be for the exclusive use of the establishment.

3. Upon termination of the Outdoor Dining License Agreement, the licensee shall return the parking area/sidewalk to its original condition or a condition deemed acceptable by the City Manager, and remove all personal property, furnishings, umbrellas, trash receptacles and other fixtures from the City's right-of-way.

4. In the event that an Applicant fails to remove all outdoor dining furniture/fixtures from the Outdoor Dining Area and return the parking area/sidewalk to its original condition upon termination, the City may remove such items and restore the parking space and charge the Applicant for all such costs incurred by the City.

5. Outdoor Dining License Agreements are not transferrable, delegable or assignable. In the event of a transfer of the business, the transferee shall apply to the City for a new License Agreement.

6. The City Manager is authorized to approve an Outdoor Dining License Agreement and to execute an Outdoor Dining License Agreement on behalf of the City consistent with the Outdoor Dining Program.

APPLICATION REQUIREMENTS

1. All establishments shall submit the City's Downtown Outdoor Dining Application Form to the Development Department/Community Redevelopment Agency (CRA) for review.

2. Site plan: Applicants shall provide a site plan/drawing showing the proposed Outdoor Dining Area.

3. Photos or Drawings of Furniture: Applicants shall provide photos or other graphic representation (including color and material) of furniture, planters, umbrellas, structures, needed for the City to verify that the proposed furniture conforms to the design guidelines.

4. Copy of the City of Stuart Local Business Tax Receipt for the restaurant

5. Proof of Liability Insurance (add City of Stuart as additional insured for any Outdoor Dining Area in the City's Right-of-Way per approved site plan as respect to General Liability).

6. Application must be signed by Property Owner.

7. Submit established fees for the standard deck improvements. Fees will be established after the application is submitted.

PUBLIC HEARING PROCESS

CRB approval shall follow the Minor Urban Code Conditional Use process and require one public hearing. Prior to being scheduled for a hearing, a complete application must be submitted which shall include a site plan; elevations and all design requests sought by the applicant. The submittal must be certified by a licensed architect or engineer.

EXHIBIT A


Outdoor Dining Program Boundary
Streets Participating in Outdoor Dining Program
Courtyard
Outdoor Dining Areas
Existing Outdoor Dining 17 Parking Spaces
Stuart
Feet
Meters
Stuart Boathouse
Lively Orthodontics
Colorado Inn
Sneaki Tiki
Noodle World
SW Seminole St
Riverwalk Cafe
Spiritz City Bistro
Black Marlin
Sandal Shack
Earth Tones
Gumbo Limbo
Kilwins Chocolates & Ice Cream
Cafe Martier
Mainsail Co.
O'Sole Mio
Duffy's Sports Grill
LouRonzo's
Victoria Rose
SW Osceola St
S Colorado Ave
COS Annex
SW St Lucie Ave
Vine & Barley
Lyric Theatre
Stuart Coffee Co
Luna
The Gafford
Rare Earth Gallery
Tootsies
Osceola Street Cafe
Signature Sweets
Maria's Cafe
Matilda's
April Daze
SW Flagler Ave

EXHIBIT B

Outdoor Seating Furniture and the elements that make up the Outdoor Seating Islands should follow a traditional style in keeping with the Downtown's historic character and charm. The furniture and materials proposed in this report tend to be of simple, classical proportions and noble materials, such as aluminum, iron and wood. Dimensions of proposed elements are of constrained size and proportions.

Following are a few examples of proposed styles for side chairs and tables:

