



ITEMS 20.1 and 20.2

## Amending the Sidewalk Café Ordinance

Establishing Standards and an Annual Fee for Sidewalk Cafés  
within the Cincinnati Commercial District

Goal 3: Promote the Visual Image of El Paso



## What we're asking...

That City Council approve:

- ❖ An ordinance amending Chapter 15.08 of the City Code to add:
  - A definition for the Cincinnati Commercial District;
  - Regulations for the use of Sidewalk Cafés throughout the City; and
  - Regulations for the use of Sidewalk Cafés in the Cincinnati Commercial District.
- ❖ A resolution amending Schedule C to add an annual fee associated with the use of Sidewalk Cafés within the Cincinnati Commercial District.



# Existing Sidewalk Café Ordinance

## Section 15.08.120 (Special privilege licenses and permits.)

- A sidewalk café is an outdoor area on City-owned sidewalk that is associated with an adjacently located restaurant and/or bar.
- All sidewalk cafés installed on a City-owned sidewalk require a **special privilege permit**.
  - Approval Type: Administrative
  - Duration: Permit may be obtained for one to five years;
  - Fees: \$159 annually plus an initial \$373 application fee (fee is waived in transit-oriented development and downtown areas).
- Existing ordinance includes regulations that govern the location, construction, permitted fencing, safety criteria and other standards that affect sidewalk café installation.
- A sidewalk café may not be placed on a sidewalk with more than a 2% cross-slope and 5% running slope.
  - Sidewalks on Cincinnati Ave. exceed these maximums.



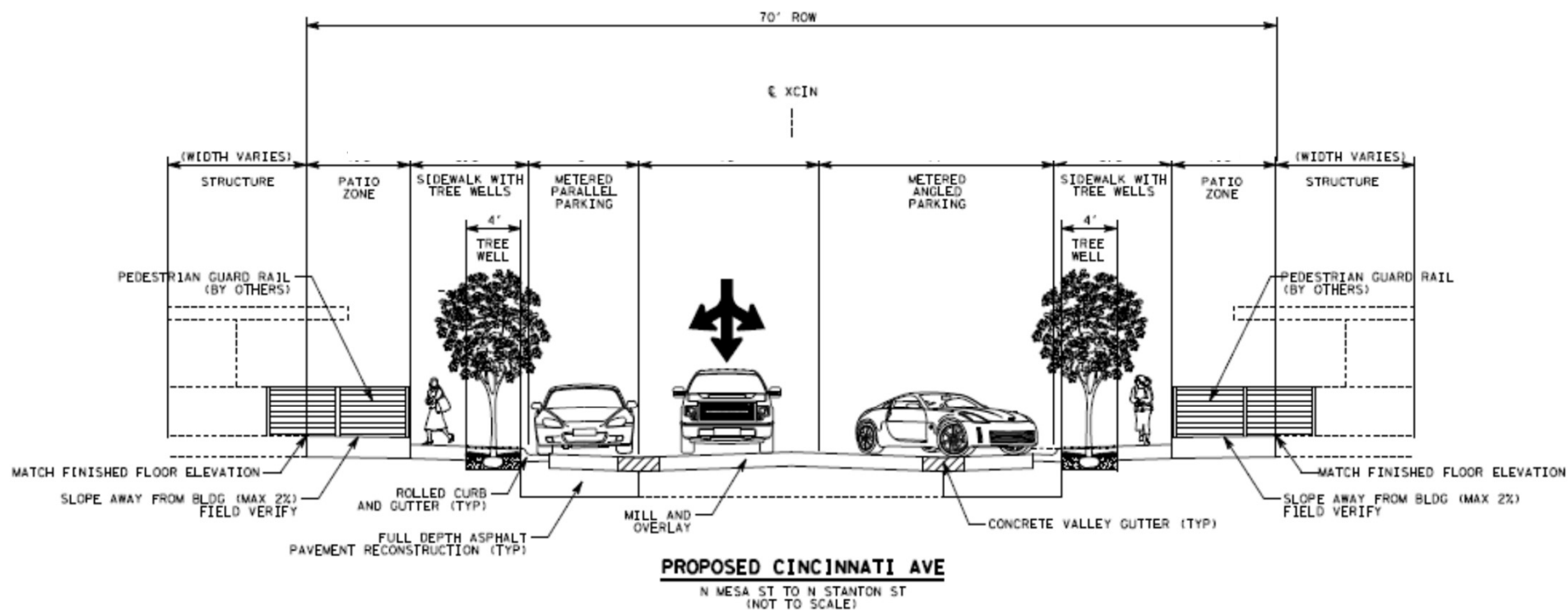
# Existing Sidewalk Café Ordinance

## Section 15.08.120 (Special privilege licenses and permits.)

- As a result, installation of Sidewalk Café on Cincinnati Ave. requires construction of a platform to level the slope of the sidewalk.
- Placement of such a structure on City-owned sidewalk requires a **special privilege license**.
  - Approval Type: City Council
  - Duration: Determined by license agreement;
  - Fees: An initial \$373 application fee (fee is waived in transit-oriented development and downtown areas) and an annual fee of whichever of the following is greater:
    - \$1,060; or
    - Sq. Ft. of Encroachment x 10% x Market Value of Adjacent Lot per Sq. Ft.



# University Pedestrian Improvements Project



*"Delivering Outstanding Services"*



# Amendments to Sidewalk Café Ordinance

## Section 15.08.120 (Special privilege permits and licenses.)

### 1. Add a definition for Cincinnati Commercial District:

The commercial district on Cincinnati Avenue bounded by N. Mesa St. and N. Stanton St.

### 2. Add regulations for the use of Sidewalk Cafés throughout the City:

Sidewalk café permittees must comply with all applicable codes, rules, regulations and laws.

### 3. Regulations for the use of Sidewalk Cafés in the Cincinnati Commercial District:

- Allows retail and/or office space establishments to access Sidewalk Cafés adjacent to their storefront;
- Establishes uniform fencing design for all Sidewalk Cafés within the District;
- Requires seated-only capacity within the café and requires that the tables not exceed 30 inches in height;
- Disallows smoking within the limits of the Sidewalk Café;
- Disallows sound amplification within the limits of the Sidewalk Café; and
- Alcohol sale and service within the limits of the Sidewalk Café must end after 1:00 am.

*"Delivering Outstanding Services"*



# Proposed Annual Fee

New Fee in Schedule C

## Existing Fees

- Application Fee: Waived
- Annual Fee: the greater of \$1,060 or Encroachment Sq. Ft. of Encroachment x 10% x Market Value of Adjacent Lot per Sq. Ft.
- Plus cost of building permits, design professional, construction materials and labor.

## New Fees

- Application Fee: Waived
- Annual Fee: \$2.00 per Sq. Ft. of Encroachment