

Sidewalk Retail Displays

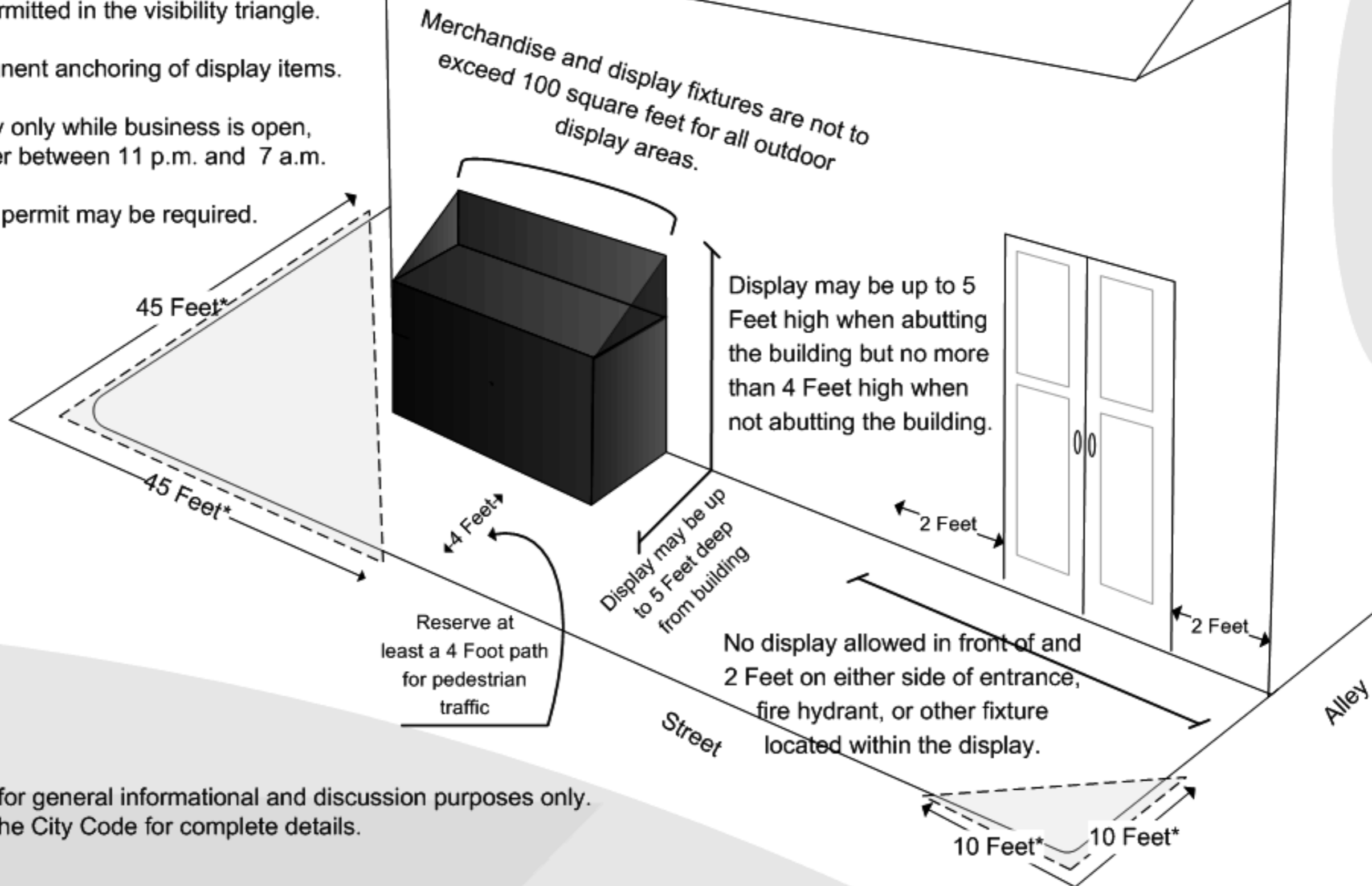
CCS, CCT, RC, & DC Zones

*Not permitted in the visibility triangle.

No permanent anchoring of display items.

Display only while business is open,
but never between 11 p.m. and 7 a.m.

A permit may be required.



This diagram is for general informational and discussion purposes only.
Please refer to the City Code for complete details.

Section 16.50.380 - Sidewalk Retail Display

Sections:

- 16.50.380.1 [Applicability](#)
- 16.50.380.2 [Declarations](#)
- 16.50.380.3 [Permit Required](#)
- 16.50.380.4 [Permit Application Procedures](#)
- 16.50.380.5 [Liability and Insurance](#)
- 16.50.380.6 [Standards and Criteria for Application Review](#)
- 16.50.380.7 [Conditions of Sidewalk Retail Display Permit](#)

16.50.380.1 Applicability

Placement for display and sale of merchandise upon any portion of the right-of-way adjacent to a retail business is regulated by this Section. Related uses on private property are governed by other regulations.

16.50.380.2 Declarations

In adopting these regulations the City Council has found and declared that:

1. There exists the need for use of the public sidewalk for retail sales in certain pedestrian oriented areas of the City to provide a unique environment encouraging retail sales.
2. Because of the high intensity of development in certain commercial corridors and the downtown, the lack of adequate vacant land and the need to encourage the redevelopment of existing structures, there exists a need to provide an opportunity for retail displays to be located on sidewalks in the public right-of-way.
3. The existence of retail displays encourages additional pedestrian traffic to these areas and encourages more activity and redevelopment.
4. The presence of retail displays may impede the flow of pedestrian traffic.
5. There is a need for regulations and standards for the existence and operation of retail displays to facilitate a safe environment.
6. The establishment of permit conditions, specific location requirements and safety standards for sidewalk retail display is necessary to protect and promote the general health, safety, and welfare of the residents of the City.
7. The issuance of a sidewalk retail display permit shall not constitute nor shall it be construed to constitute a vacation or abandonment by the City of its interest in the right-of-way or any easements contained therein.

16.50.380.3 Permit Required

It shall be unlawful for any person to install or place any merchandise for display or sale on any public right-of-way without a permit as provided by this section. Receipt of a sidewalk retail display permit shall exempt the permittee from obtaining a "minor easement" from the City for any fixture or structure approved by the permit. A sidewalk retail display permit shall be a license to use the sidewalk and shall not grant nor shall it be construed or considered to grant any person any property right or interest in the sidewalk or right-of-way.

16.50.380.5 Permit Application Procedures

For permit procedures, see Applications and Procedures Section.

16.50.380.6 Liability and Insurance

- A. By applying for a sidewalk retail display permit, any person owning or operating such use agrees to indemnify, defend, save and hold harmless the City, its officers, agents and employees from any and all claims, liability, lawsuits, damages and causes of action which may rise out of such activity. The owner or operator shall enter into a written agreement with the City to evidence this indemnification. Such agreement must have the written approval of the City Attorney prior to operating such use.

- B. The owner or operator shall acquire and keep in full force and effect, at its own expense, the insurance in the following amounts and types:
 - 1. Commercial general liability in the amount of \$500,000 per occurrence for bodily injury and property damage. The City must be named as an additional insured on this policy and an endorsement must be issued as part of the policy evidencing compliance with this requirement.
 - 2. Workers' compensation and employers' liability as required by the State of Florida.
 - 3. All policies must be issued by companies authorized to do business in the State of Florida and rated B+;VI or better per Best's Key Rating Guide, latest edition.
 - 4. The City shall receive at least thirty (30) days written notice prior to any cancellation, non-renewal or material change in the coverage provided.
 - 5. Any person operating a sidewalk retail display shall provide, and must have approved by the City's Risk Manager, an original certificate of insurance as evidence that the above requirements have been met prior to the initiation of the sidewalk retail display. Failure to comply with all these requirements shall cause a suspension or revocation of all sidewalk retail display activities.

- 6. The insurance policy shall be in effect from October 1 until September 30 of the following calendar year.

16.50.380.7 Standards and Criteria for Application Review

The following standards and criteria shall be applied in reviewing an application:

- 1. Sidewalk retail display shall be a permitted accessory use to a retail business in the CCS, CCT, RC AND DC zoning districts.
- 2. Sidewalk retail display shall be related to the principal use of the abutting property.
- 3. Sidewalk retail display is prohibited at any time the use of the abutting building is not open for business and is prohibited between the hours of 11 p.m. and 7 a.m.
- 4. No sidewalk retail display shall obstruct pedestrian or vehicular traffic, or be in a visibility triangle.
- 5. Sidewalk retail display shall be located in a manner that promotes efficient and direct pedestrian movement.

- a. A minimum of one (1) unobstructed pedestrian path at least six (6) feet wide shall be maintained, parallel to the abutting building, at all times. In areas of congested pedestrian activity the POD may require a wider pedestrian path.
- b. A minimum of one (1) unobstructed path at least 42 inches wide shall be maintained to connect the sidewalk to the curb line of the adjacent street;
- c. Unobstructed passage shall be provided to building entrances including at least a two (2) foot clearance on each side of any entrance, fire hydrants, or other fixture located within the display area;
- d. A minimum setback of at least four (4) feet from the curb line shall be provided to maintain adequate space for pedestrian access to motor vehicles;
- e. Furniture and equipment shall not be anchored to the sidewalk in the right-of-way nor shall they be attached or affixed to any tree, post, sign or other structure;
- f. A sidewalk retail display area shall not exceed 100 square feet for all outdoor displays areas; and
- g. Merchandise and display fixtures shall not exceed five (5) feet in height when abutting the building and four (4) feet when not abutting the building.

16.50.380.8 Conditions of sidewalk retail display permit.

Sidewalk retail displays shall be subject to the following conditions:

1. The POD may require the temporary removal of sidewalk retail displays by the permittee when street, sidewalk, or utility repairs necessitate such action or when it is necessary to clear sidewalks for a permit issued by the POD. The permittee shall not be entitled to any refund for such removal. The City shall not be responsible for any costs associated with the removal or the return and installation of any sidewalk retail display.
2. The City may cause the immediate removal or relocation of all or any part of the sidewalk retail display in emergency situations. The City, its officers, agents and employees shall not be responsible for any damages or loss of sidewalk retail displays relocated during emergency situations and shall not be responsible for any costs associated with the removal or the return and installation of any sidewalk retail displays.
3. The sidewalk retail display shall be maintained in a neat and orderly appearance at all times and shall be cleared of all debris on a periodic basis during the day and at the close of each business day.
4. The permittee is responsible for repair of any damage to the sidewalk caused by the sidewalk retail display.
5. One sign may be displayed on the sidewalk only during hours of operation of the business. The sign shall not exceed four (4) square feet, shall not be higher than four (4) feet in height, and shall not be within four (4) feet of the curb.