

**DOWNTOWN IMPROVEMENT BOARD**  
**Regular Monthly Meeting**  
**Tuesday, December 6, 2016**  
**7:30 a.m.**  
**AGENDA**

- I. Call To Order & Comments From The Chair
  - a. Comments from the Chairman
  
- II. Recurring Agenda
  - a. The meeting was noticed properly
  - b. Review and approval of the Minutes of the DIB meeting held on November 1, 2016.
  - c. Consideration of additions to the proposed meeting agenda for December 20, 2016
  
- III. Public Presentation
  - None
  
- IV. On-going Business
  - a. First City Lights Festival
  - b. Foo-Foo - Jefferson Garage Mural
  - c. April 2<sup>nd</sup> Farm to Table
  - d. Newsletter Update
  - e. Banner Update
  - f. LTU / Loitering & Panhandling
  
- V. Parking
  - a. Parking Summit Recap
  
- VI. Committee Activities
  - a. Special Events – Next meeting Friday, December 9th
  - b. Parking – See minutes from November 8<sup>th</sup> - Next meeting December 13<sup>th</sup>
  - c. DAB – See minutes from Oct. 27<sup>th</sup> - Next Meeting TBD
  
- VII. New Business
  - a. South Palafox Street closures for weekend events
  - b. Sunshine Law Review
  
- VIII. Public Comment
  
  
- IX. Adjournment

The DIB holds its regular meetings on the first and third Tuesday of each month; the first Tuesday is held at 7:30a.m. and the third Tuesday is held at 4:00p.m. The meetings are held in the Public Meeting Room #1 of the Bowden Building, 120 Church Street, Pensacola, Florida 32502.

**Minutes of the  
DOWNTOWN IMPROVEMENT BOARD  
Regular Monthly Meeting  
Tuesday November 15, 2016**

- I. Call to Order & Comments from The Chair – Chairman Peacock called the meeting to order at 5:02 p.m.
- II. Attendance
  - a. Board members present – John Peacock, Teri Levin, Charlie Switzer, DeeDee Davis, Jim Homyak, Brian Spencer
- III. Recurring Agenda
  - a. Mr. Peacock confirmed that the meeting was noticed properly.
  - b. There was a motion and a second to accept the Minutes from the Regular Meeting of the DIB held on November 1, 2016. The motion passed unanimously.
- IV. Marketing
  - a. Mrs. Sjoberg provided monthly marketing update.
  - b. Mr. Peacock confirmed that Ideaworks is leveraging media with Visit Pensacola.
- V. Ongoing Business
  - a. Mrs. Dees and Mrs. Sjoberg provided update on First City Lights Festival.
    - i. Ugly Sweater invitations were mailed to City and County and hand delivered to DIB Board.
    - ii. Mrs. Dees gave update on light testing scheduled for Nov. 19<sup>th</sup>.
    - iii. Mr. Peacock confirmed proper staffing and plans for communication on Nov. 25<sup>th</sup>.
  - b. Mrs. Dees provided overview of Foo -Foo Mural events that occurred on Nov. 5<sup>th</sup> & Nov. 12.
  - c. Mrs. Dees provided survey results on Trick or Treat event. Recommendation from staff as a result of survey is to move event back to weeknight.
  - d. Mr. Peacock requested update on Banners.
    - i. Mrs. Dees and Mrs. Sjoberg to meet with Mr. Orlich at Pensacola Sign week of 28<sup>th</sup> to discuss layout and production.
  - e. Mrs. Dees informed Board that letter of intent to Celebrity Chefs for April 2<sup>nd</sup> Farm to Table are to be sent out this week.
  - f. Councilman Spencer provided update on Loitering and Panhandling.
    - i. Mrs. Levin provided Board with invite to attend Homeless Conference on Nov. 21 and 22.
    - ii. Mr. Peacock asked Councilman Spencer what action could be taken during the Holiday Season.
    - iii. Councilman Spencer reiterated that the Mayor has given PPD solid instruction to have limited leniency on those violating Panhandling Loitering laws.
    - iv. Councilman Spencer requested a meeting with Mr. Morse and Mr. Bednar to further discuss expanding the LTU guidelines.
  - g. Mr. Peacock reminded Board of Aesthetic Improvement Plan meeting scheduled for Nov. 17<sup>th</sup> at 2:00 p.m.
- VI. Parking
  - a. Mr. Bednar provided Parking committee updated.
    - i. Board approved \$1,000.00 request to repair JSPG lighting.
    - ii. Board approved \$600.00 request for Event Sign replacement.
    - iii. Mr. Morse requested Board permission to make necessary repairs of up to \$1500.00 without waiting for Board Approval.
    - iv. Board voted unanimously to Mr. Morse's request, Mr. Peacock requested that the Board still be informed.

## VII. New Business

- a. Mr. Morse informed Board of intent to restructure meetings
  - i. Mr. Peacock asked that Mr. Morse focus on restricting of meetings.
- b. Mr. Morse provided intent of reinstating DIB monthly News Letter.
- c. Mr. Morse requested that DIB be a \$1,00.00 sponsor of Pelican Drop, due to the importance of this event to the Downtown culture.
  - i. Board unanimously approved request for sponsorship.
  - ii. Mr. Peacock requested the Mr. Morse adhere to the structure of going through the Special Events Committee before recommending approval of spending event funds.

## VIII Committee Activities

- a. Special Events – Nov. 11<sup>th</sup> meeting rescheduled due to Veteran's Day.
  - i. next meeting Nov. 28<sup>th</sup>, 9:00 a.m.
- b. Parking – minutes from Nov. 8<sup>th</sup> meeting and update provide to Board.
- c. DAB – Mr. Morse requested that DAB meeting be postponed in December for restructuring.
  - i. Board unanimously approved Mr. Morse's request.

## VIII. Public Comment

- a. Mr. Caro requested that Gallery Night event be included in DIB Calendar of Events.
  - i. Mrs. Dees confirmed that this request has already been fulfilled.
- b. Mr. Caro questioned the possible impact of LTU modifications on events such as Gallery Night
- c. Councilman Spencer explained the plan for multi-level LTU modifications and therefore should not impact public movement during events.
- d. Councilman Spencer requested DIB look at the possibility of managing the enforcement of LTU's within the district.

- IX. Adjournment the meeting was adjourned at 5:32 p.m.

- ii. Republic will provide examples of agreements used in other cities.
- iii. Mr. Kercher requested that the commit consider a non-profit rate

2. Continuing Business

- a. Broken meter plan of action
  - i. Tabled until after parking summit
- b. Strategic Parking plan 2017-2018
  - i. Tabled until after parking summit
- c. Jefferson Parking Garage rate increase was approved by DIB Board and will be implemented in Jan. 2017.

3. Public Comment

- a. None

4. The meeting was adjourned at 6:30 p.m.

NOTE: The DIB Parking & Traffic Committee normally meets the second Tuesday of each month at 4:30 p.m. in the DIB Public Meeting Room (Suite 104) on the first floor of the Rhodes Building at 41 N. Jefferson Street, Pensacola, Florida

Minutes of the  
**Downtown Advisory Board**  
October 27, 2016 – 9:00a.m.

- 1) The meeting was called to order at 9:20.
- 2) Opening discussion was in regards to the HEART acronym. It was discussed and consensus was that the acronym was still relevant but the need to align bullet points for HEART goals and priorities.
- 3) Mr. Sonnen suggested a “weight” be applied to each category for the focus of each. The suggested weights would be Housing 5%, Aesthetics 30%, Retail 5%, Economic 20%, Arts 15% and Transportation 25%
- 4) A strong focus on education/marketing was suggested and discussed so that people will know that there are so many things to do and see downtown including dining, shopping and various events.
- 5) Mrs. Turner asked that the DAB be given a summary of information that the other committees are working on as this used to be something that happened in the past but seems to have been stopped. This was helpful for the DAB to align their focus to what the other committees are working on.
- 6) Mrs. Dees encouraged each member of the DAB to reach out and invite someone else to get involved with the DAB and join us at future meetings. She also suggested that at each meeting that members and attendees could bring a list of things to be reported via the 311 system to the city to aid in the Beautification efforts by the Downtown Improvement Board and the City. This also means to encourage business to provide feedback or to educate them on the use of 311 service for reporting.
- 7) In closing Mr. Sonnen asked that the redlined items of the HEART Pamphlet be removed and that a reorganization of the priorities be made to align properly with the acronym and it was agreed unanimously. Mr. Sonnen agreed to work on having that done to present at the November DAB meeting.

To summarize;

The DAB priority is now focused on the Goals and Strategies for the next 1-3 years to present to the DIB by the end of 2016.

The meeting was adjourned at 10:08 am.



December 5, 2016

Mr. Curt Morse  
Downtown Improvement Board of Pensacola  
226 South Palafox Place, Suite 106  
Pensacola, FL 32502

RE: Jefferson Parking Garage-Landscape Architecture Proposal

Dear Mr. Morse:

Jerry Pate Design, Inc. is pleased to submit this proposal for landscape architectural services related to the Jefferson Street Parking Garage located in downtown Pensacola, FL and bordered by Jefferson Street to the east, Garden Street to the north, and Romana Street to the south. This proposal is based upon our communications on scope and objectives and the level of effort required to complete the scope of services as defined below.

**Landscape Architecture**—This service will involve the landscape architecture, to include planting design, low voltage landscape lighting design, hardscape design, irrigation design, and site furnishings design for the project. Areas of work are to include the existing landscape beds adjacent to, and on, the garage, and the streetscape adjacent to the City Parking Garage Tract site on Jefferson, Romana, and Garden. The area of work shall be inside the existing curb line on all street edges. Jerry Pate Design will attend and participate in the required and pertinent project meetings and presentations throughout the design process with the DIB committee, including coordination with mural artist Ashton Howard. Our post-occupancy evaluation anticipates a six-month and a one-year review of the landscape work and maintenance.

This fee proposal does not include any surveying or engineering services.

**Fee Summary**—Our fee summary is presented as follows.

|  |                 |
|--|-----------------|
| Conceptual Design                        | \$2,500         |
| Design Development                       | \$5,000         |
| Construction Documents                   | \$1,500         |
| Permitting & Construction Administration | \$1,500         |
| Post Occupancy Evaluation                | \$500           |
| <b>Total LA Fees</b>                     | <b>\$11,000</b> |

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Dana', with a horizontal line extending to the right.

Steve Dana  
Vice President  
Jerry Pate Design

Landscape Architectural Proposal Accepted  
Mr. Curt Morse, Executive Director, Downtown Improvement Board of Pensacola

By: \_\_\_\_\_

Date: \_\_\_\_\_



December 5, 2016

Mr. Curt Morse  
Downtown Improvement Board of Pensacola  
226 South Palafox Place, Suite 106  
Pensacola, FL 32502

RE: Jefferson Street Design Development-Landscape Architecture Proposal

Dear Mr. Morse:

Jerry Pate Design, Inc. is pleased to submit this proposal for landscape architectural services related to the Jefferson Street Improvements from Garden Street to Government Street located in downtown Pensacola, FL. This proposal is based upon our communications on scope and objectives and the level of effort required to complete the scope of services as defined below.

**Landscape Architecture**—This service will involve the landscape architecture, to include planting design, low voltage landscape lighting design, hardscape design, irrigation design, and site furnishings design for the project. The areas of work shall include the Jefferson Street right of way to extend to the Garden Street median to the north, to the building facades or parking lot edges to the east and west, and 50' south of the intersection at Government Street to the south. Jerry Pate Design will attend and participate in the required and pertinent project meetings and presentations throughout the design process with the DIB committee. Scope includes presentation renderings for each phase of the design—one plan view rendering at Schematic Design and one plan view rendering at Design Development with three detailed perspectives of key locations.

**Fee Summary**—Our fee summary is presented as follows.

|   |                 |
|---|-----------------|
| Surveying                                       | \$4,620         |
| Civil Consultation--\$137.50/hour not to exceed | \$5,500         |
| <b>Total Surveying/Civil Fees</b>               | <b>\$10,120</b> |

|  |                 |
|--|-----------------|
| LA Conceptual/Schematic Design           | \$7,500         |
| LA Design Development                    | \$17,500        |
| <b>Total Landscape Architecture Fees</b> | <b>\$25,000</b> |

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Dana', with a horizontal line extending to the right.

Steve Dana  
Vice President  
Jerry Pate Design

Landscape Architectural Proposal Accepted  
Mr. Curt Morse Executive Director, Downtown Improvement Board

By: \_\_\_\_\_

Date: \_\_\_\_\_

Sec. 12-12-7. - License to use right-of-way.

(A) *Application.*

- (1) An application for license to use right-of-way must be submitted to the planning department at least twenty-one (21) days prior to the regularly scheduled meeting of the planning board.
- (2) The application shall be scheduled for hearing only upon determination that the application complies with all applicable submission requirements.
- (3) No application shall be considered complete until all of the following have been submitted:
  - (a) The application shall be submitted on a form provided by the board secretary.
  - (b) Each application shall be accompanied by the following information and such other information as may be reasonably requested to support the application:
    1. Accurate site plan drawn to scale;
    2. Reason for license to use request;
- (4) The applicant shall be required to pay an application fee according to the current schedule of fees established by the city council for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.
- (5) Any party may appear in person, by agent, or by attorney.
- (6) Any application may be withdrawn prior to action of the planning board or city council at the discretion of the applicant initiating the request upon written notice to the board secretary.

(B) *Planning board review and recommendation.* The community development department will distribute copies of the request for a license to use right-of-way to the appropriate city departments and public agencies for review and comment. Said departments shall submit written recommendations of approval, disapproval or suggested revisions, and reasons therefore, to the community development department. The planning board shall review the license to use right-of-way request and make a recommendation to the city council.

(1) *Public notice for license to use right-of-way.*

- (a) The community development department shall notify addresses within a three hundred-foot radius, as identified by the current Escambia County tax roll maps, of the right-of-way proposed to be licensed with a public notice by post card at least five (5) days prior to the board meeting. The public notice shall state the date, time and place of the board meeting.

(C) *City council review and action.* The planning board recommendation shall be forwarded to the city council for review and action.

- (1) *Notice and hearing.* The community development department shall notify addresses within a three hundred-foot radius, as identified by the current Escambia County tax roll maps, of the right-of-way proposed to be licensed with a public notice by post card at least five (5) days prior to the council meeting. The public notice shall state the date, time and place of the council meeting.
- (2) *Action.* The city council shall approve, approve with modifications, or deny the license to use right-of-way request. If the request is approved by city council, a license to use agreement will be drawn, at which time the license becomes effective upon execution by the applicant and the city and payment by the applicant of any required fee.

(D) *Approval of outdoor seating areas.* Outdoor seating areas shall be approved by the city via an annual permit, and must comply with the following outdoor seating area standards and regulations.

- (1) *Outdoor seating area standards and regulations City of Pensacola.* The issuance of an outdoor seating area permit is a privilege granted by the City of Pensacola. The City of Pensacola requires compliance with all rules and regulations outlined or referenced in this set of standards as well as respect for the community in which the establishment is located. The City of Pensacola will



monitor and enforce the proper operation of outdoor seating areas and is empowered to issue citations for ordinance or rule and regulation violations.

- (a) An outdoor seating area permit is valid from the date of issuance for one (1) year.
- (b) Outdoor seating areas shall not operate earlier or later than the hours of operation of the licensed establishment.
- (c) All establishments offering an outdoor seating area and their employees shall be subject to and comply with all applicable requirements and standards for a retail food establishment.
  - (1) Patrons must wear shoes and shirts at all times.
  - (2) All outdoor seating areas must have an opening for ingress and egress at all times.
  - (3) All outdoor seating areas must adhere to the size, design, and any other specifications approved by the city at all times. Strict adherence to required design standards as set forth herein is mandatory.
  - (4) Strict adherence to hours of operation, approved layout of all components of the outdoor seating area, clear space for pedestrians and required landscaping is mandatory.
- (d) Where the city has installed a permanent structure such as a parking meter, planter, light pole or other device, the permittee of the outdoor seating area shall make accommodation for the required clearance for pedestrian passage. All establishments granted a license to use permit, shall remain in compliance with approved design standards. Permittees of outdoor seating areas shall be mindful of the rights of pedestrians traveling past their outdoor seating area at all times during the operation of the outdoor seating area. Complaints regarding outdoor seating areas will be investigated by the city, and violations of the ordinance or the rules and regulations promulgated will result in citations being issued to the permittee and/or revocation of permittee's outdoor seating area permit. Permittee shall be required to fully abide by all federal, state, and local laws, rules and regulations applicable to the operation of an outdoor seating area in the City of Pensacola.
- (e) All areas within and surrounding the outdoor seating area must be maintained in a clean, neat and sanitary condition and shall be policed routinely by permittee to ensure removal of all wrappings, litter, debris, spills, and food therefrom. Permittee shall be responsible for sanitary cleaning of the sidewalk between pressure washing scheduled by the City of Pensacola or its designated agent.
- (f) Establishments permitted to have outdoor seating areas offering amplified and/or live music must control and limit the ambient noise in conformance with the City of Pensacola noise ordinance. Any projection of music within or upon any part of the license-to-use area shall be done in such a way as to direct the sound transmission towards the face and interior of the permittee's building and away from the street and adjoining businesses.
- (g) All tables, chairs, plants, planters, and any other items of the outdoor seating area, hereinafter defined as outdoor seating area elements, shall be approved as part of the permit approval process as set forth in the Ordinance regulating outdoor seating areas.
- (h) The approved outdoor seating area plan shall be displayed inside the establishment in a prominent and conspicuous location clearly visible to permittee, his or her employees and all of the public so that the approved location of outdoor seating area elements is evident. Permittee and his or her employees are responsible for immediately returning outdoor seating area elements to their approved locations if they are moved by patrons or become otherwise dislocated.
- (i) A portion of the annual outdoor seating area permit fee will be used to periodically pressure wash, steam clean, or sanitary clean the sidewalk areas used for outdoor seating and adjacent rights-of-way. The City of Pensacola or its designated agent may contract for such services, but such service in no way exempts the permittee from maintaining the cleanliness and upkeep of the sidewalk. The permittee will be expected to cooperate with periodic

appropriate washing and cleaning by removing outdoor seating area elements with notice for cleaning.

- (j) The city will inspect all outdoor seating areas after permits have been issued, and also enforce outdoor seating area permit standards. Any violations of the provisions of these rules and regulations, or any deviation from approved plans or willful omissions of the application may result in citations being issued to the operator and/or revocation of permittee's outdoor seating area permit.
  - (k) Any permittee or his or her employees, agents or contractors who violate or resist enforcement of any provision of the outdoor seating area ordinance and/or these rules and regulations may be subject to immediate permit revocation by the city. Any expenses incurred for restoration or repair of the public right-of-way to its original condition, reasonable wear and tear excepted, shall be the responsibility of the permittee.
  - (l) The outdoor seating area permit may be terminated by the city without cause and for any reason by giving ninety (90) days prior written notice to permittee. In the event that the permittee receives notice from the city of termination of the outdoor seating area permit, the city shall not be liable for any claim from permittee, its legal representatives, successors or assigns arising out of the termination. The permittee may also terminate the outdoor seating area permit by giving written notice of its intention to do so to the city, removing any outdoor seating area elements, and restoring the sidewalk to its original condition, reasonable wear and tear excepted. When the city has acknowledged in writing its satisfaction therewith, this permit shall be terminated, and the city and permittee shall have no further obligation arising hereunder.
  - (m) Permittee shall be required to maintain a current City of Pensacola business license.
- (2) *Design standards outdoor seating areas.* In order to remain consistent with the City of Pensacola's objective of developing attractive outdoor dining spaces, including the furniture, objects, structures and décor associated therewith, in as much that applicants desiring to use public space for semiprivate use are enhancing the private interests of their enterprise as well that of the city, the following design standards shall apply to establishments seeking permission to erect outdoor seating areas throughout the City of Pensacola.
- (a) *Space and clearances.*
    - (1) The area designated for the outdoor seating area shall be considered an extension of the permittee's establishment; therefore, the location of the outdoor seating area must be directly in front of the permittee's establishment.
    - (2) An outdoor seating area is required to maintain a clear unimpeded pedestrian path of six (6) feet minimum at all times that is free from any permanent or semi-permanent structure or other impediment. In areas of higher pedestrian traffic or other activity, or in conditions that suggest the need for additional clearance, a clear pedestrian path greater than six (6) feet may be required. This area shall also be free of any obstructions such as trees, parking meters, utility poles and the like in order to allow adequate pedestrian movement.
    - (3) Outdoor seating areas shall not interfere with any utilities or other facilities such as telephone poles, fire hydrants, signs, parking meters, mailboxes, or benches located on the sidewalk or public right-of-way.
    - (4) The outdoor seating area shall maintain clear distances for maneuvering around entrances or exits. The outdoor dining area shall be accessible to disabled patrons and employees, and buildings adjacent to these areas shall maintain building egress as defined by the state and federal accessibility standards.
    - (5) When an outdoor seating area is located at a street corner or adjacent to an alley or driveway, visual clear-zone requirements shall be maintained and specified through the permit review process. This requirement may be modified at the discretion of the city in

locations where unusual circumstances exist and where public safety could be jeopardized.

- (b) *Furniture, objects, structures and décor.* Tables, chairs, umbrellas, awnings, barriers and any other object associated with an outdoor seating area ("outdoor seating area elements") shall be of quality design, materials and workmanship both to ensure the safety and convenience of users and to enhance the visual and aesthetic quality of the urban environment. All outdoor seating area elements shall be reviewed by the city and as a part of the outdoor seating area permitting process. In reviewing outdoor seating area elements, the city shall consider the character and appropriateness of design including but not limited to scale, texture, materials, color and the relation of the outdoor seating area elements to the adjacent establishments, to features of structures in the immediate surroundings, as well as to the streetscape and adjacent neighborhood(s), if applicable.

Tables and chairs for sidewalk dining shall be placed in the area designated for sidewalk dining only. Appropriate density of tables and chairs is to be reviewed by the city and may be affected by specific conditions of the location. Table sizes should be kept to a minimum so as not cause crowding, a disturbance or a nuisance.

Permanent structures in outdoor seating areas are not permitted. All furniture, umbrellas or other outdoor seating area elements shall not be attached permanently to the sidewalk or public right-of-way. The permittee shall be responsible for the restoration of the sidewalk or public right-of-way if any damage is caused as a result of the issuance of the outdoor seating area permit.

- (c) *Overhead structures.* Umbrellas and any type of temporary overhead structure may be utilized if approved by the City of Pensacola as part of the outdoor seating area permitting process. The use of overhead structures over the outdoor dining areas and removable umbrellas may be permitted provided they do not interfere with street trees. No portion of the umbrella shall be less than six (6) feet above the sidewalk. Umbrellas and any type of overhead structure shall be designed to be secure during windy conditions and shall be weather resistant.

Awnings, either permanent or temporary, may be utilized if approved by the city and the appropriate review board, if applicable, through a separate license to use the right-of-way approval process. Awnings shall have no support posts located within the public right-of-way, and no portion of an awning shall be less than eight (8) feet above the sidewalk. A building permit must be obtained prior to the installation of an awning and is subject to all applicable code sections of the Code of the City of Pensacola.

- (d) *Signage.* Aside from properly permitted sandwich boards, signs advertising sale of goods or services at an outdoor seating area shall be prohibited. This prohibition includes but is not limited to banners, writing, or signs as part of the furniture or on umbrellas, pamphlets, podiums, or any other outdoor seating area element containing a sign or advertisement. Menus shall be restricted to a maximum size not to exceed nine (9) inches wide and twelve (12) inches long and shall be secured to tabletops or designed in order to prevent debris. If the outdoor seating area is licensed for alcohol consumption through the Department of Business and Professional Regulation Division of Alcoholic Beverages and Tobacco, a sign posted in a visible location is required at every outdoor seating area stating, "It is unlawful to consume alcoholic beverages not purchased at permittee's establishment or its outdoor seating area or to remove alcoholic beverages from the licensed outdoor seating area."
- (e) *Lighting.* Lighting for outdoor seating areas may be utilized if approved by the city as a part of the outdoor seating area permitting process. Any such lighting shall complement the existing building and outdoor seating area design and shall not cause a glare to passing pedestrians or vehicles. Temporary electrical wires shall not be permitted to access the outdoor seating area. Possible lighting sources include tabletop candles or low wattage battery operated fixtures. Additional lighting may be attached to the permittee's

establishment provided permittee obtains all necessary approvals for such lighting from the city and any applicable review boards.

- (f) *Outdoor heaters.* Outdoor heaters may be utilized upon the approval by the city as a part of the outdoor seating area permitting process.
- (g) *Vending machines, carts prohibited.* No vending machines, carts, or objects for the sale of goods shall be permitted in an outdoor seating area
- (h) *Service and use.* All services provided to patrons of an outdoor seating area and all patron activity (i.e., sitting, dining, waiting, etc.) shall occur within the designated outdoor seating area, and shall not impinge on the required clear distance for pedestrian passage at any time.

No alcoholic beverages may be stored or mixed in the outdoor seating area. Equipment necessary for the dispensing of any other items should be reported as part of the operation of the outdoor seating area and is subject to review.

The permittee must provide supervision of the outdoor seating area to ensure the conduct of patrons and operations of the area are in compliance with this ordinance at all times.

- (i) *Insurance required.* Each permittee of an outdoor seating area permit shall furnish a certificate of insurance evidencing commercial general liability insurance with limits of not less than one million dollars (\$1,000,000.00) in the aggregate combined single limit, for bodily injury, personal injury and property damage liability. The insurance shall provide for thirty (30) days prior written notice to be given to the City of Pensacola if coverage is substantially changed, canceled, or nonrenewed. The city will give permittee at least ninety (90) days prior written notice of any increase in the required limits of liability. The permittee will agree to have in force, by the end of such ninety (90) day period, the newly required limits of liability.

The City of Pensacola shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operation of an outdoor seating area; and the permittee shall indemnify, defend and hold the city harmless from any loss that results directly or indirectly from the permit issuance or the operation of the outdoor seating area.

Each permittee shall maintain the insurance coverage required under this section during the permit period. The certificate(s) of insurance shall be presented to the City of Pensacola prior to the issuance of a permit under this section. Failure of the permittee to maintain the insurance required by this section shall result in the revocation of the outdoor seating area permit.

In order to receive a permit for an outdoor seating area on a public right-of-way, the applicant must demonstrate that the provisions of these guidelines will be met. Documentation demonstrating that the provisions of this guideline will be complied with must accompany the application in order to receive a permit. An outdoor seating area permit will not be issued to a permittee until after the City of Pensacola has conducted a site inspection of the approved outdoor seating area and all outdoor seating area elements placed therein to ensure that the outdoor seating area and all outdoor seating area elements are in compliance with the approved permit and that the permittee is in compliance with all other requirements of the permit.

- (j) *Indemnification.* Permittee shall indemnify and hold harmless the city from any and all liability, claims, demands, damages, expenses, fees, fines, penalties, expenses (including attorney's fees and costs), suits, proceedings, actions or causes of action, of every kind and nature whatsoever, arising out of or occurring in connection with the occupancy and/or use of the permitted area by permittee, its successors, assigns, officers, employees, servants,

agents, contractors, or invitees, of whatsoever description, or resulting from any breach, default, non-performance, or violation of any of permittee's obligations. The permittee shall at his or her own expense defend any and all actions, suits, or proceedings which may be brought against the city or in which the city may be impleaded with others in any such action or proceeding arising out of the use or occupancy of the outdoor seating area. This paragraph shall survive the termination of this permit.

- (k) *Transferability.* A permit to allow an outdoor seating area is not transferable from one owner or ownership group to another due to a sale or transfer of the property or business. Each new ownership entity shall be required to apply for a permit to allow outdoor seating as set forth in the ordinances of the City of Pensacola and its standards and regulations for outdoor seating.
  - (l) *Application.* Applications for a permit to have outdoor seating shall be made jointly by the property owner and the business owner for the respective property that is seeking an extension of its business premises.
- (E) *Approval of minor encroachments.* Minor encroachments into the right-of-way may be approved administratively if the conditions of this section are met. Minor encroachments allowed under this section include, but are not limited to, awnings, driveways, and out-swinging doors.
- (1) *Design standards and regulations.* The request shall be reviewed to ensure the minor encroachment does not pose any safety concerns, that a six-foot wide pedestrian path is maintained, and that the minor encroachment does not interfere with any utilities or facilities within the right-of-way.
    - a. For out-swinging doors, the permittee must demonstrate a physical barrier has been provided to prevent the door from swinging into anyone within the public right-of-way.
    - b. Awnings that project over the right-of-way but do not require support columns in the right-of-way may be considered a minor encroachment.
    - c. The building official or city engineer will determine the boundaries of the minor encroachment area.
    - d. Failure to maintain the minor encroachment area may result in citations being issued.
  - (2) *Insurance required.* Each permittee of a minor encroachment area permit shall furnish a certificate of insurance evidencing commercial general liability insurance with limits of not less than one million dollars (\$1,000,000.00) in the aggregate combined single limit, for bodily injury, personal injury and property damage liability. The insurance shall provide for thirty (30) days prior written notice to be given to the City of Pensacola if coverage is substantially changed, canceled, or nonrenewed. The city will give permittee at least ninety (90) days prior written notice of any increase in the required limits of liability. The permittee will agree to have in force, by the end of such ninety-day period, the newly required limits of liability. The City of Pensacola shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operation of a minor encroachment area; and the permittee shall indemnify, defend and hold the city harmless from any loss that results directly or indirectly from the permit issuance or the operation of the minor encroachment area. Each permittee shall maintain the insurance coverage required under this section during the permit period. The certificate(s) of insurance shall be presented to the City of Pensacola prior to the issuance of a permit under this section. Failure of the permittee to maintain the insurance required by this section shall result in the revocation of the minor encroachment area permit.
  - (3) *Transferability.* A permit for a minor encroachment area is transferable from one owner or ownership group to another due to a sale or transfer of the property or business so long as the new owner provides the City of Pensacola a new proof of insurance for the minor encroachment area.
  - (4) *Indemnification.* Permittee shall indemnify and hold harmless the city from any and all liability, claims, demands, damages, expenses, fees, fines, penalties, expenses (including attorney's fees

and costs), suits, proceedings, actions or causes of action, of every kind and nature whatsoever, arising out of or occurring in connection with the occupancy and/or use of the permitted area by permittee, its successors, assigns, officers, employees, servants, agents, contractors, or invitees, of whatsoever description, or resulting from any breach, default, non-performance, or violation of any of permittee's obligations. The permittee shall at his or her own expense defend any and all actions, suits, or proceedings which may be brought against the city or in which the city may be impleaded with others in any such action or proceeding arising out of the use or occupancy of the minor encroachment area. This paragraph shall survive the termination of this permit.

- (5) *Application.* Applications for minor encroachments shall be made jointly by the property owner and the business owner for the respective property that is seeking an extension of its business premises.

Minor encroachments shall be reviewed by the building official or his designee prior to the issuance of building permits. For minor driveway encroachments, the city engineer or his designee shall review the request prior to the issuance of a permit.

If the request is denied or if it is determined that the encroachment is major and therefore administrative approval is not allowed, the permittee may either withdraw the request or may submit a request for a License-to-Use pursuant to section 12-12-7(A)—(C).

(Ord. No. 15-00, § 9, 3-23-00; Ord. No. 12-09, § 3, 4-9-09; Ord. No. 16-10, § 226, 9-9-10; Ord. No. 26-12, § 1, 12-13-12; Ord. No. 06-14, § 1, 2-27-14)

Sec. 8-1-25. - Panhandling.

- (1) *Legislative findings:* The City Council of the City of Pensacola, Florida, hereby makes the following findings:
  - (a) Aggressive soliciting, begging or panhandling warrants justifiable alarm or immediate concern for the safety of persons or property and can cause apprehension and fear in the intended target of the soliciting, begging or panhandling.
  - (b) Soliciting, begging or panhandling on the public roadways or rights-of-way creates a safety hazard for both pedestrians and those travelling upon the roadways and rights-of-way, and poses a disruption to the free flow of traffic.
  - (c) The City of Pensacola has a significant interest in protecting the health, safety and welfare of those peacefully moving about within the city.
- (2) *Definitions.*
  - (a) *Arterial roadway* means a roadway providing service which is relatively continuous and of relatively high traffic volume, long trip length, and high operating speed. In addition, every United States numbered highway is an arterial road.
  - (b) *Begging* means, for purposes of this section only, the same as soliciting, below.
  - (c) *Community outreach services* means a public or private services provider that offers residential, rehabilitative, medical or social services assistance, including, but not limited to, mental health treatment, drug or alcohol rehabilitation or homeless assistance services for individuals in need thereof. One example of an entity that can help individuals access such services is First Call For Help.
  - (d) *Community redevelopment areas* means those areas of the city the city council has found to be areas of slum and blight as set forth in F.S. §§ 163.330—163.463. The city's community redevelopment area for the purposes of this act is the Urban Core Community Redevelopment Area described in Ordinance No. 13-84, bounded by the west by "A" Street; on the north by Cervantes Street; on the east by 17th Avenue, the L&N Railroad trestle and the mouth of Bayou Texar; and on the south by Pensacola Bay. The city council may establish additional community redevelopment areas pursuant to F.S. §§ 163.330—163.463.
  - (e) *Panhandling* means, for purposes of this section only, the same as soliciting, below.
  - (f) *Soliciting* means, for purposes of this section only, any request made in person on a street, sidewalk or public place, asking for an immediate donation of money or other thing of value, including the purchase of an item or service for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is a donation. Soliciting shall not include passively standing or sitting with a sign or other indication that one is seeking donations without addressing the request to any specific person.
- (3) *Soliciting prohibited in certain areas or under certain circumstances.* It shall be unlawful for any person to solicit, beg or panhandle in the city limits of the City of Pensacola in the following areas or under the following circumstances:
  - (a) On any day after sunset, or before sunrise; or
  - (b) When either the panhandler or the person being solicited is located at any of the following locations:
    1. At a bus stop.
    2. In any public transportation vehicle.
    3. In any public transportation facility.
    4. In a vehicle which is parked or stopped on a public street or alley.

5. In a sidewalk cafe.
  6. Within twenty (20) feet from any ATM machine or entrance to a financial institution.
  7. Within twenty (20) feet of a public toilet facility.
  8. From any operator of a motor vehicle that is in traffic on a public street; provided, however, that this prohibition shall not apply to services rendered in connection with emergency repairs requested by the owner or passengers of such vehicle; or
- (c) In an aggressive manner, to include any of the following:
1. Touching the solicited person without the solicited person's consent.
  2. Panhandling a person while such person is standing in line and/or waiting to be admitted to a commercial establishment.
  3. Blocking, either individually or as part of a group of persons, the path of a person being solicited, or the entrance to any building or vehicle.
  4. Following behind, ahead or alongside a person who walks away from the panhandler after being solicited.
  5. Using profane or abusive language, either during the solicitation or following a refusal to make a donation, or making any statement, gesture, or other communication which would cause a reasonable person to be fearful or feel compelled.
  6. Panhandling in a group of two (2) or more persons, or
- (d) Within five hundred (500) feet of the intersection of two (2) arterial roads in the Urban Core Community Redevelopment Area (CRA):

Main Street and Palafox Street

Bayfront Parkway and 9th Avenue

Garden Street and North Palafox Street

Chase and North Palafox Street

Cervantes and North Palafox Street

East Cervantes Street and 9th Avenue

East Gregory Street and 9th Avenue

East Gregory Street and Bayfront Parkway

East Chase Street and 9th Avenue

East Chase Street and Bayfront Parkway

North Alcaniz Street and East Chase Street

North Alcaniz Street and East Cervantes Street

North Davis Highway and East Cervantes Street

- (4) *Penalties.* Violation of this section shall be enforced by application of the penalties set forth in section 1-1-8 of the Code of the City of Pensacola, Florida.

In addition, the officer issuing a citation under this article may elect to contact community outreach services, such as United Way's First Call For Help, in order to determine whether a referral can be made or services offered to assist the individual cited. In the event the officer is unable to contact community outreach



services at the time of the officer's contact with the person accused of violating this section, the officer may supply the person with information sufficient for the person to make such contact at a later time.

(Ord. No. 20-13, § 1, 6-13-13)