



Downtown Orlando CRA and Orlando Main Street Parklet Program

PROGRAM SUMMARY

The purpose of the **Downtown Orlando Community Redevelopment Area and Orlando Main Street Districts Parklet Program (Parklet Program)** is to increase community connectivity, encourage innovative parking space re-use and expand restaurant business activities. This new Program replaces the Downtown Orlando Community Redevelopment Agency (CRA) Parklet Program, first approved by City Council on July 19, 2021 which expires on July 18, 2024. Through this action:

- In accordance with Section 54.27-1 of the Code of the City of Orlando (Code), City Council authorizes business to be conducted within certain right-of-way under the Program, subject to an encroachment agreement for each participating Owner-Operator (Operator) coordinated with and approved by the City Attorney, Public Works Director, and City Transportation Engineer, or authorized designees;
- Parklets shall be allowed in certain public parking spaces in the Downtown Orlando Community Redevelopment Area and the Orlando Main Street Districts;
- Standards have been established to address parklet operations and maintenance requirements for three new parklet designations (the Main Street Community Parklet, the Micro-Mobility Parklet Station, and the Dining Parklet), as well as their respective application and approval processes;
- The Community Redevelopment Agency (CRA) will no longer provide parklets, except for certain Micro-Mobility Parklet Stations to be located within the Downtown Orlando Community Redevelopment Area;
- Parklet Operators will be responsible for the purchase, installation, operation, maintenance and removal of parklets;
- If alcohol service is proposed within a Dining Parklet, the location must be approved by the Chief of Police in accordance with Section 33.06 (b)(6) of the Code, and operate consistently with State requirements as well as all licenses and permits; and,
- The new Parklet Program will allow existing, non-conforming parklets, originally installed by the CRA, to operate to December 31, 2024, after which date, such parklets shall be removed by the CRA.

OVERVIEW

Staff research supports an updated and expanded Parklet Program that includes new parklet categories, program standards and operation requirements. The three parklet categories of the Program include the Main Street Community Parklet, the Micro-Mobility Parklet Station, and the Dining Parklet. This new Program moves away from the use of temporary Covid-era wooden flower box parklets and water-filled transportation barriers to materials better suited for long term use. The new parklet units shall be aesthetically pleasing and generally comprise a safety-promoting manufactured or prefabricated metal structure with ADA accessible non-slip, non-wood decking. All components shall be fully attached to an integrated frame connected to perimeter railings, allowing quick disassembly and relocation, if necessary.

1. The first of three categories of parklets, is the **Main Street Community Parklet**, which functions

as a new third place, serving the public and supporting businesses within the Orlando Main Street Districts. While no direct service is allowed, food and non-alcoholic beverage consumption are allowed. Main Street Community Parklets are to be owned and exclusively operated by the Main Street Districts.

2. The second parklet category, to be located in the Downtown Orlando Community Redevelopment Area and the Main Street Districts, is the **Dining Parklet**, which will serve as a traditional parklet to be owned and operated by a restaurant operator as an extension of their business, with direct service of food and beverage, including alcohol, if approved.
3. The third parklet category, the **Micro-mobility Parklet Station**, will primarily provide new, “in parklet” bike and scooter parking, intended to unclutter sidewalks and other pedestrian areas to improve micro-mobility access and comfort. Station parklets located within the Downtown Orlando Community Redevelopment Area will be operated by the CRA or its designee, while those in the Orlando Main Street Districts will be operated by the City’s Transportation Department, or its designee.

The Micro-mobility Parklet Station is intended to be open to the public 24/7 and allow the parking of scooters and bikes on the parklet decking, secured upright by racks. Outside of the parklet unit, and fully centered within the 4 ft. parklet buffer zones, and at either end of the parklet unit, two 350 cc or less, two-wheel motorcycles or mopeds, may also be parked if deemed safe, with appropriate signage as to appropriate use. Parklets will be sited and installed by the CRA or the Transportation Department, consistent with City approvals.

PROGRAM APPROVAL COMPLIANCE

In accordance with City Code Section 54.27-1, City Council authorizes business to be conducted within certain rights-of-way as set forth herein, subject to right-of way permit issuance and encroachment agreement execution, for each participating Parklet Operator.

In addition, if alcohol service is proposed within a Dining Parklet, the location must be approved by the Chief of Police in accordance with Section 33.06 (b) (6) of the Code, and consistent with State of Florida requirements. Alcohol is prohibited in Main Street Community Parklets and Micro-mobility Parklet Stations.

PARKLET DESIGNATION, ZONING DISTRICTS AND OPERATOR CLASSIFICATION

The three categories of parklets must be fully sited within the Downtown Orlando Community Redevelopment Area or Main Street District boundaries in non-residential zoning districts, or high density residential districts with commercial secondary uses, on public right-of-way. Up to three (3) Main Street Community Parklets may be owned and operated by each Main Street District, subject to application approval. Micro-Mobility Parklet Stations are to be exclusively owned and operated by the City Transportation Department or Community Redevelopment Agency. The Dining Parklets are to be owned and operated by an approved restaurant or café (generally abutting the parklet site) and with service comprised of 51% gross revenue from the sale of food and non-alcoholic beverages.

PARKLET APPLICATIONS

Main Street Community Parklet and Dining Parklet applications will be accepted on a rolling basis throughout the year, through an Economic Development Department on-line portal and involve a multi-step process. (The Micro-Mobility Parklet Stations operated by the CRA or the City Transportation

Department will follow an internal review process consistent with certain parts of this program and City Code, and will not be subject to the following application approval process.) The following sections address the application process for Main Street Community Parklets and Dining Parklets, followed by general parklet standards and operational requirements.

Step One: Pre-Application Submission

Prior to providing a formal application, a Step One Pre-application is required to be submitted. This screening application shall include:

- Applicant(s) Name and Contact Information;
- Parklet Category: Main Street Community Parklet or Dining Parklet;
- Parklet Operator (Parklet Owner-Operator) Name(s);
- Proof of Business Tax Receipt (BTR), if applicable;
- Written consent from the property owner adjacent to a proposed Dining or Main Street Community Parklet; and, Main Street Community Parklets are also required to secure support statements from the majority of businesses and property owners along the block, where the parklet is proposed to be sited;
- Map and aerial showing the proposed parklet area;
- Proposed parklet manufacturer name, product cutsheets and dimensions;
- Site plan including parklet footprint, with measurements, and point(s) of access;
- Number and placement of tables, chairs, and other elements ensuring clear access by parklet patrons;
- General operational characteristics, including if alcohol service is to be provided, as well as all required licenses and permits; and,
- Acknowledged receipt of program rules, demonstrating a full understanding by the Parklet Operator.

Additional information and/or corrections may be requested during the Pre-application review period. Code enforcement violation(s) linked to the Parklet Operator or property owner will prevent application processing until corrected. Businesses desiring Dining Parklets must also demonstrate that they currently meet parking requirements for their principal use café or restaurant business.

City review of the Pre-application submission will include an assessment of current and future right-of-way (i.e.: roadways, public parking spaces and sidewalk access) conditions and improvements, involving various divisions and departments, and include the Public Works Director, the Parking Division Manager and the City Transportation Engineer, as necessary.

Step Two: Application, Permits and Right-of-Way Encroachment Agreement

If the Pre-application phase submittal is approved, it will be automatically moved to the formal Step Two Application phase and additional information shall be required. In this phase, a Main Street Community Parklet or Dining Parklet application shall be required to include signed and sealed drawings. The Application will also entail Engineering and right-of-way permit review and approval.

In addition, the parklet elements and components will be subject to the Planning Division administered urban design review process, consistent with City Code. This process may include specific CRA Appearance Review Board (ARB) and/or Historic Preservation Board (HPB) review requirements; and if approved, would result in a Minor Certificate of Appropriateness of the parklet. Upon review completion, a letter of approval with the final conditions of approval will also be issued to the Parklet Applicant.

As part of the right-of-way permit process, the Applicant will also apply for, and execute, a Right-of-Way Encroachment Agreement, as well as provide proof of insurance. The right-of-way permit application package submission should include all application and approval documents, as well as plan specifications allowing drainage and transportation review. If approved, then the Operator may commence installation, first providing notice to the City Transportation Engineer and include Management of Traffic, (MOT) details, if appropriate.

Incomplete or Ineligible Applications

Application submittal does not mean approval. The City may request additional information throughout the two step Application review process. If an application is denied, a new application can be made at any time, demonstrating consistency with Program rules. Approval only applies to a specific site and Parklet Operator and cannot be transferred. The parklet must be installed within 120 days of approval, or the approval expires.

Parklet Application and Permitting Fees

There are no fees for the parklet application submittal. The Dining Parklet Applicant will be required to pay all impact and permit fees, which will be determined at the time of the permit application. Main Street Community Parklet applications will not be required to pay impact fees, since there is no direct service.

Approval Time Period

Each parklet approval term will be for a period as specified in the right-of-way encroachment agreement. The parklet approval may be terminated before the end of the agreement term, as detailed in the Right-of-Way Encroachment Agreement.

Modifications Post Approval

After the permits and right-of-way encroachment agreement are approved for each parklet, any modifications will require a formal administrative review by the City Economic Development Department to determine whether the changes will require a new application or a minor application amendment(s) and/or changes to the right-of-way encroachment agreement.

PARKLET REMOVAL POST APPLICATION APPROVAL AND INSTALLATION

Permanent Parklet Removal

If a Parklet Operator is intending to permanently remove their parklet, either voluntarily or following official City notice for non-compliance, notification must be provided 15 days in advance, unless otherwise specified by the City Public Works Director and the City Transportation Engineer. As part of this process, a right-of-way permit to remove the parklet must also be secured, along with implementation of Management of Traffic (MOT), if required.

Temporary Parklet Removal

If it becomes necessary to temporarily remove a parklet to ensure public safety, or as otherwise requested by the City, and pursuant to the terms of the Right-of-Way Encroachment Agreement, a removal approach and required permits will be identified by the City Public Works Director and the City Transportation Engineer, or designees. They will establish an approach with the Parklet Operator to ensure an appropriate temporary removal.

SPECIFIC PARKLET SITING REQUIREMENTS

Parklets, including Main Street Community Parklets, Dining Parklets and Micro-mobility Parklet Stations, are allowed within certain parking spaces in specific types of rights-of-way, consistent the following siting requirements:

- Rights-of-Way: Within City controlled rights-of-way or FDOT or Orange County controlled

rights- of-way, with the written permission of the relevant agency;

- Speed Limits: Along streets, with public parking spaces, with posted speed limits of 25 mph or lower, with special exceptions to 30 mph, based on volume, and to be approved by the City Transportation Engineer. Micro-mobility Parklet Stations, may be sited on roadways with speeds up to 30 mph;
- Public Parking Space Restrictions: Public parking spaces for parklet use must not:
 - Abut fire hydrants, manhole covers, public utilities, and catch basins. Curb and roadsides drainage shall also not be impeded, and a bricked parklet installation area must have a continuous surface;
 - Be designated as loading zones, fire lanes, bus stops, taxi stands, ADA spaces, or other ineligible or restricted spaces;
 - Be sited in the Parking Division District within unmetered or metered spaces without the Parking Division Manager's written approval; and if spaces are metered and approved, all meter costs must be defrayed by the Parklet Operator.
 - Be smaller than 8 feet and 6 inches wide and 22 feet long, unless otherwise approved by the City Transportation Engineer;
 - Be closer than one parking space from an intersection, or, if on a corner, the parklet must be protected by a bollard or parking bulb-out and maintain all required site-lines;
 - Have a slope greater than 3%.
- Parklet Siting Restrictions: A Parklet shall:
 - Not be sited in more than one parklet parking space, per every 300 ft. apart, along a block face, on one side, or two parklet parking spaces, per every 600 ft. apart, along a block face on one side;
 - Include at least 4 ft. of buffer outside either end of the parklet within the parking space(s), with the unit also fully contained within the width of the parking space.
 - Be allowed to be sited up to 14 ft. in length, and centered, in a one (22 ft. long) parking space;
Be allowed to be sited up to 36 ft. in length, and centered, in two contiguous (each 22 ft. long) parking spaces.

In some instances, a determination may be made by the City Public Works Director and the City Transportation Engineer to deviate from certain of the above standards for public safety reasons and desired functionality. In such cases, specified modifications will be required for approval. Approved parklet siting requirements shall be followed at all times, and a parklet shall be removed, if it is not in compliance.

REQUIRED PARKLET FEATURES

Parklets, including Main Street Community Parklets, Dining Parklets and Micro-mobility Parklet Stations, are required to have the following parklet features, unless otherwise specified, as follows:

- Parklet Appearance: Designed and manufactured or prefabricated metal units in black or bronze with assembly components allowing quick disassembly and relocation, and allowing, if required, anchoring to the parking space base;
- Parklet Unit Components: Assembly components shall generally include non-slip, non-wood decking at curb level, attached to a metal frame with a connected, metal railing with narrow separation, a minimum of 30 inches high and no more than 48 inches in height, along the non-sidewalk facing parklet unit perimeter;

- Dining and Main Street Parklet Elements: In Dining and Main Street Community Parklets, tables, chairs, trash cans, and sign(s) should be added without impeding safe access by users of all ages and abilities. While table umbrellas are encouraged, no roofs are allowed. Planters and solar lighting are also allowed and their placement must not adversely impact users. Up to two bikes or scooters may be allowed in the unit, if parked in a rack and without impeding a clear pedestrian pathway. Outside the unit fully centered within the 4 ft. clear zone, at either end of the parklet, two (350 cc or less) smaller motorcycles or mopeds, each with two wheels, may also be parked, if deemed safe, with appropriate signage.
- Parklet Transportation Elements: Separate transportation barriers including soft hit posts, wheel-stops or other approved barriers shall be placed along the non-sidewalk facing perimeter of the unit and are to remain intact at all times. They also shall not impede bike lanes, and are to be installed by the Transportation Department, pursuant to review and approval of the Parklet application.

In some instances, a determination may be made by the Public Works Director and the City Transportation Engineer, to deviate from certain of the above standards for public safety reasons and desired functionality. In such cases, specified modifications will be required for approval. Approved parklet features and guidelines will be followed at all times, including maintenance. A parklet shall be removed if it is not in compliance.

SPECIFIC OPERATIONAL REQUIREMENTS FOR DINING AND MAIN STREET COMMUNITY PARKLETS

The following specific operational requirements are for the Dining and Main Street Community Parklets, as specified:

- Hours of Operation: The hours of operation are limited to 8 AM to 10 PM, excluding Main Street Community Parklets by bus stops, which may remain open during transit service hours;
- Accessory Use: Dining Parklets shall be an approved accessory use to a legally existing and conforming principal use restaurant establishments;
- Service: Food and beverage service shall only be permitted in Dining Parklets with such service to be provided by the Operator business. Main Street Community Parklets are not allowed any food or beverage service;
- Parklet Elements and Components: Parklets must, including furniture, barriers, and other approved parklet elements and components, be maintained, clean and safe, at all times in accordance with application approval. The components and elements shall also not encroach into the adjacent sidewalk clear path and sidewalk furniture zone;
- Storage of Parklet Elements: Moveable elements such as lightweight items, including trash cans, umbrellas, small planters and other ornamental items shall be removed nightly. Lightweight temporary tables and chairs shall also be brought in nightly unless they can be stacked and secured with steel cables or other suitable means, to the City approval. Substantial seating elements such as picnic tables may remain overnight and are encouraged in Main Street Community Parklets;
- Retro-Reflective Tape: Planter boxes and/or perimeter parklet railings shall be marked on the street facing side with retro-reflective tape to make them more visible to traffic under a variety of lighting and weather conditions;
- Lighting: Any lighting shall be self-contained (i.e. solar and/or battery powered). Parklets may not have any features powered by an extension cord. Ornamental lighting, with low wattage bulbs, is permitted. Lighting may also not flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color, or use intermittent electrical pulsations;

- Life Safety: Minimum life safety and Americans with Disabilities Act (ADA) requirements shall be met, as required by law. It shall be the responsibility of the Parklet Operator to ensure that these requirements are complied with at all times;
- Dining Parklet Signage: Up to one (1) pedestrian-oriented 4 sq. ft. maximum menu board(s) may be placed on the sidewalk-facing portion of a Dining parklet during hours of operation, outside of the pedestrian clear zone. No off-site advertising is allowed.
- Community Parklet Signage: Community Parklets may only have one (1) 2 sq. ft. maximum sign, attached to the parklet and face the sidewalk, identifying the site as a Community Parklet. No advertising of any kind is allowed.
- General Parklet Signage: Additionally, up to one (1) 2 sq. ft. sign addressing in-parklet and outside parklet unit buffer area bike and/or scooter parking, shall be required, if approved as safe, and must be attached to the parklet and face the sidewalk. (In Dining Parklets required to follow Sec. 33.10, addressing alcohol requirements, mandatory signage will be determined at time of approval; See Section X, conspicuous sign requirements.)
- Art: Small and integrated art concepts may be addressed at time of application and evaluated through the parklet review process for appearance as well as possible implementation and maintenance;
- Music and Performance Restrictions: Live and/or amplified music as well as sound and/or entertainment within a parklet is subject to existing land use approvals, city noise ordinance requirements, city emergency orders, and any other relevant law;
- Pest Control: An integrated pest control system to discourage insects, rodents and other pests shall be implemented and maintained;
- Parklet and Transportation Barrier Conditions: Parklets and/or abutting transportation barriers, if damaged, will require the parklet to close for repairs, and if not repaired, or not repaired in a timely manner, may result in parklet removal at the cost of the Parklet Operator; and,
- Cleaning and Maintenance: Parklet elements and components shall be cleaned at least weekly, with daily trash removal. The parklet unit shall be pressure washed on a monthly basis.

Certain prohibitions shall also apply:

- No storage is allowed;
- Debris, banners, unapproved signage, graffiti or other elements that may be construed as a distraction, as well as a trip or fire hazard, are prohibited;
- No open flames or generators shall be permitted;
- No decorative elements that pose a hazard shall be allowed (e.g., thorns, poisonous plants, sharp edges, tripping hazards, etc.); and,
- No sales of non-food items or non-operator food items are allowed in Dining Parklets and no sales are allowed in Main Street Community Parklets.

In some instances, a determination may be made by the Public Works Director and the City Transportation Engineer, to deviate from certain of the above standards for public safety reasons and desired functionality. In such cases, specified modifications will be required for approval. Approved parklet features and guidelines will be followed at all times, including maintenance. A parklet shall be removed if it is not in compliance.

SPECIAL PARKLET OPERATION REQUIREMENTS FOR DINING PARKLETS, INCLUDING ALCOHOL REQUIREMENTS

Dining Parklets shall meet the following requirements:

- Only the parklet business operator shall provide service, no other food service operations or vendors are allowed within the parklet;
- The business kitchen facilities must be a permitted Food Service Establishment in good standing;
- Food trays, carts, receptacles for dirty dishes, etc. shall not be placed or stored on any portion of the sidewalk or parklet and must be supported by daily emptied parklet trash receptacles; and,
- Patrons ordering and receiving service in the Dining Parklet shall have access to the business restroom facilities.

If alcohol is to be served in a Dining Parklet:

- The Chief of Police, or designee, must review and approve of the location for on premise alcohol sales and consumption, as provided in section 33.06(b)(6) of the Code;
- The principal use restaurant or café establishment to which the parklet is associated must be properly permitted by all applicable agencies to dispense alcoholic beverages for consumption on premises. All permits and licenses that authorize the dispensing of alcoholic beverages must reflect the parklet as part of the licensed premises. Once such permits reflect the parklet area as part of the licensed premises, the parklet area is exempt from the prohibition of the sales and consumption of alcoholic beverages outside of a licensed building as provided at section 33.09 of the City Code; and,
- During parklet business hours, a conspicuous sign must be posted within the parklet area that effectively notifies patrons that Section 33.10 of this Code prohibits removing open containers of alcoholic beverages from the licensed premises. The location, dimensions, and design of this notice is subject to review and approval by the City.

PERMIT REVOCATION

The Chief Administrative Officer of the City or their designee reserves, at their sole discretion, the right to revoke the approval of a parklet for any reason, including but not limited to any safety, operational or maintenance requirements or concerns of the City.

EXISTING PARKLETS

The following parklets are currently operating and have been purchased and installed by the CRA during the 2021 approved program time period. They are:

- 801-805 E. Washington St. (Private Parklet Operator);
- North-east corner of E. Church St. and Lake Ave. (Thornton Park Main Street District Parklet Operator); and,
- 420 E. Church St. (Thornton Park Main Street District Parklet Operator).

The 801-805 E. Church St. parklet may continue to operate under the 2021 CRA Program standards, until December 31, 2024. Upon December 31, 2024, if the parklet does not meet the 2024 Parklet Program requirements, the parklet will then be removed by the CRA.

The two Thornton Park Main Street District parklets may continue to operate under the 2021 CRA Program standards to December 31, 2024. Upon December 31, 2024, if either parklet does not meet the

2024 Parklet Program requirements, it will be removed by the CRA.

COUNCIL AUTHORIZATION

In accordance with the guidelines and provisions of this program as outlined above and consistent with the program rules and any applicable right-of-way permit and right-of-way encroachment agreement, City Council hereby authorizes certain businesses to operate within the right-of-way and specifically designated on- street parking spaces within the Downtown Orlando Community Redevelopment Area and Main Street Districts. Additionally, Council authorizes the Director of Public Works to execute right-of-way encroachment agreements, in substantially the form attached hereto, for parklets permitted under this Program. The City reserves the right to immediately revoke authorization of any temporary use within the right-of-way, through its Director of Public Works, at any time, as deemed necessary by the City.

Attachments A-D

- A. Right-of-Way Encroachment Agreement
- B. Map of the Downtown Orlando Community Redevelopment Area
- C. Map of the Orlando Main Street Districts
- D. Typical Parklet Views

Attachment A

Right-of-Way Encroachment Agreement Sample

ATTACHMENT A

THIS INSTRUMENT PREPARED BY:

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STREET RIGHT-OF-WAY ENCROACHMENT
AND
REMOVAL AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____, 2024, by and between **CITY OF ORLANDO**, a Florida municipal corporation, (hereinafter referred to as “CITY”), and _____, a Florida limited liability company or 501C3 entity, (hereinafter referred to as “OWNER”).

RECITALS:

WHEREAS, the OWNER desires to utilize and maintain their parklet project (“Project”) within the street right-of-way of _____. Owned and maintained by the Owner in the “CITY’S Right-of-Way” as shown in **Exhibit “A”**, attached hereto and made a part hereof by reference; and

WHEREAS, the OWNER desires the nonexclusive use of the CITY’S Right-of-Way as depicted in “**Exhibit A**” and has, therefore, requested that the CITY enter into this Agreement; and

WHEREAS, Section 61.203 of the Orlando City Code and the Downtown Orlando Community Redevelopment Area and the Orlando Main Street District Parklet Program approved by City Council (“Parklet Program”), requires that the OWNER enter into a binding agreement providing for the encroachment and utilization of the Project into the CITY’S Right-of-Way and providing for removal of the Project under certain conditions; and

WHEREAS, the Project will continue to be subject to all applicable provisions of the Orlando City Code and the Parklet Program and any other applicable government regulation.

NOW, THEREFORE, for and in consideration of the mutual covenants herein contained, and other good and valuable consideration, the sufficiency of which is hereby acknowledged by the parties hereto, the parties agree as follows:

1. Recitals. The foregoing Recitals are true and correct and incorporated into the substantive body of this Agreement.
2. Encroachment. The CITY hereby grants permission for the encroachment of the Project into the CITY'S Right-of-Way, strictly limited to the area described and shown in **Exhibit "A"**. The OWNER acknowledges that the CITY'S Right-of-Way cannot be included in any calculations for setback requirements under City Code or otherwise. The OWNER shall, along with any other approved licensee, utilize the Project on a nonexclusive basis.
3. Hours of Operation and Alcohol Service.
 - a. The hours of operation of the Project are limited to 8 A.M. until 10 P.M unless modified by the CITY in a written notice to the OWNER.
 - b. The Project, where alcoholic beverages is offered for sale or is otherwise provided to guests or customers, must conform to the following additional regulations:
 - i. The principal use restaurant or cafe establishment to which the Project is associated must be properly permitted by all applicable government agencies to dispense alcoholic beverages for consumption on premises. All government permits that authorize the dispensation of alcoholic beverages must reflect the Project area as part of the licensed premises.
 - ii. During all business hours of the Project, a conspicuous sign must be posted within the Project area that effectively notifies patrons that section 33.10 of the Code of the City of Orlando prohibits the removal of open containers of alcoholic beverages from the licensed premises. The sign shall be installed by the CITY. In the event that the sign is damaged or removed, the OWNER shall inform the CITY within 48 hours of said damage or removal.
4. Release. The OWNER hereby releases the CITY and the City of Orlando CRA, their representatives, employees and elected officials from any and all damages, claims, or liability, with respect to the Project that may arise due to the CITY's operation and maintenance of the CITY'S Right-of-Way.
5. Priority of City's Right-of-Way. The Project shall not be operated or maintained in such a manner so as to interfere, in any way, with the CITY'S operation or maintenance of its Right-of-Way or any public or general utility improvements located thereon. No permanent improvements shall be constructed in the CITY'S Right-of-Way and no modifications to the Project as made by the Owner with approval detailed in the approved Parklet Program.

6. Project. In consideration of the CITY'S consent to use of the Project within the CITY'S Right-of-Way, as described herein, the OWNER agrees, at its sole cost and expense, to operate the Project, consistent with Parklet Program requirements including reasonable engineering standards and all applicable laws, codes, and regulations. OWNER shall maintain the Project in accordance with Parklet Program requirements as well as standards reasonably established by CITY, and shall conduct such other normal janitorial, maintenance and repair work as may be necessary and desirable to maintain the Project in a first-class condition. In the event that any portion of the Project is damaged and may pose a danger to persons or property, or repairs are required to avoid suspension of any necessary service to the CITY'S Right-of-Way, the OWNER will inform the CITY of said damage as promptly as possible and shall cease use of the Project until such damage is remedied.
7. No Waiver/No Vesting. This Agreement does not constitute a waiver of the CITY'S regulatory authority and the OWNER remains subject to all applicable laws, rules, codes and regulations. This Agreement does not operate to vest any interest or right whatsoever.
8. Insurance. The OWNER shall possess and maintain, at all times during installation, operation, maintenance and removal of the Project within the City's Right-of-Way, general liability insurance in an amount not less than \$1,000,000.00 bodily injury and property damage as to any one occurrence with a two million and 00/100 Dollars (\$2,000,000.00) aggregate. The CITY (Economic Development Department) must be listed as additional insureds. The policy must be written so that the City will be notified at least 30 days before termination or decrease in coverage. Prior to the utilization of the Project, the certificate of insurance must be delivered to Sherry Gutch, Director of Placemaking, Economic Development Department, Orlando City Hall, 400 S. Orange Ave, Orlando, FL 32801.
9. Contingency. This Agreement is contingent upon the Project having been completed consistent with the permits and any applicable laws, rules or regulations, including but not limited to any rules or regulations governing the CITY'S Parklet Program.
10. Indemnification. The OWNER agrees that it shall indemnify, hold harmless and defend the CITY and the City of Orlando CRA, their representatives, employees and elected and appointed officials from and against all claims, damages, loss and expenses of any sort including reasonable attorney's fees and costs including appeals, arising out of or resulting from any tort, intentional action, negligent act or omission of the OWNER, their invitees, tenants, agents, subcontractors, or anyone for whose act or acts any of them may be liable, for acts or omissions occurring in that portion of the CITY'S Right-of-Way on, under

or through which the Project is installed or resulting from the installation, operation, maintenance, and removal of the Project.

11. Representatives Bound Hereby. This Agreement shall be binding upon the successors, heirs, executors, administrators, representatives, or assigns of the OWNER, and upon all persons acquiring an interest thereunder.
12. Controlling Laws.
 - a. This Agreement and the provisions contained herein shall be construed, controlled, and interpreted according to the laws of the State of Florida, and all duly adopted ordinances, regulations and policies of the CITY now in effect and those hereinafter adopted.
 - b. The location for settlement of any and all claims, controversies, disputes, arising out of or relating to any part of this Agreement, or any breach hereof, shall be in Orange County, Florida.
 - c. The parties to this Agreement agree to comply with all applicable federal, state, and local laws, ordinances, rules and regulations pertaining to the utilization of the property under this Agreement.
13. Miscellaneous.
 - a. This Agreement constitutes the entire Agreement between the parties with respect to the specific matters contained herein and supersedes all previous discussions, understandings, and agreements. Any amendments to or waivers of the provisions herein shall be made by the parties in writing. No other agreements, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind either party hereto.
 - b. If any sentence, phrase, paragraph, provision or portion of this Agreement is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed an independent provision and such holding shall not affect the validity of the remaining portions hereto.
14. Legal Counsel. The OWNER acknowledges that it has had ample opportunity to seek and consult with independent legal counsel prior to executing this Agreement, and that the OWNER represents and warrants that it has sought such independent legal advice and counsel.

15. Attorney's Fees. In the event of any legal action to enforce the terms of this Agreement each party shall bear its own attorney's fees and costs.
16. Negotiation. The parties to this Agreement acknowledge that all terms of this Agreement were negotiated at arm's length and that this Agreement and all documents executed in connection herewith were prepared and executed without undue influence exerted by any party or on any party. Further, this Agreement was drafted jointly by all parties, and no parties are entitled to the benefit of any rules of construction with respect to the interpretation of any terms, conditions or provisions of this Agreement in favor of or against any person or party who drafted this Agreement.
17. Termination of License and Removal of Encroachment. The CITY retains the right to immediately revoke this license at any time, by notifying the OWNER in writing at the address listed in the initial paragraph of this Agreement. The OWNER shall cease operation within the CITY's Right-of-Way and remove any and all OWNER-installed improvements and OWNER-placed furniture from the CITY'S Right-of- Way, within 48 hours of the date of the written notice to the OWNER. If the OWNER fails to remove any and all OWNER-installed improvements and furniture from the CITY'S Right-of-Way within the above-described timeframe, the CITY may remove same and charge the cost of removal to the OWNER. Should the OWNER fail to pay the costs of CITY'S removal of the improvements and attendant encroachments within fifteen (15) days of the CITY'S request, the CITY may file a lien against the OWNER to accrue interest at the statutory rate and enforced as prescribed by law.
18. License. This Agreement constitutes a License and does not rise to the level of a real property interest in the property underlying the CITY'S Right-of-Way.
19. Effective Date. This Agreement shall be effective on the date it is last executed by a party hereto.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first written above.

CITY OF ORLANDO

By: _____
Corey Knight, P.E.
Public Works Director

APPROVED AS TO FORM AND LEGALITY
for the use and reliance of the
City of Orlando, Florida, only

_____, 2024

Assistant City Attorney

SIGNED IN THE PRESENCE OF
TWO WITNESSES:

OWNER:

Print Name: _____

Print Name: _____

Print Name: _____

Print Name: _____

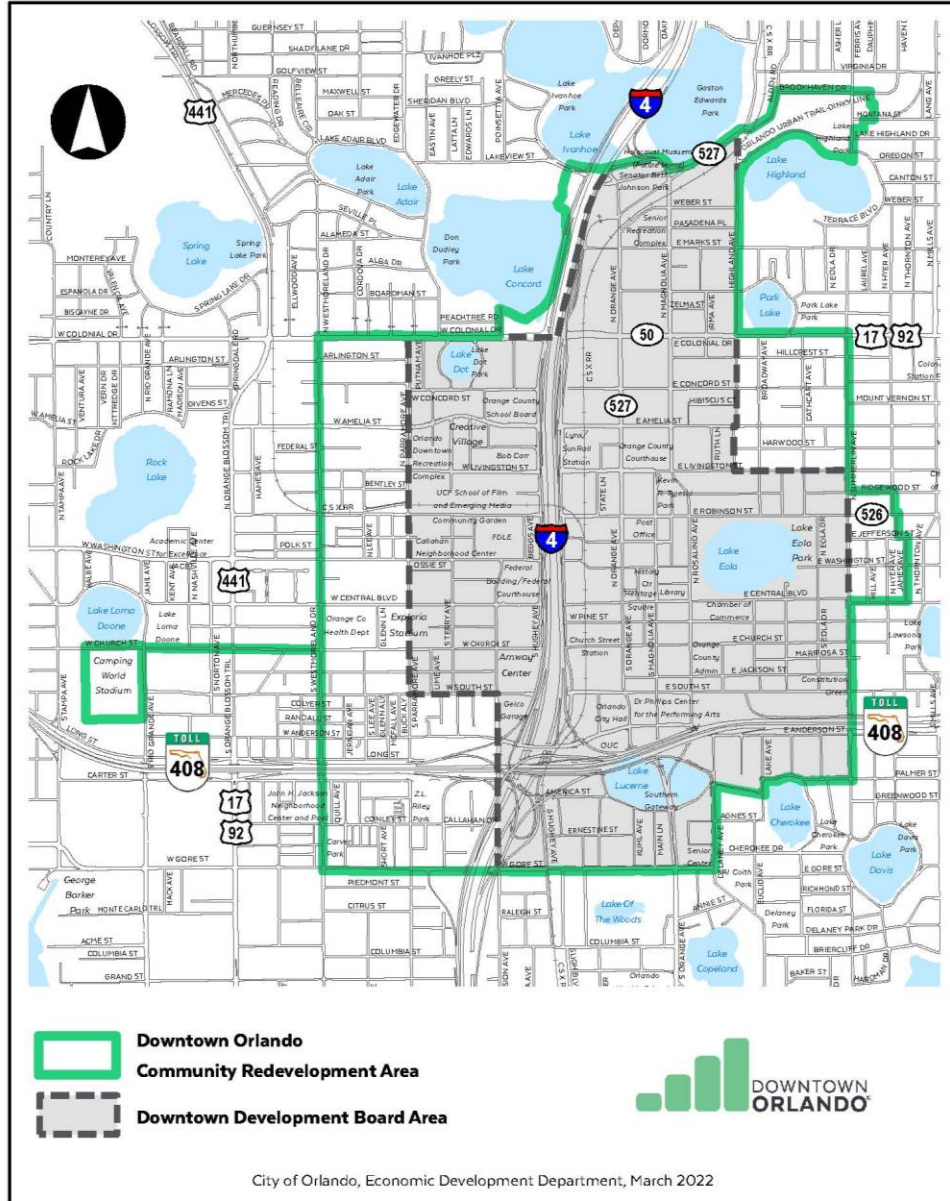
STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this ___ day of _____, 2024, by _____ as manager of _____, a Florida limited liability company, and acknowledged before me that he/she had the authority to and did execute the same.

NOTARY PUBLIC
My Commission Expires _____

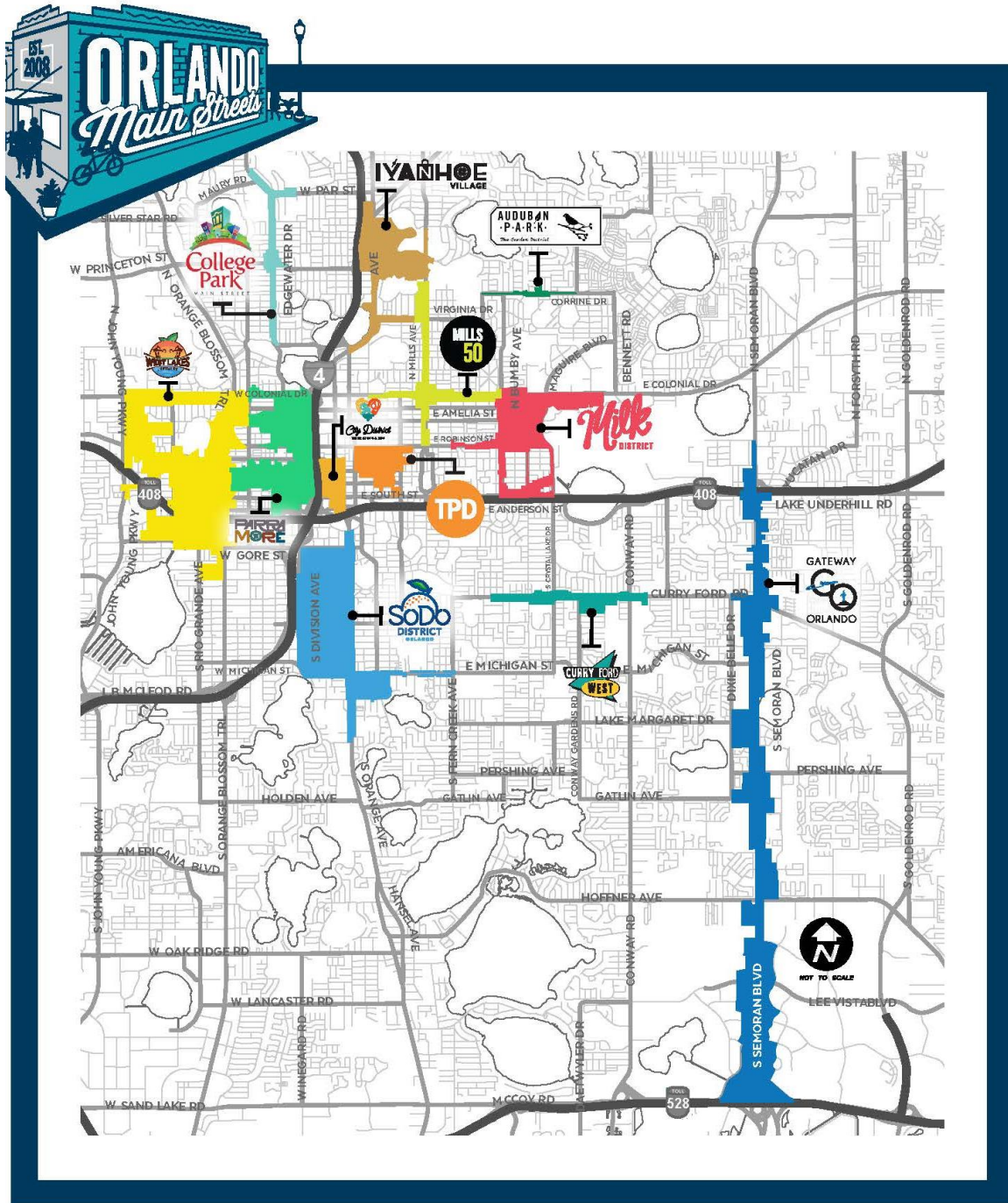
EXHIBIT "A"
(Site Plan)

Attachment B



Attachment C

ORLANDO MAIN STREET DISTRICTS

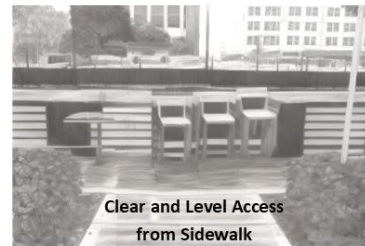
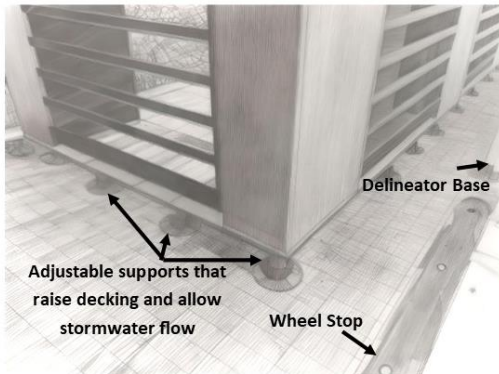


Attachment D

Typical Parklet Views

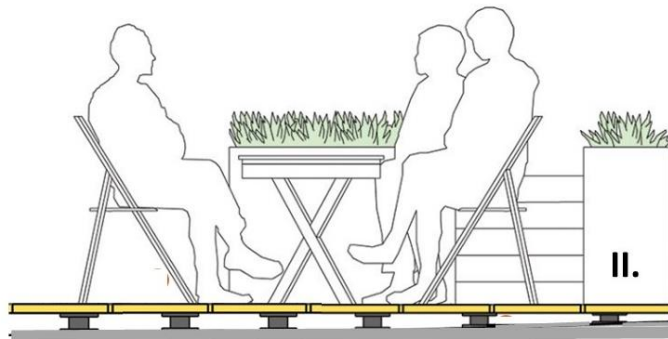


The (I.) and (II.) images are modified views which came from the National Association of City Transportation Officials Urban Street Design Guide



Above is a closer view of a parklet and its positioning on a bricked parking space, which provides adequate space for the placement of wheel stops and delineators. Also shown is a decking height that is consistent with curb height. Perimeter fencing/rails should be placed in a manner to protect users, allow CPTED friendly through-views, and may include, if suitable, open mesh.

Parklet parking spaces should have very minor slopes.



While planter boxes are encouraged, they are not mandatory.

Tables and chairs should allow easy access for different users and permit removal at night, if not secured.

Parklets must be kept clean and well maintained