



Growth Management Department
 201 SE 3rd Street, Second Floor
 Ocala, FL 34471, Phone: (352) 629-8404
 Email: gmd@ocalafl.org

License # _____
 Date Received _____

APPLICATION FOR SIDEWALK CAFÉ

Administrative Review Fee- \$100.00, which shall be credited toward the first-year permit fee should the application be approved. Sidewalk cafés shall only be permitted in the Form-based Code (FBC) zoning district.

NAME OF APPLICANT: _____
TITLE: _____ **ORGANIZATION:** _____
ADDRESS OF APPLICANT: _____
CITY: _____ **STATE:** _____ **ZIP:** _____
TEL #: _____ **FAX #:** _____ **Email:** _____

BUSINESS NAME: _____
BUSINESS ADDRESS: _____
CITY: _____ **STATE:** _____ **ZIP:** _____
TEL #: _____ **FAX #:** _____

BUSINESS LOCATION: _____
PARCEL NO: _____ **CITY ZONE:** _____
DAYS/HOURS OF OPERATION: _____

Will alcohol be consumed at the sidewalk café? ____ Yes ____ No (If Yes, please note that an application for an Alcoholic Beverage Location Permit to allow on premise consumption of alcohol outside of an enclosed building must also be submitted for consideration by the Ocala City Council.)

PROPERTY OWNER: _____
ADDRESS: _____
CITY: _____ **STATE:** _____ **ZIP:** _____
TEL #: _____ **FAX #:** _____ **Email:** _____

Application Materials required:

- _____ Completed application form
- _____ Application fee
- _____ A copy of a valid business license to operate a restaurant or a takeout food establishment adjacent to the sidewalk area which is the subject of the application
- _____ A copy of a valid certificate of use for the building frontage adjacent to the sidewalk area which is the subject of the application
- _____ A copy of current liability insurance. **Please note:** Prior to receiving the permit, the applicant shall provide to City proof of insurance and indemnification as required by Section 22-295, City of Ocala Code of Ordinances. For your convenience, the code section is copied below.
- _____ A drawing, with a minimum scale of one-fourth inch equals one foot, showing the layout and dimensions of the existing sidewalk area and adjacent private property, proposed location, size and number of tables, chairs and umbrellas, location of doorways, location of trees, parking meters, sidewalk benches, trash receptacles, and any other sidewalk obstruction either existing or proposed within the pedestrian area
- _____ Photographs, drawings or manufacturers' brochures fully describing the appearance of all proposed tables, chairs, umbrellas or other objects related to the sidewalk café
- _____ Other information as requested by the City

Sec. 22-294. Standards for issuance.

The following standards and criteria shall be used in reviewing the required drawing:

- (1) Sidewalk cafés are restricted to the frontage of the licensed restaurant or food service establishment for which the permit is issued.
- (2) Permits will not be issued where the tables and chairs would be placed within five feet of taxi stands.
- (3) No tables and chairs will be permitted within five feet of a pedestrian crosswalk.
- (4) The area to be considered shall have sidewalks which are ten feet in width or greater.
- (5) Sidewalk cafés shall be located in such a manner that a minimum five-foot-wide clear pedestrian path is maintained at all times. In areas of congested pedestrian activity, the review committee is authorized to require a wider or narrower pedestrian path, as circumstances dictate.
- (6) Tables, chairs, umbrellas and any other objects provided with the sidewalk café 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 downtown environment. Design, materials and colors shall be sympathetic and harmonious with an urban environment.

Sec. 22-295. Indemnification of city; insurance.

(a) Prior to the issuance of a permit under this division, the applicant shall furnish the director with a signed statement that the permittee shall hold harmless the city, its officers and employees and shall indemnify the city, its officers and employees for any claims for damages to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit.

(b) The permittee shall furnish and maintain such public liability, food products liability, and property damage liability from all claims and damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall provide coverage of not less than \$1,000,000.00 for bodily injury, property damage, or any claims or injuries arising from the sale or use of alcoholic beverages on the premises, respectively per occurrence. Such insurance shall be without prejudice to coverage otherwise existing therein and shall name as additional insureds the city, its officers and employees, and shall further provide that the policy shall not terminate or be cancelled prior to the completion of the permit period without 45 days' written notice to the director at the address shown in the permit.

Operation Conditions pursuant to the City of Ocala Code of Ordinances:

- (1) The permit may be suspended by the director when the city council approves a use or event that would conflict in nature.
- (2) The director may require the temporary removal of sidewalk cafés when street, sidewalk or utility repairs necessitate such action.
- (3) The city departments may immediately remove or relocate all or parts of the sidewalk café in emergency situations.
- (4) The city and its officers and employees shall not be responsible for sidewalk café components relocated during emergencies.
- (5) The permit shall be specifically limited to the area shown on the exhibit attached to and made part of the permit.
- (6) The permittee shall use positive action to ensure that its use of the sidewalk in no way interferes with or embarrasses sidewalk users or limits their free unobstructed passage.
- (7) Tables, chairs, umbrellas and any other objects provided with a sidewalk café shall be maintained with a clean and attractive appearance and shall be in good repair at all times and shall be removed and stored inside at the end of the permittee's business day.
- (8) The sidewalk area covered by the permit shall be maintained in a neat and orderly appearance at all times and the area shall be cleared of all debris on a periodic basis during the day and again at the close of each business day.
- (9) No advertising signs or business identification signs shall be permitted in the public right-of-way; this shall not prohibit the use of umbrellas carrying company logos.
- (10) No tables and chairs nor any other parts of sidewalk cafés shall be attached, chained or in any manner affixed to any tree, post, sign or other fixtures, curb or sidewalk within or near the permitted area.
- (11) The permit covers only the public sidewalk. Tables and chairs on private property will be governed by other applicable regulations.

(12) The permittee shall notify the director in writing when operation of the sidewalk café begins. The notice shall be delivered to the director within 24 hours of such commencement.

(13) Umbrellas provided for a sidewalk café must be anchored in a sufficient manner to remain stationary under windy conditions.

(14) **Alcoholic beverages:** No alcoholic beverages may be consumed at the sidewalk café unless the Ocala City Council has approved a permit and a state license has been issued authorizing consumption within the designated sidewalk café area.

REQUIRED SIGNATURES/AFFIRMATIONS:

I, _____, as _____ of _____, being
Applicant's Name (PRINT) Title Name of Organization

first duly sworn, affirm and say that the information contained in this application is correct, that I have read the operation conditions listed above and agree to abide by the regulations of the City of Ocala.

Applicant's Signature

Notarization For Applicant's Signature

STATE OF _____ COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20_____, by

_____, as _____ of _____,
Applicant's Name (PRINT) Title Name of Organization

who is personally known to me or who has produced _____ as identification and who did / did not take an oath.

NOTARY PUBLIC

Commission No. _____
Commission Expires: _____

FOR OFFICE USE ONLY

Zoning Classification _____ Verified on _____ by _____

Approved by: _____ (Official) on _____ (Date)

TOTAL FEES DUE _____

DATE RECEIVED: _____ BUSINESS LICENSE # _____