

Sidewalk Café Permit Program Guidelines and Checklist



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| who to contact | Planning Department | ph 305-809-3725 POBox 1409 Key West, FL 33040 |
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PLEASE READ ALL INSTRUCTIONS CAREFULLY

We have designed the application to make your café seating renewal as simple and clear as possible. The form can be filled out by hand or via a computer. [Applicant must have the latest version of Adobe Acrobat to complete the application electronically.]

For questions, please call the Planning Department at **305-809-3725**.

APPLICATION CHECKLIST

The following documents must be submitted annually with this application.

Incorrect or missing information can delay or deny your application.

- Copy of valid City Business Tax Receipt
- Copy of valid State Business License
- Copy of Commercial General Liability Insurance (see Application Instructions, Question 20)
- Photographs of the proposed sidewalk cafe furniture
- Copy of State Alcoholic Beverage License (if applicable)
- Copy of State Alcoholic Beverage Extension Approval (if applicable) (see Application Instructions, Question 23)
- Copy of Alcoholic-License Liability Insurance (if applicable)
- Hold Harmless Agreement
- Letter(s) of Approval from adjacent businesses
(giving permission to place additional cafe seating tables and chairs in front of their business)
- Diagram of café seating layout to scale (showing 4 ft. clearance, etc. – see Application Instructions, Question 24)
- Recent Property Boundary Survey (completed within 10 years)

FEES

ANNUAL BASE APPLICATION FEE **\$100**

CAFE SEAT FEES (in addition to application fee)

Impact Fee (note 1).....\$592.50

Revocable License Fee (note 2).....\$500.00

CAFE SEAT FEES are due upon approval.

PLEASE NOTE

Permit expires September 30 of EACH YEAR.

Note (1): Impact fees are per approved seat and are a one time only fee, billed over 5 years. If the City terminates the program a prorated impact fee refund would be applied to the applicant for the current year.

Note (2): Revocable License Fee is an annual fee per approved seat, and due annually. If the City initiates the program termination a prorated refund would be applied for the year in question.

APPLICATION INSTRUCTIONS

SECTION A & B ■ BUSINESS INFORMATION

Applicant must complete all questions in this section. These sections should contain the business information and business owner contact information. Any incorrect or missing information can delay or deny your application.

SECTION C ■ PROPERTY OWNER INFORMATION

Applicant must complete all questions in this section. Any incorrect or missing information can delay or deny your application.

SECTION D ■ SEATING INFORMATION

Applicant must complete all questions in this section. Any incorrect or missing information can delay or deny your application.

- Question 13** Enter the total number of existing interior and exterior seats.
- Question 15** Enter the number of the additional proposed outdoor café seats.
- Question 16** Select whether the proposed number of additional seats will be deducted from the current approved number of business seats.
- Question 19** Enter the size of the proposed curb side tables. Be aware that tables must be two-seater tables no larger than 28 inches wide with an orientation parallel to the sidewalk so no chairs will be placed in the pedestrian walkway or backing up to the parked vehicles.
- Question 20** Applicant must have current commercial general liability insurance in the amount of \$1 million and must name the city as an additional insured.
- Question 21** Enter your State Alcoholic Beverage License number. Be sure to provide a copy of your license with your application. (if applicable)
- Question 22** Be sure to provide a copy of your license with with your application. (if applicable)
- Question 23** Applicant must have current alcoholic-license liability insurance in the amount of \$1 million and must name the city as an additional insured required.
- Question 24** Applicant must attach a drawing (to scale) showing the layout and dimensions of the existing sidewalk area and adjacent private property, proposed location, size and number of tables, chairs, steps, planters, umbrellas, location of doorways, location of trees, bus shelters, sidewalk benches, trash receptacles, fire hydrants, signs, news racks and any other sidewalk obstruction either existing or proposed within the pedestrian area.
- Question 25** Applicant must submit photographs, drawings or manufacturers' brochures fully describing the appearance of all proposed tables, chairs, umbrellas or other objects related to the sidewalk café.
- Question 26** Businesses cannot place sidewalk seats adjacent to other businesses without consent of the adjacent business owner. Applicant must provide an affidavit from the adjacent property and/or business owner(s), consenting to the operation of the sidewalk café at that location. The affidavit must include the owner's telephone number, mailing address and the property appraiser identification number.

PLEASE NOTE

Permit expires September 30 of EACH YEAR.

Sidewalk Café Permit Program Application



who to
contact

Planning Department

ph 305-809-3725 ■ PO Box 1409
Key West, FL 33041-1409

Thank you for applying for a City of Key West Sidewalk Café Permit. The applicant may not add seating capacity to their business until a permit has been issued. Applicants must review the **Sidewalk Cafe Permit Guidelines and Checklist**. Incomplete applications will not be accepted and/or will be returned.

For questions or comments, please contact the Planning Department at **305-809-3725**.

THIS APPLICATION IS FOR

New Renewal Seating Increase [café seats only]

PLEASE NOTE

Permit expires September 30 of EACH YEAR.

A. BUSINESS INFORMATION

1. Name of Business (DBA) _____

2. Business Site Address _____
STREET CITY STATE ZIP CODE

3. Business Email Address _____

4. Business Phone _____ 5. Business FAX _____

B. BUSINESS CONTACT INFORMATION

6. Contact Name _____

7. Contact Phone _____ 8. Email _____

C. PROPERTY OWNER INFORMATION

9. Owner Name _____

10. Owner Address _____
STREET CITY STATE ZIP CODE

11. Owner Phone _____ 12. Email _____

D. SEATING INFORMATION

13. Total no. of approved/existing interior seats _____

14. Total no. of approved/existing cafe seats _____

15. Total no. of proposed additional outdoor seats _____

16. Will interior seats be removed to increase cafe seating? Yes No

PLEASE NOTE: If the answer is no, then you are requesting an increase that exceeds your current approved total on-site seating capacity. **An Increase in Seating Form must be submitted and additional impact fees paid in full prior to use of all increased seating.**

Sidewalk Café Permit Program

HOLD HARMLESS AGREEMENT



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| who to contact | Planning Department | ph 305-809-3725 ■ PO Box 1409 ■ Key West, FL 33041-1409 |
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PLEASE NOTE: Agreement expires September 30 of EACH YEAR.

1. Name of Business (DBA) _____

2. Business Site Address _____
STREET

_____ CITY STATE ZIP CODE

I, _____, agree to protect, indemnify, defend, save and hold harmless the City of Key West its officers and employees from any and all claims, liability, lawsuits, damages and causes of action which may arise out of the permit or the permittee's activity on the permitted premises.

_____ Applicant signature

_____ Title

_____ Print name

_____ Date

NOTARY USE ONLY

SUBSCRIBE AND SWORN BEFORE ME THIS _____ DAY OF _____, 20

Notary Public Signature _____

NOTARY SEAL

Print Name _____

My Commission Expires _____

Personally known or ID presented _____

STANDARDS, CRITERIA AND CONDITIONS FOR SIDEWALK CAFES

- (a) Sidewalk cafes are restricted to the usable sidewalk area and adjacent outdoor seating area on private property of the licensed restaurant to which the permit is issued or within the usable sidewalk area of the building where the validly licensed restaurant is located, provided that written approval is supplied by the building and/or property owner. ***The City Manager will retain control to suspend the program for special events, parades, or as needed at any time.***
- (b) Permits will not be issued where the tables and chairs would be placed within five feet of bus stops, taxi stands, fire hydrants or alleys. Tables and chairs must be removed during non-working hours..
- (c) All tables, chairs, umbrellas, heaters, signs or other personal property must be placed immediately in front of the permittee's restaurant and will not be permitted within five feet of a pedestrian crosswalk or handicap corner curb cut.
- (d) Sidewalk cafes shall be located in such a manner that a distance of not less than four feet is maintained at all times as a clear unobstructed pedestrian path and a clear line of sight maintained around or through the sidewalk cafe. In instances where curbside seating promotes the clear line of sight and pedestrian walkway it is permitted given the following criteria are met.
 - (1) Areas where there is no on-street parking allowed, will be permitted to place tables out near the curb to encourage the clear line of sight condition.
 - (2) The sidewalk cafe demonstrate the cafe seating will not obstruct vehicle passengers from exiting their cars with the placement of their curbside tables, and
 - (3) Curbside tables must be two-seater tables no larger than 28 inches wide with an orientation parallel to the sidewalk so no chairs will be placed in the pedestrian walkway or backing up to the exiting passenger from a parked vehicle. Areas where no on-street parking exists, given an approved site plan by the director or designee may be exempt from this parameter.
 - (4) All table layouts will be approved on a site by site basis by the director or designee and curbside table placement, orientation, and size will require an on-site demonstration of the requirements above. This site plan must be posted and displayed in a conspicuous, easily accessed location along with the sidewalk cafe permit.
- (e) No object shall be permitted around the perimeter of an area occupied by tables and chairs which would have the effect of forming a physical or visual barrier discouraging the free use of the tables and chairs by the general public or which would have the effect of obstructing the pedestrian path, except that the director may permit the use of planters.
- (f) Tables, chairs, umbrellas and other permissible objects provided with sidewalk cafe shall be of quality, design, materials, size, elevation and workmanship both to ensure the safety and convenience of users and to enhance the visual quality of the urban environment. Design, materials, and colors shall be approved by the planning and community development director or his designee prior to the issuance of the sidewalk cafe permit. No plastic tables or chairs shall be permitted unless approved by the planning and community development director or his designee.
- (g) For the purpose of public safety, at any time after obtaining a sidewalk cafe permit, the permittee may be limited to use of non-breakable beverage containers after the code compliance division receives a report from the police department attesting to the need to amend the sidewalk cafe permit to impose the non-breakable beverage provision. A determination to impose this condition may be appealed to the code compliance special magistrate.
- (h) Umbrellas and other decorative material shall be fire-retardant or manufactured of fire-resistive material and shall comply with applicable building and fire codes. The lowest part of the umbrella top must be a minimum of seven feet above the sidewalk. Signs are prohibited on umbrellas, chairs, tables, and other permissible personal property and fixtures which are located on the public right-of-way, except the establishment name and/or its logo is permitted on umbrellas. Lettering and/or logos may not exceed six inches in height.

- (i) Only one menu board or specials board shall be permitted per sidewalk cafe for every 50 feet of frontage. The location, size, design, materials and color of the menu board and specials board shall be approved by the director of planning and community development or his designee, prior to the issuance of a sidewalk cafe permit, and the menu board and specials board location shall be shown on the permit exhibit. The menu board and specials board shall not be a sandwich board or an A-frame sign.
- (j) The permit issued may be transferred to a new owner only for the location as listed on the permit. The transferred permit shall be valid only for the remainder of the period for which it was originally issued.
- (k) The public works department may require the temporary removal of sidewalk cafes when street, sidewalk or utility repairs necessitate such action. If such temporary removal exceeds 15 days, the director may prorate the remaining permit fee for each additional day the sidewalk cafe is removed and apply a credit toward the following year's permit fee, or if requested to do so by the permittee, refund the prorated portion of the remaining fee to the permittee.
- (l) The director may cause the immediate removal or relocation of all or parts of the sidewalk cafe in emergency situations or for safety considerations.
- (m) The city and its officers and employees shall not be responsible for sidewalk cafe personal property and fixtures relocated during emergencies.
- (n) The permit shall be specifically limited to the area as approved on the permit.
- (o) The permittee shall assure that its use of the sidewalk in no way interferes with sidewalk users or limits their free, unobstructed passage throughout the operation of the sidewalk cafe during all business hours. All tables, chairs, or other sidewalk obstructions shall be removed after business hours unless permission is granted by the director for such tables, chairs, or other sidewalk obstructions to remain after the applicant has demonstrated that tables, chairs, or sidewalk obstructions may safely remain on the sidewalk without causing pedestrian or public safety obstructions.
- (p) Tables, chairs, umbrellas and other permissible objects provided with a sidewalk cafe shall be maintained with a clean and attractive appearance and shall be in good repair at all times. Umbrellas or similar fixtures that are sensitive to windy conditions must be sufficiently weighted to prevent movement, and the director or his designee may require removal of these umbrellas or similar fixtures on windy days to prevent injury to pedestrians.
- (q) The area covered by the permit and the sidewalk and roadway immediately adjacent to it shall be maintained in a neat, clean and orderly appearance at all times by the permittee, and the area shall be cleared of all debris as needed during the day, and again at the close of each business day and as determined by the director. The permittee shall also be responsible to pressure clean the sidewalk surface on which the sidewalk cafe is located regularly so as to maintain safe and clean sidewalk areas as determined by the director or his designee.
- (r) No advertising signs or business identification signs shall be permitted in the public right-of-way except as permitted in subsection (h) of this section.
- (s) No tables, chairs or any other parts of sidewalk cafes shall be attached, chained, bolted or in any manner affixed to any tree, post, sign or other fixture, curb or sidewalk in or near the permitted area.
- (t) The permit covers the public sidewalk and the portion of outdoor seating area visible from the public right-of-way on the private property of the restaurant adjacent to the public sidewalk. Tables and chairs on private property will be governed by other applicable regulations. No additional outdoor seating authorized pursuant to this article shall be used for calculating seating requirements pertaining to applications for or issuance of an alcoholic beverage license for any establishment; nor shall the outdoor seating be used as the basis for computing required seating for restaurants and dining rooms, or as grounds for claiming exemption from such requirements under the provisions of any city ordinance or state law. Up to 12 additional outdoor seats may be added to any approved restaurant without having to amend the zoning conditional use permit for the restaurant. For all

additional seating beyond 12 seats, a new conditional use permit must be obtained.

- (u) No food preparation, fire or fire apparatus shall be allowed on the public sidewalk, whether or not such area is covered by this permit.
- (v) Upon the issuance of a hurricane or high wind hazard by the weather bureau or the city, the permittee shall immediately remove all tables, chairs and other equipment located on the sidewalk and outside the building. The issuance of such a warning shall constitute an emergency as referenced in this article.
- (w) Only the sidewalk cafe equipment specifically shown on the approved application and not otherwise prohibited shall be allowed in the permit area. The estimated chair count per table may vary within the prescribed area, provided that the chairs remain within the approved sidewalk cafe area. No storage of chairs, tables, dishes, silverware or other sidewalk cafe equipment shall be allowed in the permit area, in any portion of the public right-of-way or outside the structural confines of the building in which the restaurant is located; however, the permittee may maintain such nonpermanent structures as rolling service stations in the permit area during hours of operation.
- (x) No live entertainment or speakers shall be placed in the permit area unless permitted as a special event. Conditions such as hours and days of operation and audio levels will be regulated by the city, and these may vary during the year. Audio regulations will be monitored to ensure compliance with applicable City Sound Control Ordinances.
- (y) The permittee shall comply with the following design requirements regarding outdoor seating: Clear knee space under tables - 27 inches in height, 30 inches in width, 19 inches in depth and 34 inches in maximum table height to top of table. Alternatively, equivalent accessible seating may be provided. As acceptable example of equivalent seating would be a round table of 36 inches diameter, four inches stem and base with individual supports. The pedestal and base shall not encroach in the clear floor area.
- (z) Approval of a sidewalk cafe permit shall be conditioned upon obtaining the necessary state alcoholic beverage license and meeting all state alcoholic beverage requirements. The approved site plan by the state for the state alcoholic beverage license to allow service outside of the establishment must conform to the proposed site plan for the cafe seating and must be submitted with the application for a sidewalk cafe permit. All tables and chairs must not exceed the boundaries of the state alcoholic beverage plan and the sidewalk cafe plan.
- (aa) The hours of operation of the sidewalk cafe are limited to the legal hours of operation of the business holding the sidewalk cafe permit. The City Manager may suspend the Sidewalk Café Permit Program in any area, at any time, for conflicting events.
- (bb) Beer, wine or other alcoholic beverages may be served or consumed at a sidewalk cafe provided that the restaurant operating the sidewalk cafe holds the appropriate license from the State of Florida and the city to serve alcoholic beverages.