



**APPLICATION FOR PERMIT
DOWNTOWN SIDEWALK CAFÉ/
DOWNTOWN BUSINESS ACTIVITY**

I. TYPE OF ACTIVITY:

_____ Downtown Sidewalk Café

_____ Downtown Sidewalk Business Activity

II. APPLICANT/AGENT INFORMATION:

Property Owner Name: _____

Property Owner Address: _____

Property Owner Telephone: _____

Contact Person: _____

Authorized Agent Name: _____

Authorized Agent Address: _____

Authorized Agent Telephone: _____

Contact Person: _____

III. LOCATION OF ACTIVITY:

Municipal Street Address: _____

Zoning: _____

IV. PROPOSED USE:

Describe proposed use of downtown sidewalk including: nature of use, days and hours of operation, seating capacity (if applicable), etc.

V. PROPOSED PLAN:

Each application is to be accompanied by a site plan or sketch which accurately displays **all** applicable dimensions, the size and location of the business, the size and location of all doors or other openings in relation to the building and adjacent sidewalks, curbs and gutters, the width of all adjacent sidewalks, the location of such features as sidewalk pavers, fire hydrants, light or utility poles, trash receptacles, benches, flower planters, trees, bus stops, bicycle racks, newspaper boxes, curb-cuts, driveways, handicap parking spaces, or any other feature that might impact the ability of the business to comply with regulations.

For sidewalk cafes, the following additional information must be submitted if a temporary fence or barrier is proposed: the location of the fence or barrier; the height of the fence or barrier measured from grade to the highest point; the design of the fence or barrier; the materials and colors of the proposed fence or barrier; any proposed attachment to building or the public sidewalk; width of the opening to the fenced or barricaded café area.

Attached is a list of the guidelines applicable to outdoor downtown sidewalk cafes and sidewalk business activities.

VI. APPLICATION AUTHORIZATION:

This certifies the signature below is that of the owner of the property abutting the proposed sidewalk café or sidewalk business activity:

Signature of Owner/Agent

Date

Permission to Act as Authorized Agent:

As owner of _____ (municipal street address), I hereby authorize _____ to act on my behalf during the City's approval process.

Signature of Owner

Date

VII. FEE.

The fee prescribed by City ordinance is to accompany the complete Application Form and site plan/sketch. ***This application will not be processed unless the fee is paid in full.***

Guidelines/Requirements for Business Activity on Downtown Sidewalks

Section 795.02 (d) Conditions and Requirements.

(1) Business establishments located in the Central Business District may locate business activity on a public sidewalk if the business establishment has received a permit therefor or during the special periods when no permit is required as noted in subsection (c)(2) hereof.

(2) The following guidelines shall apply to the operation of a seasonal outdoor business activity when allowed by permit and during special periods when no permit is required as noted in subsection (c)(2) above:

A. Any outdoor business activity shall be located immediately adjacent to and directly in front of the building housing the business and not extend beyond the limits of the property wherein the applicant business is located;

B. No sidewalk fence or barrier shall be installed or used related to an outdoor business activity.

C. Any materials, goods, etc. shall be placed so as not to present a sight hazard to vehicular traffic or to present a sign hazard to pedestrians.

D. Prior to commencing operation of any outdoor business activity, the applicant must furnish a certificate of insurance to the City Manager which names the City of Oberlin as an additional insured on the applicant's liability insurance policy.

E. No outdoor business activity shall operate in such a manner as to create any obstruction of pedestrian movements on the public sidewalk. A minimum clear width of 7.5 feet is required if the sidewalk is 15 feet or greater, and if the sidewalk width is less than 15 feet, 2/3rds of the sidewalk must remain available for unobstructed pedestrian travel and 1/3 may be utilized for the business activity, exclusive of areas occupied by trees, planters, benches, bike racks, pavers, utility poles or other existing structures.

F. No outdoor business activity shall interfere with the operation of nearby businesses.

G. No amplified music or television, radio or loudspeakers shall be permitted.

Guidelines/Requirements for Downtown Sidewalk Cafes

Section 795.01 (d) Conditions and Requirements.

(1) Restaurants located in the central business district may locate a sidewalk fence and may locate and operate a sidewalk café provided the establishment/restaurant has received a permit therefor.

(2) The following guidelines shall apply to the operation of a seasonal outdoor dining facility or café:

A. Any outdoor dining facility or café shall be located immediately adjacent to and directly in front of the building housing the restaurant and not extend beyond the limits of the property wherein the applicant restaurant is located;

B. Outside seating capacity shall not exceed twenty-five percent (25%) of the restaurant's seating capacity.

C. Sidewalk fence requirements are applicable only to an outdoor dining facility or café and include:

1. Any access opening in the perimeter fencing shall be clear and unobstructed at all times, comply with exit widths required by City Building and Fire Codes and will be no less than 36".

2. Fence design should be considerate of the character of the site and designed to be compatible with the scale, form, proportions, colors and materials of surrounding structures and amenities.

3. Fence materials typically are to be discreet in color, design, and materials and have a relatively transparent finish. An open fence design will aid in reducing visual clutter.

4. Basic components for a sidewalk fence are support posts, bottom rails, mid-level rails, top rails, pickets or other in-fill panels qualifying as relatively transparent, and connections.

5. Preferred materials for fencing include painted ornamental iron, steel, stainless steel or aluminum.

6. Painted wood and plastic fencing including PVC (poly vinyl chloride) that maintain a stable, structural integrity and quality appearance may only be permitted subject to review by the Design Review Subcommittee and approval by the Planning Commission.

7. Any pickets, posts, balusters or similar ornamentation that could catch on pedestrian clothing or property must not extend above the top railing.

8. Openings between pickets or rails in repetitive picket fence designs shall be less than 4". Openings between pickets or rails in fence design greater than 4" shall be 9" or greater.

9. Post spacing shall be between 48" to 60" to provide structural stability.

10. A top rail may allow planter boxes to be mounted on the fencing, which must be firmly affixed so that they will not topple as a result of customers or pedestrians colliding with the fence.

11. A kick rail positioned a maximum of 6" above the finished grade of the sidewalk must be installed in accordance with the Americans with Disabilities Act (ADA).

12. Fencing shall be of sturdy material with no jagged edges and constructed for easy removal during the non-seasonal use.

13. Permanent attachment of the fence to the pavement shall not be permitted.

14. Posts with footings underneath the surface of the sidewalk and core drilling are not permitted means of connections.

15. Design of any proposed connections to the sidewalk shall be subject to approval of the Public Works Director or Director's designee prior to use.

D. All tables and chairs shall be placed so as to not present a sight hazard to vehicular traffic or present a hazard to pedestrians.

E. Prior to commencing operation of any outdoor dining facility, the applicant must submit a certificate of insurance to the City Manager which names the City of Oberlin as an additional insured on the applicant's liability insurance policy.

F. No outdoor dining facility or café shall operate in such a manner as to create any obstruction of pedestrian movements on the public sidewalk. A minimum clear width of 7.5 ft. is required if the sidewalk width is 15 ft. or greater, and if the sidewalk width is less than 15 ft., 2/3rds of the sidewalk must remain available for unobstructed pedestrian travel and 1/3 may be utilized for the outdoor dining facility or café, exclusive of areas occupied by trees, planters, benches, bike racks, pavers, utility poles or other existing structures;

G. No outdoor dining facility or café shall interfere with the operation of nearby businesses;

H. No amplified music or television, radio or loudspeakers shall be permitted;

I. No outdoor dining facility or café shall operate in any manner that does not comply with the requirements of the Lorain County Health Department; any permit required by that Department shall be obtained;

J. No outdoor dining facility or café shall operate in a manner that does not comply, if applicable, with the requirements of the Ohio Department of Commerce, Division of Liquor Control;

K. Businesses are encouraged not to use glass containers or bottles when serving patrons at the outdoor dining facility or café;

L. No person shall use cigar, cigarette or other tobacco products in any outdoor dining facility or café;

M. Employees of any outdoor dining facility or café shall not use public waste receptacles for the disposal of food, beverage or waste materials from the business;

N. All outdoor areas associated with the operation shall be maintained in a litter-free state at all times, and in a clean and sanitary condition. (Ord. 10-71AC CMS. Passed 2-22-11.)