



Planning & Development Department Outdoor Café Application

IT IS INCUMBENT UPON THE APPLICANT TO SUBMIT COMPLETE AND CORRECT INFORMATION. ANY MISLEADING, DECEPTIVE, INCOMPLETE, OR INCORRECT INFORMATION MAY INVALIDATE YOUR APPLICATION.

ALL APPLICATIONS ARE TO BE FILLED OUT COMPLETELY AND CORRECTLY SUBMITTED ONLINE THROUGH THE [ZONING PORTAL ON THE PLANNING AND DEVELOPMENT'S WEBPAGE](#).

THE APPLICANT, BY FILING THIS APPLICATION, AGREES TO COMPLY WITH ALL APPLICABLE REQUIREMENTS OF THE COMMUNITY DEVELOPMENT CODE.

APPLICATION TYPE & FEE: \$50 New Application
 (SELECT ONE) \$25 Renewal Application, Due Annually on September 30

PROPERTY OWNER (PER DEED): _____
 MAILING ADDRESS: _____
 PHONE NUMBER: _____
 EMAIL: _____

BUSINESS OWNER/ REPRESENTATIVE: _____
 MAILING ADDRESS: _____
 PHONE NUMBER: _____
 EMAIL: _____

ADDRESS OF SUBJECT PROPERTY: _____
 PARCEL NUMBER(S): _____

LEGAL DESCRIPTION: _____

ZONING DISTRICT: _____
 SPECIAL AREA PLAN: _____

FOR DEPARTMENTAL USE ONLY			
	APPROVED (INITIALS)	DENIED (INITIALS)	DATE
TRAFFIC ENGINEERING:	_____	_____	_____
ZONING:	_____	_____	_____
OTHER: _____	_____	_____	_____

IN ADDITION TO THE COMPLETED APPLICATION, THE FOLLOWING INFORMATION AND/OR PLANS MUST BE SUBMITTED:

- A plan that depicts the following:
 - The proposed outdoor café area including dimensions.
 - Parking areas, sidewalks and driveways.
 - All doors to the building, as well as those of the adjacent storefront(s). Two-foot minimum clearance required on each side of building entries.
 - The location of curbing, sidewalk and any other furnishing or structure, including bus stops, within the public right(s)-of-way.
 - Clear delineation of the required 5-foot minimum pedestrian pathway. Wider pedestrian path may be required to ensure efficient and direct pedestrian movement.
 - Clear delineation of any area where alcoholic beverage sales are intended to occur. Separate Alcohol Beverage License required.
 - Proposed locations and sizes of furnishings used in association with the outdoor café.
- Written permission to file the application from the owner of the property in which the business is located.
- Visual representation fully depicting the appearance, color and materials of all proposed furnishings related to the outdoor café.
- Copy of written approval from any agency other than the City of Clearwater having jurisdiction over the public right(s)-of-way.
 - Not applicable in the Tourist District on Clearwater Beach, because the City has jurisdiction on all rights-of-way.
 - In Downtown this includes portions of Drew Street, Myrtle Avenue, Court Street and Chestnut Street.
- A copy of the current certificate of insurance in the amounts and categories required bellow (All policies of insurance must be endorsed to provide the City with 30 days' notice of cancellation or restriction):
 - Comprehensive general liability insurance on an "occurrence" basis in an amount not less than \$1,000,000 combined single limit bodily injury liability and property damage liability. The City is to be specifically included as an additional insured on the policy.
 - Workers' Compensation insurance applicable to its employees, if any, for statutory coverage limits in compliance with Florida laws, including employers' liability which meets all state and federal laws.
- Indemnification and Hold Harmless Agreement form.
- A notarized statement from the adjacent property owner(s) indicating consent to use the right(s)-of-way in front of their business as an outdoor café (for outdoor cafes located within the Cleveland Street Café District that intend to use the public right(s)-of-way in front of an adjacent business).

BY SIGNING BELOW, YOU ACKNOWLEDGE THE FOLLOWING OPERATIONAL REQUIREMENTS:

- All furnishings shall be maintained by the outdoor cafe operator in a clean and attractive appearance and shall be in good repair at all times.
- No amplified music is allowed.
- No food storage or preparation is allowed within the right(s)-of-way.
- The hours of operation of an outdoor café shall coincide with those of the associated business.
- The outdoor café operator is responsible for maintaining the outdoor café area and five feet beyond its perimeters in a neat and orderly appearance at all times and shall clear all debris on a periodic basis during the day and at the close of each business day. City-owned waste receptacles shall not be used for café food and waste disposal.
- The outdoor café operator is responsible for the repair of any damage to the right(s)-of-way caused by the restaurant or its patrons. The repair shall be made to City standards and within a reasonable timeframe.
- By use of any permit granted hereunder, the outdoor café operator agrees to indemnify, defend, save and hold harmless the City, its officers, agents, and employees from any and all claims, liability, lawsuits, damages, and causes of action which may arise out of the use of the public right(s)-of-way. The outdoor café operator shall enter into a written agreement with the City to evidence this indemnification. Such agreement must have the written approval of the City Attorney prior to issuance of a permit.
- As necessitated by right(s)-of-way repairs, the City may require the temporary removal of outdoor cafes and all related furnishings. The outdoor café operator shall be responsible for removing all furnishings at least 24 hours prior to the date identified in writing by the City. The City shall not be responsible for any costs associated with the removal or the return and installation of any such furnishings.
- The City may cause the immediate removal or relocation of all or any part of the outdoor cafe in emergency situations. The City, its officers, agents, and employees are not responsible for any damages or loss of furnishings used in association with an outdoor café relocated during emergency situations and are not responsible for any costs associated with the removal or the return and installation of any such furnishings.
- The City has the authority to secure or remove any furnishing(s) associated with the outdoor cafe if necessary in the interest of public safety.
- Outdoor café permit expires on September 30 of each year and shall be renewed yearly to continue operating the café.



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Upon revocation of a permit, the Community Development Coordinator shall give written notice of such action by certified mail, return receipt requested to the permittee at the address listed on the application, stating the reason(s) for revocation. The revocation shall become effective 15 days following mailing of the notice if not appealed as provided in Section 4-501.A.

The Community Development Coordinator may revoke a permit for any outdoor café if it is found that:

- Any necessary business or health permit has been suspended or revoked; or
- Changing conditions of pedestrian or vehicular traffic cause congestion necessitating the removal of the outdoor cafe. Such decision shall be based upon findings of the Community Development Coordinator, after consulting with the city engineer, that the existing conditions represent a danger to the health, safety or general welfare of the public and cannot be resolved through modification to the outdoor café layout; or
- The outdoor café operator fails to comply with one or more requirements of the permit; or
- The outdoor café is deemed to be a threat to public safety, in which case the permit may be revoked immediately without notice or compliance with the requirements described above.
- The outdoor café is deemed by the city to not be in the city's or the public's best interest, no longer meets the purpose and/or intent of the zoning district or any applicable overlay/special area plan and/or is simply no longer a desired use/activity.

STATE OF FLORIDA COUNTY OF PINELLAS	The foregoing instrument was acknowledged before me by means <input type="checkbox"/> physical presence or <input type="checkbox"/> online notarization, this _____ day of _____, 20__, by _____, on behalf of whom the instrument was executed.
(SEAL ABOVE)	_____ Notary Public Signature _____ Name of Notary Printed Notary Commission Number: _____ Personally known _____ or produced identification _____ Type of identification produced _____

INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

APPLICANT and PROPERTY OWNER agree to indemnify and hold harmless the CITY OF CLEARWATER and its respective agents, officers, and employees, from and against any and all liability, loss, damages, interests, judgments, and liens growing out of or incurred in connection with any and all claims, demands, suits, actions or proceedings which may be brought against the CITY by reason of the CITY's actions in processing, approval, and operation of Outdoor Café Use at the property located at _____, Clearwater, Florida, regardless of any negligence of Applicant or Property Owner or their directors, agents, employees, subcontractors, members, or tenants.

[Notarization]

President/Authorized Agent
Applicant

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	_____ Name of Notary Printed
	Notary Commission Number: _____
	Personally known _____ or produced identification _____
	Type of identification produced _____

[Notarization]

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Applicant

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