



CITY OF VENICE FLORIDA

Application for

Open Air Café/Display Permit

Or Other Public Property

This is an application to obtain the City's permission to use the Public Property in accordance with the City of Venice Code of Ordinances, Chapter 62, Article V. Public Right-of-Way and Property Permits. There is an application fee of \$25.00 which shall accompany the application. **This permit is non-transferable.**

Permit Type (check one): Open Air Café Permit Display Permit Other

Property Owner's Name: _____

Applicant's Name: _____ Business Name: _____

Address (physical location of business): _____

Mailing address: _____

Phone: (W) _____ (H) _____ (C) _____

Detailed description of the activity for which the Permit is sought: _____

Detailed description of the public right-of-way or public property sought to be utilized: _____

For Café Permit Only: Seating: Current number inside: _____ Requested number outside: _____
Current floor area (sf) inside: _____ Requested floor area (sf) outside: _____

Are permanent structures such as cabanas or fixed railings, etc. requested? _____

Outdoor Café Area will have: _____ Service for patrons (yes/no): _____ Signs (yes/no): _____

Outdoor Entertainment/music: (yes/no): _____ Is electrical service needed beyond what exists? (yes/no): _____

Hours during which the activity will occur: _____ From: _____ To: _____

Length of time for which the permit is sought (maximum 1 year): _____

The Applicant/Permittee/Indemnitor agrees to indemnify and hold harmless the City of Venice, it's employees, and elected officials, and to defend the City from all costs, expenses, damages, attorney's fees, injury or loss, to which the City of Venice may be subjected to by any person, firm, corporation or organization by reason of any wrongdoing, misconduct, want or need of care or skill, negligence or default or breach of contract, error or omission, guaranty or warranty, by the Applicant/Permittee/Indemnitor, his employees, agents, or assigns arising out of the City's issuance of this permit and/or the Applicant/Permittee/Indemnitor's use of City property or public right(s)-of-way.

The Applicant/Permittee/Indemnitor agrees to abide by all sections of the Code of Ordinances, Chapter 62, Article V. Public Right-of-Way and Public Property Permits. The City reserves the right to revoke or amend this permit or conditions herein for reasons stated in Code of Ordinances, Chapter 62-126.

Date _____ Property Owner _____

Date _____ Applicant / Business Owner _____

Date _____ City Manager or Representative _____

This application, when signed by the City Manager shall serve as a public right-of-way permit issued under the Code of Ordinances, Chapter 62, Article V Public Right-of-Way and Public Property Permits.

For Official Use Only

Department _____ Requirements & Signature _____

Planning & Zoning _____

Police Department _____

Fire Department _____

Risk & Safety Services _____

Public Works Department _____

Building & Code Enforcement _____

Utilities Department _____

Total Fees: \$ _____ Date Paid: _____ Staff Initial: _____

Please keep in mind the following concerning use of the public right-of-way or other public property:

- It is the City’s desire to maintain a “European Community” style atmosphere in certain areas of the city and also desires to promote an environment that encourages pedestrian traffic and assists the normal activities of a business, while assuring that we do not create a public health or safety hazard or any type of public nuisance. Your application will be considered on the basis of how your plans will enhance this atmosphere.
- The actual area that will be approved for your business will be subject to the physical characteristics of the City public right-of-way or other public property directly in front of your business. Existing right(s)-of-way uses or other public property on neighboring properties and City right-of-way may also affect your plans. Street corners have special limitations to maximize visibility for pedestrians and motorists.
- A clear public pedestrian lane of at least 44 inches in width must be provided and maintained at all times in as straight a line as possible. The outside area should be continuously monitored by the business to ensure that all clear zones are maintained. The public right-of way or other public property shall be maintained in a clean, neat, and safe manner at all times. *For Café permits* a clear space of at least 24 inches in width must be maintained between your seating areas and the curb and a non-permanent barrier shall be maintained to separate seating from pedestrian traffic and the curb.
- If permanent structures or changes to the front of your building are requested, the Architectural Review Board will review your application. Additional permits and fee payments will be required.
- *For Café permits:* you must satisfy all relevant Building, Fire and Zoning Codes, liquor permit requirements, and health department rules (such as requirements for a certain number of public restrooms, etc.)
- A photograph, brochure or design plan will be required for approval of the types of furniture, menu boards and other structures proposed.
- Permitted displays shall only occur during the same hours the inside of the business is open. Displays shall be removed from the public right-of-way or other public property unless otherwise permitted.
- Merchandise or other items displayed shall be located so they do not impede, endanger, or interfere with pedestrian traffic.
- Landscape areas or other areas containing trees and the dirt around such areas shall not be disturbed or used in connection with permitted uses, and shall not be designated as the area reserved for pedestrian use.
- In the event of a declared emergency or in a situation where exigent circumstances arise, the permit holder shall remove all articles from the right-of-way when directed to do so by any law enforcement officer, fire official, or Risk and Safety Services representative.
- Display items shall not include signage which would otherwise require a sign permit under the City of Venice Code of Ordinances, Section 86-94 (1), limitations on signs.
- A permit, if issued, will be from the City Manager’s Office under the City of Venice Code of Ordinances. Permits may be rescinded for failure to comply with any or all provisions or conditions of the permit or city code at any time.
- All conditions of the permit process are subject to further evaluation and change as determined by the City Council.
- The following insurance shall be secured and maintained at all times while the permit is in force:

<u>Coverage</u>	<u>Limit</u>
Commercial General Liability	\$ 1,000,000 combined single limit

- The City of Venice shall be named as “Additional Insured” on all required policies. Copies of appropriate certificates of insurance should be attached to this application. Termination of the required insurance will immediately void the permit.
- *For Café Permits:* additional seating may increase your Local Business Tax when you renew. The following is the rate schedule for seating you can expect to pay upon renewing your Local Business Tax Receipt:

<i>Seating</i>	<i>Local Business Tax</i>	<i>Seating</i>	<i>Local Business Tax</i>
0 to 30	\$50	101 to 149	\$200
31 to 60	\$100	Over 149	\$250
61 to 100	\$150.00		

- Please provide an attachment (to scale) showing items to be placed in the public right-of-way or other public space. Please show the flow of pedestrian traffic and required clearance zone.
- *For Café Permits:* plan design and instructions are as follows:
Layout displayed in inches to include:
 - 1 - Show each item (table, seats, barriers, menu stand, etc.)
 - 2 - Indicate and specify clearance zones
 - 3 - Adjacent properties and businesses (to right and left) must be referenced to and should show pedestrian traffic flow
 - 4 - Permanent structures such as canopies or awnings

The city manager shall consider the following factors in deciding whether or not to issue the permit:

- (1) The extent to which the proposed activity will disrupt normal municipal functions.
- (2) The extent to which the proposed activity will impact the public health, safety and welfare.
- (3) The extent to which the proposed activity is compatible with the surrounding area.
- (4) The extent to which the proposed activity impacts previously permitted activity.