

**REVOCABLE DOWNTOWN
SIDEWALK USE PERMIT**



Permit No. _____

Name of Business _____

Address of Business _____ Parcel _____

Contact Name _____ Phone _____ Fax _____

Property Owner Name _____ Address _____ Phone _____

Retail Food License # _____ Liquor License # _____ Proposed Seating _____

Days of operation (be specific, include Saturday and Sunday's)

Day _____ Hours _____ Day _____ Hours _____

Day _____ Hours _____ Day _____ Hours _____

Name of shared first floor business _____ Phone _____

INSURANCE

The permit holder shall be required and provide proof as an attachment to this application to serve, pay for and maintain until expiration of this permit public liability and property damage insurance as shall protect him and the City from claims for personal injury and property damage, naming the City as a co-insured and providing \$1,000,000 of coverage.

ATTACHMENTS REQUIRED- see Downtown Sidewalk Use Permit procedure on back

REVOCABLE

By signing this application, signatures acknowledge that the Sidewalk Use Permit is revocable at the discretion of the City; applicable penalties for non-compliance are outlined in the codified Ordinances of Delaware. Some of the causes for a revocation of the permit include but are not limited to: disturbance to neighboring businesses, detriment to the downtown, and refusal to adhere to the guidelines and code enforcement actions.

INDEMNITY AGREEMENT

Applicant shall provide proof of insurance to indemnify and save harmless the City of Delaware, its employees, officials, agents, successors and assigns from any liability to any person on account of any damage to person or property arising out of the sidewalk use operation, pursuant to Ordinance 1149.13 of the Delaware City Code.

The undersigned is either the property owner or a duly authorized agent of the property owner and do hereby verify the truth and correctness of all facts and information presented with this application and authorize on-site inspections by City Staff.

Property Owner or Authorized Agent _____ Date _____

Business Owner _____ Date _____

Shared first floor business signature _____ Date _____

Approved By _____

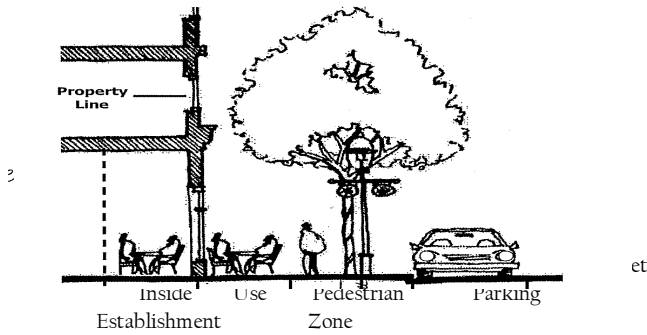
Planning/Zoning _____

CBO _____

What will you need to complete the permit?

1. The name, address and phone number of the applicant (s) and the property owner if other than the applicant.
2. Address of Downtown business.
3. Certificate of Insurance.
4. Site Plan: (an illustrative example shown below)
 - a. Entrance to business
 - b. Property Lines, sidewalk width and all surface obstructions within 15ft of occupied area (fire hydrants, streetlights, parking meters, tree grates).
 - c. Width of occupied area, location of tables and chairs and their relative proximity, demonstrating that a 5-foot pedestrian clearance will be maintained.
 - d. Location, dimensions and design specifics of tables and chairs and fence.
 - e. Approval of the request by the building owner. The applicant will need approval of the immediately adjacent businesses if other than the applicant.

Sidewalk Use Permit Site Plan



5. If applicable, a menu of the proposed service. Any restaurant that is prohibited from serving alcoholic beverages on the sidewalk, where otherwise permitted within the premises, must provide evidence that the menu will so indicate. For any restaurant that obtains a permit for serving alcoholic beverages on the sidewalk, such sale of alcoholic liquor shall be for consumption on the premises and the intention to serve in the café and should be noted on the application.

Historic Preservation Commission Design Guidelines

The following guidelines have been established for any tables and chairs proposed for temporary placement on the sidewalk area:

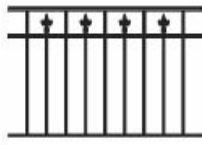
1. The tables and chairs shall be comprised of metal or wood and the color shall compliment the storefront (refer to the *Downtown Historic District Architectural Standards for color standards). The style and material of any barriers (planters, fences, etc.) shall compliment the storefront.
2. Any use purposing to serve alcoholic beverages in the sidewalk area will need to delineate the entire area with a physical boundary as required by the State Division of Liquor Control. The boundary shall be a removable fence that is secured by self tapping concrete anchors, such anchors shall not exceed ¼ of an inch in diameter and be embedded at least 1 inch into concrete but not more than 1 ¾ inches. Such anchoring is not permitted on any brick section of the sidewalk.
 - a. At the end of each outdoor season, the City reserves the right to require any holes to be filled per the specifications of the City.
 - b. If the object is permanently removed or the hole pattern is modified, the applicant or property owner must fill all holes per specifications of the City.
 - c. Any damage to the public sidewalk resulting from the anchoring of any object shall be corrected by the applicant or property owner at their own expense and per specifications of the City.
 - d. All structures will be removed by November 1st and not placed before March 1st after a sidewalk use permit is re-issued.
 - e. Any fencing enclosing an outdoor dining area may be permitted to remain on the sidewalk between November 1st and March 1st provided the following:
 - (1) A clear pedestrian zone as required by this permit is maintained at all times. This involves maintaining the pedestrian zone free and clear of snow and ice at all times including any snow that may be pushed by from the street onto the sidewalk within the pedestrian zone.
 - (2) In the event the pedestrian zone is not maintained free and clear of any obstruction, the City shall post the property and order the pedestrian zone cleared within 24 hours. Failure to clear the pedestrian zone within 24 hours of notice posted on the property will cause the City to order all fencing to be removed. Multiple violations and failure to comply with City orders will result in an automatic one year suspension of any sidewalk use permits.

The fence shall be historically-appropriate wrought iron or steel made to resemble historically appropriate wrought-iron.

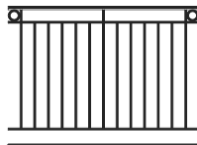
Example fence styles include the following:



Fence Type 1



Fence Type 2



Fence Type 3



Fence Type 4

3. Compliance with the guidelines can result in an administrative approval (no hearing with the Historic Preservation Commission). Those who do not comply will need to submit for a Certificate of Appropriateness and the case will be set for a public hearing at the next available meeting of the Commission.