



TYPICAL CONDITIONS OF A REVOCABLE SIDEWALK USE PERMIT

The following guidelines and conditions are established for any tables, chairs, and appurtenances proposed for temporary placement on the public sidewalk area:

1. Design and arrangement of items shall be as shown on the record drawing approved by the City.
2. This permit is temporary and revocable at the sole discretion of the City at any time for any reason.
3. All furniture and appurtenances shall be kept within the approved area shown on the City-approved sketch plan.
 - a. The first violation shall result in a verbal or written warning.
 - b. The second violation shall result in permit revocation for the remainder of that calendar year and all items shall be removed from the sidewalk.
 - c. Applicants may petition the City for additional consideration and reinstatement if Applicant can demonstrate, to the satisfaction of the City, an acceptable plan to address the situation.
4. The tables and chairs shall be comprised of metal or wood and the color shall complement the storefront (refer to the Downtown Historic District Architectural Standards for color standards). The style and material of any barriers (planters, fences, etc.) shall complement the storefront.
5. 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 and as approved by the City of Delaware.
6. All permit holders shall power wash the sidewalk before each new season, regularly throughout the season, and as directed by the City of Delaware should additional cleaning be necessary.
7. Signs or banners are not permitted to be attached to the patio fence, temporarily or permanently.
8. At the end of each outdoor season, the City reserves the right to require any holes in the sidewalk to be filled per the specifications of the City.
9. If an object is permanently removed or the hole pattern is modified, the permit holder or property owner must fill all holes per specifications of the City.
10. Any damage to the public sidewalk resulting from any object shall be corrected by the applicant or property owner at their own expense and per specifications of the City.
11. The City may choose to allow any fencing enclosing an outdoor dining area to remain on the sidewalk between November 1st and March 1st or may order it removed temporarily and/or permanently at any time.
12. A clear pedestrian zone as required by this permit is to be 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 from the street onto the sidewalk within the pedestrian zone.
13. Multiple violations and failure to comply with City orders will result in an automatic one year suspension of any sidewalk use permits.
14. During Special Events (such as Art Fairs, Car Shows, Farmers Markets, etc.), building/business owners are not permitted to place merchandise or unregistered vendors similar to the Special Events on the sidewalk space in front of their business as determined by the sole judgement of the City. A business/building owner may offer such products or vendors completely inside their building/establishment during these Special Events. Failure to comply with this requirement may result in immediate revocation of the Sidewalk Permit at the discretion of the City of Delaware and may require immediate vacation of the sidewalk.



Revocable Sidewalk Use Permit Application

City of Delaware – Planning and Community Development

Phone 740.203.1650 Fax 740.203.1699

Permit # _____

Expires 12/31/ _____

APPLICANT INFORMATION

Name of business _____ Address of business _____
 Contact person _____ Phone () - x _____ Fax () - x _____
 Property owner _____ Address of property owner _____
 Email _____ Phone () - x _____

Hours of operation (Be specific, include Sat. & Sun.) _____ Additional information (if applicable) _____
 Days _____ Hours _____ Retail Food License # _____
 Days _____ Hours _____ Liquor License # _____
 Days _____ Hours _____ Proposed Outdoor Seating Capacity _____
 Name of shared first floor business _____ Phone _____
 Name of shared first floor business _____ Phone _____

CONDITIONS OF PERMIT

INSURANCE REQUIREMENT – 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 of Delaware as a co-insured and providing \$1,000,000 of coverage.

REVOCABILITY – By signing this application, Applicant and Property Owner 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 and Property Owner hereby indemnifies and saves 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.

APPLICATION REQUIREMENTS (Incomplete Applications Will Not Be Accepted)

1. Completed Applicant Information section (above)
2. Attachments (details on page 2)
3. Permit Fee (check one):
 - New or Revised: \$25.00 (check made payable to the City of Delaware)
 - Renewal/Ancillary Decorative Items Only: No Fee
4. Permission of applicant, property owner, and shared first floor businesses

Property Owner's Signature _____ Date _____
 Applicant's Signature _____ Date _____
 Shared First Floor Business Signature _____ Date _____
 Shared First Floor Business Signature _____ Date _____

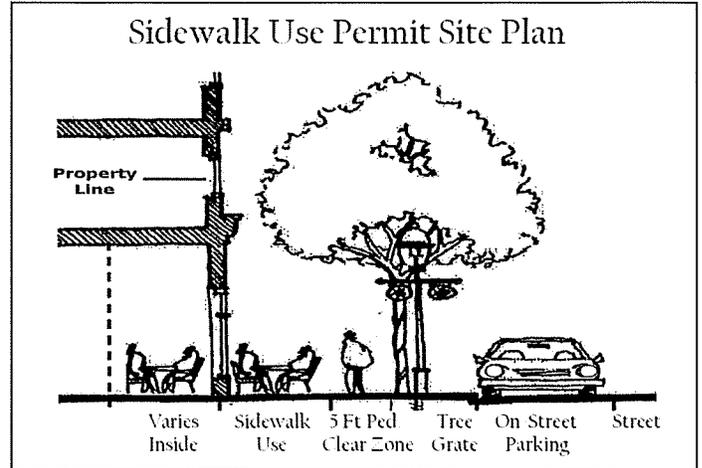
For Internal Use Only:

Planning & Community Development _____ Date _____
 Public Works Department _____ Date _____
 Police Department _____ Date _____
 Fire Department _____ Date _____

APPLICATION REQUIREMENTS

1. Attachments

1. A Certificate of Insurance pursuant to the conditions of this permit (details on page one).
2. Provide a to-scale "Site Plan" (sample at right) illustrating the applicant's sidewalk use as well as:
 - a. Entrances to businesses
 - b. Property lines, sidewalk widths and all obstructions within 15 feet of the occupied area (including fire hydrants, streetlights, parking meters, tree grates, etc.)
 - c. Width of occupied area, location of tables and chairs and their relative proximity.
 - d. 5-foot minimum pedestrian path/clear zone between the sidewalk use and any obstructions.



***A menu of the proposed service (if applicable). 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.

2. Permit Fee (if new or revised application) (check made payable to the City of Delaware)

3. Permission of applicant, property owner, and neighboring businesses

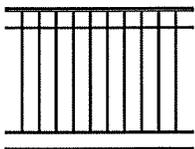
Historic Preservation Commission Design Guidelines

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

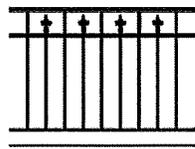
1. The tables and chairs shall be comprised of metal or wood and the color shall compliment the storefront (refer to the *Downtown Historic District Architectural Standards for color standards). The style and material of any barriers (planters, fences, etc.) shall compliment the storefront.
2. Any use 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 and as approved by the City of Delaware.
 - 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. The City may choose to allow any fencing enclosing an outdoor dining area to remain on the sidewalk between November 1st and March 1st.
 - (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 other metal made to resemble historically appropriate wrought-iron.

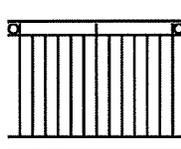
Example fence styles include the following:



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.

During Special Events (such as Art Fairs, Car Shows, Farmers Markets, etc.), building/business owners are not permitted to place merchandise or unregistered vendors similar to the Special Events on the sidewalk space in front of their business. Such products or vendors may be offered inside business spaces during these Special Events. Failure to comply with this requirement may result in revocation of the Sidewalk Permit at the discretion of the City of Delaware.