



REQUIRED SUPPORT DOCUMENTS

SIDEWALK CAFÉ CHECKLIST

MINIMUM CRITERIA

The following minimum criteria must be met to establish a sidewalk cafe

- Sidewalk cafes shall only be permitted as an accessory use in the MU, Mixed-Use zoning district
- The sidewalk café must be an extension of a restaurant permitted in the district
- The sidewalk café area is limited to the sidewalk area directly adjacent to the restaurant frontage
- No additional parking is required if the outdoor seating area does not exceed 30% of the restaurant floor area
- The license holder shall provide adequate liability coverage for the sidewalk café area. This coverage shall name the City as an additional insured.

DESIGN STANDARDS

- The design of the sidewalk café shall provide for a free flow of pedestrian traffic around the sidewalk café area. A minimum clear pedestrian area of FIVE FEET (5') shall be maintained
- The sidewalk café area may be contiguous to the restaurant building or opposite the building (see attached sketch). If seating area is provided adjacent to the curb, adequate safeguards must be provided to protect patrons from vehicles
- The sidewalk café area must be clearly delineated from the area to remain open for pedestrian traffic
- Umbrellas shall be allowed, provided that the umbrellas are contained within the sidewalk café area and do not impede pedestrian traffic or vision at intersections
- Additional signs are limited to ONE (1) additional sign on an outdoor menu board and the restaurant name or advertising on any umbrellas. The outdoor menu board may be two-sided, not to exceed FOUR (4) square feet per side
- Outdoor lighting, if provided, must be permanently installed in accordance with the City code and be approved as part of the application. The license holder shall take necessary precautions, including illumination, for protection of the public with particular emphasis on the period from sunset to sunrise

OPERATING STANDARDS

- All food preparation shall be done inside the restaurant, and all food service shall comply with local and state laws
- No paper plates, napkins, or other paper products may be used for outdoor service
- Alcoholic beverages may be served within the license area consistent with any alcoholic beverage license in effect for the restaurant

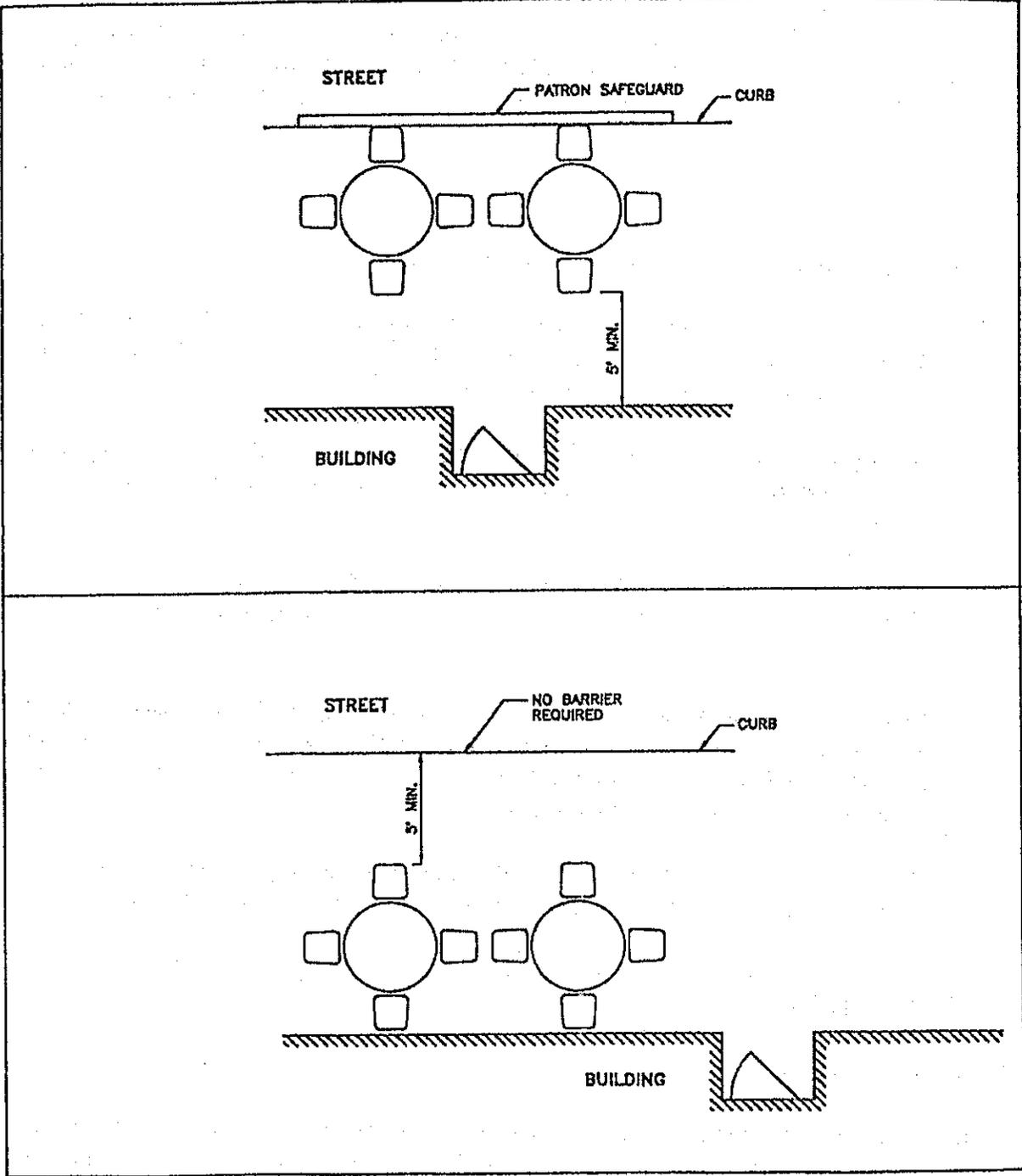
- The hours of operation for the sidewalk café may not exceed the operating hours of the restaurant
- Tables, chairs and other furniture shall be brought inside when the sidewalk café is not in operation
- The license area shall be kept in a clean condition and the sidewalk area shall be periodically cleaned to remove any stains or other direct resulting from the sidewalk café operation

PUBLIC'S RIGHT OF USE

The sidewalk café shall be open for use by the public and such use shall not be restricted to patrons of the licensee. Neither the use of the licensee's seating area nor the tables and chair the licensee places on the public sidewalk shall be limited to the exclusive use of the licensee's patrons. All members of the public shall have the right to use the sidewalk café's seating area and the tables and chairs that the licensee places on the public sidewalk without charge.

**APPLICATIONS THAT DO NOT CONTAIN ALL REQUIRED SUPPORT DOCUMENTS
WILL NOT BE ACCEPTED.**

SKETCH 801.14
Sidewalk Café



SIDEWALK CAFE LICENSE AGREEMENT

THIS AGREEMENT is made and entered into by the **CITY OF NEW SMYRNA BEACH**, a municipal corporation, existing under the laws of the State of Florida, hereinafter referred to as “City”, _____, property owner, hereinafter referred to as “Owner” and _____ as lessee of **(name of restaurant)** hereinafter referred to as “Lessee”:

1. Lessee has applied to the City for a license to operate a sidewalk cafe on City sidewalks adjacent to Lessee’s business. The business premises is described as follows: **(address of restaurant)** , **NEW SMYRNA BEACH, FL (zip code)**_____
2. Lessee has submitted plans (EXHIBIT A) showing the proposed location of the Sidewalk Cafe, hereafter referred to as the “License Area”. The City has determined that the application and proposed plan are in compliance with **SECTION 801.14** of the Land Development Regulations of The City of New Smyrna Beach.
3. The license agreement shall be valid for a period of one (1) year and may be renewed annually with the business tax receipt.
4. This License is subject to Lessee’s strict compliance with the following terms and conditions:
 - a. Pedestrian walkways with a minimum width of five (5) feet shall be maintained for use by the general public.
 - b. The sidewalk café area must be clearly delineated from the area to remain open for pedestrian traffic.
 - c. Umbrellas shall be allowed provided that the umbrellas are contained within the sidewalk café area and do not impede pedestrian traffic or vision at intersections.
 - d. Additional signs are limited to one (1) additional sign on an outdoor menu board and the restaurant name or advertising on any umbrellas. The outdoor menu board may be two-sided, not to exceed four (4) square feet per side.

- e. Outdoor lighting, if provided, must be permanently installed in accordance with the City code and be approved as part of the application. The license holder shall take necessary precautions, including illumination, for protection of the public with particular emphasis on the period from sunset to sunrise.
 - g. All food preparation shall be done inside the restaurant, and all food service shall comply with local and state laws.
 - f. No paper plates, napkins, or other paper products may be used for outdoor service.
 - g. Alcoholic beverages may be served within the license area consistent with any alcoholic beverage license in effect for the restaurant.
 - i. The hours of operation for the sidewalk café may not exceed the operating hours of the restaurant.
 - h. Tables, chairs, and other furniture shall be brought inside when the sidewalk café is not in operation.
 - i. The license area shall be kept in a clean condition and the sidewalk area shall be periodically cleaned to remove any stains or other dirt resulting from the sidewalk café operation.
5. The Lessee shall maintain liability coverage for the License Area in an amount and form approved by the City Attorney of The City of New Smyrna Beach. This coverage shall name the City of New Smyrna Beach as an additional insured. Lessee shall provide proof of liability coverage prior to annual renewal of this license.
6. This License Agreement may be terminated with or without cause by written notice to the address of the Lessee contained on the application or latest written address change provided by the Lessee. The City will provide thirty (30) days written notice of termination without cause. The following shall constitute grounds for immediate termination with cause:
- a. Failure to use the License Area for ninety (90) consecutive days.

- b. Violation of any of the terms and conditions of this Agreement or violation of any local, State, or federal laws, ordinances, or regulations applicable to the License Area.
 - c. Failure to maintain the primary business use and requisite licenses
 - d. Violation of alcoholic beverage laws or regulations.
 - e. Conviction of the Lessee for a felony, or for violation of a state, federal, or local law involving moral turpitude.
7. This license may not be assigned without prior approval of the City Commission. No right, title, or interest in the real property is conveyed by this Agreement, and Lessee's use of the property is at the pleasure of The City of New Smyrna Beach.

WHEREFORE, the parties have set their hand and seal on __ day of _____, 20_____.

CITY OF NEW SMYRNA BEACH

Witness

By:_____
Mayor

Witness

Attest:_____
City Clerk_____

Property Owner:

Witness

By:_____
Name

Witness

Title_____

Lessee:

By: _____

Name

Title _____

Witness

Witness

Approved by: _____

City Attorney

**CITY OF NEW SMYRNA BEACH
CITY COMMISSION
2017 MEETING SCHEDULE**

MEETING DATES

2nd and 4th Tuesday of each month at 6:30 p.m., unless otherwise indicated. The City Commission does not conduct regular meetings in July. Only one regular meeting is conducted in December.

In order to allow time to review requests and prepare necessary reports for the City Commission, the submittal deadlines and meeting dates shown below may not coincide with the City Clerk's submittal deadlines.

MEETING LOCATION

City Commission Chambers, 210 Sams Avenue, New Smyrna Beach

| SUBMITTAL DEADLINE | CITY COMMISSION MEETING DATE |
|---|-------------------------------------|
| December 9, 2016 | January 10, 2017 |
| December 23, 2016 | January 24, 2017 |
| January 6, 2017 | February 14, 2017 |
| January 20, 2017 | February 28, 2017 |
| February 3, 2017 | March 14, 2017 |
| February 17, 2017 | March 28, 2017 |
| March 3, 2017 | April 11, 2017 |
| March 17, 2017 | April 25, 2017 |
| March 31, 2017 | May 9, 2017 |
| April 14, 2017 | May 23, 2017 |
| May 5, 2017 | June 13, 2017 |
| May 19, 2017 | June 27, 2017 |
| NO MEETINGS SCHEDULED FOR JULY | |
| June 30, 2017 | August 8, 2017 |
| July 14, 2017 | August 22, 2017 |
| August 4, 2017 | September 12, 2017 |
| August 18, 2017 | September 26, 2017 |
| September 1, 2017 | October 10, 2017 |
| September 15, 2017 | October 24, 2017 |
| September 29, 2017 | November 14, 2017 |
| October 13, 2017 | November 28, 2017 |
| November 3, 2016 | December 12, 2017 |
| NO SECOND MEETING SCHEDULED FOR DECEMBER | |

ONLY COMPLETE APPLICATION PACKAGES WILL BE ACCEPTED AND MUST BE RECEIVED BY 12:00PM DAY OF THE SUBMITTAL DEADLINE. INCOMPLETE APPLICATIONS WILL BE RETURNED TO THE APPLICANT.