

CITY OF TARPON SPRINGS, FLORIDA
Application for Sidewalk Café

Return to:
 Planning & Zoning Department
 324 E. Pine Street
 Tarpon Springs, FL 34689
 (727) 942-5611

(Please type or print clearly)

Property Owner(s)

Name		Email	
Address			
City		State	Zip
Phone	Fax		Cellular

Applicant

Name		Email	
Address			
City		State	Zip
Phone	Fax		Cellular

Agent (if applicable)

Name		Email	
Address			
City		State	Zip
Phone	Fax		Cellular

General Information

Property Location or Address		Restaurant/Café Name	
Legal Description (attach additional sheets as necessary)			
Tax Parcel Number(s)			
Present Pinellas County Designations		Alcoholic Beverage License Series	
Land Use Category	Zoning District	Existing	Proposed (if requesting change)

Sidewalk Café Information:

Number of Existing Seats: Indoor _____ Outdoor _____ Other _____

Number of Proposed Seats on the Public Right-of-Way: _____

Is Outdoor Entertainment Proposed? YES NO

If YES, please describe:

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The following **MUST** be furnished with this application: [incomplete applications will not be accepted]

- Completed original application with digital copies of all application documents
- \$250.00 application fee plus rental fees
- Proof of ownership (warranty deed, title certificate, etc.)
- Property survey, signed and sealed by a professional land surveyor
- Site or sketch plan showing the nature of the activity, improvements involved and their relationship to existing uses and structures on the property (see attached sample)

NOTE: Pursuant to Section 66.00 of the Land Development Code (see below), all requests for Sidewalk Café Uses shall require review and recommendation from the Technical Review Committee prior to approval by the Board of Commissioners and the issuance of a building permit.

§ 66.00 SIDEWALK CAFE USES.

(A) Sidewalk Cafe uses shall be permitted only as accessory to eating establishments where such uses are allowed by zoning in the Central Business District as designated by the Future Land Use Map Series of the Comprehensive Plan.

(B) All sidewalk cafe uses shall comply with the following regulations:

(1) An eating establishment wanting to establish a sidewalk cafe use shall make application for approval to the Technical Review Committee (TRC) on a form provided by the Planning and Zoning Department. The Technical Review Committee shall review all applications to ensure compliance with the requirements of this Section and all other applicable provisions of this Code.

(2) The applicant shall enter into a separate agreement with the city in a form provided by the city, agreeing to the requirements of this section and any additional requirements made by the Technical Review Committee.

(3) The eating establishment and sidewalk cafe use shall comply with all the City's building codes. In reviewing any application, the Technical Review Committee may make additional requirements other than those provided in this Section or may deny an application based on public safety, health, and welfare issues related to the configuration of the sidewalk and adjoining roadways, the topography of the area, obstructions causing pedestrian or other safety hazards, or other unique conditions of the property causing potential safety or health hazards.

(4) The eating establishment conducting the sidewalk cafe use shall be solely responsible for the maintenance of the sidewalk along the entire site frontage of the eating establishment where the sidewalk cafe use exists. The eating establishment shall also be responsible for keeping the remaining right-of-way area clean of debris from its patrons, employees, and agents.

(5) The eating establishment conducting the sidewalk cafe use shall indemnify, hold harmless, and defend the City, its officers, employees and agents from and against all liability and expense, including reasonable attorney's fees, in connection with any and all claims whatsoever for personal injuries or property damage, including loss of use, resulting from the existence or operation of the sidewalk cafe use and the condition and maintenance of the right-of-way upon which it is located. This includes claims made by the establishment's employees against the City, its officers, employees or agents and the establishment shall waive its entitlement, if any, to immunity under F.S. § 440.11. Nothing contained in the agreement shall be construed as a waiver of any immunity from liability or limitation of liability the City, its officers, employees, and agents may enjoy under the doctrine of sovereign immunity or F.S. § 768.28.

(6) The eating establishment conducting the sidewalk cafe use shall provide evidence of general liability insurance in the amount of \$100,000 per person and \$200,000 per occurrence.

(7) The sidewalk cafe use shall maintain a minimum setback of 5 feet from the curb of the adjoining street and from any fire hydrant, planter, or other improvement in the right-of-way.

(8) No obstruction of the visibility triangle required by § 37.00 of this Code shall be allowed.

(9) Every sidewalk cafe use shall be enclosed by a fence or like structure of at least 3 feet in height measured from sidewalk level, except for an entrance/exit of customary width. Such enclosure may consist of screens, bollards, planters, fencing, or other material which provides a suitable enclosure, as approved by

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the Technical Review Committee. The enclosure may be permanently affixed to the sidewalk provided the Technical Review Committee believes it does not create a safety hazard, and it is removed and the sidewalk is repaired to its original condition upon termination of the sidewalk cafe use. The enclosure must also be removed immediately upon the City's notification that the removal of the enclosure is necessary for the City to perform work in the right-of-way.

(10) No heating or cooking of food or open flames shall be permitted in the sidewalk cafe area.

(11) The agreement shall include such other provisions as deemed advisable by the Technical Review Committee or the City Attorney.

(C) All applicants shall agree that the City may terminate an agreement for a sidewalk cafe use without cause with 30 days notice. Furthermore, the City shall reserve the right to terminate any agreement where the eating establishment maintains a nuisance as defined in § 11-13 of the Code of Ordinances for the City, or violates this Section or the agreement between the applicant and the City. If the City, State or other governmental agency ever determines that the sidewalk is needed for use by the City, State or other governmental agency, then the applicant shall waive any right to compensation it may have related to its use of the right-of-way.

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AFFIDAVIT

I (we), the undersigned, certify ownership of the property within this application, that said ownership has been fully divulged, whether such ownership by contingent or absolute, and that the name of all parties to an existing contract for sale or any options are filed with this application.

I (we) certify that _____ is (are) duly designated as the agent(s) for the owner, that the agent(s) is (are) authorized to provide subject matter on the application contained herein, whether verbal or written, and appear at any public hearing(s) involving this petition.

AGENT

I (we) assent to the City's Comprehensive Plan as it applies to the property. Further, it is understood that this application must be complete and accurate and the appropriate fee paid prior to processing.

Date: _____ Title Holder/Property Owner: _____

Date: _____ Title Holder/Property Owner: _____

Date: _____ Title Holder/Property Owner: _____

Date: _____ Title Holder/Property Owner: _____

STATE OF FLORIDA)
COUNTY OF PINELLAS)

The foregoing instrument was acknowledged before me this _____ day of _____, A.D., 20 ____
by _____, who is personally known to me or who has produced
_____ as identification and who did (did not) take an oath.

PROPERTY OWNER NAME PRINTED

NOTARY PUBLIC

Name: _____

Signature: _____

Stamp: