

SIDEWALK CAFÉ LICENSE APPLICATION



Steps to obtain a sidewalk café license

1. Review the sidewalk café design guide. Ensure that the proposed sidewalk café complies with all design guidelines and requirements listed within, as well as the requirements of the Americans with Disabilities Act (ADA).
2. Submit the application, the non-refundable \$250 application review fee, and required supporting documentation.
3. Communicate with the Building & Safety Division. Allow 10 days for review of the application, the documentation packet, and any site issues with the proposed location.
4. Once City staff/AHPC approves the submitted application, the application will be submitted to the City Council. The applicant will be notified of when and where the meeting will take place.
5. The application will move to the City Council for a public hearing and final passage.
6. Construction can begin, after obtaining a building permit.
7. Once construction is complete, a final inspection will be performed by City staff.
8. When the sidewalk café passes inspection, pay the annual \$200 license fee and operations can begin.

PREPARATION

1. Please download or obtain a copy of the sidewalk café design guidelines. Go to: anniston.al.gov or pick up a copy at the Building & Safety Division, located at City Hall, 4309 McClellan Blvd.
2. If the proposed sidewalk café would cover manholes or encroach upon water or energy utilities, the application will be subject to additional city review.
3. If you have any questions before submitting your application, please call (256) 231-7720 to be directed to a Building & Safety member.

DOCUMENTATION

Applicant Contact Information

Applicant's Name		Business Name	
Applicant's Phone #		Business Address	
Applicant's Email		Business Phone#	

Property Owner Information

Owner's Name		Owner's Address	
Owner's Phone#		Owner's Phone#	
Owner's Email			

Sidewalk Café Information

Franchise Area Use: _____

Proposed Address: _____

Nearest Intersection: _____

Hours / Days of operation: _____

Alcohol Sales: Yes No

Is the property located within a historic district: Yes No

Curbside Conflicts

Carefully review your proposed site for evidence of any of the following curb conflicts. Indicate any potential conflicts that are observed.

- Fire Hydrant: Yes No
- Handicap-access: Yes No
- Driveways: Yes No
- Light Poles: Yes No
- Storm Drain: Yes No
- Trees: Yes No
- Other: _____

Submission Requirements

√	The following items are required for consideration of the franchise area application	Comments
<input type="checkbox"/>	Pre-Application meeting with staff is required – email permitting@anniston.al.gov or call 256-231-7720 to schedule. The completed application may be turned in at the meeting.	
<input type="checkbox"/>	Completed property owner authorization, if required.	Form is included in the packet
<input type="checkbox"/>	Photographs of the franchise area to include façade of the building	
<input type="checkbox"/>	Site Plan Sidewalk Café: (minimum 8 ½" x 11") A map, survey, drawing, aerial photograph, site plan or similar information showing the footprint/outline of the proposed franchise area, including dimensions of franchise area, property lines, existing sidewalk width, existing parking stalls/alignment and obstructions; e.g. fire hydrants, utility poles, street trees, etc.	
<input type="checkbox"/>	Additional Design: A description of type(s) of elements proposed to be placed in the franchise area; e.g. tables, chairs, benches, planters/landscaping, bicycle parking, fence, etc.	
<input type="checkbox"/>	Establishments serving alcohol must include a fence to separate the franchise area from normal pedestrian traffic.	
<input type="checkbox"/>	Minimum sidewalk width remaining for public pedestrian access; minimum of 5 feet required	
<input type="checkbox"/>	Safety Measures: A detailed description of safety elements that will be installed adjacent to travel lanes and open parking spaces	
<input type="checkbox"/>	Adjacent Businesses: Provide written comments from adjacent businesses	
<input type="checkbox"/>	ADA Requirements listed on submission	
<input type="checkbox"/>	Photos of proposed furniture to include tables, chairs, umbrella, and any other items used in the area	
<input type="checkbox"/>	Proof of general liability insurance	
<input type="checkbox"/>	Sign host agreement form	Form is included in the packet

<input type="checkbox"/>	Completed Application	
<input type="checkbox"/>	\$250.00 Plan Review Fee	
ABC BOARD REQUIREMENTS		
<input type="checkbox"/>	ABC Personnel will take additional photographs of the licensed premises	This will be taken care of after the sidewalk café construction is complete
<input type="checkbox"/>	ABC Board will need an updated sketch of the premises	

Applicant Acknowledgement

I hereby acknowledge that I have read this sidewalk café License application and state that all of the above information is true and correct; that I am the owner of the above-referenced property or an authorized agent acting on the owner’s behalf; that I agree to comply with all applicable building codes, zoning ordinances and all other laws/regulations pertaining to construction, including those pertaining to flood zone construction/renovation and storm water runoff, whether or not specified herein; and acknowledge that I am responsible for the disposal of all construction and demolition debris in a legal manner. I hereby agree to protect all public improvements and public utilities adjacent to or serving the property on which this project is located, whether or not the said improvements or public utilities are the property of the City of Anniston; and that I further agree to be financially responsible for any repairs for damage to public improvements and public utilities that are caused as a direct or indirect result of construction of the franchise area.

Signature: _____ **Date:** _____

<u>OFFICE USE ONLY</u>			
<u>APPROVALS</u>			
City Engineer:	_____	Date:	_____
Building Inspector:	_____	Date:	_____
Fire Marshal:	_____	Date:	_____
Planning & Economic Dev.:	_____	Date:	_____
Main Street:	_____	Date:	_____
AHPC:	_____	Date:	_____
City Manager:	_____	Date:	_____
\$250.00 Plan Review Fee: Received by:		_____	
		Date: _____	



SIDEWALK CAFÉ

PROPERTY OWNER AUTHORIZATION FORM

City of Anniston has included this Property Owner Authorization form as part of the application for a sidewalk café License. A tenant seeking use of the public right-of-way for a sidewalk cafe must obtain permission of the property owner.

INSTRUCTIONS: Please fill-in the below sections completely. Provide additional information in the comments section that should be considered.

By signing this document, I certify that I am the owner of the property located at:

_____, Anniston, AL _____
Address Zip Code

And I authorize _____ to operate a sidewalk café at this location.
Tenant Name

Property Owner - (Print Name)

Signature

Phone Number: _____

E-mail: _____

Print Property Owner Address (if different from above)

_____, Anniston, AL _____
Address Zip Code

COMMENTS:

STATE OF ALABAMA)
CALHOUN COUNTY)

INDEMNIFICATION and HOLD HARMLESS AGREEMENT
Operation of Sidewalk Cafe in Anniston, Alabama

THIS AGREEMENT is entered into between _____
("Restaurant Owner") and _____ ("Property Owner")

hereinafter collectively "Owners," and the City of Anniston, Alabama, an Alabama municipal corporation, hereinafter "City", to provide for indemnification by Owners to the City with respect to the operation and use of a sidewalk cafe in the City.

WHEREAS, the City has enacted a municipal ordinance addressing the operation and use of sidewalk cafes and requiring a revocable license to lawfully operate a sidewalk cafe within the City;

NOW THEREFORE, the parties agree as follows:

1. In consideration of the agreement and permission to operate and use a sidewalk cafe in the City, Owners, their heirs, agents, successors, and assigns (herein collectively "Owners") covenant and agree to indemnify, defend, save and hold harmless the City, its officers, agents, employees, successors, and assigns, (herein collectively "City") from all claims, demands, suits, proceedings, expenses, civil and criminal penalties and fines, damages, losses, reasonable attorneys' fees, and liabilities (collectively "Claims") arising from the operation or use of a sidewalk cafe. The existence of, or inadequacy of, insurance protection and coverage carried by Owners, in no way limits the indemnification agreement as stated herein.

2. This indemnification shall survive the cancellation, termination, or expiration of the agreement to use, revocable permit, and operation use term.

DONE and ENTERED into on this the _____ day of _____, _____.

Restaurant Owner: _____

Date: _____

Property Owner: _____

Date: _____



SIDEWALK CAFÉ HOST AGREEMENT FORM

SIDEWALK CAFÉ SPACE

I will provide table service at my sidewalk café, but will not place condiments or napkins on the sidewalk café tables until customers are seated. I will bus tables in the sidewalk café area to ensure it remains clean and well maintained.

UPKEEP, MAINTENANCE & INSURANCE

I agree to keep my sidewalk café well maintained and in good repair under the conditions of approval of my license. I will keep the sidewalk café free of debris, grime, and graffiti, and to keep all plants in good health.

I agree to sweep the area surrounding the sidewalk café and keep it litter-free.

I understand that my insurance must be kept up to date. I understand my insurance must be up to date in order to renew my sidewalk café license

PERMIT RENEWALS, CHANGE OF OWNERSHIP & REMOVALS

I understand that the sidewalk café license is renewable on an annual basis at the discretion of City staff.

I understand that if my business changes ownership, I will either need to remove my sidewalk café or have the new owner submit a license application. I understand that if for some reason I no longer want my sidewalk café, I am responsible for removing it. I understand that voluntary removal requires an additional permit from the City of Anniston.

I understand that in some instances such as a streetscape repaving, the City may require me to remove the sidewalk café. In these situations, I may need to store my sidewalk café off-site. I may be able to re-install my sidewalk café after the streetscape improvement has been completed.

I understand that because sidewalk cafes may sit on top of sensitive utilities there may be instances where my sidewalk café will need to be removed with little notice. The City may remove my sidewalk café with little or no notice.

PUBLIC PROCESS

I understand that if for any reason, significant public concern is expressed about my sidewalk café, the City of Anniston may conduct a public hearing before the Council. This may result in revocation of my existing sidewalk café license, or inability to renew my annual license.

REPORTING FOR IMPACT STUDIES & OTHER ANALYSIS

I understand that the City is interested in better understanding the social and economic impacts that sidewalk cafes may have on our streets, merchants and commercial districts. I will be asked to report information that will assist the City with assessments and studies of the sidewalk café Program.

Signature: _____ Date: _____

Name: _____

Sidewalk Café Address: _____

Name of Business: _____