

SIDEWALK CAFÉ PERMIT APPLICATION

City of Grand Haven, 519 Washington Avenue, Grand Haven, MI 49417

Phone: (616) 935-3276 Website: www.grandhaven.org

Per Sec. 40-302.02 of the Zoning Ordinance, the City may issue revocable annual permits to eating and drinking establishments that apply for a permit to operate a sidewalk café as an immediate extension of the eating and drinking establishment, on to a limited portion of a public sidewalk adjacent to the business.

1. Project Information

Site Address: _____ Parcel #: _____

Business Name: _____ Phone #: _____

Contact Person: _____ Phone #: _____

Zoning District: _____ Email Address: _____

2. Property Owner Information

Owners Name: _____ Phone #: _____

Owners Address: _____

3. Type of Café Requested

- ☐ A ***semi-permanent café***: defined as a sidewalk café that serves alcohol, provides wait staff for its patrons, or has tables that seat more than two persons. The applicant shall enter into a lease agreement with the City for the sidewalk space for exclusive use of the sidewalk café. **Annual Fee \$250.00**
- ☐ A ***mini-café***: defined as a sidewalk café comprised of bistro tables which seat no more than two persons. **Annual Fee \$100.00**

4. Description

Describe Café Area (Square footage and number of tables): _____

Dates of Proposed Use: From _____ To: _____

Hours of Operation _____

5. Required Attachments

- Scale Drawing of Proposed Area
- Indemnification Statement
- Insurance Certificate
- Required Fee
- Type of Barricade to be installed (*semi-permanent café only*)
- Lease Agreement with City of Grand Haven (*semi-permanent café only*)

CONTINUED ON BACK PAGE



By signing below, applicant agrees to comply with Grand Haven Ordinance 40-302.02 and all other conditions and special conditions in the City's policy for issuance of sidewalk café permits. Any permit so issued shall be subject to immediate revocation by the City for failure to meet or to maintain the area of the sidewalk café in strict accordance with the requirements of this subsection 3 or to comply with other applicable laws, rules, regulations, orders or directives.

Signature of Applicant:_____ Date:_____

Print Name:_____

Signature of Owner:_____ Date:_____

Print Name:_____

Office Use Only

Permit #:_____ Date Received:_____ Fee:_____

Date of Approval:_____ Date of Denial:_____ Approved by:_____



Indemnification Statement

I, _____ agree to hold the City of Grand Haven and its elected and appointed officials, employees and agents harmless from, indemnify them for, and defend them (with legal counsel reasonably acceptable to them through any appellate proceedings they wish to pursue until a final resolution settlement or compromise approved by them) from an liability for loss, damage, injury or casualty to persons or property caused or occasioned by or arising from any act, use or occupancy or negligence by or of the applicant and any of its agents, servants, visitors, licensees, or employees occurring during the term of the agreement or any extended term.

Signed: _____

Print Name: _____

Date: _____

SIDEWALK CAFÉ ORDINANCE (Zoning)

City of Grand Haven, 519 Washington Avenue, Grand Haven, MI 49417

Phone: (616) 935-3276 Website: www.grandhaven.org

40-302.01 SIDEWALK CAFES

A. The City may issue revocable annual permits to sidewalk cafes, of which there exist two (2) types, per **Sections 40-302.02, B and 40-302.02, C**. All sidewalk cafes shall comply with the following general requirements:

1. The sidewalk on which the cafe is to be located shall be flat and in good repair.
2. The cafe's location and use on the sidewalk shall not interfere with the clear vision of a motorist on the adjoining street, particularly at any intersection of the sidewalk and another street or alley. The area occupied by the Sidewalk Café shall not extend laterally along the sidewalk beyond the building frontage of the business operating the sidewalk café.
3. The cafe's location shall leave a clear and unencumbered area of not less than five and one-half (5½) feet between the edge of the eating area (as defined on the site plan) or fence and any other obstruction (including utility poles, light fixtures, street furniture, planters, plants, trash receptacles, etc.) for pedestrian circulation.
4. All construction involved with a sidewalk cafe shall be of a temporary nature and shall be subject to review and approval by the City prior to installation in accordance with **Section 40-115.04, D**.
5. The property owner and operator of the establishment shall keep the area clean and free of all paper, trash, refuse, and debris, and shall power wash the sidewalk or public way when necessary.
6. The eating area may be covered by a temporary structure such as a canopy or awning, or umbrella-type shades affixed, in a manner acceptable to the City, secure to a table or to the sidewalk. No advertising or signs will be allowed on the temporary structures. All temporary structures must be totally within the area permitted for the sidewalk cafe use.
7. Materials, including outdoor furniture and accessory items used in conjunction with the sidewalk cafe, shall be secured for normal wind load when the establishment is closed during the season of operation provided. Plastic or resin furniture is not permitted. During periods other than the period of operation as defined by the applicant, all outdoor furniture and accessories shall be stored elsewhere.
8. Outdoor cooking is not permitted.
9. The City Council may from time to time adopt by resolution additional regulations governing hours of operation, lighting, noise, and other aspects of sidewalk cafe operations. Further, the City may adjust the permit fees from time to time as deemed appropriate.

B. Mini-cafe Requirements

In addition to the general requirements of **Section 40-302.02, A**, a mini-cafe, defined as a sidewalk cafe comprised of bistro tables which seat no more than two (2) persons, and which does not provide wait staff and which does not serve alcohol, shall comply with the following:

1. When placed on the sidewalk, all tables and chairs shall be located immediately adjacent to the building in a single-file row and as far away from the street curb as possible unless otherwise approved.



2. Prior to the issuance of a sidewalk cafe permit for a mini-cafe, a fee in the amount established by City Council resolution shall be paid by the applicant to the City. The permit shall include the dates and duration of the sidewalk cafe. Any permit so issued shall be subject to immediate revocation by the City for failure to meet or to maintain the area of the sidewalk cafe in strict accordance with the requirements of this Zoning Ordinance or to comply with other applicable laws, rules, regulations, orders or directives.

C. Semi-permanent Cafe Requirements

In addition to the general requirements of **Section 40-302.02, A**, a semi-permanent café, defined as a sidewalk cafe that serves alcohol, provides wait staff for its patrons, or has tables that seat more than two (2) persons, shall comply with the following:

1. The applicant shall enter into a lease agreement with the City for the sidewalk space for exclusive use of the sidewalk cafe.
2. Appropriate screening and/or fencing shall be provided. Such barrier shall be no more than three (3) feet in height and must be selected from a prescreened palette of fencing options provided by the City.
3. Prior to the issuance of a sidewalk cafe permit for a semi-permanent cafe, a fee in the amount established by City Council resolution shall be paid by the applicant to the City. The permit shall include the dates and duration of the sidewalk cafe. Any permit so issued shall be subject to immediate revocation by the Zoning Administrator for failure to meet or to maintain the area of the sidewalk cafe in strict accordance with the requirements of this Zoning Ordinance or to comply with other applicable laws, rules, regulations, orders or directives.
4. Semi-permanent cafes may serve patrons until 10:30 PM and must relocate all patrons indoors and close the cafe by 11:00 PM.

D. Application Process

1. All sidewalk cafes shall be subject to approval by the zoning administrator. Applications shall include any information deemed necessary by the Zoning Administrator and the following:
 - a. The name(s), address(es) and telephone number(s) of the owner(s), operator(s) and responsible person(s).
 - b. The proposed dates and hours of operation.
 - c. A site plan in accordance with **Section 40-115.04, C**.
 - d. A photograph and/or description of proposed cafe furniture.
 - e. Semi-permanent cafe applications shall include the selected barrier per City specifications.
2. The applicant shall execute an agreement stipulating, at the applicant's sole expense, to hold the City and its elected and appointed officials, employees and agents harmless from, indemnify them for, and defend them (with legal counsel reasonably acceptable to them through any appellate proceedings they wish to pursue until a final resolution settlement or compromise approved by them) from any liability for loss, damage, injury or casualty to persons or property caused or occasioned by or arising from any act, use or occupancy or negligence by or of the applicant and any of its agents, servants, visitors, licensees, or employees occurring during the term of the Agreement or any extended term.



3. The applicant shall furnish to the City a certificate or other evidence indicating that the applicant has had issued to it a policy or policies of insurance against damage to City property in such amounts as the City, from time to time, shall determine by resolution of the Planning Commission or City Council. The certificate(s) of insurance shall show the City as a certificate holder and an insured and shall provide that coverage may not be terminated without thirty (30) days prior written notice to the City. Such insurance must provide coverage of the City and its officers, employees and agents for any occurrence during the term of the permit. Upon request, the applicant shall also provide the City a copy of the insurance policy(cies).
4. The applicant shall secure and maintain any legally required workers' disability compensation and unemployment compensation insurance.
5. The permits which the City may issue are revocable annual permits.

