

\$100 Fee _____

CITY OF FAYETTEVILLE, ARKANSAS

SIDEWALK CAFÉ

Sidewalk Café Location/Address: _____

Sidewalk Café Contact Information:

Business Name: _____

Applicant Name: _____

Mailing Address: _____

Phone: _____ Email: _____

Written description illustrating the type and dimensions of all furniture to be placed in the public right-of way:
(If selling Alcohol, include any fencing as required by the Arkansas Beverage Control division)

APPLICANT: I certify under penalty of perjury that the foregoing statements and answers herein made, all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions of approval.

NAME (PRINTED): _____ Date: _____

Signature: _____

If different than applicant:

***OWNER(S):** I/we certify under penalty of perjury that I am/we are the owner(s) of the business that is the subject of this application and that I/we have read this application and consent to its filing. (If signed by the authorized agent, a letter from each owner must be provided indicating that the agent is authorized to act on the owner(s))

NAME (PRINTED): _____ Date: _____

Signature: _____

Acknowledgment of Sidewalk Café Requirements

All of the following requirements must be met in order for a Sidewalk Café to be approved and to operate:

- Applicants requesting a license must provide a detailed site plan and written description illustrating the type, location and dimensions of all furniture to be placed in the public right-of-way. Sidewalk Cafés may not be enclosed by fixed walls or other permanent structures.
- Sidewalk Cafés must be open to the air, except that an awning or canopy conforming to requirements established by the Unified Development Code and Building Code may be constructed over the Sidewalk Café. In order to provide sufficient pedestrian clearance, umbrellas must have 7 feet of free and clear space from the sidewalk surface to the lower edge of the umbrella.
- Property shall be kept clean and free of refuse with no permanent trash containers placed on the premises.
- All furnishings and fixtures must be of a temporary nature and shall be removed from the public right-of-way and stored inside during non-operational times.
- For Sidewalk Cafés using city right-of-way for operation, there shall be a minimum of 5 feet or 50% of the total sidewalk width for clearance, whichever is greater, to provide adequate and unobstructed pedestrian movement.
- One A-frame sandwich/menu board is permitted within the Sidewalk Café's border during hours of operation, subject to the applicable regulations in Ch. 174: Signs for the same.
- The applicant must notify all adjoining property owners, by certified mail, of the application.
- The proposed Sidewalk Café must not unduly impact or impede the public's ability to travel upon or use the sidewalk and any other affected public right-of-way, including public utility easements.
- Any necessary costs to relocate a utility or widen the existing sidewalk to accommodate the proposed Sidewalk Café must be paid by the Sidewalk Café applicant.
- The Sidewalk Café applicant may be required to post a surety bond or letter of credit sufficient to cover the cost of removing the Sidewalk Café if necessary for the city or utility company to access pipes, lines, or other facilities.
- The Sidewalk Café applicant must consent that the city or utility company may remove, without liability or compensation, part of all of the Sidewalk Café, if necessary, to get access to a utility facility or improvement.

APPLICANT: I have read and understand the requirements above for applying for and operating a Sidewalk Café within the City of Fayetteville, Arkansas.

Applicant PRINTED name

Applicant SIGNATURE

Date of Applicant Signature

Staff Use Only

Zoning District: _____ Use Unit: _____

Administrative Approval:

For the purposes of §178.02 – Sidewalk Cafés of the Unified Development Code, it shall be unlawful to operate a sidewalk café until a permit has been issued by the City Planning Division. Approval of this application shall confirm that the proposed use conforms to the requirements of the City’s zoning code. The permit for Sidewalk Café is hereby approved.

Start Date: _____

Zoning & Development Administrator

Date

Conditions of approval:

- All applicable requirements under Ch. 178 and more specifically, §178.02.
- The Sidewalk Café applicant shall be responsible for compliance with the Federal Americans with Disabilities Act (ADA).
- Applicant is responsible for obtaining all necessary permits from state or county authorities, including through the Arkansas Beverage Control division.
- If at any time the Sidewalk Café is determined to impede travel or interfere with the public safety, as determined by the Planning Division, the Sidewalk Café shall be removed.
- _____
- _____
- _____
- _____

Checklist:

Attach the following items to this application:

- Payment in full of applicable fees for processing the application (\$100.00).
- Detailed site plan illustrating the type, location, and dimensions of all furniture to be placed in the public right-of-way.
 - Other applicable items for the site plan include but are not limited to:
 - Scale no smaller than 1" = 30' (one inch equals thirty feet)
 - A north arrow
 - Property lines
 - Locations and dimensions of all rights-of-way, utility easements, and building setbacks
 - Detailed dimensions of sidewalk, Sidewalk Café furniture, and clear space for pedestrians, etc.
 - Locations and dimensions from fire hydrants, adjacent sidewalk intersections, trees, building entrances, signposts, lamp posts, parking meters, bus shelters, benches, phone booths, street trees, newsstands, etc.
 - All existing and proposed structures with accompanying uses, parking areas, driveway entrances
 - Name of the applicant or property owner, plan preparer, project name and project address in a title block
 - Pertinent special features such as drainage features, berms, fences, and retaining walls
 - Location of trees where they exist in proximity to the proposed Sidewalk Café.
- A copy of the HMR tax remittance form filed with the City of Fayetteville (contact: 479-575-8287).
- A copy of State Health Department permit (contact: 479-521-8181)
- Verification that adjoining property owners have been notified of the Sidewalk Café (see notification letter and certificate of mailing attached to application). Submit certificate of mailing with the application.
- A copy of the county parcel map for all adjoining parcels listing the name and mailing addresses of the adjoining property owners. This may be obtained from the County Assessor's office or website.

The following will be administered after the application has been approved:

- City Planning Division inspection of the Sidewalk Café set up in the proposed location. Inspection shall include exact setup of all furniture, temporary barriers, and all accessories such as coolers, trash cans, chairs, etc. (contact: 479-444-3443)