



CITY OF VENICE FLORIDA
 Application for
Open Air Café/Display Permit
Or Other Use Of Public Property

This is an application to obtain the City's permission to use public property in accordance with the City of Venice Code of Ordinances, Chapter 82, Article V. Public Right-of-Way and Property Permits. There is an application fee of \$25.00 which shall accompany the application. **This permit is non-transferable.**

It is the City's desire to maintain a "European Community" style atmosphere in certain areas of the city and also desires to promote an environment that encourages pedestrian traffic and assists the normal activities of a business, while assuring that we do not create a public health or safety hazard or any type of public nuisance. Your application will be considered on the basis of how your plans will enhance this atmosphere.

The actual area that will be approved for your business will be subject to the physical characteristics of the City public right-of-way or other public property directly in front of your business. Existing right(s)-of-way uses or other public property on neighboring properties and City right-of-way may also affect your plans. Street corners have special limitations to maximize visibility for pedestrians and motorists.

In the event of a declared emergency or in a situation where exigent circumstances arise, the permit holder shall remove all articles from the right-of-way when directed to do so by any law enforcement officer, fire official or other city official.

Permit Type (check one): Open Air Café Permit Display Permit Other

Applicant Information:

Property Owners Name: _____

Applicants Name: _____ Business Name: _____

Address (physical location of business): _____

Mailing Address: _____

Email: _____

Phone (work): _____ Cell: _____ Home: _____

Proposed Public Land Use:

Detailed description of the proposed use of public lands for which the Permit is sought: _____

Site Plan (required for all applications): Use attached site plan sheet or other to scale site plan drawing.

All site plans must:

- Maintain a minimum 44 inch clear zone for pedestrian traffic **at all times.** This pedestrian clear zone must be shown on the site plan extending from one side of the business to the other providing for a continuous pedestrian clear zone.
- Maintain a 24 inch clear zone from the face of the curb.
- Must show **all items / improvements** proposed for the public space including tables, chairs, signs (where permitted), waiter stations, potted plants, display racks, portable heaters (may require additional review approval), etc. **NOTE: the use of public space must adhere to the approved site plan at all times.**
- Must show any proposed permanent improvements such as screens, shades, canopies or similar structures. **Note: these structures may require additional building permitting and possible approval from the City's Architectural Review Board (ARB).**
- Shall indicate the adjacent properties and businesses.

Note: Landscape areas or other areas containing trees and the dirt around such areas shall not be disturbed or used in connection with permitted uses, and shall not be designated as the area reserved for pedestrian use.

Length of Permit Requested (maximum 1 year, renewable): _____

Hours of Operation: Business Hours: _____

Proposed Use of Public Space Hours: _____

Other Improvements: The Proposed use of Public Space will have (check all that apply):

- Service for Patrons Signs Outdoor Entertainment/Music (attached detailed description) Additional Electrical Service

Insurance Required:

The following insurance shall be secured and maintained at all times while the permit is in force:

<u>Coverage</u>	<u>Limit</u>
Commercial General Liability	\$ 1,000,000 combined single limit

The City of Venice shall be named as "**Additional Insured**" on all required policies. Copies of appropriate certificates of insurance should be attached to this application. Termination of the required insurance will immediately void the permit.

The Applicant/Permittee/Indemnitor agrees to indemnify and hold harmless the City of Venice, its employees, and elected officials, and to defend the City from all costs, expenses, damages, attorney's fees, injury or loss, to which the City of Venice may be subjected to by any person, firm, corporation or organization by reason of any wrongdoing, misconduct, want or need of care or skill, negligence or default or breach of contract, error or omission, guaranty or warranty, by the Applicant/Permittee/Indemnitor, his employees, agents, or assigns arising out of the City's issuance of this permit and/or the Applicant/Permittee/Indemnitor's use of City property or public right(s)-of-way.

The Applicant/Permittee/Indemnitor agrees to abide by all sections of the Code of Ordinances, Chapter 62, Article V. Public Right-of-Way and Public Property Permits. The City reserves the right to revoke or amend this permit or conditions herein for reasons stated in Code of Ordinances, Chapter 62-126. This application, when signed by the City Manager shall serve as a public right-of-way permit issued under the Code of Ordinances, Chapter 62, Article V Public Right-of-Way and Public Property Permits.

This Section For Café Permits Only

Seating (inside): _____ Seating (outside): _____ *(increases may affect business tax)
Inside Floor Area: _____ Outside Floor Area: _____

Additional Site Plan Requirements: In addition to the site plan requirements mentioned above, all site plans for outdoor café's must show: all tables and seating arrangement and shall endeavor to orient chairs so that their use does not encroach into the pedestrian clear zone at any time. Portable heaters must be shown on the site plan and may require additional permitting / approval from the building and fire department.

Expansion of Seating Area: The City may allow the expansion of outdoor café's to extend in front of an adjacent unit (maximum one unit). Adjacent unit shall be defined as the façade width of the immediate adjacent individual unit / business. Business tax receipts and building permits may be used to help determine 'adjacent unit'. **Applications for expansion shall include written approval from all property owners and required insurance shall be inclusive of all areas shown on the proposed site plan.**

Café's Must: satisfy all relevant Building, Fire and Zoning Codes, liquor permit requirements, and health department rules (such as requirements for a certain number of public restrooms, etc.)

Required Signatures:

Property Owner: _____ Date: _____

Adjacent Property Owner (if applicable): _____ Date: _____

Applicant / Business Owner _____ Date: _____

NOTE: Permits may be rescinded for failure to comply with any or all provisions or conditions of the permit or city code at any time.

This Area For Official Use Only

Department Signature / Comments

Planning & Zoning	_____
Police Department	_____
Fire Department	_____
Risk & Safety Services	_____
Public Works Department	_____
Building	_____
Total Fees: \$ _____	Date Paid: _____ Staff Initial: _____

CITY MANAGER: _____ **Date:** _____

This application, when signed by the City Manager shall serve as a public right-of-way permit issued under the Code of Ordinances, Chapter 62, Article V Public Right-of-Way and Public Property Permits.



CITY OF VENICE FLORIDA

Application for Dog Friendly Dining Permit

This is an application to obtain a permit pursuant to the local exemption established by F.S. 509.233 to allow patrons' dogs within certain designated outdoor portions of a food service establishment in accordance with the City of Venice Code of Ordinances Sections 86-152 thru 86-154. There is an application fee of \$25.00 which shall accompany the application. This permit is non-transferable.

Property Owner's Name: _____

Applicant's Name: _____ Business Name: _____

Address (physical location of business): _____

Mailing address: _____

Phone: (W) _____ (H) _____ (C) _____

DBPR Division of Hotels and Restaurants License No.: _____

Detailed description of the specific area sought to be utilized for dog friendly dining: _____

Days of the week during which the activity will occur: _____

Hours during which the activity will occur: _____

- Please provide a **diagram to scale** that includes the following:
 - The outdoor area to be designated as available to patrons' dogs including dimensions of the area.
 - Depict number and placement of tables, chairs, and restaurant equipment.
 - The entryways and exits to the designated outdoor area.
 - The boundaries of the designated area and of any other areas of outdoor dining not available for patrons' dogs.
 - Any fences or other barriers.
 - Surrounding property lines and public rights-of-way, including sidewalks and common pathways.
 - Such other information reasonably required by the business services coordinator.

The Applicant/Permittee/Indemnitor agrees to indemnify and hold harmless the City of Venice, it's employees, and elected officials, and to defend the City from all costs, expenses, damages, attorney's fees, injury or loss, to which the City of Venice may be subjected to by any person, firm, corporation or organization by reason of any wrongdoing, misconduct, want or need of care or skill, negligence or default or breach of contract, error or omission, guaranty or warranty, by the Applicant/Permittee/Indemnitor, his employees, agents, or assigns arising out of the City's issuance of this permit and/or the Applicant/Permittee/Indemnitor's actions regarding this permit.

The Applicant/Permittee/Indemnitor agrees to abide by all sections of the Code of Ordinances, Sections 86-152 thru 85-154. The City reserves the right to revoke or amend this permit or conditions herein for failure to comply with the requirements of the city's ordinance.

Date _____ Property Owner _____

Date _____ Applicant / Business Owner _____

This application, when signed by the Business Services Coordinator shall serve as a dog friendly dining permit issued under the Code of Ordinances, Chapter 86, Article V Use Regulations, Division 9, Specific Use Regulations.

For Official Use Only

<i>Department</i>	<i>Requirements & Signature</i>
Planning & Zoning	_____
Risk & Safety Services	_____
Business Services Coordinator	_____

Total Fees: \$ _____ Date Paid: _____ Staff Initial: _____

Permit Regulations and Requirements:

1. All public food service establishment employees shall wash their hands promptly after touching, petting, or otherwise handling any dog. Employees shall be prohibited from touching, petting, or otherwise handling any dog while serving food or beverages or handling tableware or before entering other parts of the public food service establishment.
2. Patrons in a designated outdoor area shall be advised that they should wash their hands before eating. Waterless hand sanitizers shall be provided at all tables in the designated outdoor area.
3. Employees and patrons shall be instructed that they shall not allow dogs to come into contact with tabletops, serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations.
4. Dogs shall not be allowed to consume any food.
5. Patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control.
6. Dogs shall not be allowed on chairs, tables, or other furnishings.
7. All table and chair surfaces shall be cleaned and sanitized with an approved product between seating of patrons. Spilled food and drink shall be removed from the floor or ground between seating of patrons.
8. Accidents involving dog waste shall be cleaned immediately and the area sanitized with an approved product. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor area.
9. At least one sign reminding employees of the applicable rules, including those contained in this section, and those additional rules and regulations, if any, included as additional conditions of the permit by the business services coordinator, shall be posted in a conspicuous location frequented by employees within the public food service establishment. The mandatory sign shall be not less than eight and one - half inches in width by eleven inches in height (8 1/2 x 11) and printed in easily - legible typeface of not less than twenty (20) point font size.
10. At least one sign reminding patrons of the applicable rules, including those contained in this section, and those additional rules and regulations, if any, included as additional conditions of the permit by the business services coordinator, shall be posted in a conspicuous location within the designated outdoor portion of the public food service establishment. The mandatory sign shall be not be less than eight and one - half inches in width by eleven inches in height (8 1/2 x 11) and printed in easily - legible typeface of not less than 20 point font size.
11. At all times while the designated outdoor portion of the public food service establishment is available to patrons and their dogs, at least one (1) sign shall be posted in a conspicuous and public location near the entrance to the designated outdoor portion of the public food service establishment, the purpose of which shall be to place patrons on notice that the designated outdoor portion of the public food service establishment is currently available to patrons accompanied by their dog or dogs. The mandatory sign shall be not less than eight and one - half inches in width by eleven inches in height (8 1/2 x 11) and printed in easily - legible typeface of not less than 20 point font size.

Please keep in mind the following concerning dog friendly dining:

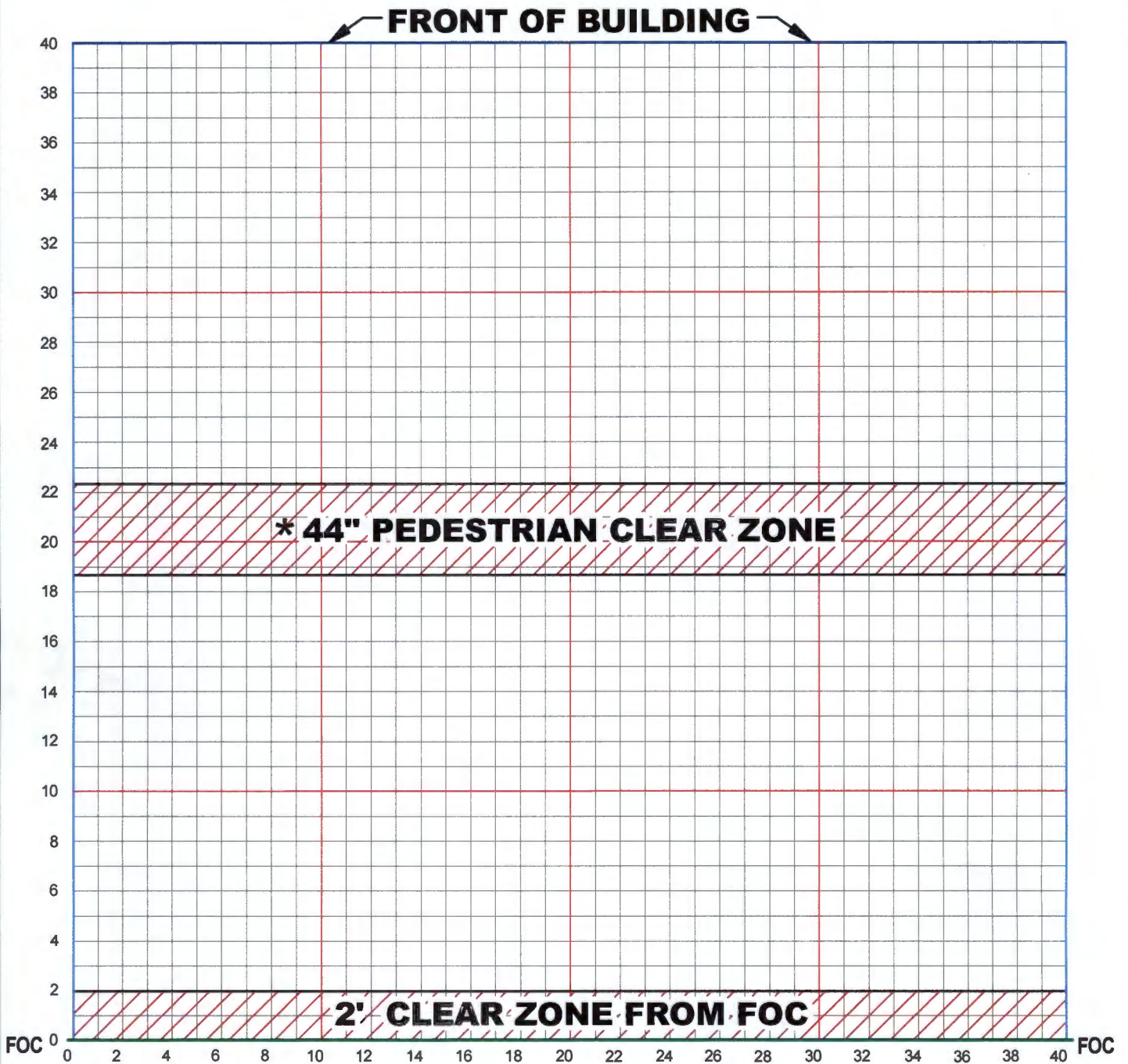
- This permit shall not be transferred to a subsequent owner upon the sale or transfer of a public food service establishment, but shall expire automatically upon such sale or transfer. The new owner must reapply for a permit.
- All complaints related to the Dog Friendly Dining Program within the city will be investigated by the city's code enforcement officers and will be reported to the Department of Business and Professional Regulation, Division of Hotels and Restaurants.
- Any public food service establishment that fails to comply with ordinance requirements shall be subject to any and all enforcement proceedings consistent with the Code of Ordinances and general law.
- The following insurance shall be secured and maintained at all times while the permit is in force:

<u>Coverage</u>	<u>Limit</u>
Commercial General Liability	\$ 1,000,000 combined single limit

- The City of Venice shall be named as "Additional Insured" on all required policies. Copies of appropriate certificates of insurance should be attached to this application. Termination of the required insurance will immediately void the permit.



The City of Venice
Open Air Cafe/Display
Permit Template



FOC = FACE OF CURB

* Varies in position based on table/chair placement and front of building

BUSINESS NAME:

DATE:

ADDRESS:

SCALE:

1 SQUARE = 1' 0"

Outdoor display and café permits have historically utilized Chapter 62, Section 62-121 through 62-126 for permitting procedures. Although an outdoor café is not explicitly listed as a permissible activity, past interpretation has used (3) from Sec. 62-121 as highlighted below.

ARTICLE V. - PUBLIC RIGHT-OF-WAY AND PUBLIC PROPERTY PERMITS

- **Sec. 62-121. - Activities requiring permit.**

No person shall conduct any of the following activities upon any public right-of-way or public property within the city without first obtaining a permit in accordance with this article:

- (1) Any parade, march, procession or special event.
- (2) Any fair, show, festival, exhibition or special event.
- (3) **The display and/or sale of any merchandise.**
- (4) The display of any sign permitted in the zoning regulations.
- (5) Vehicles for hire, excluding taxicabs.

(Code 1982, § 15-60; Ord. No. 2001-41, § 1, 2-13-01)

- **Sec. 62-122. - Exemptions.**

The permit provisions of this article shall not apply to the following activities:

- (1) Garage sale and open house signs in compliance with the standards contained in [section 86-401](#).
- (2) Political signs.
- (3) Newspaper vending machines.

(Code 1982, § 15-65; Ord. No. 2015-03, § 2, 1-27-15)

- **Sec. 62-123. - Application.**

(a) Each person wishing to obtain a permit to utilize the public right-of-way or public property shall make application to the city manager's office. The application shall contain the following information:

- (1) The name, address and telephone number of the applicant.
- (2) A detailed description of the activity for which the permit is sought.
- (3)

A detailed description of the public right-of-way or public property sought to be utilized.

(4)

The length of time for which the permit is sought.

(5)

The hours during which the activity will occur.

(6)

All other information which the city deems relevant for consideration of the application.

(b)

The completed application shall be submitted to the city manager at least ten days prior to commencement of the proposed activity. An application fee of \$25.00 shall accompany all applications, unless the activity is a special event. Any applicant that is a not-for-profit organization may request a waiver of the application fee from the city council.

(Code 1982, § 15-61)

• **Sec. 62-124. - Issuance; conditions; transfer.**

(a)

Upon submission of a completed application and payment of the application fee as provided in [section 62-123](#), the city manager may either issue, issue with conditions, or deny the permit. The city manager shall consider the following factors in deciding whether or not to issue the permit:

(1)

The extent to which the proposed activity will disrupt normal municipal functions.

(2)

The extent to which the proposed activity will impact the public health, safety and welfare.

(3)

The extent to which the proposed activity is compatible with the surrounding area.

(4)

The extent to which the proposed activity impacts previously permitted activity.

(b)

A certificate of zoning compliance shall be required for all uses on public property other than a right-of-way.

(c)

The city manager may impose conditions on the permit which he deems necessary in light of the factors enumerated in this section. Any permit issued in accordance with this article shall be nontransferable.

(Code 1982, § 15-62)

• **Sec. 62-125. - Liability insurance; indemnification of city.**

(a)

No permit shall be issued in accordance with this article until the applicant has provided the city with proof of liability insurance with coverage limits deemed adequate by the risk manager. The city manager may require that the city be named as an additional insured upon any such policy of insurance.

(b)

In consideration for the issuance of a permit in accordance with this article, the applicant shall indemnify and hold harmless the city and its officers, agents and employees from any liability or loss sustained as a result of claims or demands arising from any permit issued in accordance with this article or any activity conducted in connection therewith.

(Code 1982, § 15-63)

- **Sec. 62-126. - Revocation.**

The city manager may revoke any permit issued in accordance with this article for any one of the following reasons:

- (1) Fraud, misrepresentation or false statements contained in the permit application.
- (2) Exceeding the scope of activity for which the permit was issued.
- (3) Violation of any provision of this Code.
- (4) Other just cause.

(Code 1982, § 15-64)

THE FOLLOWING ORDINANCE LANGUAGE IS GENERALLY REFERRED TO AS THE REGULATIONS FOR “DOGGY DINING”:

- **Sec. 86-152. - Purpose and intent; program created; definitions.**

(a)

The purpose and intent of this section is to implement the local exemption established by F.S. § 509.233, by permitting public food service establishments within the city, subject to the terms and conditions contained herein, to become exempt from certain portions of the United States Food and Drug Administration Food Code, as amended from time to time, and as adopted by the State of Florida Division of Hotels and Restaurants of the Department of Business and Professional Regulation, in order to allow patrons' dogs within certain designated outdoor portions of their respective establishments.

(b)

Pursuant to F.S. § 509.233(2), there is hereby created in the city, a local exemption procedure to certain provisions of the United States Food and Drug Administration Food Code, as amended from time to time and as adopted by the State of Florida Division of Hotels and Restaurants of the Department of Business and Professional Regulation, in order to allow patrons' dogs within certain designated outdoor portions of public food service establishments, which exemption procedure shall be known as the City of Venice Dog Friendly Dining Program.

(c)

As used in this program:

(1)

Division means the Division of Hotels and Restaurants of the State of Florida Department of Business and Professional Regulation.

(2)

Dog means an animal of the subspecies *Canis lupus familiaris*.

(3)

Outdoor area means an area adjacent to a public food service establishment that is predominantly free of physical barriers on at least three sides but may be covered from above.

(4)

Patron has the meaning given to "guest" by F.S. § 509.013.

(5)

Public food service establishment has the meaning given it by F.S. § 509.013.

(6)

Business services coordinator means the city employee responsible for the collection and coordination of all matters relating to the city business tax imposed pursuant to F.S. ch. 205.

(Ord. No. 2012-16, § 1, 6-12-12)

• **Sec. 86-153. - Permit required; submittals.**

(a)

In order to protect the health, safety and general welfare of the public, a public food service establishment is prohibited from having any dog on its premises unless it possesses a valid permit issued in accordance with this section.

(b)

Applications for a permit under this section shall be made to the business services coordinator, on a form provided for such purpose by the business services coordinator, and shall include, along with any other such information deemed reasonably necessary by the business services coordinator in order to implement and enforce the provisions of this section, the following:

(1)

The name, location and mailing address of the subject public food service establishment.

(2)

The name, mailing location and telephone contact information of the permit applicant.

(3)

A diagram and description of the outdoor area to be designated as available to patrons' dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of the designated area and of any other areas of outdoor dining not available for patrons' dogs; any fences or other barriers; surrounding property lines and public rights-of-way, including sidewalks and common pathways; and such other information reasonably required by the business services coordinator. The diagram or plan shall be accurate and to scale but need not be prepared by a licensed design professional.

(4)

A description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor area.

(5)

All application materials shall contain the appropriate division issued license number for the subject public food service establishment.

(Ord. No. 2012-16, § 1, 6-12-12)

Sec. 86-154. - General regulations; cooperation; enforcement.

(a)

In order to protect the health, safety and general welfare of the public, and pursuant to F.S. § 509.233, all permits issued pursuant to this section are subject to the following requirements:

- (1) All public food service establishment employees shall wash their hands promptly after touching, petting, or otherwise handling any dog. Employees shall be prohibited from touching, petting, or otherwise handling any dog while serving food or beverages or handling tableware or before entering other parts of the public food service establishment.
- (2) Patrons in a designated outdoor area shall be advised that they should wash their hands before eating. Waterless hand sanitizers shall be provided at all tables in the designated outdoor area.
- (3) Employees and patrons shall be instructed that they shall not allow dogs to come into contact with tabletops, serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations.
- (4) Dogs shall not be allowed to consume any food.
- (5) Patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control.
- (6) Dogs shall not be allowed on chairs, tables, or other furnishings.
- (7) All table and chair surfaces shall be cleaned and sanitized with an approved product between seating of patrons. Spilled food and drink shall be removed from the floor or ground between seating of patrons.
- (8) Accidents involving dog waste shall be cleaned immediately and the area sanitized with an approved product. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor area.
- (9) At least one sign reminding employees of the applicable rules, including those contained in this section, and those additional rules and regulations, if any, included as additional conditions of the permit by the business services coordinator, shall be posted in a conspicuous location frequented by employees within the public food service establishment. The mandatory sign shall be not less than 8½ inches in width by 11 inches in height and printed in easily-legible typeface of not less than 20-point font size.
- (10) At least one sign reminding patrons of the applicable rules, including those contained in this section, and those additional rules and regulations, if any, included as additional conditions of the permit by the business services coordinator, shall be posted in a conspicuous location within the designated outdoor portion of the public food service establishment. The mandatory sign shall be not less than 8½ inches in width by 11 inches in height and printed in easily-legible typeface of not less than 20-point font size.
- (11) At all times while the designated outdoor portion of the public food service establishment is available to patrons and their dogs, at least one sign shall be posted in a conspicuous and public location near the entrance to the designated outdoor portion of the public food service establishment, the purpose of which shall be to place patrons on notice that the designated outdoor portion of the public food service establishment is currently available to patrons accompanied by

their dog or dogs. The mandatory sign shall be not less than 8½ inches in width by 11 inches in height and printed in easily-legible typeface of not less than 20-point font size.

(12)

Dogs shall not be permitted to travel through indoor or undesignated outdoor portions of the public food service establishment, and ingress and egress to the designated outdoor portions of the public food service establishment shall not require entrance into or passage through any indoor or undesignated outdoor portion of the public food service establishment.

(b)

A permit issued pursuant to this section shall not be transferred to a subsequent owner upon the sale or transfer of a public food service establishment, but shall expire automatically upon such sale or transfer. The subsequent owner shall be required to reapply for a permit pursuant to this section if such owner wishes to continue to accommodate patrons' dogs.

(c)

In accordance with F.S. § 509.233(5), the business services coordinator shall accept and document complaints related to the "dog friendly dining program" within the city, and shall timely report to the division all such complaints and the city's enforcement response to such complaint. The business services coordinator shall also timely provide the division with a copy of all approved applications and permits issued pursuant to this section.

(d)

Any public food service establishment that fails to comply with the requirements of this section of the Code of Ordinances shall be subject to any and all enforcement proceedings consistent with the Code of Ordinances and general law.

(e)

All public food service establishments participating in the dog friendly dining program shall provide and maintain a drinking water station for patrons' dogs and dogs in general.

(Ord. No. 2012-16, § 1, 6-12-12)