

DOWNTOWN SIDEWALK CAFÉ, RESTAURANT, OR BAR PERMIT

Definitions

Operating a downtown sidewalk café, restaurant, or bar means serving food or beverage (including alcoholic beverages) if the café, restaurant, or bar is legally authorized to serve same) from an adjacent café, restaurant, or bar to patrons seated at tables located within the sidewalk area or alleyway immediately adjacent to the café, restaurant, or bar frontage.

Excluded and precluded from this definition is the preparation or storage of food/beverage (including alcoholic beverages) on the sidewalk or alleyway. Such approved and valid sidewalk café, or bar areas are deemed part of the permitted premises for all requirements of the law.

Sidewalk means that portion of the street between the curb lines or the lateral lines of roadway and the adjacent property lines intended for use by pedestrians.

REQUIREMENTS FOR OBTAINING A SIDEWALK BAR PERMIT

Reference: City Ordinance 2011-443-E (Enacted 09/13/2011) – Chapter 250 (Miscellaneous Business Regulations), Part 8 (Downtown Sidewalk Cafes)

1. Must be located within the boundaries of the Entertainment Town Zone (E-Town Zone), which abut Bay Street from Liberty Street to Ocean Street, Forsyth Street from Liberty Street to Main Street, Ocean Street from Bay Street to Adams Street, Adams Street from Newman Street to Main Street, Newman Street between Bay Street and Forsyth Street and Market Street between Bay and Forsyth Street.
2. No obstruction shall be permitted on Ocean Street before 9:00 p.m.
3. All beverages and food must be prepared on the premises of the bar (excluding the sidewalk area), and all beverages and food must be served from the premises of the bar.
4. Operating a downtown bar on City sidewalks is unlawful without a permit. No person shall conduct a sidewalk bar without first obtaining a permit issued by the City of Jacksonville's Office of Economic Development (OED) and paying the required fee.
5. The annual permit fee for operating a downtown bar is \$250 made payable to the Tax Collector, and is collected by the OED in conjunction with the sidewalk bar permit application (Exhibit A).
6. Copy of Applicant's current business license and/or valid liquor license (if applicable) (Sec. 250.804. Application for Permit)
7. Provide Certificate of Insurance (Sec. 250.807. Liability and Insurance)
8. Provide a drawing showing the width of the applicant's existing café or restaurant facing the sidewalk area requested to be used, location of doorways, width of sidewalk, distance from curb to building face, if different, location of trees, parking meters, bus shelters, sidewalk benches, trash receptacles, or any other semi-permanent sidewalk obstructions. Drawing 1 (Sec. 250.804. Application for Permit)
9. Provide a drawing showing the area requested for use as a downtown sidewalk café with the table located together with the area which will be occupied by the table and accompanying chairs, location and size of any required features used to delineate the area such as portable planters, and visually depicting the reasonable steps proposed by the applicant to comply with the necessary patron control requirements (Refer to Sec. 250.806. Location rules and review). Drawing 2 (Sec. 250.804. Application for Permit)
10. Signed City of Jacksonville Release of Liability and Indemnification (Exhibit B).

11. The bar owner shall, in addition to all other requirements of law, take responsible steps to insure that alcoholic beverages are consumed only by patrons of the bar who are of legal age and not by passerby or persons who are not of legal age or who are obviously intoxicated. Patrons of the bar shall not be allowed to leave the bar or sidewalk café area while drinking alcoholic beverages. Reasonable steps shall include the use of moveable barriers, such as moveable planters or fences to define the permitted area, supervision of the outside area by security or staff personnel, and/or surveillance by electronic monitors. Failure by the bar owner to take such reasonable steps and use them at all times that alcoholic beverages are consumed in the sidewalk café area is grounds for termination of the sidewalk café permit and shall not be deemed an adverse action against the issuance of any future sidewalk café permit.

REQUIREMENTS FOR OBTAINING A SIDEWALK CAFÉ OR RESTAURANT PERMIT

Reference: City Ordinance 2007-107-E (Enacted 02/27/2007) – Chapter 250 (Miscellaneous Business Regulations), Part 8 (Downtown Sidewalk Cafes)

1. Must be located within the boundaries of the Central Business District, as defined by the Comprehensive Plan, the boundaries of which are coterminous with the Downtown Overlay, as defined by Section 656.361.12, (and meeting the definition of commercial zone).
2. All food must be prepared on the premises of the café or restaurant (excluding the sidewalk area), and all food and beverages must be served from the premises of the café or restaurant.
3. The café or restaurant shall, on an annual-calendar-year basis, derive not less than 51% of its gross income from the sale of food and nonalcoholic beverages prepared, sold and consumed on the premises and sidewalk area.
4. The café or restaurant shall be open for the sale and purchase of prepared food at any time alcoholic beverages are available for sale and purchase.
5. The café or restaurant owner shall comply at all times with the Downtown Property Maintenance Code.
6. Operating a downtown sidewalk café or bar on City sidewalks is unlawful without a permit. No person shall conduct a sidewalk café or restaurant without first obtaining a permit issued by the OED and paying the required fee.
7. The annual permit fee for operating a downtown sidewalk café is \$250 made payable to the Tax Collector, and is collected by the OED in conjunction with the sidewalk café permit application (Exhibit A).
8. Copy of Applicant's current business license and/or valid liquor license (if applicable) (Sec. 250.804. Application for Permit)
9. Provide Certificate of Insurance (Sec. 250.807. Liability and Insurance)
10. Provide a drawing showing the width of the applicant's existing café or restaurant facing the sidewalk area requested to be used, location of doorways, width of sidewalk, distance from curb to building face, if different, location of trees, parking meters, bus shelters, sidewalk benches, trash receptacles, or any other semi-permanent sidewalk obstructions. Drawing 1 (Sec. 250.804. Application for Permit)
11. Provide a drawing showing the area requested for use as a downtown sidewalk café with the table located together with the area which will be occupied by the table and accompanying chairs, location and size of any required features used to delineate the area such as portable planters, and visually depicting the reasonable steps proposed by the applicant to comply with the necessary patron control requirements (Refer to Sec. 250.806. Location rules and review). Drawing 2 (Sec. 250.804. Application for Permit)
12. Signed City of Jacksonville Release of Liability and Indemnification (Exhibit B).

EXHIBIT A

APPLICATION FOR A DOWNTOWN SIDEWALK CAFÉ OR BAR PERMIT

Downtown Sidewalk Cafe

Downtown Sidewalk Bar

1. Applicant's Name _____
2. Applicant's Mailing Address _____
3. Applicant's Contact Phone Number _____
4. Address of Property to be Permitted _____
5. Description of Service to be Sold _____
6. Days & Hours of Operation _____
7. Current Zoning _____
8. Legal Description of Property to be Permitted _____

This application is made under the penalties of Section 837.06, Florida Statutes, and the provisions of Chapter 250, of the Municipal Code. The giving of false or misleading information in the application is ground for suspension or revocation of the permit. For additional information, please refer to City Ordinance 2011-443-E and 2007-107-E - Chapter 250 (Miscellaneous Business Regulations), Part 8 (Downtown Sidewalk Cafes)

Applicant's Signature		Date	
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FOR OED USE ONLY

Date Permit Approved			
Date Permit Expires			
OED Signature		Date	

If you have any questions regarding the application process, please contact Jim Klement of the OED at (904) 255-5305, or gparola@coj.net, or visit www.dia.coj.net.

EXHIBIT B

CITY OF JACKSONVILLE RELEASE OF LIABILITY AND INDEMNIFICATION

For being permitted to operate a sidewalk café or bar pursuant to Part 8, Chapter 250 Ordinance Code of the City of Jacksonville (the “City”) on City sidewalks (the “Property”) and other valuable consideration, the sufficiency of which is hereby acknowledged, the undersigned:

Covenants not to sue the City, its officers, employees, agents or representatives, for any and all claims, damages, penalties, costs and expenses based upon, relating to or caused by a temporary or permanent denial of the right to continued use of public property arising from a suspension or revocation of such use due to negligent operation and City needs for the public property (e.g. street widening, sidewalk closure for repairs, placement or repair of utility lines; suspension for community event, etc.).

Indemnifies, defends and holds harmless the City, its officers, employees, agents and representatives, against any claim, action, loss, damage, injury, liability, cost or expense of every kind or nature including property damage, personal injury and death to any person(s) arising out of or incidental to any intentional or negligent act or omission of the undersigned in connection with access to the Property.

Releases, waives and discharges the City, its officers, employees, agents and representatives, from any and all liability to the undersigned and from any and all claims, losses or damages of every kind or nature including, but not limited to, property damage, personal injury and death arising out of or incidental to the undersigned's access to the Property. The release, waiver and discharge apply also to the undersigned's heirs, assigns and legal representatives.

Agrees that the provisions of this consent, release of liability and indemnification are severable, and if any provision, or the application thereof, is held to be invalid or unenforceable by a competent court with jurisdiction, the remainder of the provisions shall not be affected.

Agrees that access to the Property is completely voluntary and that the undersigned is under no obligation to participate and that he/she is giving up substantial rights by signing and signs voluntarily.

<u>Café/Bar Premises Owner:</u>	<u>Permittee (if different from Owner):</u>
_____	_____
By: _____	By: _____
Print Name: _____	Print Name: _____
Date: _____	Date: _____
Company: _____	Company: _____
Mailing address: _____	Mailing address: _____
_____	_____
_____	_____