



TOWN OF PALM BEACH

Planning, Zoning & Building Department

Outdoor Café Seating Permit Application

Section A. Required Application Information

Applicant: _____

Property Owner: _____

Name of Business: _____

Zoning District _____ Number of outdoor seats _____

Applicant's Signature
or duly authorized attorney

Property Owner's Signature
or duly authorized attorney

Type name and phone number

Type Name and phone number

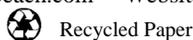
1. Provide scaled and detailed and dimensioned floor plan and site plan.
2. Provide a Permit fee of \$1,000 plus \$50 per outdoor seat.

Section B. Conditions of approval for outdoor seating.

The following information and is required to be submitted with the permit application.

- _____ Application Fee
- _____ Copy of Town Development Order
- _____ Hold harmless agreement, holding harmless the town, its officers, employees, Palm Beach County or the Florida Department of Transportation (FDOT). For claims of damages to property or injury to person which may occasioned by any activity carried out under the terms of the business tax receipt and approved outdoor sidewalk café permit. The agreement shall include that the permittee be responsible and shall indemnify and hold the Town Palm, Beach County and/or FDOT harmless for performance of and payment of any environmental remediation that may be necessary, as determined by the FDOT, as a result of permittee’s use of the area of the outdoor sidewalk café seating
- _____ Permittee shall furnish and maintain public liability, food products liability, liquor liability and property damage insurance for the benefit of the Town and/or Palm Beach County or FDOT (if within or abutting either governmental entities rights-of-way) from all claims and damage to property or bodily injury, including death, which may arise from operations under the business tax receipt or in connection therewith. Such insurance shall provide coverage of not less than one million dollars (\$1,000,000.00) for bodily injury or death to any one (1) person or any number of persons in any one (1) occurrence and property damage, respectively, per occurrence, or a combined coverage of not less than two million dollars (\$2,000,000.00). Such insurance shall be without prejudice to coverage otherwise existing therein and shall name as additional insureds the Town, Palm Beach County and/or FDOT, their officers and employees, if within or abutting either’s rights-of-way and shall further provide that the policy shall not terminate or be canceled prior to the completion of the business tax receipt period without forty-five (45) days written notice to the risk manager at the address shown on the business tax receipt.

Additional stipulated conditions in the Development Order related to the Town Council approval:



SECTION C: Warning.

Damage to the public sidewalk or any public structure as a result of the outdoor café seating operation shall be the responsibility of the property owner to repair to the satisfaction of the town.

The town and its officers and employees shall not be responsible for sidewalk seating components relocated or damaged during emergencies.

SECTION D: Denial, revocation or suspension of approval.

(a) An outdoor café seating permit shall be denied if all of the requirements and/or conditions in sections 134-2106 and 134-2107 are not met. An outdoor café seating permit may be modified, suspended or revoked by the planning, zoning and building director if it is determined that the business is violating the requirement and/or conditions in sections 134-2106 and 134-2107 or if it is determined by the town that the outdoor café seating is negatively impacting neighboring property owners or tenants.

(b) The director may require the temporary removal of sidewalk café outdoor seating when street, sidewalk or utility repairs or maintenance necessitate such action.

(c) If found to be necessary for the protection of the health, safety and welfare of the public, the departments of public works, police and fire-rescue or other emergency service providers may require the applicant to immediately remove or relocate all or parts of the sidewalk outdoor cafe seating and, if necessary, the town may remove or relocate same in emergency situations.

II. Appeal of denial, suspension or revocation by the director of planning, zoning and building department.

The town council shall hear any appeal of a denial, suspension or revocation of an outdoor café seating permit by the planning, zoning and building director or designee pursuant to sections 134-141 through 134-145 of the code.

Approved

Denied

Director of Planning, Zoning and Building or designee

date