



SIDEWALK CAFES AND MERCHANDISE DISPLAY APPLICATION

SUBMITTAL REQUIREMENTS

PLEASE INCLUDE ALL OF THE FOLLOWING ITEMS WHEN SUBMITTING YOUR REQUEST

APPLICATION	INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.	<input type="checkbox"/>
CD	A CD COPY OF ALL APPLICATION DOCUMENTS AND SUBMITTAL DOCUMENTS IN PDF FORMAT	<input type="checkbox"/>
SKETCH OF SIDEWALK CAFÉ AND/OR MERCHANDISE DISPLAY AREA	A DRAWING (TO SCALE) PROVIDING : a) THE LAYOUT AND DIMENSIONS OF THE EXISTING PUBLIC WAYS AND ADJACENT PRIVATE PROPERTY; b) MUST SHOW THE PROPOSED LOCATION, SIZE AND NUMBER OF TABLES, CHAIRS, MERCHANDISE DISPLAYS, STEPS AND UMBRELLAS; c) MUST SHOW THE LOCATION OF TREES, BUS SHELTERS, SIDEWALK BENCHES, TRASH RECEPTACLES, FIRE HYDRANTS, SIGNS, NEW RACKS, PUBLIC FIXTURES AND ANY OTHER SIDEWALK OBSTRUCTION, EITHER EXISTING OR PROPOSED; d) MUST SHOW THE PEDESTRIAN PATHWAY.	<input type="checkbox"/>
FIXTURE EXAMPLES	AS TO SIDEWALK CAFES, PHOTOGRAPHS DRAWINGS OR MANUFACTURERS' BROCHURES DESCRIBING THE APPEARANCE OF ALL PROPOSED TABLES, CHAIRS, UMBRELLAS OR OTHER OBJECTS INTENDED TO BE LOCATED WITH THE SIDEWALK CAFÉ AREA.	<input type="checkbox"/>
OWNERSHIP	PROOF OF OWNERSHIP (I.E., A COPY OF THE DEED, OR COPY OF ORANGE COUNTY PROPERTY TAX PARCEL REPORT) PROPERTY OWNER AUTHORIZATION - CONSENTING TO THE OPERATION OF A SIDEWALK CAFÉ OR THE OUTDOOR DISPLAY OF MERCHANDISE AT THE PARTICULAR LOCATION. IF THE PROPERTY IS BEING LEASED THE LESSEE WHO WILL BE OPERATING THE SIDEWALK CAFÉ OR DISPLAYING THE MERCHANDISE SHALL ALSO SIGN THE APPLICATION.	<input type="checkbox"/>
BUSINESS TAX	PROOF OF VALID BUSINESS TAX RECEIPT	<input type="checkbox"/>
CITY LEASE	IF THE LOCATION OF THE SIDEWALK CAFÉ AREA IS ON CITY PROPERTY OR PUBLIC RIGHT-OF-WAY, A LEASE WITH THE CITY WILL BE REQUIRED BEFORE A PERMIT IS ISSUED.	<input type="checkbox"/>
ALCOHOLIC BEVERAGE LICENSE	IF ALCOHOLIC BEVERAGES ARE INTENDED TO BE SERVED IN THE SIDEWALK CAFE AREA, THE ALCOHOLIC BEVERAGE LICENSE WITH THE STATE WILL NEED TO BE AMENDED FOR AN EXISTING BUSINESS AND SHOWN ON THE LAYOUT INFORMATION FOR A NEW BUSINESS. ALSO, THE CONSUMPTION OF ALCOHOL SHALL BE CONSISTENT WITH BOTH CITY ORDINANCES - CHAPTER 6 AND STATE STATUTE. A SEPARATE AUTHORIZATION BY THE CITY, ON THE STATE ALCOHOL REQUEST LICENSE APPLICATION, WILL BE REQUIRED FOR OUTDOOR ALCOHOL CONSUMPTION IN THE SIDEWALK CAFÉ AREA.	<input type="checkbox"/>
INSURANCE	PROOF OF COMMERCIAL GENERAL LIABILITY INSURANCE IN THE AMOUNT OF \$1,000,000.00 PER OCCURRENCE FOR BODILY INJURY AND PROPERTY DAMAGE. WHEN SIDEWALK CAFÉ AREA ARE LOCATED ON CITY PROPERTY OR RIGHT-OF-WAY THE CITY MUST BE NAMED AS AN ADDITIONAL INSURED ON THIS POLICY, AND AN ENDORSEMENT MUST BE ISSUED AS PART OF THE POLICY REFLECTING COMPLIANCE WITH THIS REQUIREMENT.	<input type="checkbox"/>
	WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY AS REQUIRED BY THE STATE.	<input type="checkbox"/>
	ADDITIONALLY, FOR SIDEWALK CAFES WHICH SERVE ALCOHOLIC BEVERAGES, PROOF OF ALCOHOLIC-LICENSE LIABILITY INSURANCE IN THE AMOUNT OF \$1,000,000.00 PER OCCURRENCE FOR BODILY INJURY AND PROPERTY DAMAGE. WHEN SIDEWALK CAFÉ AREA ARE LOCATED ON CITY PROPERTY OR RIGHT-OF-WAY THE CITY MUST BE NAMED AS AN ADDITIONAL INSURED ON THIS POLICY, AND AN ENDORSEMENT MUST BE ISSUED AS PART OF THE POLICY REFLECTING COMPLIANCE WITH THIS REQUIREMENT.	<input type="checkbox"/>
APPLICATION FEES	SIDEWALK CAFÉ WITHIN THE PUBLIC WAY \$100.00	<input type="checkbox"/>
	DISPLAY OF MERCHANDISE WITHIN THE PUBLIC WAY \$50.00	<input type="checkbox"/>

** ADVISEMENTS **

PROCEDURE:

THE PROCEDURE FOR AN APPLICATION TO OBTAIN A SIDEWALK CAFÉ AND/OR MERCHANDISE DISPLAY PERMIT IS OUTLINED IN SECTION ARTICLE VII. SIDEWALK CAFES AND MERCHANDISE DISPLAY, DIVISION I, SECTIONS 62-201 THROUGH 62-228; DIVISION II, SECTIONS 62-229 THROUGH 62-239; AND DIVISION III, SECTIONS 62-240 THROUGH 62-241 OF THE CITY'S CODE OF ORDINANCES. IN GENERAL, THE PERMIT SHALL BE APPROVED, DENIED OR APPROVED WITH CONDITIONS BY THE STAFF OF THE PLANNING AND ZONING DIVISION OF THE COMMUNITY DEVELOPMENT DEPARTMENT.

POSTING:

PERMIT MUST BE DISPLAYED ON SITE VISIBLE TO PATRONS.

CODE OF ORDINANCES:

THE CITY OF WINTER GARDEN'S CODE OF ORDINANCE CAN BE FOUND ON THE INTERNET AT WWW.MUNICODE.COM. ACCESS TO THE INTERNET CAN BE OBTAINED AT ANY BRANCH OF THE ORANGE COUNTY LIBRARY.



SIDEWALK CAFES AND MERCHANDISE DISPLAY APPLICATION

APPLICANT / CONTACT PERSON (IF DIFFERENT THAN OWNER OF RECORD):

BUSINESS NAME: _____

CONTACT NAME: _____

BUSINESS ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE: _____ FACSIMILE: _____ CELLULAR: _____

EMAIL: _____

Only the primary contact as indicated by the Applicant/Contact Person will receive all correspondence from the City.

OWNER OF RECORD INFORMATION:

BUSINESS NAME: _____

CONTACT NAME: _____

MAILING ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE: _____ FACSIMILE: _____ CELLULAR: _____

EMAIL: _____

PROPERTY SITE INFORMATION:

PROJECT NAME: _____

PROJECT/SITE ADDRESS: _____

SIGNATURE OF APPLICANT AND/OR LESSEE:

I/WE HEREBY CERTIFY THAT I/WE ARE THE APPLICANT(S)/ LESSEE(S) OF THE REAL PROPERTY WHICH IS THE SUBJECT FOR THIS APPLICATION AND ARE REQUESTING THE OPERATION OF A SIDEWALK CAFÉ OR THE OUTDOOR DISPLAY OF MERCHANDISE AT THE AFOREMENTIONED LOCATION AND THAT THE FOREGOING INFORMATION ON THIS APPLICATION IS TRUE AND COMPLETE.

_____ DATE

APPLICANT/LESSEE SIGNATURE

PRINT NAME

SIGNATURE OF OWNER AND/OR LESSOR:

I/WE HEREBY CERTIFY THAT I/WE ARE THE OWNER(S) OF THE REAL PROPERTY WHICH IS THE SUBJECT FOR THIS APPLICATION AND HEREBY AUTHORIZE AND GIVE CONSENT TO THE OPERATION OF A SIDEWALK CAFÉ OR THE OUTDOOR DISPLAY OF MERCHANDISE AT THE AFOREMENTIONED LOCATION AND THAT THE FOREGOING INFORMATION ON THIS APPLICATION IS TRUE AND COMPLETE.

_____ DATE

OWNER/LESSOR SIGNATURE

PRINT NAME

FOR OFFICE USE ONLY

APPLICATION / PERMIT NUMBER:	SCMD		DATE/RECEIVED BY STAMP
<input type="checkbox"/> FEES PAID	<input type="checkbox"/> APPROVED		
<input type="checkbox"/> SITE SKETCH ATTACHED	<input type="checkbox"/> APPROVED with CONDITIONS		
<input type="checkbox"/> PROPERTY OWNER AUTHORIZATION	<input type="checkbox"/> DENIED		
DATE	PLANNING & ZONING AUTHORIZED AGENT		
COMMENTS / CONDITIONS OF APPROVAL:			

CHAPTER 62 ARTICLE VII OF THE CITY CODE

DIVISION 2. SIDEWALK CAFES. SECTIONS 62-229 THROUGH 62-230; AND

DIVISION 3. MERCHANDISE DISPLAY. SECTIONS 62-240 THROUGH 62-241.

62-229. SIZE OF SIDEWALK CAFÉ AREA.

THE SIZE OF THE SIDEWALK CAFÉ AREA FOR ANY PARTICULAR PROPERTY, UNLESS A VARIANCE IS OBTAINED, SHALL NOT EXCEED THE WIDTH OF THE BUILDING FRONTAGE NOR SHALL THE DEPTH EXCEED THAT DISTANCE AS MEASURED FROM THE BUILDING FAÇADE OUTWARD TOWARD THE CURB, PROVIDED A PEDESTRIAN PATHWAY IS MAINTAINED.

62-230 STANDARDS, CRITERIA AND CONDITIONS FOR SIDEWALK CAFES.

ALL PERMIT HOLDERS FOR SIDEWALK CAFES SHALL MEET THE FOLLOWING STANDARDS, CRITERIA, AND CONDITIONS:

- (1) SIDEWALK CAFES ARE RESTRICTED TO THE SIDEWALK CAFE AREA.
- (2) TABLES AND CHAIRS SHALL NOT BE PLACED WITHIN FIVE FEET OF BUS STOPS, TAXI STANDS, FIRE HYDRANTS OR ALLEYS.
- (3) TABLES, CHAIRS, UMBRELLAS OR OTHER PERSONAL PROPERTY MAY NOT BE PERMITTED WITHIN FIVE FEET OF A PEDESTRIAN CROSSWALK OR HANDICAP CORNER CURB CUT.
- (4) SIDEWALK CAFES SHALL BE LOCATED IN SUCH A MANNER THAT A DISTANCE OF NOT LESS THAN FIVE FEET IS MAINTAINED AT ALL TIMES AS A CLEAR UNOBSTRUCTED PEDESTRIAN PATHWAY AROUND THE SIDEWALK CAFE.
- (5) NO OBJECT SHALL BE PERMITTED AROUND THE PERIMETER OF AN AREA OCCUPIED BY TABLES AND CHAIRS WHICH WOULD HAVE THE EFFECT OF FORMING A PHYSICAL OR VISUAL BARRIER DISCOURAGING THE FREE USE OF THE TABLES AND CHAIRS BY THE GENERAL PUBLIC OR WHICH WOULD HAVE THE EFFECT OF OBSTRUCTING THE PEDESTRIAN PATHWAY, EXCEPT AS THE CITY MAY PERMIT BY VARIANCE.
- (6) TABLES, CHAIRS, UMBRELLAS AND OTHER PERMISSIBLE OBJECTS RELATED TO THE SIDEWALK CAFE SHALL BE OF QUALITY, DESIGN, MATERIALS, SIZE, ELEVATION AND WORKMANSHIP BOTH TO ENSURE THE SAFETY AND CONVENIENCE OF USERS AND TO ENHANCE THE VISUAL QUALITY OF THE URBAN ENVIRONMENT. DESIGN, MATERIALS, AND COLORS SHALL BE APPROVED BY THE PLANNING AND ZONING DIRECTOR OR HIS DESIGNEE PRIOR TO THE ISSUANCE OF THE SIDEWALK CAFE PERMIT.
- (7) UMBRELLAS AND OTHER DECORATIVE MATERIAL SHALL BE FIRE-RETARDANT, OR MANUFACTURED OF FIRE-RESISTIVE MATERIAL AND SHALL COMPLY WITH APPLICABLE BUILDING AND FIRE CODES. SIGNS ARE PROHIBITED ON UMBRELLAS, CHAIRS, TABLES AND OTHER PERMISSIBLE PERSONAL PROPERTY AND FIXTURES WHICH ARE LOCATED WITHIN THE PUBLIC WAYS, EXCEPT THAT THE ESTABLISHMENT NAME AND/OR ITS LOGO IS PERMITTED ON UMBRELLAS. LETTERING AND/OR LOGOS MAY NOT EXCEED SIX INCHES IN HEIGHT.
- (8) ONLY ONE MENU BOARD BOLTED OR OTHERWISE FIRMLY AFFIXED TO THE BUILDING FACADE AND ONE SPECIALS BOARD SHALL BE PERMITTED PER SIDEWALK CAFE. THE LOCATION, SIZE, DESIGN, MATERIALS AND COLOR OF THE MENU BOARD AND SPECIALS BOARD SHALL BE APPROVED BY THE PLANNING AND ZONING DIRECTOR OR HIS DESIGNEE, PRIOR TO THE ISSUANCE OF A SIDEWALK CAFE PERMIT, AND THE MENU BOARD AND SPECIALS BOARD LOCATION SHALL BE SHOWN ON THE PERMIT EXHIBIT. THE MENU BOARD AND SPECIALS BOARD SHALL NOT BE A SANDWICH BOARD OR AN A-FRAME SIGN.
- (9) THE PUBLIC WORKS DEPARTMENT MAY REQUIRE THE TEMPORARY REMOVAL OF A SIDEWALK CAFE WHEN STREET, SIDEWALK OR UTILITY REPAIRS NECESSITATE SUCH ACTION. IF SUCH TEMPORARY REMOVAL IS REQUIRED, THE PERMITTEE SHALL IMMEDIATELY COMPLY WITH ALL REQUIREMENTS OF THE PUBLIC WORKS DEPARTMENT, INCLUDING THE REMOVAL OR RELOCATION OF ALL TABLES, CHAIRS OR OTHER ITEMS WITHIN THE PUBLIC WAY.
- (10) THE CITY MAY CAUSE THE IMMEDIATE REMOVAL OR RELOCATION OF ALL OR PARTS OF THE SIDEWALK CAFE IN EMERGENCY SITUATIONS OR FOR SAFETY CONSIDERATIONS.
- (11) THE CITY AND ITS OFFICERS AND EMPLOYEES SHALL NOT BE RESPONSIBLE FOR SIDEWALK CAFE PERSONAL PROPERTY AND FIXTURES RELOCATED DURING EMERGENCIES.
- (12) ALL SALES TRANSACTIONS SHALL OCCUR IN THE BUILDING.
- (13) THE PERMITTEE SHALL ASSURE THAT ITS USE OF THE PUBLIC WAYS IN NO WAY INTERFERES WITH PEDESTRIANS OR LIMITS THEIR FREE, UNOBSTRUCTED PASSAGE THROUGHOUT THE OPERATION OF THE SIDEWALK CAFE DURING ALL BUSINESS HOURS. ALL TABLES, CHAIRS, PLANTERS OR OTHER PUBLIC WAYS OBSTRUCTIONS SHALL BE REMOVED AFTER BUSINESS HOURS. A PEDESTRIAN PATHWAY MUST BE MAINTAINED AND REMAIN UNOBSTRUCTED AT ALL TIMES.
- (14) TABLES, CHAIRS, UMBRELLAS AND OTHER PERMISSIBLE OBJECTS PROVIDED WITH A SIDEWALK CAFE SHALL BE MAINTAINED IN A CLEAN AND ATTRACTIVE APPEARANCE AND SHALL BE IN GOOD REPAIR AT ALL TIMES. UMBRELLAS OR SIMILAR FIXTURES THAT ARE SENSITIVE TO WINDY CONDITIONS MUST BE SUFFICIENTLY WEIGHTED TO PREVENT MOVEMENT, AND THE CITY MAY REQUIRE REMOVAL OF THESE UMBRELLAS OR SIMILAR FIXTURES ON WINDY DAYS TO PREVENT INJURY TO PEDESTRIANS.
- (15) THE AREA COVERED BY THE PERMIT, INCLUDING THE PEDESTRIAN PATHWAY, SHALL BE MAINTAINED IN A NEAT, CLEAN AND ORDERLY APPEARANCE AT ALL TIMES BY THE PERMITTEE, AND THE AREA SHALL BE CLEARED OF ALL DEBRIS AS NEEDED DURING THE DAY, AND AGAIN AT THE CLOSE OF EACH BUSINESS DAY.
- (16) NO ADVERTISING SIGNS OR BUSINESS IDENTIFICATION SIGNS SHALL BE PERMITTED IN THE PUBLIC WAYS EXCEPT AS PERMITTED IN SUBSECTION (7) OF THIS SECTION.
- (17) NO TABLES, CHAIRS OR ANY OTHER PARTS OF SIDEWALK CAFES SHALL BE ATTACHED, CHAINED, BOLTED OR IN ANY MANNER AFFIXED TO ANY TREE, POST, SIGN OR OTHER FIXTURE, CURB OR SIDEWALK IN OR NEAR THE PERMITTED AREA.
- (18) THE PERMIT COVERS ALL SEATING WITHIN THE PUBLIC WAY. NO ADDITIONAL OUTDOOR SEATING AUTHORIZED PURSUANT TO THIS DIVISION SHALL BE USED FOR CALCULATING SEATING REQUIREMENTS PERTAINING TO APPLICATIONS FOR OR ISSUANCE OF AN ALCOHOLIC BEVERAGE LICENSE FOR ANY ESTABLISHMENT; NOR SHALL THE OUTDOOR SEATING BE USED AS THE BASIS FOR COMPUTING REQUIRED SEATING FOR RESTAURANTS AND DINING ROOMS, OR AS GROUNDS FOR CLAIMING EXEMPTION FROM SUCH REQUIREMENTS UNDER THE PROVISIONS OF ANY CITY ORDINANCE OR STATE LAW. HOWEVER, ADDITIONAL OUTDOOR SEATING AUTHORIZED PURSUANT TO THIS DIVISION SHALL BE INCLUDED IN DETERMINING REQUIRED PLUMBING OR ACCESSIBILITY FIXTURES OR OTHER FIRE AND BUILDING CODE REQUIREMENTS.
- (19) NO FOOD PREPARATION, FIRE OR FIRE APPARATUS SHALL BE ALLOWED WITHIN THE PUBLIC WAYS.
- (20) UPON THE ISSUANCE OF A HURRICANE OR HIGH WIND HAZARD BY THE WEATHER BUREAU OR THE CITY, THE PERMITTEE SHALL IMMEDIATELY REMOVE ALL TABLES, CHAIRS AND OTHER EQUIPMENT LOCATED WITHIN THE PUBLIC WAYS. THE ISSUANCE OF SUCH A WARNING SHALL CONSTITUTE AN EMERGENCY SITUATION.
- (21) ONLY THE SIDEWALK CAFE EQUIPMENT SPECIFICALLY DISCLOSED ON THE APPROVED APPLICATION AND NOT OTHERWISE PROHIBITED SHALL BE ALLOWED WITHIN THE SIDEWALK CAFE AREA. THE ESTIMATED CHAIR COUNT PER TABLE MAY VARY WITHIN THE PRESCRIBED AREA, PROVIDED THAT THE CHAIRS REMAIN WITHIN THE APPROVED SIDEWALK CAFE AREA. NO STORAGE OF CHAIRS, TABLES, DISHES, SILVERWARE OR OTHER SIDEWALK CAFE EQUIPMENT SHALL BE ALLOWED IN THE SIDEWALK CAFE AREA OR WITHIN THE PUBLIC WAY.
- (22) NO LIVE ENTERTAINMENT OR SPEAKERS SHALL BE PLACED WITHIN THE SIDEWALK CAFE AREA UNLESS PERMITTED AS A SPECIAL EVENT. CONDITIONS SUCH AS HOURS AND DAYS OF OPERATION AND AUDIO LEVELS WILL BE REGULATED BY THE CITY, AND THESE MAY VARY DURING THE YEAR.
- (23) THE SERVING AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN A SIDEWALK CAFE IS EXPRESSLY CONDITIONED UPON THE PERMITTEE OBTAINING THE NECESSARY STATE ALCOHOLIC BEVERAGE LICENSE AND MEETING ALL LOCAL AND STATE ALCOHOLIC BEVERAGE REQUIREMENTS. FURTHER, THE SERVICE

AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN A SIDEWALK CAFE SHALL ONLY BE PERMITTED WHERE THE SERVICE AND CONSUMPTION OF ALCOHOLIC BEVERAGES HAS BEEN PROPERLY LICENSED FOR THAT PORTION OF THE RESTAURANT WHICH IS IN THE BUILDING. NOTHING HEREIN SHALL BE CONSTRUED TO PERMIT THE SERVICE OR CONSUMPTION OF ALCOHOLIC BEVERAGES WHEREIN SUCH SERVICE OR CONSUMPTION IS PROHIBITED BY CITY CODE OR CHARTER.

- (24) THE HOURS OF OPERATION OF THE SIDEWALK CAFE ARE LIMITED TO THE LEGAL HOURS OF OPERATION OF THE BUSINESS HOLDING THE SIDEWALK CAFE PERMIT.
- (25) ANY DAMAGE TO THE PUBLIC SIDEWALK OR PUBLIC FIXTURES WITHIN THE PUBLIC WAYS, INCLUDING, BUT NOT LIMITED TO, CHIPPED OR CRACKED CONCRETE, PAINTED CONCRETE, BENT SIGNS, ETCETERA, RESULTING FROM OPERATION OF THE RESTAURANT SHALL BE THE RESPONSIBILITY OF THE PERMITTEE AND SAID PERMITTEE SHALL BE LIABLE TO CITY FOR ALL COST OF REPAIR.

62-240. SIZE OF OUTDOOR MERCHANDISE AREA.

THE SIZE OF THE OUTDOOR MERCHANDISE AREA FOR ANY PARTICULAR PROPERTY, UNLESS A VARIANCE IS OBTAINED, SHALL NOT EXCEED THE WIDTH OF THE BUILDING FRONTAGE NOR SHALL THE DEPTH EXCEED FIVE (5) FEET AS MEASURED FROM THE BUILDING FAÇADE OUTWARD TOWARD THE CURB, PROVIDED A PEDESTRIAN PATHWAY IS MAINTAINED. IN THE EVENT A PEDESTRIAN PATHWAY CANNOT BE MAINTAINED WITHIN THE AFOREMENTIONED PARAMETERS AND UNLESS A VARIANCE IS OBTAINED, THE SIZE OF THE OUTDOOR MERCHANDISE AREA SHALL NOT EXCEED THE WIDTH OF THE BUILDING FRONTAGE NOR SHALL THE DEPTH EXCEED THAT DISTANCE AS MEASURED FROM THE BUILDING FAÇADE OUTWARD TOWARD THE CURB LESS THE AREA NECESSARY FOR THE PEDESTRIAN PATHWAY.

62-241. STANDARDS, CRITERIA AND CONDITIONS FOR OUTDOOR MERCHANDISE AREAS.

ALL PERMIT HOLDERS FOR OUTDOOR MERCHANDISE AREAS SHALL MEET THE FOLLOWING STANDARDS, CRITERIA AND CONDITIONS:

- (1) NO PERSON SHALL LOCATE AN OUTDOOR MERCHANDISE AREA WITHIN THE PUBLIC WAYS UNLESS THEY HAVE SECURED A PERMIT FROM THE CITY PURSUANT TO THE REQUIREMENTS OF SECTION 62-204 OF THIS CODE AND PAID ANY APPLICABLE FEES REQUIRED BY THE CITY.
- (2) OUTDOOR MERCHANDISE AREAS SHALL BE LOCATED ONLY IN THE AREAS DESIGNATED BY THE CITY. MERCHANDISE AND THE FIXTURES OR DEVICES ON WHICH IT IS DISPLAYED SHALL BE RESTRICTED TO THE OUTDOOR MERCHANDISE AREA AND BE LOCATED SO AS NOT TO IMPEDE, ENDANGER OR INTERFERE WITH PEDESTRIAN OR VEHICULAR TRAFFIC.
- (3) MERCHANDISE AND THE FIXTURES OR DEVICES ON WHICH THE MERCHANDISE IS DISPLAYED MUST NOT BLOCK REGULATORY SIGNS, CROSSWALKS OR INTERSECTIONS AND SHALL BE SUFFICIENTLY LIT DURING TIMES OF LOW LIGHT IN ORDER TO PROVIDE FOR SAFE PEDESTRIAN PASSAGE ALONGSIDE THE OUTDOOR MERCHANDISE AREAS.
- (4) THE OUTDOOR MERCHANDISE AREA FOR THE DISPLAY OF MERCHANDISE AND THE FIXTURES OR DEVICES ON WHICH THE MERCHANDISE IS DISPLAYED MUST ABUT THE BUILDING FACADE. IN ADDITION, ALL DISPLAYS OF MERCHANDISE SHALL BE SUFFICIENTLY SET BACK FROM THE CURB TO ALLOW FOR THE PARKING OF AUTOMOBILES.
- (5) ALL DISPLAYS OF MERCHANDISE WITHIN THE OUTDOOR MERCHANDISE AREAS MUST MEET A MINIMUM HEIGHT OF 28 INCHES. ALL MERCHANDISE LOCATED WITHIN AN OUTDOOR MERCHANDISE AREAS SHALL BE PLACED SO THAT THE MERCHANDISE AND THE FIXTURES OR DEVICES ON WHICH THE MERCHANDISE IS DISPLAYED ARE STABLE AND NOT EASILY TIPPED AND DO NOT INCLUDE SHARP EDGES, PROTRUSIONS, OR OTHER FEATURES WHICH MAY BE HAZARDOUS TO THE PUBLIC.
- (6) ALL MERCHANDISE AND THE FIXTURES OR DEVICES ON WHICH THE MERCHANDISE IS DISPLAYED SHALL BE MOVED INSIDE THE BUILDING OR STRUCTURE WHEREIN THE BUSINESS IS LOCATED DURING HOURS THE BUSINESS IS NOT OPERATED AND DURING INCLEMENT WEATHER, INCLUDING, BUT NOT LIMITED TO, HEAVY RAIN OR WIND.
- (7) THE PERMITTEE SHALL BE RESPONSIBLE FOR THE MAINTENANCE, UPKEEP AND SECURITY OF THE FIXTURES OR DEVICES ON WHICH THE MERCHANDISE IS DISPLAYED AND THE CITY SHALL NOT BE SO RESPONSIBLE.
- (8) THE PERMITTEE SHALL BE RESPONSIBLE FOR KEEPING THE OUTDOOR MERCHANDISE AREAS CLEAN OF GARBAGE, TRASH, PAPER, CUPS, CANS OR LITTER ASSOCIATED WITH THE OPERATION OF THE OUTDOOR MERCHANDISE AREAS.
- (9) THE PERMITTEE SHALL NOT UTILIZE WITHIN THE OUTDOOR MERCHANDISE AREA ANY BELL, SIREN, HORN, LOUDSPEAKER OR ANY SIMILAR DEVICE TO ATTRACT THE ATTENTION OF CUSTOMERS.
- (10) DISPLAY ITEMS SHALL BE LIMITED TO MERCHANDISE SOLD BY THE BUSINESS OR DECORATIVE ITEMS WHICH RELATE TO OR COMPLIMENT THE BUSINESS.
- (11) OUTDOOR MERCHANDISE AREAS SHALL NOT CONTAIN ANY LIVE ANIMALS.
- (12) DISPLAY ITEMS SHALL NOT INCLUDE SIGNAGE WHICH WOULD OTHERWISE REQUIRE A SIGN PERMIT UNDER THE CODE.
- (13) ALL SALES TRANSACTIONS SHALL OCCUR IN THE BUILDING.
- (14) EXCEPT AS PROVIDED FOR HEREIN, NO MERCHANDISE SHALL BE DISPLAYED BY USE OF RACKS OR TABLES. PERIODIC DISPLAY OF MERCHANDISE UPON TABLES MAY BE PERMITTED FOR SPECIAL EVENTS UP TO FOUR TIMES PER YEAR, NOT TO EXCEED ONE TIME PER CALENDAR QUARTER. A SPECIAL EVENT PERMITS MAY BE OBTAINED FROM THE PLANNING AND ZONING DEPARTMENT.
- (15) THE PERMITTEE SHALL ASSURE THAT PERMITTEE'S USE OF THE PUBLIC WAYS IN NO WAY INTERFERES WITH PEDESTRIANS OR LIMITS THEIR FREE, UNOBSTRUCTED PASSAGE THROUGHOUT THE DISPLAY OF MERCHANDISE DURING ALL BUSINESS HOURS. ALL MERCHANDISE OR OTHER PUBLIC WAYS OBSTRUCTIONS SHALL BE REMOVED AFTER BUSINESS HOURS. A PEDESTRIAN PATHWAY MUST BE MAINTAINED AND REMAIN UNOBSTRUCTED AT ALL TIMES.
- (16) ANY DAMAGE TO THE PUBLIC SIDEWALK OR PUBLIC FIXTURES WITHIN THE PUBLIC WAYS, INCLUDING, BUT NOT LIMITED TO CHIPPED OR CRACKED CONCRETE, PAINTED CONCRETE, BENT SIGNS, ETCETERA RESULTING FROM OPERATION OF THE BUSINESS SHALL BE THE RESPONSIBILITY OF THE PERMITTEE AND SAID PERMITTEE SHALL BE LIABLE TO CITY FOR ALL COST OF REPAIR.



Development Review Costs

By signing this Application, the Applicant acknowledges and agrees that Applicant has read Chapter 88, City of Winter Garden Code Ordinances ("Chapter 88") and understands and agrees to accept Applicant's responsibilities and obligations to pay the City for all fees, costs, and expenses incurred by the City in the review, processing, inspection, and regulation of this Application, including but not limited to: (i) those charges associated with the time City staff and City consultants (including, without limitation engineers, architects, planners, attorneys, paralegals, surveyors, construction inspection professionals and any other professional or technical consultants) spend on the review, processing, inspection, and regulation of the Application or development; (ii) any expenses directly related thereto, including but not limited to notices, advertising, postage, surveying, inspection, legal and engineering costs; and (iii) those charges associated with the time City staff and City consultants spend concerning administrative proceedings, quasi-judicial proceedings, trial court proceedings and appellate court proceedings relating to the consideration, review or challenge of all or part of the Application or any development order or permit issued as the product of the Application or a similar application by the Applicant. However, Chapter 88 does not require the Applicant to pay the City's attorneys' fees and litigation expenses in proceedings or litigation where the City and Applicant are direct adverse parties, except in matters where the City is enforcing the requirements of Chapter 88 against Applicant as specified in § 88-10, City of Winter Garden Code of Ordinances. Applicant understands and agrees that the aforesaid fees, costs and expenses will be invoiced and shall be paid by the Applicant whether or not the Application is successful.

Applicant shall provide prompt written notice to the City's City Manager and Community Development Director within ten (10) calendars days of the occurrence of a change in ownership of all or a portion of a lot, tract, or parcel of real property that is the subject of the Application. Such written notice shall comply with the provisions of § 88-11, City of Winter Garden Code of Ordinances.

Invoices from the City shall be paid within ten (10) calendar days of the date appearing on the invoice. Full payment is a requirement for City's final approval of the Application or any similar application by the Applicant, and as such, the failure to pay such amount jeopardizes the effectiveness of any development order or permit issued prior to full payment of such amounts by Applicant. If nonpayment occurs, the City shall have all remedies at law and in equity against the Applicant and the property owner(s) of the Property subject to this Application, including without limitation, the right to cease development review and processing of the Application, revoke, rescind or place a stop work order on development orders and permits issued at the request of the Applicant, and those other remedies specified in Chapter 88. The provisions of Chapter 88 are incorporated herein by this reference, and the agreements contained herein are supplemental to the Applicant's and the property owner(s)' requirements and obligations under Chapter 88.

No Reliance

Applicant acknowledges and agrees that it is spending funds at its own risk in an attempt to obtain development orders, permits and/or approvals from the City or to otherwise develop the Property, and the City is not liable for reimbursing Applicant for such costs and expenses. Individual City employees, City consultants, City appointed officials and elected officials (including city commissioners) have no actual or apparent authority to bind the City on Application approvals and development matters, except for certain very limited matters that are expressly authorized by the City of Winter Garden Code of Ordinances to be determined by the City's Community Development Director or the City's City Manager. Applicant shall not rely on and has no basis to rely on, any written or oral statements of the City's employees, consultants, or elected or appointed officials, except for the actual development order(s) or permit(s) issued after final action is taken by the City on the Application pursuant to the standard applicable review and approval process. Often for development matters, prior to final action being taken by the City, the City must conduct quasi-judicial public hearing(s) where decisions on development applications must be based on the evidence presented in the record at such hearing(s), including testimony and evidence presented by the Applicant, City staff and consultants, and other interested parties. Moreover, often it is the case that multiple types of development orders and permits must be issued before a development can proceed, so the issuance of one or more development orders and permits, should not be relied upon by the Applicant for the likelihood that other required development orders, permits and approvals will be issued. Further, the final actions and/or development orders or permits of the City on development matters can often be challenged; thus, the Applicant should consult with its own legal counsel as to the reliability of final actions of the City and development orders and permits issued by the City.