



REVOCABLE SIDEWALK USE PERMIT

Marion City Zoning & Compliance Dept.
233 W Center St. – Marion OH 43302
PH: 740-383-5712 – FAX: 740-383-5712

Permit #: _____ Expires: _____

Name of Business: _____ Address of Business _____

Contact Person: _____ Phone (____) _____

Property Owner: _____ Address of Property Owner _____

Email: _____

Hours of Operation (Be specific, include Sat. & Sun.)

Additional information (if applicable)

Days _____ Hours _____

Retail Food License # _____

Days _____ Hours _____

Liquor License # _____

Days _____ Hours _____

Proposed Outdoor Seating Capacity _____

CONDITIONS OF PERMIT

INSURANCE REQUIREMENT - The permit holder shall be required and provide proof as an attachment to this application to serve e, pay for and maintain until expiration of this permit public liability and property damage insurance as shall protect him and the City from claims for personal injury and property damage, naming the City as a co-insured and providing **\$1,000,000** of coverage.

REVOCABILITY - By signing this application, signatures acknowledge that the Sidewalk Use Permit is revocable at the discretion of the City; applicable penalties for non-compliance are outlined in the codified Ordinances of Marion. Some of the causes for a revocation of the permit include but are not limited to: disturbance to neighboring businesses, detriment to the downtown, and refusal to adhere to the guidelines and code enforcement actions.

INDEMNITY AGREEMENT - Applicant shall provide proof of insurance to indemnify and save harmless the City of Marion, its employees, officials agents, successors and assigns from any liability to any person on account of any damage to person or property arising out of the sidewalk use operation, pursuant to Ordinance 2016-36 of the Marion City Code, passed May 9, 2016.

APPLICATION REQUIREMENTS

1. Completed Applicant Information Section (above)

2. Attachments (details on page 2)

3. Permit Fee (check one)

New or Revised:

\$25.00

Renewal/Ancillary Decorative Items Only: **No Fee**

4. Permission of applicant, property owner.

Property Owner Signature _____ Date: _____

Applicant's Signature _____ Date: _____

For Internal Use Only:

Zoning & Compliance Dept. _____ Date: _____

Police Department _____ Date: _____

Fire Department _____ Date: _____

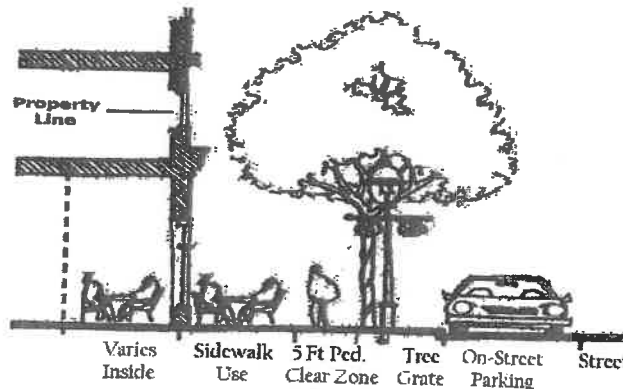
Completed Applicant Information section

(On page one of this form. Note: you will need contact information for the business as well as the property owner.)

2. Attachments

- A. A Certificate of Insurance pursuant to the conditions of this permit (details on page one).
- B. Provide a to-scale "Site Plan" (sample at right) illustrating the applicant's sidewalk use as well as:
 - (i) Entrances to business
 - (ii) Property lines, sidewalk widths and all obstructions within 15 feet of the occupied area (including fire hydrants, streetlights, tree grates, etc.)
 - (iii) Width of occupied area, location of tables and chairs and their relative proximity.
 - (iv) 5-foot minimum pedestrian path/clear zone between the sidewalk use and any obstructions.
- C. A menu of the proposed service (if applicable). Any restaurant that is prohibited from serving alcoholic beverages on the sidewalk, where otherwise permitted within the premises, must provide evidence that the menu will so indicate. For any restaurant that obtains a permit for serving alcoholic beverages on the sidewalk, such sale of alcoholic liquor shall be for consumption on the premises and the intention to service in the café and should be noted on the application.

Sidewalk Use Permit Site Plan



- 3. **Permit Fee (please check box on page one)**
- 4. **Permission of applicant property owner, and neighboring businesses**

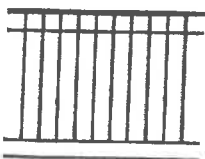
Design Review Regulations

The following guidelines have been established for any tables and chairs proposed for temporary placement on the sidewalk area:

- 1. The tables and chairs shall be comprised of metal or wood and the color shall compliment the storefront. The style and material of any barriers (planters, fences, etc.) shall compliment the storefront.
- 2. Any use purposing to serve alcoholic beverages on the sidewalk area will need to delineate the entire area with a physical boundary as required by the State Division of Liquor Control. The boundary shall be a removable fence that is secured by self-tapping concrete anchors, such anchors shall not exceed 3/4 of an inch in diameter and be embedded at least 1 inch into concrete but not more than 1-3/4 inches. Such anchoring is not permitted on any brick section of the sidewalk.
 - a. At the end of each outdoor season, the City reserves the right to require any holes to be filled per the specifications of the City.
 - b. If the object is permanently removed or the hole pattern is modified, the applicant or property owner must fill all holes per specifications of the City.
 - c. Any damage to the public sidewalk resulting from the anchoring of any object shall be corrected by the applicant or property owner at their own expense and per specifications of the City.
 - d. All structures will be removed by November 1st and not placed before March 1 after a sidewalk use permit is re-issued.
 - e. Any fencing enclosing an outdoor dining area may be permitted to remain on the sidewalk between November 1st and March 1st provided the following:
 - (i) A clear pedestrian zone as required by this permit is maintained at all times. This involves maintaining the pedestrian zone free and clear of snow and ice at all times including any snow that may be pushed by from the street onto the sidewalk within the pedestrian zone.
 - (ii) In the event the pedestrian zone is not maintained free and clear of any obstruction, the City shall post the property and order the pedestrian zone cleared within 24 hours. Failure to clear the pedestrian zone within 24 hours of notice posted on the property will cause the City to order all fencing to be removed. Multiple violations and failure to comply with the City orders will result in an automatic one-year suspension of any sidewalk use permits.

The fence shall be historically-appropriate wrought iron or other metal made to resemble historically appropriate wrought-iron.

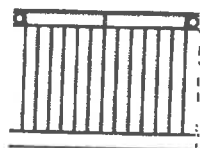
Example fence styles include the following:



Fence Type 1



Fence Type 2



Fence Type 3



Fence Type 4

Compliance with the guidelines can result in an administrative approval (no hearing with the Design Review Board). Those who do not comply will need to submit for a Certificate of Appropriateness and the case will be set for the public hearing at the next available meeting of the Board.