

FEE DETERMINATION
 \$200 per parking space per month
 \$200 x _____ x _____ =
Months Parking Spaces

Total Fee



102 Butler Street • P.O. Box 86 • Saugatuck, MI 49453
 Phone: 269-857-2603 • Website: www.saugatuckcity.com

OFFICE USE
 _____ Approved
 _____ Denied
 _____ Date

EXPANDED OUTDOOR DINING AREAS (EODAs) APPLICATION APRIL 1ST TO NOVEMBER 30TH

Fill out in its entirety & return to the Planning and Zoning office with required attachments. Applications will be reviewed by the applicant and the zoning administrator in the zoning office by appointment only. Failure to provide all attachments may result in a delay of processing.

LEGAL BUSINESS NAME: _____ TELEPHONE: _____

MAILING ADDRESS: _____

CONTACT NAME: _____ TELEPHONE: _____

E-MAIL ADDRESS: _____ CELL PHONE: _____

CONTACT INFORMATION OF THE PERSON RESPONSIBLE FOR THE EXPANDED OUTDOOR DINING AREA (EODA)

CONTACT NAME: _____ TELEPHONE: _____

E-MAIL ADDRESS: _____ CELL PHONE: _____

EODA LOCATION: _____ HOURS: _____

MONTHS THE EODA WILL BE IN PLACE (APRIL-NOVEMBER) _____

WILL ALCOHOL BE SERVED: Yes No
 Provide Copy of Liquor Liability Insurance (listing the City as additionally insured)

PARKING LOT CLOSURES: Yes No

Parking Lot Location: _____

APPLICATION CHECK LIST

Completed Application



102 Butler Street • P.O. Box 86 • Saugatuck, MI 49453
Phone: 269-857-2603 • Website: www.saugatuckcity.com

- Current photo(s) of the front of your business that includes the curb strip and parking space.
- Two EODA Maps (includes detailed seating layout, trash container, and sanitation station with exact measurements and indication/location of any manhole covers within the EODA site (“Premises”)). The first map should be a bird’s eye view of the outdoor dining area and the second map should be a street view sketch of the EODA.
- Description or photos of proposed barriers, tables, and chairs on Premises
- Certificate of Insurance (listing the City of Saugatuck as additionally insured)
- Michigan Liquor Control Commission License (if applicable) Attached In process
- Health Department Food Service License (if applicable)
- Include a lighting plan with a statement that the EODA be lit 24 hours a day. The EODA shall be lit by both electrical lighting and marked with traffic reflectors.
- Full payment of the EODA fee for this season.

The Applicant understands and agrees, as a condition of its use of the Premises, to:

As a condition of an approved license, Applicant shall indemnify and hold the City and all its officers, officials, agents, and employees free, clear, and harmless from any and all costs, claims, injuries, liabilities, expenses, penalties, or damages (including its attorney fees) sustained in connection with, related to, or arising out of the operation of the EODA. The City shall be added as a named insured on Applicant’s general liability insurance policy and the Applicant must provide the City with a copy of the certificate of insurance. Applicant shall carry insurance in the amount of \$500,000 per person, per incident, for general and product liability and have umbrella coverage in the amount of not less than \$1,000,000.

Applicant shall comply with all City and County Ordinances and applicable State laws, COVID limitations, and City policies. Applicant acknowledges that the EODA license does not relieve the Applicant or organization from meeting any applicable requirements of law or other public bodies or agencies.

Applicant agrees that if the EODA is located in parallel parking spaces, then the EODA furniture/barriers shall not extend more than 8 feet from the face of the curb, and not exceed 40 feet in length. If the EODA is located on an angled parking street (i.e. Water Street), the EODA furniture/barriers shall not extend more than 15 feet from the face of the curb, and not exceed 40 feet in length. Tents or enclosures are **not** allowed in the street



102 Butler Street • P.O. Box 86 • Saugatuck, MI 49453
Phone: 269-857-2603 • Website: www.saugatuckcity.com

under this license. All heating equipment must be approved by the Fire Department. The Applicant's use of the Premises is expressly limited to only that area designated on the approved maps, copies of which are attached.

Applicant shall allow access to the Premises to the City's Department of Public Works for any maintenance purpose including without limitation storm drain cleaning, line painting and marking utilities by the associated utility companies.

Outdoor seating areas shall not disrupt street or sidewalk drainage or impound water. Carpeting and ground coverings of any kind are prohibited.

EODAs must be completely removed from the Premise when there is a forecast of plowable snowfall. The City will attempt to notify the Applicant of the forecast, but it is the Applicant's responsibility to monitor the weather.

Applicant understands that the Applicant is required to meet with City staff during the review of this application.

Applicant agrees that Applicant shall, at the end of the term of the license, remove any of the objects placed by Applicant on the Premises. In the event the Applicant elects not to remove the aforesaid objects, the City will notify the Applicant with a two days' prior written notice to remove any of the objects/structures placed by the Applicant on the Premises or else the City will take ownership of the objects. If the Applicant does not remove any of the objects/structures, then ownership of the same shall be with the City which may dispose of such structures or equipment as it, in its sole discretion, deems fit and without any payment to the Applicant.

Applicant shall, at all times, keep the Premises free of debris and in a neat, clean, safe, reasonable and orderly condition, and keep all objects and items located thereon in good and safe maintenance and repair.

Applicant acknowledges that the City shall have the right to terminate this license at any time upon two days' prior written notice to the Applicant for any reason, including but not limited to, the City's need for parking infrastructure, utilities, or other City needs in its sole discretion.

The parties agree that the Applicant takes the Premises "as-is" and in its current condition. The City makes no representations, warranties, or promises regarding the Premises or the ability of the Applicant to use the Premises. Further, the Applicant acknowledges and agrees that use of the Premises by it is deemed permissive and Applicant agrees not to claim any right or assert any cause of action regarding adverse possession, prescriptive easement, acquiescence, or similar legal theory against the City or with regard to the Premises. The Applicant acknowledges that its rights hereunder are secondary to the rights of the City.

Applicant agrees that property taxes, including personal property taxes shall be paid in full before a license will be issued.



102 Butler Street • P.O. Box 86 • Saugatuck, MI 49453
Phone: 269-857-2603 • Website: www.saugatuckcity.com

Applicant agrees that it (as well as its contractors, subcontractors, employees, customers and invitees) shall comply with any and all applicable ordinances, codes, laws, and regulations regarding the Premises and any use thereof. Applicant shall not create or permit any nuisance to occur on the Premises.

As the duly authorized agent of the Applicant or sponsoring organization, I hereby apply for approval of this pop-up permit and affirm the above understandings. The information provided on this application is true and complete to the best of my knowledge and I assume all resulting liability incurred.

Applicant Signature

Date

Policy/Procedure: Expanded Outdoor Dining Area Policy

Date Adopted or Implemented: February 14, 2022

Revision Date: N/A

Resolution Number (if applicable): 220214-C

CITY OF SAUGATUCK

Purpose: To provide procedure and process for licensing the use of the City of Saugatuck public streets for expanded outdoor dining.

Policy: On an annual basis, interested food and beverage service business applicants must apply for the license to extend their dining services into the public right-of-way from April 1st to November 30th. The fees for the license shall be set by the City Council from time to time based on factors as determined by the Council.

Procedure: The expanded outdoor dining area licenses will be approved on a yearly basis consistent with this policy and the standards and requirements set forth herein:

Procedures:

1. Any food and beverage service business that wishes to establish new or additional outdoor dining areas between April 1st and November 30th shall complete all required paperwork, as well as pay the necessary fee for use of the parking space(s) for the EODA season. The entirety of the EODA fees must be paid at the time an application is submitted and are non-refundable upon issuance of an EODA license.
2. The EODA fee will be \$200 per parking space for every month the Applicant wishes to operate an EODA during the EODA season, which will begin on April 1st of each year and end on November 30th of that same year. The City may deposit the EODA fee upon approving a license.
3. All completed/appropriate application(s) shall be submitted to the Zoning Administrator for review.
4. Following receipt of all completed/appropriate application forms, City Administration will review and investigate the request for any use of public property consistent with the standards for approval and design requirements set forth below. The City may approve the application, deny the application, or approve the application subject to conditions reasonably necessary to ensure compliance with the standards enumerated below and in the City Code.
5. Upon approval by the City, the applicant will receive a license signed by the Zoning Administrator. If the City has imposed any conditions of approval, the conditions will be included on the license. Each license will be valid for one EODA season (April 1st to November 30th). If an application is denied, the City will notify the Applicant of the denial in writing, specifying the reason for denial.

Standards for Approval:

1. The Applicant is an owner or operator of a food and beverage service business and will be using the EODA only for the purposes of serving food and beverages to their customers.
2. The Applicant has submitted a complete EODA application and has paid the EODA fee in full.
3. The City has been added as a named insured on the Applicant's general liability insurance policy and the Applicant has provided the City with a copy of the certificate of insurance, demonstrating coverage in the amount of \$500,000 per person, per incident, for general and product liability and have umbrella coverage in the amount of not less than \$1,000,000.
4. The EODA will comply with all City and County Ordinances and applicable State laws, COVID limitations, and City policies.
5. If the EODA is located in parallel parking spaces, then the EODA's furniture/barriers shall not extend more than 8 feet from the face of the curb, and not exceed 40 feet in length. If the EODA is located on an angled parking street (i.e. Water Street), the EODA's furniture/barriers do not extend more than 15 feet from the face of the curb, and do not exceed 40 feet in length.
6. No tents or enclosures are proposed.
7. All heating equipment proposed by the Applicant has been approved by the Fire Department.
8. The Applicant has submitted two EODA Maps which include detailed seating layout, trash container, and sanitation station with exact measurements and indication/location of any manhole covers within the Premises.
8. The EODA will not disrupt street or sidewalk drainage or impound water.
9. No carpeting or ground coverings of any kind are proposed.
10. Property taxes, including personal property taxes, have been paid in full.
11. No advertising banners or related decorations are proposed.
12. Fire lanes, fire hydrants, and other fire department connections will not be blocked by the EODA and required fire access will be maintained.
13. The EODA will not block or otherwise restrict access to handicapped parking spaces.
14. The EODA only consumes parking spaces adjacent to the Applicant's business, and does not extend past the building frontage of the Applicant's business.

Design Requirements:

- 1.** Barrier structures for EODAs must be made of non-flexible materials. Examples of acceptable non-flexible materials include wood, plastic, and metal. Concrete barriers and cinder blocks are not acceptable. Flexible materials, like rope and canvas, are not acceptable barriers.
- 2.** Barriers must clearly define the perimeter of the EODA to prevent pedestrians and from entering or exiting from the street.
- 3.** Planters, plants, and organic materials are required parts of the EODA.
- 4.** Both electrical lighting and traffic reflectors are required in the EODAs to promote visibility for traffic. Overhead and underground electrical cords are permitted. Electrical cords may not run along the ground and onto the sidewalk for safety reasons.
- 5.** The EODA will not unreasonably interfere with the flow of pedestrian or vehicular traffic or the use of adjacent parking spaces
- 6.** The EODA will be aesthetically pleasing and consistent with the general character of the surrounding area.