



**CITY OF WYANDOTTE
OUTDOOR CAFÉ
APPLICATION**

Engineering and Building
3200 Biddle Avenue
Wyandotte, MI 48192

Date: _____

REQUIRED INFORMATION:

Address of Outdoor Café: _____

Name of Business: _____

Property Owner: _____

Address: _____ City: _____ State _____ Zip Code _____

Phone Number: (____) _____ Fax: (____) _____ Email: _____

Applicant: _____

Address: _____ City: _____ State _____ Zip Code _____

Phone Number: (____) _____ Fax: (____) _____ Email: _____

Zoning of property _____ Outdoor Café Location: ___ Public Property ___ Private Property

NOTE: An Outdoor Café in a B-2 Zoning District may provide for only 35% more seating than is provided inside the restaurant. Additional parking required (Sec. 2202.5.7)

Hours of occupancy for Outdoor Cafe: _____ AM thru _____ PM

(§190.307.S(1)(a) 17:00 a.m. to 12 midnight Monday thru Thursday and Sunday; Extended hours to 2:00 a.m. on Friday and Saturdays, 3rd Fridays, Street Art Fair Days, March 17, New Year's Eve, Wednesday before Thanksgiving Day, Thursday before Easter, and events approved by Resolution by City Council.)

Dates of occupancy for Outdoor Café: From: _____ to _____

(§190.307.S(1)(a) - Dates Allowed January 1st to December 31st)

Area of occupancy in square feet: _____ sq ft; dimensions _____ x _____

Capacity of existing establishment: _____ people (with seating) _____ people (without seating)

Capacity of proposed outdoor café: _____ people (total number of seats)

Will alcoholic beverages be served at the outdoor café: _____ Yes _____ No

DIAGRAM OF SIDEWALK CAFÉ:

Please attach a separate 8-1/2" x 11" sheet (or larger) illustrating the proposed café area. Show existing sidewalk, buildings, curb, existing improvements in the right-of-way, i.e. lamp posts, street trees, planters, awnings, and guards, benches, mailboxes, etc., an unobstructed clear area for pedestrian passage along sidewalk (a minimum of 60" wide), railings, umbrellas, proposed area for tables and chairs, number of tables and chairs, and details of the proposed perimeter barrier. Diagram should be of a scale 1" = 10' (or other appropriate scale).

Location of entrances and exits shall be shown.

Attach a copy of all furnishings i.e. tables, chairs, planters containing plants and accessories. Furnishings may not be attached.

Fences abutting public right-of-way must be black metal.

DIAGRAM OF SIDEWALK CAFÉ:

Cafes adjacent to residential properties or that share an alley with residential properties shall be screened with a solid fence at minimum of six (6) feet in height.

For additional requirements, please refer to the Zoning Ordinance and the Outdoor Café Ordinance pertaining to the zoning of the property.

INSURANCE FOR OUTDOOR CAFES ON PUBLIC PROPERTY:

For outdoor cafes on public property, Liability Insurance, Liquor Liability Coverage and Property Damage Coverage naming the City of Wyandotte and Wayne County (when applicable) as an insured party must be provided before an outdoor café may be set up and be maintained for as long as the outdoor café is in operation. See attached example of a Certificate of Insurance for minimum coverages and minimum limits required. A primary general liability policy with limit of \$1 million per occurrence with a \$1 million aggregate policy is acceptable in lieu of the \$1 million per occurrence with a \$1 million aggregate policy plus the \$1 million umbrella as shown on the sample certificate provided.

NOTE: For those cafes on public property that serve alcohol you will also be required to have liquor liability coverage in the amount of \$1 million per occurrence and \$1 million policy aggregate.

GRANT OF LICENSE/HOLD HARMLESS AGREEMENT FOR OUTDOOR CAFES ON PUBLIC PROPERTY:

A Grant of License and Hold Harmless Agreement will be required to be executed by the property owner and tenant if applicable. The Grant of License and Hold Harmless Agreement will be prepared by the City's Attorney and require approval by the City Council.

ANNUAL INSPECTON:

An Annual Inspection will be required. The Applicant shall apply to the Engineering and Building Department each year after receiving approval by the Planning Commission.

CERTIFICATION:

Applicant covenants and agrees to strictly comply with all terms and conditions of the Outdoor Café Ordinance, all other ordinances and requirements of State and Federal laws. Applicant further understands and agrees that the Planning Commission in its sole and absolute discretion, may approve, deny or set any conditions or limitations on any outdoor café which may be approved on private property. In addition, the City Council in its sole and absolute discretion may approve, deny or set any conditions or limitations on any outdoor café which may be approved on public property.

Approval of an outdoor café is on a calendar year basis and a renewal request must be filed each year. Approval of an outdoor café is subject to revocation by the City.

INDEMNIFICATION:

By signing this Application and upon approval by the Planning Commission for cafes on private property or upon approval by the City council for cafes on public property, the Applicant agrees to indemnify the City of Wyandotte and Wayne County per the following: the applicant and permittee shall indemnify, hold harmless and defend the City of Wyandotte and Wayne County, and their agents, employees elected officials, against and any all claims, expenses (including attorney's fees) demands, payments, suits, actions, recoveries, and judgements of every name

and description, brought or recovered against them or either or any of them for or on account of loss of life, any personal injury, or damages to property received or sustained by any person or persons whomsoever by reason of any act or omission of the said applicant and permittee, their agents, servants, or subcontractors in the operation of said outdoor café, or by or in consequence of any negligence or carelessness in connection with the same or on account of the death of or injuries to persons who shall be engaged in the operation of the outdoor café; and on account of liability or obligation imposed directly or indirectly upon the City of Wyandotte or Wayne County by reason of any law of the State of Michigan or the United States, now existing or which shall hereafter be enacted imposing any liability or obligation, or providing for compensation to any person or persons on account of or arising from the date hereof, for injuries to employees or others. Said applicant and permittee shall pay, settle, compromise, and procure the discharge of any and all such claims and all such losses, damages, expenses, liabilities, and obligations, of any and all such claims and all such losses, damages, expenses, liabilities, and obligations, and shall defend at his own cost and expense any and all claims, demands, suits, and actions made or brought against the City of Wyandotte and Wayne County for or upon any such claim. In case the said applicant and permittee shall fail, neglect, or refuse to comply with any of the provisions of this paragraph, said City of Wyandotte or Wayne County may in order to protect itself from liability, defend any such claim, demand, suits, or action and pay, settle, compromise, and procure the discharge thereof, in which case the said applicant and permittee shall repay to the City of Wyandotte or Wayne County any and all such loss, damage, and expense, including attorney's fees paid, suffered, or incurred by said City of Wyandotte or Wayne County in so doing.

Applicant and permittee shall defend, hold harmless and indemnify City of Wyandotte and Wayne County against any and all claims, expense (including attorney's fees), loss or liability for injury to or death of any persons (including employees or agents), and loss of or damage to any property (including property owned, leased or borrowed by City of Wyandotte or Wayne County), incurred during the operating of the outdoor café associated with and under this agreement, unless any of the above stated claims, expenses, loss, liability or obligation is caused solely by the negligence of the City of Wyandotte or Wayne County. Applicant and Permittee shall waive all of its and all of its Insurers rights of subrogation against the City of Wyandotte, and Wayne County, as well all of their Officers, Employees, Elected Officials and Volunteers.

FEE PAID: _____

Dated this _____ day of _____, 2_____

Applicant's Signature: _____

 Print Name and Title

Office Use Only	
FEE: _____	\$300 with no alcohol served, consumed or possessed \$750 with alcohol served, consumed or possessed
Notes:	
Public Department Approval: ___ Yes ___ No	Date: _____, 20_____
Fire Department Approval: ___ Yes ___ No	Date: _____, 20_____
Eng/Bldg. Department Approval: ___ Yes ___ No	Date: _____, 20_____
Insurance Certification on File: ___ Yes ___ No	Date: _____, 20_____
Hold Harmless Agreement Executed: ___ Yes ___ No	Date: _____, 20_____
Grant of License Issued: ___ Yes ___ No	Date: _____, 20_____