



CITY OF SANIBEL
 Planning Department
 APPLICATION FOR DEVELOPMENT PERMIT
**OUTDOOR SEATING
 CARRYOUT RESTAURANTS**

STAFF USE ONLY

APPLICATION No: _____ FILING DATE: _____ ACCEPTED BY: _____ FEE: _____

PART I. PROCEDURES

EXEMPTION: Development permits will only be required for outdoor seating serving more than six patrons. However, all outdoor seating shall be in compliance with the standards defined by Section 126-1032 (3) g.

- _____ a. **Short Form Permit Application:** A short form development permit is required for outdoor seating for carryout restaurants when the proposed seating will accommodate between seven (7) and twelve (12) patrons.
- _____ b. **Long Form Permit Application:** A long form development permit is required for outdoor seating for carryout restaurants when the number of proposed seats will accommodate more than twelve (12) patrons.

Initial Development Permit Period: An initial development permit required for outdoor seating associated with carryout restaurants will expire after 24 months. To continue outdoor seating, the application must apply for a renewal of the development permit. The renewal will be based on a determination of compliance with Section 126-1032 (3) g.

PART II. PARCEL IDENTIFICATION

TAX STRAP NUMBER: _____ - 46 - _____ - T _____ - _____ - _____ . _____

STREET ADDRESS OF PROPERTY: _____

PART III. OWNER & APPLICANT INFORMATION

NAME OF OWNER: _____

Owner's Mailing Address: _____

Owner's Phone No: _____ Business _____ Fax _____

Owner's **Email** Address: _____

NAME OF APPLICANT: _____

Applicant's Address: _____

Applicant's Phone No: _____ Business _____ Fax _____

Applicant's **Email** Address: _____

Applicant's Interest in Property: _____

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PART IV. PROVIDE A BRIEF DESCRIPTION OF THE PROPOSED LOCATION, TYPE, AND NUMBER OF OUTDOOR SEATS

PART V. APPLICATION CHECKLIST

The application shall be accompanied by:

- _____ A survey of the subject property and/or site, building, or commercial center plan delineating, at a minimum, the proposed location, type, and number of outdoor seats in relation to the carryout restaurant, and all relevant property lines, buildings, adjoining businesses and uses, sidewalks, parking, landscaping, and other site and structural features.
- _____ Authorization of the property owner to make such an application
- _____ A description and/or illustration of how the location and functional operation of the outdoor seating will complement the carryout restaurant and be compatible with the associated commercial center, pedestrian, and vehicular access and circulation, site environment, and adjoining business and land uses, as applicable.

PART VI. ASSOCIATED CONDITIONS FOR APPROVAL

Applicants for outdoor seating, for more than six (6) patrons associated with carryout restaurants, shall also obtain or complete the following prior to approval of the necessary development permit:

- _____ The applicant shall obtain an amended **Business Tax Receipt** that identifies the number of permitted outdoor seats
- _____ The applicant shall obtain approval of the outdoor seating plan from the Sanibel Fire and Rescue District
- _____ If warranted, the application shall purchase additional sewer connection charges

PART VII. STANDARDS

The following standards shall apply to all development permits for outdoor seating associated with carryout restaurants.

1. Outdoor seating is permitted at carryout restaurants located within a Commercial Zone District where a restaurant use is permitted as a **conditional use**. Outdoor seating, pursuant to this section, is **not** permitted where a carryout restaurant is located outside a Commercial Zoning District.
2. The area used for outdoor seating shall not count as commercial floor area.
3. Off-street parking requirements shall **not** be applied to the outdoor seating permitted by this section.
4. No food preparation or service shall occur within the designated outdoor seating area or anywhere outside the carryout restaurant.
5. Waste products shall be properly collected, stored, and disposed of in accordance with duties of the property owner identified in Section 54-33 of the Code of Ordinances. Littering is prohibited, pursuant to Section 30-34 of the Code of Ordinances. The location of all existing and proposed waste receptacles shall be defined in relation to the outdoor seating. The number of waste receptacles shall be adequate to accommodate the volume of waste product associated with the establishment. Signs shall be displayed on or near each waste receptacle directing patrons to properly dispose of all waste products.

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- 6. No fixed or permanent heating or air conditioning systems shall be employed. No walls shall be constructed, including all forms of opaque or glass panels.
- 7. The outdoor seating shall be under a roof, awning, or portable umbrellas.
- 8. Seating shall **not** be dispersed and shall be grouped in a defined area immediately accessible to the permitted carryout restaurant operation and located on the site of the permitted carryout restaurant use.
- 9. Outdoor seating shall:
 - a. **Not** encroach on public rights-of-way, including shared use paths
 - b. Comply with required setbacks
 - c. **Not** interfere with on-site vehicular and pedestrian circulation, parking, and loading areas
 - d. **Not** interfere with the operation of adjoining businesses or land uses
 - e. **Not** block or restrict doors or other means of required egress for emergency purposes
- 10. Additional signage or outdoor advertising shall **not** be permitted.
- 11. Microphones, loudspeakers, or amplifiers shall **not** be permitted. Noise disturbances are prohibited, pursuant to Section 30-46 of the Code of Ordinances and Section 126-652 of the Land Development Code.
- 12. Producing odors at a level which unreasonably disturbs the peaceful and healthy enjoyment of any adjoining businesses or land uses is prohibited, pursuant to Section 126-652 of the Land Development Code.
- 13. Outdoor entertainment shall **not** be permitted, except as otherwise licensed by the City of Sanibel.
- 14. All outdoor lighting shall be consistent with Chapter 126 Zoning, Article XIV Supplementary district regulations, Division 4 Outdoor Lighting.
- 15. All outdoor seating shall be portable and must be brought inside for storage whenever the City is under a Hurricane Warning.
- 16. This section does **not** authorize the construction, renovation, or expansion of structures, unless authorized by City permits.
- 17. The carryout restaurant owner is encouraged to post a notice in a prominent location requesting that patrons refrain from smoking within the defined area for outdoor seating.

PART VIII. OTHER INFORMATION REQUIRED FOR COMPLIANCE WITH LDC

***** **CERTIFICATION** *****

I hereby certify that the information contained in this application and the attachments hereto are true and correct to the best of my knowledge and belief. Furthermore, I acknowledge that the City has the right to inspect the subject property in conjunction with this development permit application. (Please advise the City of any restrictions or limitations on the inspections.)

SIGNATURE OF OWNER / OWNER'S AUTHORIZED REPRESENTATIVE

DATE

NOTE TO OWNER/APPLICANT: The proposed development may be subject to private deed restrictions or covenants. It is the applicant's responsibility to verify with the appropriate property owners association whether the proposed development complies with the applicable deed restrictions or covenants. **The City does not enforce deed restrictions or act as an arbitrator between the applicant and the association.**