



**SIDEWALK CAFÉ APPLICATION**

Location/Address: \_\_\_\_\_

Business Name: \_\_\_\_\_

Business Owner: \_\_\_\_\_ Phone: \_\_\_\_\_

Contact Person for this application: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**SUBMIT THE APPLICATION AND REQUIRED DOCUMENTS**

- Submit the package
  - Electronic submittal options:
    - Send via email to [planning@cityofmedford.org](mailto:planning@cityofmedford.org)
    - Submit on a flash drive or other USB storage device (will not be returned)
  - Paper submittal options:
    - Physical address: 200 S. Ivy Street, Medford, OR 97501
    - Mailing address: 411 W. 8th Street, Medford OR 97501

I UNDERSTAND THIS APPLICATION IS SUBJECT TO THE PROVISIONS OF CHAPTER 10 OF THE *MEDFORD LAND DEVELOPMENT CODE* INCLUDING (BUT NOT LIMITED TO) SIDEWALK CAFES IN COMMERCIAL ZONES. I HEREBY STATE THAT THE FACTS RELATED TO THIS APPLICATION, AND ALL PLANS AND DOCUMENTS SUBMITTED HEREWITH, ARE COMPLETE, TRUE, CORRECT, AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Signature \_\_\_\_\_

Print Name: \_\_\_\_\_  Applicant  Agent

PLANNING DEPARTMENT USE	
File Number:	_____
Date Submitted:	_____
Zoning District:	_____
Decision:	Approved <input type="checkbox"/> Denied <input type="checkbox"/> Date: _____
By:	_____

## SIDEWALK CAFÉ APPLICATION

### WHERE ARE SIDEWALK CAFÉS ALLOWED?

Sidewalk cafés are permitted in the Central Business District. To be approved, the sidewalk must be at least eight feet in width. A clear and unobstructed path of six feet must be provided for pedestrians. The complete regulations are found in Medford Land Development Code Section 10.358(C) and are included on pages 4 and 5 of this application.

### REQUIRED SUBMITTALS

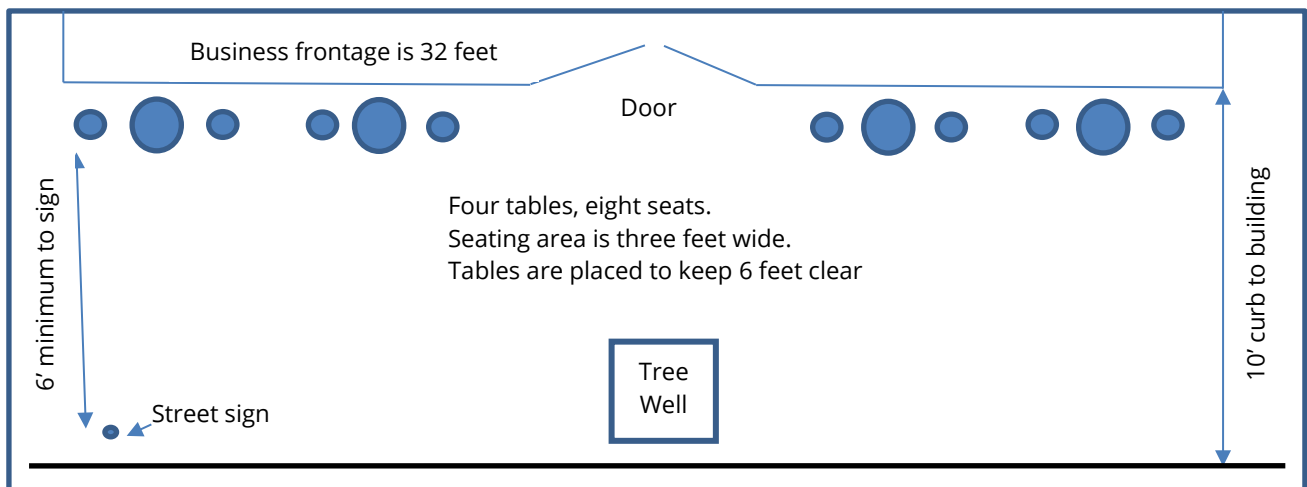
#### Site Plan to include (see sample below):

- Width of café or restaurant facing the sidewalk area to be used
- Location of doorways
- Width of sidewalk (distance from curb face to building face)
- Location of trees, parking meters, bus shelter, sidewalk benches, trash receptacles, or any other semi-permanent sidewalk obstruction
- Area requested to use as a sidewalk café
- Table locations and the area which will be occupied by the tables and accompanying chairs
- Location and size of any features used to delineate the area, such as portable planters, etc.

#### Liability Insurance to include:

- Insurance coverage of not less than:
  - ✓ \$200,000 for bodily injury for each person
  - ✓ \$500,000 for each occurrence
  - ✓ \$50,000 for property damage for each occurrence
- Name the City of Medford, its officers and employees, and the property owner as additional insured
- Shall provide that the policy shall not terminate or be canceled prior to the expiration date of the permit, without 30 days written notice to the City.

Indemnity and Hold Harmless Agreement – page 3 of this application.



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**INDEMNITY AND HOLD HARMLESS AGREEMENT**

In consideration of being allowed to use a portion of the City right-of-way for business purposes, and by signing below, Applicant hereby: a) releases, waives, agrees to hold harmless, and covenants not to sue City, and any agent, officer or employee of the City, for any and all liability, loss, damage, claim or demand, on account of injury to persons or property while using the designated portion of City right-of-way authorized for Applicant's use by this permit; b) assumes all responsibility and risk associated with all conditions, hazards and potential dangers in, on, or about the designated portion of City right-of-way authorized for Applicant's use by this permit; and c) agrees to release, indemnify and hold harmless the City of Medford and its respective elected officials, officers, employees and agents from all loss, injury, damage or liability to persons or property arising out of Applicant's use of the designated portion of City right-of-way authorized for Applicant's use by this permit.

Print Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **SIDEWALK CAFÉ APPLICATION**

### **MEDFORD LAND DEVELOPMENT CODE SECTION 10.358 Central Business, C-B.**

The C-B district is representative of the core downtown business and retail area. The intent of the C-B district is to recognize the unique and historic character of the downtown area as an asset to the community and to provide standards and criteria necessary for its continued development and redevelopment as a vital part of this community.

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(c) **Sidewalk Cafes in Commercial Zones.** Operation of a sidewalk cafe is allowed as a permitted use given compliance with the following definitions and conditions:

(i) Definition of terms includes:

**“Community Event”** - Any public or private activity authorized by the City Council within the Central Business District.

**“Operate a sidewalk café”** - Serving food or beverage from an adjacent cafe or restaurant to patrons seated at tables located within the sidewalk area adjacent to the cafe or restaurant.

**“Sidewalk”** - That portion of the public right-of-way intended for pedestrian use located between the curb line or lateral line of the roadway and the adjacent property line.

(ii) Application for a permit to operate a sidewalk cafe shall be made at the City Planning Department and shall include the following information: name and address of the applicant, a drawing showing the width of the applicant’s cafe or restaurant facing the sidewalk area requested to be used, location of doorways, width of sidewalk (distance from curb face to building face), location of trees, parking meters, bus shelter, sidewalk benches, trash receptacles, or any other semi-permanent sidewalk obstruction. The drawing shall also include the area requested for use as a sidewalk cafe, the table locations and the area which will be occupied by the tables and accompanying chairs, and location and size of any features used to delineate the area, such as portable planters, etc.

(iii) Operation of a sidewalk cafe shall comply with the following permit criteria: the area to be considered must have sidewalks which are eight (8) feet in width or greater. There shall remain a clear and unobstructed width of six (6) feet for pedestrians.

(iv) Operation of a sidewalk cafe shall require the following provisions for liability and insurance: a signed statement shall be submitted with the permit application stating that the permittee shall hold harmless the City of Medford, its officers and employees, and shall indemnify the City of Medford, its officers and employees for any claims for damages to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit. Permittee shall furnish and maintain such liability insurance as shall protect permittee and the City from all claims for damage to property or bodily injury, including death, which may arise from operations under

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the permit or in connection with it. Such insurance shall provide coverage of not less than \$200,000 for bodily injury for each person, \$500,000 for each occurrence, and not less than \$50,000 for property damage for each occurrence. Such insurance shall name as additional insured the City of Medford, its officers and employees, and the property owner, and shall further provide that the policy shall not terminate or be canceled prior to the expiration date of the permit, without 30 days written notice to the City. Evidence that such a policy exists shall be provided to the Planning Department.

- (v) Issuance of a sidewalk cafe permit shall comply with the following terms and conditions of the permit itself: the permit may be suspended by the City for the duration of a special "community event" which would make use of the public sidewalk area impractical, the permit is specifically limited to the area shown on the permit application, the permittee shall assure that its use of the sidewalk in no way interferes with sidewalk users or limits their free and unobstructed passage, the sidewalk and all things placed on it shall at all times be maintained in a clean and attractive condition, and at such times that the permittee is not utilizing the sidewalk as authorized all things shall be removed from it. If throw-away utensils, cups, plates, etc., are used, trash containers shall be provided on-site for use by the cafe patrons.
- (vi) Once approved, the following conditions for denial, revocation or suspension of a sidewalk cafe permit may be applied: the City Planning Director may deny or revoke the permit if it is found that any of the provisions of this Chapter have been violated, that any necessary health permit has been suspended, revoked, or canceled, or if the permittee does not have or maintain insurance which is correct and effective in the minimum amounts prescribed in Section (d) above. Whenever the Planning Director determines that there is cause to deny or revoke a permit, the Planning Director shall mail a notice to the applicant or permit holder stating: the reasons for the proposed denial or revocation, a brief summary of the evidence relied upon and what to do to obtain a hearing in order to dispute the proposed decision. A person whose permit is proposed to be denied or revoked may, within ten days after the notice is sent, request an evidentiary hearing before the Planning Director in order to dispute the proposed decision. If no request for a hearing is received by the Planning Director within ten days after the notice was sent, the proposed decision shall become final. If a timely request for hearing is received, the Planning Director shall notify the applicant or permit holder of the time and place of the hearing and shall make a final decision after considering all the evidence presented. Notwithstanding any other provision of the Land Development Code, the decision of the Planning Director to issue, deny or revoke a permit under this section may not be appealed to the City Council.

[Last Amended: Ord. No. 2020-23, Feb. 20, 2020.]