DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

For Internal Use Only

Case_____

Date_____

Tel. (239) 574-0553
Fax (239) 574-0591
P.O. Box 150027
Cape Coral, FL 33915-0027

OUTDOOR DINING PERMIT APPLICATION

OUTDOOR DINING APPLICANT REQUIREMENTS

1. ☐ **Application Fee $55.00**
2. ☐ **Indemnity agreement**
3. ☐ **Proof of insurance**
4. ☐ **Specifications of all furniture**
5. ☐ **Letter of intent stating the following:** Actual request.
6. ☐ **Property owner authorization (Authorization Form will suffice)**
7. ☐ **Application, Acknowledgment Form, Authorization to Represent**
   - All forms must be filled out completely and legible.
   - All forms must be signed by the property owner(s) and must be notarized.
   - If the owner does not own the property in his/her personal name (e.g. LLC, trust, etc.), the owner must sign all applicable forms in his/her corporate capacity.
   - If the authorized representative is an attorney, the application and the Acknowledgement Form may be signed by the attorney, and an Authorization to Represent Property Owner Form is not required.
8. ☐ **Development plan drawn to scale (not less than 1" = 50') and containing the following:**
   - Location of outdoor seating.
   - Site layout showing dimensions, boundary lines, North directional arrow and complete legal description of the property.
   - The location and dimensions of all existing and/or proposed buildings and structures, including additions, eaves, overhangs, porches, and patios.
   - Location and dimensions of driveways.
   - The setback distance from all buildings, additions on structure to property lines. Indicate the square footage associated with each existing and proposed use of buildings.
9. ☐ **Please refer to Outdoor Dining Section 5.1.16. (page 6) for any additional requirements.**

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PROPERTY INFORMATION

Business Name: _____

Location/Address_____

Strap Number_____ Unit____ Block _____Lot (s)_____

Plat Book_____ Page_____ Future Land Use_____ Current Zoning_____

Select one (checkmark your selection): Private Property ☐ Public Right of Way/Parking Lot ☐

PROPERTY OWNER (S) INFORMATION

Owner_____ Address_____

Phone_____ City_____

Email_____ State _____Zip_____

Owner_____ Address_____

Phone_____ City_____

Email_____ State _____Zip_____

APPLICANT INFORMATION (If different from owner)

Applicant _____ Address_____

Phone_____ City_____

Email_____ State _____Zip_____

AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)

Representative_____ Address_____

Phone_____ City_____

Email_____ State _____Zip_____

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If the owner does not own the property in his/her personal name, the owner must sign all applicable forms in his/her corporate capacity.

(ALL SIGNATURE MUST BE NOTARIZED)

The owner of this property, or the applicant agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws and certifies that all information supplied is correct to the best of their knowledge.

_____
CORPORATION/COMPANY NAME (IF APPLICABLE)

_____ _____
OWNER'S NAME (TYPE OR PRINT) OWNER'S SIGNATURE

_____ _____
OWNER'S NAME (TYPE OR PRINT) OWNER'S SIGNATURE

_____ _____
APPLICANT NAME (TYPE OR PRINT) APPLICANT SIGNATURE

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

STATE OF _____

COUNTY OF_____

Sworn to (or affirmed) and subscribe before me, by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 20___ by _____ who is personally known to me or produced _____ as identification.

Exp Date: _____ Commission Number: _____

NOTARY STAMP HERE

Signature of notary Public: _____

Printed Name of Notary Public: _____

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AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT _____
(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST BEFORE THE HEARING EXAMINER AND CITY COUNCIL.

UNIT_____ BLOCK_____ LOT(S) _____ SUBDIVISION _____

OR LEGAL DESCRIPTION _____

LOCATED IN THE CITY OF CAPE CORAL, COUNTY OF LEE, FLORIDA.

_____ _____
PROPERTY OWNER (Please Print) PROPERTY OWNER (Signature & title)

_____ _____
PROPERTY OWNER (Please Print) PROPERTY OWNER (Signature & title)

STATE OF _____

COUNTY OF_____

Sworn to (or affirmed) and subscribe before me, by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 20___ by _____ who is personally known to me or produced _____ as identification.

Exp Date: _____ Commission Number: _____

NOTARY STAMP HERE

Signature of notary Public: _____

Printed Name of Notary Public: _____

Note: Please list all owners. If a corporation, please supply the City Planning Division with a copy of corporation papers.

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OUTDOOR DINING REGULATIONS

Section 5.1.16. Outdoor Dining

Outdoor seating and dining may be permitted as an accessory use to a restaurant, hotel, bar, or fraternal organization provided the following conditions are met:

A. All outdoor seating:
   1. Music may be permitted to be performed or amplified in outdoor seating areas, in accordance with Section 12-22 of the City's Code of Ordinances, or in accordance with a permit per Chapter 9 of this Article.
   2. Parking shall be provided at a rate of 1 parking space per 4 seats of outdoor seating are, except in the SC, MX7, or MXB zoning districts, where no additional parking is required.
   3. Outdoor seating in common areas, such as shopping centers, must have written authorization from the property owner.
   4. A sidewalk dining permit is required for all outdoor seating areas.
   5. Stanchions or other features may be used to delineate outdoor seating areas.

B. Outdoor seating on public rights-of-way and City owned parking lots.
   1. The number of outdoor seats and tables shall be limited to that number that can be reasonably accommodated according to the available widths of the associated storefront and sidewalk or patio area. Only the area(s) adjacent to the associated storefront may be used for outdoor seating. No fixtures or furniture may be attached to the right-of-way or public property.
   2. Clear pedestrian access shall be maintained at all times, and no seating or tables shall interfere with ingress and egress to buildings or create an unsafe situation with street traffic.
   3. The owner or operator of the outdoor seating area shall remove any seating or tables when necessary for special events or when an authorized agent of the city makes such a request.
   4. Public sidewalks adjacent to any approved outdoor dining area shall be properly maintained for safety and cleanliness by the owner or operator on a daily basis. Litter, dirt, grime, grease, and food shall not be permitted to accumulate at any time. The sidewalk must be cleaned by pressure washing on a regular basis or when an authorized agent of the city makes such a request.
   5. Portable lighting may be used in the outdoor seating area. Extension cords may not be run from any nearby buildings. The use of generators is prohibited. City light poles may not be used for electrical connections. Portable heaters may be used if approved by the Fire Department.
   6. Umbrellas shall not have any signs or advertising.
   7. An indemnity agreement, provided by the director of Development Services shall be signed and provided by the sidewalk café owner or operator, along with proof of public liability insurance as approved by the city attorney.

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8. The use of glass table tops or furniture is prohibited. The use of plastic or PVC furniture, wooden picnic tables, or couches and chairs intended for indoor use is prohibited. All

9. furniture and fixtures to be used shall be specified in the outdoor dining permit and approved by the City.
10. The City Manager may revoke an outdoor dining permit for locations on the public right-of-way for noncompliance with these regulations.