

City of Hillsdale

City Planning Department
97 N. Broad St, Hillsdale, Mi 49242
517-437-6455 Fax 517-437-6448

Application for Sidewalk Amenities Permit

This permit, when issued, gives the occupant permission to utilize the sidewalk adjacent to their property in the City of Hillsdale under HMC Section 30-33 (b).

Submit application to City Planning Department

Date _____

This application is New Renewal

Zoning District B-2 Yes No

Beginning Date of Use: _____

End Date of Use: _____

Applicant Name: _____

Business Name: _____

Property Address: _____

Phone Number(s): () _____ () _____

Name of Property Owner: _____

(If other than applicant)

Mailing Address: _____

Proposed hours of occupancy of sidewalk area:

Site Plan Submitted Yes No

Applicant agrees to repair any damage caused to the sidewalk or right of way as a result of the placement of any permitted item or the operation of a café or other permitted business or other activity on a sidewalk or within any other part of the right of way at the applicant's expense.

All the above information is truthful to my knowledge.

Signature _____

Date _____

See additional sheets for information concerning items to submit with this application

Any documents provided to the City of Hillsdale are subject to disclosure. Applicants hereby expressly consent to the City's reproduction of documents in response to a FOIA request.

OFFICE USE ONLY

Zoning Approval Yes No Date _____
Administrator Approval Yes No Date _____

Required Site Plan Information

(Drawing, with narrative description required)

- 1) Narrative description of planned use.
 - 2) The location, dimensions, and number of proposed chairs, tables, railings posts, benches, umbrellas, planters, outdoor electrical outlets, hydrants, and any other public or private equipment or item.
 - 3) The color and design of the proposed chairs, tables, railings, posts, benches, umbrellas, planters or other. The style and material of amenities including, but not limited to A frame signs, planters and benches, should have a style, color and material consistent with and compatible with the downtown streetscape.
 - 4) The proposed area of occupancy including square feet and dimensions.
 - 5) The proposed pedestrian traffic pattern and circulation for customers and members of the general public.
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Other required items

- 1) A copy of a certificate of insurance with a minimum of one million (1,000,000) dollars per occurrence & two million (2,000,000) dollars aggregate which names the City of Hillsdale as additional insured; insurance policies from both the owner of the building and the lessee if applicable.
 - 2) Written permission of the property owner if other than the applicant, to make application.
 - 3) A signed agreement committing and requiring the applicant to repair any damage caused to the sidewalk or right of way as a result of the placement of any permitted item or the operation of a café or other permitted business or other activity on a sidewalk or within any other part of the right of way at the applicant's expense.
 - 4) If the sale of alcohol is proposed, a copy of approval from the Michigan State Liquor Control Commission.
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The City reserves the right to require the removal of any item or items in the public right of way, regardless of whether the item may be otherwise permitted under this policy, if in the sole judgment of the City, the item or items constitute a particular hazard to the public health, safety, or welfare that outweighs the potential public benefit.

ADDITIONAL INFORMATION

General Restrictions

- 1). The “accessible route” shall be not less than five (5) feet in width, where the physical construction of the sidewalk permits such width; in cases where less than five (5) feet is available, the accessible route shall be as wide as possible, but not less than three (3) feet as required pursuant to the Americans with Disabilities Act (ADA). The accessible route for each specially permitted use on a sidewalk or within any other part of the right of way shall be a straight path with the accessible route within all other specially permitted uses within each block. Tree grates may not be part of the accessible route. No sidewalk obstacles or obstructions of any sort may be placed within or encroach upon the accessible route.
- 2). Any space remaining between the accessible route and the building face shall be known as the “user zone”. Any space between the accessible route and the street shall be known as the “street zone”. Both the user zone and the street zone may be used by individual businesses for the placement of a wide variety of public amenities, including benches, tables, chairs, plants, waste receptacles, artworks, or similar amenities.
- 3) Items offered for sale within the permitted area of the public right of way shall be of merchandise that is also available inside and shall be called outdoor open-air sale items. These items may not, either singly or in the aggregate:
 - a) Obstruct over fifty (50) percent of the “window shopping” viewing area unless the items are at a height that does not impede the ability to view merchandise within the business.
 - b) Except for food and drink at a permitted café or restaurant, a permit holder shall not undertake or allow any sales of items displayed within the permitted area to members of the general public or otherwise except within the interior of the permit holder’s business.
- 4) Items placed and activities undertaken pursuant to permit in the public right of way shall be available for the use and benefit of the general public, and may not be reserved for the use or benefit of patrons of any specific business or its employees.
- 5). All outdoor sale items must be brought in at the close of business every day. Any such items as are left after closing will be considered abandoned and may be removed and disposed by the City in such manner as it determines appropriate without notice to the affected permit holder.
- 6). All frame or sandwich board signs shall comply with the provisions of Section 26-5 (p) of the Hillsdale Municipal Code.
- 7). No item may be affixed to lampposts, signposts, sidewalk, hydrants, utility boxes or public amenity without the prior written permission of the City Manager. No item may be in

such a location as to constitute a hazard or an obstruction to the general public or to the performance of public service by any City or other governmental agency having jurisdiction over the area.

8) Properties that border M-99 may have to meet additional requirements set by the Michigan Department of Transportation (MDOT). Applicants are responsible for gaining any and all required MDOT permissions prior to any occupancy within the M-99 Right of Way.

Additional Restrictions and Conditions for Outdoor Dining/Sidewalk Cafe

8). Outdoor Dining/Sidewalk cafes may be operated only upon and pursuant to the issuance of an annual permit subject to the following restrictions and conditions:

- a) All previously noted restrictions and conditions
 - b) Review and approval by staff of a site plan.
 - c) Outdoor dining/sidewalk cafe may be located on public sidewalks only adjacent to or abutting the indoor restaurant that operates the outdoor dining/sidewalk cafe.
 - d) Notwithstanding anything in this policy to the contrary, tables, chairs, and all other furnishings or accessories may not be left in place overnight but shall be removed from the sidewalk and stored indoors whenever outdoor dining/sidewalk cafe is not operated during the general business hours of the restaurant or café to which the outdoor dining/sidewalk café is adjacent as well as at the expiration of any permit, whichever is applicable.
 - e) No permit shall in any way excuse an applicant from complying with any applicable requirement imposed by the Liquor Control Commission of the State of Michigan on the sale and consumption of alcohol. Such sale and consumption of alcohol shall be allowed within the permitted area only in accordance with and subject to the provisions of any licenses and permits required and issued by the Liquor Control Commission and any other applicable state statutes, state regulations or municipal ordinances.
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