I. Call to Order

II. Approval of Minutes

III. New Business – Sidewalk Café Regulations
   a. An ordinance amending the Codified Ordinances of the City of Hamilton, by adding a new Chapter 917 – Sidewalk Café Regulations.
   b. Public Comments regarding this topic.

IV. Audience of Citizens
   Individuals who wish to speak regarding items not specifically scheduled may do so at this time. All individuals who intend to address the Ordinance Review Commission are required to sign in at the table in the back of the room. Each speaker is allowed 5 minutes.

V. Audience of the Commission

VI. Next Meeting

VII. Adjournment
917.01 Definitions:

“Sidewalk cafe” means an outdoor dining area located on a sidewalk in a public right-of-way which is adjacent to and associated with a street-level eating and drinking establishment. Outdoor eating and drinking establishment areas located on private property shall not be considered sidewalk cafes and are not subject to sidewalk cafe regulations.

“Permittee” refers to an individual or entity who has received the requisite approval from the City to operate a sidewalk cafe.

917.02 Permit and License Agreement Required:

A property owner or tenant who desires to operate a sidewalk cafe shall submit an application to the City setting forth the required information, documentation and materials set forth in this Ordinance. If an application is approved by the City, the City shall issue a permit to the applicant to operate the sidewalk cafe. The City and the Permittee shall enter into a license agreement outlining the extent of the Permittee’s permission to operate the sidewalk cafe.

917.03 Required Approvals:

A sidewalk cafe shall be permitted as an accessory use of property primarily used for the operation of a street-level eating and drinking establishment, provided the sidewalk cafe complies with all applicable federal, state, and local laws, including, but not limited to, the United States Americans with Disabilities Act, the Hamilton Codified Ordinances, and State of Ohio regulations.

917.04 Application Submittal Requirements:

The following items are required when applying to the City for a permit to operate a sidewalk cafe:

1. Development summary including the following:
   a. Name and type of the adjacent street-level business associated with the sidewalk cafe; along with information indicating if the primary street-level business is new or existing.
   b. Property address.
   c. Applicant’s name, phone number, and email address.
d. Property owner’s name, phone number, address, and email address

2. A site plan drawing, with dimensions, showing the following:
   a. Boundaries and barriers of the sidewalk cafe.
   b. Street, curb, sidewalk, property lines and all existing/proposed improvements in the sidewalk area.
   c. Frontage of the building or tenant space for the primary street-level business associated with the proposed sidewalk cafe, as well as adjacent buildings and tenant spaces.
   d. The distance between any obstruction (parking meters, lights, signs, utility boxes, mailboxes, benches, trees, tree grates, etc.) in the sidewalk area to the nearest perimeter of the sidewalk cafe. A minimum distance of five (5) feet of open space is required between each obstruction and the nearest perimeter of the sidewalk cafe in order to facilitate pedestrian traffic on the sidewalk.
   e. If a proposed sidewalk cafe design includes fencing employing a swing gate, the following information shall be provided: (i) direction the swing gate opens; (ii) swing gate opening radius; and (iii) width of swing gate entrance. Swing gates are prohibited from projecting beyond the delineated perimeter of the sidewalk cafe.
   f. The approved means of egress from the existing building, which shall not be blocked, diminished, altered or in any way inhibited as a result of the new sidewalk cafe.
   g. Table and seating layout.

3. Design:
   a. Fencing will be anchored to the building with the fence sections bolted together so it is a solid fence. Boundaries shall be secured and immovable. Anchoring to the sidewalk is prohibited.
   b. Fencing shall be made of durable materials which are designed for commercial use and shall complement the form, character and aesthetics of the existing building. Boundary design and material shall be approved by City Staff. Metal is the preferred material.
   c. All sidewalk cafe furniture shall be made of durable materials designed for commercial outdoor use and shall be approved by City Staff. Plastic furniture will
be reviewed on a case by case basis but is not a recommended material.

d. Banners or signs affixed to the fencing around a sidewalk cafe are expressly prohibited.

e. No vending machines, carts or objects for the sale of goods shall be permitted inside the approved sidewalk cafe premises.

4. In the event the applicant for a sidewalk cafe permit leases the property or premises in which it operates the primary street-level business, the applicant shall submit a written document signed by the property owner through which the property owner acknowledges its approval of the sidewalk cafe.

5. A one (1) time permit application fee of $150.

**917.05 Operational Conditions:**

a. Sidewalk cafe hours, music, and related activities shall comply with all City of Hamilton Ordinances, including the regulations found in the City of Hamilton Noise Ordinance.

b. If the Permittee plans to serve alcohol in the sidewalk cafe premises, the Permittee must follow the proper protocol with the Ohio Department of Liquor Control to include the sidewalk cafe as part of the Permittee’s liquor permit and submit documentation as part of the sidewalk cafe permit application. Alternatively, if the Permittee does not include the sidewalk cafe as part of its liquor permit, but the sidewalk cafe is within the Designated Outdoor Refreshment Area (DORA), the Permittee shall submit a written statement with the sidewalk cafe permit application confirming that all alcohol served in the sidewalk cafe area will be served in a DORA cup and maintain compliance with OR2018-3-27.

c. All sidewalk cafe operators shall be required to abide by all federal, state and local laws, rules and regulations applicable to the operation of the sidewalk cafe in the City of Hamilton.

6. **917.06 Insurance:**

a. The Permittee shall furnish a certificate of insurance evidencing commercial general liability insurance with limits not less than $1,000,000 per occurrence, $2,000,000 in the aggregate combined single limit for bodily injury, personal injury and property damage liability. The insurance shall provide for 30 days prior written notice to be given to the City of Hamilton if coverage is substantially
changed, canceled, or non-renewed.

b. Each Permittee shall maintain the insurance coverage required under this section at all times while the permit is in effect. The certificate(s) of insurance shall be presented to the Zoning Administrator prior to the issuance of a permit under this section. Failure of the Permittee to maintain the insurance required by this section shall result in revocation of the sidewalk cafe permit.

c. A sidewalk cafe permit will not be issued to an applicant until after the Department of Engineering has conducted a site inspection and approved the sidewalk cafe, and all sidewalk cafe fixtures and improvements placed therein, to ensure that the sidewalk cafe and all sidewalk cafe elements meet all permit requirements.

917.07 Termination:

a. Should the license agreement between the City and the Permittee be terminated for any reason, it will be the responsibility of the Permittee to remove all fixtures and improvements placed in the sidewalk cafe premises within thirty (30) days of such termination.

b. In the event a new operator assumes ownership or operation of the business associated with a pre-existing sidewalk cafe, the new operator must submit a new sidewalk cafe permit application, receive a new permit and enter into a new license agreement with the City prior to operating the sidewalk cafe.

c. Any material changes, as determined by the City in its sole discretion, to the approved sidewalk cafe permit plans and conditions of approval will void the sidewalk cafe permit and operation of the sidewalk cafe must immediately cease. A new sidewalk permit must be obtained prior to reopening the sidewalk cafe.

917.09 Fees

a. A one (1) time fee of $150 will be required for the sidewalk cafe permit.