



## Encroachment Sidewalk/Fence Use Permit Application

Ogden City Development Services  
2549 Washington Blvd. Suite 240  
Ogden, Utah 84401  
(801) 629-8930

Please print legibly and complete all areas:

Business Name:		
Business Address:		
Applicant Name:		
Mailing address:		
City:	State:	Zip:
E-mail address:	Phone:	

### **\*\*\*Notice to Applicants\*\*\***

Sidewalk uses are only permitted in the C-ENT, C-MU, H25, C-9 and MU zones. A *Certificate of Historic Appropriateness* is required if the sidewalk use/encroachment is located in the 25th Street Historic District and if it will become a permanent fixture.

Proposed fixture type:	<input type="checkbox"/> permanent	<input type="checkbox"/> to be removed after business hours			
Proposed fixture location:	<input type="checkbox"/> sidewalk (see zones where allowed)	<input type="checkbox"/> other _____			
Fixtures to be associated with:	<input type="checkbox"/> outdoor sales	<input type="checkbox"/> outdoor display	<input type="checkbox"/> outdoor seating	<input type="checkbox"/> outdoor dining	<input type="checkbox"/> other _____

### **Submittal Checklist:** (see reverse for minimum standards for permit approval)

- Site Plan (minimum size 8.5 x 11") drawn to scale, with dimensions, that depicts the following:
  - The building or lease space of the business, its entrance, and the buildings, lease spaces and entrances on either side of the business.
  - The sidewalk area from the building to the curb with the location of any obstacles such as trees, grates, streetlights, fire hydrants or other such items.
  - The area to be utilized for activities such as displays, seating, dining or other purposes.
  - The number and type of items that will be used for the activity, displays, seating, dining or other purposes.
- Representative drawing or pictures of the design and materials of the proposed fixtures.
- PDFs of all the above, if available.
- Certificate of Insurance (original) that includes the following:
  - Must name Ogden City and UDOT (if it is a State Road), its elected and appointed officials, employees, agents and volunteers as additionally insured.
  - Provides a commercial general liability minimum coverage of \$500,000 per occurrence.
  - 20 days written notice shall be given to certificate holders for any changes to policy (in cancellation section)
- Fees:** \$281.20 for fencing and \$562.41 for other structures

The undersigned hereby certifies that he/she has reviewed and agrees to abide by the sidewalk use requirements as set forth in Section 7-2-13 of the *Ogden Municipal Code*. The undersigned further understands that the permit may be revoked if the conditions of the permit are not maintained. The undersigned further agrees to hold the City and its employees and agents harmless and to indemnify and defend the City, its employees and agents, against all claims, liability, loss, damage, or expense, including attorney's fees, resulting from the activities of the permittee upon the public sidewalks.

Owner's signature

Date

Staff use only

- Landmark's C of A application (if on Historic 25th Street)
- Zone verification
- Encroachment
- Sidewalk use

Initials \_\_\_\_\_

**SIDEWALK USE APPROVAL STANDARDS:** A sidewalk use permit may be issued to the owner or operator of a ground level, retail or dining establishment. The permit holder may use the sidewalk area for either the display of goods, wares or merchandise sold by the owner or operator of the business, or for the provision of seating or dining facilities for customers, subject to the following conditions and standards (*see Section 7-2-13 of the Ogden Municipal Code*):

Sidewalk use is limited to businesses located in the C-ENT, C-MU, H25, C-9, MU zones.

The sidewalk area utilized shall be located directly in front of the building, lot, or leased space of the establishment

The sidewalk area utilized shall be located at least five feet (5') away from any adjacent business entrance and two feet (2') from curb line. An exception to the five foot (5') minimum distance to entrances may be allowed if the adjacent owner or tenant gives written permission for the encroachment.

An unobstructed passageway of five feet (5') shall be maintained at all times within the sidewalk area. The five-foot (5') passageway is measured from any display, seating or dining facilities to the nearest obstruction affecting the flow of pedestrian traffic. Recesses in the building facade shall not be used to satisfy the clear path requirement.

Items used for the outdoor display, seating, or dining shall be designed, placed, or operated in such a manner that does not create unsafe conditions for pedestrians or persons who are physically disabled. Shelves, decorations, planters and or other objects shall not cantilever over or be placed beyond the delineated perimeter of the sidewalk area approved for such use.

The furnishings for the outdoor display, seating or dining area shall consist solely of moveable items such as tables, chairs, umbrellas, plantings and other similar furnishings, that are removed from the sidewalk area during non-business hours or adverse weather. No such items shall be physically attached to any public improvement.

Musical instruments, recorded music, or similar music reproduction devices used by an establishment shall not be used within the sidewalk use area.

The sidewalk area used for outdoor display, seating, or dining shall be kept clean of litter that is appropriately disposed of at the end of each day. Garbage containers provided by the City for public use shall not be utilized for the disposal of food, trash, and other similar items produced by an establishment.

The use of awnings is subject to Ogden City's Sign Ordinance. All signage is also subject to the provisions of the City's sign ordinances adopted under Title 18 of the Municipal Code.

Dining establishments desiring a sidewalk use permit for an area where they can restrict use by non-patrons, where they can leave furnishings during non-business hours, or which will be under their management and control to the extent necessary for service of alcoholic beverages, shall be required to obtain an Encroachment Permit under Section 7-4-2 of the Municipal Code.

### **25<sup>TH</sup> STREET HISTORIC DISTRICT TABLE & CHAIR STANDARDS:**

Maximum table size: 4' x 4' or 4' diameter

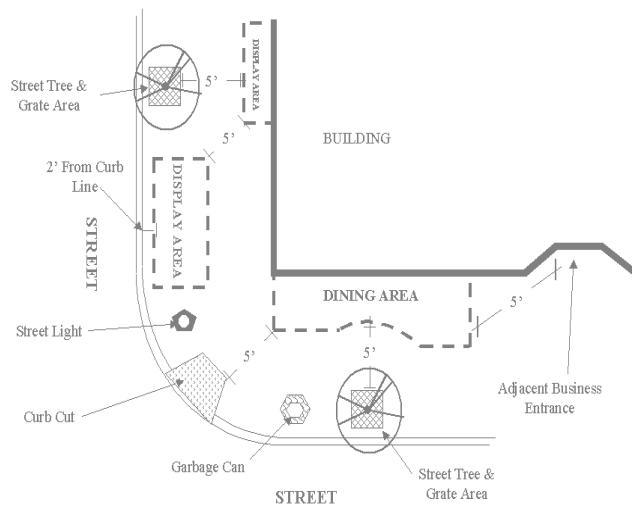
Table Shape: Square or Round

Materials:

Tables & Chairs: Metal or wood

Umbrellas: Made of fabric compatible with the texture and character of cotton canvas.

Umbrella Colors: Conservative or bright provided that the over-all color combinations do not detract from the historic features of the District.



**ILLUSTRATION OF SIDEWALK USE LOCATIONS**