



OFFICE USE ONLY	
DATE FILED: _____	
INITIALS: _____	
ADVERSE: Yes No	
LP: _____	CC: _____
DEMERIT POINTS: _____	

OUTDOOR DINING AREA WITH EXTENSION

CLK100 (rev. 11/17)

CITY ORDINANCES 5.046 & 10.075

Class "B", "Class B", and/or "Class C" License(s)

Fee: \$300.00 Expires: December 31, _____

PLEASE NOTE: Upon initial application and renewal of an Outdoor Cafe Area Permit, an Applicant shall not have their application approved when the Applicant's business has accumulated fifty (50) or more demerit points under Section 10.063 D. (of the Code of General Ordinances). **In accordance with Section 10.076 J.3.f, cabaret licensed activities are prohibited.**

Licensee: _____ District #: _____
(CORPORATION, PARTNERSHIP, OR INDIVIDUAL – Must Be Same Name As Beer/Liquor License)

Trade Name: _____ Trade Address: _____
STREET ZIP

Contact Person: _____
FIRST M.I. LAST

Phone: _____ Email: _____
(Correspondence Will Be Via Email If Address Is Given)

1. Complete "Attachment A" List of Adjacent Businesses. **Attached** **N/A**
(If Dining Area Will Extend In Front Of Adjacent Business)
2. Provide Specifications if the outdoor dining area is the subject of permanent improvements.
 Attached **N/A** (If Applicable, Must Obtain A Street Encroachment Agreement From Department Of Public Works)
3. The applicant is operating as a restaurant where the sale of Alcohol Beverages account for less than fifty (50%) percent of the establishment's gross receipts. **Yes** **No** (If Not, The Applicant Does Not Qualify For This License)
4. Complete "Attachment B" Description of Appurtenances and provide pictures. **Attached** **Pictures**
5. The Business must be in one of the following Zoning Districts: **B-1 B-2 B-3 B-4 (Circle One)**
(If not, the applicant does not qualify for this license)
6. Complete "Attachment C" Indemnity to Hold Harmless. **Attached**
7. Operational Plan: Hours: _____ Days: _____ Months: _____

The Outdoor Dining Area's operating hours must be consistent with the operating hours of the associated business. If located adjacent to a Residential Zoning district, must be closed from 10:00 PM to 7:00 AM.

8. The Outdoor Cafe Area must be closed from 10:00 PM TO 8:00 AM. You may request to change these hours to 12:00 AM to 8:00 AM. **Application (CLKCH1) Attached** **N/A**

9. Planned Capacity: _____ Lighting and Signage Plan: **Attached** **N/A**

10. Attach a Scaled Site Plan and at least 2 pictures. **Site Plan** **Pictures**
*SEE ATTACHED "SITE PLAN SAMPLE" OR CONTACT THE COMMUNITY DEVELOPMENT & INSPECTIONS DEPARTMENT AT 262-653-4030 TO SCHEDULE AN APPOINTMENT FOR ASSISTANCE.

11. Provide proof of Certificate of Liability Insurance. **Attached**

12. The Certificate of General Liability MUST list:
 City of Kenosha as Additional Insured **Notification of at least 20 Days in Advance of Cancellation**
(Must be stated on certificate or the cancellation policy notice must be attached to certificate)

13. Does the Outdoor Dining Area extend beyond the frontage of the business? **Yes** **No**
If yes, attach a written statement signed by the owner(s) and tenant(s) of an adjacent business fronting the street approving the placement of the Outdoor Dining Area in front of their business. Attach this statement to "Attachment A". **Attached** **N/A**

14. Complete "Attachment D" affidavit verifying the percentage of gross receipts from the sale of Alcohol Beverages during the past City license year (July 1st to June 30th), where applicable. **Attached** **N/A**

15. A fence not less than four (4') feet high and no greater than six (6') feet high is required to surround the outdoor area within the description of the Class "B", "Class B" and/or "Class C" licensed premises.
 A fence will surround the outdoor area. Complete the Fence Permit Application in Room 100 (Department of Community Development & Inspections) and attach a copy to this application. **Attached**

—OR—

The Common Council may waive the fence requirement where the licensed premises is operated as a RESTAURANT within the meaning of Section 5.3046 A.10 (of the Code of General Ordinances):
Complete "Waiver A" Fence Waiver **Attached**

READ CAREFULLY BEFORE SIGNING: Under penalty provided for by law, the undersigned states that each of the above questions has been truthfully answered to the best of his/her/their knowledge. (Individual applicants and each member of a partnership must sign; designated corporate officers must sign.)

Individual/Partner/Member Signature Date

Partner/Member Signature Date

VERIFICATION BY COMMUNITY DEVELOPMENT & INSPECTIONS:

Zoning Classification: _____ if SFR, choose: **Waiver** **B1** (Institutional), **B2** (Restaurant), **B3** (Outdoor dining), or **N/A**

The outdoor area sought is _____ ft from any single-family dwelling.

If less than 25ft from single family, choose:

Waiver **B1** (Institutional), **B2** (Restaurant), **B3** (Outdoor Dining), **or**

N/A if dwelling is two-family, multi-family, zoned B-1, B-2, B-3, B-4 districts; or dwelling within twenty-five (25') feet of said boundary is occupied by the applicant and/or his/her immediate family and no others.

The outdoor area has a boundary:

within 750 ft of any residentially zoned property.

Amplified music/sound is allowed in outdoor area 10:00am to 10:00pm.

greater than 750 ft of any residentially zoned property.

Amplified music/sound is allowed in outdoor area 10:00am to 1:00am (or earlier in accordance with the closing time of the outdoor area.)

Recommendation:

CDI Staff Member Signature

Date

"ATTACHMENT A"

LIST OF ALL ADJACENT BUSINESSES

**OUTDOOR DINING AREA WITH OUTDOOR EXTENSION
CITY ORDINANCES 5.046 & 10.075**

Licensee Name

Applicant has applied for an Outdoor Dining Area in accordance with §5.046 of the Code of General Ordinances. Please find below a list of names, addresses, and phone numbers of all adjacent businesses to the boundaries of the outdoor dining area. Additionally, attach a written statement from each adjacent business, approving the placement of the Outdoor Dining Area in front of said business.

Individual/Partner/Member Signature Date

Partner/Member Signature Date

“ATTACHMENT C”

INDEMNITY AND HOLD HARMLESS AGREEMENT

OUTDOOR DINING AREA WITH OUTDOOR EXTENSION
CITY ORDINANCES 5.046 & 10.075

Licensee Name

Applicant, in consideration of having the City of Kenosha, Wisconsin grant this application, herein and hereby agrees to indemnify and hold harmless the City of Kenosha, Wisconsin and its officers, employees and agents against any and all losses, claims, damages, costs, expenses, judgments, awards, attorney fees, or settlements which they may incur as a result of use of the public right-of-way or Major Street Setback Area for the Outdoor Dining Area with Outdoor Extension which is the subject of this agreement.

Individual/Partner/Member Signature

Date

Partner/Member Signature

Date

“ATTACHMENT D”

AFFIDAVIT

Licensee Name

I, _____, being first duly sworn, on oath, do hereby affirm that
(Accountant or Bookkeeper)
during the past City of Kenosha license year (July 1st through June 30th) the above referenced establishment's alcohol beverage receipts account for less than fifty (50%) percent of the establishment's gross receipts.

Dated this _____ day of _____, _____.

Signature of Accountant or Bookkeeper

**Personally appeared before me this _____ day of _____, _____, the above named
_____ to me known to be the person who signed the foregoing
affidavit and acknowledged that this statement is true and correct.**

Notary Public

My Commission Expires: _____

“WAIVER A”

**FENCE WAIVER:
for RESTAURANTS only**

OUTDOOR EXTENSION
CITY ORDINANCE 10.075

Licensee Name

Applicant has applied for an extension of their Retail Class "B" Fermented Malt Beverage, "Class B" Liquor, and/or "Class C" Wine Licenses in accordance with §10.075 of the Code of General Ordinances and requests a waiver of the fencing requirement contained in Section D (3) thereof. In making this request, the applicant states, they are operating as a restaurant as defined by Section 5.046 A.10. "Restaurant" shall mean any building or room where, as the establishment's primary business, food and/or beverages are prepared, or served or sold to transients or the general public, and where the sale of Alcohol Beverages account for less than fifty (50%) percent of the establishment's gross receipts in the B-1, B-2, B-3, or B-4 Zoning Districts.

Individual/Partner/Member Signature

Date

Partner/Member Signature

Date

City of Kenosha
 Outdoor Dining Area
 Site Plan Sample

Adjacent Public Street

