

Exclusive Use Permits

Renewal Reminder

The following document is for guidance purposes only. The applicant shall read and understand the relevant references listed below.

Below is a description of the permit review process, followed by applicant and City actions needed to move the process forward. This document also includes relevant references.

Description

Fenced cafe seating areas in the downtown area are allowed under an exclusive use permit, not a downtown sidewalk encroachment permit.

Once approved they are valid for 10 years but are reviewed annually and require an annual permit fee. They are transferable if the business is sold but only if a request is made to the Director of Public Works within 30 days of the sale of the business. They are only permitted from April 1 through October 31 and must be removed from the sidewalk beginning November 1.

Fenced cafe seating areas are required to serve alcohol outside of a downtown business establishment. In addition to an exclusive use permit, the applicant must apply for a site plan modification and a Special Use Permit (SUP) to serve alcohol through the City Planning Department. For more information on this process, please contact their office at 406-582-2260. The exclusive use permit will be submitted to the City Public Works Department at the same time that the modification and SUP applications are submitted to the City Planning Department.

Applicant Actions

Submittal Requirements (all items must be submitted with each event, or the application will be returned as incomplete):

- Site plan depicting the size and location of all requested encroachments as well as other existing obstructions or improvements (trash cans, street lights, signs, bike racks, etc.). This plan must show the square footage of the fenced area as well as the fence design and ingress and egress points. It must depict the width of the pedestrian zone.
- Certificate of Liability Insurance naming the City of Bozeman as additional insured. The State of Montana must also be included for encroachments on Main Street, Rouse Avenue, or Willson Avenue. Insurance coverage must include \$1 million per occurrence with a \$2 million general aggregate or \$750,000 for each claim and \$1.5 million per occurrence. This insurance must include coverage for the fenced café seating area.
- Current City of Bozeman business license corresponding to the use requested.
- Copy of a food purveyor's license or approval statement issued by the Gallatin City-County Health Department.
- Copy of a state-approved alcohol beverage license. Once the permit is approved but prior to constructing the fenced area, an updated copy of the state-approved alcohol beverage license must be submitted that includes the outdoor seating area.

- Permit Fee. This fee will be required after the permit is approved but prior to construction of the fenced area. This fee is based on the property value as determined by the Montana Department of Revenue, the square footage of the fenced area as well as the timeframe that the fenced area will be in place.

City Actions

- The City will pre-screen the submittal to ensure the applicant has provided a complete package and uploaded files.
- After a successful completion of the pre-screen, the Public Works Office Manager will review the submittal for conformance with the submittal checklist. If corrections are required or missing documents, the submittal will be returned to the applicant.
- Once the Public Works Office Manager deems the application approved, you will receive a payment notification to pay the application fees for the permits. When that is completed an approval letter will be uploaded in the decisions folder in ProjectDox and the applicant will receive an email stating the approval letter with conditions is available in the decisions folder in ProjectDox.

Relevant References

[Example of General Liability Insurance](#)

Filing and Naming Criteria

Documents Folder

- Upload all documents and other supporting documents in the Documents Folder
- Documents may be any size
- Documents may be scans if they are legible.
- File names shall meet the following criteria:
 - The software won't accept file names exceeding 30 characters.
 - The file name shall start with a 3-digit number beginning with "001"
 - The name shall also include a brief description of the content of the file.

Example of file naming standards:

| Sheet Description | ProjectDox File Name |
|---------------------------------|-------------------------------------|
| Signed Notification Letter | 001 Notification Letter |
| Site Plan | 002 Site Plan |
| Business License | 003 Business License |
| Liability Insurance | 004 Liability Insurance |
| Food Purveyor's License | 005 Food Purveyor's License |
| State Approved Beverage License | 006 State Approved Beverage License |

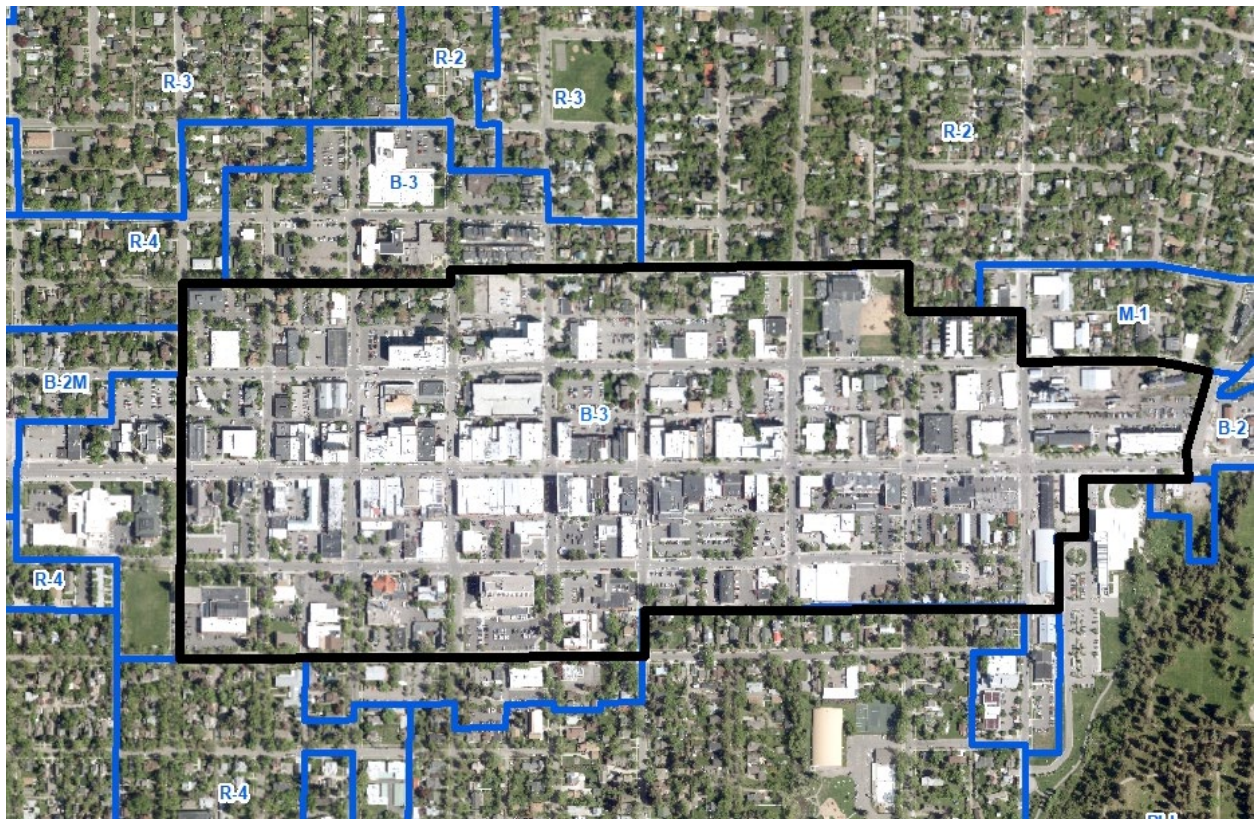
Revisions / Resubmittals

New versions of previously submitted files must use the exact same name as the original file. The software will **version the file**.

FAQ

Exclusive Use Permits – [Sec. 34.05.080 BMC](#)

Exclusive Use permits allow fenced café seating in the downtown business district which includes the portion of the B-3 zoning district shown in the map below and is defined as B-3 zoning district located on or between the north side of Lamme Street and the south side of Olive Street and on or between the east side of Broadway Avenue and west side of 3rd Avenue.



Any business wishing to serve alcohol to patrons on the sidewalk downtown must provide a fenced café seating area.

WHAT APPLICANT SHOULD KNOW:

- They are only permitted from April 1 through October 31 and must be completely removed from the sidewalk November through March. They pay per month so individual businesses may decide to utilize the sidewalk during a shortened time period.
- The fenced café seating area is only allowed to be placed in the frontage zone and must be placed so that there is at least 6' maintained in the pedestrian zone.
- They must also get a special use permit through the Planning Department and get approval from the Department of Revenue to expand their alcohol license to include the fenced café seating area.
- Once the permit is approved, it is valid for 10 years.

What are the fees for a permit?

- Fee is calculated by multiplying the square-foot area of the right of way encumbered by the exclusive use, by the total final square-foot land value of the adjacent property (as determined in the most recent appraisal by the MT Dept of Revenue for ad valorem property taxation purposes), multiplied by the whole-month percentage of the calendar year the exclusive use is occurring, multiplied by a factor of 5%.

Unless we need more information from the applicant, review usually only takes about 2 weeks for completion.

For questions, please call 406-582-2273, or email Marcy Yeykal, Public Works Office Manager at myeykal@bozeman.net.