



CITY OF DURHAM
101 CITY HALL PLAZA | DURHAM, NC 27701
919.560.4137 | F 919.560.4641

OUTDOOR SEATING PERMIT APPLICATION
FOR SEATING IN CITY RIGHT-OF-WAY LOCATED IN DOWNTOWN DESIGN OR
COMPACT DESIGN DISTRICTS ONLY

Property Information		
Business Name:		PID:
Business Address:		PIN:
Business Telephone:		Website:
Type of Business:	Restaurant Eating Establishment Private Club	Zoning:
NOTE: An approved Certificate of Appropriateness (COA) is required for local historic district and landmark properties.		
Historic District:	Landmark: Yes No	COA #:
Hours of Operation for Business:		for Outdoor Seating Area:
Seating Capacity for Business:		for Outdoor Seating Area:
Type of food, beverages, or products to be sold/served in outdoor seating area:		
Type of Application:	New Renewal (no changes from initial application)	Amendment (changes to initial)
Prior Permit # (for renewal or amendment applications):		
Operator Information		
Please list <u>all</u> owners <u>and</u> managers. Attach additional sheets if necessary.		
Owner Name:	Owner Address:	
Owner Telephone:	Owner Email:	
Manager Name:	Manager Address:	
Manager Telephone:	Manager Email:	
<p>Certification: I (We), the undersigned, do hereby make an application for an Outdoor Seating Permit, and understand that all the required information must be supplied for this application to be considered complete and valid.</p> <p>_____</p> <p style="text-align: center;">Owner Signature</p> <p style="text-align: right;">_____</p> <p style="text-align: right;">Date</p>		
Tracking Information (Staff Only)		
Date received:	Received by:	Fee:
Action Date:	Final Action:	Permit #:

Required Application Attachments

Three (3) copies of the following items must be submitted as part of this application:

- Drawings:** A site plan extending six feet on either side of the eating establishment frontage showing the following:
- property line;
 - sidewalk and curb;
 - designated fire lanes;
 - surrounding streetscape elements such as lighting, planters, street signs, benches, signs, bike racks, and bus stops;
 - utility controls and equipment, including gas meters, electric meters, and utility boxes;
 - trees, including size and type of installation (e.g. tree grates/pavers and flush/ raised);
 - proposed outdoor seating area boundary;
 - location of door(s), including **all** building exits and access points;
 - required pedestrian clear zone;
 - solid waste facilities (including dumpsters and carts) in alleys (regardless of which business they serve);
 - fire equipment including hydrants, fire department connections (FDC), fire alarm equipment and control valves; and
 - location, arrangement, photograph of proposed style, and description of materials of
 - tables and chairs;
 - required barriers;
 - other furnishings, trash receptacles, planters, umbrellas, or signs; and
 - storage of all of the above.

Drawing Format:

- Drawings must be to scale, with dimensions clearly indicated.
- Barrier, table and chair materials must be labeled.
- All sheets in the submittal must be the same size.

NOTE: Staff reserves the right to reject application materials that lack sufficient detail to verify compliance with the applicable standards.

- Insurance:** Evidence of a valid insurance policy with a minimum liability limit of \$1,000,000.

- Release and Indemnity Statement** (pages 3 and 4 of this application)

- Other Permits:** A copy of all permits and licenses issued by the state or the city necessary for the operation of the establishment, or a copy of the application for the permit if no permit has been issued. This includes, but is not limited to:

- health department approval;
- ABC permit;
- Business License;
- building, electrical, plumbing, or mechanical permit; and/or
- Certificate of Appropriateness.

- Sworn Statement:** Description of all criminal, civil or administrative charges against the eating establishment's operators of any laws, regulations or ordinances, as well as the disposition of said charges, during the three years immediately preceding the date of this application.

- Adjacent Owner Agreement:** Written permission of the current adjoining property and business owner if outdoor seating area extends beyond the frontage of the establishment.

- Application Fee:** A check made payable to the **City of Durham** in the amount of:

- \$250 for new applications or amended applications
- \$100 for renewals of previously approved applications (with no changes)

NOTE: A copy of this application and required attachments must be provided to the fire code official for review for compliance with the North Carolina Fire Code. A **separate** fire review fee will be assessed to the applicant in addition to the application fee above.

Submittal Instructions

Deadline: Applications may be submitted any day during regular business hours.

Submit To: Durham City-County Planning Department
Customer Service Center, Suite G300
101 City Hall Plaza, Durham, NC 27701

AGREEMENT TO RELEASE AND INDEMNIFY CITY OF DURHAM

OUTDOOR SEATING AREA AT:

(Name of Establishment)

(Address of Establishment)

In consideration of the issuance of the permit herein applied for, _____
(Name of Establishment Owner)

(herein after referred to as "Applicant") hereby agrees as follows:

To the fullest extent permitted by law, the Applicant shall release, defend, indemnify, keep and save harmless the City of Durham (hereinafter referred to as "City"), its agents, officials, and employees from any and all responsibility or liability for any and all damage or injury of any kind or nature whatever (including loss, disability or death resulting therefrom) to all persons and to all property proximately caused by, incident to, resulting from, arising out of or occurring in connection with the Applicant's (or any person acting for the Applicant or for whom the Applicant is alleged to be in any way responsible) use or occupancy of City maintained rights of way on City sidewalks, public alleys or pedestrian ways as may be permitted pursuant to this application.

The provisions of this agreement shall include any and all claims for equitable relief or damages of any kind against the City, its agents, officials, and employees, including alleged injury to the business of any claimant, and shall include any and all losses, damages, injuries, settlements, judgments, decrees, awards, fines, penalties, claims, costs and expenses. Expenses as used herein shall include without limitation the costs incurred by the City, its agents, officials, and employees, in connection with investigating any claim or defending any action, and shall also include reasonable attorney's fees by reason of the assertion of any such claim against the City, its agents, officials, and employees.

The Applicant shall maintain, during the life of the outdoor seating area permit, insurance covering the liability assumed under this agreement. The Applicant expressly understands and agrees that any insurance protection required as a condition of the issuance of the permit herein applied for, or otherwise provided by the Applicant, shall in no way limit the Applicant's responsibility to release, defend, indemnify, and keep and save harmless the City, its agents, officials, and employees as herein provided.

By executing this agreement, Applicant expressly accepts those portions of City maintained rights of way on City sidewalks, public alleys and pedestrian ways to be used in the operation of the outdoor seating area in an "as is" condition. Applicant further agrees that it shall have no claim against the City, its agents, officials, and employees for failure to repair or maintain those portions of the sidewalks, public alleys or pedestrian ways used in the operation of the sidewalk seating area, or for any damages to the same by the City, however caused.

The intention of the Applicant is that this release and indemnity be incorporated into any permit for the operation of an outdoor seating area issued to it pursuant to Sec. 54-110 of the Durham City Code and this application. It is further the intention of the Applicant that this release and indemnity be broadly construed and applied in favor of the City.

This the _____ day of _____, 20__.

Printed Name of Applicant

Signature of Applicant