



Development  
 Services Center

**OUTDOOR SEATING PERMIT APPLICATION**

**For Seating in City Right-of-Way Located in Downtown Design or Compact Design Districts Only**

**Business Information and Property Information (Fill In All Information Prior to Submittal)**

|  |  |  |         |
|--|--|--|---------|
| Business Name:   |  | Website:   |         |
| Business Address:  |  | PID:   |         |
| Business Telephone:  |  |  |         |
| Type of Business: <input type="checkbox"/> Restaurant <input type="checkbox"/> Eating Establishment <input type="checkbox"/> Private Club  |  |  | Zoning: |
| 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: <input type="checkbox"/> New <input type="checkbox"/> Renewal (no changes from initial application) <input type="checkbox"/> Amendment (changes to initial) |  |  |         |
| Prior Permit # (for renewal or amendment applications):  |  |  |         |
| Historic District:   |  | Landmark: <input type="checkbox"/> Yes <input type="checkbox"/> No | COA #:  |

**Operator Information**

Please list all owners and managers. Attach additional sheets if necessary.

|                    |  |                  |  |
|--------------------|--|------------------|--|
| Owner Name:        |  | Owner Address:   |  |
| Owner Telephone:   |  | Owner Email:     |  |
| Manager Name:      |  | Manager Address: |  |
| Manager Telephone: |  | Manager Email:   |  |

**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.

\_\_\_\_\_

Owner Signature

\_\_\_\_\_

Date

**Tracking Information (Staff Only)**

|                |               |           |
|----------------|---------------|-----------|
| Date received: | Received by:  | Fee:      |
| Action Date:   | Final Action: | Permit #: |

## Required Application Attachments (Renewal)

**One paper and one digital copy of the following items must be submitted as part of this application:**

- A written statement that location and/or quantity of your outdoor seating has not been modified since your most recently approved revision
- Insurance:** Evidence of a valid insurance policy with a minimum liability limit of \$1,000,000.
- Release and Indemnity Statement** (Pages 4 and 5 of this application)
- Most recent copy of your health department approval and ABC permit
- Sworn Statement:** Found on the Planning Department website

## Required Application Attachments (New or Amendment)

**One paper and one digital copy of the following items must be submitted as part of this application:**

- Drawings:** A scaled drawing extending 6 feet on either side of the 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; with dimensions of the area, distance to the curb and distance to the building
  - Location of door(s), including **all** building exits and access points;
  - Required pedestrian clear zone;
  - Number of tables located inside the establishment
  - 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:** If you are unsure whether or not your drawing will meet these standards, please consult with Planning staff prior to submittal. 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 4 and 5 of this application)
- Other Permits:** A copy of all permits and licenses issued by the state or the City and 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
  - Building, electrical, plumbing, or mechanical permit
  - ABC permit
  - Certificate of Appropriateness
- Sworn Statement:** Found on the Planning Department website
- Adjacent Owner Agreement:** Written permission of the affected current, adjoining property and business owner(s) if outdoor seating area extends beyond the frontage of the establishment.

**Application Fee in the Amount of:**

- \$260 for new applications or amended applications
- \$104 for annual renewals of previously approved applications (with no changes)

Make checks payable to "City of Durham." Starter checks and out-of-state personal checks will not be accepted. Cash or credit card payments are only accepted if submitted in person at City Hall (101 City Hall Plaza, Durham NC).

**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  
Development Services Center, Suite G300  
101 City Hall Plaza, Durham, NC 27701

**AGREEMENT TO RELEASE AND INDEMNIFY THE 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\_\_\_\_.

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Printed Name of Applicant

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Signature of Applicant