



City of Clayton  
10 North Bemiston Avenue  
Clayton, Missouri 63105  
(314) 290-8453 FAX: (314) 863-0296

## CONDITIONAL USE PERMIT APPLICATION-RESTAURANTS

*(please type or print)*

**ALL SECTIONS OF APPLICATION MUST BE COMPLETE  
APPLICATIONS MUST BE CONSISTENT WITH SUBMITTED MATERIALS  
ALL SUBMITTED MATERIALS MUST BE SIGNED/SEALED FOR REVIEW  
\$200.00 APPLICATION FEE MUST ACCOMPANY THIS APPLICATION**

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Location of Project: \_\_\_\_\_

Project Description: \_\_\_\_\_

### **PART A: PARTIES OF INTEREST**

The full legal name of restaurant owner (partnership, incorporation, etc.), applicant, agent, architect, landscape architect, planner, engineer and/or manager is required for review of this application.

Name of Applicant: \_\_\_\_\_

*Address:* \_\_\_\_\_

*Phone Number & E-Mail Address:* \_\_\_\_\_

*Interest in Property:* \_\_\_\_\_

Name of Owner(s) - if different from above: \_\_\_\_\_

*Address:* \_\_\_\_\_

*Phone Number & E-Mail Address:* \_\_\_\_\_

Name of Architect/Engineer (Please Specify) \_\_\_\_\_

*Address:* \_\_\_\_\_

*Phone Number & E-Mail Address:* \_\_\_\_\_

List Managing Officers or persons who will be in active control and supervision of business:

Name/Position: \_\_\_\_\_

Name/Position: \_\_\_\_\_

Name/Position: \_\_\_\_\_

**PART B: SITE DESCRIPTION**

Legal Address of Property: \_\_\_\_\_

Lot Number: \_\_\_\_\_ Block Number: \_\_\_\_\_ Locator Number: \_\_\_\_\_

Subdivision \_\_\_\_\_ Current Zoning: \_\_\_\_\_

Current Use of Site: \_\_\_\_\_

Proposed Use of Site: \_\_\_\_\_

Estimated Cost of Construction : \_\_\_\_\_ No. of Stories : \_\_\_\_\_

**PART C: INTENDED USE-RESTAURANT**

Briefly describe the type and character of the operation: \_\_\_\_\_

Days and Hours of Operation: \_\_\_\_\_

Will a liquor license be requested? Yes \_\_\_\_ No \_\_\_\_ If yes, which type: \_\_\_\_\_

Square Footage of Proposed Use: \_\_\_\_\_ Number of seats: \_\_\_\_\_

Number of Parking Spaces: Employees: \_\_\_\_\_ Patrons \_\_\_\_\_ Valet Parking? Yes \_\_\_\_ No \_\_\_\_

Location of Parking Facilities: \_\_\_\_\_

*Applicant must demonstrate that it can comply with the parking requirements of Clayton's Zoning Code. Accordingly, the applicant must either i) submit an executed parking agreement with the owner or other*

*private off-street parking provider for the exclusive use of the above denoted parking spaces; or ii) must otherwise demonstrate exclusive use of sufficient parking spaces.*

Describe when and how deliveries will be made to the operation: \_\_\_\_\_

\_\_\_\_\_

If restaurant is to offer deliveries, please describe your ability to comply with the attached City of Clayton Delivery Policy: \_\_\_\_\_

\_\_\_\_\_

Briefly describe the manner in which the disposal of refuse for the operation will occur : \_\_\_\_\_

\_\_\_\_\_

Does the restaurant intend to participate in a recycling program? Yes \_\_\_\_\_ No \_\_\_\_\_

*Review by the Clayton Architectural Review Board is required for any exterior renovation, awning or signage. If any of these items are part of the project, complete an Architectural Review Board Application, which can be obtained from the Housing & Planning Dept.*

## **PART D: OUTDOOR DINING/SEATING**

Please provide a copy of survey showing building line, property line, right-of-way line, proposed seating plan and landscaping.

Is this an outdoor dining service area or seating for self-service? Briefly explain the operation.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Is the food service and menu the same as the indoor facilities? Please explain: \_\_\_\_\_

\_\_\_\_\_

Square footage of the Area: \_\_\_\_\_ Number of Seats: \_\_\_\_\_

Please explain how patrons will access the outdoor dining/seating facilities from the restaurant: \_\_\_\_\_

\_\_\_\_\_

Description of Furniture:

\_\_\_\_\_

Description and proposed location of Pedestrian Barrier: \_\_\_\_\_

Description of Landscaping: \_\_\_\_\_

Description of Lighting: \_\_\_\_\_

Hours of Operation: \_\_\_\_\_

Additional parking: Employee Spaces \_\_\_\_\_ Patron Spaces \_\_\_\_\_

Will there be public right-of-way encroachment? Yes \_\_\_\_\_ No \_\_\_\_\_ Number of Feet \_\_\_\_\_

*The following must accompany this application: 1) Documentation of insurance for the encroachment (if applicable), naming the City of Clayton as an additional insured, in amounts required by the Clayton Code, Section 22-24(1)(g), 2) Outdoor Dining/Seating Agreement (attached), and 3) An Architectural Review Board Application (available in the Housing & Planning Department).*

**PART E: AMENDMENT TO AN EXISTING RESTAURANT  
CONDITIONAL USE PERMIT**

Please describe the proposed amendment: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Please describe why the proposed amendment is necessary: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**PART F: TRANSFER OF AN EXISTING RESTAURANT  
CONDITIONAL USE PERMIT**

The full legal name of the restaurant operation currently approved, as set forth on the existing conditional use permit:

\_\_\_\_\_  
\_\_\_\_\_

The full legal name (owner, partnership, corporation, etc.) and complete address of the entity to which the C.U.P will be transferred:

\_\_\_\_\_

Please describe any changes to the operation: \_\_\_\_\_

\_\_\_\_\_

Please describe any changes to the menu: \_\_\_\_\_

\_\_\_\_\_

Please describe any changes to the hours of operation, seating and decor: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## **SIGNATURES**

*Signature of Applicant (Required):* \_\_\_\_\_ *Date:* \_\_\_\_\_

*Title:* \_\_\_\_\_

*Signature of Property Owner (Required):* \_\_\_\_\_ *Date:* \_\_\_\_\_

*Title:* \_\_\_\_\_

## **OUTDOOR DINING/SEATING AGREEMENT**

(To be signed by applicant and returned with this Application; if applicable)

1. That an adequate sidewalk width be maintained for pedestrians between the dining area separation and a treelawn or curb as determined by the Director of Public Works.
2. That all conditions as established by the Architectural Review Board for pedestrian safety and convenience shall be met and complied with.
3. That all rules and/or regulations established by the Architectural Review Board for the use of the area for such food service or customer seating areas shall be met and complied with.
4. That no permanent structures shall be erected over or attached to the area.
5. That any temporary structures to be placed in the area, such as, but not limited to: supports, decorative fences, light fixtures, railings, planters or dividers, shall be approved and authorized by the Architectural Review Board.
6. That seating must not obstruct any entry or exit way of the adjacent building.
7. That seating in the area shall be separated from the public sidewalk in a manner approved and authorized by the Architectural Review Board.
8. That the Permittee shall keep the area in a neat and clean condition, free from nuisance and filth, and provide for the removal of trash and waste therefrom.
9. That the Permittee, at its own expense, shall keep and maintain the area in good order and repair. Permittee shall promptly make any repairs or replacements required to maintain the area in good order and repair.

### **\*FOR RESTAURANTS ENCROACHING INTO THE PUBLIC RIGHT-OF-WAY:**

1. That the Permittee shall provide and maintain, at its sole expense, general liability insurance in full force and effect for the area, in standard form generally in use in the State of Missouri with insurance companies having a current “best” rating of not less than A and a financial rating not less than Class VII and authorized to do business in the State of Missouri in the amount of Five Hundred Thousand Dollars (\$500,000.00) for any accident or occurrence resulting in bodily injury to or death of one person and an amount of not less than one million dollars (\$1,000,000.00) for any accident or occurrence resulting in bodily injury to or the death of more than one

person, and comprehensive property damage insurance covering liability for damage to all property from any accident or occurrence in an amount of not less than two hundred fifty thousand dollars (\$250,000.00). Executed copies of said policies of insurance, or certificates thereof, shall be delivered to the City of Clayton at the time said permit is issued and thereafter within thirty (30) days prior to expiration of the term of each such policy, a renewal or replacement insurance policy, or certificate thereof, shall be delivered to the City of Clayton. In addition to the delivery of the policies, or certificates, at the same time the Permittee shall deliver to the City of Clayton proof of payment of the premiums for said policies. As often as any such policy shall expire or terminate, renewal or additional policies shall be procured and maintained by the Permittee in like manner and to like extent. All said policies of insurance delivered to the City of Clayton must contain a provision that the company writing said policy will give the City of Clayton twenty (20) days notice in writing in advance of any cancellation, lapse or reduction in the amount of insurance. All of said policies of insurance must obtain a provision naming the City of Clayton, its agents, employees, guests and invitees, as an additional insured.

2. Permittee acknowledges Agreement and understands by making application for the use of the City of Clayton right-of-way that said use is conditional and temporary and is subject to the right of the City of Clayton in its sole discretion to reclaim the right-of-way by the termination of the permit granted hereunder at any time. In the event of such termination, Permittee agrees to immediately vacate said right-of-way and remove any temporary structures that have been placed on the City of Clayton right-of-way.

3. That the Director of Public Works shall not authorize the use of the area as provided for herein until such time as all approvals and requirements provided for herein shall have been complied with and met.

\_\_\_\_\_  
Signature of Applicant

Title: \_\_\_\_\_