



Planning and Development Services

10 N. Bemiston Avenue • Clayton, Missouri 63105 • 314-727-8100 • FAX 314-863-0296 • TDD 314-290-8435

APPLICATION FOR OUTDOOR DINING

Check off each box to indicate that the required items, in the quantities required, have been included in your submittal. Completion of this page does not mean the submittal is “sufficient,” it means that the application can be accepted for later sufficiency review by staff. Make sure to include all other items required for your specific project. **Incomplete applications will not be accepted.**

- Completed and signed Outdoor Dining application, including signed acknowledgement of the Outdoor Dining Regulations (page 4)
- \$135 application fee for a 1-year permit (\$235 for a 2-year permit)
- New applications and renewals with changes to their approved furniture layout and/or materials must submit 4 copies of **complete and stapled** plan sets folded print side out to approximate 8 ½ X 11. Plan sets must include the following items:
 - Scaled site plan depicting existing building lines, entrances, sidewalk widths, the location of all outdoor dining furniture, and the required pedestrian access route.
 - Colored photos of the outdoor dining area
 - Furniture specifications (colored photos or manufacturer’s cut sheet)
- Certification of liability insurance in the minimum amount of \$2,900,000 each occurrence naming the City of Clayton as an additional insured (if outdoor dining is located on the public right-of-way). All general liability insurance policies shall name “The City, its officers, boards, board members, commissions, commissioners, agents, and employees as additional insureds”.
- If outdoor dining is located on an adjacent property, written permission of the property owner is required.

This page was completed by:

Signature _____

Print Name _____

Date _____

Phone & Email _____

Section 405.3970: General

- A. Outdoor dining is permitted yearlong on public and/or private property as an accessory use to a restaurant that has indoor seating.
- B. The hours for outdoor dining shall not be earlier or later than the restaurant's hours of operation as specified in the governing Conditional Use Permit.
- C. The location of all furniture, fixtures and facilities associated with outdoor dining shall be such that a continuous pedestrian access route (PAR) meeting at least the minimum requirements of the Americans with Disabilities Act (ADA) and, when and if issued or revised from time to time by the United States Access Board, Public Rights-of-Way Accessibility Guidelines (PROWAG) shall be maintained at all times.
- D. The permittee, at its own expense and cost, shall keep the outdoor dining area in a neat and clean condition, free from nuisance and filth and provide for the prompt removal of snow, ice, trash and waste therefrom.

Section 405.3980: Location

- A. If located on a public sidewalk or a private walkway used by the public, an unobstructed pedestrian access route (PAR) must be maintained at all times, in accordance with the following standards.
 - 1. The PAR is recommended to be a minimum of 5 feet wide, and in any event, shall not be less than 4* feet wide and 7 feet tall. Tree grates and similar semi-open surfaces do not count towards the required PAR width.
 - 2. If/when more restrictive Public Rights-of-Way Accessibility Guidelines (PROWAG) are adopted or revised from time to time by the United States Access Board, the more restrictive PROWAG requirements for PAR shall be applicable. (*minimum PAR increased from 36" to 48" in early 2017)
 - 3. Outdoor dining permittees shall adapt and revise the arrangement of their facilities from time to time as necessary to accommodate the most recent PAR standards.
 - 4. There shall be no "grandfathering" or non-conforming right to continue previously permitted outdoor dining arrangements insofar as minimum PAR standards are concerned, it being understood that any permit is issued only on an annual basis as hereinafter provided and is subject to mandatory modification to assure compliance with required PAR standards as they evolve from time to time.
 - 5. Additional sidewalk clearance shall be required where pedestrian traffic or other circumstances warrant.
- B. If located on a public sidewalk, all outdoor dining furniture must maintain the following separations from and access to fixtures in the right-of-way.

1. 3 feet minimum separation from the edge of curb, street trees, street lights, fire hydrants, Fire Department connections, mailboxes, benches, bicycle racks, and other similar fixtures at all times, and from parking meters when they are in effect.
 2. 5 feet minimum separation from the edge of driveways, alleys, and accessibility ramps.
 3. Outdoor dining shall not be located underneath a fire escape, stairwell, or balcony, and shall not block established public utility points of access (i.e. manholes, hand holes, traffic signal cabinets, etc.).
- C. The outdoor dining area may be located in front of an adjacent property with the written permission of the owner of the adjacent property.

Section 405.3990: Furniture

- A. Only tables, chairs, umbrellas, approved heaters and pedestrian barriers shall be permitted in the public right-of-way.
- B. Permitted materials for outdoor dining furniture (tables, chairs, umbrellas, pedestrian barriers, trash receptacles, service stations, etc.) are limited to iron (cast or wrought), steel (expanded or wire), aluminum (cast or extruded), metal alloy, wood, or resin. White resin is prohibited. Outdoor dining furniture must be maintained in a good state of repair and cleanliness.
- C. Outdoor dining may be separated from the right-of-way by a minimum 30 inch tall pedestrian barrier (railing, fence or planters). Pedestrian barriers must be sturdy and stable, and must have sufficient weight so that they cannot tip or be blown over. Pedestrian barriers shall not be anchored to the public sidewalk and shall be maintained so as not to stain/discolor the sidewalk.
- D. Advertising on umbrellas is permitted provided the product being advertised is sold by the restaurant. Umbrellas shall not contain logos.
- E. Restaurants without outdoor table service must provide a sufficient number of refuse containers readily accessible to patrons. Refuse containers must be placed no more than 6 inches from the face of the building.
- F. Outdoor heaters must be reviewed and approved by the Fire Department prior to use.
- G. Outdoor service stations are prohibited on public property.
- H. Outdoor dining furniture must be stored inside the building when not in use.
- I. Advertising devices shall not be attached to fixtures in the public right-of-way including but not limited to street trees, streetlights, sign poles, traffic signals, and parking meters.

Section 405.4000: Outdoor Dining Permit

- A. All restaurants having outdoor dining on private and/or public property must apply for and receive an Outdoor Dining Permit prior to starting outdoor dining. The permit is subject to reapplication and renewal on an annual basis.
- B. Applications shall be filed along with the required fees with the Department of Planning. Upon review for compliance with the governing Conditional Use Permit and these standards by the Department of Planning, a permit shall be issued or denied by the Director of the Department of Planning. The Director may defer ruling and refer the application to the Architectural Review Board if the Director believes it would be appropriate to do so. The Director’s final action to grant or deny an Outdoor Dining Permit may be appealed to the Architectural Review Board by an aggrieved party by filing a written notice of appeal to the Board with the Department of Planning within 15 days of the Director’s decision. The Board shall review the application independently as if the application was originally filed with the Board.
- C. If any part of outdoor dining is located on public property, the permittee shall provide and maintain, at his/her sole cost, liability insurance satisfying the requirements set out in Section 510.090 of this Code of Ordinances covering any injury or damage said to be occasioned by or in any way arising from or associated with outdoor dining. The insurance shall name the City of Clayton as an additional insured and must be maintained in full force and effect so long as the permit is outstanding.

Restaurants with Outdoor Dining Permits shall be subject to periodic inspections for compliance. Three or more violations of this Article may result in a revocation, suspension and/or non-renewal of an Outdoor Dining Permit.

I HAVE READ THE ABOVE STANDARDS & REGULATIONS AND WILL COMPLY WITH SUCH.

SIGNATURE

DATE

PRINT NAME

ALL APPLICABLE SECTIONS OF THIS APPLICATION MUST BE COMPLETED, AND THE APPLICATION MUST BE CONSISTENT WITH SUBMITTED MATERIALS

(type or print)

Address of Restaurant: _____

Name of Restaurant: _____

Applicant's Name: _____

Complete Mailing Address : _____

Phone Number & E-mail address: _____

Interest in Property: _____

Name of **Property** Owner(s): _____

Complete Mailing Address: _____

Phone Number & E-mail Address: _____

Restaurant Owner: _____

Complete Mailing Address: _____

Phone Number & E-mail Address: _____

Application Type

Permit Type

() New Application () Renewal

() 1 Year () 2 Year

For renewals only:

() Furniture layout and materials are the same as previously approved

() Furniture layout and materials are not the same as previously approved (explain below):

Location (check all that apply)

() Private Property

() Public Property

() Both

() Sidewalk

() Curbside

() Other: _____

() In front of an adjacent property-*submit applicable property owner approval*

Days/Hours of Operation (specify if different from indoor operations; outside hours of operation may not exceed the approved hours specified in the restaurant's Conditional Use Permit)

Outdoor Dining Specifics:

	Location (Private or Public Property)	#	Material	Color
Tables				
Chairs				
Umbrellas				
Pedestrian Barrier				
Trash Receptacles*				
Service Stations*				
Heaters				

**Only permitted on private property*

Pedestrian Access Route*

Width (4 foot minimum): _____ Umbrella Height (7 foot minimum): _____

SIGNATURES (FULL LEGAL NAME IS REQUIRED)

Signature of Applicant (Required): _____

Print Name: _____

Date: _____ Title: _____