



City of Charleston
Application for:
Outdoor Dining Area Permit

Permit No. _____

Establishment Information	Property Information
Name of the Establishment:	Address:
Phone:	Tax Map and Parcel:
Name/Title and Preferred Mailing Address of applicant:	Property Owner and Mailing Address:
Manager Information, if Different than Applicant	Does the Property Owner Agree to this Use? <input type="checkbox"/> Yes <input type="checkbox"/> No

IMPORTANT: This application, and supporting documentation, must be typed or legibly printed and filed with the Planning Department in person or by mail to **915 Quarrier Street, Suite 1 Charleston, WV 25301.**

The following supporting documentation must be submitted with this application:

- An administrative fee of \$50.00 for a new non-partitioned outdoor dining area permit, and a \$500 administrative fee for a partitioned outdoor dining area permit.
- A site plan drawn to scale showing the layout for the Outdoor Dining Area which accurately depicts the existing sidewalk conditions, including sidewalk width from building face to curb; location and dimensions of tree wells; locations of lamp posts, traffic and parking signs, signal poles, trash receptacles, benches, and other sidewalk features or obstructions; as well as design, location, size and space of the dining area, chairs, tables, enclosures, aisles between tables; routes of ingress and egress; clearances between the seating area and the curb.
- Photos or other graphical representation of furniture, barriers, umbrellas, etc. (including color and material of the same.)
- If alcoholic beverages are to be served, a copy of the WVABCA license showing approval for outdoor consumption, inclusion of the outdoor dining area into the floor plan of the licensed premises.
- A copy of the business establishment's general liability insurance policy evidencing a minimum of \$1,000,000 coverage per each occurrence and naming as additional insured the City of Charleston, its agents, officers, directors and employees.

I hereby affirm that all of the statements and information contained in or filed with this application are true and correct to the best of my knowledge.

Applicant Signature: _____ Date: _____

By executing this form the business establishment represented above agrees to indemnify, defend and hold harmless the City, its officers, agents, and employees from and against any and all liability, claims, suits, damages, losses, costs, attorneys' fees and expenses of any or all types arising out of, or related in any way to, the use of the public right-of-way for operation of the permitted Outdoor Dining Area, which includes, but is not limited to use of any City sidewalk, roadway, alley or other City property or right-of-way which may be incident to the use or which may be used for ingress or egress to the permitted Outdoor Dining Area. It is expressly understood and agreed that the duty to defend and indemnify is triggered immediately upon the filing or making of any claim, including, but not limited to, claims that allege negligence or malfeasance on the part of the City of Charleston and/or any of its agents or employees, and does not require a finding of negligence or malfeasance on the part of the business establishment or its agents or employees.

An applicant who has been denied a permit or an Operator whose permit has been revoked may appeal the denial or revocation to the City of Charleston Board of Zoning Appeals (BZA). The provisions of Article 31 of the City of Charleston Zoning Ordinance shall apply. Such appeal must be made in writing within thirty (30) days following the decision appealed from, on forms available at the Planning Department, and shall set forth the basis on which the applicant or Operator contests the decision. Within ten (10) days of receipt of the appeal by the BZA, the BZA shall set a date and time for a public hearing. The public hearing shall be held within forty-five (45) days of receipt of the appeal to the BZA. The BZA shall conduct a public hearing on the appeal and may: deny the appeal and uphold the original order, requirement, decision or determination; grant the appeal and overturn the original order, requirement, decision or determination; or, issue an order which denies part of the appeal and grants part of the appeal. The BZA shall make written findings of fact and conclusions of law on which the BZA bases its decision. The decision of the BZA may be appealed by either party within thirty (30) days of its issuance, to the Kanawha County Circuit Court, as set forth in WV Code §8A-9-1, et seq.

Planning Department Use Only	
<i>City Engineer's Signature:</i>	<i>Date:</i>
Comments:	
<i>Planning Official Signature and Title:</i>	<i>Date:</i>
Comments:	
Action: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Permits are good for one calendar year. Permit Expires: _____	

Any Operator holding a valid permit for an Outdoor Dining Area that continues to utilize that Outdoor Dining Area beyond the expiration of a valid permit, shall be deemed to have re-applied for permission to use the same space for a succeeding permit term so long as said Operator pays the annual renewal permit fee, completes the renewal paperwork and complies with any other renewal requirements of the Planning Department, within thirty (30) days of the commencement of the succeeding permit term. If the Operator fails to timely meet all renewal requirements as set forth herein, then the Operator's permit shall be deemed to have expired and a new Application for Outdoor Dining must be submitted and approved prior to further operation of an Outdoor Dining Area.