



OFFICE USE

DATE FILED:

OUTDOOR SIDEWALK DINING PERMIT APPLICATION

GENERAL INSTRUCTIONS

Sidewalk dining may only be conducted in the public right-of-way with a valid permit (Sidewalk Dining Permit) from the City of Morgantown in accordance with Article 906.04 of the City's codified ordinances. Sidewalk dining is defined as an area of the public right-of-way that is designated for private use by a restaurant, café, bar or other establishment offering food and/or beverages that is in close proximity to the Sidewalk Dining area, and is (1) Outside and not served by an HVAC system for air handling services and use outside air; (2) Open to the air; and (3) Not enclosed by fixed or temporary walls; however, the Commissioner of the West Virginia Alcohol Beverage Control Administration may seasonally approve except for a partial enclosure with up to three temporary or fixed walls when such seasonal partial enclosure is approved by the Director of Development Services of the City of Morgantown, and, for areas serving alcoholic beverages, by the Commissioner. A permit for this activity is a privilege subject to the conditions of Article 906 and any other conditions stated in the permit, and they may be revoked by the City for noncompliance or other reasons identified in this Article or the permit. Each Sidewalk Dining Permit issued will be valid from January 1, or the date of the application is approved, through December 31.

The following application and permitting process was created to give private persons an opportunity to utilize the public right-of-way for business purposes in a manner designed to serve the public, increase public enjoyment of the right-of-way and to promote increase business and pedestrian traffic by offering safe and visually appealing opportunities for activities in public spaces. Please review the application and corresponding codified ordinance of the City of Morgantown (Addendum A) regarding outdoor Sidewalk Dining Permits. Design Standard Guidelines (Addendum B) are also attached hereto for the Sidewalk Dining Permit. The Design Standards are intended to provide safe and visually appealing opportunities for outdoor dining as a use of the public right-of-way and ensures that equipment, furniture, and other items placed along the street positively contribute to the character of applicable district or neighborhood in accordance with Article 906 - Table 906.01.1, if applicable.

The application fee for an outdoor sidewalk dining permit is \$25. Renewal applications shall not require an administrative review fee. Please submit all applications to the Attention of Barb McDonald, 430 Spruce Street, Morgantown, WV 26505 or email them to bmcdonald@morgantownwv.gov. For more information, please call 304-284-7431.



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BUSINESS ESTABLISHMENT INFORMATION

Name of Business: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Name and Title of Applicant: _____

Work Phone Number: _____ Mobile Phone Number: _____

Email Address: _____

Do you own the property your business currently resides in? Yes No

If no, is the property owner (Landlord) aware of your application for a temporary outdoor dining permit and do they support the proposed use in the public right-of-way (sidewalk)? Yes No

If yes, please include a letter stating as much from the Landlord with the application.

PROPERTY OWNER INFORMATION <i>(if different from above)</i>
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Name of Property Owner: _____

Property Owner's Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Property Owner's Phone Number: _____

Property Owner's Email Address: _____



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APPLICATION REQUIREMENTS

(the following documents must be submitted with this application)

- Copy of your business license for the City of Morgantown.
- Copy of your West Virginia Business license.
- Do you intend to use the entire sidewalk area (in front of your business) for outdoor dining?
Yes No
- If yes, the City of Morgantown may install and maintain a temporary pedestrian walkway (pedlet) in the adjacent, on-street parking spaces. Depending on the size and location of your outdoor dining area, one to three on-street parking spaces may be utilized for the pedlet. Is this acceptable?
Yes No
- A dimensioned site plan showing the right-of-way and all existing public improvements and encroachments including but not limited to light posts, benches, planters, trash receptacles, fences, trees and tree grates, bicycle racks, and newspaper boxes. The diagram shall also include the location of the curb relative to the building to be served by the permit and the proposed location of all furniture and other equipment to be placed in the right-of-way. Please also furnish all floor plans and approvals required by the City, including Health Department or West Virginia Alcoholic Beverage Control Administration. Note, the design and placement of tables and chairs, as well as other equipment, shall comply with applicable requirements of the Americans with Disabilities Act and any applicable Federal, State, or local law in accordance with Article 906.
- Photos or other graphical representation of the proposed furniture, barriers, umbrellas, etc. This includes color, material type and/or any wording.
- Worker's compensation insurance in at least the required statutory limits.
- Copy of certificates of insurance for the required policies for each type of insurance (further described below) naming the City of Morgantown, West Virginia Department of Transportation Division of Highways and – and for permits authorizing service of any beverage regulated by the West Virginia Alcohol Beverage Control Administration (WVABCA) – WVABCA as additional insured parties:
 - Comprehensive general liability insurance, including owner's protective liability insurance and contractual liability insurance covering claims for personal injury and property damage with limits of at least \$1,000,000.00 per occurrence, and \$1,000,000.00 for any single injury.



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APPLICATION REVIEW
ENGINEERING DEPARTMENT USE ONLY

Staff (Reviewer) Name and Title:

Date:

Staff comments:

Outdoor Dining Application:

Approved

Denied

Conditionally Approved

Condition for approval or explanation for denial:

Staff (Reviewer) Signature: _____



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APPLICATION REVIEW
MORGANTOWN PARKING AUTHORITY USE ONLY

Staff (Reviewer) Name and Title:

Date:

Staff comments:

Outdoor Dining Application:

Approved

Denied

Conditionally Approved

Condition for approval or explanation for denial:

Staff (Reviewer) Signature: _____