

Outdoor Dining

Permit Application

City of Payette

INTRODUCTION & PURPOSE

* Introduction

The City of Payette recognizes the importance of outdoor dining to the vitality and success of our Downtown Corridor. The outdoor dining regulations are in place to promote the health, safety and welfare of our residents, businesses and visitors. Outdoor dining facilities are subject to the City of Payette Zoning code, all applicable Building Codes, Fire Codes, American with Disabilities Act , and the State of Idaho Liquor regulations.

* Purpose of Design Guidelines

These guidelines provide standards for outdoor dining areas throughout the Downtown corridor, with special attention to those dining area in high visibility areas within the public right-of-way. The process of allowing outdoor dining area is the necessity of ensuring furniture and other items places along the street positively contribute to the historic character of Downtown Payette. The guidelines apply to all outdoor dining facilities approved by the City of Payette. Failure to comply with these requirements constitutes a violation of Payette City Code.

Bon Appétit!



ORDINANCE SUMMARY

* **Eligibility**

The outdoor dining facility must be part of a lawfully operating restaurant with a valid City of Payette business license and Certificate of Occupancy.

* **Building/ Accessibility**

Location and number of tables , spacing of tables and access within the outdoor dining must meet all Building Codes and Americans with Disabilities Act requirements.

* **Sidewalk Clearance**

A minimum of 5 foot continuous pedestrian access along the public side walk free from all obstructions is required and any outdoor dining areas must not create any pedestrian hazards.

* **Alcohol Service**

The outdoor dining area must be enclosed with a sturdy barrier not less than 36 inches in height and shall designate the area where food and/or beverages shall be permitted to be served and consumed.

There must be only one well defined entrance to the outdoor dining area and it must be located directly in front of the egress area.

Alcoholic beverages shall be served as part of the service of food and meals.

Outdoor dining area must be immediately adjacent to the establishment serving alcohol.

Customers are not permitted to carry their alcoholic beverage to the outdoor dining area.

Signage must be posted that alcohol cannot be taken off-premises.

Compliance with State of Idaho rules regarding regulations, permitting and licensing requirements is mandatory.

SIDEWALK GUIDELINES



Definitions

1. **Limit Line:** Area approved by the City of Payette to be occupied for an outdoor seating/dining/event use. Such area may be on sidewalks, where sidewalks are wide enough to accommodate the requested use plus space required for the pedestrian zone. Such pedestrian zone shall comply with the ANSI standards for accessibility, but in no case be less than five (5) feet in width. Areas located within on-street parking stalls shall in no case take up more than twelve (12) feet of the length of such stalls.
2. **Fence Line or Perimeter Fence:** A fence enclosing an outdoor seating/dining/event area, which may be on or within the limit line.

Other Regulations

The City of Payette and the State of Idaho have adopted regulations that may apply to outdoor dining areas and seating areas. These may include, but may not be limited to:

Sidewalk Café and Outdoor Dining

Noise Regulations

City Ordinances

Sign Regulations

State of Idaho Alcoholic Beverages (Title 23)

References made to some of these regulations in these standards are for information purposes only. Not all regulations are referenced. Business owners should consult with the City of Payette and the State of Idaho regarding regulations, permitting and license requirements. For the purpose of these standards, where these standards are more restrictive than the State of Idaho, these standards shall prevail.

SIDEWALK GUIDELINES

Placement of Fences and Furnishings

◆ Placement of Fences

The distance from any fence used to enclose a café or outdoor seating area, which fence is parallel to the building face, shall not exceed the limit line unless otherwise specified.

◆ Placement of Furnishings/Accessories

All furnishings/accessories except certain umbrella shades, awning or canopy extensions and planters shall be placed within the perimeter fence surrounding the outdoor dining/seating/event area. The furnishings include but are not limited to benches, chairs, tables, umbrella bases, awnings and canopies, planters, trash receptacles, and all other accessories or equipment.

Umbrella stands and any umbrella shade that is less than six (6) feet, eight (8) inches in height at its lowest point from the walking surface shall be located inside the perimeter fence and the limit line. If an umbrella shade is at least six (6) feet, eight (8) inches in height at its lowest point from the walking surface, then the umbrella shade may extend outside the perimeter fence and the limit line.

Planters owned by the business owner/operator are permitted in the outdoor dining/event area at the discretion of the business owner/operator as long as they're within the limit line. If an outdoor dining/event area has a perimeter fence, planters are permitted outside the fence line if they are within the limit line. If a business owner/operator desires planters outside the perimeter fence or suspended from the outside edge of the perimeter fence, the fence shall be placed or configured so both the fence and the planters are within the limit line.

Awnings and canopies that are attached to the building and extend from the building face to the limit line may include an extension beyond the limit line if the extension is at least seven (7) feet in height from the walking surface. Extensions shall not exceed one-half (1/2) feet beyond the limit line.

Design Standards

◆ Fences

Each outdoor dining/event area where alcohol is served shall have a continuous fence around the perimeter except for one opening as required by Idaho State Code¹. Fences shall be well-crafted and have a durable, professional finish. Prior to installing a fence, the business owner/operator shall obtain approval from the City of Payette for the design, materials and construction specifications to be used for the fence.

SIDEWALK GUIDELINES, *cont.*

Fences shall have sturdy support poles and bases that can withstand heavy jostling and bumping. The bases and fence layout shall be designed to create a stable enclosure without anchoring the fence to the ground. Attaching the fence to the ground is not allowed.

Connections at corners shall be made so fence does not pull apart under normal use. Fences shall be a minimum of thirty-six (36) inches in height. Fences shall not create a continuous barrier more than four (4) feet in height. Fences shall be removable to accommodate events and change in seasons. Fences that run more or less parallel to the curb line shall be equidistant from the curb line with allowances for indentations at entrance points and for planters. Where no curb line exists, the fence should be equidistant from the building face. Fence placement shall not be slipshod. City of Payette may require a business owner/operator to adjust fence alignment to meet these standards.

Bases on support posts for fences may extend an additional one (1) foot outside the limit line if the base lies flat on the ground. Combining a fence with a support structure for an overhead awning or canopy is allowed if approved in writing by the City of Payette.

Outdoor dining areas where alcohol is not served are not required to have a continuous fence, but must have fencing between all dining areas and adjacent parking stalls and the street. All furnishings other than umbrella shades and awning or canopy extensions shall be placed within the limit line.

◆ Umbrellas, awnings and canopies

Umbrellas, awnings and canopies shall be of cloth, and use colors that are complementary to the aesthetics of the building it serves. Umbrellas and freestanding awnings or canopies shall be plain with no writing, graphics or advertising permitted as per State Code. Umbrellas shall be securely anchored in stands. Awnings and canopies attached to the building may include the name of the business if this signage is approved by the City of Payette as an allowed tenant identification sign and the proper sign permits have been obtained. Awnings and canopies that are attached to the building and extend from the building face to the limit line as provided in the section of placement of furnishings.

◆ Planters

The design of planters owned by business owners/operators is at the discretion of the business owner/operator as long as they are placed within the limit line and are complimentary to the building exterior.

SIDEWALK GUIDELINES, *cont.*

◆ Trash receptacles

Each outdoor dining area shall have a trash receptacle with a lid within the fence lines/limit lines.

◆ Signage

Signage shall not be posted on fencing surrounding outdoor areas except for signs required by law or for small informational signs, such as; “No smoking on patio”. Sign banners are not permitted. A-frame and T-frames signs shall be located within the outdoor area limit line for the outdoor area to which they belong or in the furnishing zone directly in front of the outdoor area. All signage shall comply with the City of Payette regulations.

◆ Decorative Lighting

Lighting on fencing is permitted if the intent is to add a festive, decorative element and not to attract attention. Lighting shall be white or clear in color and shall be understated. Flashing lights are not allowed. Light strands shall be kept in good repair and burned out bulbs shall be replaced.

◆ Accessibility

Location and number of tables, spacing of tables and access within the outdoor dining area must meet all Building Code and Americans with Disabilities Act requirements.

◆ Maintenance

Business owners/operators shall be responsible for maintaining fences and furnishings in such a manner that these improvements present a high quality image. Any fences or furnishings showing signs of wear, damage or failure shall be promptly refurbished, repaired and/or replaced.

¹The State of Idaho Alcohol Commission requires that outdoor dining areas where alcohol is served must be separated from pedestrian areas by a continuous enclosure except for one entry point. Such outdoor dining areas must also be immediately adjacent to the establishment serving alcohol. Signage must be posted that alcohol cannot be taken off-premises.

LAYOUT EXAMPLES



FURNITURE & FIXTURES



APPROVALS & PERMITS REQUIRED

A number of approvals and permits may be required to open an outdoor dining facility. Staff from the Planning Department and Code Enforcement will work with you and advise you on your particular circumstances and assist in navigating the process.

These approvals and permits are required:

- * Code Enforcement, Parking Services

Temporary Parking Permit if needed.

- * Building Department

Approval of outdoor dining layout for compliance with building codes and Accessibility Building Permits for any structural, plumbing, electric, mechanical, and/or accessibility changes necessary for the outdoor dining facilities. Contact our Building Inspector , Steve Pierson, 208-440-3861.

- * Planning Department for Sidewalk Café Permit

Approval of outdoor dining layout for compliance with all City of Payette Codes.

Permits for any an outdoor dining facility. Contact the Planning Department, 208-642-6024 or billing@cityofpayette.com

- * Streets Department

Public Use Encroachment Agreement for outdoor dining facilities that will be located partially or entirely within the City right-of-way.

- * State of Idaho

Any Business serving alcohol outdoors must obtain approval from the State of Idaho Alcohol & Beverage Control, and must provide a copy of the approved site plan to the City of Payette .

City of Payette



SIDEWALK CAFÉ

APPLICATION

5.12.020

ALL FEES ARE NON REFUNDABLE:

LICENSE FEE :\$ None
 PROCESSING.....\$None
 TOTAL FEES DUE..... \$None

OFFICE USE ONLY

DATE ISSUED _____

CITY LICENSE # _____

- LIABILITY INSURANCE (minimum \$1,000,000)
- DETAILED SCALE DRAWING OR PREMISE MAP (approved by A.B.C)
- CITY OF PAYETTE ANNUAL BUSINESS LICENSE (copy)
- IDAHO STATE LIQUOR, BEER & WINE LICENCE (copy)
- SOUTHWEST DISRICT HEALTH PERMIT (copy)
- ALCOHOL BEVERAGE SIGN (copy)

***** LICENSE EXPIRES ANNUALLY ON DECEMBER 31ST *****

Business Name:			Telephone:	
Business Address:				
Owner:			Telephone:	
Mailing Address:			Fax:	
City:	State:	Zip:	Email:	

Property Owner:			Telephone:	
Corporation:				
Mailing Address:			Fax:	
City:	State:	Zip:	Email:	

Written authorization from the owner of the property shall be required where the applicant is not the owner of the affected property

USE CHARACTERISTICS

1. Please give a brief Statement describing the use: _____

2.. Please describe the proposed hours of operation:

Days	Hours
Monday	
Tuesday	
Wednesday	
Thursday	
Friday	
Saturday	
Sunday	

3. How many seats will be located in the outdoor seating area? _____

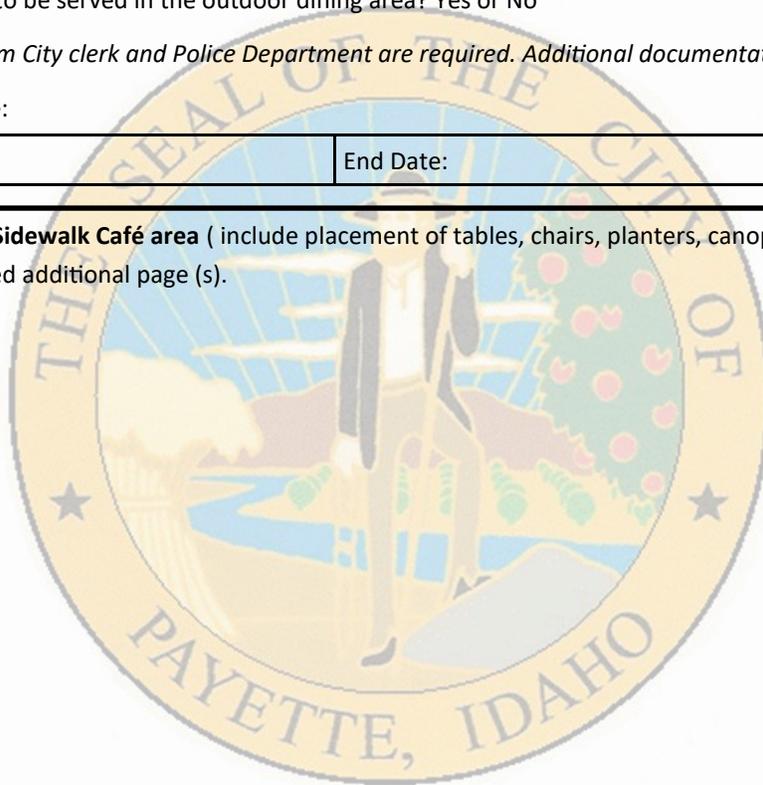
4.. Is alcohol being proposed to be served in the outdoor dining area? Yes or No

** If yes, approval from City clerk and Police Department are required. Additional documentation may be required.*

5.. Proposed Start & End Date:

Start Date:	End Date:
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Detailed scale of drawing of Sidewalk Café area (include placement of tables, chairs, planters, canopies, umbrellas, distances, etc.) if needed please attached additional page (s).



INDEMNIFICATION AGREEMENT– CITY OF PAYETTE SIDEWALK CAFÉ LICENCE

I, _____ (VENDOR/BUSINESS NAME), shall indemnify and save and hold harmless the City of Payette from and for any and all losses, claims, actions, judgements for damages or injury to persons and property and losses and expenses caused or incurred by _____ (VENDOR/BUSINESS NAME), its servants, agents, employees, guests and business invitees, and not caused by or arising out of the tortious conduct of the City of Payette or its employees .

In addition, _____ (VENDOR/BUSINESS NAME), shall maintain, and specifically agree that it will maintain, throughout the term of this agreement, liability insurance, in which the City of Payette shall be named as additional insured in the minimum amount of one million dollars (\$1,000,000) . The limits of the insurance shall not be deemed a limitation if the covenants to indemnify and save and hold harmless the City of Payette, and if the City of Payette becomes liable for an amount in excess of the insurance limits, herein provided, _____ (VENDOR/BUSINESS NAME), covenants and agrees to indemnify and save and hold harmless the City of Payette from and for all such losses, claims, actions or judgements for damages or liability to persons or property .

_____ (VENDOR/BUSINESS NAME), shall provide the City of Payette with a Certificate of Insurance, or other proof of insurance evidencing _____ (VENDOR/BUSINESS NAME), compliance with the requirements of this paragraph and file such proof of insurance with the City of Payette.

I, the applicant, agree that all exits are to be monitored and alcohol is to be served by waiters or waitresses only to seated customers . It is understood that if a customer leaves the Sidewalk Café area with an opened container that the permit to operate this Sidewalk Café may be suspended or revoked .

PRINTED NAME OF APPLICANT

SIGNATURE OF APPLICANT

STATEMENT OF OATH

I SWEAR AND AFFIRM, UNDER PENALTY AND PERJURY PURSUANT TITLE 18, CHAPTER 54 IDAHO CODE THAT THE STATEMENTS CONTAINED IN THE ABOVE APPLICATION OF A SIDEWALK CAFÉ LICENSE ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

PRINTED APPLICANT NAME

SIGNATURE OF APPLICANT

DATE

SIDEWALK CAFÉ APPLICATION REVIEW

Office Use Only

NEW applications will be review by the following departments.
RENEWAL applications will be reviewed if there are proposed changes to premise, furniture or fixtures.

DEPARTMENT	DATE	APPROVED	DENIED	COMMENTS
FIRE DEPARTMENT				
POLICE/CODE DEPARTMENT				
STREET DEPARTMENT				
CLERK'S OFFICE				