Winchester zoning & inspections Virginia

Primary and Secondary Assessment District Use Permit Application

Name of Business: _____

Address of Business: _____

Applicant Information:

Applicant Name: _____ Work Phone: _____

Mailing Address: _____ Cell Phone: _____

_____

Email Address: _____ Home Phone: _____

Application Type (select all that apply):

Required Fees Provided on Second Page

☐ Outdoor Café/Dining Area ☐ Outdoor Vendor

☐ Outdoor Display of Merchandise ☐ Portable Sign

Specific Dates Desired for Outdoor Vendor Permit (if applicable):_____

_____

Application Checklist (All materials due with application form. Incomplete Applications will not be accepted):

All Permit Applications Must Include The Following:

- ☐ Certificate of Insurance (*Not less than $1 million; City of Winchester listed as additional insured*)
- ☐ Insurance Endorsement Sheet (*Listing City of Winchester as an additional insured*)
- ☐ Signed Indemnification and Hold Harmless Agreement
- ☐ Permit Fee(s) (make check payable to *Treasurer, City of Winchester*)
- ☐ Signed Terms and Conditions Sheet
- ☐ Additional Permit Specific Requirements Listed Below

Outdoor Dining Area Permit:

- ☐ Site Sketch drawn to scale indicating the location of the proposed dining area, layout of tables, chairs, enclosure, etc., and all existing obstructions (fire hydrants, tree wells, planters, lamp posts, and public egress).
- ☐ Virginia Department of Health License
- ☐ Virginia Alcohol Beverage Control License (*if applicable*)
- ☐ Dining Area Design Information (including materials, colors, photograph/sketch, etc.) of all outdoor dining area fixtures, chairs, umbrellas, tables, fencing, planters, etc.
- ☐ Certificate of Appropriateness Approval by Board of Architectural Review (*if designs are not consistent with Old Town Development Board guidelines*)
- ☐ Copy of Current Winchester Business License

"The mission of the City of Winchester is to be a financially sound City providing top quality municipal services while focusing on the customer and engaging our community."

Portable Sign Permit:

- ☐ Site Sketch including a scaled plan indicating the location of the proposed sign and all existing obstructions (fire hydrants, tree wells, planters, lamp posts, and public egress). Such signs shall not impede pedestrian traffic. In all cases, a minimum clear path of travel of three (3) feet must be provided.
- ☐ Portable sign design information indicating the dimensions, materials, color, construction, etc., of the sign. Such details must include the methods in which the display elements shall be supported. No elements shall be fastened to the sidewalk or adjoining buildings.

Outdoor Display of Merchandise:

- ☐ Site Sketch including a scaled plan indicating the location of the proposed display and all existing obstructions (fire hydrants, tree wells, planters, lamp posts, and public egress). Such display shall not impede pedestrian traffic. In all cases, a minimum clear path of travel of three (3) feet must be provided.
- ☐ Outdoor display design information (including materials, colors, photograph/sketch, etc.) of any racks, tables, or other elements which shall be used to display merchandise. Such details must include the methods in which the display elements shall be supported. No elements shall be fastened to the sidewalk or adjoining buildings.
- ☐ Schedule for display: a description of the days, hours, and frequency of outdoor display.

Outdoor Vendor Permit:

- ☐ Virginia Department of Health License (*if applicable*).
- ☐ Site Sketch including a scaled plan indicating the location of the proposed vending apparatus and all existing obstructions (fire hydrants, tree wells, planters, lamp posts, and public egress) in the area. Such apparatus generally shall not impede pedestrian traffic. In all cases, a minimum clear path of travel of three (3) feet must be provided.
- ☐ Outdoor Vendor Design Information (including materials, colors, photograph/sketch, etc.) of the vending apparatus and any other elements which shall be used. Such details must include the methods in which the apparatus shall be supported. No apparatus or elements shall be fastened to the sidewalk or adjoining buildings.
- ☐ Schedule for Vending: a detailed description of the specific dates and hours of vending proposed. Outside vendor fees will be determined based on the proposed schedule and shall not be refunded due to non-use of approved dates for any reason.
- ☐ Copy of Valid Winchester Business License (Itinerant Merchant).

Fee Schedule	
Dining Area – up to 500 square feet	$85.00
Dining Area – 501 to 650 square feet	$160.00
Dining Area – 651 square feet and greater	$210.00
Portable Sign	$10.00
Display of Merchandise	$25.00
Outside Vendor	$25.00 per day

FOR OFFICE USE ONLY	
Date(s) Permit Valid:	Fee:
Zoning Administrator:	Date of Approval:
Permit Conditions:	

Terms and Conditions:

The permitted use of sidewalks pursuant to Section 18-7 of the Winchester Zoning Ordinance shall be considered a license and privilege that is authorized at the discretion of the City and shall not in any way be deemed to constitute a transfer of any property rights whatsoever from the City. The City reserves the right to reject or rescind any permit authorized in accordance with the provisions of Section 18-7 of the Winchester Zoning Ordinance.

- The applicant for any such permit shall provide a Certificate of Insurance, which shall be currently maintained throughout the term of the permit, indicating that the City is an additional insured on a policy of liability insurance issued to the applicant by an insurance company licensed to do business in Virginia with a single limit of not less than $1,000,000.
- Any person or entity that has been issued a permit pursuant to Section 18-7 of the Winchester Zoning Ordinance (hereinafter "Permittee") shall immediately notify the City of Winchester Facility Maintenance Director and Risk Manager of all damage to property for which a permit has issued been pursuant to Section 18-7, including but not limited to: damages to utilities, finished surfaces, and trees.
- It shall be the responsibility of the Permittee to make all arrangements for delivery, unloading, receiving, and storing of materials to be placed inside the lessor's building. No shipments, goods, or products shall be stored in the areas for which a permit has been issued pursuant to Section 18-7 of the Zoning Ordinance. The City of Winchester will not assume any responsibility.
- The Permittee shall be responsible for ensuring that all matters concerning insurance claims by third parties arising as a result of the acts and omissions of the lessor's operations or his sub-contractors are handled in a professional manner. To this end, the City expects the lessor to act responsibly with regard to prompt payment of valid insurance claims and upon notice of a claim, the lessor shall immediately notify the City's Risk Manager, investigate and document the claim, and make a liability determination within ten (10) business days. Pending subrogation between the lessor and/or sub-contractor and/or any insurance carrier will not be cause for delay in payment of a valid claim. Default of this provision may result in default of this agreement and jeopardize the lessor's future lease with the City of Winchester.
- This permit, if approved, shall be non-transferable and, shall be valid from January 1 through December 31 of each year, or for any part thereof except as otherwise revoked, rescinded or limited by the provisions of this Article. The application fee will remain the same regardless of the date received, and the fee will not be refunded or prorated based on the date of the application. Upon expiration or revocation of any such permit, the applicant must apply for a new permit to continue using the sidewalk.
- The Zoning Administrator may immediately revoke any permit specified in Section 18-7 of the Zoning Ordinance if it is determined at the discretion of the Zoning Administrator that the conditions therein have not been met by the applicant. A permit may also be immediately revoked or suspended if it is determined at the discretion of the Administrator that the continued use of the space poses a threat to public health, safety, or welfare, or if such use is determined to be inconsistent with the best interests of the City of Winchester.
- The Administrator may immediately revoke any permit specified in Section 18-7 of the Zoning Ordinance if it is determined that the permit holder is not maintaining compliance with all applicable laws and regulations related to the use of the permitted space or if the permit holder fails to promptly respond to lawful requests by the Administrator related to the use of the permitted space.
- The use of the space described in Section 18-7 of the Zoning Ordinance may also be temporarily suspended for Special Events. The City will make reasonable efforts to notify permit holders in advance so that all privately owned items including but not limited to tables, chairs, and barricades may be removed by the permit holder prior to such Special Events. Upon a permit holder's failure to timely remove the items, such items may be removed in accordance with Section 18-7-2.2 of the Winchester Zoning Ordinance.
- As a condition of obtaining and keeping a permit for an outdoor dining area, the applicant is deemed to have agreed to the following terms and conditions:
    - All outdoor dining areas will be of such design so as to be easily removed for special events, snow removal, emergency access, or other circumstances which require that the sidewalks be cleared of all such dining areas, as determined by City Council or by the Chief of Police. A directive from the Chief of Police or the City Council to clear the area of all furniture, fixtures, decorations, etc., connected with the café operation shall be promptly complied with by the restaurant without question and without unnecessary delay, and the area shall remain cleared of such material until directed otherwise by City Council or the Chief of Police.

- Upon failure of the permit holder to remove such items upon reasonable Notice, the City is authorized to remove the items and require the permit holder to reimburse the City for the expense of such removal.
- The entire area delineated for the outdoor dining area must be maintained in a neat and orderly fashion, whether or not the area is actually in use. When in use, the area shall be periodically cleaned throughout the business day, and, especially, at the end of each business day. All food shall be provided by waiter or waitress service, unless self-service operations are approved as a part of the permit. Extensions or enlargements of the area delineated beyond those described in the restaurant's application are expressly prohibited.
- All furniture, fixtures, enclosures, and all elements shall be periodically maintained so that they retain full function as well as present a neat, attractive appearance.
- The outdoor dining area shall operate only when the restaurant to which a permit has been issued is allowed to operate. In addition, the restaurant shall be responsible to see to it that patrons violate no laws of the Commonwealth or Ordinances of the City, to expressly include the City's Noise Ordinance. A business holding a permit shall have the right to limit access and occupancy to only bona fide paying customers, and shall have the same right to deny access or service in the outdoor dining area as it enjoys in its own premises, provided, however, that no person shall be denied access or service purely on the basis of race, religion, national origin, sex, age or physical disability.

- Vendors without an adjoining storefront and operating from carts or other portable vending apparatuses may apply for a permit to use sidewalk area in the Primary and Secondary Downtown Assessment Districts. As there are limited areas for such vendors to locate without conflicting with existing storefronts, all such vendors shall schedule a pre-application meeting with the Administrator to discuss the pending application. No such permit shall be issued unless it is determined that the design of the vending apparatus and its proposed use is compatible with the design and character of the District and shall be issued only for the vending of food and beverages, flowers, arts and crafts, handicrafts, and similar products and services.
- As a condition of obtaining and keeping a permit as an outside vendor, the applicant is deemed to have agreed to the following terms and conditions:
  - The entire area delineated for the vending must be maintained in a neat and orderly fashion. When in use, the area shall be periodically cleaned throughout the business day, and, especially, at the end of each business day. Extensions or enlargements of the area delineated beyond those described in the application are expressly prohibited.
  - The vending apparatus and all elements shall be periodically maintained so that they retain full function as well as present a neat, attractive appearance.
  - The vendor may be moved from time to time or use prohibited at the discretion of the Administrator or Downtown Manager due to scheduled promotions or other special events being held in the District.

Agreement to Terms and Conditions	
I, the undersigned, have read the aforementioned provisions and certify that I will comply with all applicable laws, codes and ordinances pertaining to this permit.	
Signature:	Date: