



THE CITY OF PELLA

Planning & Zoning Department | 825 Broadway Street | Pella, IA 50219
Phone: (641) 628-0043 | Monday – Friday | 7:30am to 4:30pm

Downtown Outdoor Seating Application

The City of Pella permits outdoor seating specifically in the form of tables and chairs in the front of businesses in the Central Business District (CBD) through an administrative permitting process authorized by Chapter 165.30.5 of the City Code. Tables and chairs are permitted in the Pella Central Business District from April 1st – October 31st. All furniture **MUST** be removed and stored either inside the business or off-site, during Pella’s Annual Tulip Time Festival to allow unrestricted flow for visitors to pass along sidewalks. Storage for outdoor furniture must be off-site or inside the business from November 1st-March 31st. Please refer to the [Pella CBD Outdoor Seating Guidelines](#) for further information on parameters to follow for any proposed tables and chairs in the CBD. This permit is an annual permit that must be renewed each year.

Site Address: _____ Business Name: _____

Owner: _____ Address: _____ Phone: _____

Signature of Applicant _____ Date: _____

Number of tables: _____ Dimensions of table(s): _____

Number of chairs: _____ Dimensions of chair(s): _____

Supplemental Documents Required to be Attached to this Application:

- Site Plan: Attach site plan showing the proposed outdoor seating area with measurements (including a representation showing that at least 5 feet of unobstructed sidewalk space will remain for pedestrians).
- Design Information: Attach Photos or Drawing of Furniture
- Indemnification Agreement: A signed indemnification agreement on form furnished by the City.
- Proof of Liability Insurance: Proof of current liability insurance with the application (\$1,000,000 minimum).

THIS AREA FOR OFFICE USE ONLY

CDC Review*: **Approved** **Denied** *(CDC Design Subcommittee may review)*

CDC Member: _____ **Date:** _____

CDC Member: _____ **Date:** _____

Zoning Administrator _____ **Date:** _____

Staff Comments: _____



INDEMNITY AGREEMENT

This Agreement is entered into by and between the City of Pella, Iowa (hereinafter CITY) and _____ (hereinafter APPLICANT).

For and in consideration of CITY allowing the placement of outdoor furniture by APPLICANT within the CBD/CUC zoning jurisdiction as shown on the attached Application, the parties agree as follows:

1. CITY has jurisdiction under 165.30.5 of the City Code for Outdoor Seating.
2. APPLICANT has applied for a permit for new or existing outdoor seating modification under said Code section.
3. CITY will approve said application as submitted or modified, subject to this Agreement and pursuant to 165.30.5 of the City Code.
4. APPLICANT will provide proof of liability insurance or financial ability to respond to claims up to one million dollars (\$1,000,000.00) in the aggregate which may arise from operation of the facility during its life, at no cost to the City.
5. APPLICANT shall indemnify and hold forever harmless CITY from and against any loss, claims, charges, expenses, penalties, damages, fines, suits, demands and actions of any kind and nature, including reasonable attorney's fees and costs of defense, arising out of any accident or other occurrence causing injury to any person (fatal or otherwise) or damages to property, directly or indirectly arising from APPLICANT's obligations and not caused by any fault or negligence of CITY, its employees or agents.

City of Pella, Iowa

by: _____

, Owner

Pella CBD Outdoor Seating Guidelines

Purpose

These Guidelines provide standards for the use of outdoor storefront seating areas in the Central Business District of Pella in order to maintain a quality appearance in keeping with Pella's historic character.

The City of Pella permits outdoor seating specifically in the form of tables and chairs in the front of businesses in the Central Business District through an administrative permitting process authorized by Chapter 165.30.5 of the City Code.

This document contains the guidelines for furniture and fixtures considered acceptable within the architectural and cultural framework of Pella.

These Design Guidelines provide standards for the use of outdoor seating areas in order to enhance the historic character, visual quality and pedestrian safety of the area. Failure to comply with these guidelines constitutes a violation of City Code.

Eligibility

In order to be able to have outdoor seating, the applicant must be a permanent business in the Central Business District zoned area and have sufficient space directly in front of their business as defined herein to not block pedestrian traffic on the public walk or block ingress/egress to a building. Permanent business is defined for purposes of these guidelines as an establishment within an existing building, which is not a temporary or portable building, and not including peddlers.

Application Procedure

To apply, a business owner needs to complete the following annually:

- **Application Form:** A brief form with basic information about the business and proposed number of tables and chairs. City staff will review for site compliance with City Code and these guidelines with fixture/furniture design approval by the Community Development Committee architectural subcommittee. If the application is an annual update with no change proposed to the outdoor seating area, then only the application form and current proof of liability insurance shall be required with only City staff authorization needed.
- **Site Plan:** A plan showing the proposed outdoor dining area with measurements (including a representation showing that at least 5 feet of unobstructed sidewalk space will remain for pedestrians which also takes into account trees, benches, infrastructure such as light posts, and portable specialty signage used in front of the storefront).
- **Photos or Drawing of Furniture:** Photos or other graphic representation (including color and material) of furniture needed for the City to verify that the proposed furniture conforms to these Design Guidelines.
- **Indemnification Agreement:** Applicant shall provide a signed indemnification (hold harmless) agreement on form furnished by the City.
- **Proof of Liability Insurance:** Applicant shall include proof of current liability insurance with the application.

Pella CBD Outdoor Seating Guidelines

Outdoor Seating Season

Tables and chairs are permitted in the Pella Central Business District from April 1st – October 31st. All furniture **MUST** be removed and stored either inside the business or off-site, during Pella's Annual Tulip Time Festival to allow unrestricted flow for visitors to pass along sidewalks.

- **Off Season Storage:** Storage for outdoor furniture must be off-site or inside the business from November 1st-March 31st.

Furniture and Fixtures

Pella strives to maintain our attractive and inviting atmosphere. Outdoor seating becomes a prominent part of the streetscape when used in the front of buildings, and such furniture needs to uphold the high standards applied to buildings, storefronts and public spaces in Pella. A wide range of furniture styles, colors and materials are permitted. All furniture and fixtures must be maintained in good visual appearance, without visible fading, dents, tears, rust, corrosion, or chipped or peeling paint. All furniture and fixtures must be maintained in a clean condition at all times. All furniture and fixtures must be durable and of sufficiently sturdy construction as not to blow over with normal winds. To ensure a quality visual appearance in keeping with the historic architecture, the conditions on the following pages apply to furniture (tables and chairs).

Furniture Type

Tables and chairs are permitted in front of storefronts in the CBD area.

- **Prohibited Furniture:** This includes but is not limited to serving stations, bar counters, shelves, racks, sofas, televisions, trash receptacles, heaters and torches. Building awnings, canopies or other extensions over public sidewalks are prohibited. Umbrellas are prohibited.
- **Freestanding:** Furniture and fixtures must not be secured to trees, lampposts, street signs, hydrants, or any other street infrastructure by means of ropes, chains or any other such devices at any time.
- **Other:** No signage shall be used in conjunction with the outdoor furniture.

Material Standards

- **Iron, Cast:** Low carbon iron, hand or machine cast parts, stainless steel connectors, and hand ground to smooth finish.
- **Iron, Wrought:** Heavy gauge and hand ground to smooth finish.
- **Steel, Expanded:** Frame - Minimum of 13 gauge cold rolled steel.
- **Steel, Wire:** 13/14 gauge with smooth ground joints.
- **Aluminum, Cast:** Solid aluminum bars, not hollow tubes.
- **Aluminum Extruded:** Anodized extruded aluminum.
- **Wood:** Frame - Minimum 3" x 3" nominal frame member; Slats - Minimum 1/2" x 3" nominal slat size; Joints shall be doweled and glued. No screw or bolt connections.
- **Resin*:** Flame resistant, glossy finish with durable and stable construction; one piece.
*No white resin furniture will be permitted.

Pella CBD Outdoor Seating Guidelines

Tables

Size and Shape: The size and shape of tables strongly affects the functionality of an outdoor dining area. Businesses should strive for space-efficient seating layouts and furniture configuration.

Square or Rectangular Tables Preferred:

Square or rectangular tables are strongly recommended.

- **Better Fit:** Square or rectangular tables may fit flush against a building's wall and can permit more usable surface area for patrons while at the same time leaving more space available for pedestrians.
- **Maximum width:** Table width should not exceed 36".

Chairs

- **Color:** Chairs may be colored or of a natural unpainted material (i.e., wood, metal etc.). Chairs are not permitted to be white plastic or of any fluorescent or other strikingly bright or vivid color.
- **Matching:** All chairs used within a particular establishment's outdoor seating area must match each other by being of visually similar design, construction and color.
- **Upholstery:** Upholstered chairs are permitted. Upholstery is not permitted to be of any fluorescent or other strikingly bright or vivid color.

Identification

Business owners must have their furniture marked with their name and phone number.

Pre-Approved Furniture

The Community Development Committee may pre-approve furniture style options subject to meeting all other criteria herein such that only administrative approval by staff is needed if a pre-approved furniture design is selected.

Sidewalk Coverings:

Outdoor seating should be placed directly on the sidewalk surface for safety.

- **Carpet:** Prohibited sidewalk coverings include carpet or other flooring material constructed of fabric, canvas, wool, tile, linoleum, nylon, vinyl, or any covering that is intended to resemble turf.
- **Platforms:** Raised decks, platforms, or other such surfaces are not permitted within outdoor dining areas.

Circulation Room:

As established in the City Code Chapter 165.30 all outdoor seating areas must leave at least 5 feet of unobstructed pedestrian space on the public sidewalk. This 5 ft. of pedestrian space must be clear of obstructions caused by trees, tree wells, benches, light posts, hydrants, or any other infrastructure and portable specialty signage. In addition, no part of an outdoor seating area (including plants) may extend into the 5-foot-unobstructed zone.

Pella CBD Outdoor Seating Guidelines

Setback from Other Businesses, Lot Line and Streets:

Business owners need to be mindful of adjoining businesses when using outdoor seating areas, making sure that neighboring businesses remain visible to pedestrians and motorists. A business may be required to adjust the outdoor seating area's layout, dimensions or distance from the property line (2 feet or more) to ensure that this visibility is maintained.

Where a business is not a zero (0) lot line property where the public right of way abuts the front of the business front and where comparable outdoor seating can be reasonably accommodated on private property without conflicting with any other City Code provisions, outdoor seating shall be placed on said private property subject to Design Permit through the Community Development Committee.

The intent of these guidelines is to permit outdoor seating for eligible businesses on the public sidewalk directly in front of their location subject to above criteria. In no case, shall streets or alleys be used for any outdoor seating or furniture of any kind.

All seating and furniture must be placed within five (5) feet of the business storefront. In no case shall any outdoor seating or furniture be placed within four (4) feet of any street curb or alley way.

Pre-Existing Benches:

The pre-existing benches which were placed through donors shall not be moved or blocked from usage. Re-location of these benches from their existing locations shall only be permitted with consent of the donor and the City.

Lost/Stolen Goods:

The City of Pella is not responsible for lost, stolen or damaged furniture.