



# City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069

June 24, 2020

**RE: New Outdoor Patio Permit Initiative**

Dear Local Business Owner:

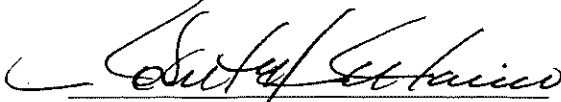
I am pleased to inform you that my administration has developed an expedited process to assist local businesses as a response to reopening our economy. Local businesses may apply for temporary permits for outdoor seating/dining service. All applications for temporary outdoor dining permits must meet all applicable state and local building and safety guidelines, regulations and recommendations. The city has also waived most of its fees associated with obtaining a permit—reducing the application fee to \$10.00.

This special patio permit will expire November 30, 2020.

As you know, Niagara Falls restaurants are now able to re-open during Phase Three under New York State's re-opening plan. As a result of this re-opening, I am encouraging local business owners to use outdoor space to increase capacity. Please find enclosed an application form for your use. Once the application is received and reviewed, a determination will be made quickly.

Should you have any questions regarding the new outdoor patio initiative, I urge you to please contact Mr. James Bragg, Department of Planning and Economic Development at (716) 286-4467 with any questions.

Sincerely,



Robert M. Restaino, Mayor

Application Fee: \$10.00  
Make check payable to:  
"City Controller"



**APPLICATION FORM**  
**(PATIO ON PRIVATE PROPERTY OR WITHIN PUBLIC**  
**RIGHT-OF-WAY)**  
**(CHAPTER 1321.12 NIAGARA FALLS ZONING ORDINANCE)**  
**2020 Season**

Site Address: \_\_\_\_\_

Applicant: \_\_\_\_\_

Name \_\_\_\_\_ Business Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

Fax \_\_\_\_\_

Owner (if different): \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

Ownership Interest (own, rent, encroachment in Public Right-of-Way)

Zoning Classification: \_\_\_\_\_

General Cost Estimates: (Decking, Landscaping, Fencing)

Square Footage of Patio: \_\_\_\_\_

Number of Tables and Chairs: \_\_\_\_\_

Liquor License Yes  No

ATTACHED HERETO: Letter of Intent (12 Copies)

Site Plan/Survey (12 Copies)

Proposed Fence Design  
(12 Copies)

SEQR *if applicable* (1 Copy)

RETURN TO: City of Niagara Falls, Planning Office, 745 Main Street, Niagara Falls, NY 14302

**PATIO REQUIREMENTS**

**Outdoor Patio on Private Property:**

- A. not block access to Fire Department connections, sewers, water works, gas valves or doors;
- B. be marked off by means of planters or railings that have an ‘OPEN’ appearance; the minimum height allowed is 18” and the maximum is 30”;
- C. advertising in outdoor patios shall be regulated as signage under Chapter 1121;
- D. all outdoor dining furniture, including tables, chairs, umbrellas and planters shall be stored indoors during winter season;
- E. outside storage of materials/equipment shall be maintained clean and secure, and screened as necessary.

**Outdoor Patio within Public R-O-W (In addition to the above, the outdoor patio shall):**

- A. directly abut the business face or curb line so patrons and servers do not cross the flow of sidewalk pedestrian traffic; and be adjacent to the business property;
- B. leave sufficient unobstructed sidewalk width ( minimum four feet (4’) wide) for pedestrian access;
- C. have a **mandatory closing of 10:00 PM**
- D. be constructed so that it can **be completely removed within 48 hours** if required;
- E. decks, platforms and structures are **NOT** permitted except to level a significant grade difference in the sidewalk or to harmonize indoor and outdoor seating levels; any deck must be wheelchair accessible;
- F. Shall comply with all NYS Liquor Authority requirements (City Council Approval Required);
- G. enter into an encroachment agreement with the city, renewable on an annual basis.

\_\_\_\_\_  
Signature of Business Owner or Authorized Representative

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date