

## **GUIDELINES FOR SIDEWALK DINING AREAS (Created April, 1996 and Revised May, 2005)**

The City of Lawrence wishes to establish "Guidelines for Sidewalk Dining Areas" in order to attain the following specific goals and purposes to:

1. Ensure adequate space for pedestrians on the sidewalk or other public open space area adjacent to "Sidewalk Dining Areas";
2. Promote "Sidewalk Dining Areas" as visual amenities, which relate to and are complementary to the surrounding area. Consideration shall be given to the character of the area and its streetscape;
3. Where "Sidewalk Dining Areas" are located in the Downtown, they shall preserve and enhance the character of Lawrence's Downtown; and
4. Establish guidelines and conditions for the establishment of "Sidewalk Dining Areas" that are effective, efficient, and enforceable.

Applications for sidewalk dining include the submission of an application form, copies of your Kansas Food Service Establishment License (6-1202.3), Lease and Permission for Use of Property (if applicable), Proof of Insurance (6-1202.11), State Report Forms (6-1202.5), and the Appropriate Fee (\$3.50 x # of square feet of sidewalk) to the City Clerk (to be reviewed and approved by the City Commission) and a site plan to be submitted to the Planning Department to be reviewed by the Historic Resources Commission (6-1202.7) and the Planning Director (20-1428). The City Commission will conduct the final review and approval of the site plan. Any approval prior to City Commission approval of the Sidewalk Dining request by staff or the HRC does not guarantee the City Commission will approve the associated site plan or sidewalk dining license.

All applications for Sidewalk Dining must comply with all applicable local, State, and Federal codes.

### **General**

1. The sidewalk cafe area must be contiguous with any side of a building wherein a restaurant or food service establishment is located.
2. No portion of a sidewalk dining area shall be used for any purpose other than dining and circulation therein.
3. The sidewalk dining area shall not occupy more than thirty (30) percent of the total area of the primary restaurant operation. The sidewalk dining area shall be considered an auxiliary use to the interior dining area.
4. A restaurant or food service establishment may be permitted to operate only one sidewalk café, and each sidewalk cafe shall be confined to a single location on the

sidewalk;

5. The sidewalk dining area shall not extend past the restaurant or food service establishment's storefront.
6. A sidewalk dining area shall not utilize any public amenities such as benches, seats, tables, or trash receptacles.

### **Usable Sidewalk Dining Area**

1. The proposed sidewalk dining area shall maintain a minimum of six (6) feet or half (1/2) the width, whichever is greater, unobstructed sidewalk between the food service establishment dining area and all obstructions, measured from the outer edge of the dining area to the curb side obstacle. Consideration may be given to providing a minimum of five (5) feet width on local streets such as 7th, 8th, etc;
2. The proposed sidewalk dining area shall be a minimum of five (5) feet from the street corner areas as defined by building lines extended to the street;
3. The sidewalk dining area shall be delineated by an approved railing that is clearly visible to pedestrians. The railing shall take into consideration ADA requirements;
4. Unless the main access to the restaurant or food service establishment is provided through the sidewalk dining area, the sidewalk dining area should only be accessible through the interior of the restaurant or food service establishment. Provisions should be made to provide adequate fire safety egress.

### **Elevation and Other Design Considerations**

1. The sidewalk dining area shall be the same elevation as the adjoining sidewalk. Paint, artificial turf, carpets, platforms, or any other surface cover or treatment of any kind are prohibited from being placed upon the designated area at any time;
2. In order to maintain maximum visual access, the height of the railing shall not be higher than thirty-six (36") inches. Consideration of height variations may be given to properties with significant grade changes;
3. Railings shall be designed in a manner to make them removable. The City shall have the authority to require any sidewalk dining area to suspend operation and clear such area, or to move or modify the location or operation of the sidewalk dining area, for such things as, but not limited to:
  - a. Any permitted special event;
  - b. Any street, sidewalk, or utility construction;
  - c. Any emergency situations;
  - d. The protection of the health, safety, and welfare of the public.
4. Railings and barriers shall be constructed of ornamental metal, wrought iron or other compatible materials and shall reflect the character of the area;

5. The railing shall not be attached to the building.
6. The sidewalk dining area shall be unenclosed and shall be open to the sky with the exception that it may be covered with a retractable awning or fixed awning, which is compatible with the surrounding area; and
7. In order to maintain maximum visual access, Sidewalk dining area furnishings may not include umbrellas or outdoor heaters.

### **Operation of Sidewalk Dining Area**

1. Sidewalk cafes shall not operate when the restaurant or food service establishment kitchen is closed;
2. Advertising signage shall not be permitted in the sidewalk dining area except for the name of the establishment on chairs or tables as approved by the City;
3. All amenities including railings, barriers, chairs, and tables shall be maintained in good condition;
4. No blockage of building entrances or exits shall be permitted in the sidewalk dining area;
5. The establishment operating the sidewalk dining area shall be responsible for trash removal and must maintain the following areas in a clean and litter-free manner during the hours of operation:
  - a. The sidewalk dining area
  - b. The area from the front building façade to the curb line;
  - c. Five (5) feet along the adjacent sidewalk to both sides of the sidewalk dining area.
6. Trash and refuse storage for the sidewalk dining area shall not be permitted within the sidewalk dining area or on adjacent sidewalk areas, and the permittee shall remove all trash and litter as it accumulates.
7. Per City Code, Section 9-902, outdoor dining areas must be managed to prevent stormwater pollution:
  - a. Food waste, trash, cigarettes and other solid wastes must be contained, collected and disposed of properly. Collection must be frequent enough to prevent wastes carried offsite by wind or stormwater runoff;
  - b. Wastewater from the cleaning of pavement, buildings, furniture or other outdoor surfaces must be collected and discharged to the sanitary sewer system or other approved wastewater treatment process. Installation of a nearby sanitary sewer cleanout is recommended for this purpose;
  - c. Pavement and furnishings must be cleaned frequently enough to prevent contamination of stormwater runoff;
  - d. Failure to comply may result in fines, stop work orders or disconnection of

utility service.

8. Food preparation is not permitted within sidewalk dining areas. Sidewalk dining areas must comply with all applicable state and local health codes.

### **Site Plan Submittal Requirements**

In addition to the requirements identified in Chapter 20-1431 of the Code of the City of Lawrence, the following items shall be included.

1. The site plan shall show the relationship to the interior dining and sidewalk dining areas;
2. The site plan shall state the square footage of the interior dining and sidewalk dining areas;
3. The site plan shall state the occupancy of the interior dining and sidewalk dining areas;
4. The site plan shall show the composition of railings and barriers proposed for the delineation of the sidewalk dining area. The plans shall detail the style, design, and color of the proposed railings or barriers;
5. The site plan shall provide a detail of the sidewalk attachment method;
6. The site plan shall provide information regarding the type and style of awning (if applicable) and the type, design, and materials of the proposed chairs and tables; and
7. The site plan shall contain such other conditions and restrictions on the use of the sidewalk dining area;