

# KALAMAZOO OUTDOOR DINING GUIDELINES



## PURPOSE

Outdoor dining **contributes** greatly to the street life of Kalamazoo by creating places to socialize, dine and come together as a community. These standards help ensure that outdoor dining meets other City requirements such as accessibility for all, safety, walk-ability, mobility, parking and loading, aesthetics, noise, and respects the historic character of the downtown. Additional City requirements for street design can be found in the [Street Design Manual](#). A permit process is required to ensure that the standards are met and appropriate restrictions are continuously applied.

## APPLICABILITY

These guidelines apply to all properties within Kalamazoo for any outdoor dining within the City's public right-of-way, including the area between the building and the curb, within a public street along the curb, or in public parking lots or other public spaces.

Review and approval by the City is required before installation of any outdoor dining. Street patios, also known as parklets, are permitted annually. Sidewalk cafes are permitted annually with a renewal option for a second year under certain circumstances.

Outdoor dining will have an impact on the overall seating or occupancy a business is allowed; outdoor dining may not be approved if the maximum occupancy for the facilities is exceeded.

**Street Patio Applicability:** Street patios will only be permitted in roadways where the speed limit is thirty (30) miles per hour or less. All other locations require the permission of the traffic engineer, who will also require additional traffic control measures based on the proposed location. Accessible spaces and loading zones are not eligible street patio locations.

## DEFINITIONS

Definitions related to these standards are described below.

**HOST BUSINESS** – A host business is any restaurant, bar or food establishment that obtains approval for a street patio or sidewalk café.

**OUTDOOR DINING AREA** – An outdoor dining area is any portion of a host business street patio or sidewalk café that is located within the City's public right-of-way or City owned property that contains seating, benches, tables, bars, furniture, heaters, fire pits, fencing or barriers or any associated outdoor dining materials.

**OUTDOOR DINING SEASON** – The outdoor dining season shall be defined as the time between April 1<sup>st</sup> and December 1<sup>st</sup>, unless otherwise approved through the application process.

**STREET PATIO** – A street patio and/or parklet is an outdoor dining area located directly adjacent to the host business and is located within a parking space or spaces. Street patios have platforms that are flush to the curb.

**SIDEWALK CAFÉ** – A sidewalk café is an outdoor dining area located directly connected to the host business building and is located within a section of the right-of-way or sidewalk.

# AUTHORITY

The application completed for a sidewalk cafe and street patio allows City staff to review plans to approve the necessary temporary encroachment and right-of-way permit.

## APPROVAL & REVIEW PROCESS

### APPLICATION & APPROVAL PROCESS

Those seeking to obtain a street patio or sidewalk café must complete an application form, available on the City's website and shall follow the process herein.

**Application:** Host businesses seeking to obtain an outdoor dining area must complete an application and submit the following documentation:

- *Outdoor Dining Area Plan:* Applicants shall provide a plan showing the proposed sidewalk patio or sidewalk cafe with measurements.
  - The outdoor dining area plan may be hand or computer drawn, provided that the plan includes measurements and details to demonstrate that the design requirements are met.
  - Outdoor dining area plans must show any sidewalk obstructions near or around the outdoor dining area, such as fire hydrants, trees, streetlights, parking meters, waste receptacles, bike parking, signs, benches, utility boxes, artwork, fences, or similar structures within five (5) feet in all directions.
  - The submitted plan must include photos.
- *Street Patio Traffic Control Plan:* All street patios require a traffic control plan per the design requirements. The traffic control plan must illustrate the materials being used and their placement.
- *Insurance/Liability Coverage:* Applicants must provide proof of liability insurance in an acceptable form to the City and coverage shall be maintained for the duration of the outdoor dining season.

**Application Review:** City staff, including Public Services and Planning, will review complete applications. Applications that are not complete will not be reviewed until all missing documentation is provided. Additional application review by the Electrical Inspector and/or Building Official(s) may be required as follows:

- *Electrical Connection:* If there is an electrical connection, approval from the City's Electrical Inspector is required.
- *Street Patio Platform:* Platforms shall be reviewed for safety, accessibility and engineering concerns. The building official or their staff will be included in the review of platforms or decks.

**Approval:** Applications will be reviewed and either approved or denied within ten (10) business days of the submittal of a complete application; reviews that include the Building Official or Electrical Inspector will be reviewed within fifteen (15) business days. The review process is as follows:

- Complete application is received.
- Application will be reviewed by Planning, Public Service, Building Trades (*as necessary*) and staff before sending to the City Attorney's office for final review and approval.
- Host business will be notified that the application is ready to be finalized through payment of the invoice and signature on the permit.

**Inspection:** Sidewalk Cafes may be renewed for a second year provided that the design and location are not changing. See following pages for additional information.

## *FEES*

Applicants seeking to apply for an outdoor dining area must follow the fee schedule below, or as otherwise amended. Host businesses will be invoiced for the fee upon approval of the application.

### *Fee Schedule*

- Street Patio: \$250 plus any meter bagging fees
- Sidewalk Cafe: \$150
- Sidewalk Cafe Year 2 Renewal: \$50

## **DESIGN REQUIREMENTS**

### *GENERAL OUTDOOR DINING REQUIREMENTS*

#### *PLANTERS*

Planters may be used within the outdoor dining area but must not impede accessibility or visibility outside of the outdoor dining area. Planters shall not extend out into the travel lanes or into adjacent parking areas. Plant materials shall be maintained to appear healthy. If plants within the planters die, the plants shall be replaced, or the planter removed.

#### *FURNITURE*

Host businesses are responsible for providing the outdoor dining area furniture for their outdoor dining area. All furniture and materials must be contained within the outdoor dining area unless otherwise noted. Outdoor furniture and materials shall be maintained in good visual appearance without dents, tears, rust, fading or peeling paint. Furniture and materials shall be durable and sufficiently sturdy to not blow over with normal winds. Furniture must be secured when not in use.

#### *LIGHTING/HEATING*

All outdoor dining area lighting must be contained within the dining area. Wires or cables shall not create accessibility issues. Lighting must be glare-free and shall not flash or be green/yellow or red. Extension cords shall not extend over the sidewalk, unless suitably protected with an approved covering that is ADA compliant.

Heaters shall be permitted within outdoor dining areas provided that they are placed in accordance with the manufacturer's installation instructions and have the required clearance for combustibles. Combustible materials include: plastics, wood, umbrellas, signs, fencing etc. Additional review of heater location may be required by safety personnel or official building review if concerns are noted during the application review process or heaters are found to be placed improperly.

#### *SIGNAGE*

Host businesses signage is not permitted on the barriers/fencing or within the outdoor dining area.

#### *MAINTENANCE*

All host businesses shall be required to maintain their outdoor dining area in good, clean condition at all times. Outdoor dining areas shall be free of debris or litter.

## GENERAL OUTDOOR DINING REQUIREMENTS CONT.

### BARRIERS/FENCING

Outdoor dining areas must have a barrier or fencing to define the area from adjacent sidewalks, parking lanes, and travel lanes. Barriers/fencing shall be a maximum of thirty-six (36) inches in height. Barriers/fencing shall not be permanently affixed to the public right-of-way.

### CORNER CLEARANCE

Street Patios and Cafes shall be setback at least ten (10) feet from the street corner on all sides to provide adequate sight distance and sidewalk/curb ramp accessibility. Outdoor dining areas located on corners or intersections shall have a clear view above thirty-six (36) inches, measured from the sidewalk or street pavement with no obstructions. Outdoor dining areas located on corners or intersections shall have open or see-through fencing or barriers, to allow visibility around corners or through intersections.

### CLEAR ZONE

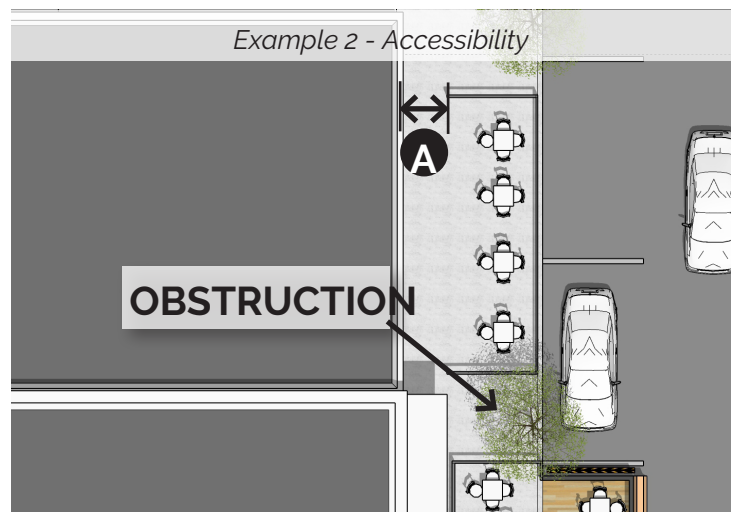
A minimum fifteen (15) foot clear zone must be provided around a fire hydrant (i.e. no umbrellas or other structures within the clear zone around the hydrant).

### ACCESS OPENINGS

- A** Outdoor dining areas should maintain adequate access openings for accessibility and meet the requirements per ADA and Michigan Building Code. Access openings should be located so not to create confusion for patrons and pedestrians.

### ACCESSIBILITY

- A** Outdoor dining areas shall maintain an unobstructed pedestrian way of at least five (5) feet between the dining area and building facade. No outdoor dining area material shall encroach upon the unobstructed pedestrian way or travel lane if located within a street patio dining area. Sidewalk cafes and street patios placement shall be mindful of potential obstructions of the required pedestrian ways such as benches, trees and streetlamps.



## SIDEWALK CAFE REQUIREMENTS

### SIDEWALK CAFE LOCATION

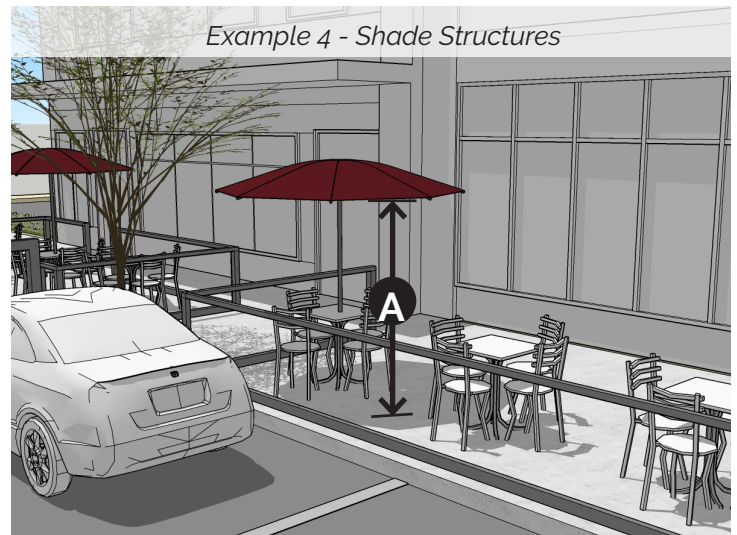
Host businesses shall be mindful of adjoining businesses when proposing and establishing a sidewalk café. Sidewalk cafés should aim to avoid obstructing adjacent businesses.

- A** The limits of a sidewalk café shall not exceed the width occupied by the host business unless prior written approval is obtained. If a host business wishes to extend their sidewalk café past the boundaries of their business, written permission from the adjacent business or businesses must be obtained and provided with the application.

### SHADE STRUCTURES AND MATERIALS

Umbrellas, sunshades and awnings are permitted. Shade structures and materials shall have a minimum clearance of seven (7) feet between the bottom edge of the shade structure or material and the surface of the sidewalk.

- A**



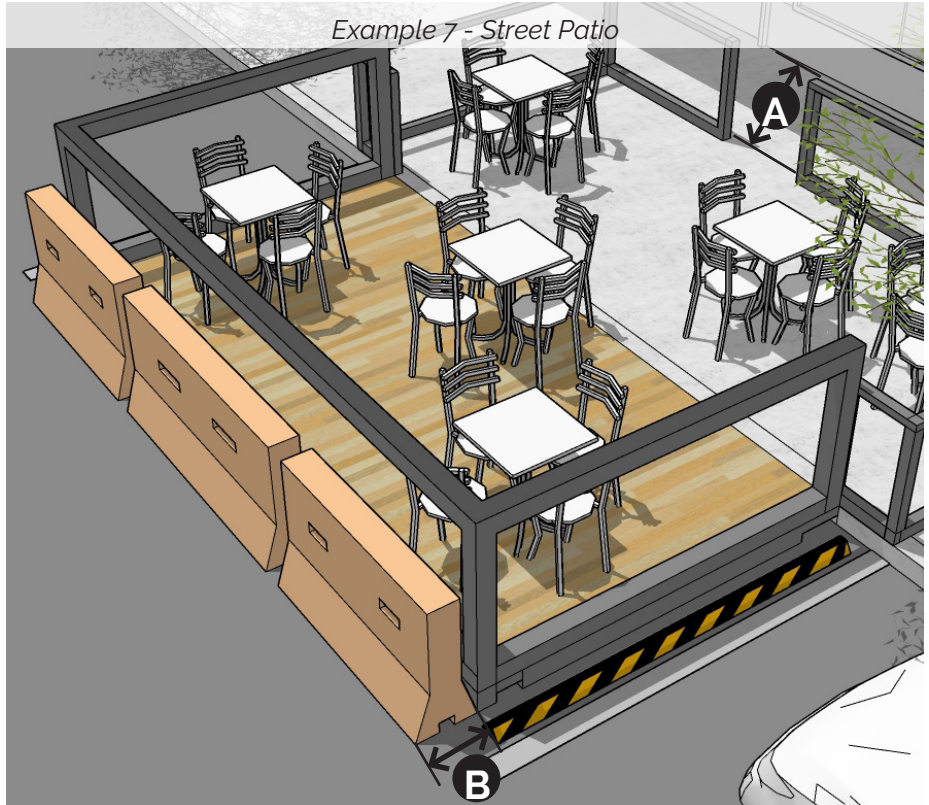


## STREET PATIO REQUIREMENTS

### STREET PATIO LOCATION

Street patio's location shall not impede accessible parking spaces, vehicle or bicycle travel lanes, transit stops, loading zones or required space for fire access. Street patios shall meet the following requirements:

- *Parking Signs or Meters.* Street Patios shall not block access to active parking meters or parking signs.
- **A** *Access.* Street Patios may not block the unobstructed pedestrian way or travel lanes.
- *Crosswalk.* Street patios shall be setback a minimum of fifteen (15) feet from any marked crosswalk.



- **B** *Travel Lanes and Parking Spaces.* Street patios shall be setback a minimum of one (1) foot from adjacent parking spaces, travel lanes or bicycle lanes.
- *Buffered Bike Lanes.* Street patios are prohibited along buffered bike lanes.
- *Maximum Number of Spaces.* The limits of a street patio should not exceed the width occupied by the host business unless prior written approval is obtained. If a host business wishes to extend their street patio past the boundaries of their business, written permission from the adjacent business or businesses must be obtained and provided with the application. Street patios may be allowed a maximum of two (2) parking spaces per host business.

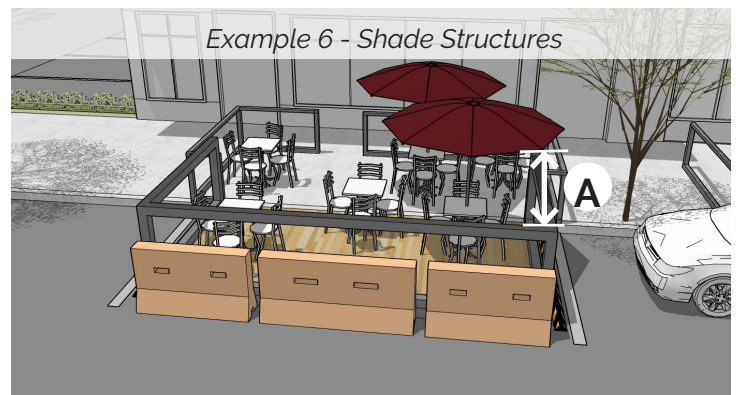
### STREET PATIO PLATFORMS

Street patios shall have a platform flush with the sidewalk to the platform surface to provide a continuous, easily accessible transition. Platforms shall be open to the sidewalk. Platforms shall be flush with the curb and allow drainage and water flow below the platform. Platforms shall not be permanently attached to the street curb.

### SHADE STRUCTURES AND MATERIALS

Umbrellas, sunshades and pergola type roofs are permitted. Shade structures shall not extend out into travel lanes. To maintain visibility, the space between thirty-six (36) inches (top of the fence/wall) to seventy-two (72) inches shall be clear of obstructions, posts or poles supporting the shade structure shall be permitted in this area.

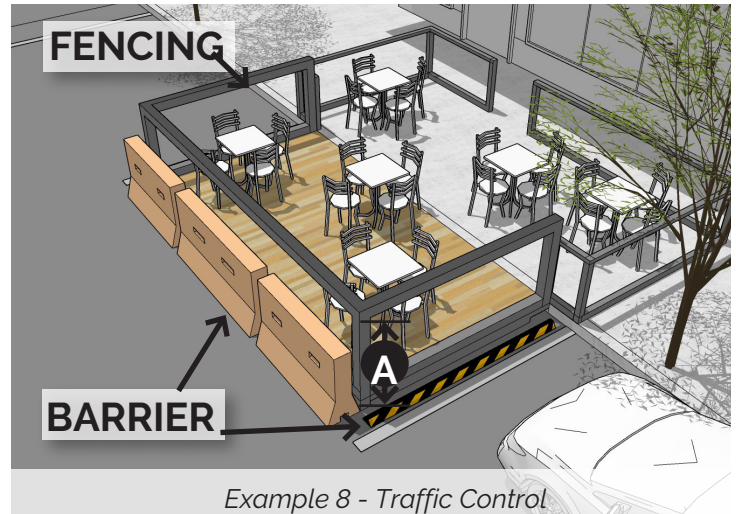
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## STREET PATIO REQUIREMENTS CONT.

### TRAFFIC CONTROL

- A** A rubberized curb stop or wheel stop is required along adjacent parking spaces. Water-filled barriers are required along the street side. Water-filled barriers shall not block bike lanes and may encroach into travel lanes provided that a minimum of eleven (11) feet of travel lane is maintained. Additional barriers may be required to protect outdoor dining area users and the street patio from parked cars and vehicle traffic per the traffic engineer.



## HOURS OF OPERATION

All outdoor dining areas shall cease use by host businesses by no later than 11:00 P.M.

## REMOVAL

Host businesses shall be responsible for removing outdoor dining materials from the right-of-way at the end of the outdoor dining season. Outdoor dining materials may not be stored within the right-of-way at the end of the outdoor dining season.

## COMPLIANCE/ENFORCEMENT

The City reserves the right to deny or revoke an application in violations of these guidelines. Any violations that occur may impact the ability to renew an outdoor dining application.