



CITY OF SAINT PAUL

375 Jackson St, Suite 220  
 Saint Paul, Minnesota 55101-1806

**Telephone:** 651-266-8989  
**Facsimile:** 651-266-9124  
**Web:** [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

## Side Walk Café Site Plan Standards *February 4, 2016*

### Sidewalk Café General Statement

Any restaurant may, with a sidewalk café license and an obstruction permit, can expand the operation of that restaurant onto a part, and only that part, of the public sidewalk directly in front of the property under the control of the licensed premises (hereafter referred to as sidewalk café).

The use of a portion of the public sidewalk as a sidewalk café shall not be an exclusive use. All public improvements, including but not limited to, trees, light poles, traffic signals, pull boxes or manholes, or any public-initiated maintenance procedures, shall take precedence over said use of the public sidewalk at all times.

It shall be the duty of the licensed food establishment to maintain sidewalk cafe furnishings such as chairs, tables, fencing, barricades, planters or plant tubs and their plantings at all times in a neat, clean, safe and sanitary condition at its proper location and to inspect each item periodically in order that it may be properly maintained, and located in accordance with the approved site plan. No advertising matter or sign or writing of any kind shall be displayed upon any sidewalk cafe furnishing. Issuance of a permit shall not be construed as authorizing any permanent installation to be placed in the public right-of-way. The department of public works shall monitor compliance with the provisions of this section.

### Definitions

Sidewalk is defined as that portion or area of the street lying between the curb line and the adjacent property line and intended for the use of pedestrian traffic. For purposes of a sidewalk café, it shall also include any permitted temporary sidewalk extension that protrudes out from the curb line over the street creating a level surface and on which vehicle traffic is prohibited.

Pedestrian through walk zone is defined as an area for pedestrian traffic that is no less than forty-eight (48) inches wide and is not obstructed by trees, trees grates which do not meet federal accessibility guidelines, street light poles, traffic signals, traffic signal control cabinets, bicycle racks, news racks, benches, and bus shelters, and other public uses of the sidewalk.

Sidewalk café furnishings are defined as tables, chairs, plant tubs, planters, and fencing or barricades and associated equipment.

### Side Walk Café Standards

The following restrictions shall apply; provided, however, that the city inspection staff may without adverse hearing procedures impose additional reasonable restrictions or withdraw approval upon the operation of any sidewalk café where necessary in the judgment of the city inspection staff to protect the public health, safety or welfare or to prevent a nuisance from developing or continuing:

- Generally it is preferred that sidewalk cafes be located adjacent to the curb, allowing pedestrian traffic to flow next to the building.
- The location of the sidewalk café shall be selected to minimize interference with pedestrian traffic.
- The location of the sidewalk café shall consider the placement of existing public infrastructure.
- Emergency exiting for the building shall not be obstructed.
- No sidewalk café shall be permitted in any portion of the public sidewalk where normal pedestrian traffic flow is obstructed.
- A minimum width of forty-eight (48) inches of clear, unobstructed pedestrian through walk zone, exclusive of the curb, shall be maintained on the public sidewalk at all times.
- The pedestrian through walk zone shall widen to seventy-two (72) inches for a minimum of sixty (60) inches every fifty (50) feet to provide ample room for two (2) wheelchairs, strollers, or pedestrians to pass. When two (2) neighboring sidewalk cafes fall within the fifty (50) foot zone, both will equally share the sixty (60) inch clear zone.

- A twenty-four (24) inch clear zone shall be maintained at all times between the edge of a curbside sidewalk café and the face of a curb.
- If a sidewalk café is adjacent to a traffic lane, a barrier such as a planter or railing shall be installed to separate the sidewalk café from the curb and street area.
- If a single block face has sidewalk cafes both immediately adjoining the building and located on the curbside, then the through walk zone shall include a clear, unobstructed sightline of at least thirty (30) inches along the entire length of the sidewalk.
- If liquor is served on the sidewalk café, where possible, safety barriers or other enclosures shall be provided protect patrons from any hazards, including vehicular traffic.
- Where possible, borders of the sidewalk café area shall be delineated with a continuous, stable, non-flexible barrier device that includes a continuous bottom edge a maximum of six inches above the sidewalk surface and a continuous upper surface or rail a minimum of three (3) feet above the sidewalk surface.
- Sidewalk Cafe must be in an area which is physically delineated by barrier device as described above or by lines marked on the sidewalk. Public Works and DSI will coordinate with licensee on delineation line requirements and installation.

NOTE: Additional requirements/conditions may be placed on this license as determined during the review process.

#### **Requirement to Submit a Site Plan for the Sidewalk Cafe**

The site plan shall be submitted to the Department of Safety and Inspection with the application for the license and the obstruction permit. The site plan, drawn to scale and dimensioned, must include the entire area between the curb and the building and show the following:

- the property lines
- width of the building or the leased premises with dimension of the of street frontage the sidewalk café will occupy
- layout for the sidewalk cafe furnishings (tables, chairs, plant tubs, planters, umbrellas, and fencing or barricades) dimensioning width and length of the seating area
- curb-line, street and signal lighting, street signs, parking meters, hydrants.
- public utilities like phone boxes, gas meters, utility poles
- trees(show and dimension tree grates/planter area) boulevard areas, planter boxes, and any other landscaping
- bike racks, paper boxes, trash boxes, kiosk
- any other obstacles or structures occupying space on the sidewalk

#### **Right – of – Way Obstruction Permit**

All sidewalk cafés must have an obstruction permit (in addition to a Sidewalk Café License) to place tables and chairs in the public right-of-way. The Saint Paul Public Works Department must approve the public sidewalk seating area before this permit can be issued. The permit fee is \$60.00 and is valid only for the period from April 1<sup>st</sup> thru October 31<sup>st</sup> of each calendar year. This permit is issued by Public Works but the application and site plan are submitted to DSI with payment.

#### **Other Restrictions or Items to Consider Concerning Side Walk Cafes**

- If food or beverages are prepared outdoors, the equipment and preparation areas need the approval of the Minnesota Department of Health (651-201-4500).
- If licensed to sell alcohol to guest on the sidewalk, the license-holder shall, in addition to all other requirements of law, take reasonable steps to ensure that alcoholic beverages are consumed only by patrons of the establishment who are of age, and not by passersby or persons who are not of age or who are obviously intoxicated, and ensure that alcoholic beverages served to patrons remain on the licensed premises. Reasonable steps may include the use of barriers or fences, supervision of the outside area by security or staff personnel, and/or surveillance by electronic monitors. Failure to take such reasonable steps, and use them at all times that alcoholic beverages are consumed in the sidewalk café is grounds for the imposition by the city council of a condition on the license to prohibit sale of alcoholic beverages in the sidewalk café. Such condition shall not be deemed to be an adverse action against the license, and does not require the notice and hearing procedures of section 310.05 of the Legislative Code. Such sidewalk cafes are deemed part of the licensed premises for all requirements of the law.

If you have any questions or require assistance in completing the application and submitting the required supporting documents, please contact project facilitators Jeff Fischbach at 651-266-9106 or Tom Ferrara at 651-266-9087.