

Operational Guidelines

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1 INTRODUCTION

1.1 Purpose

The use of the public right-of-way adjacent to commercial properties within District “A” of the Lansing Principal Shopping District (PSD) provides businesses with additional opportunities to enhance the way they interact with people on the sidewalk and contributes to a colourful and vibrant streetscape. Popular ways the public right-of-way is used in downtown areas by businesses and non-profit groups is for outdoor cafes, sandwich boards, street vending, street performers, charitable soliciting, and special events.

These guidelines are intended to provide simple procedures and urban design guidelines to facilitate the establishment of sidewalk cafés, sandwich boards, street vendors, and charitable solicitors, and special events wherever feasible and appropriate throughout downtown Lansing. Approval by DLI is required to set up such an area.

1.2 Authority

DLI is authorized to make written recommendations to the Mayor regarding issuance or denial of permits under Chapter 812 of the Lansing Code of Ordinances.

The DLI Board of Directors, through its Design Committee and staff, will review permit applications, confirm that proper documents are in order, and administer the payment/fee schedule on behalf of the City of Lansing. The DLI Board of Directors reserves the right to waive or modify the following procedures and policies and to establish sanctions for non-compliance.

DLI decisions and recommendations are based on public health, safety, compatibility of the proposed activity with other uses in the area, aesthetics and cultural qualities. Priority will be given to activities that create a friendly, inviting atmosphere, are unique or diverse in nature, do not impede pedestrian traffic and do not interfere with the operations or duplicate the products/services of existing businesses. Consideration will also be given to the applicant’s history, including the applicant’s DLI fee payment record and compliance with these rules. Applicants who are denied permits will be notified in writing and may appeal to the DLI Board of Directors or as provided by ordinance.

This use of public right-of-way policy covers the “A” District of the Lansing Principal Shopping District. It applies to all **ground-level** commercial properties.

1.3 Additional City Licenses & Permits

If your activity includes the following, additional licenses or permits are required: Street closure, noise, beer and wine, permanent encroachment. These permits are issued by the City of Lansing and must be applied for through the City Clerk’s Office, 124 W. Michigan Ave. 9th Floor, except any permanent encroachment must first be granted approval by the Lansing City Council through an application process administered by the Department of Public Service.

1.4 Rules for all DLI Permit Holders

- a. Permit activities may not interfere with the normal operations of adjoining or nearby businesses.
- b. Permit holders must hold the City and its representatives harmless against any and all injury, damage and claim that might arise from or be related in any way to the permitted activity.
- c. All permit activities must comply with these rules, applicable federal, state and city laws and regulations and DLI policies administered by the Design Committee. Applicants are responsible for the knowledge of City Codes affecting their activity or event and may review the Lansing Code of Ordinances in the City Clerk’s Office, 9th Floor, City Hall, Lansing.
- d. Permits cannot be used by anyone other than the named permit holder or its agent or employee. Permits are not transferable or assignable.
- e. Permit holders must have the permit readily available and/or on display on site while engaged in the Permit activity.
- f. Permit activities shall not obstruct or impede pedestrian traffic and an unobstructed walkway not less than seven (7) feet in width must be maintained at all times.

- g. Signs, tables, displays, etc. (if allowed) must be portable, removed daily at close of business.
- h. If a permit holder wishes to add or change products being sold or alter the original site plan, the change cannot be made unless approved in advance in writing by Design Committee.
- i. If a certificate, license, etc. is required to conduct the permit activity expires during permit season it must be timely renewed and a copy thereof submitted to the DLI office within ten (10) days of receipt.
- j. Street Vendors are prohibited from locations within a 100-yard radius of any existing permanent business that sells the same product or service as determined by the Design Committee in its discretion.
- k. Any DLI permit holders who personally or through the permit holder's agent or employee violate the terms of the permit, or these rules are subject to fee sanctions ranging from \$25 to \$50 and/or revocation of the permit and its privileges.

2 URBAN DESIGN GUIDELINES

2.1 Suitable Locations

Outdoor seating associated with a sidewalk café or restaurant will be considered for most public right-of-way spaces where they are adjoining the café or restaurant. **Sidewalk cafes are only allowed to establishments that serve food.**

2.2 Unsuitable Locations

Sidewalk cafés are not permitted in potentially hazardous places such as the corners of street intersections or unprotected elevated locations. Sidewalk cafés may be approved at intersections provided appropriate impact-absorbing bollards are provided at the cost of the café proprietor. In elevated locations, i.e. a change of level, a sidewalk café is only appropriate in conjunction with a suitable barrier to be provided by the café proprietor, the design of which may be subject to approval by the City of Lansing's Department of Public Service.

2.3 Assessment Criteria

As a general rule, an area of about 1 square foot should be allowed for each chair to be provided. The main considerations in locating sidewalk cafés are pedestrian and vehicular circulation, convenience and safety of patrons and the general public, existing streetscape elements and, in residential areas, residential amenity.

The ground surface must be suitably constructed and sufficiently level to support a proper layout and safe use of the required furniture and associated circulation areas. To achieve this only minor structures or changes in the public right of way will be permitted.

2.4 Circulation, Safety and Convenience

In all locations, a clear distance of at least 7 ft. must be maintained adjacent to the seating area for pedestrian circulation, exclusive of any obstruction or street fixture like a bench, tree, trash bin, pole etc.

At street intersections, a setback of at least 2 ft. from the building corner applies exclusive of any obstruction or street fixture, like a bench, tree, rubbish bin, pole etc. Unless fenced-off, cafés in the public right-of-way must be located at least 3 ft. from the curb edge to provide a safety buffer from vehicles.

In otherwise favourable locations minor modifications of the nominated clearances may be appropriate.

At normal public right-of-way the sidewalk cafe needs to be located adjacent to the storefront.

2.5 Existing Streetscape Elements

The application for a sidewalk café must show all the existing features and permanent elements of the streetscape and landscape such as underground service covers, trees, poles, posts, pedestrian lights, signage, etc. Whenever possible, a sidewalk café should visually relate to and be physically aligned with these features as shown in the diagrams included in this document.

2.6 A-Frame/Sandwich Board Guidelines

- Signs are limited to one per business.
- Signs must be portable.
- They can be no wider than 24 inches (2 ft.) and no higher than 48 inches (4 ft.) as stated in the City of Lansing Sign Ordinance.
- Signs are to be located in the tree line away from the building.

3 FURNITURE GUIDELINES FOR SIDEWALK CAFES

3.1 Layout

The layout and orientation of furniture should be chosen according to the extent and shape of the available space. The management is responsible to ensure patrons maintain furniture within the boundaries of the approved seating area. In curb side locations, for safety reasons, chairs must not be placed with their backs to the curb.

3.2 Enclosure/Canopies

Sidewalk cafes should enrich the pedestrian experience and public life. Therefore, it is important that they present an open, inviting image and are easily accessible from the pedestrian walkway. No enclosures are permitted.

3.3 Decorative Fencing

Low screens which delineate the outdoor dining area are permitted but full-height solid screens are not. Proposals for the use of framed fabric, or any other style of low height barriers, including planter boxes, are to be submitted to the Design Committee for approval prior to installation. Decorative fencing may be considered between adjoining café areas to separate the areas. Black decorative fencing is preferred. **Decorative Fencing must be removed and stored during non-permitted months, the winter season.** All decorative fencing must be removed and stored no later than the Monday after Silver Bells in the City.

Enclosed business extensions are considered a temporary closure of the of the pedestrian circulation path for ADA purposes, and as such, are required to meet the requirements of **R205 – Alternate Pedestrian Access Routes** of the federal Public Right-of-Way Accessibility Guidelines.

Decorative Fencing Requirements

- a. The bottom edge of the bottom railing shall be within **2 inches** of the surface of the sidewalk; the minimum height of the top edge of the bottom rail shall be a minimum of **6 inches**. The top edge of the top rail shall be a minimum of **36 inches** to a maximum of **42 inches** from the surface of the sidewalk.
- b. Fencing material and color shall be approved by DLI and the City.
- c. Access openings must meet current ADA guidelines.
- d. Openings that face the main flow of pedestrian traffic shall have a gate which shall be closed and secured when outdoor seating is not being used.
- e. Pedestrian Access Routes around outdoor seating shall comply with ADA guidelines, including a minimum path being not less than **5 feet wide**. Pedestrian Access Routes around business extensions shall not exceed a **2 %** cross-slope in accordance with ADA guidelines.
- f. Fencing shall be anchored to sidewalk with system approved by the City's Engineering Division. System shall be designed for ease of removal. Anchor points shall be left in such a condition as not to be a hazard to pedestrians. Fencing shall be designed so that, in an emergency or upon direction from the City or DLI, it can be removed within one hour.
- g. Business extension fencing which is required as part of a temporary license from Michigan Liquor Control Commission shall comply with all rules and regulations required set forth by MLCC. If MLCC requires put the Pedestrian Access Route into non-compliance with ADA guidelines, the business extension shall be denied by the City.
- h. Advertising on the fencing is not allowed.

3.4 Umbrellas and Shade Structures

Umbrellas are appropriate for providing shade and shelter, however, umbrellas and other shade structures must:

- a. Be positively secured to ensure that they are at all times securely fixed to withstand the effects of wind. Fixtures that penetrate or damage the pavement will not be permitted.
- b. Be removed or closed in extremely windy conditions and must be removed when the outdoor seating area is not in use.
- c. Not encroach on, or interfere with pedestrian movement, and must be at least 7 ft. above the ground level.
- d. Be manufactured from fire retardant materials if placed adjacent to a heating device.
- e. Be maintained in sound and aesthetically acceptable condition according to this policy.
- f. Only have advertising on umbrellas if it complies with the advertising and signage provisions of this policy.
- g. Fabric market style preferred. Beach umbrellas are not permitted.

3.5 Furniture Style

Outdoor furniture should make a positive contribution to the street environment. A furniture style that is practical and elegant and integrates well with the surrounding cityscape is encouraged. All furniture items, including umbrellas, will be subject to the Design Committee's approval, as stated in the application. **Plastic, residential outdoor furniture is not acceptable.**

Applicants are encouraged to select furniture which is compatible with the design and quality of the style range included in this document. Favourable consideration may also be given to well designed, creative, and individual alternatives.

3.6 Structure

The furniture should be strong, durable, waterproof, weather resistant and designed for commercial outdoor use. The design must not contain parts that are likely to cause damage to the pavement. Public safety and comfort must be considered. Particular care should be taken with any sharp edges, and hinges or other moving parts to ensure that they do not present a potential hazard to their users.

3.7 Colors

Furniture color schemes need to be part of any application. White table surfaces, chair seats and backs and umbrellas are discouraged due to the tendency for rapid deterioration and discolouring in the urban environment. If a barrier is needed around the café area, they are encouraged to be black.

4 MANAGEMENT ISSUES

4.1 Maintenance and Cleaning

All furniture must at all times be maintained in a physically sound and aesthetically acceptable condition. The applicant is responsible for cleaning the approved seating area. It must present a clean, well maintained image as specified in the conditions of the permit. **In particular, ashtrays/urns should be provided if smoking is permitted. Cigarette butts must be cleaned from the pavement and surrounding garden beds and planters.**

4.2 Furniture Storage

Outdoor furniture must be removed, stored away or secured from or within the public areas outside the hours of business operation or when not in use due to bad weather etc. Furniture must be readily removable and is to be stored within the associated indoor premises or secured within the café area when not in use.

4.3 Advertising and Signage

The name of the café, a business name or logo may be placed on outdoor umbrellas, sandwich boards or pedestal menu boards, and on other items of furniture provided only that they:

- a. identify the café or advertise products which are a core part of the café's business and are supplied by the café to the public.
- b. involve only one product or business name being advertised in each café.

- c. are in the nature of a corporate logo or identification.
- d. are of a minor and integral element of the furniture design and do not have an excessive impact on the area of the café or the streetscape.

Pedestal 'Menu boards', 'A frame' or 'Sandwich boards' may be permitted within the approved seating area where pedestrian traffic permits, provided there is no obstruction of pedestrians.

Details of all signage and advertising must be submitted for approval as part of the application.

4.4 Heating Devices

Where the use of a heating device is proposed, details of the type, location and design must be included in the application. The design of the device and the safety of persons and property will be the main consideration. Heating devices should turn off automatically if overturned to prevent injury to patrons and property. Heating devices must be removed from public land and appropriately stored when not in use. All heating devices must be approved by the Fire Marshall.

4.5 Grills

Grills or smokers, for example- gas/propane/charcoal, are NOT usually permitted for use in the public right of way. However, depending on the location of the business, approval from adjacent property/business owners, and the City of Lansing Fire Marshall exceptions may be made by the Design Team.

4.6 Markers

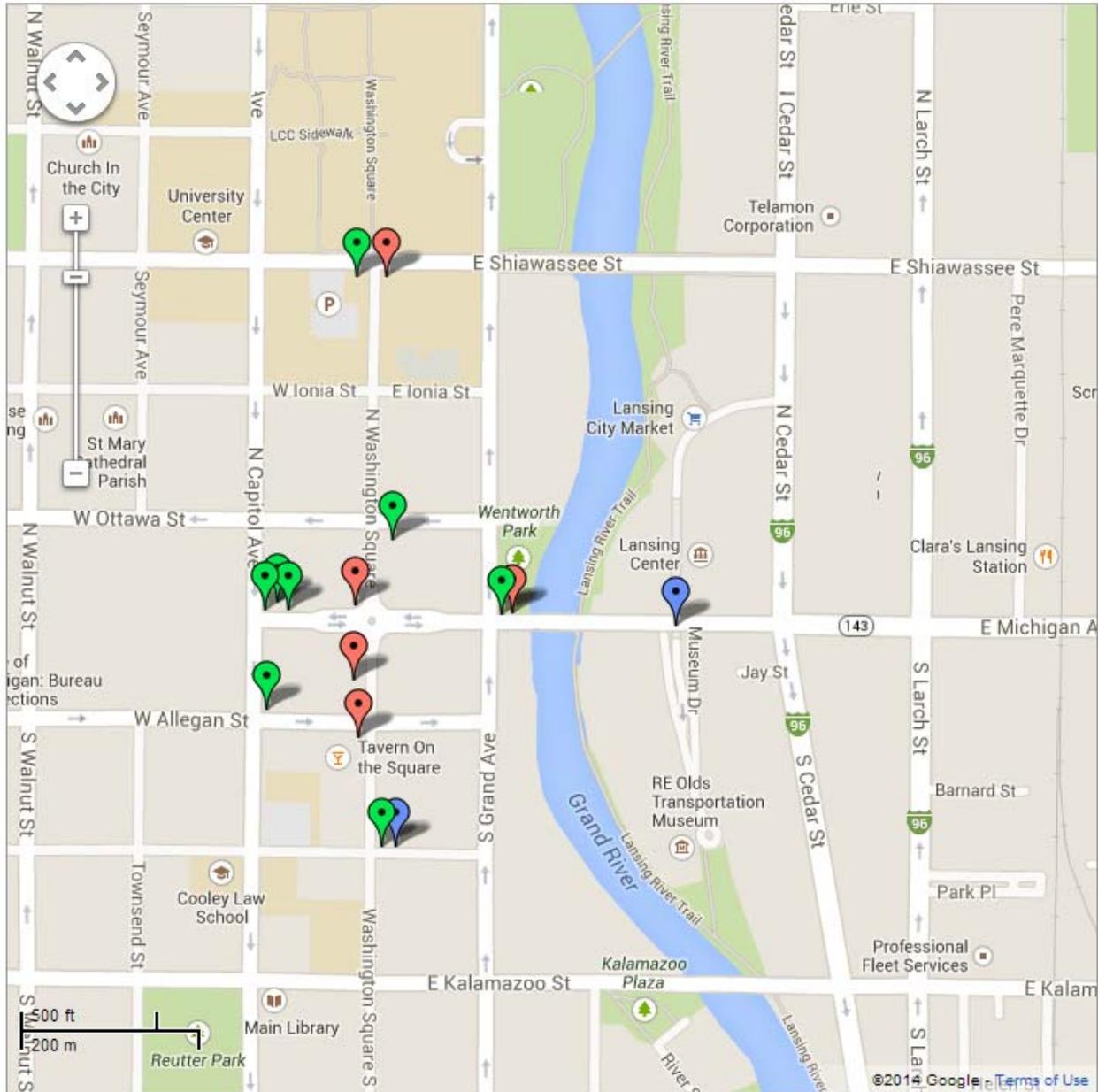
If alcohol is served, the Michigan Liquor Control Commission requires the permitted area to be contained by use of a barrier. The barrier must remain in place throughout the duration of the approval, and all furniture, including umbrellas and plants must be kept strictly within the boundaries of the approved seating area.

5. Street Performer & Street Vendor Guidelines

5.1 Pre-determined, Fixed Sites

Street performers and Street Vendors are limited to predetermined fixed sites, some of which may "cluster" one to three vendors or performers. It is the intent that performers at clustered sites will offer a variety of entertainment options and DLI may reject an application or site request based on this consideration.

Downtown Lansing Street Vending and Performing Site Map



5.2

KEY

Locations for Street Performers and Street Vendors

- 
Nighttime Street Vendor 1
 Mid-block on bridge that goes over Museum Dr. on south side of Michigan Ave.

- 
Nighttime Street Vendor 2
 NE Corner Washtenaw St./N. Washington Sq.

- 
Street Performer 1
 SE Corner Shiawassee St./N. Washington Sq.

- 
Street Performer 2
 NE Corner Michigan Ave./Grand Ave.

-  **Street Performer 3**
NW Corner of N. Washington Sq./Michigan Ave.
-  **Street Performer 4**
Mid-block between Michigan Ave. & Allegan St.
-  **Street Performer 5**
SW Corner Allegan St./S. Washington Sq.
-  **Street Vendor 1**
SW Corner of N. Washington Sq./Shiawassee St.
-  **Street Vendor 2**
SE Corner of N. Washington Sq./Ottawa
-  **Street Vendor 3**
NE Corner Capitol Ave/Michigan Ave.
-  **Street Vendor 4**
NE Corner Capitol Ave/Michigan Ave.
-  **Street Vendor 5**
NE Corner Capitol Ave./Michigan Ave
-  **Street Vendor 6**
NE Corner of Michigan Ave./Grand Ave.
-  **Street Vendor 7**
NE Corner of Washtenaw/S. Washington Sq.
-  **Street Vendor 8**
NE Corner of Capital Ave./Allegan St.

If an applicant wants to be assigned to a specific site, or wants to return to a site he or she occupied the previous year, the DLI must receive the permit application, including the site request, by **January 31** for that site.

If a returning performer is approved for the current season, the performer will be given preference for the previous year's site. If a returning performer fails to apply by **January 31**, the preference to the previous year's location will be forfeited and another applicant will be considered for the site. If a site is vacated other returning performers who have applied for the site will be considered based on seniority. Once returning performers are approved, the remaining sites will be assigned according to availability and the applicant's preference. If more than one new applicant requests the same site, assignment may be determined by blind draw.

Sites that are not assigned pursuant to the March 15 deadline for applications process, or that become available during the season, will be processed and assigned on a first-come, first-served basis throughout the season.

5.3 Hours of Operation

- Daytime Vending Permit: Dawn to 5:00 p.m.
- Night-time Vending Permit: 6:00 p.m. to 3:00 a.m.

5.4 Vending Stand/Cart Standards

Allowable Space: Maximum twenty (20) feet by twenty (20) feet. A five (5) foot clearance must be maintained on all sides of the stand within the maximum space allotted.

Size and Appearance: The vending stand/cart may be no larger than ten (10) feet by ten (10) feet. The stand must be self-contained, portable and of a "push-cart" type. No tables or chairs are permitted. No gasoline powered equipment if permitted. The stand cannot be attached to public or private structures. No ropes, chains, strings, wires, cords, hoses, etc. can extend from the stand as supports, attachments, etc. One umbrella supported by a central pole, up to ten (10) feet high and eight (8) feet in diameter, is permitted. A trash receptacle attached to the stand must be provided.

Receptacles: Street Vendors are required to provide and maintain their own trash receptacles for customer use and remove all accumulated trash from the site area on a daily or more frequently (as needed) basis. **No materials of any kind can be discharged into grass areas, flower beds, planters or in the City drains/sewers.**

Signs: Signs must be attached to the stand.

Public Facilities: A permit does not include use of public facilities including water and electricity. Vending shall not be from public benches, tables or structures.

5.5 Street Vending at Special Events

Street Vendors are allowed to operate in their assigned locations during special events that occur during the season. Vendors will not be relocated except for public safety reasons (for instance, if a grandstand is placed too near the vending site.) If this happens, an alternate location will be assigned DLI, in consultations with the event organizer and permit holder.

If the Street Vendor wants to move from the assigned site into another area within the special event, the vendor must obtain written approval from the event organizer and deliver a copy of the written approval to DLI not less than ten (10) business days before the event, *and* the event organizer must show this change on the site plan accompanying a Special Events permit application.

5.6 Street Performer Standards

Applicants for Street Performer permits may be required to audition and the grant or denial of a permit may be juried or based on minimum or comparative performance standards as determined in the discretion of DLI. Permits are for non-amplified performances unless a permit with a conditional amplification endorsement is issued. Such an endorsement shall be in the discretion of the Design Committee. Performers must maintain appropriate conduct and remain subject to permit revocation without notice at any time during the season for any conduct that is immoral, disorderly or criminal.

5.7

**STREET PERFORMER
LIABILITY WAIVER**

IN CONSIDERATION of being permitted to participate in street performing in the public right-of-way in within the “A” District of the Principal Shopping District (PSD) in downtown Lansing, I (collectively, the undersigned participant and his/her parent or legal guardian), INTENDING TO BE LEGALLY BOUND, do hereby, for myself, my heirs, executors, administrators and representatives, ASSUME ALL RISK INHERENT IN MY PARTICIPATION, and further agree to, and do hereby release, waive, discharge, covenant not to sue and indemnify the City of Lansing, the Undersigned’s Employer, or any Sponsoring Organization, or any of the officers, employees, sponsors, volunteers, representatives and agents of the City of Lansing, the Undersigned’s Employer, or any Sponsoring Organization, of and from any claim in law or equity for injury or damages of any type whatsoever which I or he or they may make or incur arising out of my participation in the aforementioned activity, including payment of legal fees or costs incurred by the City of Lansing, the Undersigned’s Employer, and any Sponsoring Organization, in defending against any such claim.

In addition, I authorize and grant permission to the City of Lansing staff to secure emergency medical and/or hospital treatment for myself as a participant in street performing in the public right-of-way within the “A” District of the PSD.

I AM FULLY AWARE OF ALL THE INHERENT RISKS ASSOCIATED WITH MY PARTICIPATION AND DO HEREBY ASSUME AND ACCEPT ALL SUCH RISKS. I AM NOT AWARE OF ANY CONDITION, PHYSICAL OR OTHERWISE, WHICH COULD BE AGGRAVATED, WORSENERD OR OTHERWISE ADVERSELY AFFECTED BY MY PARTICIPATION IN STREET PERFORMING IN THE PUBLIC RIGHT-OF-WAY WITHIN THE “A” DISTRICT OF THE PSD.

I am signing this Waiver and Release form of my own free will and volition and I acknowledge that I have read this Waiver and Release Form and fully understand it.

Printed Street Performer Name

Date of Birth

Signature of Street Performer

Date

Participant’s Address

Zip

Name of Participant’s Parent or Legal Guardian (if under 18)

Signature of participant’s parent or Legal Guardian (if under 18)

6. CHARITABLE SOLICITOR

6.1. Eligibility

To be eligible for a Charitable Solicitor Permit, a sponsoring organization or individual must have IRS 501 (c) (3) status or possess a current City of Lansing charitable/religious solicitation license to be eligible for this permit. The solicitation may include the sale or exchange of products for donations.

As with anyone using the public spaces, the Charitable Solicitor must not block or impede pedestrian or vehicular traffic or interfere with the normal operations of permanent businesses.

7 SPECIAL EVENT GUIDELINES

7.1 Additional Information on Special Event Permit Application (SEPA)

Anyone planning a special event in the PSD Area should apply for the permit prior to, or in conjunction with obtaining permission from the City of Lansing for street closures and/or a parade permit. Any time the streets are closed, a Special Event Permit Application (SEPA) must be obtained. The SEPA can be submitted as early as eleven (11) months in advance of an event but no later than ninety (90) business days prior to the event date. Contact the City of Lansing Department of Public Service to get a SEPA application located on the 7th Floor of City Hall, 124 W. Michigan Ave. Information about the SEPA process and application can also be found on the City of Lansing website at http://www.lansingmi.gov/planning_a_special_event