

# Operational Guidelines

## Business Extension Permit for District B of the Lansing Principal Shopping District

### TABLE OF CONTENTS

#### 1 INTRODUCTION

1.1 Purpose.....	2
1.2 Authority.....	2
1.3 Additional City Licenses and Permits.....	2
1.4 Rules for all DLI permit holders.....	2

#### 2 URBAN DESIGN GUIDELINES FOR SIDEWALK CAFES & A-FRAME SIGNS

2.1 Suitable Locations .....	3
2.2 Unsuitable Locations.....	3
2.3 Assessment Criteria.....	3
2.4 Circulation, Safety and Convenience.....	3
2.5 Existing Streetscape Elements.....	4
2.6 A-Frame/Sandwich Board Sign Guidelines.....	4

#### 3 FURNITURE GUIDELINES FOR SIDEWALK CAFES

3.1 Layout.....	4
3.2 Enclosure.....	4
3.3 Decorative Fencing.....	4-5
3.4 Umbrellas and Shade Structures.....	6
3.5 Furniture style.....	6
3.6 Structure.....	6

#### 4 MANAGEMENT ISSUES FOR SIDEWALK CAFES

4.1 Maintenance and Cleaning.....	6
4.2 Furniture Provision.....	6
4.3 Advertising and Signage.....	6
4.4 Heating Devices.....	7
4.5 Grills.....	7
4.6 Markers.....	7

## **1 INTRODUCTION**

### **1.1 Purpose**

The use of the public right-of-way adjacent to commercial properties within 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 colorful 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, planters, 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 the Lansing Principal Shopping District. 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 and safety.. 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 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. 9 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, 9<sup>th</sup> 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 five (5) 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 DLI.
- 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. 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 decorative fencing 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 5 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 favorable 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. 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. Decorative fencing may be considered between adjoining café areas to separate the areas. **Decorative Fencing must to 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.

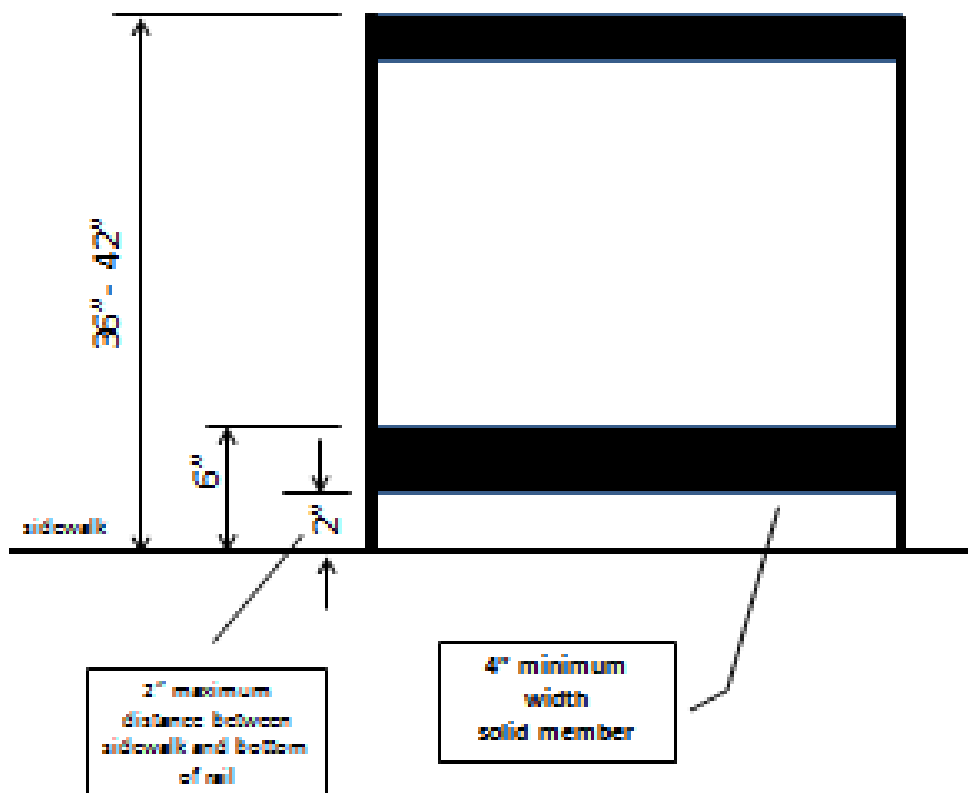
Enclosed business extensions are considered a temporary closure of the of the pedestrian circulation path for ADA purposes, and as such, are required to meet the requirements of **R205 – Alternate Pedestrian Access Routes** of the federal Public Right-of-Way Accessibility Guidelines.

### 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 - shall be approved by the City's Engineering Division.
- 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.

Example:

### Business Extension Fence



**Fence must meet MLCC requirements**

### 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.
- 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.

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

### 3.6 Structure

The furniture should be strong, durable, waterproof, and 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.

## 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.

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.

#### **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 Committee.

#### **4.6 Markers**

If alcohol is served, the Michigan Liquor Control Commission requires the permitted area to be contained by use of decorative fencing. The decorative fencing 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.