

**City Engineer's Office
Department of Public Works and Utilities
City of Wichita
455 N. Main Street
Wichita, KS 67202**

SIDEWALK CAFÉ APPLICATION REQUIREMENTS

Applicants must submit the following with their application:

1. A site plan showing:
 - Entrance to business and other building entrances.
 - Property lines, sidewalk width and all surface obstructions within 15 feet of occupied area (e.g. fire hydrants, streetlights, parking meters, water meters, sewer manholes/cleanouts, street tree wells, etc.)
 - Width of occupied area, approximate location of tables and chairs (and other items including portable heaters, special lighting, planters, sound systems, etc.) and their relative proximity to the six-foot pedestrian clearance.
 - Location of diverters.
 - If street closure is required, applicant must obtain a Street Closure Permit from the City Engineer's Office.
2. Product specifications for all street furniture, including color, materials, finishes, and weight; photographs or other illustrations; and evidence of a multi-year, commercial-use warranty.
3. Advance payment of an annual permit fee equal to \$36 per seat, per location. The minimum annual permit fee per location is \$100.00.
4. If the occupied area contains more than 16 seats, documentation must be provided that sufficient restroom occupancy is provided at the business and that parking requirements are met.
5. Provide evidence of liability insurance for a minimum coverage of \$500,000, naming the City of Wichita as additional insured. The insurance coverage must be in force for the duration of the permit.
6. Provide written evidence of approval of permit application by the businesses adjoining the property.
7. Advance payment of the cost of the publication or the Public Notice in the official City newspaper as estimated by the City Clerk. This advance payment and the actual cost must be reconciled with additional payment from the applicant prior to the issuance of the Permit.

Application Approval Process

- Except for applications requesting special consideration of diverters or awnings, once it is determined that an applicant has met all of the basic requirements, The City Engineer's Office will issue a Public Notice, informing the public that a permit that would allow the subject business entity to place tables and chairs in the sidewalk area is about to be issued.
- The applicant will be required to post a copy of the Public Notice in a readily visible location on the frontage of the applying business establishment for five calendar days.
- If there are no objections from the public, the application will be approved and a Sidewalk Cafe Permit will be issued.
- If there are objections from the public, a Public Hearing will be scheduled before the City Engineer or his designee. Approval or denial of the application will be determined at the Public Hearing.
- For applications requesting special consideration of diverters or awnings, a Public Hearing will be scheduled once it is determined that an applicant has met all of the basic requirements. The Public Hearing will be before the City Engineer or his designee. Approval or denial of the application will be determined at the Public Hearing.
- In the event of a denial, the applicant may appeal to the City Council within 15 calendar days of the decision.
- When a permit is issued, a copy must be visibly displayed at the subject business establishment.

Responsibilities of Permit Holders

In order to maintain the Sidewalk Cafe Permit, the permit holder must comply with all applicable rules and regulations including the following:

1. Permit Holder is responsible for making sure that all activities on the sidewalk stay within the approved area.
2. Food trays or carts, receptacles for dirty dishes, etc. shall not be placed or stored on any portion of the sidewalk or roadway area of a public street or right-of-way.
3. Only approved diverters, which may not have protruding legs or supports, shall be used at all times.
4. Diverters, tables, chairs and other street furniture in the sidewalk area must be maintained in a state of good repair and kept free of advertising (except umbrellas, which may advertise products or services sold on-site), litter and other debris at all times.
5. Permit Holder must provide at least one durable trash receptacle within the permit area at all times.
6. Tables, chairs, diverters, and other items may remain on the sidewalk when the business will be open the following day. The items must be promptly removed from the sidewalk at the end of each business day if the business will be closed the following day.
7. Permit Holder must sweep the sidewalk daily (or more often if warranted) and keep the sidewalk and gutter clean from debris at all times.

8. Permit Holder must keep in force the liability insurance in which the City of Wichita is named as additional insured as long as the permit is in effect.
9. Permit holders must display a copy of the permit visibly for public view during business hours.
10. All Permit Holders must maintain on file with the City Engineers Office a current site plan and current product specifications and warranty for all street furniture. Substantial changes, as determined by the City Engineer, to the approved site plan or product specifications will require the Permit Holder to submit and receive approval of a new application.
11. All Permit Holders must request permit renewal not later than 30 days prior to the expiration date of the revocable Minor Street Permit.

Compliance vs. Penalties

The City and business owners must work together to maintain a balance between the City's obligation to protect the safety of the public and business prosperity. It would be ideal to have the full cooperation of the participating businesses. The issuance of a Sidewalk Café Permit is a non-assignable personal privilege for use of City property. The applicant agrees that it does not intend to acquire nor will it claim any property right arising out of its application for or exercise of a Sidewalk Café Permit. The applicant understands that to be fair to all, permits will be administratively revoked for businesses that are found to be non-compliant with the provisions of this permit. This revocation may be appealed to the City Council within 10 days of the revocation. In order to reinstate the permit, the non-compliance causing the revocation must be cured. The following fee schedule will be enforced.

- \$100 for first offense
- \$200 for the second offense
- \$300 for the third offense
- Non-reinstatement of Permit for a third violation within the immediately preceding 12 month period.

Sidewalk Café Standards and Procedures

In order to encourage outdoor dining on a public sidewalk where patrons may consume food and/or beverages (alcoholic and non-alcoholic) provided by an abutting food service establishment, the City of Wichita is establishing the following guidelines for all business owners who wish to obtain a revocable Sidewalk Café Permit to place tables and chairs on the sidewalks in front of their restaurant or café.

These regulations do not apply to outdoor dining on private property.

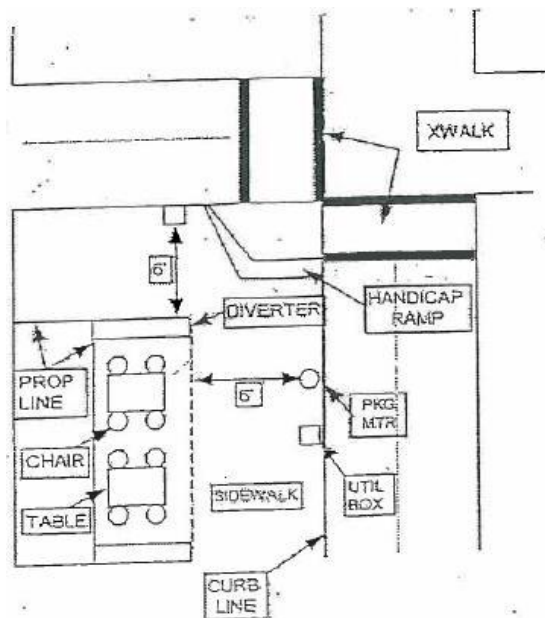
- Tables and chairs can be placed only on the sidewalk in front of the applicant's place of business.
- The sidewalk in front of the business must be wide enough to support through pedestrian access. Six feet of pedestrian clearance is preferred, but a minimum of three feet of pedestrian clearance may be approved in circumstances where space for the sidewalk café is severely limited by overall sidewalk width. This pedestrian clearance must be free of all obstacles.
- Placement of tables and chairs on the sidewalk must not in any way interfere with curb ramps, access to the building, driveways or access to any fire escape.
- Placement of tables and chairs on the sidewalk must conform to all federal, state, and local laws and regulations.
- Businesses serving food and alcohol must use and install fencing/diversion materials approved by the city as diverters. Businesses serving food only may use planters or other materials approved by the City to delineate the sidewalk café.

Design Guidelines

Placement of tables and chairs on the sidewalk must include the installation of diverters at each end to guide pedestrians away from the occupied area of the sidewalk.

Street furniture must conform to the following design guidelines:

- All diverters, tables, chairs and other furniture must be approved on criteria set by the City of Wichita to ensure functionality, serviceability and aesthetic congruence with the surrounding architecture.
- Diverters must be flush with the building, placed at an angle of approximately 90 degrees to the building facade.



Street Furniture Criteria

- All furniture shall be professional-grade, designed specifically for outdoor use and include a multi-year, commercial use warranty.
- Permitted furniture colors are black and stainless. Earth-tone colors may be permitted when supported by documentation provided by the applicant demonstrating that the furniture is consistent with and tied to the business' brand identity or the building's architecture.
- All furniture at an individual business must maintain design consistency.
- Umbrellas must be durable and fireproof. Vivid colors on umbrellas are limited to accent colors. Advertising is permitted on umbrellas, but is restricted to products or services sold on site.
- Diverters are permitted to be black wrought iron, galvanized steel with black powder coating or black galvanized tubular steel. Diverters constructed of other materials or colors may be permitted through a Public Hearing process when supported by documentation provided by the applicant demonstrating that the diverter design is consistent with and tied to the building's architecture and the surrounding area.
- Diverters must be at least 42" high, have blunt pickets at the top, contain top and bottom rails and meet OSHA requirements. When at grade or adjacent to a drop-off of less than 30 inches, picket spacing shall be no greater than 12".
- Diverters must be professionally installed by a fence company in a manner such that the diverters can be removed without causing significant damage to the sidewalk.
- Awnings over the sidewalk café are permitted when attached only to the building walls and must be consistent with and tied to the building's architecture and the surrounding area. Awnings with columns attached to the sidewalk may be permitted through a Public Hearing process when supported by documentation provided by the applicant demonstrating that awning cannot be attached solely to the building wall and that columns can be removed without causing significant damage to the sidewalk.

Application Requirements

All applicants who can comply with all of the above guidelines are encouraged to submit an application for a permit.