



## CITY OF MT. PLEASANT DOWNTOWN OUTDOOR DINING POLICY AND APPLICATION PROCEDURES

### PURPOSE

The *Downtown Outdoor Dining Policy and Application Procedure* is designed to allow businesses the ability to utilize sidewalks, streets and alleyways for dining purposes where they are determined to be appropriate by the City Commission, and to promote and protect the public health, safety, and general welfare of the community. These general goals include, among others, the following specific purposes:

1. To provide an additional way for eateries, diners, restaurants, coffee shops, etc. within the Principal Shopping District / Central Business District to expand their operations;
2. To promote sidewalks, streets and alleyways as useful and properly planned visual amenities;
3. To provide adequate space for pedestrians and drivers on the streets, alleyways and sidewalks adjacent to outdoor dining and to insure access to adjacent businesses.

### COST AND PROCESS FOR APPLICATIONS

Application for an Outdoor Dining License can be found at the end of this policy or online at [http://www.mt-pleasant.org/departments/division\\_of\\_community\\_services/downtown\\_development/](http://www.mt-pleasant.org/departments/division_of_community_services/downtown_development/). All necessary images/sketches, insurance information, and fee must be included with the application to begin the review process. Completed applications can be dropped off to the Downtown Development office at City Hall (320 West Broadway).

Type of Application (Sidewalk Locations)	Review Period	Reviewed By*	Cost
New	3 Weeks	Public Works, Public Safety, Downtown Development and Building Safety	\$50
Renewal – no changes or with less than 3 complaints	1 Week	Downtown Development	\$50
Renewal – with changes or 3 or more complaints communicated to the Downtown Development Director	3 Weeks	Public Works, Public Safety, Downtown Development and Building Safety	\$50

  

Type of Application (Parking Spaces)	Review Period	Reviewed By*	Cost
New	3 Weeks	Public Works, Public Safety, Downtown Development and Building Safety	\$250 per space (Spring/Summer) \$125 per space (Winter)
Renewal – no changes or with less than 3 complaints	1 Week	Downtown Development	\$250 per space (Spring/Summer) \$125 per space (Winter)
Renewal – with changes or 3 or more complaints communicated to the Downtown Development Director	3 Weeks	Public Works, Public Safety, Downtown Development and Building Safety	\$250 per space (Spring/Summer) \$125 per space (Winter)

\*Prior to approval, the City staff shall inspect the proposed area and prepare a report listing any damaged public sidewalk, street or alleyway in the area, any potential hazards that need to be corrected prior to issuance of the license including, but not limited to, location of trees and low-hanging branches, wires, guide wires, sign locations and height, tree gates, planters, bike racks, etc., that could serve as a hazard to pedestrians.

**OUTDOOR DINING LICENSING AND TIME PERIOD (BASED ON LOCATION)**

The City Commission may license City sidewalks and streets for outdoor dining as stated in the table below. Approvals for renewals with no layout changes or less than three complaints may be granted by the Downtown Development Director for the same time periods.

Location	Time Period
Sidewalks	January 1 to December 31
Parking Spaces (Spring/Summer) (Winter)	March 15 to November 15 November 16 to March 14

**LOCATION**

1. Applications to license public sidewalks, or parking spaces for outdoor dining shall be limited to the area within the downtown Principal Shopping District (PSD) and/or Tax Increment Finance Authority (TIFA) Central Business District (CBD) and those commercially zoned properties specifically authorized by the City Commission that can also meet all of the following criteria.

**NOTICE OF VIOLATION; FAILURE TO COMPLY.**

Upon a finding by a City staff member that an applicant has violated any provisions of this policy, the Downtown Development Director shall give notice to the applicant to correct said violation. Upon failure to immediately correct said violation, the City Commission may revoke the applicant's license to operate the outdoor dining license. Upon the revocation of such license, the applicant shall be entitled to a hearing before the governing body within 30 days, upon notice thereof, provided that a hearing is requested by the applicant, in writing, within five days of revocation of the license.

All conditions are to be met by applicants, unless waived by the City Commission.

**GENERAL TERMS - LAYOUT, MAINTENANCE, AND HOURS OF OPERATION**

Outdoor dining offers a unique opportunity for cities and downtowns to improve the public realm and create spaces for pedestrians to socialize and linger. Though modest in size, outdoor dining platforms and spaces are significant in their representation of prioritizing people over automobiles. However, outdoor dining platforms and spaces could also result in a cluttered and unattractive appearance and create obstructions for pedestrians and vehicles. The following guidelines were developed to support the efforts of our downtown business community and keep it attractive and safe.

Outdoor dining is allowed in downtown (Central Business District and/or Principal Shopping District), subject to the following guidelines:

1. The owner of the business shall be responsible for compliance with all city, state and federal ordinances and codes. Questions on applicable building and fire code can be directed to the Building Official at (989) 779-5301.
2. Dining spaces and/or platform shall be located in front of the applicant's business frontage. Utilization of parking spaces is up to three spaces provided those spaces shared with abutting businesses are agreed on.
3. The use of barrier-free parking spaces, corresponding ramps and sidewalk transition spaces is prohibited for the purpose of outdoor dining for either sidewalk or dining decks.

4. All structures used for outdoor dining must have appropriate flame spread rating of class I or class A, similar to a tent structure. Structures must be anchored to a base and/or patio. Structures cannot be anchored into street or sidewalk.
5. Illumination at night is suggested in the spring/summer/fall season and mandatory during the winter season. Illumination source may not use city utilities. No open flame can be used in the structures.
6. All dining units should be inspected by the fire department and building official and have a certificate of compliance from the building official before public use.
7. ADA Accessibility/Universal Design

Universal Design (UD) is a strategy for making products, environments, operational systems, and services welcoming and usable to the most diverse range of people possible. Its key principles are simplicity, flexibility and efficiency.

Originally developed in response to the needs of the aging population and people with disabilities, UD has much broader applicability than ADA. It increases ease of access to products, places and services for multiple, diverse populations. Using UD means taking into account the broad range of abilities, ages, reading levels, learning styles, languages and cultures in their customer base.

At a minimum all outdoor dining locations must meet American with Disabilities Act (ADA) standards and encourage UD whenever possible.

Due to each potential outdoor dining location (sidewalk or dining deck) having site challenges with the existing infrastructure elements (ex. crown of road, tree wells, light poles, etc.) and building code requirements (ex. load per sq ft, support, limited thickness in materials, etc.) we have provided options for business owners to reach ADA, recognizing that one design option cannot fit all situations.

The following are recommended strategies for implementing ADA standards with regards to outdoor dining on sidewalks and/or decks:

Sidewalk Dining:

- a. Shall be located so as to provide the pedestrian access required by the American with Disabilities Act. An unobstructed, walkway of 36" shall be maintained at all times.

Dining Decks Options:

- a. Dining platforms/patios should be flush with the curb and should not have more than a ½ inch gap from the curb; or
  - b. Incorporate an ADA compliant ramp as part of the dining deck design; or
  - c. Use of an accessibility ramp to allow access from the sidewalk to the dining area.
    - i. Where ADA ramps and/or other resources are used, signage indicating their availability will be posted clearly so patrons can see it.
8. Umbrellas or shade structures can be used on public sidewalks if vertical clearance is greater than 80 inches, so as to not cause a hazard to blind or visually impaired persons.
  9. Tables, chairs, umbrellas and any other objects used shall be of quality design, materials, and workmanship both to ensure the safety and convenience of users and to enhance the visual and aesthetic quality of the urban environment.
  10. The licensed area, perimeter of the seating area and abutting public sidewalk shall be kept clean, attractive and free of all litter, snow and debris, and must allow for the safe and easy flow of pedestrian traffic and city street sweeper. Cord covers are required for the entire width of the sidewalk when cables are used to eliminate tripping hazards and provide unobstructed sidewalk

access. In addition, it is the responsibility of the license holder to inspect the licensed area and report any deterioration or other hazard(s) to the Director of Public Works.

11. License of public right-of-way shall not be permitted if the proposed dining area results in sight obstructions for vehicles or pedestrians or result in the obstruction of normal traffic flow. Any outdoor lighting shall be arranged in such a manner so as not to create a hazard for vehicular traffic or a nuisance to residential land uses in the area.
12. No advertising signage shall be present on or in the outdoor seating area.
13. The licensed area shall be limited to portions of right-of-way abutting the property owned, leased, or rented by the applicant unless given approval by adjacent property and business owners.
14. Hours of operation for licensees shall be limited to between 7:00am and 12:00am.
15. The location of sidewalk cafes where alcohol is served shall be subject to the requirements of the Michigan Liquor Control Commission. The operator of any outdoor dining space or platform shall take whatever steps are necessary to procure the appropriate license from the M.L.C.C. and shall comply with all other laws and regulations concerning the serving of alcoholic beverages in the State of Michigan.

#### **PERMANENT FENCING**

1. Fence materials shall be of durable commercial-grade building materials, such as powder-coated aluminum or steel. Decorative fences should generally be four and a half feet (54 inches) or below. However, exceptions may be considered for special circumstances.

#### **INSURANCE REQUIREMENTS**

1. The applicant shall provide evidence of the following with the application for an Outdoor Dining License:
  - a. Workers Compensation and Employers Liability
  - b. General Liability (occurrence basis only) with the following coverage inclusions:
    - i. Broad Form General Liability Endorsement or equivalent if not included in the policy proper.
    - ii. Contractual Liability
    - iii. Products and Completed Operations
    - iv. City of Mt. Pleasant named as "Additional Insured"
2. Limits of liability for items b. above shall be not less than \$1,000,000 per occurrence and/or aggregate, for personal injury, bodily injury and property.
3. Hold Harmless
  - a. To the fullest extent permitted by law, the licensee agrees to defend, pay in behalf of, and hold harmless the City of Mt. Pleasant, its elected and appointed officials, employees and volunteers, and others working in behalf of the City of Mt. Pleasant against any and all claims, demands, suits, losses, including all costs connected therewith, for any damages which may be asserted, claimed or recovered against or from the City of Mt. Pleasant, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Mt. Pleasant, by reason of personal injury, including bodily injury and death; and/or property damage, including loss of use therefore which arises out of or is in any way connected or associated with this contract.

**VISUAL EXAMPLES OF OUTDOOR DINING DISPLAYS, FIXTURES AND LAYOUT:**





**CITY OF MT. PLEASANT  
DOWNTOWN OUTDOOR DINING LICENSE APPLICATION**

Please indicate the type of application:

- NEW APPLICATION  
 RENEWAL (NO CHANGES)       RENEWAL (WITH CHANGES)  
 TEMPORARY

**APPLICANT NAME:** \_\_\_\_\_

**BUSINESS NAME:** \_\_\_\_\_

**BUSINESS ADDRESS:** \_\_\_\_\_

**EMAIL ADDRESS:** \_\_\_\_\_

**TELEPHONE:** \_\_\_\_\_

**SIGNATURE OF BUSINESS OWNER:** \_\_\_\_\_

**PROPERTY OWNER'S NAME:** \_\_\_\_\_  
(If different than applicant)

**ADDRESS:** \_\_\_\_\_

**SIGNATURE OF PROPERTY OWNER:** \_\_\_\_\_

**ADJOINING PROPERTY OWNER #1 NAME:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**ADJOINING PROPERTY OWNER #2 NAME:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**MUST BE ATTACHED WITH APPLICATION:**

- 1. Application fee (\$50). Please make check payable to the City of Mt. Pleasant
- 2. Fee of \$250 or \$125 per parking space utilized depending on time of year. Please make check payable to the City of Mt. Pleasant
- 3. Scaled drawing (not less than 1" = 20') or photos of the property in question and each abutting property. Show all proposed sidewalk utilization including proposed merchandise display and existing conditions, including light poles, street signs, planters, trees, etc.
- 4. Proof of Insurance:
  - a. Employer's Liability and Workers Compensation
  - b. General Liability (occurrence basis only) with the following coverage inclusions:
    - Broad Form General Liability Endorsement or equivalent if not included in the policy proper.
    - Contractual Liability
    - Products and Completed Operations
    - City of Mt. Pleasant named as "Additional Insured"
  - c. Limits of liability shall not be less than \$1,000,000 per occurrence and/or aggregate for personal injury, bodily injury and property.

**Hold Harmless:** I/We \_\_\_\_\_, agree that to the fullest extent permitted by law, the licensee agrees to defend, pay in behalf of, and hold harmless the City of Mt. Pleasant, its elected and appointed officials, employees and volunteers, and others working on behalf of the City of Mt. Pleasant against any and all claims, demands, suits, losses, including all costs connected therewith, for any damages which may be asserted, claimed or recovered against or from the City of Mt. Pleasant, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Mt. Pleasant, by reason of personal injury, including bodily injury and death; and/or property damage, including loss of use therefore which arises out of or is in any way connected or associated with this contract.

I/We \_\_\_\_\_, have read the City of Mt. Pleasant Sidewalk License Policy and agree to abide by the conditions contained therein. I/We understand that failure to comply with the conditions contained within the policy can be grounds for revocation of the sidewalk license by the City without any recourse on my part or the part of my business, partners or corporation.

**Date:** \_\_\_\_\_

**Applicant Signature:** \_\_\_\_\_

**Applicant Name (please print):** \_\_\_\_\_