



## Text File

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**Bill No:** 2017-1616, **Version:** 3

**Committee:** Committee on Public Works

**Status:** Passed Finally

Ordinance amending the Pittsburgh Code, Title Four, Public Places and Property, Article 1 Public Right-of-Way, Chapter § 416, 416.20 - Approval process for Sidewalk Café, including Permits and Fees, and § 416.21 - Sidewalk Café Site Plan, by adding language for a proprietor wishing to establish a sidewalk café with four (4) seats or fewer (must be no more than two (2) seats per table).

**The Council of the City of Pittsburgh hereby enacts as follows:**

**Section 1.** The Pittsburgh Code, Title Four, Public Places, and Property, Article 1, Chapter 416, Obstructions, § 416.20 - Approval process for Sidewalk Café, including Permits and Fees and § 416.21 - Sidewalk Café Site Plan, is hereby amended as follows:

§ 416.20 - APPROVAL PROCESS FOR SIDEWALK CAFÉ, INCLUDING PERMITS AND FEES.

1. A proprietor wishing to establish a sidewalk café with more than four (4) seats must follow the process described below. Responsibilities of the departments include, but are not limited to, those described. For expediency and to benefit the applicant, each department shall complete its responsibilities within ten (10) days.

- a. *Department of Public Works (DPW)*. At DPW, the proprietor obtains an application form for a permit to encroach on the public right-of-way with a sidewalk café. A checklist of sidewalk café requirements, delineating the steps to be followed in acquiring a sidewalk café permit, is issued to the applicant based on if for more than four (4) seats.
- b. *Department of Public Works*. Applicant returns to DPW with a completed application. As part of the application for a sidewalk café, applicant shall submit a site plan conforming to the specifications in Sections 416.20 and 922.01.d.1. The proposed site plan for the sidewalk café must be attached to the required permit application. Sample plans are available from DPW. The permit fee is due at this time, at one dollar (\$1.00) for each square foot of café area (gross square footage). Also due at this time is a certificate from the proprietor's insurance company, naming the City as co-insured, with minimum amounts of one hundred thousand dollars (\$100,000.00) to three hundred thousand dollars (\$300,000.00)-public liability and fifty thousand dollars (\$50,000.00)-property. DPW issues a printed notice that the application has been accepted but not approved.
- c. *Zoning and Development Review Division (Zoning)*. DPW sends the applicant to the Department of City Planning's Zoning and Development Review Division's Zoning counter, with the application, and with DPW's notice of acceptance. The application is registered and the applicant pays a one-time filing fee at the Zoning counter. Zoning will verify that the applicant has a valid certificate of occupancy for the primary use of the property. A certificate of occupancy for a sidewalk café will not be granted

without a valid certificate of occupancy for the primary use.

Zoning reviews the site plan design of the proposed sidewalk café. If disapproved, the applicant is given an opportunity to revise the site plan to meet Zoning's requirements. If the proposed sidewalk café is to be in an historic district, there will be an additional level of review by the local body that provides historic review for that site. Zoning marks the site plan as approved and directs the applicant to the Department of Permits, Licensing, and Inspection.

- d. *Department of Permits, Licensing, and Inspection (PLI)*. PLI checks the applicant's record for violations. Any violations must be rectified before a sidewalk café permit can be issued. No permit can be issued unless the proprietor has a valid occupancy permit for the establishment that the sidewalk café will abut. Upon being cleared of violations and consistent with the requirement for commercial venues, the applicant must submit a site plan, prepared and sealed by a licensed architect or engineer, to PLI's Plan Examiner. This plan must contain the sidewalk café seating layout, aisles, enclosure, ADA requirements, and means of egress, including egress from the main restaurant to the curb. The Plan Examiner will review the site plan for compliance with City Code and for compliance with the Americans with Disabilities Act (ADA). The applicant then pays a one-time fee for the certificate of occupancy for a sidewalk café. PLI will inspect and issue the certificate of occupancy for a sidewalk café, if approved. A copy of the site plan will be given to the applicant to be maintained at the establishment. The applicant will receive a copy of the certificate of occupancy by mail. Upon completion of PLI's process, PLI will forward the sidewalk café application packet, including DPW's notice of acceptance, the certified site plan, and a copy of the certificate of occupancy for a sidewalk café, to DPW.

- (1) If an applicant possesses outstanding citations issued under this Chapter and related to the premises for which the application is submitted, a permit will not be issued.

- e. *Department of Public Works*. A DPW representative conducts a field survey to check the accuracy of information submitted in the proprietor's application for a sidewalk café.
- f. *City Council*. When it is deemed that the application is completed fully and correctly, the Director of Public Works submits the application to the District Council Person. The completed checklist of sidewalk café requirements is included in the packet provided to the District Council Person. The City Council Member representing the district where the café is proposed shall acknowledge, in writing, having reviewed the application, prior to issuance of the permit.
- g. *Department of Public Works*. The Director of Public Works notifies the applicant of the City's decision. If approved, the sidewalk café permit is issued by the Department of Public Works. A DPW representative demarcates the margins of the approved sidewalk café on the sidewalk.

If the proprietor wishes to change the sidewalk café from the approved site plan, a new application and review process is required.

2. A proprietor wishing to establish a sidewalk café with four (4) seats or fewer (must be no more than two (2) seats per table) must follow the process described below. Responsibilities of the departments include, but are not limited to, those described. For expediency and to benefit the applicant, each

department shall complete its responsibilities within ten (10) days.

a. *Department of Public Works (DPW)*. At DPW, the proprietor obtains an application form for a permit to encroach on the public right-of-way with a sidewalk café. A checklist of sidewalk café requirements, delineating the steps to be followed in acquiring a sidewalk café permit, is issued to the applicant based on if for four (4) seats or fewer (must be no more than two (2) seats per table).

b. *Department of Public Works*. Applicant returns to DPW with a completed application. As part of the application for a sidewalk café, applicant shall submit a site plan conforming to the specifications in Sections 416.20 and 922.01.d.1 for a simplified site plan. The proposed site plan for the sidewalk café must be attached to the required permit application. Sample plans are available from DPW. The permit fee is due at this time, at one dollar (\$1.00) for each square foot of café area (gross square footage). Also due at this time is a certificate from the proprietor's insurance company, naming the City as co-insured, with minimum amounts of one hundred thousand dollars (\$100,000.00) to three hundred thousand dollars (\$300,000.00)-public liability and fifty thousand dollars (\$50,000.00)-property. DPW issues a printed notice that the application has been accepted but not approved.

c. *Zoning*. DPW sends the applicant to the Zoning counter, with the application, and with DPW's notice of acceptance. Zoning will verify that the applicant has a valid certificate of occupancy for the primary use of the property. Applications for sidewalk cafes with four (4) seats or fewer under this subsection shall be exempted from the sidewalk café standards of Title Nine, Zoning Code, Section 911.04.A.68, and shall be treated as permitted-by-right over-the-counter approval so long as the primary use has a valid certificate of occupancy.

d. *Department of Permits, Licensing, and Inspection (PLI)*. PLI checks the applicant's record for violations. Any violations must be rectified before a sidewalk café permit can be issued. No permit can be issued unless the proprietor has a valid occupancy permit for the establishment that the sidewalk café will abut. Upon being cleared of violations and consistent with the requirement for commercial venues. The Plan Examiner will review the site plan for compliance with City Code and for compliance with the Americans with Disabilities Act (ADA). The applicant then pays a one-time fee for the certificate of occupancy for a sidewalk café. PLI will inspect and issue the certificate of occupancy for a sidewalk café, if approved. A copy of the site plan will be given to the applicant to be maintained at the establishment. The applicant will receive a copy of the certificate of occupancy by mail. Upon completion of PLI's process, PLI will forward the sidewalk café application packet, including DPW's notice of acceptance, the certified site plan, and a copy of the certificate of occupancy for a sidewalk café, to DPW.

e. *Department of Public Works*. A DPW representative conducts a field survey to check the accuracy of information submitted in the proprietor's application for a sidewalk café.

f. *City Council*. When it is deemed that the application is completed fully and correctly, the Director of Public Works submits the application to the District Council Person. The completed checklist of sidewalk café requirements is included in the packet provided to the District Council Person. The City Council Member representing the district where the café is proposed shall acknowledge, in writing,

having reviewed the application, prior to issuance of the permit.

*g. Department of Public Works.* The Director of Public Works notifies the applicant of the City's decision. If approved, the sidewalk café permit is issued by the Department of Public Works. A DPW representative demarcates the margins of the approved sidewalk café on the sidewalk.

If the proprietor wishes to change the sidewalk café from the approved site plan, a new application and review process is required

#### § 416.21 - SIDEWALK CAFÉ SITE PLAN.

In furtherance of the intent of this legislation that sidewalk cafés shall enhance the aesthetic appeal and community activity where they are located, especially in historic business districts, the following requirements are placed on the design and operation of sidewalk cafés:

1. Site plans shall include:

- (a) Size of encroachment onto publicly owned sidewalk.
- (b) Sidewalks up to ten (10) feet in width shall leave four (4) feet of sidewalk clear of obstructions to allow unimpeded pedestrian and disabled pedestrian traffic, in accordance with Americans with Disability Act (ADA) standards. Sidewalks over ten (10) feet in width shall leave five (5) feet of sidewalk clear of obstructions to allow unimpeded pedestrian and disabled pedestrian traffic, in accordance with the Americans with Disability Act (ADA) standards. No obstruction shall be placed within eighteen (18) inches of the face of any curb, within five (5) feet of any fire exit, fire hydrant, or building corner.
- (1) Sidewalk cafés with four (4) or fewer seats (must be no more than two (2) seats per table) are exempt from the restriction of obstructions eighteen (18) inches from the face of any curb, so long as there is no parking adjacent.
- (c) The width of the storefront. A sidewalk café is limited to the width of the storefront of the establishment with which the area is associated. The area of ingress and egress is to be shown.
- (d) Gross square footage.
- (e) Compliance with federal accessibility standards, to accommodate persons with disabilities.
- (f) Compliance with Building Code standards for egress from the café and from the establishment, in case of fire or other emergency.
- (g) City and other approved obstructions are shown outside the required ADA clear passageway. Obstructions shall include, but not be limited to, light poles, traffic signal poles, fire hydrants, utility structures, bike racks, parking meters, street trees, and street signs. Further, the sidewalk café cannot obstruct the clear sight distance for vehicles or access or crossings for the disabled.
- (h) The seating, table layout, and barrier system, to scale, along with passageway/aisle clearances.

2. Design aspects to be included in the site plan are:

- (a) Sidewalk cafés shall have a rope and stanchion as an enclosure, unless some other barrier system

is approved by the City as an architectural design element.

- (1) Sidewalk cafés with four (4) or fewer (must be no more than two (2) seats per table) seats shall be exempt from requirements in 2(a).
- (b) Sidewalk cafés are comprised of tables for dining. There shall be no standing room. No service equipment is permitted.
- (c) Furnishings for sidewalk cafés shall consist solely of moveable tables, chairs, and decorative accessories. There shall be at least one (1) table that is ADA compliant.
- (d) The square footage of the sidewalk café area shall determine the number of permitted tables and chairs based on the building code requirements in effect at the time of the initial application. The proprietor is also required to update sidewalk café seating to meet building code requirements in effect at the time of annual renewal.
- (e) If awnings are proposed, they shall be adequately secured and retractable. If umbrellas are proposed, they are to be included in the submitted site plan, and must meet ADA standards for encroachment into the public right-of-way, that is, umbrellas must be totally within the sidewalk café area and the edges and prongs must leave the path of travel clear and unobstructed.
- (f) Sidewalk cafés shall be at the same elevation as the public sidewalk. Paint, carpeting, artificial turf, or other floor coverings of any kind shall not be permitted at any time in the sidewalk café area.
- (g) No signage shall be allowed in any sidewalk café, or on the adjacent sidewalk, with the exception that small, lighted menu boards may be permitted.
- (h) Sidewalk café uses shall be subject to Pittsburgh Zoning Code standards, as stated at Pittsburgh City Code § 911.04.A.68

### 3. General requirements.

- (a) A permit to operate a sidewalk café shall only be granted to an establishment with a valid retail food license.

### 4. Operation.

- (a) Operation shall be during the normal business hours of the permittee, but no earlier than 7:00 a.m. and no later than 2:00 a.m.
- (b) Furnishings must be kept in a state of good repair and in a clean and safe condition at all times
- (c) Where rope and stanchion is used as the barrier, furnishings and rope and stanchion must be off the sidewalk by close of business, but no later than 2:00 a.m. each evening. Rope and stanchion must also be removed at that time.
- (d) Sidewalk café permits are not transferable.
- (e) Permittees are bound by all applicable rules for alcohol and tobacco consumption, including State statutes and City ordinances.

- (f) The sidewalk surface in the sidewalk café area shall be maintained in good repair.
- (g) Busing stations, trash receptacles, food preparation stations, cashier stations, and music shall not be permitted in the sidewalk café.
- (h) Sanitary cleaning of the sidewalk café dining area before, during, and after food service is required.
- (i) The proprietor shall maintain on-site copies of both the PLI certificate of occupancy for a sidewalk café and the certified site plan. Both shall be presented on request from an enforcement official from Public Safety, DPW, PLI, or other authorized representative of the City. The DPW sidewalk café permit shall be displayed in the front window, clearly visible from the street.
- (j) The permittee shall be responsible for keeping all visitors, patrons, employees, and café fixtures, including, without limitation, tables and chairs, from occupying or encroaching into the required clear sidewalk space.