

**CITY OF SALINA
SIDEWALK DINING AREA GUIDELINES**

A Sidewalk Dining Area is permitted for restaurants within the Salina Business Improvement District No. 1 (the Downtown area) having facilities, equipment, and manner and hours of operation of which are consistent with a food service operation, including but not limited to the types of business establishments customarily referred to as cafes, cafeterias, coffee shops, dairy bars, restaurants and soda fountains. Drinking establishments within the Downtown area whose gross receipts from the sale of food for consumption on the premises are more than thirty percent (30%) on an annual basis are permitted to have sidewalk dining areas.

The City of Salina wishes to establish “Guidelines for Sidewalk Dining Areas” in order to attain the following specific goals and purposes:

1. To ensure adequate space for pedestrians on the sidewalk or other public open space area adjacent to “Sidewalk Dining Areas”;
2. To promote “Sidewalk Dining Areas” as visual amenities, which relate to and are complementary to the surrounding area. Consideration shall be given to the character of the area and its streetscape;
3. Where “Sidewalk Dining Areas” are located in the Downtown, they shall preserve and enhance the character of Salina’s Downtown; and
4. To establish guidelines and conditions for the establishment of “Sidewalk Dining Areas” that are effective, efficient, and enforceable.

An application for a Sidewalk Café License shall include the submission of the following items to the Development Services Department, Room 205 of the City-County Building, 300 W. Ash Street:

- a) A completed and signed sidewalk café license application form;
- b) Appropriate Application Fee (\$150.00 initial, \$100.00 renewal);
- c) Copy of Lease and/or Permission for use of property from the Owner (if applicable);
- d) Copy of the Kansas Food Service Establishment License;
- e) A scaled site plan indicating the sidewalk dining area, fixtures and equipment, barrier type and location and all obstacles within 15 feet of the proposed dining area;
- f) Written permission from adjacent property owners/tenants for any *extended* sidewalk or plaza that immediately abuts or adjoins the extended sidewalk or plaza.
- g) A copy of a Certificate of Insurance:

A Licensee shall provide the city with a certificate of insurance listing the city as the Certificate Holder and evidencing compliance with the insurance requirements in this Article and in the Sidewalk Café License Ordinance. The city has the right to require complete certified copies of all insurance policies procured by a licensee pursuant to this article and its Sidewalk Café License Agreement, including any and all endorsements affecting the coverage required hereunder. The certificate of insurance shall also require the insurance carrier to notify the city at least thirty (30) days in advance of any change in terms and conditions of the policy, including cancellation for any reason, and in advance of any expiration of the policy term.

A completed application for a Sidewalk Café License will be referred to the Salina Business Improvement District No. 1 Design Review Board (DRB) who will conduct a public hearing to review the application. After reviewing the application, the Design Review Board will submit a written recommendation to the City Commission which may adopt, modify or overturn the recommendation or return the application to the Design Review Board for further consideration. A denial by the Design Review Board can be appealed to the City Commission.

Sidewalk Dining Area Regulations

General

1. The sidewalk dining area must be contiguous with any side of a building wherein a restaurant or food service establishment is located.
2. If an applicant seeks to offer sidewalk dining on an extended sidewalk or plaza, written permission of all owners of record (including equitable owners, if any) and all tenants of the real property that immediately abuts or adjoins the extended sidewalk or plaza must be obtained.
3. The sidewalk dining area shall not exceed two hundred square feet in area unless the City Commission specifically authorizes a larger sidewalk dining area. The sidewalk dining area shall be considered an auxiliary use to the interior dining area.
4. The use of the sidewalk dining area shall be limited to sidewalk dining as part of the business's restaurant. Food preparation, mixing alcoholic beverages and tending bar are not permitted outside in the sidewalk dining area.
5. A Licensee shall not serve alcoholic liquor or cereal malt beverages in the sidewalk dining area after 12:00 a.m. or before 9:00 a.m. on any day.
6. Licensees cannot serve alcoholic liquor and/or cereal malt beverages within the sidewalk dining area unless the sidewalk dining area is separated from the sidewalk by a barrier that conforms to the city sidewalk dining regulations.

Usable Sidewalk Dining Area

1. A minimum unobstructed walkway of six (6) feet in width shall be reserved for pedestrian use, unless the City Commission otherwise approves an application and executes a sidewalk license agreement specifically providing for an unobstructed walkway of lesser width. In no event shall less than four (4) feet of unobstructed walkway be reserved. Permanent plantings, permanent street lighting or other permanent obstructions on the sidewalk and/or plaza shall not be permitted in the sidewalk dining area unless approved by the city commission as part of a sidewalk license agreement.
2. Licensees that desire to serve alcoholic liquor and/or cereal malt beverages must install a barrier to separate the sidewalk dining area and the unobstructed walkway.
3. Barriers shall be constructed of wrought iron, ornamental metal, or other compatible materials and conform to the character of the area.

4. All barriers must be between 36” and 48” in height. All barriers must have a top and bottom rail. If a barrier has pickets that rise above the top rail, such pickets must be blunt. Pickets must not exceed more than 2” in width and cannot be separated by less than 2”.
5. Barriers must be professionally installed in a manner such that they can be removed without causing significant damage to the sidewalk and/or plaza.
6. A licensee may use umbrellas within the sidewalk dining area and these may overhang an unobstructed walkway. Any umbrellas must be at least 80” in height, measured as the distance between the sidewalk surface and the lowest part of the umbrella’s canopy.
7. All furniture shall be professional-grade, designed specifically for long-term, outdoor use, and shall include a multi-year, commercial use warranty. Such furniture shall be constructed with materials that reflect and conform to the character of the area.

Sidewalk Dining Area Operation

1. Licensees must remove all used dishware, utensils and drinking receptacles from the sidewalk dining area in a reasonably timely fashion. Licensees must remove all trash, refuse, food, beverage, and/or rubbish from within and surrounding the sidewalk dining area in a reasonably timely fashion. No trash, refuse, food, beverage and/or rubbish receptacles shall be stored in the sidewalk dining area.
2. Wastewater from the cleaning of pavement, buildings, furniture or other outdoor surfaces must be collected and discharged to the sanitary sewer system or other approved wastewater treatment process.
3. Barriers, furniture, umbrellas and any other permissible objects used in the sidewalk dining area must be maintained in a state of good repair, such that they are structurally sound, serve the purposes for which they are designed, and resist weather-related decay, such as rust.
4. No smoking shall be permitted in the sidewalk dining area.
5. Without limiting any other applicable law or regulation, outdoor, non-flammable, electric lighting is permissible in the sidewalk dining area. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any property located in a residential district and so that no glare is visible to any traffic on any public street.
6. Without limiting any other applicable law or regulation, a licensee may provide music for patrons of the sidewalk dining area. Such music may not be plainly audible by an average person from a distance of fifty feet from the source of the noise in any direction.
7. Without limiting any other applicable law or regulation, a licensee may provide a commercial-grade heating system to heat a sidewalk dining area.
9. Advertising is not permitted in a sidewalk dining area, unless otherwise permitted according to Section 35-40.2 and regulations adopted pursuant thereto.

Site Plan Submittal Requirements

A professionally drawn site plan shall be submitted with a sidewalk café license agreement that provides the following information:

1. The relationship to the interior dining and sidewalk dining areas.
2. The square footage of the interior dining and sidewalk dining areas.
3. The occupancy total for the interior dining and sidewalk dining areas.
4. The composition and materials of railings and barriers proposed for the delineation of the sidewalk dining area. The plans shall detail the style, design, and color of the proposed railings and barriers.
5. Information regarding the type and style of awning (if applicable) and the type, design and materials of the proposed tables and chairs.

(Effective: May 11, 2018)