

City of Clayton On-Street Dining Policy

Revised January 11, 2022

PURPOSE

This policy establishes guidelines for on-street dining within the city of Clayton public streets and provides a formal mechanism for restaurants to develop on-street dining spaces that benefit their businesses and enhance pedestrian use of sidewalks.

BACKGROUND

An on-street dining space is created by utilizing one or more curbside parallel parking spaces for an attractive seating area. On-street dining space designs must be ADA accessible and inclusive. Each space may have a distinct, site-specific design that reflects the neighborhood's unique character.



APPROPRIATE LOCATIONS AND DESIGN PARAMETERS

On-street dining spaces are urban amenities appropriate for streets with slower speed limits and an active pedestrian environment. The following factors need to be considered before applying for on-street dining:

- The location shall generally be in an area that demonstrates a high-level of pedestrian activity and/or where narrow and congested sidewalks prevent or limit installation of traditional sidewalk cafes.

- On-street dining shall generally be permitted on streets with a posted speed limit of 25 mph or less. Other locations will be considered on a case-by-case basis.
- The applicant business must have doors and windows facing the proposed location.
- The applicant must provide a protective barrier, such as planters or objects of similar size and weight, on all three sides of the seating perimeter that are in the roadway, to separate seating from the travel lane.
- Barriers must be at least 18" in width and 30-36" in height (excluding plantings) on all three sides that are in the roadway, to preserve visibility for motorists and provide protection for patrons (see Siting Criteria diagram).
- All 18" roadway barriers must be completely filled with soil or sand.
- Barriers must have a fully built interior wall and bottom to hold filler material.
- Continuous reflector tape must be added along the top outside edges.
- A plastic water-filled barrier in front of the roadway barrier facing oncoming traffic will be required.
- The barriers must be directly adjacent to each other (no gaps) and no more than 7' from the curb (see Siting Criteria diagram).
- Applicants must ensure visibility of patrons and barriers at night by clearly marking all barriers with yellow or white high-intensity retro-reflective tape or reflectors (see Siting Criteria diagram).
- Applicants must provide a ramp for ADA compliance, which must be made of non-permanent materials and not physically attached to the roadway or sidewalk elements.
- Roadway structures may only be built up to or on the curb (must allow for stormwater flow); no structures on the sidewalk can be located adjacent to the curb in the 'amenity zone'.
- Applicants may not utilize any lighting that is dangerous to passing motorists, flashes, or could be mistaken for a traffic control device.
- Facilities are prohibited within a bike lane, bus lane/stop, or taxi stand.
- On-street dining spaces must not be closer than the required minimum distances from various public facilities/ vertical utilities in the right-of-way such as: 5 feet minimum clearance from vertical utilities, loading zones, driveways, ramps, or accessible parking spaces; and 15 feet minimum from any fire hydrants or manholes.

ON-STREET DINING AREA SITING REQUIREMENTS

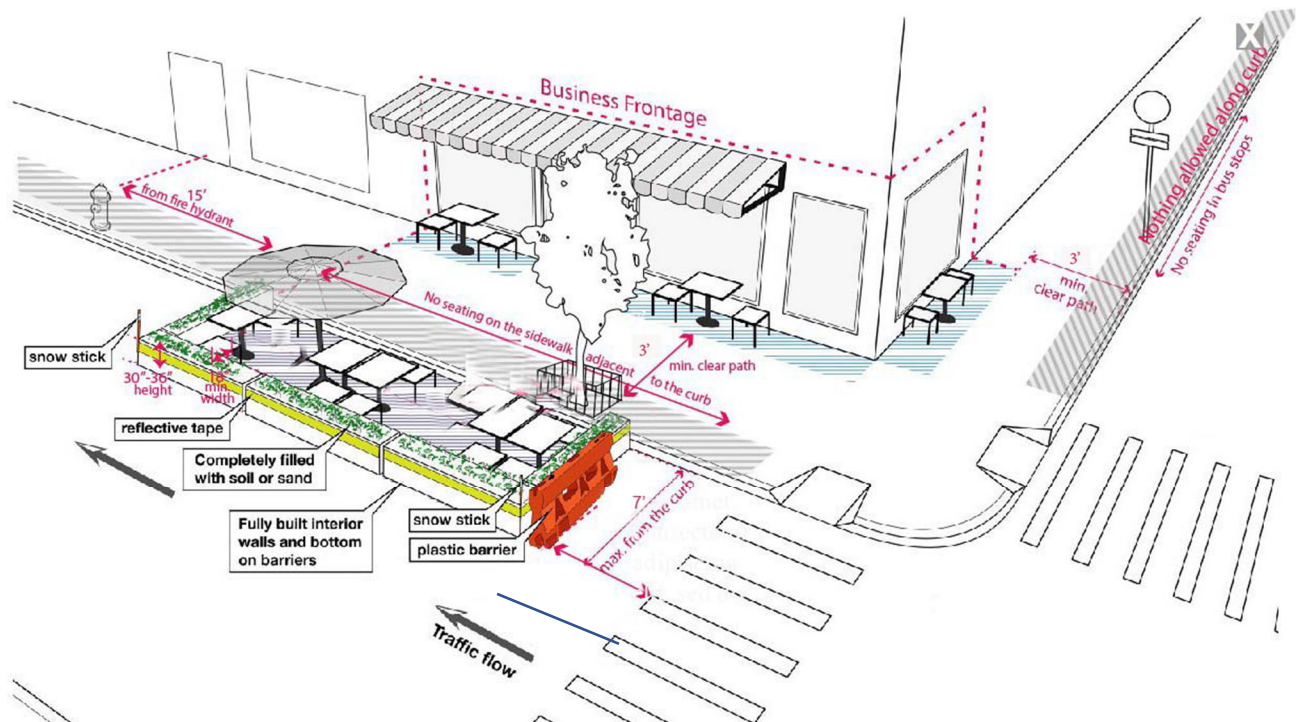


Diagram: Siting Criteria

Design

- On-street dining spaces shall be limited to a maximum 7 feet of width and two parking spaces of length with no permanent roof structure. Spaces shall not inhibit the adequate drainage of storm-water runoff. Installation at roadway low points is discouraged as it can inhibit flow of storm water to inlets without nearby overflow path.
- On-street dining spaces must be ADA compliant.
- On-street dining spaces, plastic barriers, or other accessories shall not intrude into adjoining parking spaces or travel lanes. The design and location of the barriers/planters must be approved by the Public Works Department. Other safety measures may be required depending on the location.
- Plantings shall be maintained in a healthy condition at all times.
- On-street dining spaces should be finished with high quality, durable materials that can withstand the elements.

APPLICATION PROCESS:

The following is the sequence of steps for on-street dining approval and installation:

- A. Identify location for proposed on-street dining.
- B. Submit information to City staff to determine if the location is appropriate. Information must include a map of proposed space showing entire block of the street including intersections, any utilities, driveways, loading zones, ramps, fire hydrants, bus stops, light poles, trees, planters, street furniture (benches, etc..) and manholes.
- C. The information will be reviewed by staff from Planning & Development, Public Works, and Economic Development departments.
- D. Once the location has been reviewed and approved by City staff, the applicant can submit an [Architectural Review Board](#) application and [Outdoor Dining Permit](#) application to the Planning & Development Department and a [Right-of-Way Permit](#) application to the Public Works Department. In addition to the applications the applicant should provide a petition with signatures of the owners of the property occupied by the applicant (if different from applicant).
- E. The City will review the plan and supporting documents and issue permits if approved. Architectural Review Board approval of design is required.
- F. Obtain permits and pay applicable fees.
- G. Construct on-street dining space in accordance with approved plans and in coordination with Public Works Department for traffic management and hooding of parking meters.
- H. Obtain inspection approval and certificate of completion prior to opening on-street dining space to the public.

PERMIT REQUIREMENTS AND TERMINATION

The permit holder must provide satisfactory proof of insurance which shall at a minimum:

- A. Be submitted as part of the On-Street Dining Application Package.
- B. Maintained in full force at all times the permit is in force and updated on an annual basis to the City. A failure to supply current insurance documentation shall result in the permit being revoked.
- C. Minimum coverage: \$3,100,000.
- D. The City of Clayton must be named as an additional insured on applicant's insurance policy.
- E. The permit holder will also be required to indemnify and hold harmless the City of Clayton against any and all claims arising from or associated with the applicant's on-street dining facility or activity.

All on-street dining activities must be conducted only in accord with the purposes and plans as approved by the City. The permit is subject to an annual fee and does not convey exclusive rights to the right-of way. The permit is subject to all laws, ordinances, codes, and other regulations and cannot be issued in violation of the intent of such laws, ordinances, codes, or regulations. The applicant has no recourse against the City for any loss, costs, expenses, or damages arising out of any of the conditions or provisions

of the permit or the activity permitted thereby.

All permits are non-transferable. Change of ownership of the sponsoring property or business will require notification to the City and the new owner will be responsible for entering into a new permit. If a new permit is not issued, the owner will be responsible for removing the previously permitted facility at their cost.

The City Manager can revoke the permit for violation of any permit condition or the on-street dining policy and guidelines adopted from time to time or if the City Manager determines the continued presence of the on-street dining at that location is no longer in the best interest of the City. The permit holder may surrender and cancel the permit at any time.

The on-street dining facility shall be removed within 30 days of revocation or surrender of the permit.

RELOCATION, REMOVAL, AND TERMINATION OF THE AGREEMENT:

The permit may be surrendered by the permit holder or revoked by the City Manager as provided above. The on-street dining facility shall be removed by November 1 of each year and shall not be replaced before the following April 1. In the event of an emergency, the permit holder shall, upon request of the City, relocate the on-street dining facility, and/ or remove the on-street dining facility, including any furniture and structures, whether publicly or privately owned. The permit holder will absorb all costs and expenses associated with relocation/removal.

On expiration, surrender or termination of the permit for any reason the permit holder shall be required to remove the on-street dining facility, vacate the right-of-way and leave the space in a clean condition, clear of all property and debris, and restore the area to the satisfaction of the City Manager within thirty (30) days. If the permit holder fails to relocate and/or remove the on-street dining facility and restore the area to its original condition, the title to the on-street dining facility shall automatically pass to the City and the permit holder shall forfeit any interest in or claim to the facility and all parts thereof and the City shall have the right to use the permit holder's ROW bond to remove and dispose of the on-street dining facility and restore the area.

MAINTENANCE, MONITORING AND ENFORCEMENT:

The on-street dining facility must be well maintained, clean, and kept in good order and condition at all times. City staff will monitor and enforce proper maintenance and appropriate use of spaces. The permit holder will be advised if an area is found to be out of compliance. Misuse of the space, safety violations, and/or lack of maintenance will be additional grounds for the City Manager to revoke the permit and require removal of the on-street dining.