



Bureau of Architecture and Engineering
Department of Environmental Services
City Hall Room 121B, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

SIDEWALK CAFÉ RULES AND REGULATIONS

Purpose:

The intent of these rules and regulations is to provide for outside dining areas within the public street right-of-way that enhance the streetscape and add a festive atmosphere to public areas in a controlled and safe manner.

Authorization:

The following rules and regulations relating to Sidewalk Cafes are established by the Commissioner of Environmental Services as provided for in Section 104-33B (10) of the City Code.

Definitions:

- Abandonment: Discontinued Operational Use for more than 30 days.
Amenity Zone: A portion of the Main Street sidewalk, approximately nine feet (9') wide, between the curb and the alternating grey and rose paver strip designated for the placement of trees, benches, bus shelters and other street appurtenances.
Central Business District: The area bounded by the Inner Loop, but excluding the Inner Loop and its frontage roads.
Main Street District: The portion of the Main Street right-of-way between Chestnut Street and Plymouth Avenue.
Operational Use: Anytime when tables, chairs or apparatus relating to the Sidewalk Café occupy the public street right-of-way.
Sidewalk Café Operator: Operator of a legally established qualified business (i.e. retail sales and service, restaurants, and bars) that is named on the permit.
Sidewalk: That paved portion of street between the curb lines and the adjacent street boundary lines intended for pedestrian use.
Sidewalk Café: Tables and chairs placed on the public sidewalk for the purpose of providing outdoor seating in connection with the operation of a legally established qualified business on the first floor of an adjoining premises
Vending Unit: Non- motorized equipment, meeting the requirements outlined in Section 62-6 A(5) of the City Code, to be used for the preparation and/or sale of food.
Sidewalk Café Boundary: Approved perimeter marking at the physical limit of a Sidewalk Café. Perimeter markings may include fencing, railings or planter materials.



Tree lawn:	The area of the street right-of-way designated for lawn and trees typically between the street curb and street- side sidewalk edge.
Sidewalk Pedestrian Path	The portion of the Sidewalk with continuously unobstructed sidewalk width of not less than five feet (5') (eight feet (8') minimum for Main Street District) allowing pedestrian through movement.

Sidewalk Café Permit Application Submittal Requirements:

Operators of a restaurant desiring to place café tables and chairs in a public sidewalk area must include the following information with the application for a Sidewalk Café permit package:

- Permit Application
- Sidewalk Café Rules and Regulations Acknowledgment Form
- Scaled Drawing (applications will not be accepted without a proper scaled drawing)
- Insurance Certificates (Liability & Workmen’s Compensation)
- Permit fee

Applications should be addressed to:

City of Rochester
 Department of Environmental Services
 Engineering Permit Office
 30 Church Street/Room 121B
 Rochester, NY 14614

Rules and Regulations:

General Rules and Regulations:

1. An annual permit from the City Engineer is required to establish a Sidewalk Café. Sidewalk after permits are seasonal permits valid between April 1st and November 30th.
2. Sidewalk Café permits shall only be issued to applicants who will operate the café in connection with the legally established operation of the qualified business on the first floor of adjoining premises. A Sidewalk Café permit does not allow for cooking and/or preparation of food on the Sidewalk, except in conjunction with a Vending Unit.
3. Sidewalk Cafés shall only occupy the Sidewalk adjacent to the adjoining premises.
4. Liability insurance must be maintained for the duration of the permit.
5. Sidewalk Café Operators are responsible for providing continuous monitoring and supervision of Sidewalk Cafés during Operational Use.
6. Sidewalk Café Boundaries are not permitted in the Main Street District.
7. Sidewalk Café applicants shall obtain approval, if appropriate, from the State Liquor Authority for alteration to the building foot print.

Design Rules and Regulations:

1. Sidewalk Cafés and Boundaries shall be aesthetically pleasing and constructed with quality materials and workmanship to ensure the safety and convenience of users and enhance the visual and aesthetic quality of the urban environment. Design, materials and colors shall be sympathetic and harmonious with the urban environment and compliment the design and colors of adjacent buildings and the surrounding area.
2. Sidewalk Cafés must consist of a minimum of two (2) tables and four (4) chairs.
3. A Sidewalk Café may occupy a maximum of one-third (1/3) of the width of the Sidewalk adjacent to the building, except within the Main Street District. Sidewalk Cafes within the Main Street District must be located within the designated Amenity Zone.
4. Sidewalk Cafés and Boundaries must provide a minimum clearance width of five feet (5') (eight feet (8') in the Main Street District) of unobstructed Sidewalk Pedestrian Path, exclusive of meters, sign posts, trees, tree grates, etc. The Tree Lawn area may not be used as part of the Sidewalk Pedestrian Path.
5. Sidewalk Cafés and Boundaries shall not interfere with pedestrian traffic flow, access to building entrances/exits, or pedestrian and vehicle traffic safety.
6. Sidewalk Cafes and Boundaries must maintain the following minimum clearances:
 - a. 3' from the curb
 - b. 10' from driveway curb cuts
 - c. 5' from crosswalks
 - d. 5' from fire hydrants
 - e. 15' from bus stops or bus shelters
 - f. 4' from tree pits
 - g. 3' from trash receptacles
 - h. 3' from newspaper boxes
 - i. 5' from benches
 - j. 3' from planters
 - k. 2' from utility or areaway grates or hatchways
 - l. 3' from street light poles
7. Sidewalk Cafés and Boundaries shall comply with Americans with Disabilities Act "ADA" rules and regulations.
8. Sidewalk Cafés and Boundaries must provide a continuous passageway between tables/chairs and the Boundary with a minimum clearance width of three feet (3'). Sidewalk Café Boundaries must contain at least one ingress/egress passageway with a minimum clearance width of 44 inches; and an additional ingress/egress opening in direct connection with each doorway of the adjoining building. Sidewalk Café and Boundary dimensions must be clearly indicated on the application site drawing.
9. Sidewalk Café Boundaries shall be free standing, continuous, and free of sharp edges and projections. Acceptable materials may include planters with flowers or foliage, decorative fencing, or other approved materials. Boundary height shall be a minimum of 36 inches and not exceed 42 inches. Sidewalk Café Boundaries shall be designed to withstand typical adverse wind loads and weather conditions. Anchoring bases shall not project more than 6 inches beyond the Boundary nor exceed 1 inch in height.

10. No portion of a Sidewalk Café Boundary, except for anchoring bases, or any object placed within the Sidewalk Café area shall swing, cantilever, or project beyond the approved Sidewalk Café perimeter or the Sidewalk Café Boundary.
11. Canopies, awnings and apparatus (such as umbrellas) must be firmly anchored to withstand typical adverse wind and weather conditions. Separate permits must be obtained for canopies or awnings.

Operational Rules and Regulations:

1. Sidewalk Café Operational Use is limited to providing outdoor seating for restaurant business.
2. Permitted hours of Operational Use are 7:00 A.M. to 11:00P.M.

The City Engineer may grant time extensions to midnight (12:00 A.M.) for a Sidewalk Café located within the Central Business District (CBD) or Commercial & Industrial Zoning Districts provided the Sidewalk Café is not closer than one hundred (100) feet to a residential district.


3. The Sidewalk Café Operator shall display the hard copy permit card and the site drawing in the ground floor window at all times.
4. The Sidewalk Café Operator shall maintain the Sidewalk Café area in a neat and orderly manner; including free from debris/litter at all times.
5. The Sidewalk Café Operator shall remove tables, chairs and apparatus from the sidewalk daily after hours of Operational Use. Tables and chairs shall not be chained or otherwise attached to street light poles, street trees, or other street appurtenances.
6. Sidewalk Café Boundaries shall be temporary and shall be removed daily after hours of Operational Use. Sidewalk Café Operators may request a waiver of daily removal of Sidewalk Café Boundary. Requests for a waiver of daily removal of boundaries shall include drawings of proper anchoring and installation and shall be submitted to the City Engineer for approval.
7. The removal of a Sidewalk Café may be ordered by the Commissioner of Environmental Services, the City Engineer, the Chief of Police, the Fire Chief, or their designated representative. The Sidewalk Café Operator shall immediately remove tables, chairs, apparatus and Boundaries if so ordered. The Sidewalk Café Operator is responsible for removal of the tables and chairs as necessary to accommodate utility, maintenance, or other related work within the public street right-of-way.
8. The Sidewalk Café Operator may be required to indicate (mark- off) the approved Sidewalk Café areas, as directed by the City Engineer, if in non-compliance with proper maintenance of the minimum sidewalk pedestrian path clearance.
9. The Sidewalk Café Operator is responsible for providing ash trays if smoking by their patrons is allowed. Ash trays must be emptied at least once every hour. If ash trays are not provided, operators must actively enforce "No Smoking". Smoking areas must be in compliance with New York State (NYS) laws.
- 10, Sidewalk Café permits shall take precedence over special Main Street vending permits if the Sidewalk Café permit is applied for by December 10th of the preceding calendar year.

11. A Sidewalk Café site will be considered abandoned if the Sidewalk Café Operator or property owner notifies the Permit Office in writing that tables and chairs will no longer be placed on the public sidewalk.
12. A Sidewalk Café site will be considered abandoned if the adjacent restaurant discontinues its operation or moves to a different location.
13. A Vending Unit must be operated in accordance with all provisions of Chapter 62 of the City Code.
14. Advertising within Sidewalk Cafés is prohibited.
15. Maximum Occupancy: The number of persons occupying a Sidewalk Café shall not exceed the permitted number of chairs.
16. Alcoholic Beverages: Any sale, consumption or possession of alcoholic beverages shall be subject to all applicable laws and ordinances.
17. Sidewalk Cafés shall not to be operated during snowfall conditions. Tables, chairs, related apparatus and boundaries shall be removed with snowfall accumulation of 2" or more.

Limits: These rules shall not be construed as permitting or otherwise authorizing any act contrary to established federal, state, or local laws or ordinances.

Revisions:

These rules and regulations may be revised periodically as deemed appropriate by the Commissioner of Environmental Services.



Norman Jones
Commissioner
Department of Environmental Services

2/27/14
Date