

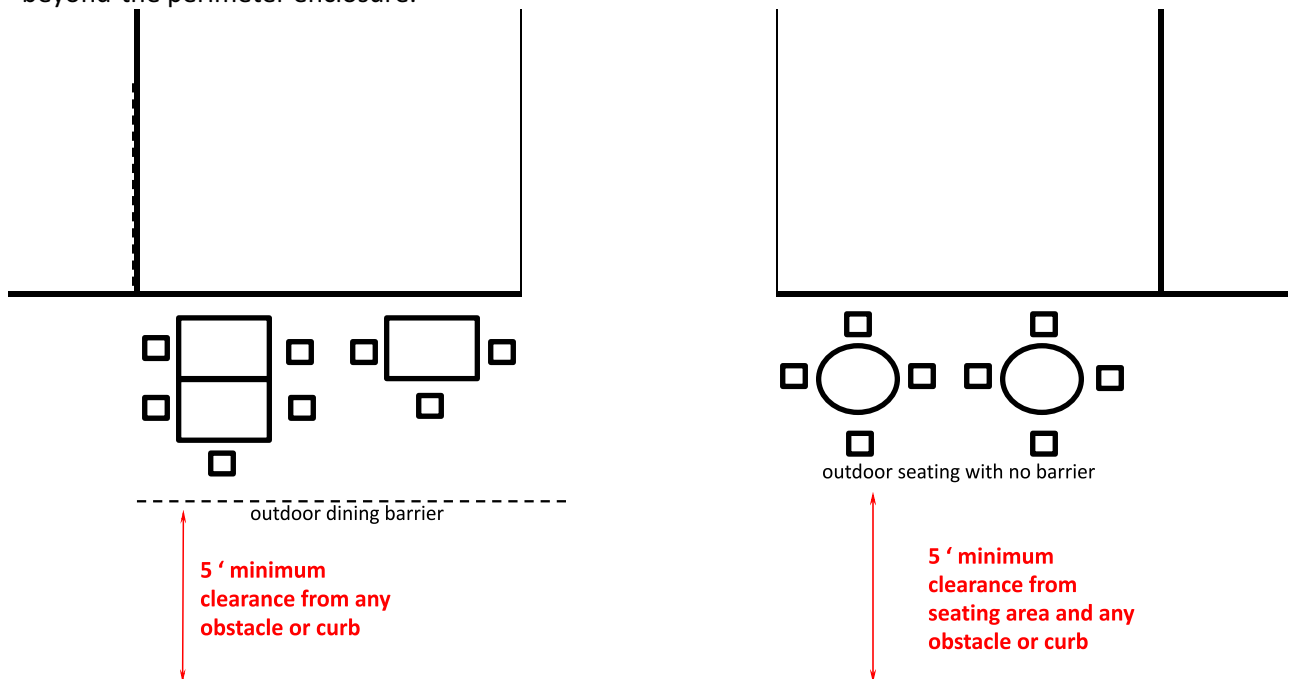
## Outdoor Seating within the City Right-of Way Design Standards and Permit Application

The City of Manistee has established General Policy 47 Commercial Uses Permitted within the City Right of Way that saves time and expense by pre-establishing standards for outdoor seating in the City right-of-way. The placement of tables and chairs in conjunction with selling and consuming food and/or alcohol provides expansion areas for businesses while providing a positive contribution to the community through an outside dining environment.

Outdoor seating is an area where furniture, umbrellas, barriers/fencing, or planters are placed within the City right-of-way intended for the purpose of consuming food or beverages by patrons to a food or beverage service establishment. These areas are located adjacent to a business with the same operator. Outdoor seating areas provide for the expansion of service areas by creating spaces to socialize which are safe and attractive to the patrons and pedestrians. These are temporary dining areas that occupy a part of the public right-of-way permitted to be open from 7 am to 11 pm.

**Unobstructed Pedestrian Passage Requirements/Circulation Room** - At least five (5) feet of unobstructed pedestrian space is required. The five (5) feet of pedestrian space must be clear of obstructions caused by posts, hydrants or any other infrastructure. **Given the limited space on the sidewalk, to lessen conflicts with wait staff, a business may have either outdoor seating or parklet(s).**

If a perimeter enclosure is used, adequate space must be provided within an enclosed outdoor dining area to permit movement of patrons and wait staff. Wait staff may not serve patrons from beyond the perimeter enclosure.



● light post

● light post / trash can

**Furniture** - All furniture and fixtures must be durable and of sufficiently sturdy construction as not to blow over with normal winds. A wide range of furniture styles, colors and materials are permitted. All furniture and fixtures must be maintained in good visual appearance, without visible fading, dents, tears, rust, corrosion, or chipped or peeling paint. All furniture and fixtures must be maintained in a clean condition at all times. No plastic or florescent furniture is permitted.

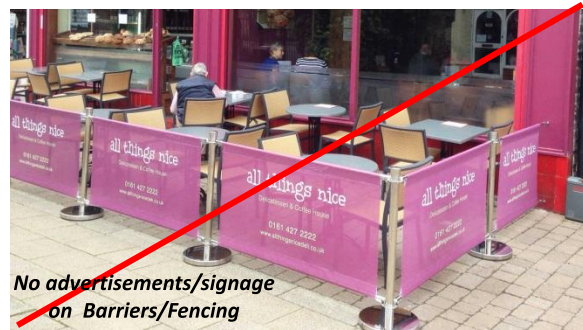


**Umbrellas** - To ensure effective pedestrian flow, all parts of any umbrella (including the fabric and supporting ribs) must be contained entirely within the outdoor seating area. If the umbrella has a minimum height of eight feet so as to provide adequate space for average height adults to walk underneath it may be outside the seating area with review and approval by the DDA Director or Planning & Zoning Administrator. Umbrellas must not contain signage for the restaurant or for any other entity in the form of wording, logos, drawings, pictorial or photographic representations, or any other likewise identifying characteristic. Umbrella fabric must be of a material suitable for outdoor use and must be canvas-type. No plastic fabrics, plastic/vinyl-laminated fabrics, or any type of rigid materials are permitted.



**Barriers/Fencing** - Sectional fencing (generally defined as rigid-fence segments that can be placed together to create a unified fencing appearance) is a required barrier for outdoor seating areas. Such fencing is portable, but cannot be easily shifted by patrons or pedestrians, as can less rigid forms of enclosures. Sectional fencing must be of metal (aluminum, steel, iron or similar) and painted or coated black. Any barrier (whether sectional fencing or rail-type) must be freestanding without any permanent or temporary attachments to buildings, sidewalks or other infrastructure. Barriers/Fencing must not contain signage for the restaurant or for any other entity in the form of wording, logos, drawings, pictorial or photographic representations, or any other likewise identifying characteristic.

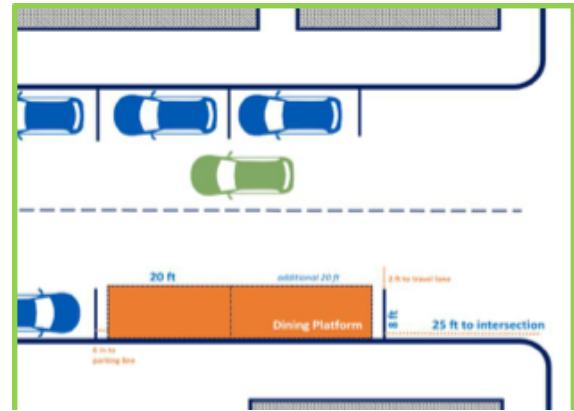
Any access opening within the barrier must measure no less than 44 inches in width. Access openings should be placed in a location that will not create confusion for visually impaired pedestrians.



**Planters** - Planters may be used in addition to or in place of other barrier designs in order to provide added visual interest and create a more attractive and welcoming atmosphere. All planters must have plants contained within them. Artificial plants, empty planters or planters with only bare dirt, mulch, straw, woodchips or similar material are not permitted.



**Parklets (Dining Platforms)** – The parklet should have a minimum width of 6-feet and cannot extend wider than the designated parking space. All parklets can occupy no more than two parking spots and require a 4-foot buffer from active parking spots using a wheel stop. Platforms cannot interfere with the utility access or curbside drainage. They should not be placed at corners and must be at least 25-feet from an intersection or driveway. For an intersection, the 25 foot measurement begins with the innermost crosswalk line. When considering the location of a parklet, especially near an intersection, turning traffic volumes, sightlines, visibility, and daylighting should be taken into account.

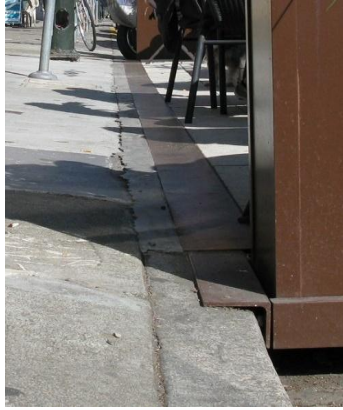
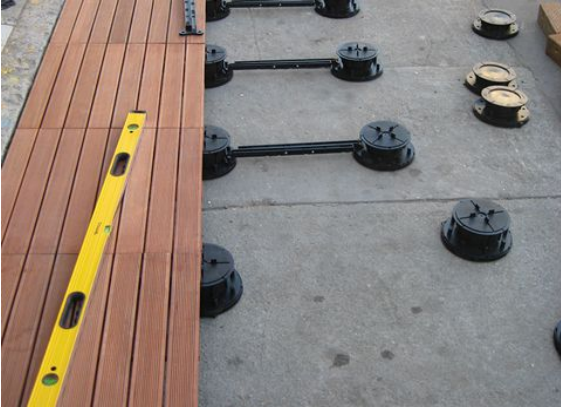


#### Parklet Design Requirements:

- Parklets should have vertical elements that make them visible to traffic, such as flexible posts or bollards.
- Seating should be incorporated into the design of the parklet. Movable items like tables and chairs must be locked down at night or taken indoors.
- Every platform shall meet construction standards of both the city's Building Code and the Americans with Disabilities Act Accessibility Guidelines.
- Parklets should have a flush transition at the sidewalk and curb to permit easy access and avoid tripping hazards.
- Incorporate seating into the parklet. Seating may be integrated into the design itself or made possible with moving tables and chairs.
- Parklets should use a slip-resistant surface to minimize hazards and should be accessible to wheelchair users.
- Installation must be done by a certified contractor.
- The sub-structure of the parklet should provide a level surface. "Bison pedestals" can be useful for sloping streets. Include an open guardrail to define the space. Railings should be no higher than 3 feet and be capable of withstanding at least 200 feet of horizontal force.
- Applicants must have a plan for removing graffiti and must wash the parklet surface and rinse out the street below the parklet at least weekly.
- Loose particles like sand and stone are prohibited.
- Advertising is prohibited.

\*See next page for photo examples.





**Alcohol/Liquor** - If an establishment is serving alcohol/liquor in an outdoor seating area within the City right of way it must operate in full compliance with compliance with the standards of the Michigan Liquor Control Commission and the design of any barrier shall meet the requirements of Policy #GP47 contained here within.

**Lighting** - The use of decorative lighting is permitted. Lighting shall not create glare or fall outside the use area. Bare bulb neon, blinking or “Chasing lights are prohibited.

**Cleaning** - The owner is responsible to maintain and clean the area daily or as needed to maintain the space in an orderly fashion.

**Portable Heaters** – Standing portable propane heaters are permitted, subject to review and approval by the Fire Department. Electric or fuel heaters other than propane are prohibited.

**Permits** - Outdoor Seating Permits are available May 1 through October 15 each year and requires an annual permit.

- o Permits for properties located in the DDA District will be administered by the DDA Director.
- o Permits for properties outside the DDA District will be administered by the Planning & Zoning Administrator.

## OUTDOOR SEATING PERMIT

Please Print

Applicant Information		
Name of Business Owner :		
Mailing Address:		
Phone #	Cell #	Email:
Name of Manager (if applicable):		
Phone #	Cell #	Email:
Property Information for Request		
Address:		
Name of Business:	Business Hours:	
Have you reviewed the Guidelines for Outdoor Seating? <input type="checkbox"/> yes <input type="checkbox"/> no		
Will you be serving/selling alcoholic beverages? <input type="checkbox"/> yes <input type="checkbox"/> no		
Required Attachments		
	<b>Site Plan:</b> A plan showing the proposed outdoor dining area with measurements (including a representation showing that at least 5 feet of unobstructed sidewalk space will remain for pedestrians).	
	<b>Photos or Drawing of Furniture:</b> Photos or other graphic representation (including color and material) of furniture and umbrellas.	
	<b>Proof of Insurance:</b> The property owner needs to add the City of Manistee as Additional Insured onto their Liability insurance coverage for use of City sidewalks. If serving alcohol, the City should also be on named as Additional Insured on the business owner's Liquor Liability coverage for use of City property to serve alcohol.	
Agreement to terms of permit		
<p>The undersigned, declares and says he/she wishes to be permitted to perform the operation, service or act stated hereon and that the statements made above are true and correct to the best of his/her knowledge and belief. The undersigned further says that he/she will comply with all provisions of the ordinances and policies of the City of Manistee relative to the operation, service or act for which the permit is requested. The undersign further agrees to hold the City of Manistee free and harmless from all liability which may be imposed upon it, to reimburse the City of Manistee for all expenses of litigation in connection with the defense of claims as such liability and claims may arise because of negligence in the performance of the work or act for which the permit was issued. The applicant acknowledges that the City may be required from time to time to release records in its possession. The applicant hereby gives permission to the City to release any records or materials received by the City from the applicant as it may be requested to do so as permitted by the Freedom of Information Act, MCL 15.231et seq.</p>		
Signature: _____ Date: _____		
<input type="checkbox"/> \$25.00 initial fee		
<input type="checkbox"/> \$25.00 annual renewal fee (waived if applicant supplies proof of insurance by April 30th).		
<i>If property is located in the DDA District application will be processed by the DDA Director and the fee will be payable to Manistee DDA</i>		
<i>If property is located outside the DDA District application will be processed by the Planning and Zoning Administrator and the fee will be payable to the City of Manistee.</i>		
Office Use Only		
Signature: _____ Date: _____		
<input type="checkbox"/> Received proof of Insurance		<input type="checkbox"/> Copy sent to City Clerk's Office