

**CITY OF UTICA  
SIDEWALK AND OUTDOOR CAFE APPLICATION**

Business Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

Business Phone/Email: \_\_\_\_\_

Business Owner: \_\_\_\_\_

Managing Agent: \_\_\_\_\_

Business Hours: \_\_\_\_\_

Alcoholic beverages served: yes \_\_\_\_\_ no \_\_\_\_\_

Outdoor entertainment: yes \_\_\_\_\_ no \_\_\_\_\_

**Description of Proposed Outdoor Furniture. (Include quantity, colors, materials, types):**

	Amount	Description
Chairs:	_____	_____
Tables:	_____	_____
Umbrellas:	_____	_____
Heaters:	_____	_____
Barrier:	_____	_____

The following must be submitted with this application:

- A detailed site plan to scale. All sidewalk obstruction shall be noted and detailed dimensions shall be clearly shown.
- A copy of your Certificate of Insurance naming the City of Utica as an additional insured.
- A photograph of your proposed sidewalk or outdoor café area.
- A photograph/vendor specification of proposed furniture.
- A photograph/vendor specification of proposed barrier and detail of how it will connect to the City sidewalk.

## **Purpose**

These Guidelines provide standards for the use of outdoor cafe areas in order to maintain a quality appearance in keeping with Utica's historic character. This document contains the Guidelines for furniture and fixtures considered acceptable within the architectural and cultural framework of Utica's main commercial corridor.

Central to the process of permitting outdoor cafes is the necessity of ensuring that furniture and other items placed along the street will be safe, effective, and complement the overall character of the district's architectural heritage. These Guidelines provide standards for the use of outdoor dining areas in order to enhance the historic character, visual quality, and public safety of the area.

The City of Utica permits outdoor dining through an administrative permitting process authorized by Article VII, Section 2-23-210 through 2-23-233 of the City of Utica Code of Ordinances (see attached). As such, the design of each outdoor cafe area must comply with these guidelines. Failure to comply will constitute a violation of codes, and will be referred to the City's legal department.

## **Background**

The City of Utica is pleased to offer restaurants the option of utilizing the public sidewalk as outdoor café areas. Outdoor dining gives restaurant patrons an amenity that has become an increasingly popular feature in Downtowns across America. While the City encourages the use of outdoor dining arrangements, restaurant operators must be mindful of two important considerations: the safety and flow of pedestrian traffic, and visual appropriateness of café areas.

These Guidelines are intended to ensure that restaurants use the public sidewalk for outdoor dining in a way that is safe for pedestrians, attractive to patrons, and appropriate for the historic district.

## **Application**

To apply, an owner needs to complete the following:

- Application Form and Processing Fee: A brief form with basic information about the restaurant, owner(s), and the project along with a \$100 application fee.
- Site Plan and Photos: A plan and photos showing the proposed outdoor dining area with measurements and placement of furniture, barriers, and entryway.
- Samples: photograph/vendor specification, color and material of all furniture, awnings, umbrellas.
- Insurance: A copy of your current Certificate of Insurance naming the City of Utica as an additional insured.

For forms, information or questions, contact: The Urban and Economic Development Department at 315.792.0181 or visit in person at City Hall, 1 Kennedy Plaza, Utica, NY 13502. The UED office is on the second floor. Business hours are Monday – Friday from 8:30 am – 4:30 pm.

This application along with the above items shall be returned to:

The City of Utica Engineering Department  
1 Kennedy Plaza  
Utica, NY 13502  
315.-792-0152

The applicant has read and covenants to comply with the Utica Municipal Code Article VII, Sectoin 2-23-210 through 2-23-233 (as amended), and desires to operate a sidewalk or outdoor café.

I will defend, indemnify and save harmless the City of Utica and its officers and employees from any and all loss, liability, damages, or judgments resulting from any claims made against any of them by reason of, or in connection with, operation of an outdoor dining area on a public sidewalk. I waive any loss or damage (direct or consequential) that may arise from the application of the provisions of Utica Municipal Code Article VII, Section 2-23-210 through 2-23-233 (as amended) and/or the regulations adopted as amended from time to time, and/or any condition or requirements applied or imposed by the City in connection with a sidewalk or outdoor café.

Business Owner/Agent Signature: \_\_\_\_\_ Date: \_\_\_\_\_

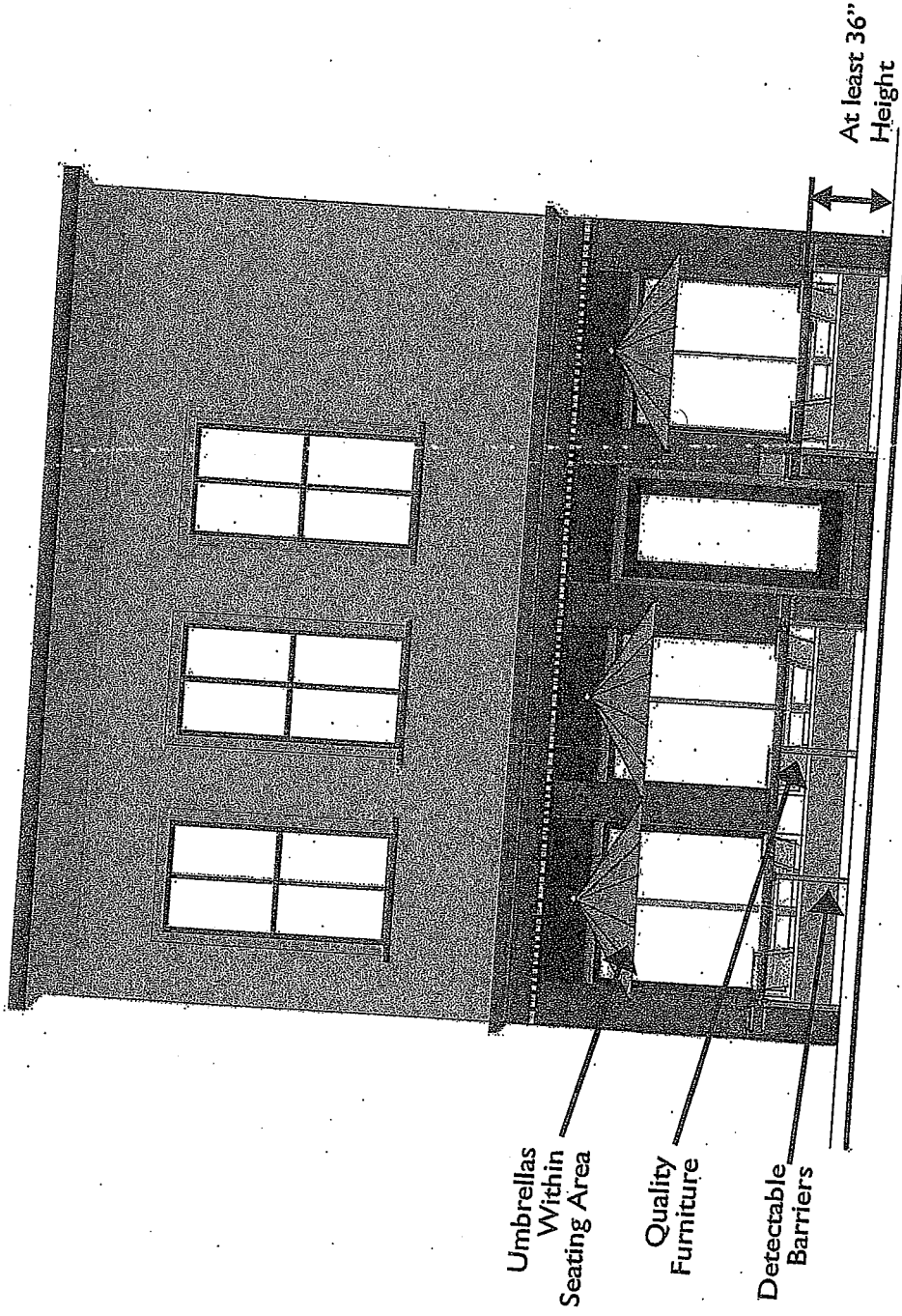
Staff Review:  
Scenic & Historic \_\_\_\_\_

Urban and Economic Development \_\_\_\_\_

Fire Department \_\_\_\_\_

##end##

# Elements of a Quality Outdoor Seating Area



## Chapter I: Barriers

Dining area barriers (fences, gates, ropes etc.) are visually appealing and help to separate the dining area from the sidewalk. All barrier material must be maintained in good visual appearance, without visible fading, dents, tears, rust, corrosion, or chipped or peeling paint.

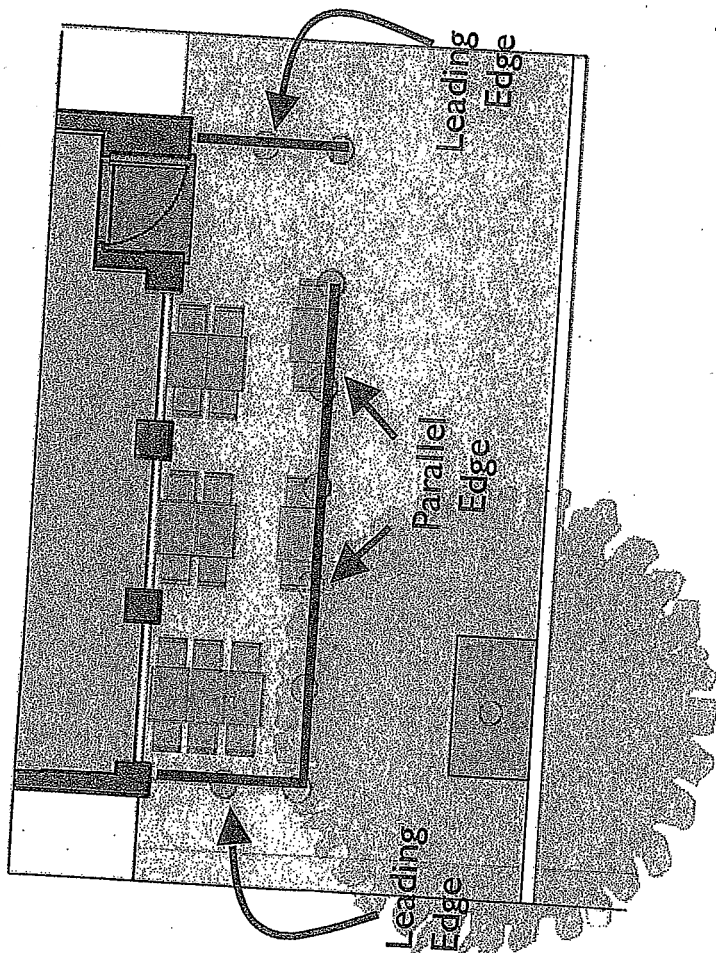
Barriers are required in the following instances:

- a) **Required for Leading Edge of All Dining Areas:** A detectable barrier is required for the leading edge of all outdoor dining areas to ensure that visually impaired pedestrians using canes can detect the dining area safely. The leading edge, illustrated at left, is defined as the section of a dining area that is at or near a perpendicular angle to the building wall and/or curb line.

- b) **Required for Full Perimeter of Some Dining Areas:** A detectable barrier is required for the full perimeter (with the exception of access openings) 3 feet into the public right of way. The perimeter includes both the leading edge and parallel edge.

Restaurants which do not serve alcohol and whose outdoor seating area extends less than 3 feet into the public right-of-way are not required to enclose the full perimeter of the seating area, but may do so on an optional basis.

- c) **Required for Full Perimeter of All Outdoor Dining Areas Serving Alcohol:** State law requires that outdoor dining areas where alcohol is served or consumed must enclose the area with only one opening to the sidewalk for access.



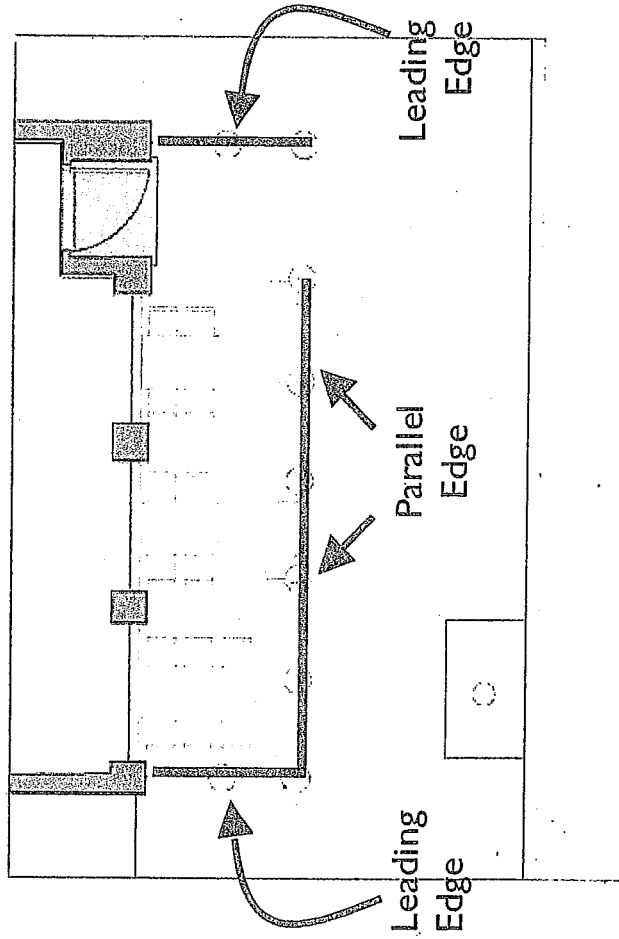
**FIGURE 1**  
*Illustration of leading edge and parallel edge of barrier*

## Chapter I: Barriers

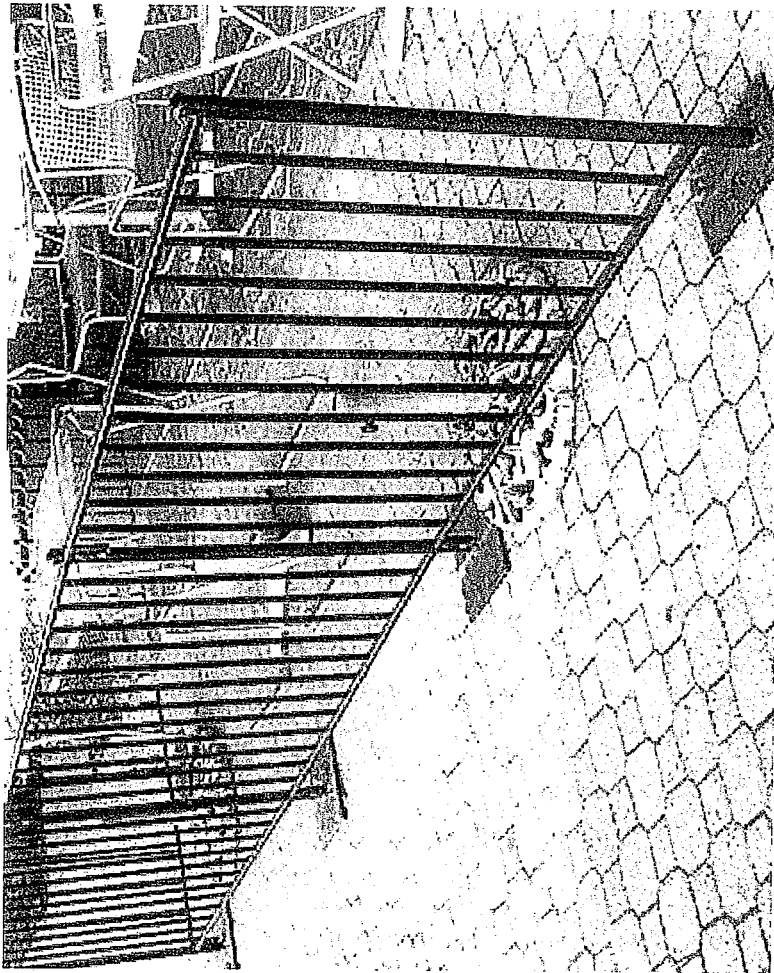
Dining area barriers (fences, gates, ropes etc.) are visually appealing and help to separate the dining area from the sidewalk. All barrier material must be maintained in good visual appearance, without visible fading, dents, tears, rust, corrosion, or chipped or peeling paint.

Barriers are required in the following instances:

- a) **Required for Leading Edge of All Dining Areas:**  
A detectable barrier is required for the leading edge of all outdoor dining areas to ensure that visually impaired pedestrians using canes can detect the dining area safely. The *leading edge*, illustrated at left, is defined as the section of a dining area that is at or near a perpendicular angle to the building wall and/or curb line.
  - b) **Required for Full Perimeter of Some Dining Areas:**  
A detectable barrier is required for the full perimeter (with the exception of access openings) when the outdoor seating area extends more than 3 feet into the public right of way. The perimeter includes both the leading edge and parallel edge.
- Restaurants which do not serve alcohol and whose outdoor seating area extends less than 3 feet into the public right-of-way are not required to enclose the full perimeter of the seating area, but may do so on an optional basis.
- c) **Required for Full Perimeter of All Outdoor Dining Areas Serving Alcohol:** State law requires that outdoor dining areas where alcohol is served or consumed must enclose the area, with only one opening to the sidewalk for access.



**FIGURE 1**  
*Illustration of leading edge and parallel edge of barrier*



**FIGURE 2**  
*Acceptable sectional fencing design*

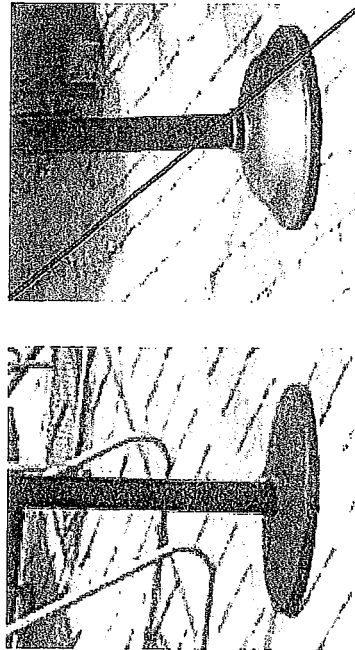
## I.1 Barrier Designs

**Rope or Chain Rails:** Rope or chain-type barriers (generally defined as enclosures composed of a rope or chain suspended by vertical elements such as stanchions) are permitted if they meet the following guidelines:

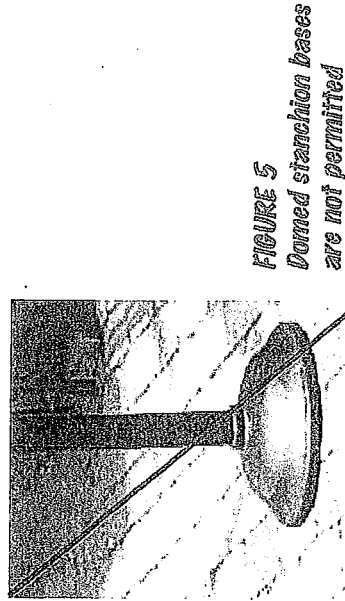
- **Rope/Chain Diameter:** The rope or chain must have a minimum diameter of 1 inch, in order to maintain detectability by the visually impaired.
- **Posts:** Vertical support posts (stanchions, bollards, etc.) must be constructed of wood or metal (aluminum, steel, iron, or similar).
- **Stanchion Base Must Not Be A Tripping Hazard:** If a stanchion or other vertical supporting device is attached to a base, that base must be flat and must measure no more than one-half ( $1/2$ ) of an inch above the sidewalk surface. No domed stanchion bases are permitted.



**FIGURE 3**  
*Rope or chain barrier must have a minimum diameter of 1 inch*



**FIGURE 4**  
*Stanchion base must be flat and no more than 1/2" above sidewalk surface*

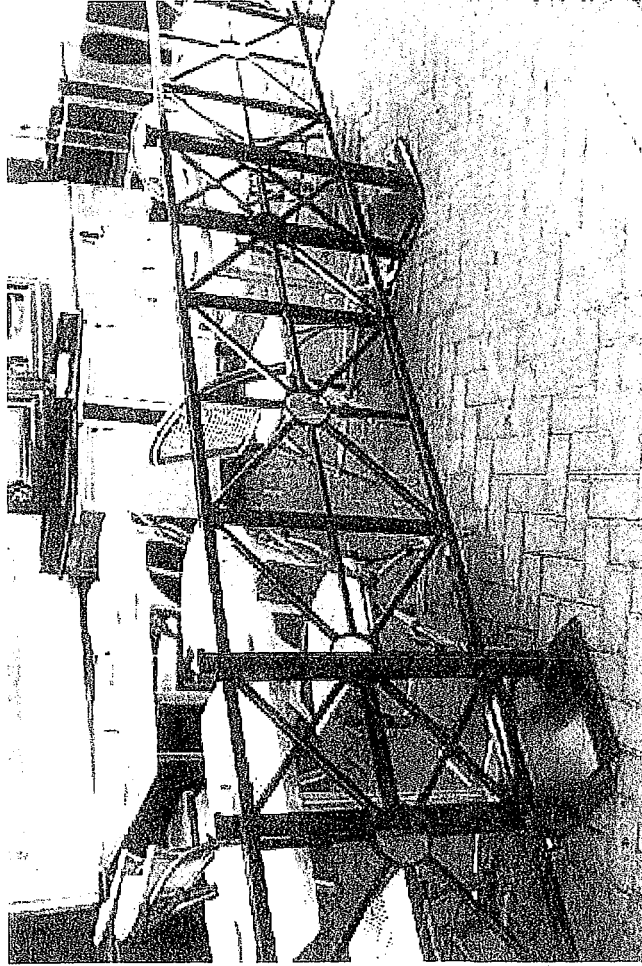


**FIGURE 5**  
*Domed stanchion bases are not permitted*



## 1.1 Barrier Designs

**Freestanding:** Any barrier (whether sectional fencing or rail-type) must be freestanding, without any permanent or temporary attachments to buildings, sidewalks or other infrastructure.

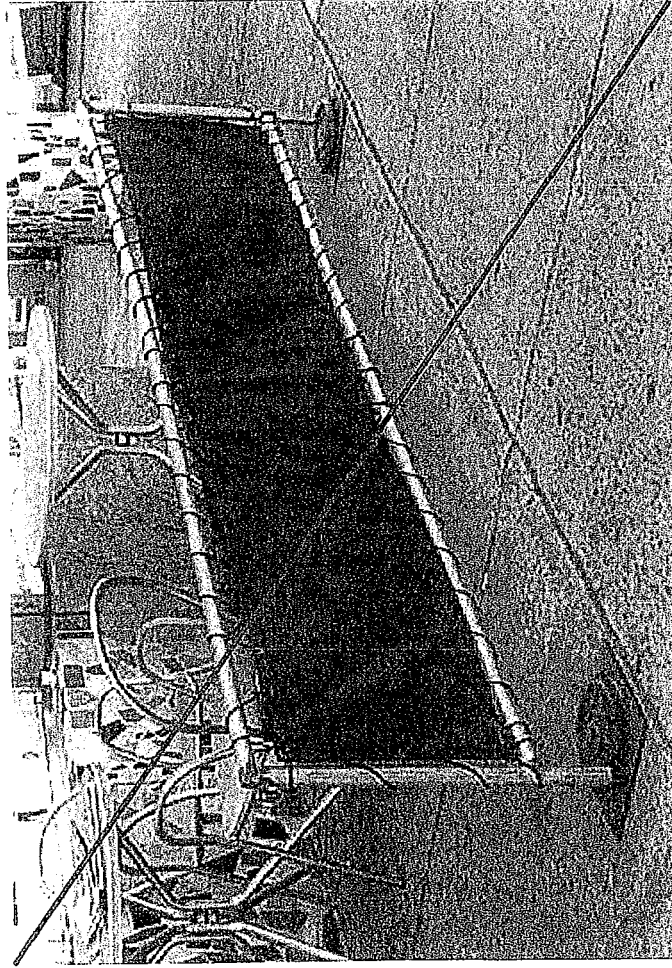


**FIGURE 6**  
*Acceptable sectional fencing design: freestanding*

## 1.1 Barrier Designs

### Prohibited Barrier Styles:

- **Fabric Inserts:** Fabric inserts (whether natural or synthetic fabric) of any size are not permitted to be used as part of a barrier.
- **Chain-link and Other Fencing:** The use of chain-link, cyclone fencing, chicken wire or similar appurtenances is prohibited. Materials not specifically manufactured for fencing or pedestrian control (including but not limited to buckets, food containers, tires, tree stumps, vehicle parts, pallets, etc.) and not expressly permitted elsewhere in these Guidelines may not be used as components of a barrier.



**FIGURE 7**  
*Fabric inserts are not permitted to be used as part of a barrier*

## 1.2 Barrier Measurements

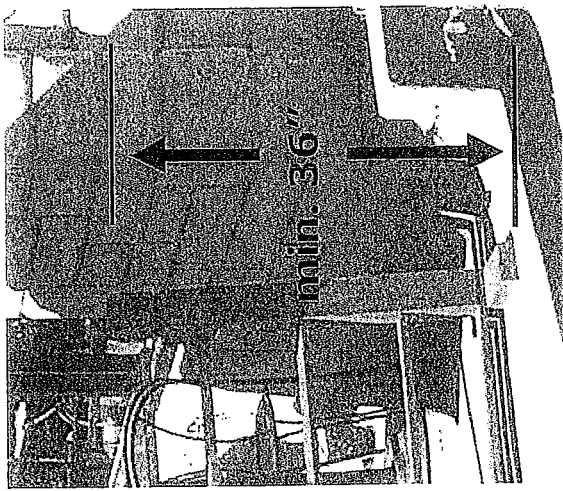
To ensure their effectiveness as pedestrian control devices and their detectability for persons with visual impairments, barriers must meet the following measurement guidelines:

**Height:** The highest point of a barrier (such as a stanchion) must measure at least 36 inches in height, with the exception of planters.

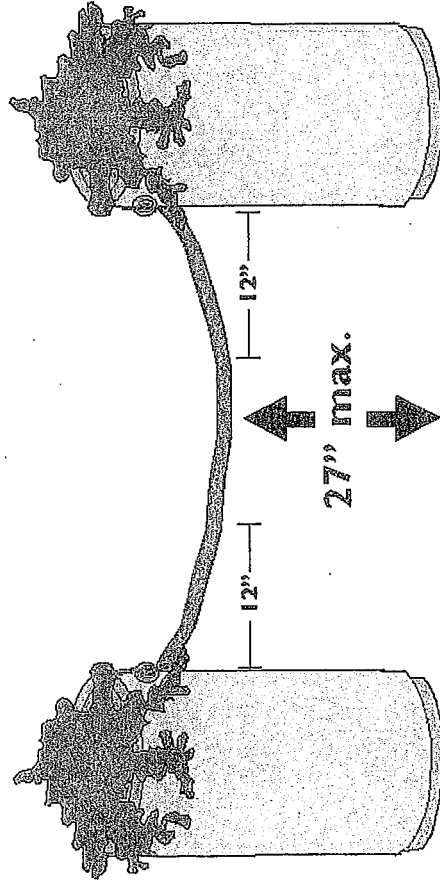
**“Open” Appearance:** Fences or other perimeter enclosures with a height of between 36” and 50” must be at least 50 percent open (see-through) in order to maintain visibility of street level activity. Any enclosure with a height over 50” must be at least 80 percent open (see-through).

**Maximum Distance from Ground:** All barriers must be detectable to visually impaired pedestrians who employ a cane for guidance. Therefore the bottom of barriers must be no greater than 27 inches above the sidewalk surface.

- **How to Measure Rope/Chain Distance from Ground:** In the case of a rope or chain enclosure, the rope/chain must not exceed 27 inches in height when measured 12 inches or more away from a vertical post (stanchion, bollard or other such support).



**FIGURE 8**  
*Sectional fencing barrier height must be at least 36”*

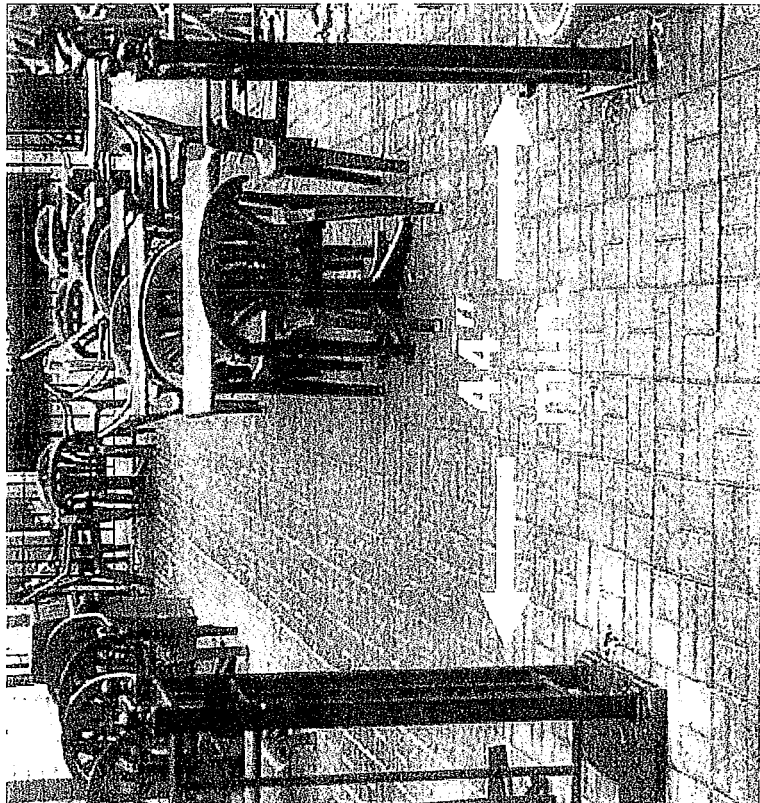


**FIGURE 9**  
*How to measure rope/chain distance from ground*

### 1.3 Access Openings

**Minimum Access Width:** Any access opening within the barrier must measure no less than 44 inches in width.

**Location:** Access openings should be placed in a location that will not create confusion for visually impaired pedestrians.



**FIGURE 10**  
*Minimum access width is 44 inches*

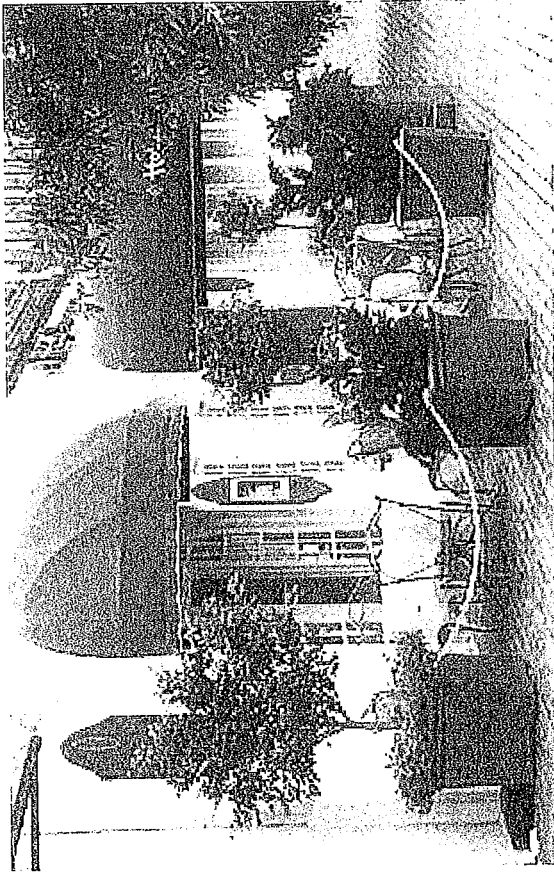
## 1.4 Planters

Planters may be used in addition to or in place of other barrier designs. In addition, planters may be used in situations where no barrier is required (for example, where the outdoor dining area does not extend more than three feet into the sidewalk) in order to provide added visual interest and create a more attractive and welcoming atmosphere.

Planters and the plants contained within them must meet the following requirements:

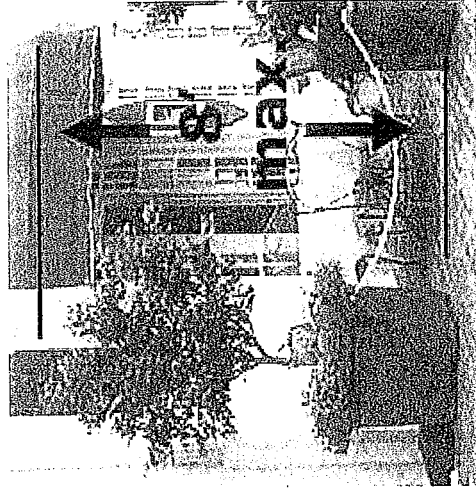
**Maximum Height of Planters:** Planters may not exceed a height of 36 inches above the level of the sidewalk. (This pertains only to planters, not the plants contained therein.)

**Maximum Height of Plants:** Plants (whether live or artificial) may not exceed a height of 108 inches (8 feet) above the level of the sidewalk.



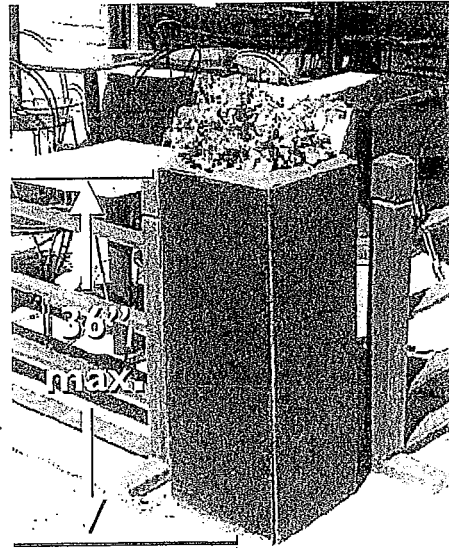
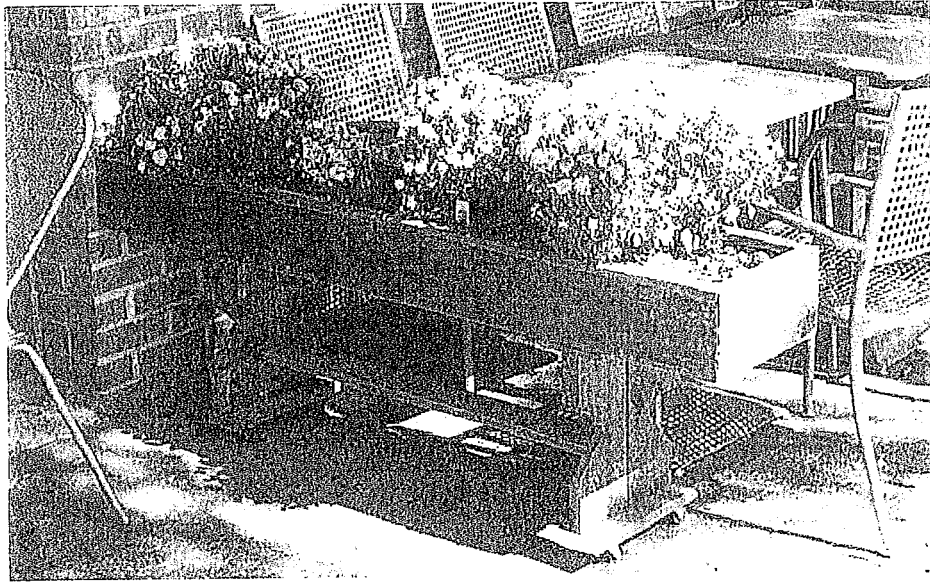
**FIGURE 11**

*Acceptable planter design and material*

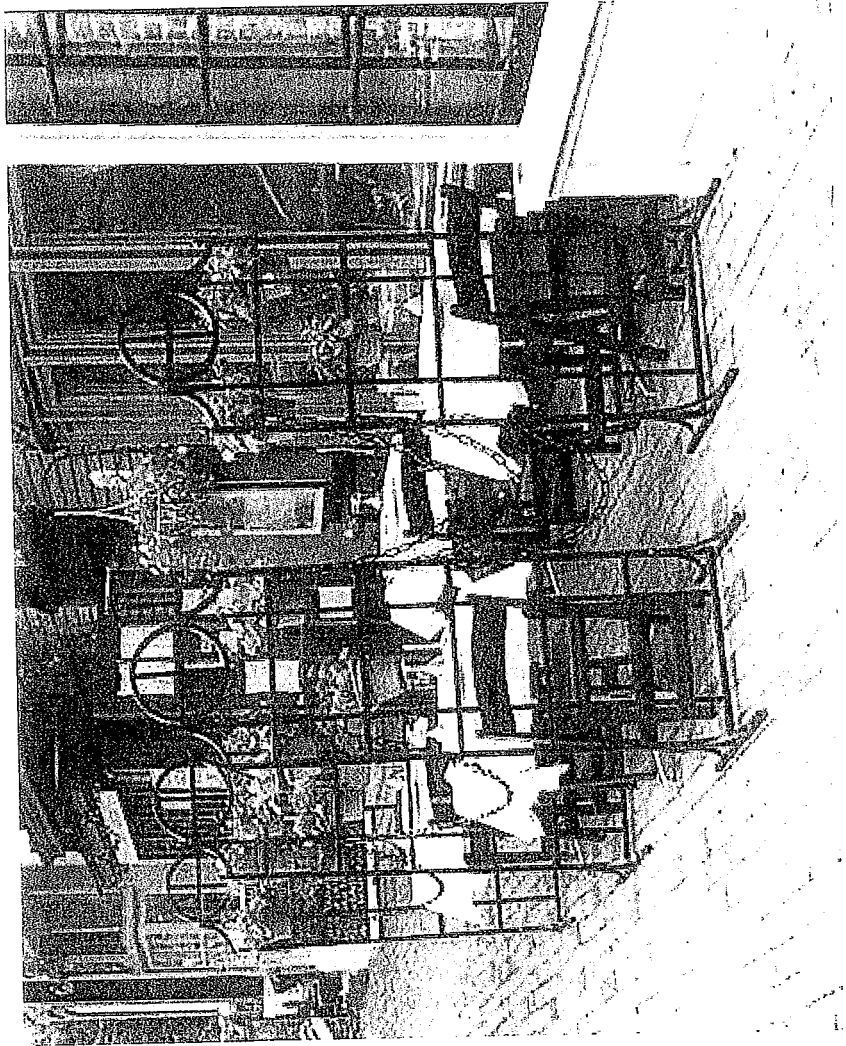


**FIGURE 12**

*Height of plants may not exceed 8'*

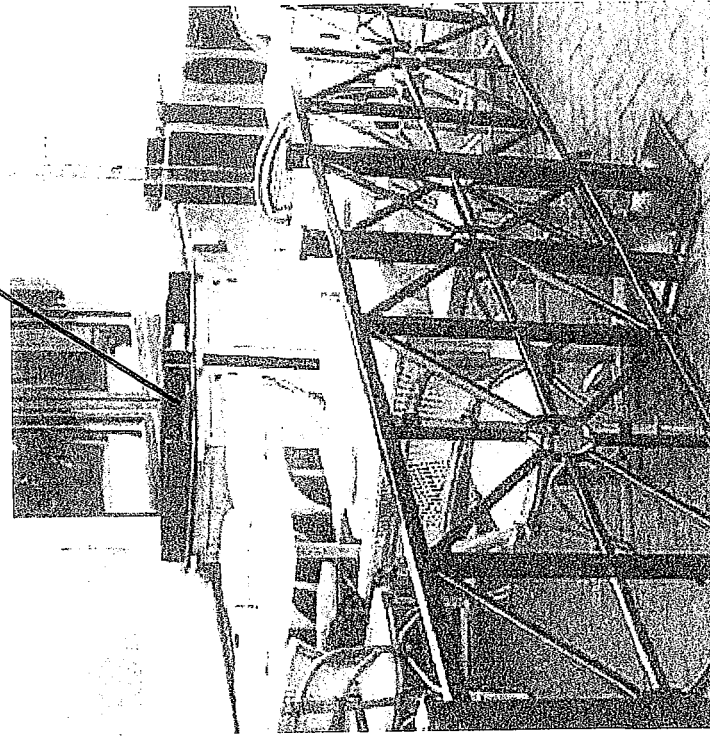


*FIGURES 13, 14 and 15  
Acceptable planter design and material*



## 2.1 Types of Furniture

Other furniture or equipment  
not permitted

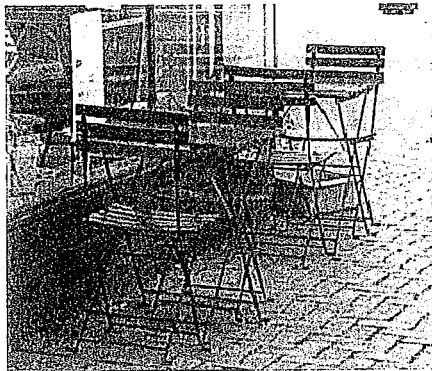
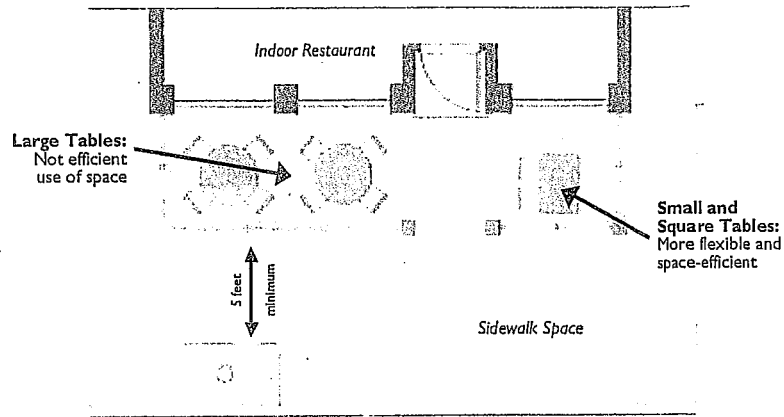


**Prohibited Furniture:** All furniture other than tables, chairs and umbrellas is prohibited. This includes but is not limited to serving stations, bar counters, shelves, racks, sofas, televisions, trash receptacles, heaters and torches.

**Freestanding:** Furniture and fixtures must not be secured to trees, lampposts, street signs, hydrants, or any other street infrastructure by means of ropes, chains or any other such devices, whether during restaurant operating hours or at times when the restaurant is closed.

**FIGURE 16**  
*Furniture other than tables, chairs and umbrellas is not permitted*





## 2.4 Umbrellas

Umbrellas can add a welcoming feel to outdoor dining areas and provide shelter from the elements, making their use desirable for outdoor dining applications. Appropriately designed and sized umbrellas are permitted for use under this outdoor dining program. Umbrellas must be free of advertisements and contained within the outdoor dining area, and the lowest dimension of an extended umbrella must be at least 7 feet above the sidewalk surface. All umbrellas must comply with the following conditions.

### **Contained Within the Outdoor Seating Area:**

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.

### **Minimum Height for Sidewalk Clearance:**

When extended, the umbrella must measure at least 7 feet above the surface of the outdoor dining area in order to provide adequate circulation space below. This measurement must include not only the umbrella frame and panels, but also any decorative borders such as fringes, tassels, or other such ornamentation.

**Maximum Height:** Any part of an umbrella used in an outdoor seating area may not exceed a height of 120" (10 feet) above the level of the sidewalk, in order to avoid causing an undue visual obstruction of other businesses.



## 2.4 Umbrellas

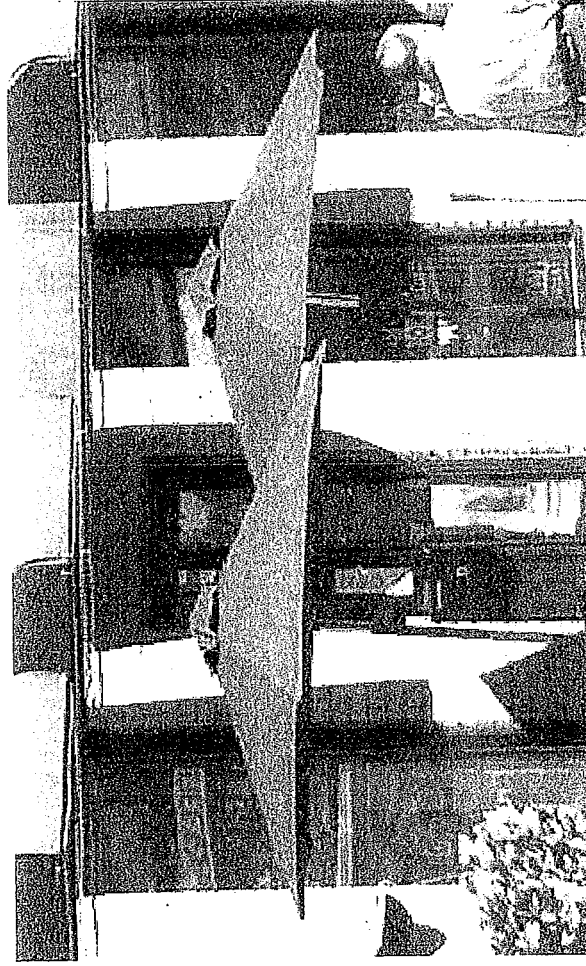
**Colors:** Umbrellas must blend appropriately with the surrounding built environment. Therefore, umbrella fabric is not permitted to be of any fluorescent or other strikingly bright or vivid color.

**Size and Shape:** The size and shape of an umbrella strongly affects its functionality within a constrained space such as an outdoor dining area. Due to the narrow measurements of most restaurants' outdoor dining areas, restaurants using umbrellas should strive for space-efficient umbrella designs.

**Square or Rectangular Umbrellas Preferred:** Square or rectangular umbrellas, as opposed to round or octagonal umbrellas, are strongly recommended

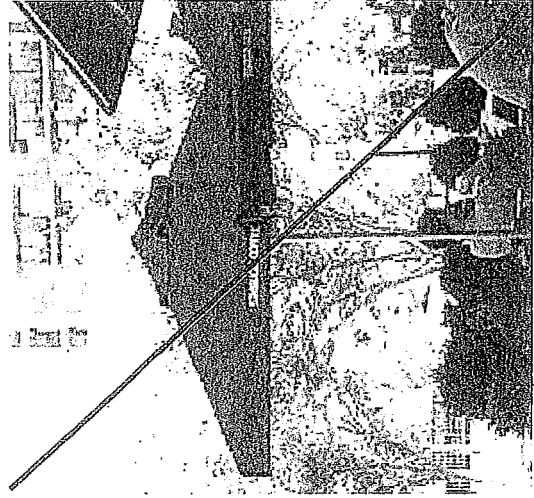
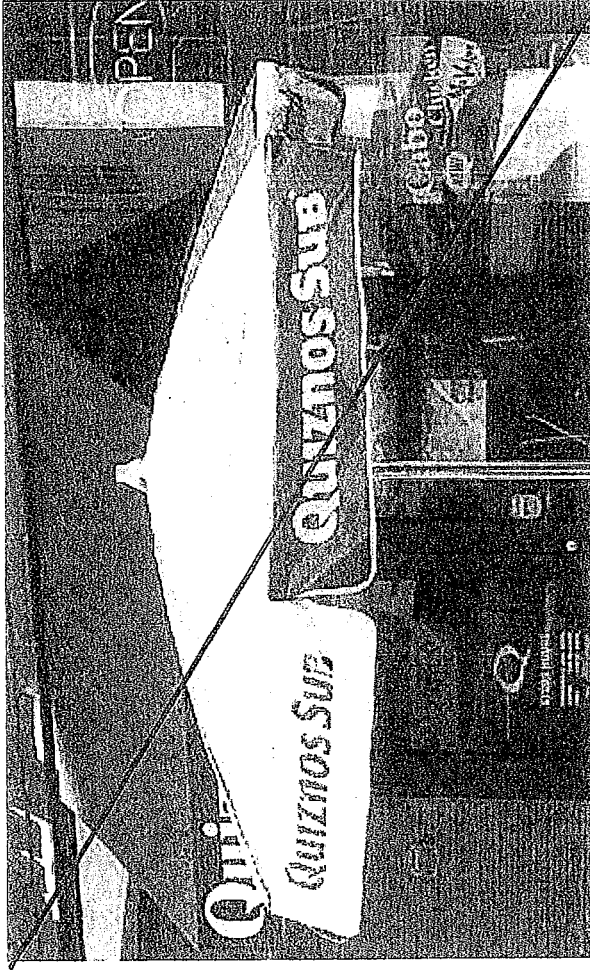
**Market-Style Umbrellas Preferred:** Market-style umbrellas – those designed specifically for patio or outdoor restaurant use – are preferred for outdoor dining purposes.

**Material:** 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 for use as umbrellas within an outdoor seating area.



## 2.4 Umbrellas

**Signage or Wording Prohibited:** 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.



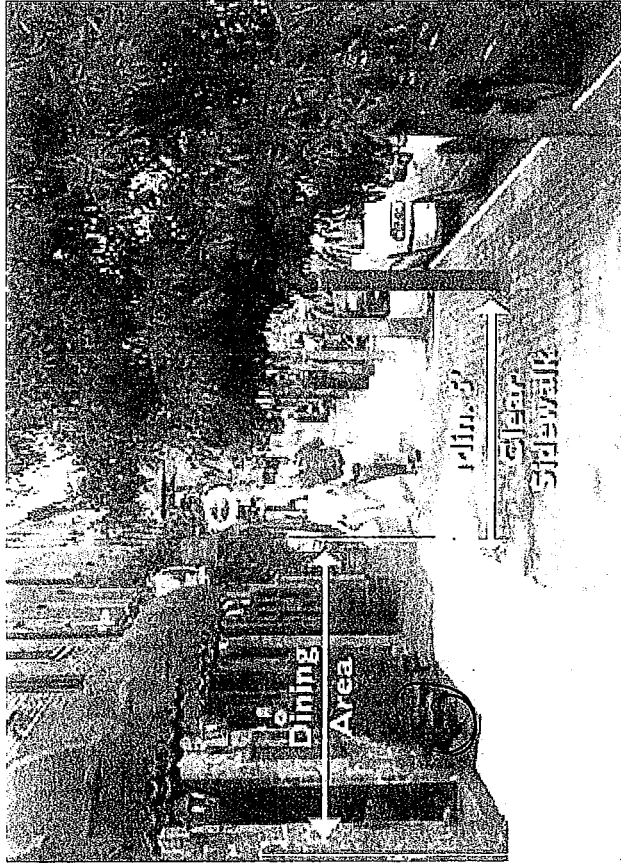
## 2.6 Circulation Room

As established in the Outdoor Dining Ordinance, all outdoor dining areas must leave at least 5 feet of unobstructed pedestrian space. This 5 feet of pedestrian space must be clear of obstructions caused by trees, tree wells, posts, hydrants, or any other infrastructure. In addition, no part of an outdoor dining area (including plants) may extend into the 5-foot-unobstructed zone.

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

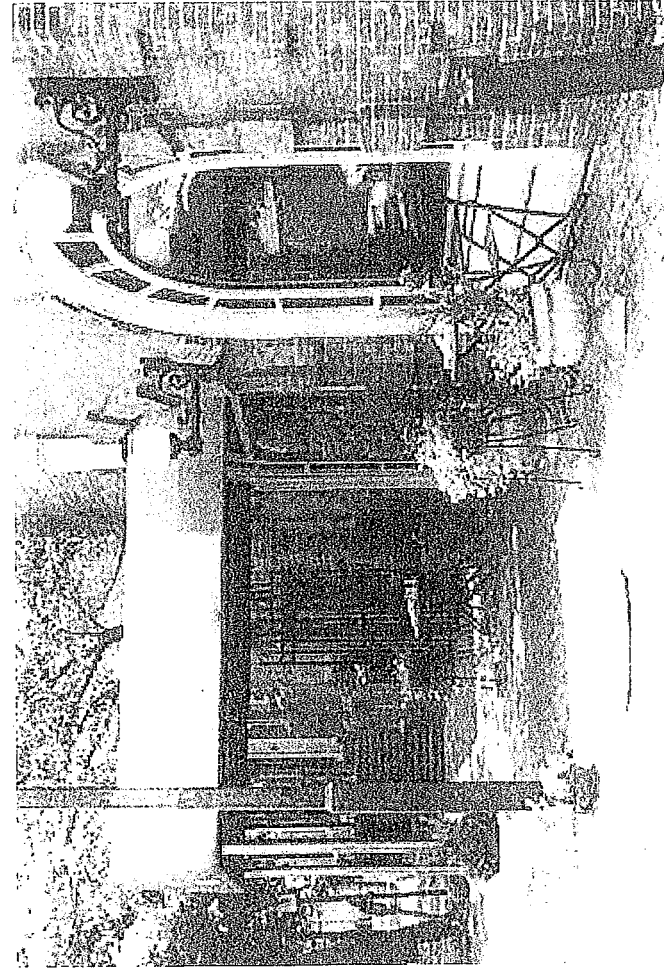
## 2.7 Signage

Signage is permitted within outside dining areas only with a valid City permit. No extra or additional signage is permitted solely as a result of an establishment's participation in this outdoor dining program.



*Outdoor dining areas must leave at least 5 feet of unobstructed pedestrian space*

## 2.8 Setback from Other Businesses



Restaurants need to be mindful of adjoining businesses when using outdoor dining areas, making sure that neighboring businesses remain visible to pedestrians and motorists.

A restaurant may be required to adjust the outdoor seating area's layout, dimensions or distance from the property line (2 feet or more) to ensure that this visibility is maintained.

*Neighboring businesses must remain visible to pedestrians and motorists*