



Sidewalk Café Application
Community Development Department
400 Washington Street
Burlington, IA 52601
(319) 753-8131

This Sidewalk Café Permit Application solely covers encroaching on the public right-of-way and by no means covers other permits or licenses required by individuals or businesses to bring or have merchandise for the purpose of selling the merchandise within the corporate limits of the City of Burlington. Sidewalk Cafés shall follow all applicable code requirements of the City of Burlington, including the encroachment policy as it applies to Sidewalk Cafes.

1) GENERAL INFORMATION

Address / Location of Sidewalk Cafe: _____

Name of Applicant: _____ Email: _____

Address: _____ Phone: () _____

Signature of Applicant: _____ Date: _____

Name of Property Owner: _____ Phone: () _____

Signature of Property Owner: _____ Date: _____

Length of Time Requested for Permit (one year maximum): _____

2) ENCROACHMENT INFORMATION

Describe the requested sidewalk cafe (use back of sheet if necessary). What is it, what does it include, barrier height, dimensions, hours of operation, how it will be managed, etc:

3) SUBMITTAL INFORMATION

____ **SITE PLAN MUST BE SUBMITTED:** Show proposed encroachments, dimensions of right-of-way and clearance around encroachment (sidewalk café) to curb, light poles, trash cans, etc., and all easements and utilities that are in the vicinity of the proposed encroachments. You may use a map from www.dmcgis.com to sketch site plan.

____ **PICTURE/ILLUSTRATION:** including dimensions of proposed encroachment, barrier and features.

____ **FORMS:** Copy of Insurance Certificate or Special Endorsement Form – releasing the City, its elected boards, officers, agents, and employees from liability or the above mentioned as being additional insured. Required for all applications prior to constructing/placing encroachment.

____ **HEALTH CERTIFICATE** (if applicable – selling food or drink) with expiration date: _____

4) DEFINITIONS

ENCROACHMENT – To intrude or infringe upon the property of another. An individual or business setting anything in the public right-of-way, whether it be permanent, temporary, continuous, or special event in nature. Examples of items that would encroach include: tables, chairs, benches, furniture, clothing racks, signs, stairs, railings, ramps, planters, and awnings.

PUBLIC RIGHT-OF-WAY – Land owned or controlled by the local, state, or federal government, usually over which facilities such as roads, highways, railroads, or power lines are built. In most cases this would include the area between the street and the private property line.

SIDEWALK CAFÉ – An outdoor area of an adjacent business that may be located upon City right-of-way and allows tables and chairs for dining and seating.

5) APPLICATION FEE AND PROCEDURES

- ◆ Non-refundable permit fee: \$25
- ◆ Application shall contain all necessary information requested by the permit.
- ◆ The Development Department may request any additional information for review prior to consideration by the City Manager.
- ◆ A sidewalk café permit will go to the Development Department for review and then will be forwarded to the City Manager for approval; this takes approximately 7-14 days.
- ◆ Sidewalk Café Permits shall be renewed on an annual basis (calendar year).

The **applicant** agrees to construct all encroachments in accordance with the Encroachment Policy and all other applicable ordinances and regulations of the City of Burlington, Iowa, and further agrees to hold the City harmless from any liability incurred as a result of the placement of any encroachment.

Signature of Applicant

Date

DEVELOPMENT DEPARTMENT REVIEW

Conditions or explanation: _____

ZONING OFFICIAL

Date

CODE OFFICIAL

Date

- SIDEWALK CAFE ENCROACHMENT APPROVAL:

APPROVED

DENIED

CITY MANAGER

Date

OFFICE USE ONLY

Permit Type: _____

Fee: \$ _____

Dates Allowed: _____

Paid: _____ / _____ / _____

Zoning District: _____

Historic District: _____

6) SIDEWALK CAFÉ REQUIREMENTS

1. Sidewalk Cafes must be part of an existing business and must be used for purposes allowed in the zoning district where the encroachment will be located.
2. Sidewalk café areas must be contiguous with a side of a building wherein the establishment is located.
3. Sidewalk café hours of operation are limited, typically between 7 AM and 11 PM or, or whenever the kitchen of the adjoining business closes.
4. If permanent improvements are proposed as part of the sidewalk café, the City may require a bond or some other form of guarantee to ensure the restoration of the sidewalk as a condition of lease and/or may require a permanent encroachment.
5. The café owner is responsible for trash removal and shall maintain the area and surrounding 5-feet in a clean and litter free manner during all hours of operation.
6. Sidewalk Cafes may not extend beyond the building line and may not be located on street corners as defined by building lines extending to the street.
7. No blockage of building entrances or exits is permitted in a sidewalk café area.
8. A minimum 5-foot unobstructed sidewalk clearance shall be maintained adjacent to any approved sidewalk café area for public pedestrian use.
 - a. The 5-foot clear distance shall take into account possible intrusions from adjacent angle parking, where a vehicle may overlap the sidewalk when properly parked in a stall.
9. Occupancy limits are determined as set forth in the City building codes.
10. The City retains the right to terminate any sidewalk café agreement after written notice is given to the property owner for reasons including but not limited to: violations of state liquor control laws, violations of any agreements, creating a safety hazard, creating a health hazard, or creating a nuisance.
11. Other Encroachment conditions, requirements, and standards apply as applicable.
12. No barriers shall be required if the applicant proposes to limit the encroachment area and no alcohol will be served.
 - a. Encroachments that serve alcoholic beverages must provide a physical barrier that meets the requirements of this policy and all other requirements of the Iowa Alcoholic Beverage Division.
 - i. Barriers should complement the building façade as well as any street furniture, be somewhat transparent and shall be stable, secure, and able to withstand inclement weather and wind.
 - ii. Barriers shall be capable of being removed during non-use times unless allowed as a permanent encroachment.
 - iii. The height of any barrier shall be a minimum of 3-feet.
13. Removable umbrellas may be permitted provided they do not interfere with street trees, signs, or the required 5-feet of clearance.
14. Sidewalk café shall be located a minimum of 2-feet from any curb line.