



## Parklets, Street, & Sidewalk Café Policy February 2024

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## Purpose:

The purpose of this document is to provide guidelines for City teammates to review & approve application requests and work collaboratively across departments to achieve citywide goals in the use of public right of way. Chapter 9.8 of City Code, "Sidewalk Cafes, Street Cafes, & Parklets, where different from the following, shall supersede.

The City of Rochester allows the use of Parklets, Sidewalk Cafés and Street Cafés within the public rights of way, to support the strategic priorities of economic vibrancy and quality services for quality living. An interdepartmental review will be utilized to assure that these spaces meet the following purposes:

- Encourage the activation of appropriate outdoor spaces in the public rights-of-way for public use.
- Support businesses by allowing the use of outdoor spaces in their operations.
- Manage the use of the public right-of-way in a fair and equitable manner, while still balancing the need for different public and private uses and interests.
- Provide for a safe and healthy environment for all users of the public right-of-way.

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Utilization of public space with unique & creatively designed structures are encouraged to foster collaboration and healthy outdoor living in a people -centric environment.

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## Definitions:

- "Adjacent business owner" – the owner/operator of the ground floor business or use that is directly adjacent to the right-of-way, where the space is located.
- "Parklet" - a space in the public right-of-way temporarily dedicated for recreational use and open to the public, which utilizes a parklet structure where anyone can relax and enjoy the urban environment. Amenities such as planters, lighting, shade features, and public art may also be present.
- "Structure" – a construction located in a public right of way (ROW) for the purpose of delineating and accommodating a space for occupancy, consisting of at least sidewalls delimiting the space, protective barriers from traffic, and an accessible entrance but also typically including seating, tables, shade covering, lighting and other decorative, comfort and safety features.
- "Sponsor" – business or organization who is responsible for the space. The sponsor shall be the applicant and permit holder, insurance provider (if required) and responsible for liability, upkeep, and maintenance of the space. When there is a "structure", the sponsor is responsible for assuring its adequate construction, appropriate use, maintenance, and ultimately removal.
- "Sidewalk Café" - Located within the public right-of-way outside of traffic and parking

lanes and on sidewalks, alleys and/or boulevards, for the use of adjacent businesses that serve food and beverage. These spaces provide tables and chairs for patrons and are often defined by stanchions to separate them from the pedestrian corridor.

- “Street Café” – Located within the public right-of-way in parking lanes and utilizing a structure for outdoor seating by an adjacent business that serves food and beverage. These installations are sometimes also referred to as a “Streateries”.

## Policy:

The following standards & requirements **apply to parklets, street, & sidewalk cafes, and their structures** located within public rights of way. They **do not apply** to:

1. Outdoor seating on private property (instead zoning & building code requirements apply).
2. Benches or similar seating that is located within the ROW, with no specific prescribed use or users (typically provided by City or RDA).
3. Government owned or managed space, including but not limited to those that have been developed for public park, mall, or plaza use, including Heart of the City/Peace Plaza. These spaces may have additional or modified requirements and/or design standards.

## Operational Standards:

The security of furnishings and other amenities in street cafes, parklets, and their associated structures is the responsibility of the space’s sponsor and the City shall not be held liable for any theft or vandalism of the structures or associated features.

## Street & Sidewalk Cafes

1. Must be located adjacent to the restaurant/bar sponsoring the space, who will oversee all development, operations, and maintenance of the space. It is the responsibility of the business operator to maintain cleanliness of the space.
2. Liquor sales/service is allowed when the sponsor’s liquor license and insurance provide coverage for the defined sidewalk or street café space.
3. Outdoor seating must be included in calculations to meet the requirements for FOG (Fat, Oil, and Grease) program.

## Parklets

1. Parklets will be open for use by the public with no obligation for them to purchase products or services from the sponsor or adjacent business.
2. Food and non-alcoholic beverages may be brought onto the parklets for consumption without any previous arrangements or approvals needed.
3. Sponsors may hold special events on parklets and serve food and alcoholic beverages *if* the location qualifies for a special event permit and one is issued by the City Clerk’s Office.

## Design & Layout Standards:

### Parklets, Sidewalk, & Street Cafes.

1. Rochester Public Works has authority over locations, layout, design, and approval of any parklet or café spaces in the ROW.
2. The City of Rochester maintains right to refuse a request for use of ROW for reasons of safety, equitable use of ROW, and/or maintenance of public facilities.
3. An accessible pedestrian route, as defined by the Public Works department (generally a minimum of 5 feet in width), shall be provided and maintained around or through the area of all Street & Sidewalk Cafes and Parklets at all times.
4. Amenities
  - a. 5% or a minimum of one (1) table (if present) must be ADA accessible.
  - b. Shade awnings and umbrellas which do not infringe on traffic sight lines or extend beyond the curb or platform perimeter of the designated area are allowed.
  - c. Lighting and auxiliary heating may be approved when the plan provides for electrical extension cords that are protected from physical damage, will not cause a tripping hazard, and are the correct size and type (gfci protection) for proposed use.
  - d. Auxiliary heating sources that utilize a combustible fuel source may be allowed when approved by the Rochester Fire Department.
5. The following is not allowed, unless specifically authorized in writing.
  - a. Removal or covering of landscaping or trees.
  - b. Hanging or connection of items from or inside of trees, including lights, banners, decorations, fencing or other items.
  - c. Removal or relocation of city provided banners, trash receptacles, benches, planters, or other public amenities.
  - d. Removal or relocation of city signage along or within the ROW.

### Structure Requirements

The following items are reviewed prior to the approval of any street café or parklet structure. City personnel may vary from the following when specific conditions warrant.

1. Clear, unobstructed sightlines to and from the street.
2. Clearly indicated entrances from sidewalk (e.g. signage or brightly color ramps or flush platform surface) which meets State Accessibility Code and ADA compliance.
3. Platform (floor of structure), where one exists, shall follow these standards:
  - a. Maximum width of 8' (when placed on parallel parking spaces)
  - b. Flush with the sidewalk using slip resistant materials. There must be a seamless connection to the existing curb. Maximum gap between the curb and the platform is ½ inch. Typical curb height is 6".
  - c. May be bolted into the roadway with submittal and approval of a restoration plan and bond.
  - d. Cannot be bolted to the curb or gutter.

- e. The space beneath the platform must be accessible for cleaning and clearing debris.
  - f. Cannot block curbside drainage, public utilities, hydrants, alleys, or driveways.
4. Enclosure (walls of structure), when required, shall follow these standards:
    - a. Must be a continuous physical barrier a minimum of 36" high from grade along all street side edges.
    - b. Vertical elements must be visible to passing vehicles.
    - c. Jersey barriers or other barricades providing comparable protection, will be required around the perimeter based on specific site conditions (road configuration and traffic conditions). Requirements will be outlined following review by Public Works and the Police Department.
    - d. The enclosure walls on the two short sides of the platform do not need to extend to the curb. Maximum setback from curb is 18".
    - e. Sidewalk facing edge of platform must be open to pedestrians to allow for accessible and adequate emergency exit (typically no less than 50% of the structures length).
    - f. There must be a minimum vertical clearance of 84" between the platform or surface and overhead elements.
    - g. Maximum height of any part of the structure is 108".
  5. The use of Parklet/Cafe structures between November 1 and May 1 may be approved depending on location and site conditions. Approval will only be granted when there is an agreement of the sponsor for snow removal and maintenance of the facility for the entire season and the structure has been designed to meet snow load requirements.
  6. Materials and final design must be approved by Public Works. Review of proposed structures will be considered with consultation of other City Departments, including Rochester Fire and Police departments and Building Safety Division. Approvals will be made on a case-by-case basis and locational specifics may be required.
  7. The City of Rochester has right to remove structures within the ROW, as identified in Sec. 9-2-13 of City Code, to maintain or repair public facilities, or for emergency purposes. Every effort shall be made by the City to notify the structure sponsor, adjacent business and/or property owner to facilitate their removal of structure, however, the City shall maintain the right to remove structures.

### Eligible Structure Locations

1. Streets with traffic speeds of 30 mph or less.
2. Commercial or mixed-use zoning districts.
3. Unrestricted parking lanes adjacent to the sidewalk.
4. Structures cannot block public utilities, bicycle lanes or other public amenities.
5. Structures cannot unreasonably impede existing drainage patterns.
6. A 20' buffer from residential property must be maintained.
7. Minimum of 40' away from a bus stop zone.
8. Minimum of 15' away from a catch basin.
9. Minimum of 20' away from the nearest intersection.

10. May occupy no more than three parking spaces (no matter their configuration).
11. Cannot be located on streets with steep slopes.
12. Application includes “sign off” from all businesses or property owners directly adjacent to the parking space (s) being occupied.

## Signage

### Street Cafes

All street cafes must provide signage, located in prominent visual location from the sidewalk. Each location shall have at least one and may have up to three signs that provide the following:

- **Required Message:** “STREET CAFÉ *This space reserved for [fill in name of business] business use patrons only, during the hours of [fill in business hours of operation]. Open to the public all other hours. Smoking Not Permitted*”
- **Optional Message:** Business logo, phone number, QR code or other menu or contact information.
- **Maximum Size:** 11”x17”

### Parklets

All parklets must provide signage, located in prominent visual location from the sidewalk. Each location shall have at least two and may have up to three signs that provide the following:

- **Required Message:** “PUBLIC PARKLET *This facility is open to the public for free use and enjoyment. Smoking Not Permitted*”
- **Optional Message:** *Sponsored by [insert sponsor name or logo]*, phone number, QR code or other contact information.
- **Maximum Size:** 11”x17”

## Site Plan Submittal Requirements

A clear site plan (overhead view) showing the entire area between the adjacent building edge and the outside/street edge of the structure is required. The following site elements should be included; additional details may be required by City personnel.

1. The relationship between the adjacent building and the street space, including:
  - The location of the exterior wall.
  - The building wall shall identify all doors, windows, and other openings, as well as any building feature requiring emergency access.
  - Locations of utility or mechanical equipment mounted on the wall.
2. All existing and proposed pavements and obstructions in the area, including:
  - Indicate any planted, groomed, or otherwise landscaped areas including boulevard of your building premises that are adjacent to the sidewalk areas along with plan to preserve and maintain.
  - Locations and width of grass areas.
  - All sidewalk dimensions from building face to back of curb.

- Signposts
  - Parking meters
  - Miscellaneous infrastructure and amenities (fire hydrants, planters, bus shelters or kiosks)
  - Traffic signals
  - Trees/grates
  - Light poles
3. Proposed area on the plan including:
    - Number, location, and size of tables.
    - Number of chairs at each table.
    - Number of heating elements and location of storage area for gas cylinders
    - Any other amenities to be placed, such as planters, lights, signs, umbrellas, etc.
    - Delineation such as fencing, stanchions, etc.
    - Indicate whether any of the tables, chairs, heating devices, or other amenities are proposed to physically attach to the public street. If yes, Public Works will review a Revocable Permit application to determine if attachments are appropriate for the specific location proposed.
  4. Labels for all streets running in front of or adjacent to the property.

## Structure Plan Submittal Requirements

1. Proposed building materials including lumber sizes.
2. Details of surface structure (joists, beams, decking).
3. Wall and railing details.
4. Proposed paint or other surface treatments.
5. Proposed fasteners.
6. Any proposed lighting, including electrical plans.
7. Any proposed heating elements including type and location of heater and fuel source.
8. Proposed locations and type of perimeter barriers.