

COMMUNITY PLANNING & DEVELOPMENT SERVICES

City of Rapid City
300 Sixth Street, Rapid City, SD 57701-2724
Phone: (605) 394-4120 Fax: (605) 394-6636 Web: www.rcgov.org

SIDEWALK CAFE PROCEDURE

The Filing Fee for a Sidewalk Café Permit is \$250.00

Information and actions required of the Petitioner:

1. The applicant meets with Community Planning & Development Services staff to discuss the proposal.
2. An application is submitted which is signed by the adjacent property owner and includes the following:
 - a. The legal description of the property for which the Sidewalk Café Permit is requested;
 - b. Four copies of a complete and dimensioned site plan showing the area of the sidewalk café and the pedestrian clear path on the sidewalk, the adjacent curb face, the location, design and color of tables, chairs, awnings, umbrellas, trash receptacles, heaters, barricades, landscape features and signage. **(Note: See sample site plan);**
 - c. Vicinity sketch; and
 - d. A written statement describing the proposed or intended use.

Procedure:

1. The request is considered at a public Planning Commission meeting. An application for a Sidewalk Café Permit shall be filed with Community Planning & Development Services at least 14 days prior to the Planning Commission meeting at which the request shall be considered.

Appeal Procedure:

1. Any person or party has the right to appeal the decision of the Planning Commission regarding a Sidewalk Café Permit. Appeals must be made in writing and submitted to the Planning Commission by close of business on the seventh full calendar day following action by the Planning Commission. Appeals shall be reviewed and acted upon by the Common Council at its next regularly scheduled meeting.

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APPLICATION FOR DEVELOPMENT REVIEW

REQUEST (please check all that apply)

- | | | |
|--|--|--|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Plat – Layout | <input type="checkbox"/> Conditional Use Permit |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Plat – Preliminary | <input type="checkbox"/> Major Amendment |
| <input type="checkbox"/> Planned Development | <input type="checkbox"/> Plat – Final | <input type="checkbox"/> Minimal Amendment |
| <input type="checkbox"/> Initial-Final Plan <input type="checkbox"/> Major Amendment | <input type="checkbox"/> Plat – Minor | <input type="checkbox"/> Vacation of Utility / Drainage Easement |
| <input type="checkbox"/> Minimal Amendment | <input type="checkbox"/> Rezoning | <input type="checkbox"/> Vacation of R.O.W. / Section Line Highway |
| <input type="checkbox"/> Planned Development Designation | <input type="checkbox"/> Road Name Change | <input type="checkbox"/> Vacation of Access / Non-Access / |
| <input type="checkbox"/> OTHER (specify) | <input type="checkbox"/> Subdivision Variances | Planting Screen Easement |

LEGAL DESCRIPTION (Attach additional sheets as necessary)

| | | |
|--------------------------------|----------------|-----------------------------|
| EXISTING | | |
| PROPOSED | | |
| LOCATION | | |
| Size of Site–Acres | Square Footage | Proposed Zoning |
| DESCRIPTION OF REQUEST: | | Utilities: Private / Public |
| | | Water |
| | | Sewer |

APPLICANT

Name _____ Phone _____
 Address _____ Fax _____
 City, State, Zip _____ E-mail _____

PROJECT PLANNER - AGENT

Name _____ Phone _____
 Address _____ Fax _____
 City, State, Zip _____ E-mail _____

OWNER OF RECORD (If different from applicant)

Name _____ Phone _____
 Address _____ Fax _____
 City, State, Zip _____ E-mail _____

Property Owner Signature _____ Date _____

Property Owner Signature _____ Date _____

Signature _____ Date _____

Signature _____ Date _____

Print Name: _____

Print Name: _____

Title*: _____

Title*: _____

*required for Corporations, Partnerships, etc.

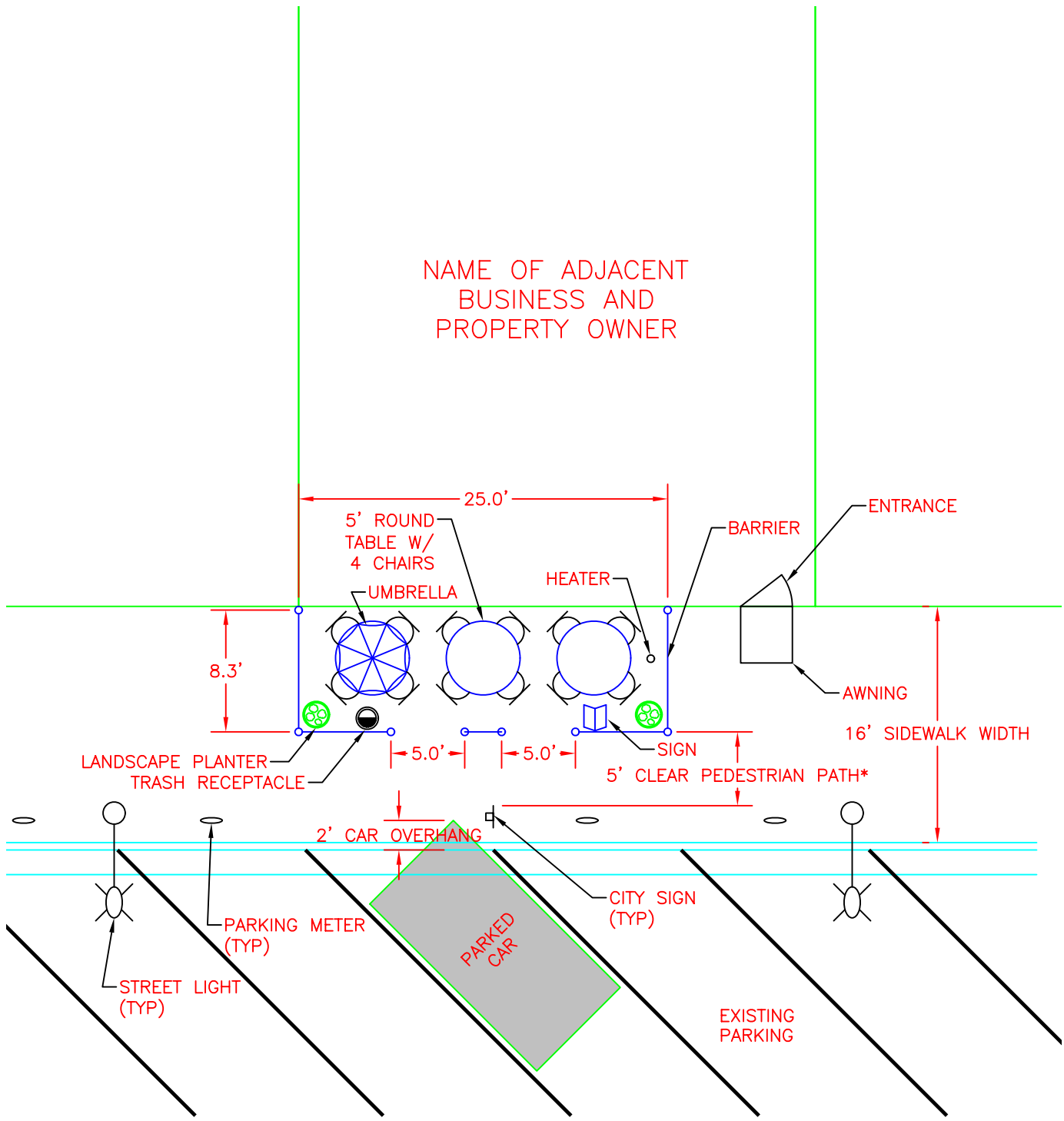
FOR STAFF USE ONLY

| ZONING |
|-----------|
| Current |
| North |
| South |
| East |
| West |
| Planner |
| File No. |
| PIN No. |
| Comp Plan |

- | | | |
|---|--|---|
| <input type="checkbox"/> Public Works/Engineering | <input type="checkbox"/> BHP&L | <input type="checkbox"/> RV Sanitary District |
| <input type="checkbox"/> Fire Department | <input type="checkbox"/> ESCC | <input type="checkbox"/> Green Valley Sanitary District |
| <input type="checkbox"/> Transportation Planning | <input type="checkbox"/> Register of Deeds | <input type="checkbox"/> Future Land Use |
| <input type="checkbox"/> Building Inspection | <input type="checkbox"/> County - Planning | <input type="checkbox"/> Parks & Recreation |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> County - Fire | <input type="checkbox"/> GIS |
| <input type="checkbox"/> Police | <input type="checkbox"/> County - Highway | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> City Attorney | <input type="checkbox"/> County - Code Enforcement | Special Routing Instructions: |
| <input type="checkbox"/> City Code Enforcement | <input type="checkbox"/> Auditor - Annexation | |
| <input type="checkbox"/> SD DOT | <input type="checkbox"/> Drainage | |

Application Received By: _____

NAME OF ADJACENT
BUSINESS AND
PROPERTY OWNER



NAME OF STREET

*NOTE
VEHICLE OVERHANG AT
PARKING SPOTS SHALL
NOT ENCROUCH INTO 5'
CLEAR PATH

SIDEWALK CAFE
SAMPLE SITE PLAN
SCALE 1"=10'



ORDINANCE NO 5404

AN ORDINANCE TO CREATE A SIDEWALK CAFÉ PERMIT BY AMENDING SUBSECTION 12.20.020(E) OF THE RAPID CITY MUNICIPAL CODE.

WHEREAS, the State of South Dakota has given municipalities the general police power to promote the health, safety, morals, and general welfare of the community; and

WHEREAS, the State of South Dakota has given municipalities the power to permit the sale and consumption of alcoholic beverages on a sidewalk abutting a licensed premises pursuant to House Bill 1203; and

WHEREAS, the City of Rapid City currently may authorize the placement of certain signs and facilities upon public sidewalks subject to certain conditions; and

WHEREAS, the Common Council of the City of Rapid City deems it to be in the City's best interests to adopt an ordinance to allow the sale and consumption of alcoholic beverages on certain sidewalks.

NOW, THEREFORE, BE IT ORDAINED by the City of Rapid City that Subsection 12.20.020(E) is hereby amended to read as follows:

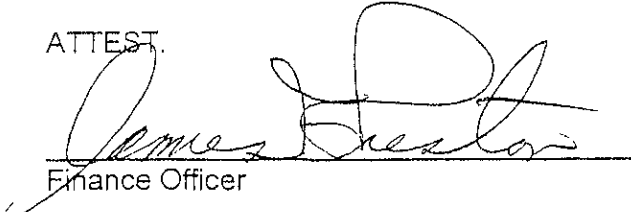
E. Notwithstanding any other provision of this section or §12.20.030 of this code, the Common Council may authorize businesses to operate sidewalk cafes upon public sidewalks as hereinafter described, subject to the conditions hereinafter set forth. A sidewalk café is an outdoor area located in the public right of way which is operated and maintained by an establishment, coffeehouse, tea shop, restaurant or bar. The area in which sidewalk cafes may be permitted is the area within the following boundary: Commencing from the intersection of East Omaha and East Boulevard, west to West Boulevard, south to the alley between Kansas City Street and Quincy Street, east to Ninth Street, south to Quincy Street, east to 4th Street, north to the alley between Quincy Street and Kansas City Street, east to 1st Street, north to Kansas City Street, east to East Boulevard, and north to the point of origin.

1. An application for a sidewalk café permit shall be filed with Growth Management at least 14 days prior to the Planning Commission meeting at which the request shall be considered. There shall be a one-time application fee of \$250. The application shall include a site plan which identifies the location of tables, chairs, awnings, umbrellas, trash receptacles, heaters, barricades, and landscape features as applicable.
2. Design Criteria.
 - a. Sidewalk cafes are permitted only on sidewalks with a minimum width of 10 feet from the property line to the curb face. The location of the sidewalk café must be directly in front of the business operating the café, and may not extend beyond the side property lines. Sidewalk cafes must maintain a clear pedestrian path of at least five feet at all times. This pathway must be free of any obstructions such as trees, parking meters, and utility poles to allow pedestrian passage. Sidewalk cafes shall not interfere with any utilities or other facilities such as telephone poles, fire hydrants, fire protection appurtenances, parking meters, mailboxes, or signs located in the public right-of-way. All applicable sight triangle requirements shall be met at all times by sidewalk cafes. No café elements may be located within 2 feet of the curb face

- b. All elements associated with sidewalk cafes, including but not limited to tables, chairs, umbrellas, temporary barricades, heaters and awnings must be of quality design, workmanship, and materials to ensure safety and convenience to patrons. All such elements will be reviewed as part of the permit process.
 - c. Elements of the sidewalk café may not be attached permanently to the sidewalk or public right-of-way. The property owner is responsible for the restoration of the sidewalk or public right-of-way if any damage is caused by the sidewalk café. Physical barriers may not exceed four feet in height. Bolting a barrier to the sidewalk is not considered permanent as long as the method of bolting allows the barrier and the bolts to be readily removed.
 - d. Umbrellas must be designed to be secure during windy conditions. Umbrellas must be at least seven feet above the sidewalk when open.
 - e. Lighting for sidewalk cafes is subject to approval during the permitting process. Such lighting shall not cause a glare to passing motorists or pedestrians. Tabletop lighting may include candles and battery-operated fixtures.
 - f. Sidewalk cafes are prohibited from playing amplified music, whether live or recorded.
 - g. Physical barricades are required if alcoholic beverages are sold at the sidewalk café.
 - h. Any signs authorized hereunder shall be of a size, dimension, orientation and placement as to be directed toward the attention of pedestrians within 50 feet thereof and, under no circumstances, directed toward the attention of persons traveling in motor vehicles. The signs shall not exceed 42 inches in height above the sidewalk or more than 24 inches in width on any face or no more than 2 faces total. Any such sign shall contain no off-premises advertising, and shall display no logo or advertising copy other than for the primary business of the occupant of the abutting property.
3. Vending machines, carts, or other objects for sale are prohibited from inclusion in a sidewalk café. Nothing in this section shall preclude the Common Council from authorizing vending carts or similar uses outside of sidewalk cafes.
 4. All services provided to sidewalk café patrons as well as all patron activity must occur within the designated sidewalk café area. No alcoholic beverages may be stored or mixed in the sidewalk café.
 5. The permit holder is responsible for proper supervision of the sidewalk café in order to ensure the requirements of this section are met
 6. Every sidewalk café permit holder shall furnish a certificate of insurance proving commercial insurance coverage of at least \$2,000,000 for bodily injury, death, disability, and property damage liability. The City of Rapid City shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operation of a sidewalk café. In the event that the insurance is cancelled, the permit holder has 24 hours to reinstate the insurance or the permit shall be revoked.
 7. Permit holders must ensure that the requirements for operation are met. These include.

- a. Patrons must wear shoes and shirts at all times.
 - b. All sidewalk cafes must maintain at least one opening for ingress and egress at all times. All sidewalk cafes shall abide by all accessibility requirements of the currently adopted Building Code.
 - c. Sidewalk cafes must adhere to size, design, and other requirements approved by the City.
8. All areas within and surrounding a sidewalk café must be maintained in a clean, neat, and sanitary condition. All cleaning must be performed in accordance with city regulations.
 9. An exception may be granted by the Planning Commission to any of the provisions of the design criteria set forth in Section 2 a-f and the decision of the Planning Commission is appealable to the Common Council.
 10. Any person or party has the right to appeal the decision of the Planning Commission regarding a sidewalk café permit. Appeals must be made in writing and submitted to the Planning Commission by close of business on the seventh full calendar day following action by the Planning Commission. Appeals shall be reviewed and acted upon by the Common Council at its next regularly scheduled meeting.
 11. All permit holders shall be required to abide by all federal, state, and local laws.
 12. A sidewalk café permit may be revoked for cause, consisting of failure to maintain the standards required for the initial permit. A notice of intent to revoke a sidewalk café permit shall be given in writing 10 days prior to actual revocation and shall specify the area or areas of continued failure to meet requirements and maintain conditions the city may have imposed. If, during that period, proof of compliance is made by the holder of the permit, the permit may be permitted to be continued in force. If a hearing has been requested following receipt of notice to revoke, the Planning Commission shall hold a public hearing on the matter and shall make a determination whether to revoke. A permit holder may appeal the Planning Commission's decision in accordance with Section (E)(10).

ATTEST.


Finance Officer

(SEAL)

CITY OF RAPID CITY


Mayor

First Reading: July 7, 2008
Second Reading: July 21, 2008
Published: July 26, 2008
Effective: August 15, 2008