

Proposed Amendment for 7/30/20

La Crosse Outdoor Café Program Guidelines



JULY 2020

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This guide provides an overview of the program and a description of each type of Outdoor Dining option and their requirements and general parameters.

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Program Overview

The City of La Crosse has created the following Outdoor Cafe program to temporarily allow restaurants, ~~and other eligible businesses~~ to expand their business footprint onto the adjacent: public rights-of-way or in adjacent privately owned parking facilities and outdoor spaces if approved by the City of La Crosse. For eligible restaurants, ~~and other businesses~~ this may also include expanded alcohol license premises. All additional fees will be waived for this program. **Eligible restaurants and business are those where the estimated or actual percent of gross receipts of beer, wine and liquor sold is 50% or less to total sales.**

All approvals are strictly temporary and expire on **November 13, 2020**. This program may be extended beyond this date upon approval by the Common Council. This program is subject to all local, State and Federal Health Orders, laws and guidelines.

I. Local, State and Federal Regulations Must be Maintained

Public Health guidelines are continually changing and adjusting to meet current needs. Any outdoor seating allowed through this program are subject to the local, state and federal public health orders, local, state and federal laws, and are subject to change and/or revocation at any time. Please refer to La Crosse County Health Department for the most recent local orders: <https://lacrossecounty.org/covid19>

II. Types of Outdoor Cafes

A. On-Street Cafes (*Outdoor dining on parallel or angled street parking*)

In an effort to allow expanded outdoor seating this program is allowing some café tables and chairs to be placed within adjacent on-street parking areas. This type of outdoor seating requires review and approval of a Street Privilege Permit from the Board of Public Works. The following safety requirements and Design, Location, and Operational regulations stated in Section 40-106 of the Municipal Code will apply: (Note-safety requirements may differ for low volume streets vs high volume streets)

1. Traffic Barriers: Minimum Recommended Guidelines

- a. Low Volume Streets (unclassified) < 1500 vehicles per day
 - i. Curb stop protection surrounding the proposed outdoor area.
 - ii. Delineator at beginning and end of proposed outdoor area by curb stop.
 - iii. Delineators spaced every 12 to 16 feet parallel to proposed outdoor area.
 - iv. 2 to 3-foot shy from curb stop to dining area
 - v. Minimum 6-foot wide dining area
 - vi. Vertical railings or elements that do not interfere with intersection sight distance
- b. High Volume Streets (Classified), Speeds less than or equal to 25 mph
 - i. Reviewed on a case by case basis

- ii. Curb stops 1-foot off of travel lane and surrounding proposed outdoor area.
- iii. Dining area 4-feet off of travel lane
- iv. Minimum 6-foot wide dining area
- v. Delineator at beginning and end of proposed outdoor area by curb stop.
- vi. Delineators spaced every 12 to 16 feet parallel to proposed outdoor area.
- vii. Vertical railings that do not interfere with intersection sight distance
- viii. Hard End Protection
 - a. 4:1 Concrete barrier protection at beginning of block with on-street outdoor café and/or
 - b. 4:1 Concrete barrier protection in front of on-street cafe
- c. High Volume Streets (classified), Speeds greater than 25 mph, or on a curve
Reviewed on a case by case basis only

2. Design, Location, Operational Regulations (Section 40-106)

b. Design regulations.

1. *A clear, continuous pedestrian path, parallel to the curb and not less than four feet in width, shall be required for pedestrian circulation outside of the outdoor dining area. In areas of heavy pedestrian traffic, a width of greater than four feet may be required.*
2. *All dining appurtenances located in any public way shall not be permanently attached to any sidewalk, curb, building, tree, post, public bench, waste receptacle, or any other fixture within the public right-of-way.*

c. Location regulations.

1. *Locations of outdoor dining areas and other encroachments on the sidewalk shall be limited to areas where the sidewalk pavement width within the public right-of-way is at least ten feet from the face of the curb to the building or property line, except where a reduction is permitted.*
2. *An outdoor dining area may be located directly adjacent to and abutting the associated food serving establishment, and/or located where it abuts the curb and is at least two feet from the face of the curb. Outdoor dining areas located adjacent to an approved loading zone shall not be required to be located two feet from the face of the curb. In no case shall the pedestrian path be reduced to less than a minimum width of four feet.*
3. *The outdoor dining area may not include within the proposed area of encroachment, bus stops, fire hydrants or other facilities deemed necessary for public safety.*
4. *An outdoor dining area shall be located at least five feet from fire hydrants, driveways, alleys, bus shelters and/or stops. In no case shall dining appurtenances greater than three feet in height be located to obstruct the vision clearance triangle as required under this Code.*

d. Operational regulations.

1. *All dining appurtenances shall be movable and arranged to adequately accommodate persons with disabilities. Dining appurtenances shall not impede building ingress and egress or encroach in to the pedestrian path at any time. A clear area shall be maintained from all building entrances located adjacent to the encroachment area, to the pedestrian path. The clear area shall have a minimum width of three feet or a width equal to the width of the entrance. The applicant shall*

provide a trash receptacle for use in the outdoor dining area. Dining appurtenances are only allowed during normal business hours or as otherwise described in this article or by the Board, and shall not remain at the close of business.

- 2. Umbrellas shall have a vertical clearance of at least seven feet and be adequately secured and anchored with a heavy ballast holder to prevent displacement by the wind.*
- 3. Amplified music and sound, and non-amplified music are prohibited.*
- 4. Outdoor dining areas shall provide adequate lighting in and around the designated area(s) at all times. Lighting fixtures shall be limited to fixtures attached to the building facade or upon private property. Battery operated lamps or candles placed on tables are permitted. Lighting shall not be a public or private nuisance.*
- 5. Portable propane heaters are permitted within the outdoor dining area provided they are in minimum of 80 inches in height and located at least five feet from a building.*
- 6. Electrical and propane infrared heaters, or similar heating devices approved for outdoor use, are permitted to be attached to building facades and shall be installed according to the manufacturer's specifications and appropriate building, electrical and mechanical code.*
- 7. All food and drink preparation shall be performed in the affiliated business. No food or drink preparation or storage shall be permitted within the outdoor dining area.*
- 8. Operating hours for the outdoor dining areas shall be consistent with the operating hours of the associated business, unless the affiliated business is located within 200 feet to a residential zoning district, in which case outdoor dining areas shall not be operated between the hours of 10:00 p.m. and 7:00 a.m.*
- 9. Outdoor dining in outdoor dining areas shall be limited to the designated area identified on the approved application.*
- 10. The sidewalk area within and immediately surrounding the designated outdoor dining area shall be maintained in a clean, sanitary, neat and orderly appearance at all times. The permit holder is responsible for cleaning up of litter, removing all stains and eliminating slip hazards that result from their use or their customers use on a periodic basis during the day and at the close of business each day.*
- 12. The approval of an outdoor dining area shall not be construed or deemed to create a vested interest in the public right-of-way. The permit holder shall remove or modify an outdoor dining area at their own expense whenever the City determines it necessary or desirable to modify the width of the street and/or public sidewalk.*

Additional Information

1. Business owners that already have an approved outdoor dining area do not need to fill out a new application unless they want to expand their dining area or expand their Liquor License premise description.
2. Alcohol is prohibited unless a request to expand the premises of a current Liquor License is reviewed and approved by the City Clerk's Department and the Common Council.
3. Hours of Operation for the Outdoor Café is only permitted between the hours of 7am-11pm.

4. Under no circumstances would On-Street Cafes be considered a gathering or social space, and would only allow patrons to be seated in accordance with physical distancing requirements to increase capacity.
5. A barrier must be provided to separate the dining area from vehicular traffic. Concrete barriers are preferred. Rigid metal barriers or stanchions are also permitted. Chain link or snow fences are not permitted. Other, free standing, durable fencing may be considered by the Planning Department staff or Board of Public Works. The City may also be able to assist with concrete barriers for those outdoor dining areas on high volume streets.
6. In no way can the overall capacity (inside + outside) exceed the establishment's overall maximum occupancy.
7. No vertical drinking is allowed.
8. On-street Cafes do not require streets to be closed.
9. All Outdoor Cafés must provide their own trash receptacles and will not use City of La Crosse trash receptacles.
10. All ADA requirements must be met for temporary uses. The following additional information will be useful for operators:
 - a. There is no requirement to provide a ramp down the curb as long as there is some sidewalk level seating that can be prioritized for a disabled individual.
 - b. Detectable warning for curb elevation change: There are several ways that a cafe operator can insure safety for patrons regarding the elevation change of the curb:
 - i. Temporary Curb markings: Staff suggest that striped, reflective or other warning tape be applied to the curb
 - ii. Temporary detectable warning mat.
 - iii. Use of café enclosures/metal stanchions/barriers along length of curb.

B. Sidewalk Cafes

Sidewalk cafes are the private use of public sidewalks and terraces for outdoor seating. This type of outdoor seating requires review and approval of a Street Privilege Permit from the Board of Public Works and must meet the Design, Location, and Operational regulations stated in Section 40-106 of the Municipal Code.

Please refer to Section 2. Design, Location, Operational Regulations (Section 40-106) under On-Street Cafes for these regulations.

Additional Information

1. Business owners that already have an approved outdoor dining area do not need to fill out a new application unless they want to expand their dining area or expand their Liquor License premise description.

2. Alcohol is prohibited unless a request to expand the premises of a current Liquor License is reviewed and approved by the City Clerk's Department and the Common Council.
3. Hours of Operation for the Outdoor Café is only permitted between the hours of 7am-11pm.
4. Under no circumstances would Sidewalk Cafes be considered a gathering or social space, and would only allow patrons to be seated in accordance with physical distancing requirements to increase capacity.
5. In no way can the overall capacity (inside + outside) exceed the establishment's overall maximum occupancy.
6. No vertical drinking is allowed.
7. All Outdoor Cafés must provide their own trash receptacles and will not use City of La Crosse trash receptacles.
8. All ADA requirements must be met for temporary uses.

C. Café Zones

The City has designated several streets that could potentially be considered for a more substantial Café Zones in which the City will close selected portions of an entire street and require detours for vehicles. The street would still maintain at least a 20ft wide drive aisle for emergency vehicle, fire, delivery and bicycle access lane. These zones would close the street for the duration of this program. This type of outdoor seating requires review and approval of a Street Privilege Permit from the Board of Public Works and may be required to meet the Design, Location, and Operational regulations stated in Section 40-106 of the Municipal Code.

Please refer to Section 2. Design, Location, Operational Regulations (Section 40-106) under On-Street Cafes for these regulations.

Additional Information

1. There must be a specific barrier/fencing to delineate each licensee's space.
2. If a current Liquor License premise expansion is approved it would be illegal to take alcohol beverages from one licensed premises into another licensed premises.
3. Each licensee is responsible for their own area and have adequate licensed bartenders.
4. Hours of Operation for the Outdoor Café is only permitted between the hours of 7am-11pm.
5. Under no circumstances would Café Zones be considered a gathering or social space, and would only allow patrons to be seated in accordance with physical distancing requirements to increase capacity.
6. In no way can the overall capacity (inside + outside) exceed the establishment's overall maximum occupancy.
7. No vertical drinking is allowed. No vertical drinking is allowed.

8. In the interest of public safety, full street closure locations, traffic plans and hours of operation are approved by the Board of Public Works and deployed by the City of La Crosse in advance.
9. It is the responsibility of the business to activate these spaces with temporary materials such as tables and chairs, lighting, umbrellas, 10x10 tents and visual/physical barrier materials.
9. All Outdoor Cafés must provide their own trash receptacles and will not use City of La Crosse trash receptacles.
10. All ADA requirements must be met for temporary uses. The following additional information will be useful for operators:
 - a. There is no requirement to provide a ramp down the curb as long as there is some sidewalk level seating that can be prioritized for a disabled individual.
 - b. Detectable warning for curb elevation change: There are several ways that a cafe operator can insure safety for patrons regarding the elevation change of the curb:
 - i. Temporary Curb markings: Staff suggest that striped, reflective or other warning tape be applied to the curb
 - ii. Temporary detectable warning mat.
 - iii. Use of café enclosures/metal stanchions/barriers along length of curb.

Streets under consideration for this program include the following. Please note that not all streets under consideration for this program will be administered.

1. Pearl Street
2. Caledonia Street
3. Main Street
4. Others streets may be considered upon request

D. Urban City Plazas

City Plazas are spaces are paved areas of the right-of-way that do not have vehicular traffic. City Plazas **may be considered as a substitute where adjacent businesses do not have room for a traditional sidewalk café or adjacent on-street parking.** This type of outdoor seating requires review and approval of a Street Privilege Permit from the Board of Public Works and may be required to meet the Design, Location, and Operational regulations stated in Section 40-106 of the Municipal Code.

Please refer to Section 2. Design, Location, Operational Regulations (Section 40-106) under On-Street Cafes for these regulations.

E. Outdoor Dining on Adjacent Private Parking Lots or Outdoor Space

This Program allows the Planning & Development Department to administratively approve outdoor seating on private parking lots or outdoor space that is located on the same parcel as the business making the request or parking lots and outdoor space located on an adjacent parcel.

For private parking lots less than 20 spaces, 100% of parking may be converted to outdoor seating under this program. For lots over 20 spaces, up to 20 spaces, or 50% of all spaces, whichever is larger, may be converted to outdoor dining. Additionally, no parking for disabled persons may be repurposed for outdoor seating, unless those spaces are relocated elsewhere on the property, which will need to be shown on the site plan, to confirm the location and width meets code requirements.

Additional Information.

1. The converted use must be in conformance with all City of La Crosse Fire Department, Division of Community Risk Management's requirements for building accessibility.
2. Alcohol is prohibited unless a request to expand the premises of a current Liquor License is reviewed and approved by the City Clerk's Department and the Common Council.
3. If the applicant is not the owner of the building or premise written consent from the owner must be attached to the application.
4. Physical distancing requirements that provide at least six feet spacing between tables and pathways.
5. Hours of Operation for the Outdoor Café is only permitted between the hours of 7am-11pm.
6. No outdoor amplified sound is permitted.
7. Under no circumstances would this type of outdoor dining be considered a gathering or social space, and would only allow patrons to be seated in accordance with physical distancing requirements to increase capacity.
8. In no way can the overall capacity (inside + outside) exceed the establishment's overall maximum occupancy.
9. No vertical drinking is allowed.
10. Any additional exterior lighting proposed or required for any expanded existing seating areas operating after dusk shall comply with Section 115-556 of the Municipal Code.
11. Tables, chairs, barricades, and metal stanchions shall be safely secured on site when not in use.
12. If alcohol is permitted, signs shall be displayed for patrons stating that alcohol must stay within the seating area.

13. Seating areas in parking lots shall be located behind traffic barriers/fencing which shall be identified on the site plan.
14. Seating areas for establishments with liquor licenses must secure the seating area with “metal stanchions” or other type of barrier approved by the Planning and Development Department.
15. Seating areas may not impede any vision triangles or accessible routes.
16. Tents that are 10 feet by 10 feet in size or smaller may be erected in parking spaces to provide shade for the dining area. If tents will be used, show location and dimensions of tents on the site plan that will be submitted with the application. International Building Code SPS 362 and Fire Prevention Code SPS 314 may also apply.
 - i. No staking of tents is permitted
 - ii. All tent legs must be weighted, minimum of 40lbs per leg
 - iii. Items that make acceptable weights:
 - 5 gallon bucket full of sand, or concrete
 - 4” PVC pipe at least 36” long filled with concrete
 - Large commercially available tent weights
 - Sandbags or salt bags 40lbs or heavier
 - iv. Weights must be on the ground and not dangling
 - v. For maximum safety, tents should be secured as soon as they are put up, and brought down as soon as weight is removed.
 - vi. Do not leave unsecured tents at any time.
 - vii. Heaters of any kind shall not be used under tents or umbrellas.
 - viii. Smoking is prohibited under tents and shade structures.
 - ix. Tents must not have closed walls in place while open to the public, and all sides should be open for air flow.
 - x. Tents should be removed nightly from outdoor dining area and stored, inside adjacent business, who possess the Outdoor Café permit.
17. No permanent structures may be erected.
18. All Outdoor Cafés must provide their own trash receptacles and will not use City of La Crosse trash receptacles.

III. Expansion of Existing Liquor License Premise

If an applicant is requesting an expansion of their existing Liquor License Premise their application will be forwarded to the City Clerk’s Office for review once it has been approved by the Planning and Development Department or the Board of Public Works. Provisional approval may be granted until final action is taken by the Common Council at their next meeting. Provisional approval would allow the applicant to expand their Liquor License premise into the approved outdoor dining area while action is pending with the Common Council.

Important information:

1. **Applicants are still required to follow all alcohol beverage laws and post in public view the license that includes the temporary authorized extension as well as its expiration date.**
2. Per Section 2-292 of the Municipal Code those businesses wanting to participate in this program will not permitted to do so if any money or debt is owed to the City.
Section 2-292 Unpaid debts due the City. No permits, licenses, leases or other franchises shall be granted by the City or by any City officer, board, department, or employee, to any person who owes the City any money or debt. No item, goods or tangible property shall be sold to any such person except for cash. This section shall not apply to a person who is making regular payments on such person's debt, according to a schedule approved by the City, its officers or employees
3. If accessing the La Crosse Outdoor Café outdoor seating area is only possible directly from the outside, patrons are not to carry out their own alcoholic beverages. Rather, beverages shall be brought directly to patrons' tables by a bartender or member of waitstaff.

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IV. Required Signage:

All new or expanded outdoor cafe areas and sidewalk café licenses shall post a sign with the language provided below directed outward from the seating area to inform the public that the new or expanded sidewalk café or outdoor eating area is intended to help offset the impact of COVID-19 and expires on November 13, 2020, and that maintaining the outdoor area beyond that date will require regular city approvals. The sign shall also contain information related to how residents can submit complaints to the city regarding the operation of the outdoor eating area or sidewalk café license. The sign shall be no larger than 2ftx2ft in size.

These signs will be considered incidental with the City of La Crosse Fire Department, Division of Community Risk Management and will not require a separate permit.

Example Sign:

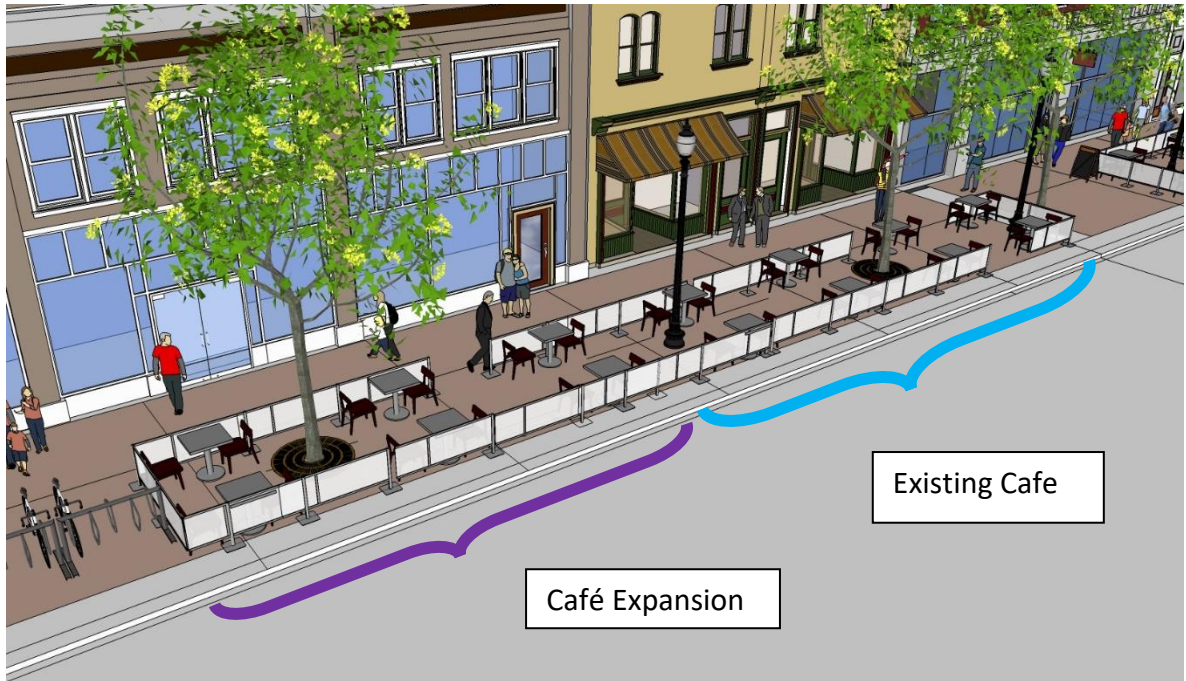
NOTICE

The Outdoor Café Program is a temporary program designed to help restaurants ~~and taverns~~ recover from the economic impact of COVID-19. Any establishment participating in this program must follow the requirements and prohibitions related to the program, including those related to hours of operation and noise amplification. Any complaints related to this program shall be submitted to the Planning & Development Department. Any approvals for this establishment to have outdoor seating that did not preexist the COVID-19 pandemic shall expire on November 13, 2020, ~~2020~~. Any establishment with approvals that expire on November 13, 2020 wishing to maintain this outdoor seating must go through the regular city process for such approvals.

V. Illustrative Diagrams

Images: All diagrams are for illustrative purposes only to help eligible businesses understand some of the limitations and opportunities within this program. Detailed guidelines on street and traffic safety features will be forthcoming.

1. Diagram of a Sidewalk café expansion:



2. Diagrams for both small and large cafés on low-volume streets with angled parking:





3. *Diagrams for both small and large cafés on low-volume streets with parallel parking:*





4. ***Diagrams for both small and large cafés on high-volume streets with parallel parking:***





5. *Diagram of Cafe zone that includes a “soft street closure” that allows fire, delivery and bicycle access in a 20’ lane down the middle.*

