CITY OF PEORIA – TRAFFIC COMMISSION

REGULAR BUSINESS MEETING

AGENDA

TUESDAY, APRIL 15, 2014

3:00 PM – 4:30 PM

COMMISSION MEETING – TO BE HELD AT CITY OF PEORIA DRIES LANE FACILITY CONFERENCE ROOM #113, 3505 N. DRIES LANE, PEORIA, ILLINOIS 61604. (309) 494-8800.

CITY OF PEORIA – TRAFFIC COMMISSION

AGENDAS AND MINUTES

ISSUED BY:

JOE HUDSON, CHAIRMAN

VIA TRAFFIC ENGINEER NICK STOFFER

PUBLIC WORKS DEPARTMENT

3505 N. DRIES LANE, PEORIA IL 61604

(309) 494-8800

INTERNET ADDRESS: www.peoriagov.org

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*Citizens wishing to address an item not on the agenda should contact a commission member prior to the meeting. All other public input will be heard under public comment near the end of the committee meeting.

Note: The order in which agenda items are considered may be moved forward or delayed by at least 2/3 vote of the commission members present.

The City of Peoria – Traffic Commission meets in regular business sessions the third Tuesday of the month at 3:00 PM at 3505 N Dries Lane Conference Room #113, Peoria, Illinois. (309) 494-8800.
NOTICES OF ANY SPECIAL MEETING ARE POSTED AT LEAST 48 HOURS PRIOR.

CITY OF PEORIA – TRAFFIC COMMISSION
DRIES LANE, CONFERENCE ROOM
3:00 PM – 4:30 PM

ROLL CALL

ANNOUNCEMENTS, ETC.

MINUTES – FEBRUARY 18, 2014 REGULAR MEETING

AGENDA ITEMS

ITEM NO. 1 Discussion of Proposed Ordinance Changes Relating to Sidewalk Cafés

ITEM NO. 2 Discussion of Proposed Roadway Diet along University Street/MacArthur Highway from Jefferson Avenue to Bourland Avenue

ITEM NO. 3 PROJECT UPDATES:
  o University and Main Street Project
  o Bicycle Master Plan

UNFINISHED BUSINESS

NEW BUSINESS

PUBLIC COMMENT

NEXT MEETING

ADJOURNMENT
A Regular Meeting of the City of Peoria’s Traffic Commission convened at 3:06 p.m. on Tuesday, February 18, 2014, at the Lester D. Bergsten Operations & Maintenance Facility located 3505 N. Dries Lane, Peoria, Illinois.

CALL TO ORDER

Call to Order showed the following Traffic Commission Members in attendance:

Commissioners Present: Chairman Joe Hudson, Commissioner Mary Jane Crowell, Commissioner John Haverhals (arrived 3:08 p.m.), Commissioner Brandon Lott, Commissioner Pat McNamara, and Commissioner Stephen Van Winkle – 6.

Commissioners Absent: Commissioner Joe Messmore, Commissioner Michael Vespa and Commissioner James Wolfe – 3.

Others in attendance included Traffic Engineer Nick Stoffer; Advocate for Disabled Rights Roger Sparks; City Engineer Scott Reeise; Civil Engineer II Jane Gerdes; Civil Engineer II Stephen Letsky (3:39 p.m.); Private Citizen Marjorie Klise; and Public Works Administrative Specialist Ruth Blancaflor.

ANNOUNCEMENTS

City Traffic Engineer Nick Stoffer announced that the City of Peoria and design engineers Clark-Dietz received the Illinois Merit Award for the Highly Distinguished 2014 Engineering Excellence Award from the American Council of Engineering Companies of Illinois (ACEC) for the Pennsylvania Avenue Improvement Project. He said the award was presented on February 7th in Bloomington, Illinois.

MINUTES

Commissioner McNamara moved to approve the Minutes of the Regular Meeting of the Traffic Commission held on January 21, 2014, as written; seconded by Commissioner Lott.

Approved by viva voce vote.

ITEM NO. 1  UPDATES CONCERNING THE FOLLOWING PROJECTS:

- PIONEER PARKWAY EXTENSION PROJECT
  - CITY OF PEORIA PROJECT ENGINEER JANE GERDES, PE
Traffic Engineer Nick Stoffer introduced Jane Gerdes, the project’s managing engineer to provide an update on the Pioneer Parkway Extension Project.

Ms. Gerdes gave an update on the project based on a presentation which has been posted to the city’s web site at: HTTP://WWW.PEORIAGOV.ORG/PUBLIC-WORKS/ under Project Information/ Pioneer Parkway Extension. She stated the information was presented at a January 23rd neighborhood meeting involving the property owners in the area. She advised that the Phase I project had been approved by IDOT a couple of years previous. Currently, she said the first section of the extension from where Pioneer Parkway now stops, at Allen Road, to the west was in the design phase. She explained the Pioneer Parkway and Allen Road intersection configuration was discussed at the neighborhood meeting January 23rd.

Ms. Gerdes gave an overview of the whole project from the presentation materials. She started at Allen Road where Pioneer Parkway currently ends and explained the extension from there would bend that intersection to go between the Catholic cemetery and the mausoleum then Pioneer Parkway would extend up and curve to the north to get around the golf course, intersect Radnor Road then there would be a bridge to go over the railroad crossing, would have a new interchange with Illinois Route 6, continue and intersect Illinois Route 91, by the Illinois Eye Center and the cancer center, continue to the west and intersect with Orange Prairie Road, which is currently under construction, and to ultimately intersect with Trigger Road near Challacombe Road. Due to the project’s size and budget, she said it would probably take 15 to 20 years to fund and build.

Currently, Ms. Gerdes said the engineers were in right of way acquisition efforts for the section from Allen west to Radnor, and they were designing for the first leg from Allen Road, where it stops now, to Villa Lake Drive extended. She noted that, near Villa Lake Drive, some storm sewer would be constructed to tie in to the storm sewer outfall there. She said Pioneer Parkway is being designed with a 4-lane section on the west leg, and then it narrows to a 2-lane section, with one lane in each direction. Also, she said, bike paths are being added from the beginning, along with trees, bio-swales, and permeable pavement, etc., wherever feasible. Looking west, she described the design with two lanes in each direction, grass median, and shoulders, but she said those could be removed some day in order to add travel or turn lanes.

Ms. Gerdes briefly described the Pioneer Parkway extension design to the east of Allen Road, which will be kept as 2 lanes in each direction with a wide median for turn lanes. She said new sidewalks were planned for both sides of Pioneer Parkway near Allen Road.

Commissioner McNamara said he noted in the presentation there were some bike paths on the west section, and he suggested they be included on the section east of Allen Road, as well.

Ms. Gerdes stated there would be plenty of right of way, so that easily could be done.

Ms. Gerdes reiterated that the purpose of the January neighborhood meeting was to gather input about the intersection configuration. She said the two intersection configurations were for a two-lane roundabout or a traditional intersection with a traffic signal. She said staff didn’t recommend one or the other. Due to the traffic volume and turning movements currently present, she said a two-lane roundabout would be required there, and that a signalized intersection would still accommodate pedestrians, would have two lanes in both directions, and double left turns from southbound Allen to westbound Pioneer Parkway. She said they received positive feedback for both intersection types; however, she said most people favored the
traditional intersection because of the pedestrian and bike access sensitivities because of the amount of traffic present there.

In discussion with Commissioner McNamara, Ms. Gerdes stated those in attendance included families living in the Radnor Road and Villa Lake areas and a representative from the Catholic Diocese, the construction manager for Peoria Notre Dame, about three people from the church, and representatives from a few of the commercial properties in the area.

Ms. Gerdes stated, in answer to Commissioner Haverhals, that the first phase of the project would extend approximately half a mile to the west.

Since this project is relying on federal funding, Ms. Gerdes mentioned an interesting fact was that more of the traditional intersection elements are covered by federal funding than a roundabout would be, because that funding is only available for the elements of the improvement that remain there forever. Because a roundabout couldn’t be expanded in the future, she said there wasn’t as much funding available as there was for a traditional intersection.

In discussion with Commissioner Lott, Ms. Gerdes confirmed that either intersection configuration could be built within the right of way needed. She said the IDOT requirements were based on the full “ultimate” improvement, so there would be no difference.

Commissioner McNamara stated that, from a safety standpoint, roundabouts work better in a series of intersections and not as they stand alone. In terms of the design for the rest of the intersections on the project, for a safe, consistent traffic flow, he suggested roundabouts should be considered.

In discussion with the engineers, Commissioner Van Winkle determined the plan for the intersection of Alta and Allen at the curve was for a free flow of two-way traffic on Allen Road with a four-legged intersection at Alta Road where it meets at Brompton Court. He said where there is a major street system which is primarily controlled by traffic signals, there is an excellent opportunity to coordinate the traffic signals so that the high percentage of traffic doesn’t have to stop. He said on roads with high volumes of traffic roundabouts operate as elaborate four-way stops.

- **Main and University Intersection Reconstruction**

City Engineer Scott Reeise presented information to the Commission regarding the project. The information is posted to the city’s web site at HTTP://WWW.PEORIAGOV.ORG/PUBLIC-WORKS/ under Project Information/Main and University project. He noted the handout with a summary of the project. He described the treatments taking place in the entire area of the intersection replacement.

Mr. Reeise explained that the Columbia Terrace/University and Main Street/University intersections are in the Combined Sewer Outfall area, and he discussed the rain garden diagram proposed at the intersection quadrants. He said rain gardens are now being considered on city projects, as they help to minimize storm sewer runoff. He said the goal is to get the water to infiltrate into the ground before entering the storm sewer system. Further, he said placement of the rain gardens at the Columbia Terrace intersection quadrants would eliminate the right hand turn lane and add parking back on the street.
Mr. Reeise discussed the initial concept for the crosswalks to be placed in the neighborhoods was for the type which included the pavement embedded lights. However, in trying to balance budget with all the treatments desired by the neighborhood, he said a number of the raised crosswalks, which slow traffic, were added on the neighborhood streets, and the engineers removed the lighted type and placed those in the design for crosswalks on Main Street. He clarified the crosswalks on Main would not be raised but would have the in-pavement, pedestrian actuated solar powered lighting. He said when the pedestrian pushes the button to cross, the lights in the pavement blink and draw attention to the pedestrian. However, he said the crosswalks on Bradley and Moss didn’t have that feature—they are just striped and signed.

Next, Mr. Reeise described the table top intersection plan for the University and Main intersection. He explained there is a 6-inch rise to the intersection. The rise will start 15’ from the crosswalks and be at full height by the crosswalks. He described the picture diagram with the rain gardens in every corner and 24” tall seat walls on every corner. He noted the seat walls and gardens were meant to make it an inviting public space near the campus and restaurants. He said the intersection improvement included new traffic signals with LED lights, and that the intersection would be of concrete construction, with brick paver crosswalks to help draw attention to them.

Traffic Engineer Stoffer stated that the crosswalks were at the full height of the intersection, or at grade, so that they were ADA accessible without ramps.

In discussion with Mr. Reeise regarding examples of other rain gardens in Peoria, Commissioner Haverhals determined there was one adjacent to the sidewalk at Valeska Hinton School. He expressed concern that the rain gardens would become trash collectors, and Mr. Reeise said discussions had taken place with Bradley University about recruiting students to help maintain them, and that city maintenance crews would also be trained on native plant maintenance. He said native plants were known to hold up in a harsher environment.

Commissioner McNamara questioned city plow drivers’ reactions to the tabletop intersections, and Mr. Reeise stated the bump outs were currently more of a consideration. He said it was an ongoing discussion about what’s required to keep the added on-street parking opened up, especially because one doesn’t want to push all the snow into the parking areas, so it may have to be hauled away.

Mr. Reeise discussed the construction schedule. Weather dependent, he said the schedule was to begin March 1st with the water main installation. He said new water main would be constructed in the intersection and down Main in front of the Bradley campus and to a connection at Duryea. He said the water main work would take about a month. After that, he said the intersection would be closed for about 6 weeks for pavement construction starting April 1st to be open again by May 10th.

Regarding the detour map, Mr. Reeise said the focus was on re-educating drivers who got in the habit of using this route during the I-74 reconstruction project. He said the detour route would encourage drivers to use Nebraska to Park Road or Sterling to Farmington Road to get back to Main Street. He said time studies performed showed similar travel times to those under the current conditions.

Regarding traffic patterns from the parking deck at Maplewood, Mr. Reeise said the current pattern for dual right turns out onto Main would be changed to right and left turns. As people leave campus, he said they can turn left onto Main and turn right onto Farmington Road and at
Park Road and Nebraska and then it’s all right turns to get onto the Interstate. He said the other option is for motorists traveling downtown to just continue on the interstate. He said changeable message signs would be placed at several locations to help guide motorists.

In discussion with Commissioner Haverhals Mr. Reeise said, when the water main break occurred, the intersection was never completely closed. He said he didn’t think it was a long enough time period to retrain drivers to use other routes. He said traffic counts done in 2008 and last year showed a decrease of traffic on Main Street since the 3-lane section was striped.

Mr. Reeise advised there were concept plans for the Main Street pavement to be striped for a 3-lane configuration all the way down to Jefferson, adding one lane of on-street parking and a bike path. He said there would be three 11’ lanes, a 9’ parking lane, a 3’ buffer and then a two-way bike path, all the way from Jefferson to Bourland by Bradley. He said the sidewalk would be widened for a multi-use path to Windom, so students would not have to go through the Main/University intersection but could still get to the Main Street corridor.

In discussion with Commissioner Haverhals regarding the number of cars using the intersection during peak times, Mr. Reeise said it was about 3600 vehicles in a peak hour. He said a traffic analysis showed there would be a 60 to 90 second increase to what is current in per car delay, because in the proposed configuration the thru lanes decrease.

Mr. Reeise explained pedestrian access to the intersection would be based on a pedestrian-actuated call button. He said all the lights on the traffic signals will go to red when a pedestrian hits the button. Without the button, he said the signals would run on regular cycles. When the signals were red on a pedestrian’s request, he said the delay for the driver would increase by 30 seconds but that pedestrians could cross at will.

After public comments were received at the public meeting held at Bradley, Mr. Reeise said some things on the plan changed. He said an area of concern was voiced that Columbia Terrace, east of University, had no traffic calming measures. He said a raised pedestrian crossing was added on Columbia Terrace half way between Frink and Machin, to add some sense of traffic calming. In The Uplands, he said the raised crosswalks were requested to be moved to line up with an alley having a lot of pedestrian traffic. Also, it was planned to make turn movements at Glenwood right-in and right-out, only, he said as it was thought that left turns would back up and potentially cause cut through traffic in the neighborhood. He reiterated that in-pavement lighted crosswalks would be placed on Main Street and that inlaid pavement lighting would be added to the crosswalk at Underhill for students who cross from Campustown to Main Street Commons. He said another crosswalk would be added to Bradley Avenue for pedestrians from St. James Apartments.

Mr. Reeise said bus stops with benches were to be added on each side of Elmwood Avenue and along University in front of Squeaky Clean Laundromat, and bus stops with shelters would be added on University near St. James and Campustown.

Depending on the budget, Mr. Reeise said the city would like to introduce a HAWK pedestrian signal on University behind Campustown where there was no marked crosswalk, but there were a number of students crossing there near St James. He said the signal requires a lot of public education, because the signal heads are dark and when they are actuated by pushing the button it goes through a signal of flashing yellow, flashing red and then all red and that’s when the motorist must stop. He said the HAWK signal would include a concrete refuge islands and that the signals were costly to purchase.
Lastly, Mr. Reeise discussed the traffic concerns regarding Avanti’s customers. He said the engineers were looking at parking lot layouts for Avanti’s that would accommodate right turns off Main Street and they were discussing adding a pork chop configuration or an island and opening the alley up out to Elmwood to force drivers back to Main and out to Farmington Road.

In discussion with Commissioner Haverhals, Mr. Reeise confirmed the delivery lane by the bump out for One World would be a loading zone only and have no parking.

Mr. Reeise explained the Main and University Intersection Reconstruction Project stopped at Bourland on the east. He said the project included a pavement overlay on Main to the west from University to Institute. Some of the pavement would only get new striping, he said, like University/MacArthur Highway from Parkside all the way down to Jefferson and then on Main Street from Farmington Road down to Bourland.

In discussion with Commissioner Lott, Mr. Reeise explained the intersection improvement was not being held until summer mostly because of coordination with IDOT’s construction projects. He said Sterling from Farmington Road to Nebraska would be under construction probably starting by June 1st and prior to that, IDOT had a project for culvert widening and intersection enhancement at Sterling and Farmington Road.

Mr. Reeise stated the overall goal was to eliminate 40% of the traffic going through the Main and University intersection by rerouting the traffic to Western Avenue, Farmington Road or the Interstate.

- **WAREHOUSE DISTRICT/WASHINGTON STREET**

City Engineer Scott Reeise also gave an update on the Warehouse District and Washington Street projects. Regarding Washington Street, he said opening the road from Harrison to Liberty and around the roundabout was delayed because of weather. He said all of the lights were in but snow got in the open conduit and froze the wire. He said it should be done and open this week. He said it would be closed again, intermittently, for brick crosswalks to be placed. He said they were on schedule to have Washington 100% complete from Liberty to Persimmon for July 2014. He said most of the trees were planted, from State to Liberty, and the ornamental lights were up. He said they were working with biking activists on selection and placement of the bike racks and he said all the lights on that stretch were LED.

Regarding the Warehouse District, Mr. Reeise said construction work for the TIGER project will start on Jefferson, first, in the spring and that construction on Adams between Persimmon and Walnut would follow the completion of the work on Jefferson. Restriping by the ballpark would be done and on-street parking would be added on the side of Jefferson at the curve, he said, because it would be striped for 2 lanes with a bike lane. He said Adams and Jefferson both have plans for two thru lanes and a bike lane on that stretch. Regarding the Warehouse District schedule, he said the plan was for the hardscape items to be done this year and for landscaping in the spring of 2015.

In discussion with Commissioner Van Winkle regarding what the cross-section would look like if Adams and Jefferson were converted to two-way traffic, Mr. Reeise said it was early in the study process, but the traffic models showed the roads could handle a 3-lane section of two-way traffic. He said it could possibly be a 2-lane section with a left hand turn at the intersections. He said each road had about 10,000 ADT a day. Anything built using the TIGER funds would not be
disturbed for the two-way conversion, he said because anything torn up again would require that the TIGER funds be repaid.

- **CITYWIDE BICYCLE MASTER PLAN - REQUEST FOR QUALIFICATIONS**

Mr. Stoffer outlined the information in the Request for Qualifications. He stated there was a pre-submittal meeting planned for the next day during which the consultants could ask questions. He said the final submittals were due on February 25th and a committee made up of Public Works and Planning staff, and a member of the biking community would review the proposals and select a consultant.

In discussion with the Commissioners regarding the final product, Mr. Stoffer said it was a new endeavor for the city of Peoria but he envisioned a plan that would include the current systems, educating the public on their locations and use, connecting the current systems, and coordinating future construction projects with an approved master plan to include recreational and commuter bike structures. He said the public input process was included in the scope of work for the consultant.

In discussion with Commissioner McNamara regarding funding for the study and its implementation, Mr. Stoffer stated the current Community Investment Plan had $75,000 in place this year which will help incorporate the plan. He said a new request for $200,000 for implementation of the plan was subject to approval.

Commissioner McNamara suggested the sustainability aspect be an important part of the project’s focus.

**ITEM NO. 2  ITEMS OF INTEREST TO THE TRAFFIC COMMISSION:**

- **UNIVERSITY AVENUE DESIGN (FROM NEBRASKA TO THE NORTH)**
  - **UPDATE FROM STEVE LETSKY, PE, CITY OF PEORIA PROJECT ENGINEER**

Project Engineer Stephen Letsky gave an update on the University Avenue improvement project (from Nebraska to Forrest Hill). He said City Council approved the five-lane configuration at its meeting on February 11th and he reviewed the current configuration. He said currently there is 63’ of right of way (ROW), which is very minimal for a principal arterial roadway. Since part of staff’s recommendation was to increase the ROW to 67’ feet to accommodate widening the sidewalk on both sides to 6’ sidewalks, he said 4’ of ROW acquisition from 54 parcels on the west side was necessary. On the east side of the roadway, he said the utility pole locations governed ROW so it starts at the back of sidewalk. He said the centerline would be brought back in line of the section line.

Since University Street functions as a principal arterial, Mr. Letsky explained the two main Complete Streets concepts available within this plan, the first being keeping the 10’ wide lanes. He said the 10’ lanes are narrow lanes, which aids traffic calming. The second item of Complete Streets philosophy is the planned wider sidewalks, which he said because of the narrow ROW on the east side, would have to be along the curbline. He explained that property line sidewalks with the grassy buffer strip were preferred.

In discussion regarding the project’s schedule, Mr. Letsky explained that the amount of right of way parcels to be acquired and the project’s redesign timeline meant a likely 2015 spring or early summer construction start. He explained the city was working with its design consultant,
CMT, to redesign this as a 5-lane concept and the project on University, between Nebraska and War Memorial Drive could be bid as one construction contract project. He said the construction would begin at Nebraska and take 1 ½ construction seasons to complete to War Memorial Drive.

In discussion with Commissioner Van Winkle, Mr. Letsky stated the curb top was not included in the planned 6’ wide sidewalks. He said the drivable surface was 53’ curb face to curb face.

Mr. Sparks questioned how the fire hydrants on both sides of the street would be located and Mr. Letsky advised the city would work with Illinois American Water Company (IAWC) to relocate them to the back side of the right of way and, if needed, onto permanent easements from the property owners.

In explanation, Mr. Letsky stated the engineers were coordinating work with IAWC on replacing their water main on Forrest Hill from Sheridan to Knoxville. He advised the Commission of the proposed, planned improvement of Sheridan Road in a 3-lane section with a bike lane.

Mr. Letsky stated this project was predominantly for pavement mill and overlay but, because of the curb gutters being moved, he said some full depth patches would be necessary.

In discussion with Commissioner Haverhals regarding the 6’ sidewalk on the west side affecting Agatucci’s entrance, Mr. Letsky explained they currently had about 12’ from the back of curb to the face of their building. He said they had expressed concern about people driving into their building, so bollards or planters were being considered for installation.

Mr. Sparks questioned whether Agatucci’s primary doorway would be made ADA compliant in conjunction with the construction project, and Mr. Letsky said the engineers would coordinate the issue with them during the right of way acquisition process.

In discussion with Commissioner McNamara regarding University between War Memorial Drive and Forrest Hill, Mr. Letsky explained that section was all commercial with 26,000 to 28,000 Average Daily Traffic. He said there was plenty of right-of-way in that section in order to implement property line sidewalks since, especially in a commercial section, at least 5’ of green space between the curb and the sidewalk is desired. That way, he said the city can avoid snow being piled up on the sidewalk where people walk, thereby making it safer for pedestrians and vehicles.

Mr. Letsky stated the engineers were in the very preliminary stages of coordinating with Ameren to underground the electric poles but that is very expensive to them and, also, the city would have to construct new lighting systems at its cost. He said the goal was to reduce the overhead footprint in that area.

Commissioner Van Winkle left the meeting at 4:42 p.m.

In further discussion with Commissioner McNamara regarding his question of the timing of the results of the bike plan versus construction of this roadway, Mr. Letsky reiterated the bike paths would be added to the Sheridan Road project. He said the ROW strip is too narrow to add bike lanes in this section of University.

Finally, Mr. Letsky advised that the flashing yellow turn arrows will be installed on the traffic signals on the University Street Corridor between Nebraska and Marlene (near Metro Centre).
The Commission thanked Mr. Letsky for his presentation and asked that his documents be posted to the city’s web site.

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

Proposed Items for Traffic Commission Input

Commissioner McNamara again reminded the Commission to generate a list of activities to address for the coming year’s meetings. He said he was encouraged by the continuing implementation of the Complete Streets philosophy.

**PUBLIC COMMENT**

Mr. Marjorie Klise, a west bluff resident, said the intersection improvement at Main and University could be very innovative for the city of Peoria. She expressed concern that behavior is modified not by signage but subliminally; so she was disappointed to hear of the installation of the flashing yellow signs.

Chairman Hudson thanked Ms. Klise for her comments.

**NEXT MEETING**

The next regularly scheduled Traffic Commission meeting will be held on **March 18, 2014** at 3:00 PM.

**ADJOURNMENT**

There being no further discussion the Regular Meeting of the Traffic Commission adjourned at 4:55 p.m.

_________________________________  ______________________________________
Chairman, Joe Hudson               Nick Stoffer, Traffic Engineer

/rmb
CITY OF PEORIA
SIDEWALK CAFÉ PROGRAM
APPLICATION AND INFORMATION PACKAGE

Public Works Department
3505 N. Dries Lane
Peoria, IL 61604
309-494-8800
CITY OF PEORIA SIDEWALK CAFÉ PROGRAM

APPLICATION AND INFORMATION PACKAGE

INTRODUCTION

This guide is the City of Peoria Sidewalk Café Application and Information Package for the 2014 sidewalk café season. The annual season begins on March 1st and ends on December 1st each year. Sidewalk Café Permits must be applied for, and issued, every year. Application shall include a site plan showing the full sidewalk building to curb, tables and chairs, fencing plan, any existing objects within the walk, IE, light poles, street signs, planters etc.

Completed applications may be submitted via mail, or in person, to the Public Works Department at 3505 N. Dries Lane, Peoria, IL 61604.

Businesses with a valid Food License may apply for a Sidewalk Cafe Permit to serve food outside their restaurant on city sidewalks adjacent to their property. Applicants intending to serve liquor at a Sidewalk Cafe must have a valid Liquor License pursuant to Chapter 3 of the Municipal Code of the City of Peoria. For an application see Subclass 3A under http://www.peoriagov.org/city-clerk/liquor-license-forms/.

For more detailed information related to our Sidewalk Cafe Program or other Public Way Use Permits, please call 309-494-8800 or go to our website at http://www.peoriagov.org/public-works/public-works-permits/.

Any questions regarding accessibility compliance please call the Equal Employment Opportunity Office 309-494-8528 or go to their website http://www.peoriagov.org/?s=equal+opportunity

The entire Sidewalk Cafe Permit application process may take 30 days. There is no fee for a Sidewalk Cafe Permit, however it must be applied for every year.

Thank you for applying for a City of Peoria Sidewalk Café Permit, and have a nice season!

Peoria Public Works Department
APPLICATION CHECKLIST

☐ Application
Please ensure that all pages of the enclosed application are accurately completed. Special attention should be made with the following:
- Page 6, Sidewalk Café Application,
- Page 7, Application Worksheet, must have all four sections filled-in.
- Page 8, Acceptance of Sidewalk Café Permit terms, must be signed.
For additional information, please read the Municipal Code of Peoria Chapter 26, Sections 286-303, and the Rules and Regulations in this Sidewalk Café Application Information Package.

☐ Business License Certificate(s)
Please provide copies of your City of Peoria business license certificate(s). If you do not have a valid business license, please apply for the appropriate license(s) either online at our website, or in person at City Hall.

☐ Photograph(s)
Please provide photograph(s) on 8 ½” X 11” paper(s) which are clear and depict the proposed site of the Sidewalk Café and its relationship to the surrounding public way.

☐ Plan(s)
Plan(s) shall be submitted on 8 ½” X 11” paper(s), and clearly illustrate:
1. The business name and address as they appear on your retail food establishment license.
2. The exact length(s) and width(s) of the proposed Sidewalk Café, and they must match the dimensions on the application.
3. Compliance with the Landscaping requirements.
   - At least 50% of the boundary must be covered with live plants
   - No portion of the plants shall extend outside the permitted Sidewalk Café area (they shall be included within the limits of the permitted area).
4. Compliance with the Boundary requirements.
   - The boundary shall fully enclose the permitted area from the remainder of the public way, with the exception of the entrance.
   - Sidewalk café boundaries must be constructed so that they are free of objects that protrude more than 4 inches from the outer edge of the fence or barricade between 27 and 80 inches above the ground unless a corresponding barrier is positioned under the protruding object 27 inches above the ground or lower to provide for detection by canes used by people who are blind or have visual impairments. Examples of potential non-compliant protruding objects are hanging lanterns, large planters or flower boxes, signs or other objects mounted on or alongside the café fences or barricades.
   - Sidewalk café boundaries must be constructed to provide cane detection for pedestrians who are blind or have visual impairments. A continuous uninterrupted fence or barricade meets this requirement if it has a continuous, firm barrier located 27 inches above ground or lower. If the fence or barricade is not continuous or if the barricade consists of posts or other objects connected by hanging ropes, chains or nylon strips, a detectable barrier must run continuously along the pedestrian side of the barricade or fence at a height of 27 inches or less.
   - Bolting the boundary to the sidewalk is not permitted.
   - Non permissible enclosure of City property, within the boundaries of the Sidewalk Café, shall include, but not be limited to, parking meters, fire hydrants, newspaper stands and boxes. These types of items can be identified as items which must be accessible to the public or to the City for emergency services.
   - Protective coverings must be freestanding, not bolted or affixed to barrier and/or sidewalk with all sides open and are required to stay within the boundary limits of your plan.
5. Compliance with the Clearance requirements.

- Sidewalk café fences or barricades must be positioned so that at least 5 feet separates the outer edge of the barrier from City property such as street signs, planters, newspaper dispensers, fire hydrants, bus shelters or other obstacles or where no obstacles are present, the edge of the sidewalk (not including the curb) unless otherwise approved by the Public Works Department.
- No portion of the Sidewalk Café can include neighboring business, residences, or empty lots.
- A minimum clearance of one (1) foot from the Sidewalk Café to the edge of the curb.
- A minimum of 4 feet (5' recommended) public way must be left unobstructed for pedestrian passage. Passage must be clear and in a straight path, not winding around café.

6. The proposed seating capacity for the Sidewalk Café

- The number of chairs depicted in the Plan shall match the proposed seating capacity on the application.
- Where tables are provided at sidewalk cafes, seating for people with disabilities must be provided.
- Sidewalk cross slope should meet ADA requirements of maximum 2% slope in any direction.
- At least 5% but not less than one of the tables in the sidewalk café seating area must be accessible to people with disabilities, including those who use wheelchairs. Accessible tables must be dispersed throughout the café seating area.
- Under no circumstances should seating in sidewalk cafés consist only of “high” or “bar stool” height tables and chairs. Where high tables and chairs are used, accessible tables outfitted with chairs of corresponding height must be provided as well.

7. The Sidewalk Café entrance location

- It is at least 36 inches wide at all points (maximum of five (5) feet), except doorways (measured when patrons are seated). A minimum of one (1) entrance (maximum of two (2)) per sidewalk café section.

8. The access to adjacent and neighboring building entrance(s) must be maintained.

- Sample plans may be found in pages 8-10 of this Sidewalk Café Application Information Package.
- You will receive a copy of the approved plan with your Sidewalk Café permit after all the requirements have been met. The permit and the approved plan shall be conspicuously displayed on the exterior wall or window of the main entrance of the establishment during all hours of operation.
- Plan(s) that do not meet the requirements will be returned to the applicant for corrections, thus delaying the processing of your application.

**Insurance Requirements**

Please include your proof of insurance with this application. The requirements are below:

- The applicant shall file with the city, along with the application, proof of general liability insurance in the amount of $300,000.00 per person, $500,000.00 per occurrence and $15,000.00 in property damage, naming the city as co-insured.

2. The Certificate of Insurance “Description” section must clearly indicate the following:

- City of Peoria, its agents and employees are listed as additional insured in regards to the sidewalk café."
- Your specific public way use must be listed or it will not be accepted.
- Having the City of Peoria only in the “Certificate Holder” section of the Certificate of Insurance does not mean that the City is listed as additional insured. Therefore, please ensure that the statement above is listed on your Certificate of Insurance “Description” section.

3. The issuing insurer shall provide for 10 days prior written notice to the City of Peoria if coverage is substantially changed, cancelled or not renewed.

4. The Certificate of Insurance “Certificate Holder” section must include the following:

   City of Peoria - Public Works Department
   3505 N. Dries Lane, Peoria, IL 61604
SIDEWALK CAFÉ APPLICATION

APPLICATION INFORMATION

LEGAL NAME OF ENTITY: ________________________________

BUSINES NAME: ________________________________

PERMIT MAILING ADDRESS: ________________________________

CITY: __________________ STATE: __________________ ZIP CODE: __________________

CONTACT PERSON: __________________ TITLE: __________________

PHONE: __________________ MOBILE: __________________ E-MAIL: __________________

Note: Please review the above section to ensure the accuracy of your contact information. Any omissions/inaccuracies will delay the processing of your application.

Failure to submit all the requirements will delay processing your application. No faxes will be accepted. Please return this application and all the associated documents by mail or in person to:

City of Peoria
Public Works Department
3505 N. Dries Lane
Peoria, IL 61604
APPLICATION WORKSHEET

Please enclose a plan of the proposed Sidewalk Café and its relationship to the surrounding public way even if it has been submitted during prior years. Please show the associated dimensions, clearance measurements, boundaries and landscaping, street location, seating capacity, accessibility to patrons with disabilities and its relationship to the surrounding public way. Also include photograph(s) of proposed Sidewalk Café’s location.

In addition, please fill in below the proposed Sidewalk Café’s (1) business license information, (2) street location, dimensions, (3) seating capacity, and (4) days and hours of operation.

1. Business License Information

   Account#

   Current Retail Food License#

   Business Location Address:

2. Proposed Sidewalk Café Location and Dimension Information

   Note: The street name(s) and proposed length(s) and width(s) must match the proposed plan.

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<th>STREET NAME</th>
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3. Proposed Sidewalk Café’s Seating Capacity

   Note: The proposed seating capacity must match the proposed plan.

   Proposed Seating Capacity: __________

4. Days and Hours of Operation

   Note: Sidewalk Café’s cannot operate earlier than 8:00 AM nor later than midnight.

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<tr>
<th>DAY OF THE WEEK</th>
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ACCEPTANCE OF SIDEWALK CAFÉ PERMIT TERMS

I hereby understand and accept the terms and conditions relative to the issuance of the Sidewalk Café permit, and by signing below, I acknowledge that I must adhere to the City of Peoria Municipal Code Chapter 26, Sections 286-303, as well as all the additional requirements promulgated herein:

I understand it shall be my duty as the permit holder, and as a condition of the permit, to:

1. comply with all the requirements defined within Peoria’s Municipal Code, as well as the requirements promulgated herein;
2. upon submission of the Sidewalk Café Application, furnish the Certificate of Insurance;
3. resolve all Account Holds since failure to do so will prevent the issuance of this permit application;
4. install or maintain the Sidewalk Café after the issuance of the permit by the City of Peoria;
5. install and/or maintain the Sidewalk Café in a manner that complies with all applicable accessibility requirements under local, state or Federal law.

I understand that failure to adhere to all conditions imposed in the permit may result in revocation of the permit.

SIGNATURE:

PRINT NAME:

ACCOUNT#:

LEGAL NAME OF ENTITY:

BUSINESS NAME:

BUSINESS LOCATION ADDRESS:

CITY: Peoria  STATE: Illinois  ZIP CODE:

BUSINESS PHONE:  CELL PHONE:

E-MAIL:  PERMIT TYPE: Sidewalk Café
Peoria City Code Chapter 26, Sections 286-303

Sec. 26-286. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Application* shall mean that form generally described in subsection 26-288 which must be completed prior to the issuance of a permit hereunder.

*Business District* means those sections or zones in the city designated as business districts by the zoning ordinance Article 6.

*Director* shall mean the Director of Public Works.

*Newsstand* means any structure erected on the public right-of-way for the sale of newspapers, magazines or other periodicals. The term shall not include self-service or coin-operated dispensers occupying an area of less than eight square feet of the right-of-way. *Owner* shall include any owner of fee simple title, part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety of the whole of the land contiguous to the right-of-way on which a sidewalk café is to be operated under the authority of this section.

*Permit* shall mean the written authorization from the City granted pursuant to the provisions of this section.

*Person* shall mean an individual, a group of individuals, an association, a club, a society, a firm, a partnership or a corporation.

*Sidewalk* shall mean that portion of the public street which is between the curblines, or the lateral lines of a roadway, and the adjacent property lines and which is improved and designed for or is ordinarily used for pedestrian travel. *Sidewalk cafe* means any outdoor dining area where foods, frozen desserts, or beverages are sold for immediate consumption both within a building and upon any adjacent public sidewalk, right-of-way and/or plaza immediately abutting such building by the same establishment, but excluding any use licensed pursuant to article XII of chapter 18 of this Code. A sidewalk café shall not be enclosed by fixed walls and shall be open to the air, except that it may have a canopy

*Vestibule* means any structure erected on the public right-of-way to serve as a passage, hall, or room to the entrance of a building.

*Warehouse District* shall mean the zoning district as defined in section 6 of the Zoning Code.

Sec. 26-287. - Permit—Required.

It shall be unlawful for any person to erect, place, maintain or operate on any public right-of-way any newsstand, vestibule, sidewalk restaurant, or other use without having first obtained an annual permit from the City specifying the exact location of such use.
Sec. 26-288. - Same—Application.

An application for a permit required by this division shall be made in writing to the public works department, which shall set forth the following:

(1) The name of the individual, partnership, corporation or association applying for the license.

(2) The residence and phone number of the applicant or partners or, if a corporation or association, the residence and phone numbers of the principal officers.

(3) The location for which the license is requested.

(4) Scale drawings, on 8.5” x 11” sheet, of the proposed use with sufficient details and clarity to show dimensions, elevations, materials and mode of construction. For a proposed sidewalk café a site plan must be submitted, complying with applicable regulations, and demonstrating that the sidewalk café shall not unreasonably interfere with: (1) adequate pedestrian flow, (2) access to building entrances; (3) pedestrian and traffic safety; and (4) the aesthetic quality of the surrounding area.

(5) Proof that the applicant holds a valid retail food establishment license issued to the establishment that will provide food for the sidewalk café, or that the applicant is the owner or manager of an indoor retail market. The owner or manager of the indoor retail market is not required to obtain a retail food establishment license.

(6) A proof of insurance as required by this article.

Sec. 26-289. - Same—Fees.

If approved by the City Manager, the permit applicant shall be issued a no fee permit valid for the calendar year of its issuance, as per Section 26-298 (a).

Sec. 26-290. - Same—Bonding and insurance.

(a) The applicant shall file with the city, along with the application, a bond issued by an insurance company authorized to do business in this state in the penal sum of $1,000.00 with the city named as obligee, conditioned for the faithful performance of the provisions of this division.

(b) The applicant shall file with the city, along with the application, proof of general liability insurance in the amount of $300,000.00 per person, $500,000.00 per occurrence and $15,000.00 in property damage, naming the city as coinsured.

Sec. 26-291. - Same—Review/Processing.

(a) Upon receipt of an application for a permit, the director of public works shall cause a copy of the application to be sent to various departments of the city, which shall report back to the director within 15 days whether the application meets the requirements for issuance of a permit as required by this division, and as to what conditions should be imposed upon the applicants if the permit is granted.
(b) If after receiving the reports required in section 26-291 (a), and the if the Director finds that the applicant meets the requirements of this article and the regulations promulgated hereunder, the Director shall recommend to the City Manager whether or not to grant the permit, and on what conditions the permit should be granted. Such approval shall not be unreasonably withheld. Upon approval of the application, the Director shall issue the sidewalk café permit to the applicant.

(c) If the Director finds that the applicant fails to meet the requirements of this article or the regulations promulgated hereunder, the Director shall deny the application. The Director shall notify the unsuccessful applicant in writing of the denial and the reasons therefore within ten business days after the denial.

**Sec. 26-292. - Same—Hearings on issuance.**

Any person aggrieved by any action of the Department, in the denial or revocation of a Sidewalk Café Permit, shall have the right to appeal to the Traffic Commission. The appeal shall be taken by filing with the Department within 30 days of the notice of the action, a written statement setting forth the grounds for appeal. The Department shall place the appeal on the agenda of the next regularly scheduled meeting of the Peoria Traffic Commission, which shall conduct a hearing and affirm, modify or reverse the action of the appeal. All such hearings shall be open to the public.

**Sec. 26-293. - Same—Issuance.**

(a) The City Manager may approve a permit under this division if it finds that:

1. The use is to be located on a paved, city-owned sidewalk in a B-1 zoning district or in the Warehouse District.

2. The location requested for a newsstand is not on the same block face as an existing similar use.

3. The location requested is not adjacent to or within a designated bus stop. Sight distance at intersections is maintained.

4. The use shall be constructed and installed in conformity with chapter 5 of this Code.

5. The use, where located, shall not reduce the paved pedestrian way to less than five feet.

6. The use as proposed meets the planning goals of the city and is aesthetically compatible with existing goals and uses.

7. Neither the applicant, its shareholders, officers or directors have had a permit revoked for cause by the city.

(b) Prior to granting a permit, the City Manager may modify any existing requirements or may impose any additional conditions or limitations on the granting of the permit as may in its judgment be necessary for the protection of the public interest and to secure compliance with the requirements of this division. The City
Manager may require such evidence and guarantees as it deems necessary, as proof that the conditions stipulated in connection therewith are being and will be fulfilled.

(c) No permit for a newsstand shall be issued or renewed unless the applicant shall first present to the director of planning and growth management proof that the applicant has arranged for at least one off-street parking space for every two employees or persons working at the stand within 500 feet of the proposed location, and has paid the fee as required by section 26-289(b).

**Sec. 26-294. - Same—Suspension and revocation.**

(a) Any permit issued under this division may be suspended for a period not to exceed 30 days or revoked by the city manager if the city manager shall find after a hearing that:

1. The permit holder has violated any of the provisions of this article, the laws of the state, or the ordinances of the city while engaged in the business of operating the newsstand; or

2. The permit holder has knowingly furnished false or misleading information or withheld relevant information on any application for a permit required by section 26-288 or 26-296 or any investigation into any such application.

(b) The permit holder shall be responsible for the acts of his agents, servants and employees in the operation of any stand. Prior to holding a hearing concerning the question of whether a permit issued pursuant to this division shall be revoked or suspended, the city manager shall give at least ten days' written notice to the permit holder setting forth the alleged violations specifically. The permit holder may present evidence at such hearing and cross-examine witnesses.

**Sec. 26-295. - Same—Transfer.**

No permit issued pursuant to this division shall be transferred, sold, or assigned to any other person without the prior written permission of the city manager. No transference, sale, or assignment shall be approved unless the proposed owner meets the requirements of sections 26-290 and 26-293(a)(7). A nonrefundable fee of $100.00 must accompany the request for transfer.

**Sec. 26-296. - Renewal.**

Once granted, a permit issued under this division may be renewed by the city manager or his designate upon written application of the permit holder setting forth the information required in subsections 26-288(1), (2) and (3), payment of the yearly or seasonal fee as set forth in subsection 26-289(b) and filing of bond and proof of insurance as required by section 26-290, if the city manager or his designate shall find that the permit holders have complied with all provisions of this division, plus any modifications or conditions imposed upon the permit holder pursuant to subsection 26-293(b) for the original application. Any person as set forth in subsection 26-293(c) who could have filed a written protest to an original application may likewise file a written protest against the renewal of a permit, thereby requiring such renewal to be reviewed and approved by a favorable vote of two-thirds of all councilmembers for permit renewal.
Sec. 26-297. - Regulations.

(a) No advertising signs shall be permitted on the exterior of any newsstand or vestibule except one sign identifying the establishment.

(b) All publications of a newsstand shall be displayed in compliance with state law relating to material harmful to minors.

(c) No permit holder or any officer, associate, member, representative, agent or employee of such permit holder shall engage in any activity or conduct, or permit any other person to engage in any activity or conduct in or about the licensed premises which is prohibited by any ordinance of the city or law of the state or the United States.

(d) No newsstand shall sell any items other than newspapers, magazines and other periodicals.

(e) No permit holder shall be granted an adult use license pursuant to articles III and IV of chapter 18 for the location granted by the city council.

(f) No permit holder shall solicit or conduct business with persons in motor vehicles.

(g) Should any permit holder not operate a permitted use other than seasonal uses for a period of 30 consecutive days, the use shall be considered abandoned and the permit automatically revoked. The permit holder shall have 15 days thereafter to dismantle any structure on the sidewalk and return the sidewalk to its condition prior to the construction of the structure. Should the permit holder fail to comply with this regulation, the city shall cause the structure to be removed and disposed of and the sidewalk repaired with the cost thereof to be taken from the bond of the permit holder.

(h) Permit holders shall be responsible for the cleanliness of the right-of-way within 50 feet of the approved location.

(i) A sidewalk café permit shall only authorize food and alcoholic beverage service at the sidewalk café. Regardless of what other activity may take place inside the establishment pursuant to license or permit, such activity shall not be allowed at the sidewalk café by virtue of the sidewalk café permit.

(j) If alcoholic beverages are served at the sidewalk café, the operator must be validly licensed under this code for such sales. Alcoholic beverages supplied by the customer or by any person other than the permittee will not be allowed at sidewalk cafés.

(k) All holders of a sidewalk café permit, shall be subject to and comply with all applicable requirements and standards for retail food establishments contained in the code, as amended, and the rules and regulations promulgated there under, and all laws, rules and regulations pertaining to the sale of alcoholic beverages.
Section 26-298. Operational conditions.

(a) The annual permit for a sidewalk café shall be valid from March 1st to and including December 1st of the year of its issuance.

(b) Sidewalk cafés permitted under this article shall not operate earlier than 8:00 a.m. nor later than 12:00 midnight.

(c) Sidewalk cafés permitted under this article shall not play music, whether live or recorded, nor allow music to be played at the sidewalk café, other than through headphones.

(d) The operator of a sidewalk café shall install and maintain a physical boundary separating the permitted outdoor seating from the remainder of the public way. The entrance is the only part of the perimeter that may be open to the public way. The operator shall leave five feet of public way unobstructed for pedestrian passage; the Director may alter this requirement by regulation in a situation where adherence to the requirement would make operation of a sidewalk café impossible and reduction of the unobstructed portion of the public way would not compromise pedestrian safety. The construction, configuration and other characteristics of the boundary, including landscaping, shall be set forth by regulation.

(e) The permittee shall maintain adequate lighting in and around the public clearance way to ensure that all obstructions may be easily seen. Such lighting shall be of such type and location and shall have such shading as will prevent the source of the light from being seen from any contiguous, adjacent residential property. It shall not cause illumination beyond the boundaries of the property on which it is located so as to be obtrusive to adjacent property owners and shall not cause illumination beyond the boundaries of the property in excess of five-tenths footcandle. The illumination of the street from the sidewalk shall be no brighter than the illumination provided by ornamental street lights nor shall it have an adverse impact on the flow of vehicular traffic. In addition, its design and color shall not be such that it could be mistaken for a traffic signal.

(f) The sidewalk shall be kept free of standing water, maintained in good repair and kept free from material defects that may present a hazard to life or property.

(g) The boundary shall have no less than 50% of its top covered with planter boxes. The planter boxes shall be no less than 6 inches deep and no less than 8 inches wide and be securely fastened to the boundary. In addition, for every 100 square feet beyond a standard 300 square feet sidewalk café, the applicant shall provide one 24” shrub.

Section 26-299. Promulgation of regulations; force and effect.

(a) The Director is authorized to promulgate regulations to carry out the purposes of this article, including without limitation regulations governing: The location, arrangement and design of sidewalk cafés to ensure the flow of pedestrian traffic, the safety of pedestrians and auto traffic, the access to buildings and transportation facilities, the prevention of an excessive number of cafés, and the best service to the public;

(b) The size, design and other specifications for tables and serving equipment to be used by operators, and the design of enclosures or partial enclosures;

(c) The types of food and beverages that may be served at sidewalk cafés;

(d) The time periods during which application can be made for a sidewalk café permit;
(e) Landscaping and other aesthetic components of the sidewalk café; and

(f) Any other matter pertaining to this article.

(a) Section 26-300. Compliance with plan and other components of application. Each sidewalk café shall comply in all respects with the specifications set out in the plan submitted to the Director, and with the other components of the application.

(b) In the event that the application, including the plan, becomes inaccurate or incomplete in any respect as a result of circumstances or events outside the control of the permittee, the permittee shall notify the Director within three business days of such circumstances or events.

(c) Before taking any action that would result in the application, including the plan, becoming inaccurate or incomplete in any respect, the permittee shall seek the prior approval of the Director.

(d) Upon being notified of an actual or contemplated change pursuant to either subsection (b) or (c) of this section, the Director shall review the change to determine if such change is insubstantial or substantial, using the same criteria as relevant to the Director's consideration of an initial application. If such change is insubstantial and if the application, as so changed, meets the criteria for an initial application, the Director shall approve the change. If such change is insubstantial and if the application, as so changed, does not meet the criteria for an initial application, the Director shall disapprove the change. If such change is substantial, a new permit application shall be required.

Sec. 26-301. - Violation and penalty.

(a) Any person who shall violate any of the provisions of this division shall upon conviction thereof be fined not less than $100.00 nor more than as provided in Section 1-5 of this Code.

(b) Any sidewalk café in operation without a valid sidewalk café permit is subject to removal from the public way by the Director or his designee. The provisions of Section 26-299 of the code shall apply to the removal of any portion of a sidewalk café, from the public way, whether for unpermitted operation or for obstruction of public way; provided, however, that the amount of the fine for a violation shall be as set forth in this section.

Section 26-302. Enforcement.

(a) The Director or his designee is authorized to take such action as necessary to enforce the provisions of this article, including conducting on-site inspections of sidewalk cafés associated retail food establishments to determine compliance with the permitting and other requirements of this article and regulations promulgated hereunder.

(b) Upon request by the Director or his designee, the operator of a sidewalk café shall provide for the documents required by this article to operate a sidewalk café, including the sidewalk café. permit, the plan for the sidewalk café, and proof of insurance for inspection.
(c) Any sidewalk café for which a permit is required by this article, and which has failed to obtain such permit, may be closed by the Director or his designee until such permit is procured. Upon being notified of closure, all sidewalk café activity must cease, and all obstructions in the public way, including boundaries, tables and chairs, must be removed.

Section 26-303. Severability.

The invalidity of any section or part of any section of this article, or any regulation promulgated hereunder, shall not affect the validity of any other section or part thereof or regulation.
AGENDA DATE REQUESTED: August 28, 2012

ACTION REQUESTED: APPROVE AN ORDINANCE AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF PEORIA PERTAINING TO THE COMMERCIAL USE OF SIDEWALKS.

BACKGROUND: The current City policy regarding use of City sidewalks for commercial uses such as a sidewalk café or newsstand requires that such a permit be approved by the City Council. In an effort to streamline the process and reduce the amount of time a petitioner must wait for approval, the attached ordinance amends the process to allow the City Manager to approve such permits on the basis of the recommendation of the Department of Public Works. If alcohol will be served by the establishment, a subclass 3a liquor license will still need to be obtained. This ordinance change also eliminates the $100 fee for the processing of an application.

FINANCIAL IMPACT: The application fee of $100 will be eliminated. The fee is currently not charged to uses of the sidewalk in the Enterprise Zone.

NEIGHBORHOOD CONCERNS: Not applicable, but businesses have suggested that our current process is unnecessarily lengthy.

IMPACT IF APPROVED: Permits for the commercial use of City sidewalks will be approved by the City Manager.

IMPACT IF DENIED: Such permits will continue to be approved by the City Council.

ALTERNATIVES: None.

EEO CERTIFICATION NUMBER: Not applicable.

WHICH OF THE GOALS IDENTIFIED IN THE COUNCIL’S 2011 – 2026 STRATEGIC PLAN DOES THIS RECOMMENDATION ADVANCE?
1. Grow Businesses
2. Responsive, Efficient City Organization

WHICH CRITICAL SUCCESS FACTOR(S) FROM THE COMPREHENSIVE PLAN DOES THIS RECOMMENDATION IMPLEMENT?
1. Have an efficient government.

REQUIRED SIGNATURES

Department Director

City Manager

Finance Director

(Certification of Availability of Funds)

Corporation Counsel

City Manager
AN ORDINANCE AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF PEORIA
PERTAINING TO THE COMMERCIAL USE OF SIDEWALKS

WHEREAS, the City of Peoria, Illinois is a home rule municipality pursuant to Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, the City Council of the City of Peoria, Illinois wishes to streamline the process for obtaining a sidewalk café permit; and,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Peoria, Illinois as follows:

Section 1. Section 26 is hereby amended by adding the following underlined words and deleting the following stricken words:

Sec. 26-286. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Newsstand means any structure erected on the public right-of-way for the sale of newspapers, magazines or other periodicals. The term shall not include self-service or coin-operated dispensers occupying an area of less than eight square feet of the right-of-way.

Sidewalk restaurant means any restaurant facility where foods, frozen desserts, or beverages are sold for immediate consumption both within a building and upon any adjacent public sidewalk, right-of-way and/or plaza immediately abutting such building by the same establishment, but excluding any use licensed pursuant to article XII of chapter 18 of this Code.

Vestibule means any structure erected on the public right-of-way to serve as a passage, hall, or room to the entrance of a building.

Sec. 26-287. - Permit—Required.

It shall be unlawful for any person to erect, place, maintain or operate on any public right-of-way any newsstand, vestibule, sidewalk restaurant, or other use without having first obtained an annual permit from the City Council. The permit shall specify the exact location of each use.

Sec. 26-288. - Same—Application.

An application for a permit required by this division shall be made in writing to the public works department, which shall set forth the following:

(1) The name of the individual, partnership, corporation or association applying for the license.

(2) The residence and phone number of the applicant or partners or, if a corporation or association, the residence and phone numbers of the principal officers.

(3) The location for which the license is requested.
Sec. 26-289. - Same—Fees.

(a) The applicant for a permit under this division shall pay to the city treasurer, prior to filing an application, a nonrefundable application fee of $100.00 to cover the cost of processing the application.

(b)(a) If approved by the city council City Manager, the permit holder shall pay a nonrefundable fee of $1,000.00 per calendar year; provided, however, that in the event the permit is issued during the calendar year, the fee for such permit shall be prorated for any full calendar month which has expired during the calendar year. Seasonal users, utilizing the sidewalk between May through October shall pay a nonrefundable fee of $600.00 per season or the prorated fee above, whichever is less. Notwithstanding the above language, a sidewalk restaurant on a public plaza will pay an annual fee of $3.00 per square foot or such other reasonable fee as the city council may determine.

(c)(b) The holder of a sidewalk restaurant permit which has been approved by the city council City Manager shall not be required to pay an annual fee, except as provided in paragraph (b) above for sidewalk restaurants on public plazas.

(d)(c) Any fee required by this section for a newsstand, vestibule or sidewalk restaurant located within the enterprise zone created by the city shall be waived.

Sec. 26-290. - Same—Bonding and insurance.

(a) The applicant shall file with the city, along with the application, a bond issued by an insurance company authorized to do business in this state in the penal sum of $1,000.00 with the city named as obligee, conditioned for the faithful performance of the provisions of this division.

(b) The applicant shall file with the city, along with the application, proof of general liability insurance in the amount of $300,000.00 per person, $500,000.00 per occurrence and $15,000.00 in property damage, naming the city as coinsured.

Sec. 26-291. - Same—Processing.

Upon receipt of an application for a permit, the director of public works shall cause a copy of the application to be sent to various departments of the city, which shall report back to the director within 15 days whether the application meets the requirements for issuance of a permit as required by this division, and as to what conditions should be imposed upon the applicants if the permit is granted.

Sec. 26-292. - Same—Hearings on issuance.

After receiving the reports required in section 26-291, the director of public works shall recommend to the city council City Manager whether or not to grant the permit, and on what conditions the permit should be granted.
(a) The city council [City Manager] may approve a permit under this division if it finds that:

(1) The use is to be located on a paved, city-owned sidewalk in a B-1 zoning district.

(2) The location requested for a newsstand is not on the same block face as an existing similar use.

(3) The location requested is not adjacent to or within a designated bus stop. Sight distance at intersections is maintained.

(4) The use shall be constructed and installed in conformity with chapter 5 of this Code.

(5) The use, where located, shall not reduce the paved pedestrianway to less than six feet.

(6) The use as proposed meets the planning goals of the city and is aesthetically compatible with existing goals and uses.

(7) Neither the applicant, its shareholders, officers or directors have had a permit revoked for cause by the city.

(b) Prior to granting a permit, the city council [City Manager] may modify any existing requirements or may impose any additional conditions or limitations on the granting of the permit as may in its judgment be necessary for the protection of the public interest and to secure compliance with the requirements of this division. The city council [City Manager] may require such evidence and guarantees as it deems necessary, as proof that the conditions stipulated in connection therewith are being and will be fulfilled.

(c) If the owner or ground level tenant of any property within 50 feet of the proposed location which is on the same block face shall file a written protest to the permit with the city clerk, such permit shall not be granted except by a favorable vote of two-thirds of all councilmembers.

(d) No permit for a newsstand shall be issued or renewed unless the applicant shall first present to the director of planning and growth management proof that the applicant has arranged for at least one off-street parking space for every two employees or persons working at the stand within 500 feet of the proposed location, and has paid the fee as required by section 26-289(b).

Sec. 26-294. - Same—Suspension and revocation.

(a) Any permit issued under this division may be suspended for a period not to exceed 30 days or revoked by the city manager if the city manager shall find after a hearing that:

(1) The permit holder has violated any of the provisions of this article, the laws of the state, or the ordinances of the city while engaged in the business of operating the newsstand; or
(2) The permit holder has knowingly furnished false or misleading information or withheld relevant information on any application for a permit required by section 26-288 or 26-296 or any investigation into any such application.

(b) The permit holder shall be responsible for the acts of his agents, servants and employees in the operation of any stand. Prior to holding a hearing concerning the question of whether a permit issued pursuant to this division shall be revoked or suspended, the city manager shall give at least ten days' written notice to the permit holder setting forth the alleged violations specifically. The permit holder may present evidence at such hearing and cross-examine witnesses.

Sec. 26-295. - Same—Transfer.

No permit issued pursuant to this division shall be transferred, sold, or assigned to any other person without the prior written permission of the city manager. No transference, sale, or assignment shall be approved unless the proposed owner meets the requirements of sections 26-290 and 26-293(a)(7). A nonrefundable fee of $100.00 must accompany the request for transfer.

Sec. 26-296. - Renewal.

Once granted, a permit issued under this division may be renewed by the city manager or his designate upon written application of the permit holder setting forth the information required in subsections 26-288(1), (2) and (3), payment of the yearly or seasonal fee as set forth in subsection 26-289(b) and filing of bond and proof of insurance as required by section 26-290, if the city manager or his designate shall find that the permit holders have complied with all provisions of this division, plus any modifications or conditions imposed upon the permit holder pursuant to subsection 26-293(b) for the original application. Any person as set forth in subsection 26-293(c) who could have filed a written protest to an original application may likewise file a written protest against the renewal of a permit, thereby requiring such renewal to be reviewed and approved by a favorable vote of two-thirds of all councilmembers for permit renewal.

Sec. 26-297. - Regulations.

(a) No advertising signs shall be permitted on the exterior of any newsstand or vestibule except one sign identifying the establishment.

(b) All publications of a newsstand shall be displayed in compliance with state law relating to material harmful to minors.

(c) No permit holder or any officer, associate, member, representative, agent or employee of such permit holder shall engage in any activity or conduct, or permit any other person to engage in any activity or conduct in or about the licensed premises which is prohibited by any ordinance of the city or law of the state or the United States.

(d) No newsstand shall sell any items other than newspapers, magazines and other periodicals.
No permit holder shall be granted an adult use license pursuant to articles III and IV of chapter 18 for the location granted by the city council.

No permit holder shall solicit or conduct business with persons in motor vehicles.

Should any permit holder not operate a permitted use other than seasonal uses for a period of 30 consecutive days, the use shall be considered abandoned and the permit automatically revoked. The permit holder shall have 15 days thereafter to dismantle any structure on the sidewalk and return the sidewalk to its condition prior to the construction of the structure. Should the permit holder fail to comply with this regulation, the city shall cause the structure to be removed and disposed of and the sidewalk repaired with the cost thereof to be taken from the bond of the permit holder.

Permit holders shall be responsible for the cleanliness of the right-of-way within 50 feet of the approved location.

Sec. 26-298. - Violation and penalty.

Any person who shall violate any of the provisions of this division shall upon conviction thereof be fined not less than $100.00 nor more than as provided in section 1-5 of this Code.
Sec. 26-286. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Application* shall mean that form generally described in subsection 26-288 which must be completed prior to the issuance of a permit hereunder.

*Business District* means those sections or zones in the city designated as business districts by the zoning ordinance Article 6.

*Director* shall mean the Director of Public Works.

*Newsstand* means any structure erected on the public right-of-way for the sale of newspapers, magazines or other periodicals. The term shall not include self-service or coin-operated dispensers occupying an area of less than eight square feet of the right-of-way. *Owner* shall include any owner of fee simple title, part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety of the whole of the land contiguous to the right-of-way on which a sidewalk café is to be operated under the authority of this section.

*Permit* shall mean the written authorization from the City granted pursuant to the provisions of this section.

*Person* shall mean an individual, a group of individuals, an association, a club, a society, a firm, a partnership or a corporation.

*Sidewalk* shall mean that portion of the public street which is between the curblines, or the lateral lines of a roadway, and the adjacent property lines and which is improved and designed for or is ordinarily used for pedestrian travel. *Sidewalk cafe* means any outdoor dining area where foods, frozen desserts, or beverages are sold for immediate consumption both within a building and upon any adjacent public sidewalk, right-of-way and/or plaza immediately abutting such building by the same establishment, but excluding any use licensed pursuant to article XII of chapter 18 of this Code. A sidewalk café shall not be enclosed by fixed walls and shall be open to the air, except that it may have a canopy.

*Vestibule* means any structure erected on the public right-of-way to serve as a passage, hall, or room to the entrance of a building.

*Warehouse District* shall mean the zoning district as defined in section 6 of the Zoning Code.
PROPOSED AMENDMENT

Sec. 26-287. - Permit—Required.

It shall be unlawful for any person to erect, place, maintain or operate on any public right-of-way any newsstand, vestibule, sidewalk restaurant, or other use without having first obtained an annual permit from the City specifying the exact location of such use.

Sec. 26-288. - Same—Application.

An application for a permit required by this division shall be made in writing to the public works department, which shall set forth the following:

(1) The name of the individual, partnership, corporation or association applying for the license.

(2) The residence and phone number of the applicant or partners or, if a corporation or association, the residence and phone numbers of the principal officers.

(3) The location for which the license is requested.

(4) Scale drawings, on 8.5” x 11” sheet, of the proposed use with sufficient details and clarity to show dimensions, elevations, materials and mode of construction. For a proposed sidewalk café a site plan must be submitted, complying with applicable regulations, and demonstrating that the sidewalk café shall not unreasonably interfere with: (1) adequate pedestrian flow, (2) access to building entrances; (3) pedestrian and traffic safety; and (4) the aesthetic quality of the surrounding area.

(5) Proof that the applicant holds a valid retail food establishment license issued to the establishment that will provide food for the sidewalk café, or that the applicant is the owner or manager of an indoor retail market. The owner or manager of the indoor retail market is not required to obtain a retail food establishment license.

(6) A proof of insurance as required by this article.

Sec. 26-289. - Same—Fees.

If approved by the City Manager, the permit applicant shall be issued a no fee permit valid for the calendar year of its issuance, as per Section 26-298 (a).

Sec. 26-290. - Same—Bonding and insurance.

(a) The applicant shall file with the city, along with the application, a bond issued by an insurance company authorized to do business in this state in the penal sum of $1,000.00 with the city named as obligee, conditioned for the faithful performance of the provisions of this division.

(b) The applicant shall file with the city, along with the application, proof of general liability insurance in the amount of $300,000.00 per person, $500,000.00 per occurrence and $15,000.00 in property damage, naming the city as coinsured.
Sec. 26-291. - Same—Review/Processing.

(a) Upon receipt of an application for a permit, the director of public works shall cause a copy of the application to be sent to various departments of the city, which shall report back to the director within 15 days whether the application meets the requirements for issuance of a permit as required by this division, and as to what conditions should be imposed upon the applicants if the permit is granted.

(b) If after receiving the reports required in section 26-291 (a), and the if the Director finds that the applicant meets the requirements of this article and the regulations promulgated hereunder, the Director shall recommend to the City Manager whether or not to grant the permit, and on what conditions the permit should be granted. Such approval shall not be unreasonably withheld. Upon approval of the application, the Director shall issue the sidewalk café permit to the applicant.

(c) If the Director finds that the applicant fails to meet the requirements of this article or the regulations promulgated hereunder, the Director shall deny the application. The Director shall notify the unsuccessful applicant in writing of the denial and the reasons therefore within ten business days after the denial.

Sec. 26-292. - Same—Hearings on issuance.

Any person aggrieved by any action of the Department, in the denial or revocation of a Sidewalk Café Permit, shall have the right to appeal to the Traffic Commission. The appeal shall be taken by filing with the Department within 30 days of the notice of the action, a written statement setting forth the grounds for appeal. The Department shall place the appeal on the agenda of the next regularly scheduled meeting of the Peoria Traffic Commission, which shall conduct a hearing and affirm, modify or reverse the action of the appeal. All such hearings shall be open to the public.

Sec. 26-293. - Same—Issuance.

(a) The City Manager may approve a permit under this division if it finds that:

(1) The use is to be located on a paved, city-owned sidewalk in a B-1 zoning district or in the Warehouse District.

(2) The location requested for a newsstand is not on the same block face as an existing similar use.
PROPOSED AMENDMENT

(3) The location requested is not adjacent to or within a designated bus stop. Sight distance at intersections is maintained.

(4) The use shall be constructed and installed in conformity with chapter 5 of this Code.

(5) The use, where located, shall not reduce the paved pedestrian way to less than five feet.

(6) The use as proposed meets the planning goals of the city and is aesthetically compatible with existing goals and uses.

(7) Neither the applicant, its shareholders, officers or directors have had a permit revoked for cause by the city.

(b) Prior to granting a permit, the City Manager may modify any existing requirements or may impose any additional conditions or limitations on the granting of the permit as may in its judgment be necessary for the protection of the public interest and to secure compliance with the requirements of this division. The City Manager may require such evidence and guarantees as it deems necessary, as proof that the conditions stipulated in connection therewith are being and will be fulfilled.

(c) No permit for a newsstand shall be issued or renewed unless the applicant shall first present to the director of planning and growth management proof that the applicant has arranged for at least one off-street parking space for every two employees or persons working at the stand within 500 feet of the proposed location, and has paid the fee as required by section 26-289(b).

Sec. 26-294. - Same—Suspension and revocation.

(a) Any permit issued under this division may be suspended for a period not to exceed 30 days or revoked by the city manager if the city manager shall find after a hearing that:

(1) The permit holder has violated any of the provisions of this article, the laws of the state, or the ordinances of the city while engaged in the business of operating the newsstand; or

(2) The permit holder has knowingly furnished false or misleading information or withheld relevant information on any application for a permit required by section 26-288 or 26-296 or any investigation into any such application.

(b) The permit holder shall be responsible for the acts of his agents, servants and employees in the operation of any stand. Prior to holding a hearing concerning the question of whether a permit issued pursuant to this division shall be revoked or suspended, the city manager shall give at least ten days’ written notice to the permit holder setting forth the alleged violations specifically. The permit holder may present evidence at such hearing and cross-examine witnesses.
PROPOSED AMENDMENT

Sec. 26-295. - Same—Transfer.

No permit issued pursuant to this division shall be transferred, sold, or assigned to any other person without the prior written permission of the city manager. No transference, sale, or assignment shall be approved unless the proposed owner meets the requirements of sections 26-290 and 26-293(a)(7). A nonrefundable fee of $100.00 must accompany the request for transfer.

Sec. 26-296. - Renewal.

Once granted, a permit issued under this division may be renewed by the city manager or his designate upon written application of the permit holder setting forth the information required in subsections 26-288(1), (2) and (3), payment of the yearly or seasonal fee as set forth in subsection 26-289(b) and filing of bond and proof of insurance as required by section 26-290, if the city manager or his designate shall find that the permit holders have complied with all provisions of this division, plus any modifications or conditions imposed upon the permit holder pursuant to subsection 26-293(b) for the original application. Any person as set forth in subsection 26-293(c) who could have filed a written protest to an original application may likewise file a written protest against the renewal of a permit, thereby requiring such renewal to be reviewed and approved by a favorable vote of two-thirds of all councilmembers for permit renewal.

Sec. 26-297. - Regulations.

(a) No advertising signs shall be permitted on the exterior of any newsstand or vestibule except one sign identifying the establishment.

(b) All publications of a newsstand shall be displayed in compliance with state law relating to material harmful to minors.

(c) No permit holder or any officer, associate, member, representative, agent or employee of such permit holder shall engage in any activity or conduct, or permit any other person to engage in any activity or conduct in or about the licensed premises which is prohibited by any ordinance of the city or law of the state or the United States.

(d) No newsstand shall sell any items other than newspapers, magazines and other periodicals.

(e) No permit holder shall be granted an adult use license pursuant to articles III and IV of chapter 18 for the location granted by the city council.

(f) No permit holder shall solicit or conduct business with persons in motor vehicles.

(g) Should any permit holder not operate a permitted use other than seasonal uses for a period of 30 consecutive days, the use shall be considered abandoned and the permit automatically revoked. The permit holder shall have 15 days thereafter to dismantle any structure on the sidewalk and return the sidewalk to its condition prior to the construction of the structure. Should the permit holder fail to comply with this
regulation, the city shall cause the structure to be removed and disposed of and the sidewalk repaired with the cost thereof to be taken from the bond of the permit holder.

(h) Permit holders shall be responsible for the cleanliness of the right-of-way within 50 feet of the approved location.

(i) A sidewalk café permit shall only authorize food and alcoholic beverage service at the sidewalk café. Regardless of what other activity may take place inside the establishment pursuant to license or permit, such activity shall not be allowed at the sidewalk café by virtue of the sidewalk café permit.

(j) If alcoholic beverages are served at the sidewalk café, the operator must be validly licensed under this code for such sales. Alcoholic beverages supplied by the customer or by any person other than the permittee will not be allowed at sidewalk cafés.

(k) All holders of a sidewalk café permit, shall be subject to and comply with all applicable requirements and standards for retail food establishments contained in the code, as amended, and the rules and regulations promulgated there under, and all laws, rules and regulations pertaining to the sale of alcoholic beverages.

Section 26-298. Operational conditions.

(a) The annual permit for a sidewalk café shall be valid from March 1st to and including December 31st of the year of its issuance.

(b) Sidewalk cafés permitted under this article shall not operate earlier than 8:00 a.m. nor later than 12:00 midnight.

(c) Sidewalk cafés permitted under this article shall not play music, whether live or recorded, nor allow music to be played at the sidewalk café, other than through headphones.

(d) The operator of a sidewalk café shall install and maintain a physical boundary separating the permitted outdoor seating from the remainder of the public way. The entrance is the only part of the perimeter that may be open to the public way. The operator shall leave five feet of public way unobstructed for pedestrian passage; the Director may alter this requirement by regulation in a situation where adherence to the requirement would make operation of a sidewalk café impossible and reduction of the unobstructed portion of the public way would not compromise pedestrian safety. The construction, configuration and other characteristics of the boundary, including landscaping, shall be set forth by regulation.

(e) The permittee shall maintain adequate lighting in and around the public clearance way to ensure that all obstructions may be easily seen. Such lighting shall be of such type and location and shall have such shading as will prevent the source of the light from being seen from any contiguous, adjacent residential property. It shall not cause illumination beyond
the boundaries of the property on which it is located so as to be obtrusive to adjacent property owners and shall not cause illumination beyond the boundaries of the property in excess of five-tenths footcandle. The illumination of the street from the sidewalk shall be no brighter than the illumination provided by ornamental street lights nor shall it have an adverse impact on the flow of vehicular traffic. In addition, its design and color shall not be such that it could be mistaken for a traffic signal.

(f) The sidewalk shall be kept free of standing water, maintained in good repair and kept free from material defects that may present a hazard to life or property.

(g) The boundary shall have no less than 50% of its top covered with planter boxes. The planter boxes shall be no less than 6 inches deep and no less than 8 inches wide and be securely fastened to the boundary. In addition, for every 100 square feet beyond a standard 300 square feet sidewalk café, the applicant shall provide one 24” shrub.

Section 26-299. Promulgation of regulations; force and effect.

(a) The Director is authorized to promulgate regulations to carry out the purposes of this article, including without limitation regulations governing: The location, arrangement and design of sidewalk cafés to ensure the flow of pedestrian traffic, the safety of pedestrians and auto traffic, the access to buildings and transportation facilities, the prevention of an excessive number of cafés, and the best service to the public;

(b) The size, design and other specifications for tables and serving equipment to be used by operators, and the design of enclosures or partial enclosures;

(c) The types of food and beverages that may be served at sidewalk cafés;

(d) The time periods during which application can be made for a sidewalk café permit;

(e) Landscaping and other aesthetic components of the sidewalk café; and

(f) Any other matter pertaining to this article.

(a) Section 26-300. Compliance with plan and other components of application. Each sidewalk café shall comply in all respects with the specifications set out in the plan submitted to the Director, and with the other components of the application.

(b) In the event that the application, including the plan, becomes inaccurate or incomplete in any respect as a result of circumstances or events outside the control of the permittee, the permittee shall notify the Director within three business days of such circumstances or events.

(c) Before taking any action that would result in the application, including the plan, becoming inaccurate or incomplete in any respect, the permittee shall seek the prior approval of the Director.
PROPOSED AMENDMENT

(d) Upon being notified of an actual or contemplated change pursuant to either subsection (b) or (c) of this section, the Director shall review the change to determine if such change is insubstantial or substantial, using the same criteria as relevant to the Director’s consideration of an initial application. If such change is insubstantial and if the application, as so changed, meets the criteria for an initial application, the Director shall approve the change. If such change is insubstantial and if the application, as so changed, does not meet the criteria for an initial application, the Director shall disapprove the change. If such change is substantial, a new permit application shall be required.

Sec. 26-301. - Violation and penalty.

(a) Any person who shall violate any of the provisions of this division shall upon conviction thereof be fined not less than $100.00 nor more than as provided in Section 1-5 of this Code.

(b) Any sidewalk café in operation without a valid sidewalk café permit is subject to removal from the public way by the Director or his designee. The provisions of Section 26-299 of the code shall apply to the removal of any portion of a sidewalk café, from the public way, whether for unpermitted operation or for obstruction of public way; provided, however, that the amount of the fine for a violation shall be as set forth in this section.

Section 26-302. Enforcement.

(a) The Director or his designee is authorized to take such action as necessary to enforce the provisions of this article, including conducting on-site inspections of sidewalk cafés associated retail food establishments to determine compliance with the permitting and other requirements of this article and regulations promulgated hereunder.

(b) Upon request by the Director or his designee, the operator of a sidewalk café shall provide for the documents required by this article to operate a sidewalk café, including the sidewalk café permit, the plan for the sidewalk café, and proof of insurance for inspection.

(c) Any sidewalk café for which a permit is required by this article, and which has failed to obtains such permit, may be closed by the Director or his designee until such permit is procured. Upon being notified of closure, all sidewalk café activity must cease, and all obstructions in the public way, including boundaries, tables and chairs, must be removed.

Section 26-303. Severability.

The invalidity of any section or part of any section of this article, or any regulation promulgated hereunder, shall not affect the validity of any other section or part thereof or regulation.