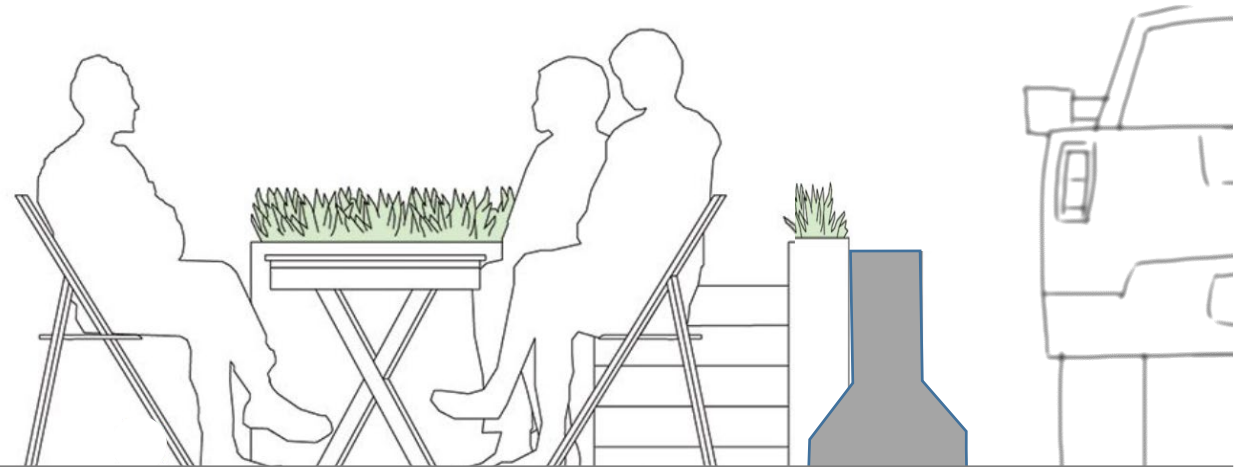


Street Seating Standards

Use of on-street parking spaces for café seating



Street Seating Standards

This document provides baseline guidance for retail businesses, bars, and restaurants interested in utilizing adjacent on-street parking spaces for café seating as permitted by the Sidewalk Café Ordinance, Article 17. Applications must be submitted to Building Inspection, and reviews by various LFUCG divisions, public safety, and LEXPARK will occur before a permit is issued. Reviews may address more public safety elements than what is outlined within this reference document. This document should be used as a starting point to help inform your application.

General requirements

The [executed ordinance](#) outlines specific requirements to utilize on-street parking for café seating area . The business must, for the entire period of use:

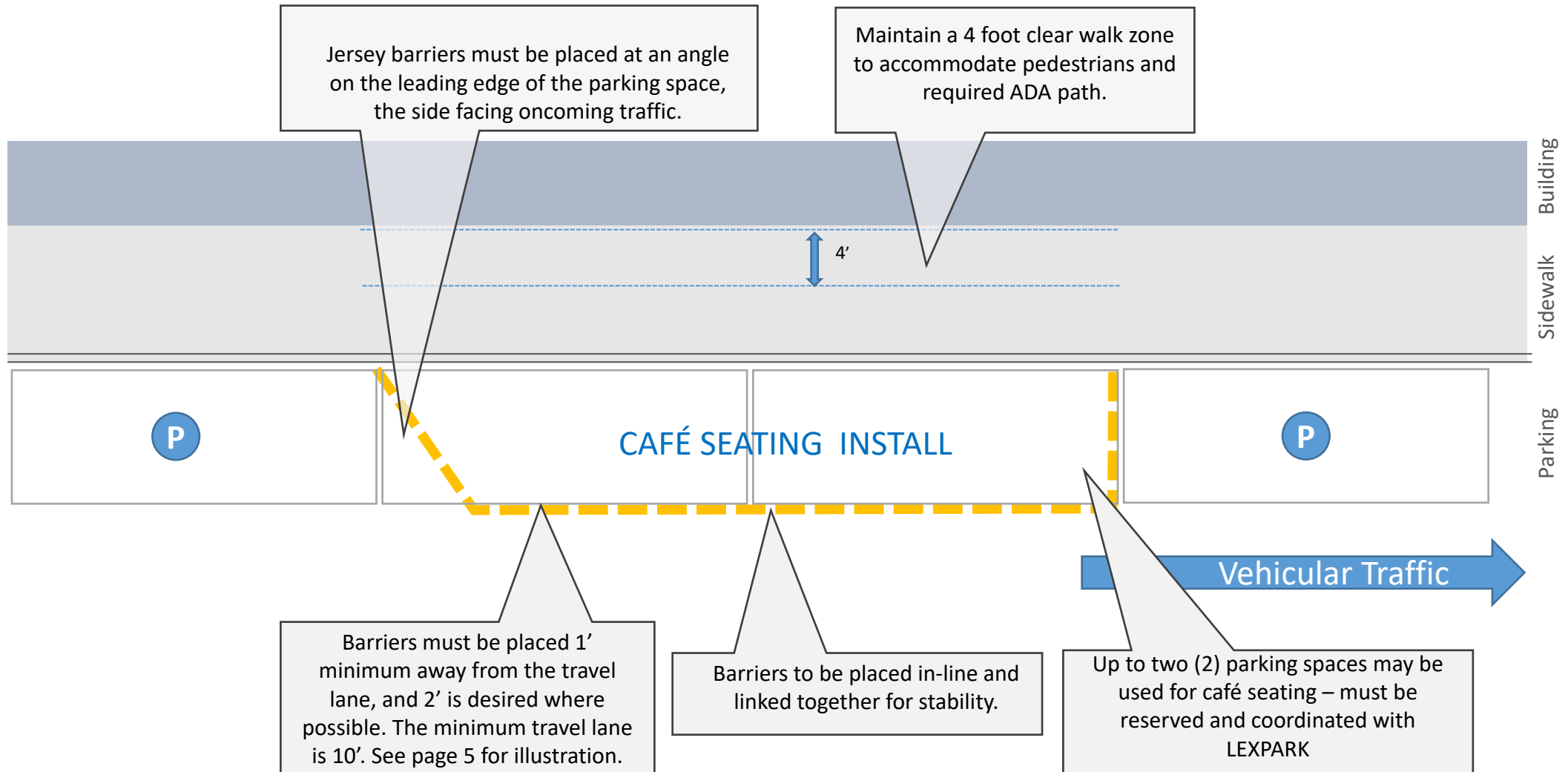
- Possess general liability insurance in the minimum amount of \$1,000,000.00 per occurrence, \$2,000,000 aggregate, and liquor liability insurance in the additional minimum amount of \$1,000,000.00 per occurrence for those businesses serving alcohol, covering the expanded location and naming the Lexington-Fayette Urban County Government as an additional insured with such language as required by the Lexington-Fayette Urban County Human Resources – Risk, Safety & Loss Control, which cannot be terminated or cancelled without thirty (30) days' notice to the Government, for use of on-street parking; and
- Obtain the private owner's permission to use the space;
- Refrain from blocking fire hydrants;
- Siting should avoid obstructing underground utility access and electrical transformer vaults;
- Using designated spaces for disabled parking is prohibited for café seating;
- Prohibit smoking in the retail business' or restaurant's additional outdoor space;
- Erect boundaries to physically identify the retail business' or restaurant's use of additional outdoor space.
- Install crashworthy barriers or barricade to protect patrons from motor vehicles if seating or retail use is immediately adjacent to an active roadway;
- Clearly define the walk zone for pedestrians on sidewalks to provide the clearance required by the Americans with Disabilities Act;
- Otherwise comply with the requirements of local, state, and federal law, including, but not limited to, the Americans with Disabilities Act; state and local Alcohol Beverage Control regulations; health department regulations; local ordinances, including the Smoking Ordinance;
- Applicant must agree that all facilities placed for use by business in accordance with the ordinance must be temporary in nature and shall be removed upon expiration or termination of this permit.

To use on-street parking or any right-of-way beyond the curb:

- ☐ A permit for use of on-street parking spaces for an on-street café seating area must be obtained from Building Inspection.
- ☐ Coordination with LEXPARK to rent spaces is required for length of install.
- ☐ Compliance with the requirements of local, state, and federal laws not listed here are required.
- ☐ Possess and provide documentation of required certificate of insurance.

Street Seating Barrier Setup

Required barriers must be placed continuously around the perimeter of the parking space, in-line with one another, and linked together for stability and security. If water-filled barriers are used they must be filled at all times.



Street Seating Barrier Types

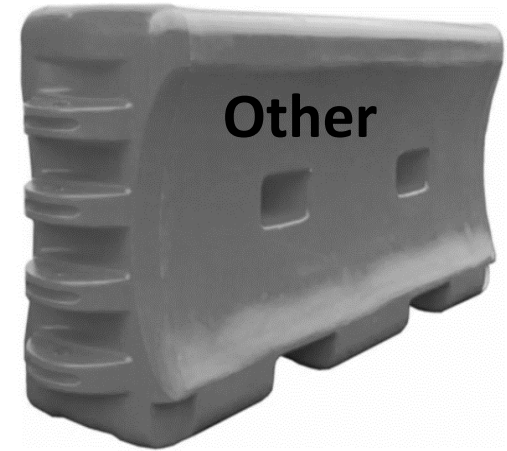
The perimeter of an on-street café seating area must be lined with approved crashworthy barriers as to protect the pedestrians from adjacent vehicular traffic.



Concrete Jersey Barrier, or equivalent



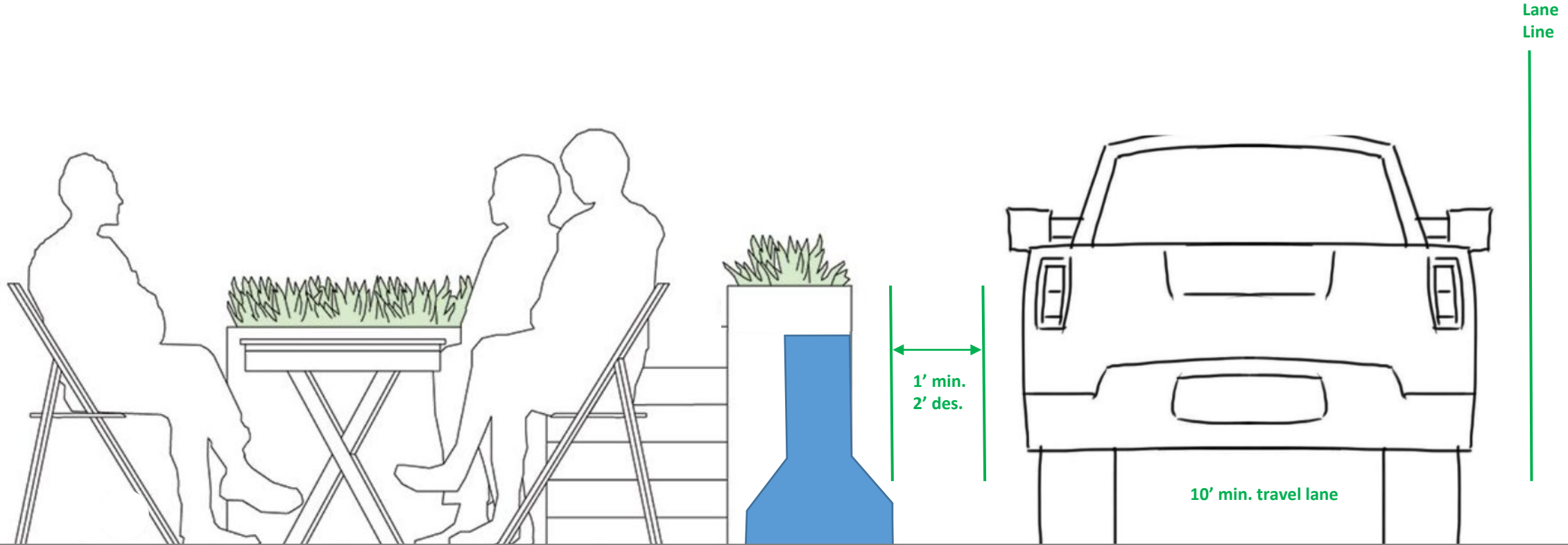
Water Filled Plastic Jersey Barrier, or equivalent. Barriers must be filled with water at all times.



Other non-permanently installed crashworthy barriers as approved.

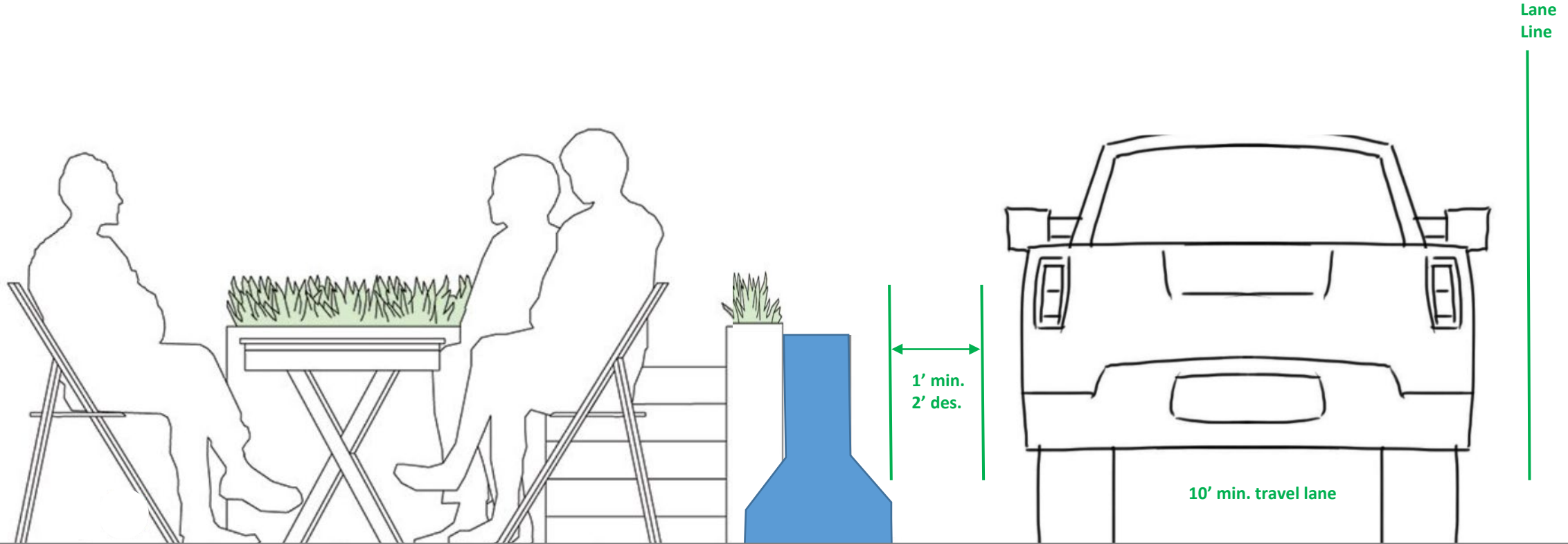
Street Seating Aesthetic Façade

The perimeter of an on-street café seating area may be screened by installing more aesthetically pleasing materials facing inward toward the sidewalk.



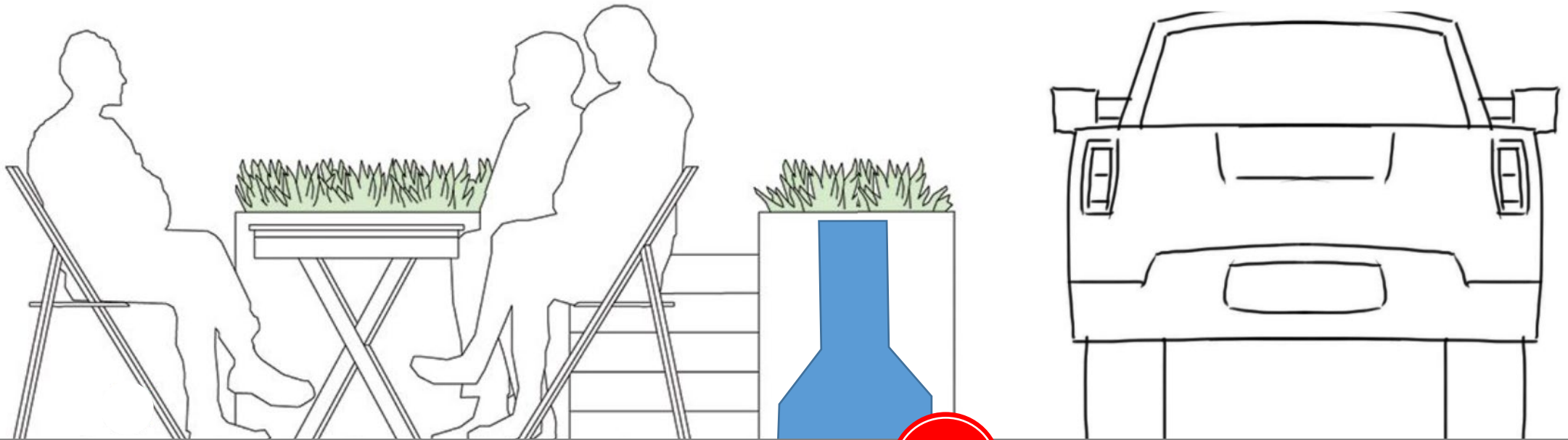
Permitted – on-street café seating areas may install aesthetic wrap on the sidewalk facing side, and may install on top of the approved barrier if adequately secured

Street Seating Aesthetic Façade



Permitted – on-street café seating areas may install aesthetic wrap on the sidewalk facing side, and it must be adequately secured

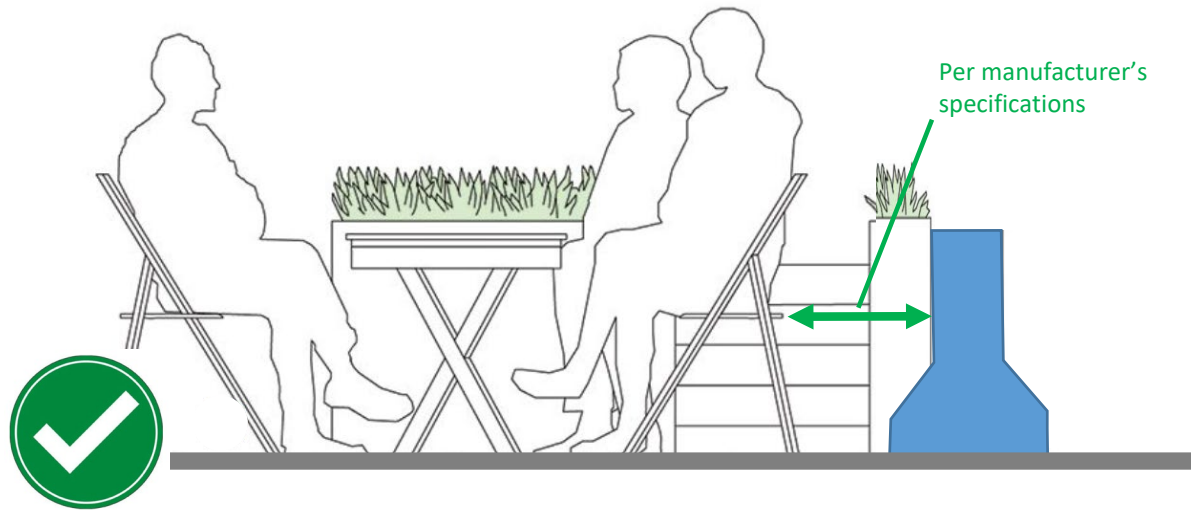
Street Seating Aesthetic Façade



Not permitted – nothing may adhere to the side of the jersey barrier on the traffic facing side.

Street Seating Configuration & Placement

Seating may occur within the on-street café seating area, but it may not line the perimeter as a deflection zone must be maintained.



Permitted- Seating may occur within the on-street café seating area when spaced away from the jersey barrier as to provide a buffer. Spacing per manufacturer's specifications.

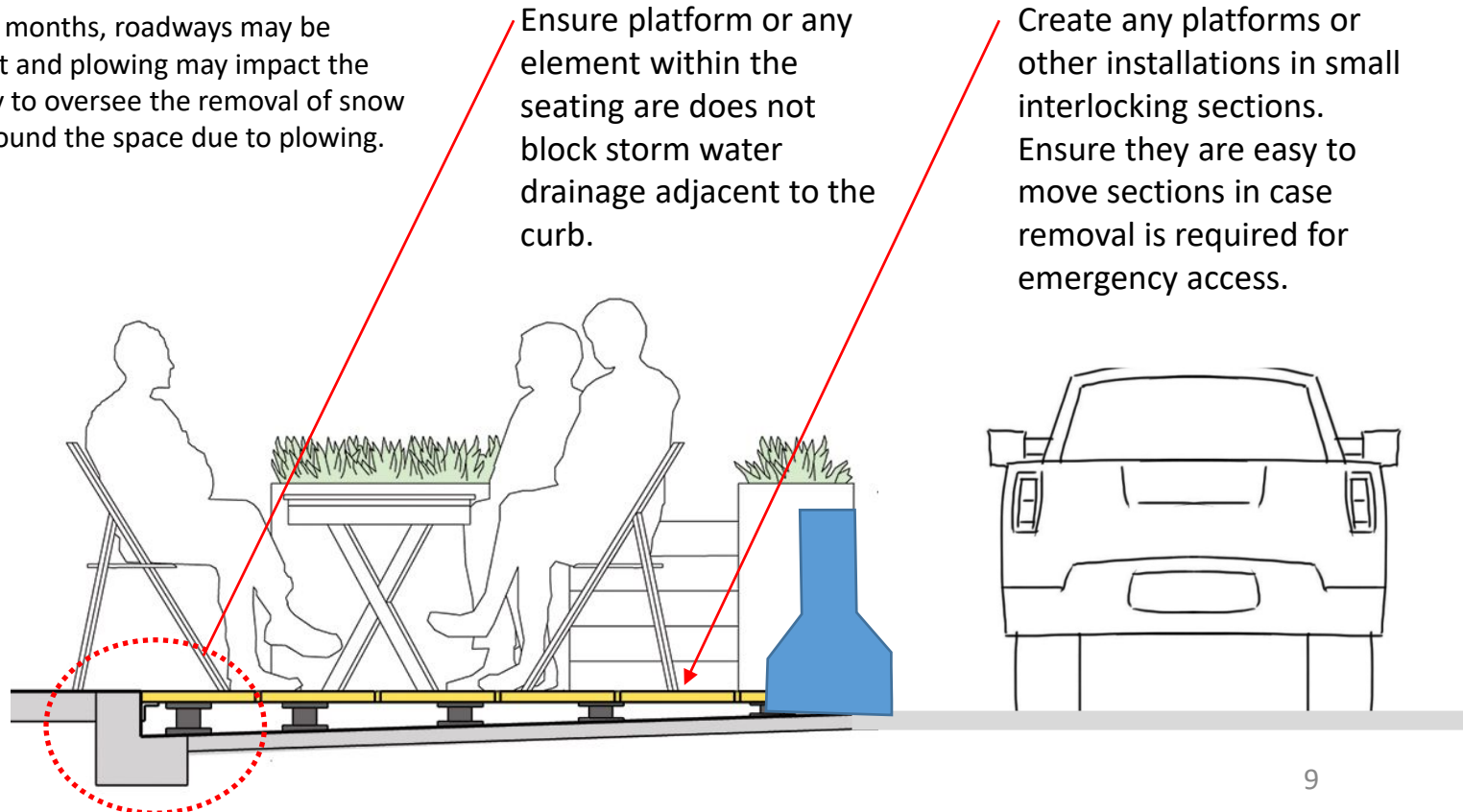


Not permitted – seating may not be constructed or installed along the barrier wall. A buffer between the wall and seating must be provided.

Street Seating Operations & Maintenance

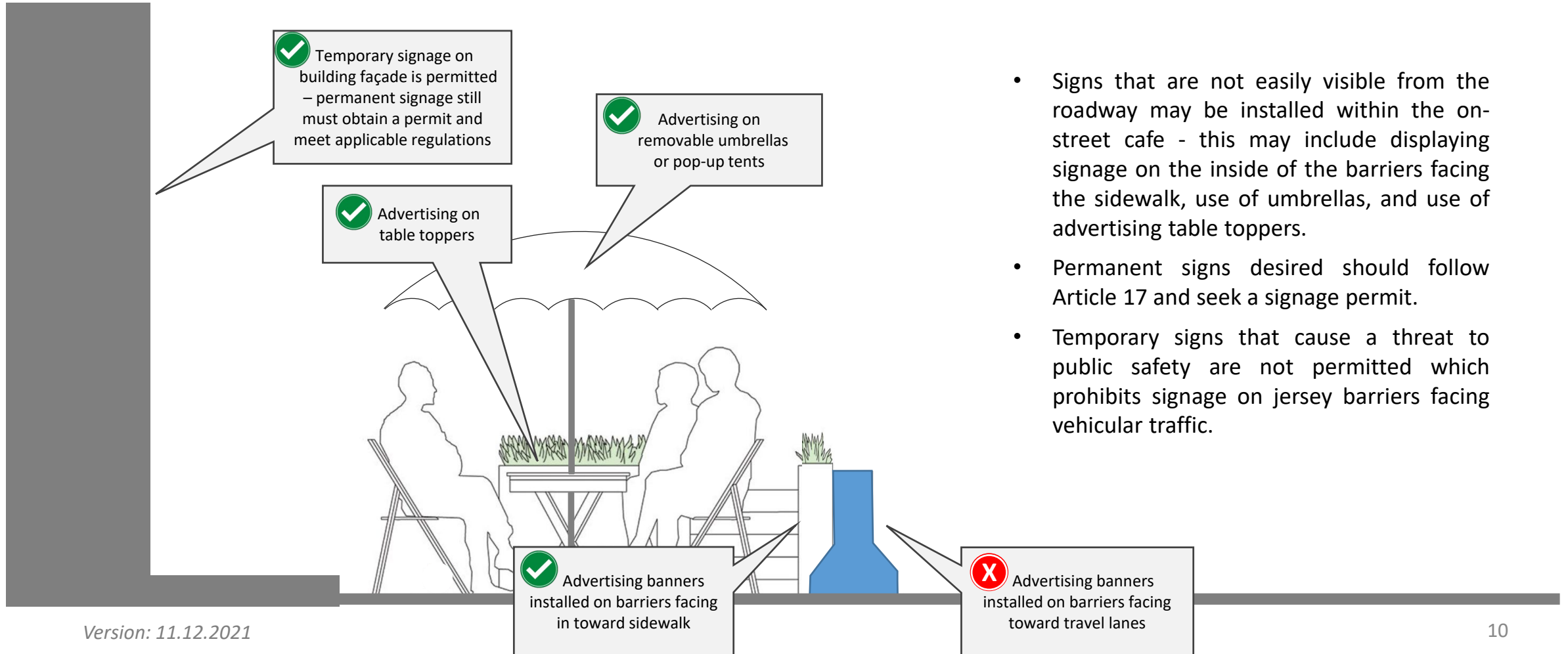
Maintenance and daily upkeep associated with operations of the expanded seating will be the responsibility of the permit holder.

- Applicant assumes responsibility for any and all damage to public property that occurs within the business' use of additional outdoor space.
- Permit holder must pick up, remove and dispose of all trash or refuse left by the business, its patrons, or that collects in and around the edges of the street seating area.
- It is the responsibility of the permit holder to remove any remaining debris that is not accessible by street sweepers due to the placement of street seating barriers.
- Permit holders should be aware that throughout the winter months, roadways may be pretreated with a brine mixture, and snow removal with salt and plowing may impact the street seating areas. It is the business owner's responsibility to oversee the removal of snow from the on-street seating area or any that has collected around the space due to plowing.
- In the event of an emergency, the temporary installation must be removed quickly by the permit holder and/or is subject to removal by means determined necessary by emergency response teams.
- If building a platform that is flush with the curb, designs should not inhibit the adequate drainage of stormwater runoff. Small channels between the base and the platform should facilitate drainage.
- Additional reviewers may be necessary to ensure structure is safe and all adjacent public services are being maintained, as determined by application and Building Inspection's discretion.



Street Seating Signage

If businesses wish to display temporary signs to advertise their business, products being sold, or sponsors of the on-street café seating area setup then the following guidance should be followed in addition to the Sign Ordinance in Article 17:



Street Seating Application

Before installation, submit an application for use of on-street parking spaces to LFUCG Division of Building Inspection.

Applications and additional information may be found at lexingtonky.gov/departments/building-inspection

Applications should include:

- ☐ Contact Information Name, home and business address, and telephone number of the applicant, and the name and address of the owner, if other than the applicant, of the business; and Name, home address, and telephone number of a responsible person whom the urban county government may notify or contact at any time concerning the applicant's permitted area or encroachment permit.
- ☐ A copy of a valid business license.
- ☐ Map to identify location of business and proposed on-street café seating area
- ☐ Site Plan: A scaled drawing that specifically depicts how the furniture will be arranged within the right-of-way. This shall include:
 - a) The dimensions of the public right-of-way,
 - b) The proposed layout of the furniture including numbers and placement, and
 - c) The relationship of the proposed usage to the curb, obstacles, planters, tree lawn, fire hydrants, existing buildings, and buildings on either side of the public right-of-way.
- ☐ An operations and maintenance plan for the expanded patio
- ☐ Written consent of adjacent property owners and tenants if expanding beyond the applicant's business street frontage.
- ☐ Traffic control plan- description of barriers to be utilized
- ☐ Certificate of general liability insurance in the minimum amount of \$1,000,000.00 per occurrence, \$2,000,000 aggregate, and liquor liability insurance in the additional minimum amount of \$1,000,000.00 per occurrence for those businesses serving alcohol, covering the expanded location and naming the Lexington-Fayette Urban County Government as an additional insured with such language as required by the Lexington-Fayette Urban County Human Resources – Risk, Safety & Loss Control, which cannot be terminated or cancelled without thirty (30) days' notice to the Government, for use of on-street parking

Additional proof will be required showing approval or licenses from LEXPARK, Health Department, and Alcoholic Beverage Control (ABC)

Questions and application submittals, contact LFUCG Division of Building Inspection at lexingtonky.gov/departments/building-inspection