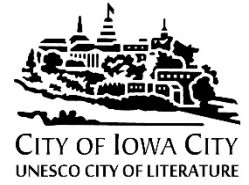


SIDEWALK CAFÉ

FREQUENTLY ASKED QUESTIONS (FAQS)



Please note these FAQs are intended to serve as a resource for sidewalk café operators, but may not contain all the policy details, guidelines, and regulations included in the City Ordinance and Sidewalk Café Policy. The information in these FAQs should not be construed to mean or intend anything different than City Code and policy.

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ELIGIBILITY & APPLICATIONS

1a. I own an eating and drinking establishment. Am I eligible for a sidewalk café?

Property or establishment owners interested in operating a sidewalk café should review [Section 10-3-3 of the City Code](#), the [Sidewalk Cafe Policy](#), and the [Sidewalk Café Application](#) to determine eligibility. In general, the establishment’s primary purpose must be a restaurant or other non-alcohol food and beverage service in order to meet the eligibility criteria for sidewalk cafes.

Sidewalk cafes are permitted in the CB-2, CB-5, and CB-10 zones (the downtown and the commercial areas directly north and south of downtown), Riverfront Crossings District and may be approved by the City Manager with additional requirements in all other areas. In all cases, there must be sufficient sidewalk area to accommodate both the required clear pedestrian walkway and the café.

1b. Do I need City approval to operate a sidewalk café?

All cafes located in the public right-of-way (sidewalks, parklets, planters) or pedestrian mall must be approved by the City. If the property owner and establishment owner differ, sign-off by the property

owner must also be obtained. [Sidewalk café applications](#) are available online. Sidewalk cafés are administered as a year-long Easement Agreement with the City with the option for annual renewal at the City's discretion.

1c. How do I apply for a sidewalk café permit?

[Sidewalk café applications](#) are available online. Additional documentation and submission requirements, including a detailed schematic design, are detailed in the application packets. "Minor Cafes" are exempt from some of these requirements.

1d. When does my sidewalk café agreement expire?

Sidewalk café agreements must be renewed annually and are effective from February 1st to January 31st of each year. Agreements expire January 31st of each year regardless of when the agreement was signed.

OPERATIONS & MAINTENANCE

2a. When can my sidewalk café operate?

- Agreements expire January 31st of each year, regardless of when the agreement was signed.
- Sidewalk cafes not in the street are permitted to operate year-round with an agreement in place. Fencing or barriers must be in place in order for a sidewalk café to operate. Except for Minor Cafes, from March 1st to December 1st, durable fencing must be used. From December 1st to February 28th, temporary fencing, such as stanchions, may be used and must be taken down each evening.
- Sidewalk cafes in the street cannot be set up before April 1 of each year and must be removed by the Tuesday following the last University of Iowa home football game.
- All sidewalk cafes may only operate between 7 a.m. and midnight. Additionally, food and beverages must be available for service in the sidewalk café during all hours of operation and sidewalk cafes may not operate when the restaurant kitchen is closed.

2b. What are my code compliance responsibilities?

City restroom, occupancy, and accessibility regulations and standards apply to sidewalk cafes.

2c. Can I advertise on my sidewalk café?

Advertising is not allowed. This includes advertisements from the occupying establishment. However, the establishment's name may be displayed on the café furniture, umbrellas, or other amenities.

2d. What maintenance am I responsible for in my sidewalk café?

Sidewalk café owners must keep cafes and all amenities clean, accessible, and in good condition. Right-of-way pavement or pavers should be kept clean from grease, oil, or other damaging spills. The owner is responsible for snow removal and trash removal and must maintain the area and the surrounding six

feet clean, clear, and litter-free during operation hours. Café owners should not assume responsibility for maintaining or repairing any City-owned amenities located within their sidewalk café.

All sidewalk café operators must maintain a contract in good standing with a waste hauler for the collection of its solid waste, recyclables, and grease/oils; a copy of which must be provided to the City upon request.

2e. Can I use the City/public-owned amenities or electrical outlets in my sidewalk café?

In general, sidewalk cafes are not allowed to use or encompass any public amenities (City benches, trash receptables, bike racks, water spigots, etc.) without special approval from the City. Sidewalk cafes may encompass trees, tree rings, light poles, water valves, manholes, and stormwater intakes but should not impede the City's ability to access, operate, or maintain these assets.

To use the City's electrical outlet, the use must be approved in the sidewalk café agreement and the owner must pay an annual electricity fee. City electrical outlets may be used for lights only – no other electrical uses are permitted.

ALCOHOL

3a. Can I serve alcohol on my sidewalk café?

Any establishment serving alcohol must hold a valid liquor license. If an establishment intends to serve alcohol in their sidewalk café, the café must either:

- a. Be physically contiguous to the side of the building; or
- b. Be connected to the building by including a minimum five-foot-wide pathway depicted on the drawing submitted with the application and attached to the Sidewalk Café Agreement. The pathway must be maintained free of obstruction for pedestrians' passage, but it is considered under control of the establishment and is subject to the annual square footage fee.
- c. An establishment is not eligible for a Minor Café if they hold a liquor license.

3b. I have a liquor license and plan to serve alcohol on my sidewalk cafes – what do I need to know?

- An employee must monitor the sidewalk café at all times when alcohol is offered
- Employees must dispense the alcohol. Self-service by customers is not allowed.
- Alcohol may not be served on sidewalk cafes when the kitchen is closed.
- City Council and ABD must approve serving alcohol in the sidewalk café. For assistance in obtaining approval, contact the City Clerk's office (319-356-5043).

FURNITURE, FENCING & AMENITIES

4a. Do I have to install fencing around my sidewalk café?

Except during the first year of operations and winter months, anchored and durable (steel, aluminum, or wrought iron) fencing* must delineate all sidewalk cafes, except [Minor Cafes](#). Planter or landscaped

boxes are an acceptable alternative to durable fencing but must meet additional requirements outlined in the [Sidewalk Cafe Policy](#). All fencing must be approved by the City.

*Fencing may not be anchored to the sidewalk in the pedestrian mall and on Washington Street, from Clinton Street to Linn Street.

4b. Are there any exceptions to fencing requirements?

[Minor Cafes](#) are exempt from fencing requirements. For all other sidewalk cafes, temporary fencing (fencing that is removed each evening) and free-standing planters may only be used:

- During the first year of operation
- During the months of December through February when durable fencing and interlocked planters are not allowed.

Temporary fencing should still be detectable by visually impaired pedestrians (a lower detectable barrier no higher than 27" and spacing between barriers no greater than 12").

4c. Can my fencing stay up year-round, or do I need to take it down?

Fencing must be removed by December 1 of each year and may be reinstalled after February 28 if a renewal agreement has been executed for the upcoming season. During that time, temporary fencing (ropes, stanchions, or some other suitable method) may be used if establishment owners still wish to operate their sidewalk café. Temporary fencing should still be detectable by visually impaired pedestrians (a lower detectable barrier no higher than 27" and spacing between barriers no greater than 12"). Temporary fencing must be removed at the end of each day.

4d. Can I serve customers at City-owned/public picnic tables, benches, or bistro tables?

No. Establishments are prohibited from serving customers at City-owned furniture in the public right-of-way and pedestrian mall or to otherwise occupy the furniture as their own. This includes picnic tables and the City-owned and Downtown District-managed red bistro tables. Alcohol consumption is prohibited on any furniture owned by the City or the Downtown District.

4e. What furniture/equipment am I allowed to have in my sidewalk café?

Furniture designs must be submitted to the City for quality approval. Please note, [Minor Cafes](#) are limited to two bistro-style/size tables with two chairs each. All furniture must be maintained in good condition and meet the accessibility/spacing standards outlined in the [Sidewalk Cafe Policy](#). Amplified sound equipment is not permitted, and heating units must be approved by the City.

4f. Where can I store my sidewalk café furniture when I am not using it?

If stored outdoors, tables, chairs, and other items must be secured within the fencing at the end of each day's operation in such a way that they are unusable. Minor Cafés without fencing must remove any furniture from public right-of-way (including public sidewalks or the pedestrian mall) overnight and store inside or an otherwise secure location.

During the winter months, the furniture cannot not be stored outdoors and must be removed along with the temporary fencing at the end of any day of operation. This applies to all café types.

4g. Can I use heating units in my sidewalk cafe?

All outdoor heating units must be inspected and approved by the Fire Department (319-356-5257). Infrared electric heating units are recommended for restaurants who would like to provide sidewalk café heating. Fire pits of any kind are not allowed.

4h. Can I place sandwich boards outside the sidewalk café?

Sandwich boards for advertisement may only be placed adjacent to the building face if there is an existing walkway that is greater than the required 6' – 8' walkway clearance (please see section "5a"), and may not impede upon the required clear walkway between the café and building.

LOCATION + DESIGN

5a. How much space do I need to leave for pedestrians?

In general, an unobstructed walkway of at least eight feet (8') must be maintained for both adjacent and detached sidewalk cafes. There are two exceptions:

- In the pedestrian mall, the unobstructed walkway must be at least six feet (6') in width for both cafes that abut a building and cafes that abut a planter
- If the existing sidewalk is less than eight feet (8'), a sidewalk café does not need to meet the eight-foot (8') unobstructed walkway requirement, but still must avoid impeding existing pedestrian traffic in any way.

More details on usable sidewalk café are provided in the [Sidewalk Cafe Policy](#).

5b. How far does my sidewalk café need to be from the curb?

At least two feet, unless otherwise approved by the City.

5c. How far does my sidewalk café need to be from the street corner or the alley?

Cafes cannot be located in the street corner (defined by the building line extended to the street) and must be at least ten feet (10') from the alley, or, two feet (2') if fencing is less than 20% solid.

5d. Can my sidewalk café extend beyond the building line extended?

No, but there are some exceptions for previously approved cafes located in planters.

5e. Can I construct a platform for my sidewalk café to sit upon?

If site conditions do not allow for a level café area, certain platforms are allowed contingent upon review and approval by the City. Suitable access must be provided for people with disabilities and additional fencing requirements apply.

5f. What if I am unable to meet the sizing and spacing conditions required?

The City developed a Minor Café designation for non-liquor licensed establishments which may not be eligible for or may not need a standard-sized sidewalk café. Please review the [Minor Café](#) section in this FAQ document for details.

STREET + PLANTER CAFES

6a. Does the City allow sidewalk cafés in the street or on-street parking spaces?

The City currently authorizes a limited number of cafes in the street (no more than 30% of total parking spaces on a block face) through a lottery and priority system but is not obligated to continue to authorize street cafes. Only establishments without a usable sidewalk cafe area of at least 120 sq. feet may seek a café in the street and any café located in the street must be placed upon a professionally designed and City-approved platform.

6b. How can I obtain a sidewalk café in the street?

There are a limited number of on-street parking spaces available to accommodate cafes and such cafes involve a substantial financial investment. Thus, the City uses a priority system and lottery system for sidewalk cafes located in planters:

- Lottery: Eligible establishment owners should submit a completed [Preliminary On-Street Cafe Application](#), including a preliminary schematic design. If there are more applications than available on-street locations, the City will conduct a lottery to select applicants who will then have the option to enter into an Easement Agreement and be permitted to operate in the designated on-street location. Detailed logistics and deadlines for this process are included in the [Sidewalk Cafe Policy](#).
- Priority: Sidewalk cafes who obtain a parking space through the lottery system and application process will have priority over other applicants for the initial and next two years. This priority cannot be reassigned or sold to other café owners.

6c. Does the City allow use of elevated planters for sidewalk cafes?

The City no longer considers or permits new sidewalk cafes in City-owned planters. Previously approved planter cafes may continue to operate at the City's discretion.

6d. Are there any additional requirements for sidewalk cafes located in the street?

There are some differences in requirements and guidance for sidewalk cafes located on the street, some of which are included throughout this FAQ document and with all pertinent regulations included in the [Sidewalk Cafe Policy](#).

MINOR CAFES

7a. What is a Minor Cafe?

Minor Cafés are smaller cafes that meet the following requirements:

- Do not hold a liquor license.

- Have no more than two bistro tables with two chairs each. These are located either flush with the building or curb line, per the City's discretion, and must be stored inside and off public right-of-way overnight.

Minor Cafes may be a good option for establishments which either cannot meet the sizing and spacing requirements for a traditional sidewalk café, or may not need a robust sidewalk café and serve a more transient clientele, such as bakeries, ice cream, sandwich, or coffee shops.

7b. Are there reduced requirements for Minor Cafes?

Yes, Minor Cafés do not require fencing, pay an annual flat fee of twenty-five dollars, and are not required to submit schematic design plans with their application.

7c. Why are businesses with a liquor license not allowed to have a Minor Cafe?

State of Iowa Alcohol Beverage Division regulations require that liquor licensed areas must be clearly delineated in some form. Thus, the City requires fencing be installed for any sidewalk cafes possessing a liquor license, regardless of whether they serve alcohol in their café or not. This policy provides liability protections for both the City and the business owner, who could risk revocation of their liquor license if a customer is consuming or carrying alcohol outside of the licensed area. These alcohol related requirements add costs to administer and operate, and one purpose of Minor Cafes is to offer the opportunity for establishments to operate small cafes at a low fee with limited oversight.

FEES

8a. Base Annual Fee Structure

Location of café:	Fee Amount
Minor Café	\$25.00 per year
Directly on Public Right-of-Way (ROW) or pedestrian mall	\$5.00 per square foot
Upon a structure/platform/planter (on the public ROW or street)	\$10.00 per square foot

If an establishment has a sidewalk café with seating both directly on the public ROW and on the street, they will be charged \$5/sq. ft. for the portion directly on the ROW and \$10/sq. ft. for the elevated portion. All cafes entering an Easement Agreement are also assessed the cost of the County recording fee.

8b. Additional Fees

Fee Type/Application:	Fee Amount
Daily parking fee (applies to on-street cafes only)	\$20 per day*
Bollard fee (applies to on-street cafes only)	Varies (equipment + labor fee)
Electrical fee (applies to cafes using City electrical outlets for lights only, requires prior approval from the City)	\$45/year

*Daily parking fee rate of \$20/day is current as of December 2021, but subject to change

8c. Deposits

Deposits are required only for cafés on platforms, structures, or planters that remain all year-round. The City will refund the deposit if the right-of-way is restored to its prior condition by the sidewalk café owner to the satisfaction of the City.

Deposit Type/Application:	Annual Deposit Amount
Non-concrete structures and platforms that are removed at the end of each season	\$500
Structure, planter, or concrete platform that remains up year-round	\$1,000

8d. Are fees ever prorated?

Minor Café fees are not pro-rated. With all other cafes, if the initial Easement Agreement is for less than one full year, the base fee will be prorated on a quarterly basis. Deposit amounts will remain the same, regardless of when the initial permit is issued.