

B.P.A.C. Draft Recommendations for U.S.C. Consideration

2010 Sidewalk Café Code Review

Section 8.08.070 Location rules and review criteria

1) The Building Official shall review the application for its compliance with the following criteria:

a) The operation of a sidewalk cafe is limited to structures which are sited within 10 feet of a public sidewalk, and which are located in one of the following development districts: Central Business (CB); Central Business Fringe (CBF); Mixed Use Employment (MUE); Mixed Use Commercial (MUC), River Front (RF), Mixed Use Community Shopping (MUCS), Neighborhood Center (NC).

b) The operation of a sidewalk cafe shall be located such that there is at least six (6) feet from the outermost edge of the sidewalk cafe to the ~~curb~~, that also includes a minimum of four (4) feet of clear and unobstructed accessible route to a height of seven (7) feet measured vertically from grade, between the sidewalk cafe delineation and tree wells, tree limbs, bike racks, lamp posts, sign posts and any other fixtures or obstructions. Radiuses along an accessible route shall be no less than four (4) feet in width

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c) Additional restroom facilities may be required if the additional seating capacity created by a sidewalk cafe causes an increase in the required fixtures under Chapter 29 of the Oregon Structural Specialty Code.

d) The location of the sidewalk cafe operation shall be as approved by the Building Official.

e) Accessible routes into, throughout, and adjacent to a sidewalk café shall be maintained in accordance with Chapter 11 of the Oregon Structural Specialty Code.

f) The operation of a sidewalk cafe requires that trash containers be provided on site.

2) The Building Official will forward all applications for review by the Police Chief or designee for any business who holds a valid liquor license, or in which alcoholic beverages are intended to be served.

a) The Police Chief or designee upon review of application will sign the application for concurrence with granting the license, or,

b) Submit a memorandum of concerns to be forwarded to City Council for consideration, signing the application in a location that acknowledges review of application.

(Ord. 2007-24 §4, 11/19/07; Ord. 98-34 § 2, 08/17/98; Ord. 89-33 § 8, 1989)

Section 8.08.030 Definitions

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- 1) no change
- 2) Accessible Route – A continuous unobstructed path of travel on the public sidewalk connecting all publicly accessible elements and spaces of a building or facility.
- 3) Adjacent sidewalk area – That portion of the public sidewalk between the curb and the property line demarcated by extending the side building lines of the premises until they intersect the curb.
- 4) Clearances – Clearances as referenced in this section are measured horizontally from the outermost projections of fencing or other structures related to the operation of the sidewalk café, including outer edge of fence base plates, to any obstruction on the ground greater than one-half inch in height, or to an adjacent project such as tree limbs, tree wells, banners, signs, bike racks, lamp posts, or any other fixtures. Accessible route clearances shall be no less than four (4) feet in width and no less than seven (7) feet in height for the entire length of the accessible route. Radiuses along an accessible route shall be no less than four (4) feet in width.
- 5) No change
- 6) No change
- 7) No change
- 8) No change
- 9) Curb - The structure that borders the sidewalk and/or landscape or park strip.

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8.08.120 Penalties.

- 1) Any sidewalk café operating without a valid permit for the year shall be notified by the City that it is in violation of this section, ~~shall cease to operate until a valid permit has been obtained, and all items related to operation of the sidewalk café shall be removed.~~ The sidewalk café shall not resume operation (and all items related to operation of sidewalk café must remain removed) until a valid permit has been obtained.

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Deleted: will be allowed up to ten business days to file an application.

Deleted: The operator of said café will be allowed up to ten business days after notification to file an application. If application is not filed within ten days, or if application is denied, all items related to operation of the sidewalk café shall be removed {time limit?}. If no application is filed within 10-days, the operator of the café shall be notified and a civil penalty of \$500 per day shall be levied. {amount of civil penalty for violation as amended?}