

# CITY OF NEENAH

## TEMPORARY Outdoor Extension Sidewalk Café

The Common Council has authorized the Community Development Department to assist local businesses to obtain necessary approvals to temporarily expand their outdoor seating areas through October 1, 2020. These areas may be needed to assist businesses to comply with social distancing guidelines as the local economy attempts to safely re-open and successfully recover from the COVID-19 health emergency during the summer and fall months of 2020. If the seating area is desired for permanent or long-term use the established municipal code standards and processes will need to be applied for through the City Clerk's Office.

### Temporary Use Permit Review Process/Procedure

Completed applications and submittals need to be directed electronically (i.e. email) to the Department of Community Development ([communitydevelopment@ci.neenah.wi.us](mailto:communitydevelopment@ci.neenah.wi.us)). Applications may be denied or put on hold if all required information is not submitted in detail. The Department will review each project and will approve, approve conditionally, or deny the submission in writing. Each application will need the following in order to be processed and reviewed:

- 1) A Completed Application.
- 2) A detailed site plan illustrating where the outdoor seating area will be located; number of tables, seats, etc. Additionally it will need to demonstrate where surrounding property lines, street rights-of-way, parking lot, and driveways are located.
- 3) Additional pictures, attachments and/or renderings that will help the committee best understand the proposal in greater detail.
- 4) Acknowledgement this is a temporary approval for the remaining outdoor seating timeframe (to October 1<sup>st</sup>, 2020).
- 5) Acknowledgement that if the temporary seating area does not comply with the required standards, the approval may be revoked.

### Conditions for Approval

**To be in compliance with the City of Neenah ordinance pertaining to temporary outdoor extension, the following conditions must be met:**

- Submit a detailed site plan showing the location of the proposed outdoor seating area in relation to property lines, buildings, parking areas, streets, and other features on the property. In addition, show the location of tables and chairs and include the type of barrier that you plan to surround the area with.
- The sidewalk café must be located in a C-2 Central Business zoning district.
- The sidewalk café must be located in an area where a minimum of six feet of sidewalk width will remain for safe passage of pedestrians and will not change the direction of travel along the sidewalk more than 30 degrees.
- The sidewalk café furniture must be located in such a manner as to not block access for the pedestrians or that the street furniture would constitute a tripping hazard or other hazard to pedestrians.
- A certificate of insurance must be placed on file that satisfies required liability limits and lists the City of Neenah as unrestricted additional insured.
- Service in the sidewalk café shall be limited to persons seated at tables. Appropriate signage must be affixed to each table notifying customers that alcoholic beverages may only be in possession while seated within the approved sidewalk café.
- Each sidewalk café serving alcohol beverages shall be responsible for policing the area of the sidewalk café to be sure customers are of the legal drinking age and that alcohol beverages are not being removed from the premise or left unattended.
- **Service in the outdoor premises shall be limited to persons seated at tables.**

- Sidewalk cafe furniture must be kept in a state of good repair and condition and free from the following conditions: rust, chipped or peeling paint or finishes, delaminating or peeling materials, missing hardware, rotting materials, poor craftsmanship or construction that would cause the item to be structurally unsound and thereby pose a health or safety hazard, or any other condition that the Department of Community Development deems to be contrary to the purposes of promoting visually appealing and structurally sound sidewalk furniture. It shall be placed, installed, used or maintained as follows:
  - (a) Within ten feet of any marked or unmarked crosswalk or access ramp.
  - (b) Within five feet of any fire hydrant.
  - (c) Within ten feet of any driveway.
  - (d) Within five feet ahead of and 15 feet to the rear of any sign marking a designated bus stop, measured along the edge of pavement.
  - (e) On or within two feet of any water valve, manhole, or other similar structure.
  - (f) Within the vision-clearance triangle as defined in the Neenah Zoning Code (Municipal Code Chapter 26).
  - (g) At any location that is closer to the center of the street than a location at the widest point of the street, measured at the curb line (i.e. bump outs).
  - (h) Windblown devices such as balloon, banners, or other similar item shall not be attached or otherwise made part of the sidewalk cafe furniture and no advertising shall be permitted on sidewalk cafe furniture.
  - (i) Sidewalk cafe furniture shall be stored indoors overnight and/or when the business is closed..
  - (j) Umbrellas, flags, heaters and such tall equipment/furniture shall not interfere with pedestrians below a height of seven feet on a sidewalk.
  - (k) Advertising on sidewalk cafe furniture is prohibited, except for the placement of the permittee's business name in an unobtrusive or incidental manner, not to exceed 2 inches in height by 8 inches in width (3 inches in height by 8 inches in width on umbrellas), with a limit of one per piece of sidewalk café furniture; incidental logos that are affixed by the manufacturer and do not advertise the permittee's business.
- Lighting of the area must be shielded and not be of intensity or brilliance to create glare which is distracting to adjoining property owners or can become a hazard or danger to vehicular traffic.
- Sound from any source that is emitted from the outdoor area and measured at any border of the real property on which the licensed premises is located shall not exceed 75 db from 7 a.m. to 9 p.m. and 65 db from 9 p.m. until closing. Three or more noise complaints filed against the owner of an Outdoor Premise during a license period (July 1 to June 30), and verified by the Neenah Police Department, shall constitute sufficient grounds to revoke the Outdoor Premise Permit granted under this section, subject to a hearing requirement under section 4.96(7) of this Code.
- All service in the outdoor premises (beverage and food) shall stop no later than bar closing as set by §125.32(3) and §125.68(4): Mon-Fri 2 a.m. and Sat-Sun 2:30 a.m.



Community Development Department  
211 Walnut Street PO Box 426  
Neenah, WI 54957-0426  
Phone: (920) 886-6130  
Fax: (920) 886-6129

E-mail: [communitydevelopment@ci.neenah.wi.us](mailto:communitydevelopment@ci.neenah.wi.us)

**APPLICATION FOR TEMPORARY OUTDOOR EXTENSION  
SIDEWALK CAFÉ**

Name of Applicant/Owner \_\_\_\_\_  
\_\_\_\_\_

Address of premise for which this outdoor extension is being applied for: \_\_\_\_\_  
\_\_\_\_\_

Establishment Name: \_\_\_\_\_

Contact Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_

Number of Tables: \_\_\_\_\_

**READ CAREFULLY BEFORE SIGNING:** Under penalty provided for by law, the undersigned states that each of the above questions has been truthfully answered to the best of his/her/their knowledge. Applicant acknowledges receiving a copy of Ordinance No. 2020-07 and agrees to comply with its terms and conditions should this application be approved.

\_\_\_\_\_  
(Partner/Individual/Officer of a Corporation, Member of an LLC)

\_\_\_\_\_  
(Partner/Officer of a Corporation/Member of an LLC)

\_\_\_\_\_  
(Additional Partner/Officer of a Corporation/Member of an LLC)

**TO BE COMPLETED BY DEPARTMENT OF COMMUNITY DEVELOPMENT**

Date Received: \_\_\_\_\_

BY: \_\_\_\_\_

Date of Review: \_\_\_\_\_

Granted  Denied

Application Reviewed By: \_\_\_\_\_