

# APPLICATION FOR SIDEWALK CAFE

City of Pittsburgh  
Department of Public Works – Bureau of Transportation & Engineering  
414 Grant Street  
Room 301 City - County Building  
Pittsburgh, PA 15219

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*Fax or Email this Completed Request along with all Attachments to  
Ben Carlise [ben.carlise@pittsburghpa.gov](mailto:ben.carlise@pittsburghpa.gov) Fax: 412-255-8847 or return by mail.*

Business Owner Name: \_\_\_\_\_ Contact Name: \_\_\_\_\_

Business Phone: (    ) \_\_\_\_\_ Cell Phone No: (    ) \_\_\_\_\_

Business Address: \_\_\_\_\_ Contact Email: \_\_\_\_\_

(DBA) Business Name: \_\_\_\_\_

Days and Times of Operation: \_\_\_\_\_

**PLEASE PROVIDE WIDTH AND LENGTH OF SIDEWALK & CAFÉ BELOW:**

Sidewalk Width: \_\_\_\_\_ Width of Cafe \_\_\_\_\_

Sidewalk Length: \_\_\_\_\_ Length of Cafe \_\_\_\_\_

Number of Tables \_\_\_\_\_ Number of Chairs \_\_\_\_\_

List of City / Utility objects near the curb: \_\_\_\_\_

How many feet / inches from the curb is the nearest object to the building? \_\_\_\_\_

**ATTACH THE FOLLOWING:**

- Building Owner endorsement letter addressed to the Director of Public Works
- Insurance Certificate 100K/300K + 50K property: Must name City of Pittsburgh as an additional insured
- Pictures of the store frontage showing the sidewalk (front, left, & right).
- \$150 Application Fee – Plus \$1 per Café Square Foot - Checks payable to “Treasurer, City of Pittsburgh”
- Site Plan – Must be to scale and stamped by a professional

**DO NOT WRITE BELOW THIS LINE**

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For City of Pittsburgh Use:

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**SIDEWALK CAFE APPLICATION**

- APPROVED: A copy of the Approved Application will be forwarded to:  
Councilman \_\_\_\_\_ District \_\_\_\_\_
- DISAPPROVED FOR THE FOLLOWING REASON(S):
- Incomplete Application
- Falsification of Information.
- Current restrictions prohibit extension at this location.
- Other: \_\_\_\_\_

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

APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

## DEPARTMENT OF PUBLIC WORKS

### FEE SCHEDULE

#### OBTAINING A SIDEWALK CAFÉ ENCROACHMENT PERMIT

*You must obtain an encroachment permit for erecting a Sidewalk Café as required by Pittsburgh Code: Title Four: Article 1: Public Rights of Way, Chapter 416: Obstructions, Paragraphs 416.06 to 416.13: SIDEWALK CAFÉ. This encroachment permit gives you permission from the City of Pittsburgh to occupy public right of way space until it is needed again by the city.*

**FEE Schedule:** The following fee will be charged for processing a sidewalk cafe encroachment permit application.

- ✚ **\$150.00 Base Fee for application processing & review**
- ✚ **\$1 per café square foot will be assessed in addition to the base fee.**
- ✚ **\$25.00 Yearly Renewal Fee**  
(Updated Insurance must be submitted yearly at time of renewal)

Checks payable to: **TREASURER, City of Pittsburgh**

#### **Submitting the application and site plan:**

To obtain a Sidewalk Café Encroachment permit, you must submit all application requests including a professional stamped scaled site plan of the sidewalk illustrating the location of the encroaching tables and chairs including any other items on the sidewalk encroaching the city right of way such as parking meters, telephone poles, trash cans, bike racks etc. All information requested on the application must be completed in order to process your request. Your plans must contain sufficient detail to allow for an accurate review of your request. If you are uncertain about the information we are requesting, please contact our office at 412.255.2435 for a face to face interview.

When completed, mail, email, or fax all papers along with undated checks to:

**BENNETT CARLISE**  
**DEPARTMENT OF PUBLIC WORKS**  
**ROOM 301 CITY COUNTY BUILDING**  
**414 GRANT STREET**  
**PITTSBURGH PA 15219**  
[ben.carlise@pittsburghpa.gov](mailto:ben.carlise@pittsburghpa.gov)  
**FAX: 412-255-8847**

*Once you return all forms required, your request will be researched by Public Works staff to determine whether the sidewalk café encroachment permit should be granted. Once your application is fully processed, your application will then be submitted to the City Council Member of the ward and district in which the property is located. At that time your application may be referred to City Council for further legislative discussion. Only when your application receives final affirmative recommendation from an elected City Councilperson will you be sent an acceptance form for your signature in which you agree to adhere to all of the conditions set forth in the application.*

(Please allow a minimum of 2-4 weeks to process your application once all required info is submitted).

**CHECKLIST**

Have you attached a letter to the Director requesting the Cafe? Yes No

Have you attached a consent letter from the Property Owner? Yes No

Have you attached a copy of your café site plan to scale? Yes No

Have you attached a photograph or drawing illustrating the location and type of tables and chairs and any other items encroaching the city right-of-way? Yes No

Have you attached an insurance certificate 100K Liability and 50K property damage naming the City of Pittsburgh as a co-insured? Yes No

Have you attached undated checks Payable to "Treasurer, City of Pittsburgh" in the amounts of \$150.00 and a second check equal to \$1 per square foot of your café? Yes No

*If approved for a Sidewalk Cafe, I accept the following conditions:*

- > **An Occupancy Permit must be obtained from Zoning Office.**
- > *Cafe must have removable barrier that encompasses the entire cafe.*
- > *A Minimum of five (5) feet of open sidewalk must be maintained for pedestrian traffic.*
- > *No furniture is permitted to be stored on the sidewalk when cafe is not open.*

**Signature of Applicant:** \_\_\_\_\_

**INTERNAL USE ONLY**

Received \_\_\_\_\_  
(Date)

Reviewed By: \_\_\_\_\_ for the Department of Public Works

**ACCEPTANCE FORM**  
**Operating a Sidewalk Cafe**

I, \_\_\_\_\_

Owner / Manager of \_\_\_\_\_

*Agree that I and my employees will abide by all the conditions, standards, rules, and regulations set forth in the application requirements for a Sidewalk Cafe. As part of this agreement, I agree to keep my city business taxes current. I understand that a delinquency in my taxes will result in the termination of my sidewalk cafe.*

*If, at any time, I or my employees discontinue or refuse to adhere to any part of the permit requirements, I understand that the immediate termination of the Sidewalk Cafe Permit will be required and the application fee will be forfeited and no refund of any kind is expected. It is my further understanding that any application in the future will be treated as a new and separate application.*

*I understand that the operation of a Sidewalk Cafe without the consent of the City of Pittsburgh will be subject to a daily citation, which would include a minimum fine of \$200 up to \$1000 per day as specified in Chapter 416.11 of the Pittsburgh Municipal Code.*

*I, in my power as owner / manager of said business, agree to hold harmless the City of Pittsburgh and its representatives from all liability resulting from the operation of a sidewalk cafe. I will have the required insurance policy, naming the City of Pittsburgh as a co-insured in force at all times during the operation of the Cafe.*

***I fully understand the aforementioned statement and agree to all conditions...\_\_\_\_\_***

Signature \_\_\_\_\_

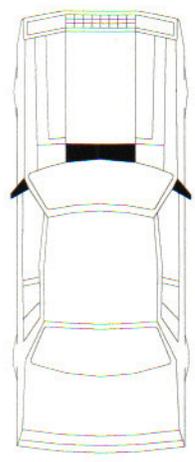
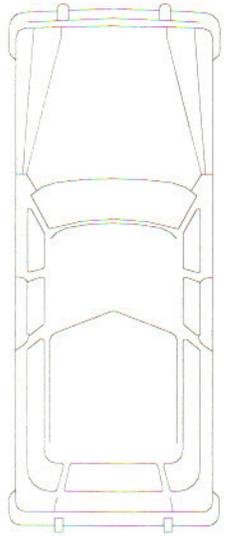
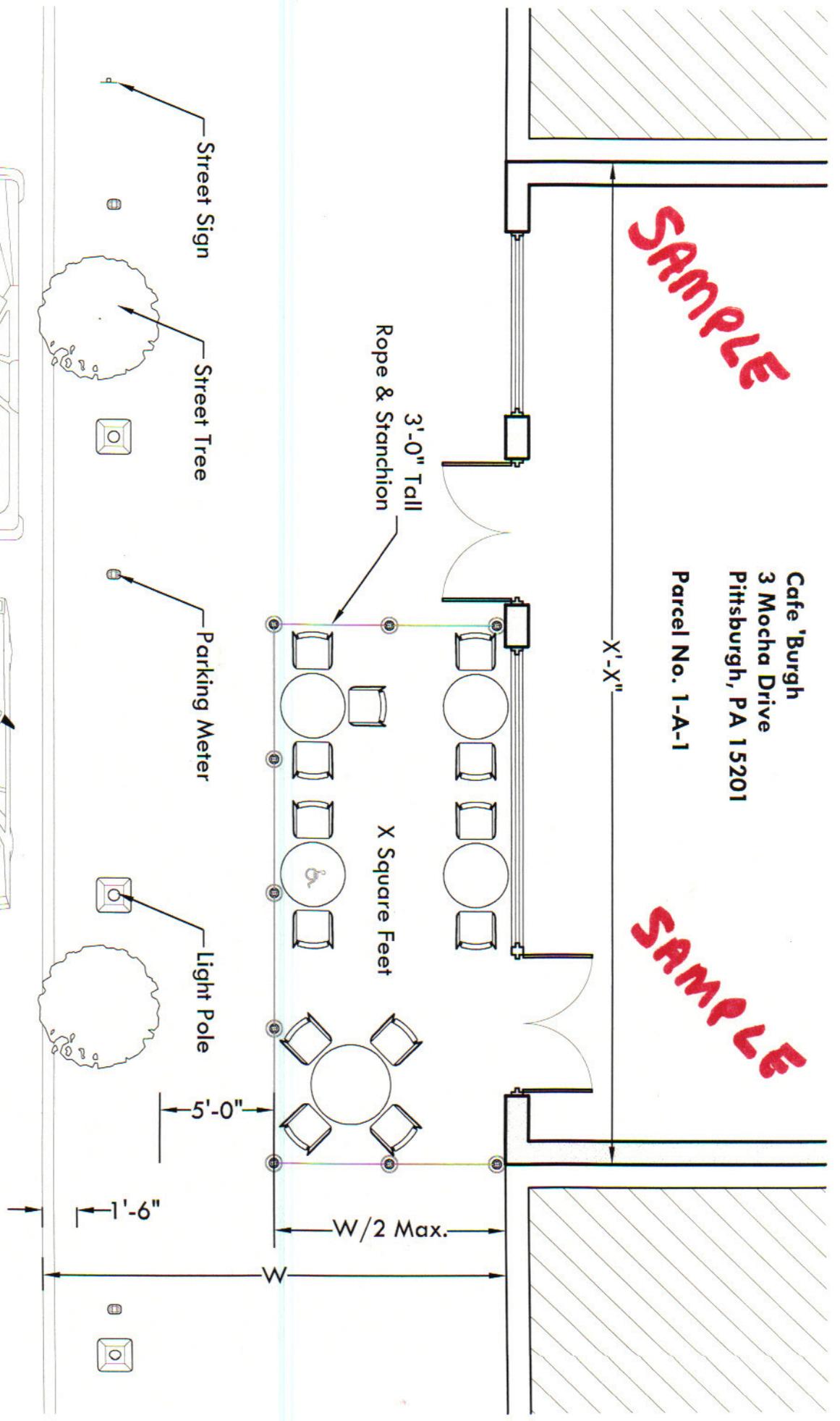
Date \_\_\_\_\_

For DPW \_\_\_\_\_

**SAMPLE**

Cafe 'Burgh  
3 Mocha Drive  
Pittsburgh, PA 15201  
Parcel No. 1-A-1

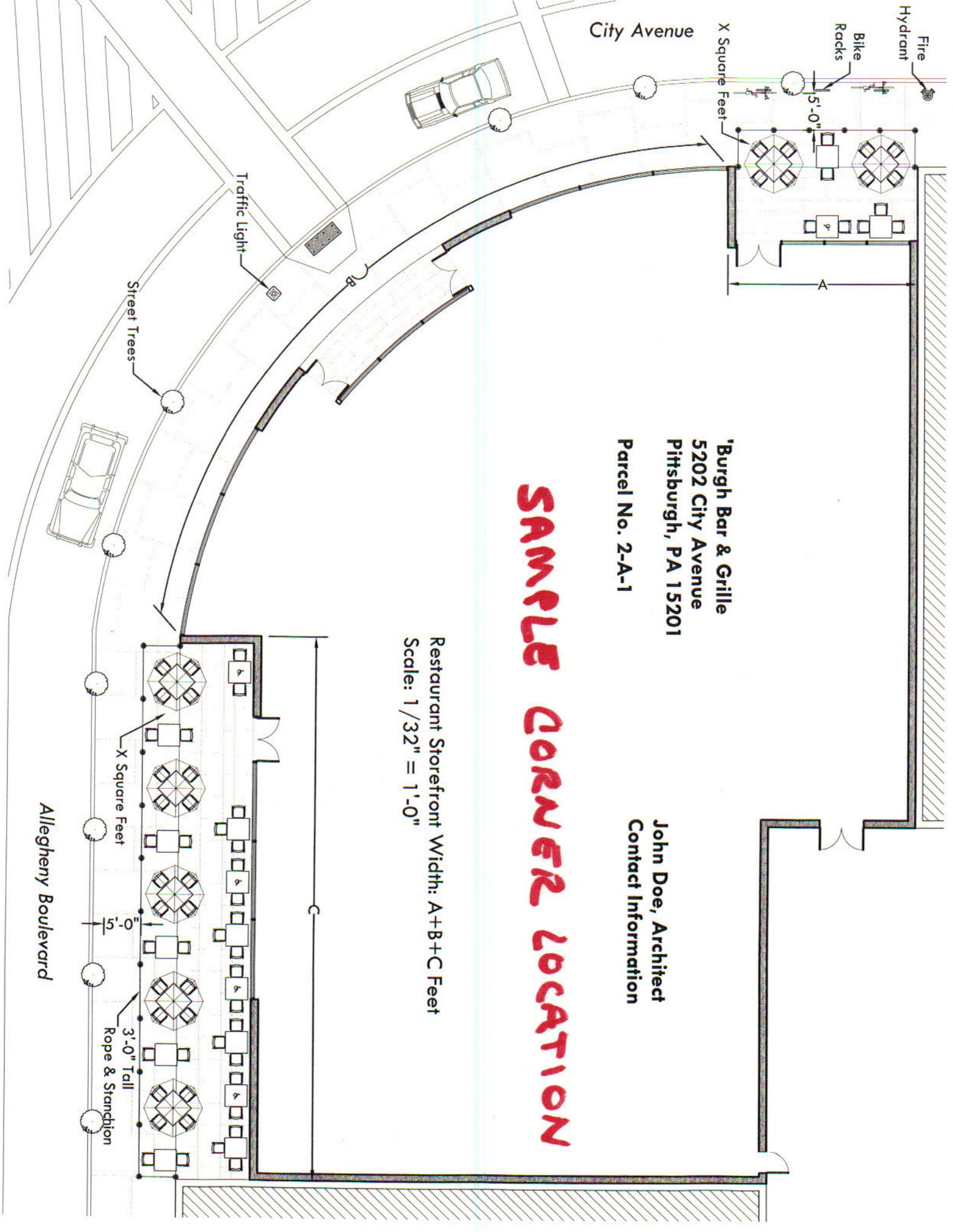
**SAMPLE**



Mocha Drive

**John Doe, Architect  
Contact Information**

Scale: 1/8" = 1'-0"



'Burgh Bar & Grille  
 5202 City Avenue  
 Pittsburgh, PA 15201  
 Parcel No. 2-A-1

John Doe, Architect  
 Contact Information

**SAMPLE CORNER LOCATION**

Restaurant Storefront Width: A+B+C Feet  
 Scale: 1/32" = 1'-0"

Allegheny Boulevard

City Avenue

Traffic Light

Street Trees

X Square Feet

3'-0" Tall  
 Rope & Stanchion

Fire Hydrant

Bike Racks

5'-0"

X Square Feet

A

C

### **§ 416.06 - SIDEWALK CAFÉS (PURPOSE).**

It is the purpose of this legislation to permit and encourage sidewalk cafés in City of Pittsburgh neighborhoods, as a way of providing vibrant enhancements to pedestrian-oriented business districts.

This general purpose includes, but is not limited to, the following specific purposes:

- (1) To encourage the establishment of sidewalk cafés as one means of developing a pleasant and distinctive dining experience.
- (2) To ensure that adequate space will be provided for pedestrian circulation through areas where sidewalk cafés are established and to ensure adequate access to adjoining properties and businesses.
- (3) To ensure unobstructed passage to police and other emergency personnel.
- (4) To ensure the comfort, safety, and welfare of disabled persons, including those with limited mobility or vision.
- (5) To attract business and enhance revenue opportunities.
- (6) To streamline the application process and improve efficiency.

*(Ord. No. 4-2009, § 1, eff. 1-1-10)*

### **§ 416.07 - SIDEWALK CAFÉS (DEFINITION).**

- (a) A sidewalk café is defined as an extension of the services of an existing establishment, including, but not limited to, serving food and beverages for consumption within an existing building, to the extent that food and beverages are permitted to be served and consumed at tables placed on the public sidewalk adjacent to and within the confines of the frontage of that portion of the building in which the establishment is situated. A sidewalk café contains readily removable tables and chairs, is enclosed by rope and stanchion unless some other barrier system is approved by the City as an architectural design element, and shall be otherwise open to the air.
- (b) The sidewalk café shall be located on the public right-of-way adjoining the property owner's property and in a location where it shall be determined to be appropriate by this ordinance, and all applicable related ordinances.

*(Ord. No. 4-2009, § 1, eff. 1-1-10)*

### **§ 416.09 - APPROVAL PROCESS FOR SIDEWALK CAFÉ, INCLUDING PERMITS AND FEES.**

A proprietor wishing to establish a sidewalk café must follow the process described below. Responsibilities of the departments include, but are not limited to, those described. For expediency and to benefit the applicant, each department shall complete its responsibilities within ten (10) days.

- A. *Department of Public Works (DPW).* At DPW, the proprietor obtains an application form for a permit to encroach on the public right-of-way with a sidewalk café. A checklist of sidewalk café requirements, delineating the steps to be followed in acquiring a sidewalk café permit, is issued to the applicant.
- B. *Department of Public Works.* Applicant returns to DPW with a completed application.

As part of the application for a sidewalk café, applicant shall submit a site plan conforming to the specifications in Sections [416.09](#) and [922.01.d.1](#). The proposed site plan for the sidewalk café must be attached to the required permit application. Sample plans are available from DPW. The permit fee is due at this time, at one dollar (\$1.00) for each square foot of café area (Gross square footage). Also due at this time is a certificate from the proprietor's insurance company, naming the city as co-insured, with minimum amounts of one hundred thousand dollars (\$100,000.00) to three hundred thousand dollars (\$300,00.00)—public liability and fifty thousand dollars (\$50,000.00)—property. DPW issues a printed notice that the application has been accepted, but not approved.

- C. *Zoning*. DPW sends the applicant to the zoning counter, with the application, and with DPW's notice of acceptance. The application is registered and the applicant pays a one-time filing fee at the zoning counter. Zoning will verify that the applicant has a valid certificate of occupancy for the primary use of the property. A certificate of occupancy for a sidewalk café will not be granted without a valid certificate of occupancy for the primary use.

The zoning department reviews the site plan design of the proposed sidewalk café. If disapproved, the applicant is given an opportunity to revise the site plan to meet zoning's requirements. If the proposed sidewalk café is to be in an historic district, there will be an additional level of review by the local body that provides historic review for that site. Zoning marks the site plan as approved and directs the applicant to the Bureau of Building Inspection.

- D. *Bureau of Building Inspection (BBI)*. BBI checks the applicant's record for violations. Any violations must be rectified before a sidewalk café permit can be issued. No permit can be issued unless the proprietor has a valid occupancy permit for the establishment that the sidewalk café will abut. Upon being cleared of violations, and consistent with the requirement for commercial venues, the applicant must submit a site plan, prepared and sealed by a licensed architect or engineer, to BBI's Plan Examiner. This plan must contain the sidewalk café seating layout, aisles, enclosure, ADA requirements, and means of egress, including egress from the main restaurant to the curb. The Plan Examiner will review the site plan for compliance with City Code and for compliance with the Americans with Disabilities Act (ADA). The applicant then pays a one-time fee for the certificate of occupancy for a sidewalk café. BBI will inspect and issue the certificate of occupancy for a Sidewalk Café, if approved. A copy of the site plan will be given to the applicant to be maintained at the establishment. The applicant will receive a copy of the certificate of occupancy by mail. Upon completion of BBI's process, BBI will forward the sidewalk café application packet, including DPW's notice of acceptance, the certified site plan, and a copy of the certificate of occupancy for a sidewalk café, to DPW.

- E. *Department of Public Works*. A DPW representative conducts a field survey to check the accuracy of information submitted in the proprietor's application for a sidewalk café.

- F. *City Council*. When it is deemed that the application is completed fully and correctly, the Director of Public Works submits the application to the District Council Person. The completed checklist of sidewalk café requirements is included in the packet provided to the District Council Person. The City Council Member representing the district where the café is proposed shall acknowledge, in writing, having reviewed the application, prior to issuance of the permit.

- G. *Department of Public Works.* The Director of Public Works notifies the applicant of the City's decision. If approved, the sidewalk café permit is issued by the Department of Public Works. A DPW representative demarcates the margins of the approved sidewalk café on the sidewalk.

If the proprietor wishes to change the sidewalk café from the approved site plan, a new application and review process is required.

(Ord. No. 4-2009, § 1, eff. 1-1-10; Ord. No. 18-2010, § 1, eff. 6-14-10)

### § 416.10 - SIDEWALK CAFÉ SITE PLAN.

In furtherance of the intent of this legislation that sidewalk cafés shall enhance the aesthetic appeal and community activity where they are located, especially in historic business districts, the following requirements are placed on the design and operation of sidewalk cafés.

1. Site plans shall include:
  - (a) Size of encroachment onto publicly owned sidewalk.
  - (b) Sidewalks up to ten (10) feet in width shall leave four (4) feet of sidewalk clear of obstructions to allow unimpeded pedestrian and disabled pedestrian traffic, in accordance with Americans with Disability Act (ADA) standards. Sidewalks over ten (10) feet in width shall leave five (5) feet of sidewalk clear of obstructions to allow unimpeded pedestrian and disabled pedestrian traffic, in accordance with the Americans with Disability Act (ADA) standards. No obstruction shall be placed within eighteen (18) inches of the face of any curb, within five (5) feet of any fire exit, fire hydrant, or building corner.
  - (c) The width of the storefront. A sidewalk café is limited to the width of the storefront of the establishment with which the area is associated. The area of ingress and egress is to be shown.
  - (d) Gross square footage.
  - (e) Compliance with federal accessibility standards, to accommodate persons with disabilities.
  - (f) Compliance with Building Code standards for egress from the café and from the establishment, in case of fire or other emergency
  - (g) City and other approved obstructions are shown outside the required ADA clear passageway. Obstructions shall include, but not be limited to, light poles, traffic signal poles, fire hydrants, utility structures, bike racks, parking meters, street trees, and street signs. Further, the sidewalk café cannot obstruct the clear sight distance for vehicles or access or crossings for the disabled.
  - (h) The seating, table layout, and barrier system, to scale, along with passageway/aisle clearances.
2. Design aspects to be included in the site plan are:
  - (a) Sidewalk cafés shall have a rope and stanchion as an enclosure, unless some other barrier system is approved by the City as an architectural design element.
  - (b) Sidewalk cafés are comprised of tables for dining. There shall be no standing room. No service equipment is permitted.
  - (c) Furnishings for sidewalk cafés shall consist solely of moveable tables, chairs, and decorative accessories. There shall be at least one (1) table that is ADA compliant.

- (d) The square footage of the sidewalk café area shall determine the number of permitted tables and chairs based on the Building Code requirements in effect at the time of the initial application. The proprietor is also required to update sidewalk café seating to meet Building Code requirements in effect at the time of annual renewal.
  - (e) If awnings are proposed, they shall be adequately secured and retractable. If umbrellas are proposed, they are to be included in the submitted site plan, and must meet ADA standards for encroachment into the public right-of-way, that is, umbrellas must be totally within the sidewalk café area and the edges and prongs must leave the path of travel clear and unobstructed.
  - (f) Sidewalk cafés shall be at the same elevation as the public sidewalk. Paint, carpeting, artificial turf, or other floor coverings of any kind shall not be permitted at any time in the sidewalk café area.
  - (g) No signage shall be allowed in any sidewalk café, or on the adjacent sidewalk, with the exception that small lighted menu boards may be permitted.
  - (h) Sidewalk café uses shall be subject to Pittsburgh Zoning Code standards, as stated at Pittsburgh City Code [section 911.04.A.68](#).
3. General requirements.
- (a) A permit to operate a sidewalk café shall only be granted to an establishment with a valid retail food license.
4. Operation.
- (a) Operation shall be during the normal business hours of the permittee, but no earlier than 7:00 a.m. and no later than 2:00 a.m.
  - (b) Furnishings must be kept in a state of good repair and in a clean and safe condition at all times
  - (c) Where rope and stanchion is used as the barrier, furnishings and rope and stanchion must be off the sidewalk by close of business, but no later than 2:00 a.m. each evening. Rope and stanchion must also be removed at that time.
  - (d) Sidewalk café permits are not transferable.
  - (e) Permittees are bound by all applicable rules for alcohol and tobacco consumption, including state statutes and City ordinances.
  - (f) The sidewalk surface in the sidewalk café area shall be maintained in good repair.
  - (g) Busing stations, trash receptacles, food preparation stations, cashier stations, and music shall not be permitted in the sidewalk café.
  - (h) Sanitary cleaning of the sidewalk café dining area before, during, and after food service is required.
  - (i) The proprietor shall maintain on-site copies of both the BBI certificate of occupancy for a sidewalk café and the certified site plan. Both shall be presented on request from an enforcement official from Public Safety, DPW, BBI, or other authorized representative of the City. The DPW sidewalk café permit shall be displayed in the front window, clearly visible from the street.

*(Ord. No. 4-2009, § 1, eff. 1-1-10; Ord. No. 18-2010, § 1, eff. 6-14-10)*

### **§ 416.11 - SIDEWALK CAFÉ PERMIT ANNUAL RENEWAL.**

The annual permit runs from January through December, at which time the proprietor is

required to pay the annual renewal fee of twenty-five dollars (\$25.00) at DPW.

*(Ord. No. 4-2009, § 1, eff. 1-1-10; Ord. No. 18-2010, § 1, eff. 6-14-10)*

#### **§ 416.12 - PERMIT REVOCATION AND PENALTIES.**

- (a) Any person who violates any of the provisions of this article or regulations promulgated hereunder shall be subject to a fine of not less than two hundred dollars (\$200.00) and not more than one thousand dollars (\$1,000.00) for each offense, and each day such a violation continues shall be deemed a separate and distinct offense. The Department of Public Works, the Bureau of Building Inspection, and the Bureau of Police provide enforcement if the permit holder violates the terms of the permit.
- (b) Any sidewalk café or other business activity, including signage, on publicly owned sidewalk in front of a business establishment without a valid permit is subject to removal from the public way by the Department of Public Works.
- (c) In addition to fines and other penalties as provided for herein, three (3) or more violations of any provision of this article or regulations promulgated hereunder within a permit period shall subject the permittee to revocation of the sidewalk café permit by the Department of Public Works.

*(Ord. No. 4-2009, § 1, eff. 1-1-10; Ord. No. 18-2010, § 1, eff. 6-14-10)*

#### **§ 416.13 - EFFECTIVE DATE.**

- (a) This chapter shall become effective January 1, 2010.

*(Ord. No. 4-2009, § 1, eff. 1-1-10; Ord. No. 13-2009, § 1, eff. 6-24-09; Ord. No. 18-2010, § 1, eff. 6-14-10)*