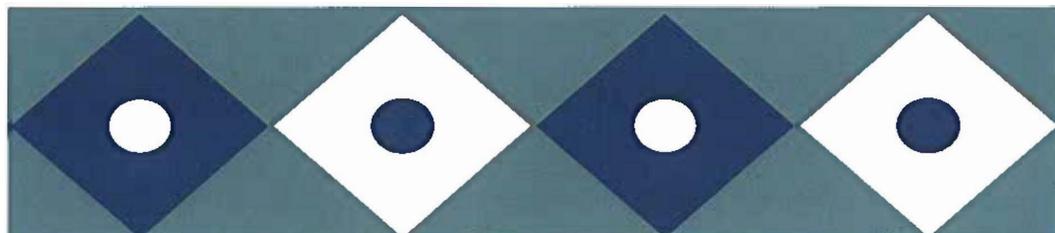




CITY OF LUDINGTON OUTDOOR DINING



REGULATIONS AND DESIGN GUIDELINES



SPECIAL CONDITIONS FOR SIDEWALK CAFÉ PERMITS

1. The permit applicant shall provide the Michigan Department of Transportation (MDOT) with a sketch identifying the layout and portion of the proposed sidewalk café that will be located within the State Highway Right-of-Way.
2. A clear area shall be maintained for pedestrian traffic and to facilitate maintenance and/or transportation use activities in accordance with local, state, and federal requirements.
3. The permit applicant shall not trim trees, hang signs on the existing lamp posts, or otherwise modify the public property within the State Highway Right-of-Way.
4. No permanent fencing or structures of any type shall be allowed to isolate tables and chairs for the sidewalk café.
5. The sidewalk café permit shall expire on December 31st of the year the permit is issued. The permit applicant shall renew annually by submitting all the necessary documents and a permit fee in accordance with the construction permit fee schedule.
6. Liability insurance shall be submitted electronically. Only sections A or D are required.
7. MDOT reserves the right to require removal of all or any portion of the sidewalk café placed in State Highway Right-of-Way by this permit as needed for highway maintenance or construction purposes without replacement or reimbursement of any costs incurred by the permit applicant or any other party. The permit applicant shall defend, indemnify, and hold harmless MDOT from any claims whatsoever resulting from the construction, maintenance or removal of the sidewalk café authorized by this permit.
8. The permit applicant shall meet all applicable Governmental Agencies' requirements and ordinances.

NOTE: Non-compliance with the above Special Conditions will result in the revocation of your permit

Michigan Department
of Transportation
2020 (11/08)

CERTIFICATE OF INSURANCE FOR PERMITTED ACTIVITIES

IN MICHIGAN DEPARTMENT OF TRANSPORTATION RIGHT OF WAY

ALL INSURANCE INFORMATION MUST BE SUBMITTED ON FORM 2020. ANY OTHER FORM IS INVALID.

The subscribing insurance company certifies that insurance of the types and limits of liability listed below have been issued to the insured named below for the policy period indicated.

Such insurance, here certified, is written in accordance with the company's regular policies and endorsements subject to the company's applicable manuals of rules and rate, except that the insurance shall include, but not be limited to, coverage for: (a) underground damage to facilities due to drilling and excavating with mechanical equipment; and (b) collapse or structural injury to structures due to blasting or explosion, excavation, tunneling, pile driving, cofferdam work, or building moving or demolition.

- (1) The subscribing company agrees to give 30 days prior written notice to the Michigan Department of Transportation in the event of cancellation or reduction in coverage by the Insurance Company for reasons other than nonpayment of premium.
- (2) The subscribing company agrees to give 10 days prior written notice to the Michigan Department of Transportation in the event of cancellation by the Insurance Company for nonpayment of premium.
- (3) The subscribing company agrees to give immediate written notice to the Michigan Department of Transportation in the event the contractor cancels or reduces the coverage of any insurance certified below.

NAME OF INSURED				TELEPHONE NUMBER	
ADDRESS	Street	City	State	Zip Code	

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY DATES (MM/DD/YY)		CATEGORY	MIN. LIMITS	POLICY AMOUNTS	
			EFFECTIVE	EXPIRATION				
	GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL <input type="checkbox"/> OCCURRENCE				GENERAL AGGREGATE PRODUCTS - COMP/OP AGG. PERSONAL AND ADV. INJURY EACH OCCURRENCE FIRE DAMAGE (Any one fire) MEDICAL EXP(Any one person)	\$ 2,000,000 \$ 1,000,000		A
			AND					
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS <input type="checkbox"/> <input type="checkbox"/>				COMBINED SINGLE LIMIT OR BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE	\$ 1,000,000 \$ 500,000 \$ 1,000,000 \$ 1,000,000		B C
			OR					
	EXCESS LIABILITY <input type="checkbox"/> UMBRELLA FORM <input type="checkbox"/> <input type="checkbox"/>				EACH OCCURRENCE AGGREGATE	\$ 1,000,000 \$ 1,000,000		D

ADDITIONAL INSURED:

The State of Michigan, Michigan Transportation Commission, Department of Transportation, and governmental agencies performing permit activities under a maintenance contract, and all officers, agents and employees of all the above, for claims arising out of, under, or by reason of operations covered by the permit issued to the permittee. If applicable, _____ (county) and County Road Commission are also insured.

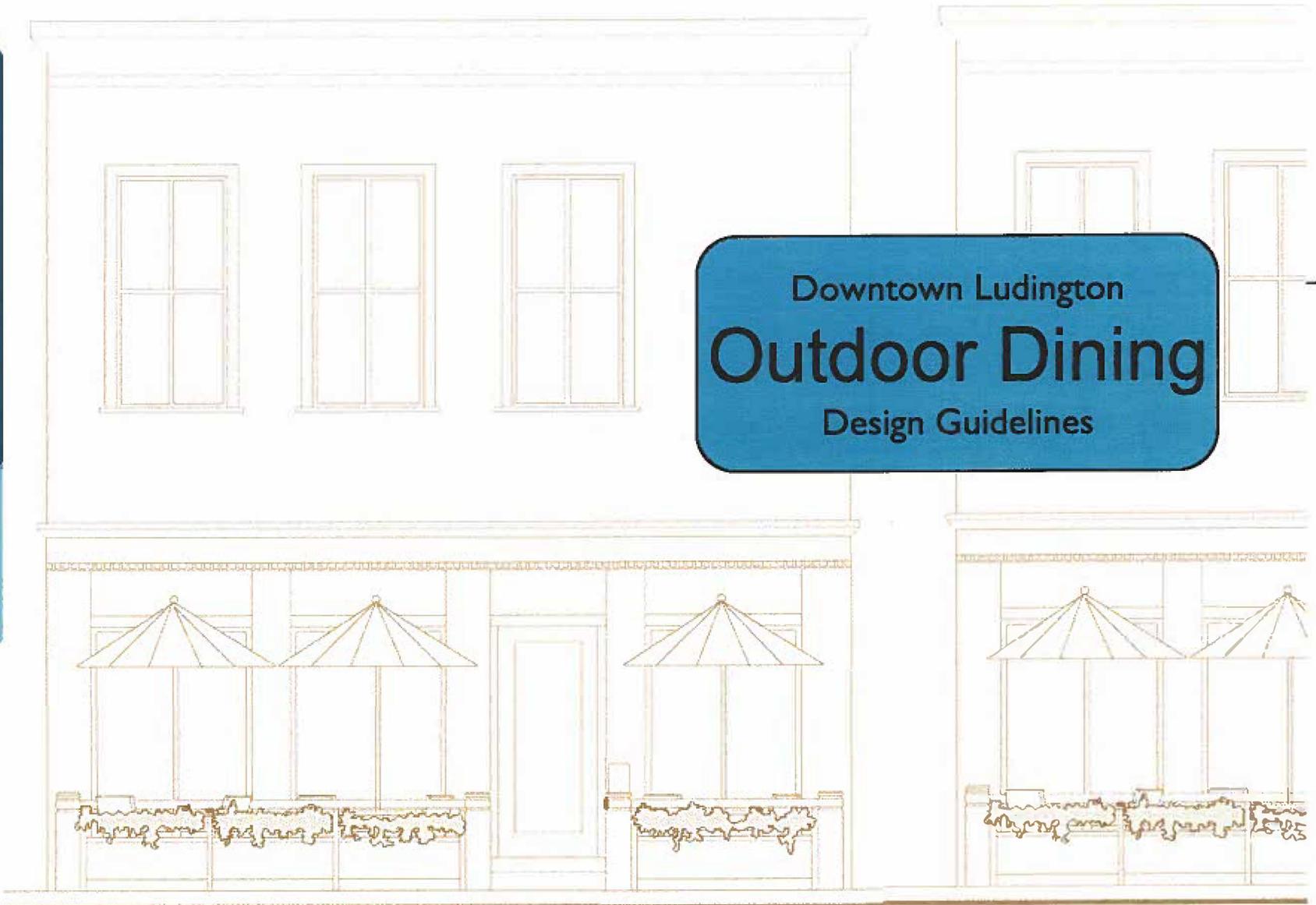
NAME OF INSURANCE COMPANIES AFFORDING COVERAGE COMPANY LETTER COMPANY LETTER COMPANY LETTER	NAME OF AGENCY ADDRESS
--	-------------------------------

BY: (Authorized Representative Signature)	TITLE	DATE	TELEPHONE NUMBER
---	-------	------	------------------

**INSURANCE REQUIREMENTS FOR ACTIVITIES PERFORMED
PURSUANT TO A PERMIT ISSUED BY THE
MICHIGAN DEPARTMENT OF TRANSPORTATION**

The permittee shall have as a minimum an insurance policy as described below, and the insurance company shall be licensed by the State of Michigan.

1. The insurance shall include, but not be limited to, coverage for:
 - Underground damage to facilities due to drilling and excavating with mechanical equipment, and
 - Collapse or structural injury to structures due to blasting or explosion, excavation, tunneling, pile driving, cofferdam work, or building moving or demolition, and
 - According to the following formula: **A+B or A+C or D**
 - A. Commercial general liability: The minimum limits shall be \$1,000,000 each occurrence and \$2,000,000 aggregate.
 - B. Combined single limit for bodily injury and property damage liability: \$1,000,000 each occurrence
 - C. Automobile Liability (Minimum Limits):
 - Bodily injury: \$500,000 per person
 - \$1,000,000 each occurrence
 - Property damage: \$1,000,000 each occurrence
 - D. The insurance limits, above, may be attained through an umbrella policy.
2. **NO WORK IS TO BE PERFORMED WITHOUT THE ABOVE POLICIES BEING CURRENTLY IN EFFECT.**
3. Should the policy be canceled or expire, all activities authorized by the permit shall cease and the authority to continue operating within the right of way is deemed of no effect pending reinstatement of such policy in conformity with the above.
4. Proof of insurance shall be the Michigan Department of Transportation (MDOT) Certificate of Insurance for Permitted Activities in MDOT Right of Way form (form #2020), and should the department elect, a copy of the policy.
5. All certificates of insurance will be received by the permit issuing offices unless otherwise arranged with the Lansing Utilities and Permits Section.



Downtown Ludington
Outdoor Dining
Design Guidelines



Table of Contents

Purpose

Background

Application Procedure

Elements of a Quality Outdoor Seating Area

Chapter 1: Barriers

1.1 Barrier Designs

1.2 Barrier Measurements

1.3 Access Openings

1.4 Planters

Chapter 2: Furniture and Fixtures

2.1 Types of Furniture

2.1 Tables

2.3 Chairs

2.4 Umbrellas

2.5 Sidewalk Coverings

2.6 Circulation Room

2.7 Signage

2.8 Setback from Other Businesses



Background

The City of Ludington is pleased to offer restaurants in Downtown Ludington the option of utilizing the public sidewalk as outdoor dining areas. Outdoor dining gives restaurant patrons an amenity that has become an increasingly popular feature within the downtown area.

While the City has encouraged the use of outdoor dining arrangements, restaurant operators must be mindful of two important considerations: the safety and flow of pedestrian traffic, and the visual appropriateness within Downtown Ludington.

These Design Guidelines are intended to ensure that restaurants use the public sidewalk for outdoor dining in a way that is safe for pedestrians and appropriate for the district.



Application Procedure

Outdoor dining is permitted in Downtown Ludington through an administrative approval process authorized by Section 400.8:2 of the City Zoning Ordinance. This administrative process saves time and expense by pre-establishing standards that must be followed for all outdoor dining set-ups.

To apply, a restaurant owner needs to complete the following:

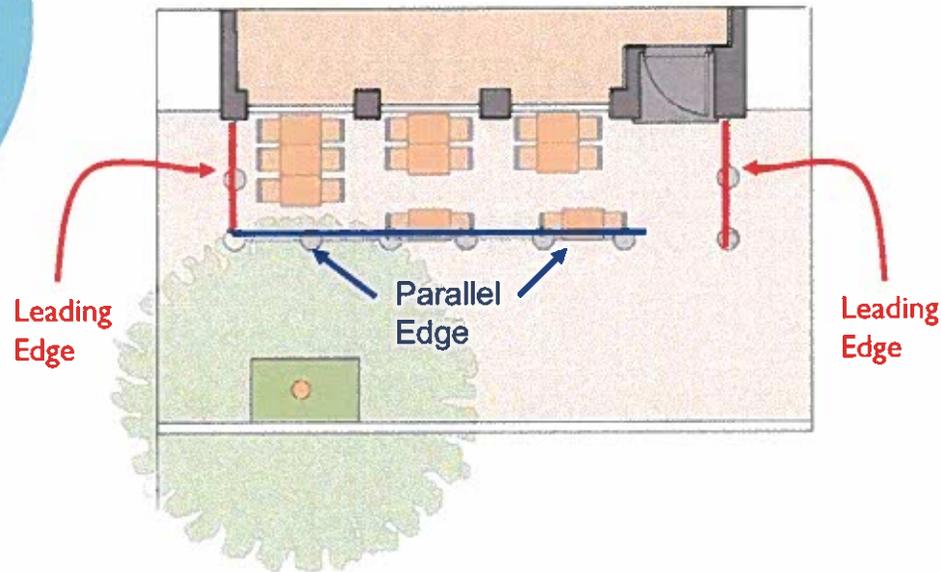
- **Application Form:** A brief form with basic information about the restaurant and proposed number of seats.
- **Site Plan:** A plan showing the proposed outdoor dining area with measurements (including a representation showing that at least 5 feet of unobstructed sidewalk space will remain for pedestrians).
- **Photos or Drawing of Furniture:** Photos or other graphic representation (including color and material) of furniture and umbrellas, needed for the City to verify that the proposed furniture conforms to these Design Guidelines.

For forms, information or questions, contact the Department of Planning and Zoning at 231-843-2956 or visit in person at City Hall, 400 S. Harrison Street, Ludington, MI 49431.

Elements of a Quality Outdoor Seating Area



Chapter I: Barriers



Dining area barriers (fences, gates, ropes etc.) are visually appealing and help to separate the dining area from the sidewalk. All barrier material must be maintained in good visual appearance without visible fading, dents, tears, rust, corrosion, or chipped or peeling paint.

Barriers are required when the service area is restricted for patrons only.

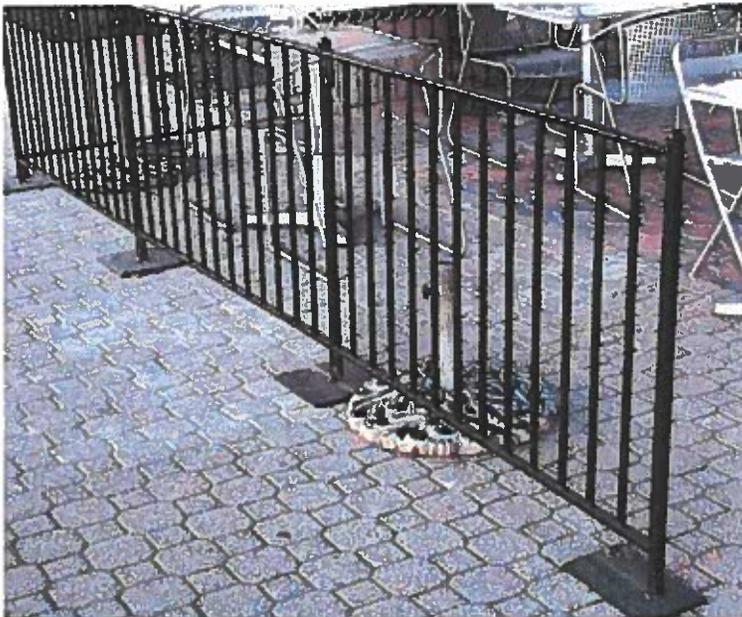
Required for Leading Edge of All Dining Areas:

A detectable barrier is suggested for the leading edge of all outdoor dining areas to ensure that visually impaired pedestrians using canes can detect the dining area safely. The leading edge, illustrated at left, is defined as the section of a dining area that is at or near a perpendicular angle to the building wall and/or curb line.

Outdoor Dining Areas Serving Alcohol:

State law requires that outdoor dining areas where alcohol is served or consumed must enclose the area with only one opening to the sidewalk for access.

I.1 Barrier Designs



Specific fencing only is permissible for outdoor dining area barriers:

Sectional Fencing: Sectional fencing (generally defined as rigid-fence segments that can be placed together to create a unified fencing appearance) is a required barrier for outdoor seating areas. Such fencing is portable, but cannot be easily shifted by patrons or pedestrians, as can less rigid forms of enclosures. Sectional fencing must be of metal (aluminum, steel, iron or similar) and painted or coated black.

1.1 Barrier Designs



Freestanding: Any barrier (whether sectional fencing or rail-type) must be freestanding without any permanent or temporary attachments to buildings, sidewalks or other infrastructure.

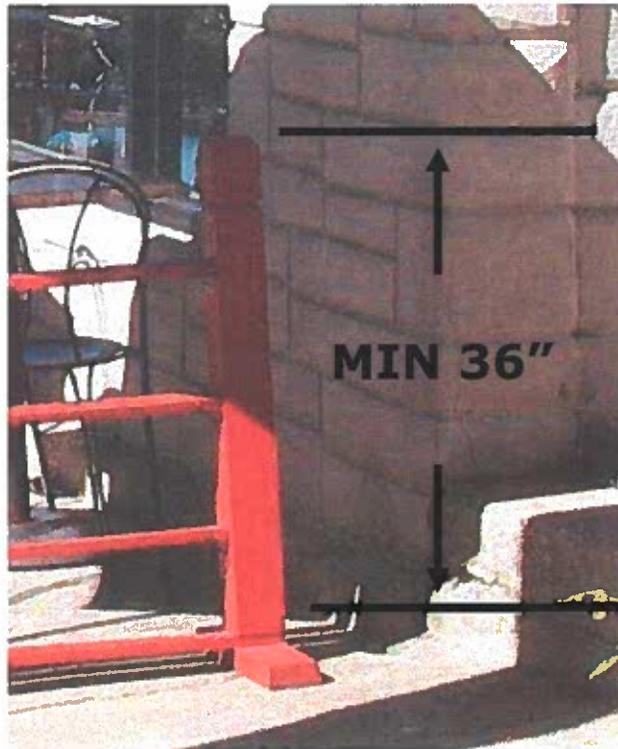
I.1 Barrier Designs



Prohibited Barrier Styles:

- **Fabric Inserts:** Fabric inserts (whether natural or synthetic fabric) of any size are not permitted to be used as part of a barrier.
- **Chain-link and Other Fencing:** The use of chain-link, cyclone fencing, chicken wire or similar appurtenances is prohibited. Materials not specifically manufactured for fencing or pedestrian control (including but not limited to buckets, food containers, tires, tree stumps, vehicle parts, pallets, etc.) and not expressly permitted elsewhere in these Design Guidelines may not be used as components of a barrier.

1.2 Barrier Measurements



Sectional fencing barrier height must be at least 36"

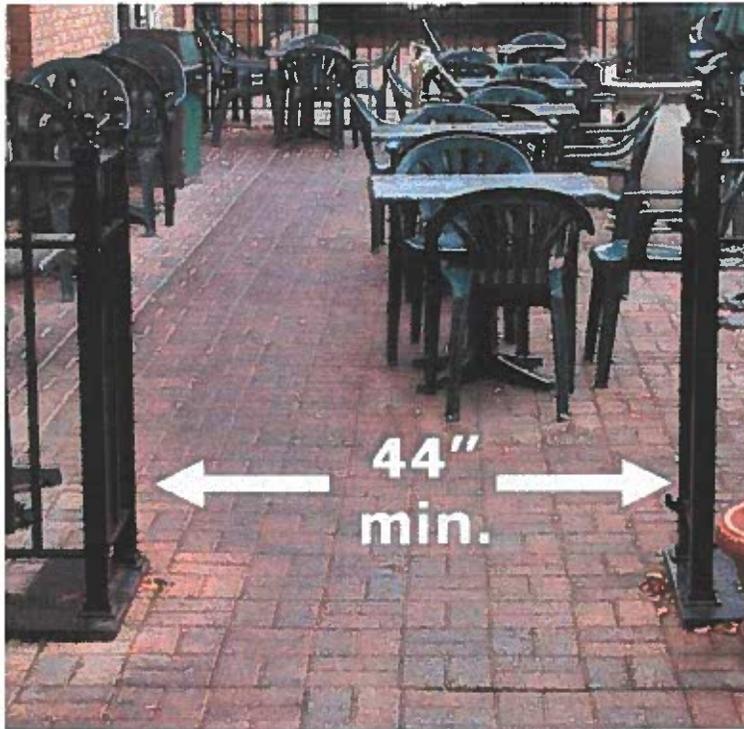
To ensure their effectiveness as pedestrian control devices and their ability for persons with visual impairments to detect them, barriers must meet the following measurement guidelines:

Height: The highest point of a barrier (such as a stanchion) must measure at least 36 inches in height with the exception of planters.

“Open” Appearance: Fences or other perimeter enclosures with a height of between 36” and 50” must be at least 50 percent open (see-through) in order to maintain visibility of street level activity. Any enclosure with a height over 50” must be at least 80 percent open (see-through).

Maximum Distance from Ground: All barriers must be detectable to visually impaired pedestrians who employ a cane for guidance. Therefore the bottom of barriers must be no greater than 27 inches above the sidewalk surface.

1.3 Access Openings



Minimum access width is 44 inches

Minimum Access Width: Any access opening within the barrier must measure no less than 44 inches in width.

Location: Access openings should be placed in a location that will not create confusion for visually impaired pedestrians.

I.4 Planters



Acceptable planter design and material

Planters may be used in addition to or in place of other barrier designs. In addition, planters may be used in situations where no barrier is required (for example, where the outdoor dining area does not extend more than three feet into the sidewalk) in order to provide added visual interest and create a more attractive and welcoming atmosphere. Planters and the plants contained within them must meet the following requirements:

Maximum Height of Planters: Planters may not exceed a height of 36 inches above the level of the sidewalk. (This pertains only to planters, not the plants contained therein.)

Maximum Height of Plants: Plants may not exceed a height of 108 inches (8 feet) above the level of the sidewalk.

Planted Material: All planters must have plants contained within them. If the plants within a planter die, the plants must be replaced or the planter removed from the public right-of-way. Artificial plants, empty planters or planters with only bare dirt, mulch, straw, woodchips or similar material are not permitted. Seasonal, thematic planter displays are encouraged.

Chapter 2:

Furniture and Fixtures



Downtown Ludington's retail liveliness depends on maintaining an attractive and high-quality atmosphere.

Outdoor dining furniture becomes a prominent part of the streetscape when used in the front of buildings, and such furniture needs to uphold the high standards applied to buildings and other improvements in Downtown.

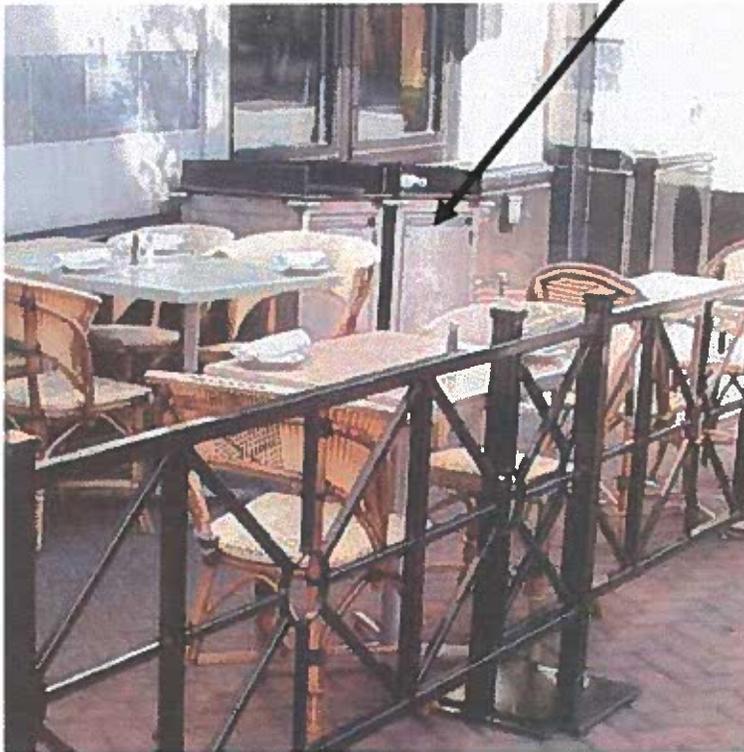
A wide range of furniture styles, colors and materials are permitted. All furniture and fixtures must be maintained in good visual appearance, without visible fading, dents, tears, rust, corrosion, or chipped or peeling paint. All furniture and fixtures must be maintained in a clean condition at all times.

All furniture and fixtures must be durable and of sufficiently sturdy construction as not to blow over with normal winds.

To ensure a quality visual appearance, the conditions on the following pages apply to furniture (tables and chairs).

2.1 Types of Furniture

Other furniture or equipment
not permitted



Prohibited Furniture: All furniture other than tables, chairs and umbrellas is prohibited. This includes, but is not limited to, serving stations, bar counters, shelves, racks, sofas, televisions, trash receptacles, heaters and torches.

Freestanding: Furniture and fixtures must not be secured to trees, lampposts, street signs, hydrants or any other street infrastructure by means of ropes, chains or any other such devices, whether during restaurant operating hours or at times when the restaurant is closed.

Furniture, other than tables, chairs and umbrellas, is not permitted.

2.2 Tables

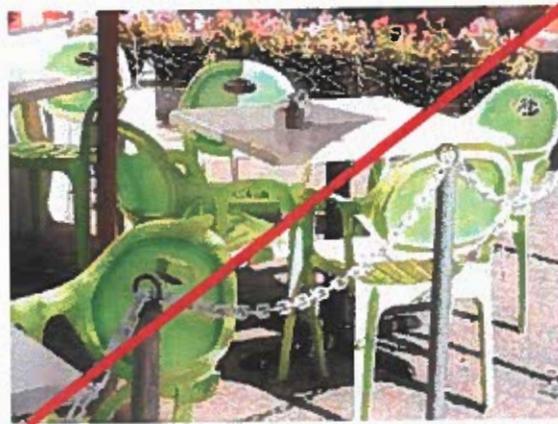


Furniture may be of dark color or natural unpainted material.

Tables need to be functional, not only for patrons, but also for pedestrians, given the limited space available for outdoor dining on sidewalks.

Outdoor dining furniture must also contribute to the overall atmosphere of the commercial district and be complementary in both appearance and quality.

Color: Tables may be colored or of a natural unpainted material (i.e., wood, metal etc.). Tables are not permitted to be white plastic or of any fluorescent or other strikingly bright or vivid color.



No white or fluorescent furniture is permitted.

2.2 Tables

Size and Shape: The size and shape of tables strongly affect the functionality of an outdoor dining area. Restaurants should strive for space-efficient seating layouts and furniture configuration.

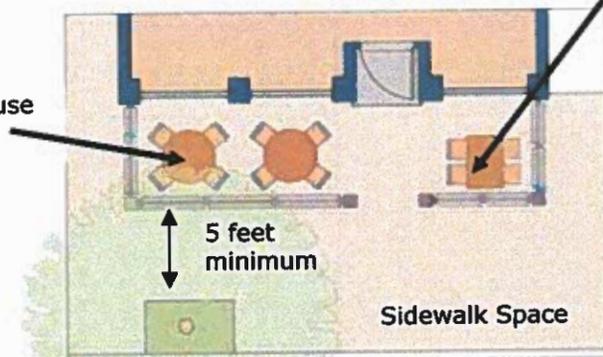
Square or Rectangular Tables Preferred: Square or rectangular tables are strongly recommended for use in outdoor dining areas.

- **Better Fit:** Square or rectangular tables may fit flush against a building's wall and can permit more usable surface area for patrons while at the same time leaving more space available for pedestrians.
- **More Flexibility:** Square or rectangular tables are more flexible for use in outdoor dining areas. Such tables may be combined to seat larger parties much more effectively than can round tables.

Smaller Tables Preferred: Smaller tables work better than larger tables and are more efficient and flexible. Although optimal table size varies by each restaurant's specific outdoor dining layout, smaller tables are preferred.

Large Tables:
Not efficient use
of space

Small and Square Tables:
More flexible and space-
efficient



2.3 Chairs

Chairs used in an outdoor dining area must match each other.



Chairs, like other outdoor dining elements, must contribute to the overall atmosphere of Downtown Ludington's commercial district and must be complementary in both appearance and quality.

Color: Chairs may be colored or of a natural unpainted material (i.e., wood, metal etc.). Chairs are not permitted to be white plastic or of any fluorescent or other strikingly bright or vivid color.

Upholstery: Upholstered chairs are permitted. Upholstery is not permitted to be of any fluorescent or other strikingly bright or vivid color.

Matching: All chairs used within a particular establishment's outdoor seating area must match each other by being of visually similar design, construction and color.



No white plastic or fluorescent furniture is permitted.

2.4 Umbrellas



Acceptable umbrella design

Umbrellas can add a welcoming feel to outdoor dining areas and provide shelter from the elements making their use desirable for outdoor dining applications. Appropriately designed and sized umbrellas are permitted for use under this outdoor dining program. Umbrellas must be free of advertisements and contained within the outdoor dining area. The lowest dimension of an extended umbrella must be at least 7 feet above the sidewalk surface. All umbrellas must comply with the following conditions.

Contained Within the Outdoor Seating Area:

To ensure effective pedestrian flow, all parts of any umbrella (including the fabric and supporting ribs) must be contained entirely within the outdoor seating area.

Minimum Height for Sidewalk Clearance:

When extended, the umbrella must measure at least 7 feet above the surface of the outdoor dining area in order to provide adequate circulation space below. This measurement must include not only the umbrella frame and panels, but also any decorative borders such as fringes, tassels, or other such ornamentation.

Maximum Height: Any part of an umbrella used in an outdoor seating area may not exceed a height of 120" (10 feet) above the level of the sidewalk in order to avoid causing an undue visual obstruction of other businesses.

2.4 Umbrellas



Acceptable umbrella design: Solid color, space-efficient, market-style, canvas material

Colors: Umbrellas must blend appropriately with the surrounding built environment. Therefore, umbrella fabric is not permitted to be of any fluorescent or other strikingly bright or vivid color. Umbrella covers must be of one solid color.

Size and Shape: The size and shape of an umbrella strongly affect its functionality within a constrained space such as an outdoor dining area. Due to the narrow measurements of most restaurants' outdoor dining areas, restaurants using umbrellas should strive for space-efficient umbrella designs.

Square or Rectangular Umbrellas

Preferred: Square or rectangular umbrellas, as opposed to round or octagonal umbrellas, are strongly recommended for use in downtown outdoor dining areas.

Market-Style Umbrellas Preferred: Market-style umbrellas – those designed specifically for patio or outdoor restaurant use – are preferred for outdoor dining purposes.

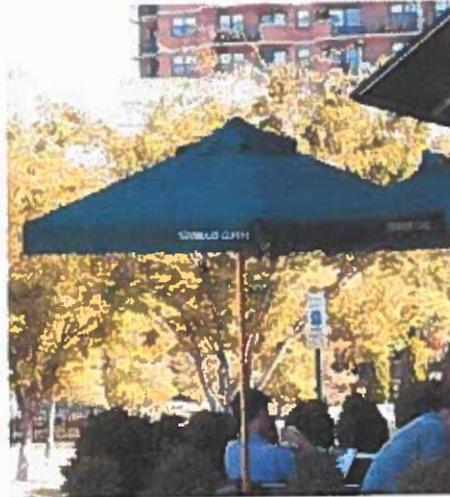
Material: Umbrella fabric must be of a material suitable for outdoor use and must be canvas-type. No plastic fabrics, plastic/vinyl-laminated fabrics, or any type of rigid materials are permitted for use as umbrellas within an outdoor seating area.

2.4 Umbrellas



Signage or Wording Prohibited: Umbrellas must not contain signage for the restaurant or for any other entity in the form of wording, logos, drawings, pictorial or photographic representations, or any other likewise identifying characteristic.

Signage on umbrellas not permitted.



2.5 Sidewalk Coverings



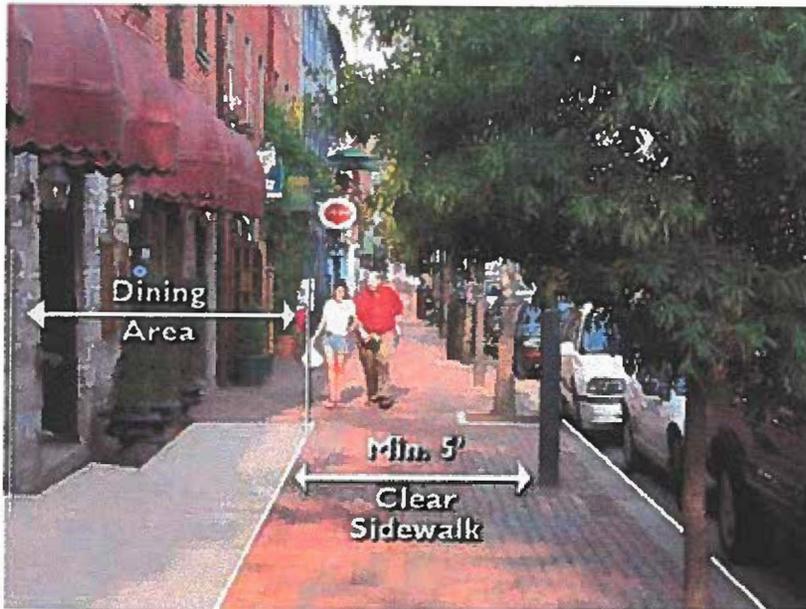
Outdoor dining areas should be uncovered sidewalk material.

The floor of outdoor seating areas should be uncovered sidewalk material as to provide continuity with the adjacent public right-of-way. Floor coverings or raised platforms may not be used within outdoor dining areas.

Prohibited Sidewalk Coverings:

- **Carpet:** Prohibited sidewalk coverings include carpet or other flooring material constructed of fabric, canvas, wool, tile, linoleum, nylon, vinyl or any covering that is intended to resemble turf.
- **Platforms:** Raised decks, platforms or other such surfaces are not permitted within outdoor dining areas.

2.6 Circulation Room



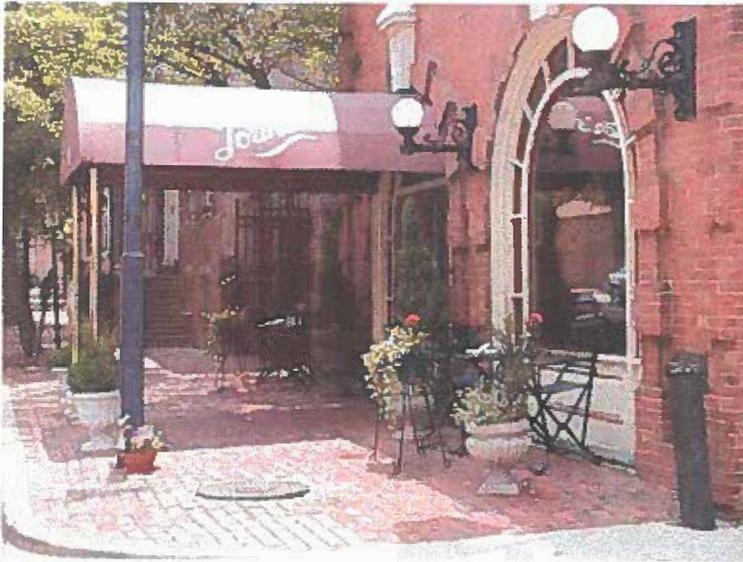
As established in the Outdoor Dining Ordinance, all outdoor dining areas must leave at least 5 feet of unobstructed pedestrian space. This 5 feet of pedestrian space must be clear of obstructions caused by trees, tree wells, posts, hydrants or any other infrastructure. In addition, no part of an outdoor dining area (including plants) may extend into the 5-foot-unobstructed zone.

If a perimeter enclosure is used, adequate space must be provided within the enclosed outdoor dining area to permit movement of patrons and wait staff. Wait staff may not serve patrons from beyond the perimeter enclosure.

2.7 Signage

Signage is permitted within outside dining areas only with a valid City permit. No extra or additional signage is permitted solely as a result of an establishment's participation in this outdoor dining program.

2.8 Setback from Other Businesses

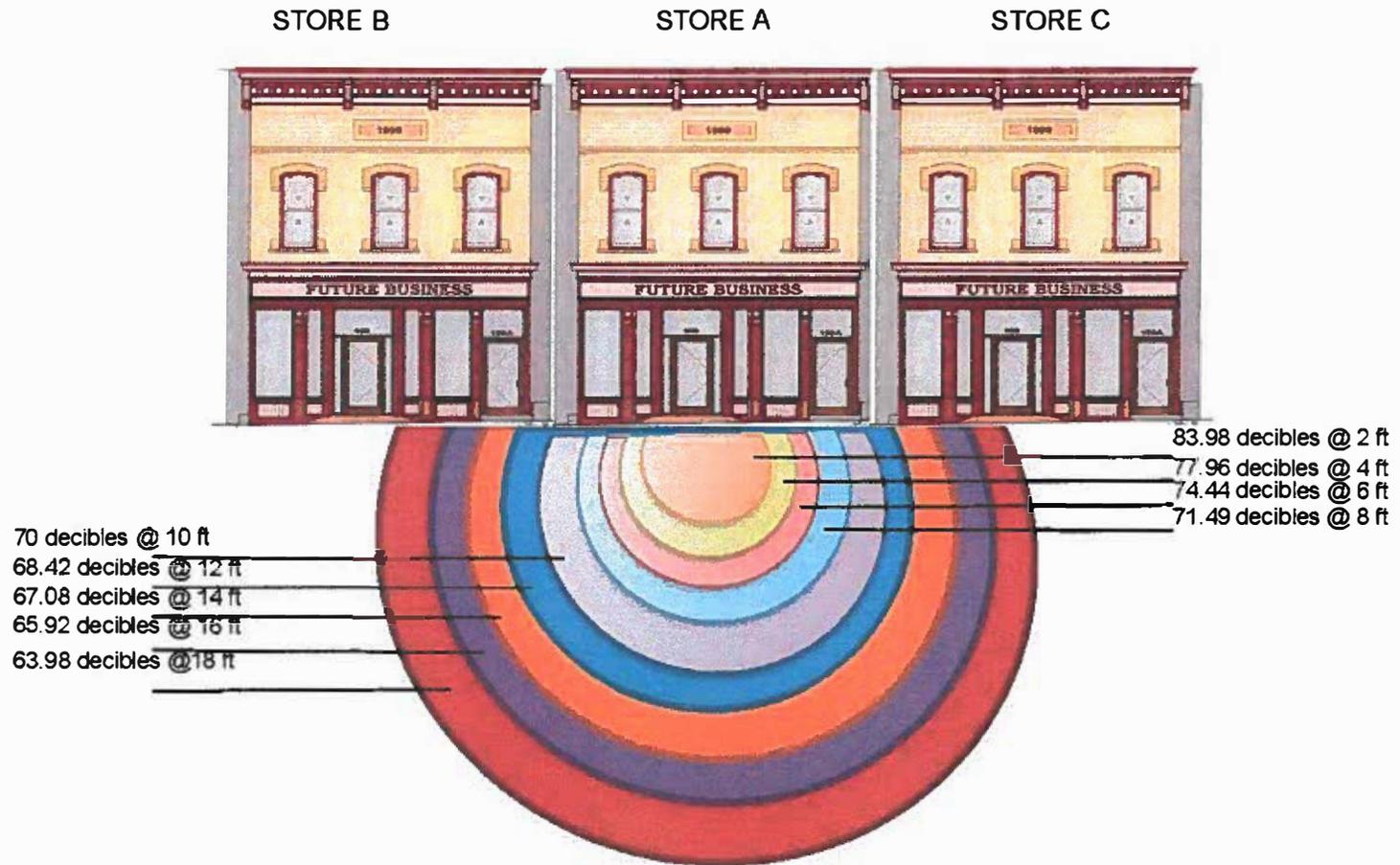


Neighboring businesses must remain visible to pedestrians and motorists.

Restaurants need to be mindful of adjoining businesses when using outdoor dining areas in order to ensure that neighboring businesses remain visible to pedestrians and motorists.

A restaurant may be required to adjust the outdoor seating area's layout, dimensions or distance from the property line to ensure that this visibility is maintained.

OUTDOOR DINING SPEAKER PLACEMENT AND SOUND IMPACT



Each circle above represents 2ft from the source of the music. If music at the source is played at 90 decibels, the levels listed above are the actual sound impacts at each two feet from the sound source. This depicts speakers that are centrally located on the front of a downtown building. By locating speakers in the middle of the building with outdoor dining, it lessens the sound impact on neighboring businesses. This is important when more than one neighbor will be offering an outdoor dining experience.