



DOWNTOWN DEVELOPMENT/PLANNING

# SIDEWALK USE AREA LICENSE CHECKLIST

- Program Purpose and Location
- Minimum Design Standards
- Pertinent Ordinance
- Approval Process Flowchart
- Application Checklists
- Frequently Asked Questions (FAQs)



## PURPOSE and LOCATION



### Purpose:

Sidewalk Use Area licenses allow businesses within certain areas of downtown McKinney to utilize public sidewalks and spaces for additional retail and restaurant space. These areas allow customers to dine outside or sit a while downtown.

Sidewalk Cafes are outdoor dining areas located on public sidewalks. A café must be associated with and directly adjacent to a food establishment as defined in Section 46-2 of the Code of Ordinances, City of McKinney. All cafes are open to the air, except for a canopy, and not enclosed by fixed walls; and may contain seating, tables, chairs, plants and other appurtenances that are not specifically prohibited.

Sidewalk Patios are outdoor seating areas that are available to retail businesses or other establishments that are not food establishments but are located within the Sidewalk Use Area. Sidewalk patios are located on the public sidewalk and may contain seating, tables, chairs, plants and other appurtenances are not specifically prohibited.



Figure 1- Sidewalk Use Area Zone



## **Sidewalk Cafes**

- (a) A physical barrier to delineate the space to be used by the permit holder shall be installed subject to the following requirements:
  - (1) Barriers in the form of a fence, balustrade or other similar fencing material shall be installed at a height of no less than 36 inches and no taller than 42 inches.
  - (2) Barriers in the form of planters and benches shall reach a minimum of 20 inches in height but shall not exceed a total height of 60 inches inclusive of any plants and/or decorative materials.
  - (3) Living plant screens shall not be an acceptable barrier material.
  - (4) Plants and planters must be situated to retain adequate visibility into the licensed sidewalk use area and the adjacent businesses.
- (b) The sidewalk cafe area shall be monitored by an employee at all times to ensure that no alcoholic beverages are removed from the sidewalk use permit area.
- (c) Signage must be posted in the area indicating:
  - (1) The Permit Type and restrictions of the Sidewalk Use Area. Signage must indicate that alcoholic beverages may not be removed from the sidewalk café area.
  - (2) A sketch of the permitted area and exits.

## **Sidewalk Patios**

- (a) A physical barrier to delineate the space to be used by the permit holder shall be installed subject to the following requirements:
  - (1) Barriers in the form of a fence, balustrade or other similar fencing material shall be installed at a height of no less than 36 inches and no taller than 42 inches.
  - (2) Barriers in the form of planters and benches shall reach a minimum of 20 inches in height but shall not exceed a total height of 60 inches inclusive of any plants and/or decorative materials.
  - (3) Living plant screens shall not be an acceptable barrier material.
  - (4) Plants and planters must be situated to retain adequate visibility into the licensed sidewalk use area and the adjacent businesses.
- (b) Signage must be posted in the area indicating:
  - (1) The Permit Type and restrictions of the Sidewalk Use Area.
  - (2) A sketch of the permitted area and exits.

# PERTINENT ORDINANCES



All City of McKinney ordinances are available at [Municode.com](http://Municode.com)

**\*Please note that this is not a comprehensive list. Please refer to the Zoning Ordinance for all applicable regulations**

**SIDEWALK USE AREAS (Cafes and Patios):** Chapter 90 Article VI Sections 90- 360-362, 90-364, 90-380-383

**HISTORIC OVERLAY DISTRICT ORDINANCE:** Section 146-97, this includes the CoA process

**COMMERCIAL HISTORIC OVERLAY DISTRICT ORDINANCE:** Section 146-96, this includes the CoA process

**APPENDIX A – Schedule of Fees**

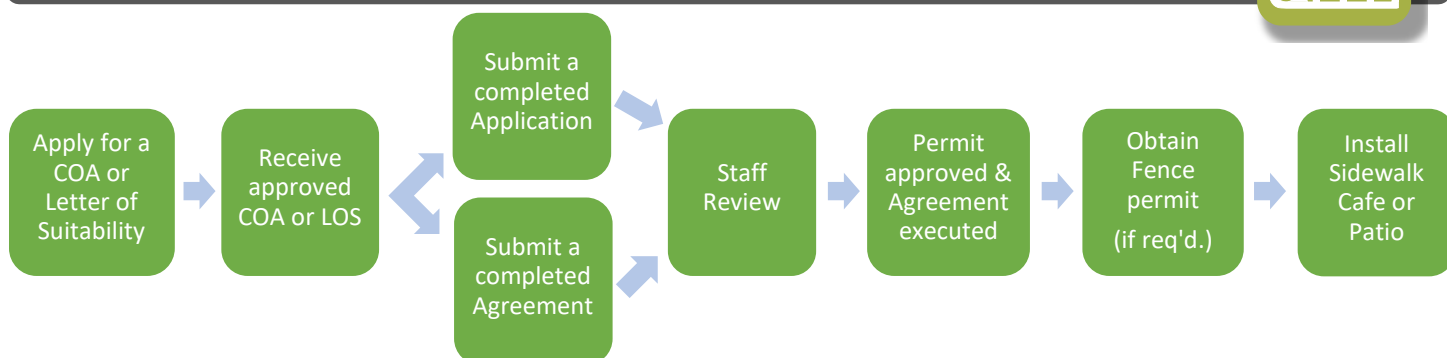
**CLEARANCE AND ACCESSIBILITY, ALL SIDEWALK AREAS:** See Section 90-382 for additional information

Sidewalk Width	Minimum Clear Pedestrian Path Required*
< 8'	sidewalk use area not permitted
8' to 14'	5 feet
15' to 19'	8 feet
20 to 24'	10 feet
25' and greater	13 feet
Corner Clips	as determined by the Director of Planning

*NOTE: Distances shall be measured from the closest point of the proposed barrier(s) to the back of curb or permanent obstruction. Measurements shall be rounded to the nearest whole number.*

\*In instances where the sidewalk includes a permanent obstruction such as a ramp, stairs, or city-owned planter, a clear pedestrian path between the sidewalk use area and the permanent obstruction must be maintained pursuant to the distance requirements in the table above. Public egress and access to the building's entrances must also be maintained.

# APPLICATION PROCESS FLOWCHARTS



# LIST OF REQUIRED SUBMITTALS



**All submittals should be submitted via email as pdf files to:**

**[contact-planning@mckinneytexas.org](mailto:contact-planning@mckinneytexas.org)**

- **Sidewalk Use Area Application form**
- **Certificate of Appropriateness (COA) approval or Letter of Suitability**
  - Access this form at <https://www.mckinneytexas.org/350/Historic-Preservation-Resources>
  - For more information reach out to: [contact-planning@mckinneytexas.org](mailto:contact-planning@mckinneytexas.org)
- **Site Plan**
  - Drawn to scale. (1"=20', 1"=30', 1"=40')
  - Location of the proposed sidewalk patio, dimensioned;
  - type and location of physical barriers proposed to delineate and visually separate the sidewalk use area, dimensioned:
  - method by which physical barriers will be secured to the sidewalk;
  - layout and number of tables, chairs, and other furnishings with dimensions;
  - distance(s) from the sidewalk use area barrier(s) to the curb or permanent obstruction;
  - North arrow, property address and business name
- **Elevations**
  - Drawn to scale. (1"=20', 1"=30', 1"=40')
  - type and location of physical barriers proposed to delineate and visually separate the sidewalk use area, dimensioned
  - Dimensions of boundary defining elements
  - Property address and Business name
- **Photographs of the exterior of the business**
  - Label each photograph with the property address and a sequential series of numbers,
    - For example, 222\_N\_Tennessee\_1, 222\_N\_Tennessee\_2, etc.
- **TABC License and Food Establishment permits** (Applicable to sidewalk cafes)
- **Certificate of Occupancy for the associated business**
- **Copy of Certificate of Insurance:** w/City listed as an additional insured & providing a waiver of subrogation in favor of the City
- **Application Fee** (if a new or redesigned space): \$100
  - Paid with application
- **Rental Fee:** \$1 per square feet of permitted sidewalk use area space. Maximum cost, \$600 per 2 years.
  - Staff will provide this amount during review. *This fee must be paid for permit to be issued.*
- **A signed License Agreement**

# APPLICATION FORM



Complete and sign this application and return this page with the Required Submittals listed above to [contact-planning@mckinneytexas.org](mailto:contact-planning@mckinneytexas.org) as a pdf.

**By signing this application, the applicant affirms:**

- All submitted information for this application represents an accurate description of the proposed work.
- Filing an application does not guarantee approval.
- The applicant certifies that the project described in this application will be constructed in exact accordance with aforesaid plans and specifications.

**BUSINESS OWNER's NAME (Print):** \_\_\_\_\_

**BUSINESS TYPE:** (Restaurant/Food/ Retail) \_\_\_\_\_

**ADDRESS** \_\_\_\_\_

**ADDRESS** \_\_\_\_\_

**City, ST, ZIP:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Building** \_\_\_\_\_

**Building Owner's Address:** \_\_\_\_\_

**City, ST, ZIP:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**TYPE OF PERMIT:** Mark the requested permit.

Sidewalk Cafe

Sidewalk Patio

## For Office Use Only

Submittal #: \_\_\_\_\_

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

COA/Letter Issued: \_\_\_\_\_

Date Agreement Signed: \_\_\_\_\_

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED. SEE "LIST OF REQUIRED SUBMITTTALS."**

## FREQUENTLY ASKED QUESTIONS (FAQs)



**Q: Do I need to reapply every year?**

**A:** Sidewalk Use Permits and agreements are two-year licenses. Renewals should be submitted at least 60 days prior to the expiration of the currently held agreement.

**Q: If I have a current sidewalk license did I need to submit a new application fee?**

**A:** No if the sidewalk use area will remain unchanged in design and boundary. However, if you plan to remodel or alter the area a new application fee will be required.

**Q: Can my business have a parklet and a sidewalk use area?**

**A:** It may be possible to have both depending on the specific conditions or your site. Contact the Planning department for more information.

**Q: Can I enclose my sidewalk area?**

**A:** No sidewalk use areas may not be enclosed. Tents or screens enclosures above 48" are not allowed.

**Q: What is prohibited in a sidewalk area?**

**A:** Portable generators; Signage other than that required by the sidewalk use ordinance; outdoor music without a special events permit; extension cords from inside the premises to the permitted area; and trash cans are prohibited in sidewalk use areas.