

The City of St. Joseph **DOWNTOWN PRECISE PLAN**



Preserving the Past, Enriching the Future

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City of St. Joseph

Downtown Precise Plan

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I. INTRODUCTION

GOALS AND OBJECTIVES

The purpose of this document is to provide a coherent framework for downtown development and preservation. It is intended to guide future private sector actions. It is understood that downtown St. Joseph is ripe for redevelopment. The intent of the plan is to guide future growth by providing specific urban design objectives for the downtown. The plan is intended to provide a degree of confidence to private property owners regarding current and planned private property investment. The plan also takes into account the significance of governmental and civic functions within the downtown area and their relationship to private uses. The plan is intended to encourage the natural growth of the downtown area by facilitating multiple uses and encouraging building rehabilitation and infill development. The Downtown Review Board shall review this plan annually in April to assess if updates or amendments are necessary.

THE VISION FOR DOWNTOWN ST. JOSEPH

The principal idea behind the revitalization of the downtown is its role as the center and civic focus of the community providing in essence the "heartbeat" of the City. The downtown will be characterized by a concentration of activities, including civic functions and cultural events, as well as a vital residential, entertainment, commercial, and light manufacturing districts, all of which are intended to provide a strong focal point to the community. The downtown is intended to be a natural place to go to shop, find entertainment, enjoy a relaxing dining experience, or to stroll the streets in a pedestrian-friendly, outdoor environment.

The downtown will be easy to find and identify. After traveling on the freeway or through the open suburban landscape, one will enter a more clustered townscape. The plan intends to encourage a pedestrian-scaled streetscape with well-defined, attractive buildings that address the street and provide vital urban open plazas or courtyards for those working, living, or visiting the downtown. It will be a place to get out of the car, a place where one will want to instinctively walk, rather than drive, through.

To complement the anticipated new private investment, the City is committed to the implementation of the recommendations from the Downtown Master Plan including streetscape and infrastructure improvements, public park improvements, and "gateway" improvements. In order to accomplish this, the City will develop a Tax Increment Financing District throughout the downtown area and specifically dedicate the tax increment to implementation of the Master Plan recommendations. In addition, Community Development Block Grant (CDBG) funding has been set aside to aid in the Master Plan implementation. The City's Façade Improvement Program will be made available to encourage private investment in the downtown area. In addition, the City's Capital Improvement budget and Riverboat Gaming fund may be used should Council so choose. The City will pursue identification of historical resources in the downtown

area and recognition through the National Register of Historic Places such that tax benefits will be available to private property owners for building rehabilitation. The City will pursue changing many of the one-way streets back to two-way since it has been found that this is more conducive to the overall traffic flow of the downtown environment.

In order to promote diversity in the downtown, a well-balanced mix of uses is encouraged by the plan. This vision goes beyond the creation of an attractive shopping district to include the establishment of a viable, sustainable, in-town employment center and residential neighborhood. In this respect, the downtown is conceived as local serving, but it is also based on the belief that the best downtowns are those that are a unique expression of local character, and that the creation of a distinctive sense of place results in greater appeal to those working, residing and visiting the downtown area.

The City of St. Joseph shall demand the highest quality in new development and building rehabilitation in the downtown. Buildings must be well crafted and shall contribute to a strong overall downtown character. Building facades must add richness and detail to the public spaces that they define, and public spaces must work for the people who use them. It is in the spirit of this vision that the following policies, standards and guidelines are intended to serve.

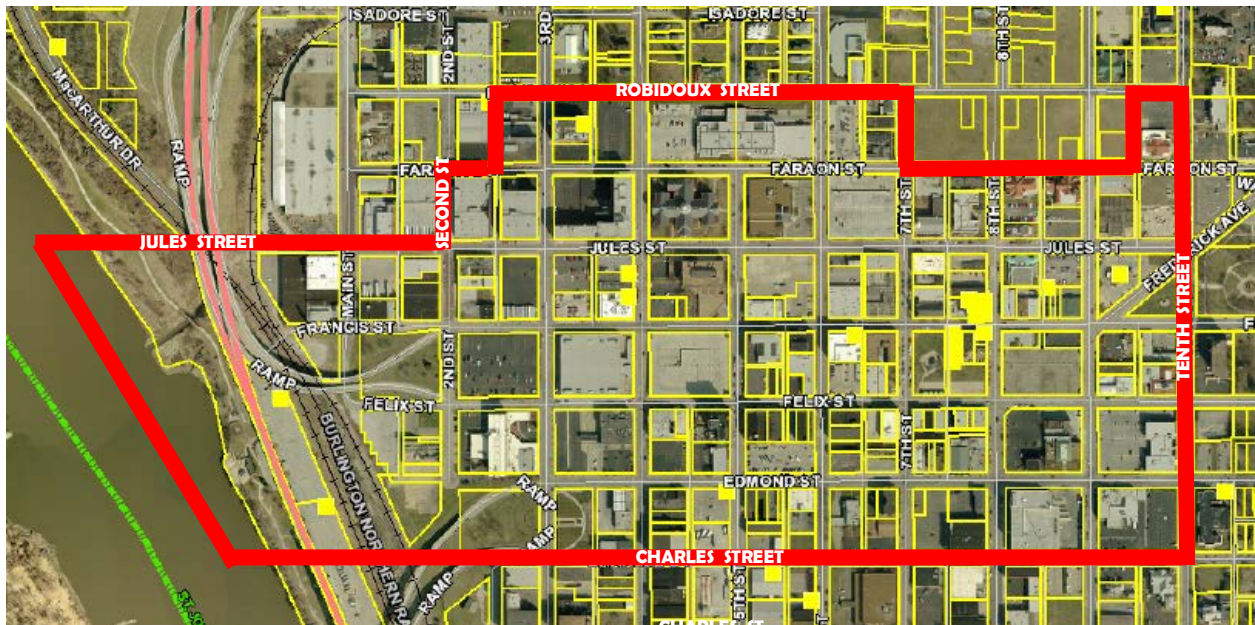
DOWNTOWN BOUNDARIES

The boundaries of the plan shall generally follow 10th Street to the east, the Missouri River to the west, Charles Street to the south and Robidoux Street to the north. The legal description is as follows:

Beginning at the intersection of the centerline of Charles and Tenth Street, thence north along the centerline of Tenth Street to its intersection with the centerline of Robidoux Street, thence west along the centerline of Robidoux Street to its intersection with the centerline of the north/south alley in Block 36 of Smith's Addition, thence south along the centerline of the north/south alley in said Block 36 to its intersection with the centerline of Faraon Street; thence west along the centerline of Faraon Street to its intersection with the centerline of 7th Street; thence north along the centerline of 7th Street to its intersection with the centerline of Robidoux Street; thence west along the centerline of Robidoux Street to its intersection with the centerline of 3rd Street; thence south along the centerline of 3rd Street to the intersection with the centerline of Faraon Street; thence west along the centerline of Faraon Street to its intersection with the centerline of a north/south alley in Block 28 of the Original Town of St. Joseph Subdivision; thence south along the centerline of the north/south alley in Block 28 to its intersection with the centerline of Jules Street; thence west along the centerline of Jules Street to the centerline of the navigable channel of the Missouri River (western City Limits); thence southeast along the navigable channel of the Missouri River to its intersection with the westerly extension of the centerline of Charles Street; thence east along the said extension of the centerline of Charles Street and the centerline of Charles Street to the point of beginning. (See Figure 1 on the following page.)

Figure 1

Boundaries of the Downtown Precise Plan



North

II. DEVELOPMENT FRAMEWORK

DEVELOPMENT OBJECTIVES

The following objectives are aimed at achieving the stated vision for downtown St. Joseph:

1. Enhance the role of Francis, Felix and Edmond Streets as the functional and symbolic center of the community by creating an active and attractive pedestrian environment with strong connections to adjacent areas by encouraging building rehabilitation and infill development along the length of the streets.
2. Coordinate private development and public improvements in the downtown, allowing for the revitalization of the district in a way that achieves a balanced program of parking with residential, office, entertainment, and retail activities.
3. Encourage the development of entertainment and residential uses as a means of creating an active downtown neighborhood with an attractive daytime and nighttime environment.
4. Preserve the historic character of the downtown by encouraging building rehabilitation and reuse, and by encouraging excellent site planning that respects existing street and building patterns and encourages the use of high quality exterior materials and workmanship.
5. Create a distinctive destination-oriented image and identity for downtown by encouraging high quality public and private improvements, unique signage, unique symbolization such as downtown community display banners, outdoor art displays and public gathering areas, and through preservation of historical assets in the downtown.

LAND USE POLICIES

The following land use policies shall apply to the downtown in order to guide the development and achieve the vision for downtown St. Joseph:

1. Concentrate entertainment, restaurant, and retail uses at the ground floor level of existing and proposed buildings.
2. Focus new office and residential development in the upper levels of buildings within the core downtown commercial area, and at street level and above in the transition areas between the existing traditional residential neighborhoods and the core downtown commercial area.

3. Ensure that sufficient, well-designed parking is provided for all new development. Maintain and encourage convenient surface parking areas for entertainment, retail and restaurant uses.
4. Encourage well-lit, attractively landscaped surface parking areas, and well lit, attractively designed parking structures. Hide the parking areas under buildings whenever possible.
5. Encourage economic development in downtown St. Joseph through rehabilitation, reuse, revitalization, education, and public infrastructure investment.
6. Encourage continued economic growth and downtown vitality through flexibility of standards and design concepts offered in the plan, taking into account the overall state of the economy, but without compromising the intent of the overall plan.

III. STANDARDS FOR THE DOWNTOWN

A major objective of this development program is to promote a coherent and cohesive downtown while still recognizing that the downtown is diverse, with areas that have their own unique characteristics. In order to create a development program that is appropriate to these diverse conditions, the plan is meant to be flexible in nature.

In order to fulfill the City's objectives and the urban design concept for the downtown, development strategies are provided for the plan area. While these strategies address specific issues related to downtown, they are also aimed at creating a consistent set of policies for the entire downtown area. In addition to the strategies, specific development requirements and design review are put forward in this plan. DEVELOPMENT REQUIREMENTS specify such factors as use, intensity, height, bulk, yards, setbacks, ground-level uses, landscaping, parking, and service area requirements. On the other hand, DESIGN REVIEW is more subjective and will be based on accepted design standards. These development controls are based on an understanding of a range of development prototypes that may be proposed in the downtown. They are intended to assist property owners and developers in visualizing permissible applications of standards and to present an idea of permissible building types anticipated in the downtown. Wherever possible, diagrammatic form and illustrative presentation should be provided in the accepted design guidelines to allow for a better understanding of the intent of the standards and guidelines. However, it should be understood that the standards provided are meant to be flexible and may be interpreted in the contextual setting of an individual project.

DEVELOPMENT REQUIREMENTS

Permitted Uses

Art studio and galleries.

Bed and breakfast use.

Boarding house use.

Entertainment including bars and nightclubs

Health and athletic clubs.

Home/work units

Hotel/motel use including offices and accessory uses such as restaurants, lounge, lobby, swimming pools or outdoor recreation areas.

Indoor recreational uses

Light manufacturing and packaging of products including processed foods and assembly of goods using partially finished materials and goods, but not including the manufacturing, finishing, and/or packaging of raw materials or goods, and not including outdoor storage of goods and products which are not screened from public view.

Limited repair services such as jewelry, small appliance, shoe and business machines.

Museums, libraries and community buildings.

Offices.

Outdoor street vending subject to the provisions of the St. Joseph Municipal Code of Ordinances.

Personal and business services.

Private clubs and fraternal organizations.

Restaurant uses.

Retail.

Single and multi-family residential use.

Trade schools, colleges or other specialty schools.

Any use deemed by the City Planner to be of a similar nature as those uses listed above.

Building Coverage

Building coverage up to 100 per cent is permitted, but not required.

Side and Rear Yard

None required.

Parking

The number of parking spaces, and design of surface and structured parking required within the plan area shall be determined by the DRB as defined in Article IV, Administration, "Off street parking and loading."

Vehicular Site Access

Curb cuts are strongly discouraged along Edmond and Francis Streets, and, if an alternate access is available from an alley or side street, curb cuts are prohibited. Access to sites shall be taken from alleys and side streets whenever possible.

Service Access

Parcels adjacent to alleys must maintain service access from the alley and provide attractive entrances where possible. Trash and loading areas should be well screened from public view when possible. On-street loading and unloading should be discouraged and utilized only when no other means of access can be provided, and then at times of least interruption to other businesses within the immediate area.

Signs

Signs shall be subject to the provisions provided in Article IV, Administration, "Signs," of this plan.

FELIX, FRANCIS & EDMOND STREETS BETWEEN 4TH STREET AND 9TH STREET

A critical development objective includes the enhancement of Felix, Francis and Edmond Streets as the principal focus and primary downtown retail corridor, and as an active pedestrian spine with continuous active retail, entertainment and restaurant uses. A major component of the development strategy for Felix, Francis and Edmond Streets is to reinforce the continuity of ground floor retail, entertainment and/or restaurant uses adjacent to the street. In addition, mixed use buildings with retail, office and residential uses are strongly encouraged. The following exclusive standards shall apply to Felix, Francis and Edmond Streets between 4th Street and 9th Street.

Permitted Uses

Art studios.

Entertainment including bars and nightclubs.

Home/work units providing that, if the home/work unit is located on or partially on the ground floor adjacent to a street facing façade, the exterior building facades adjacent to streets are provided with traditional storefront designs and that a portion of the floor area adjacent to the storefront is used for the display and sale of merchandise.

Light manufacturing uses may occur in the rear portion of the ground floor as long as it is not visible from the front or street facing side of the building, and only as long as a minimum of 35% of the floor area adjacent to any street right-of-way is utilized for retail purposes complete with the appropriate storefront entry and window design. Light manufacturing is permitted on upper floor levels.

Museums, libraries and other public facilities subject to design review as provided in this plan.

Retail and personal service uses.

Restaurants.

Single and multi-family residential on upper floors, and on ground floors where the exterior building facades adjacent to streets are provided with traditional storefront designs as long as a portion of the floor area adjacent to the storefront is used for the display and sale of merchandise.

Any use deemed by the City Planner to be of a similar nature as those uses listed above.

Building Coverage

Building coverage up to 100 per cent is permitted, but not required.

Build-to-Lines Along the Streets

To ensure the streets are spatially well defined, developments in mid-block areas must be built to the back of the proposed sidewalk. Buildings located at corners shall generally be built to the back of the sidewalk; however plazas and entryways are allowed at street corners.

Side and Rear Yard

None required.

Parking

The number of parking spaces and design of surface and structured parking required within the plan area shall be determined by the DRB as defined in Article IV, Administration, "Off street parking and loading."

Vehicular Site Access

Curb cuts are strongly discouraged along these portions of Felix, Francis and Edmond Streets, and are prohibited if an alternate access is available from an alley or side street. Access to sites shall be taken from alleys and side streets whenever possible.

Service Access

Parcels adjacent to alleys must maintain service access from the alley and provide attractive entrances where possible. Trash and loading areas should be well screened from public view when possible. On-street loading and unloading should be discouraged and utilized only when no other means of access can be provided, and then at times of least interruption to other businesses within the immediate area.

Signs

Signs shall be subject to the provisions provided in Article IV, Administration, "Signs," of this plan.

IV. ADMINISTRATION

PROCEDURE FOR APPROVAL OF SPECIFIC DEVELOPMENT PROPOSAL

Creation of a Downtown Review Board:

There shall hereafter be established a "Downtown Review Board" (DRB) made up of not more than nine members appointed by the City Council to meet at intervals consistent with development proposals in the precise plan area.

Duties and responsibilities — The downtown review board shall have the powers and duties as set out herein and as may be hereafter designated by ordinance of the City Council. The board shall review all proposals for exterior building changes including, but not limited to, site or building improvements, renovations, restorations, demolitions, off-site infrastructure including street improvements within the plan area, and all proposed new construction within the plan area including on and off-site parking facilities. If review is not necessary by any other City Board or the City Council, the DRB shall prepare, in writing, a letter to the applicant explaining their decisions. Decisions by the board shall be based on sound findings of fact using the *Secretary of Interior's Standards and Guidelines for Rehabilitation of Historic Properties*, the urban design concepts provided in the Downtown Master Plan, and any other guidelines adopted by the city's boards or commission as appropriate to sound architectural design review principals.

The board shall review new construction, those items deemed by the city planner as "major" renovations, and demolition. Items such as replacement of original building elements wherein the replacement is "in kind" shall not be considered a "major" project. The records of the Board shall be as defined in Section 31-176 of the St. Joseph zoning ordinance.

Appointment, members, terms and qualifications — The downtown review board shall consist of nine (9) members appointed for terms of 3 years and until their successors are appointed and qualified. Initial appointment of three of the board members shall be for a period of one year, three members for two years, and three members for three years. Membership shall be comprised of at least seven (7) members who own property within the downtown plan area or their designee, and may include two (2) members at large. Members shall reside in the city during their term of office, be qualified voters therein, shall take the oath prescribed for city officers, and shall serve without compensation. The director of planning and community development, the city planner, and the historic preservation planner shall be ex-officio members of the board, and may attend its hearings and deliberations and make such recommendations as they may see fit. They may take part in all matters coming before such body, but shall not be entitled to a vote. The board shall be composed of persons, all of whom are interested in downtown revitalization, and, to the greatest extent possible, one of which should be an architect or engineer, one a real estate expert, and one an expert in banking or finance.

Certificates of appropriateness — The board shall be responsible for the issuance of certificates of appropriateness in the manner prescribed and in accordance with the provisions provided in Section 31-179 of the City of St. Joseph zoning ordinance. Buildings, structures, parking lots, and open spaces shall be considered in the same fashion as historic landmarks or districts. Special consideration is to be given based on the social environment, economic climate with respect to continued economic development within the downtown plan area, financial constraints of emerging and developing businesses, and the overall unique nature of the downtown environment.

Construction — This article shall not be deemed to exempt any person from the requirements of the building code, zoning requirements, or the minimum housing code. In no event shall this article be construed to hinder the appropriate city official from exercising the powers granted to them under the law concerning dangerous building abatement.

Appeals — Any person aggrieved, or any officer, department, commission, board or bureau of the municipality affected by the board's decision may appeal said decision to the zoning board of adjustment in the manner prescribed in Section 31-091 of the City of St. Joseph zoning ordinance. The board of adjustment shall respond to appeals in the manner prescribed in Section 31-091 with additional consideration give for financial hardship and taking into consideration the social environment, economic climate with respect to continued economic development within the downtown plan area, financial constraints of emerging and developing businesses, and the overall unique nature of the downtown environment.

CONDITIONAL USE PERMITS

Uses not defined in this Precise Plan may be allowed via a Conditional Use Permit (CUP). The proposed use must be somewhat consistent with, and compatible to, principally permitted uses in the Precise Plan. The CUP process shall be as defined in Section 31-070 of the City of St. Joseph zoning ordinance.

RETAIL USE OF DOWNTOWN SIDEWALKS

The Retail Use of Public Sidewalks Policies and Procedures shall be followed, in addition to the Code of Ordinances concerning vending, health codes, and liquor licenses. The general provisions of Chapter 25 of the City of St. Joseph Code of Ordinances shall also apply as it pertains to use, conduct, maintenance and public safety issues.

Retail use of public sidewalks in the P-1 Downtown Precise Plan area, zoning and public appearance/appropriateness issues shall fall under the purview of the Downtown Review Board and the Planning & Zoning Division.

A copy of the Retail Use of Public Sidewalks Policies and Procedures may be obtained from the Planning & Zoning Division, City Hall, 1100 Frederick Ave., Room 107.

VARIANCES AND EXCEPTIONS

Variations and exceptions shall be processed in compliance with, and as defined in Section 31-090 and 31-109 of the City of St. Joseph zoning ordinance.

OFF STREET PARKING AND LOADING

Number of spaces required — The number of parking spaces required within the plan area shall be determined by the DRB based on the land area available for parking, the use of the property, historical parking practices for the building, and the proximity to public or commonly owned parking facilities. No specific parking requirement is defined and a minimum number of spaces is not intended to apply to buildings or uses in the downtown area. However, where available off-street parking shall be provided based on projected need. The developer or business owner shall provide, with their application, a parking report that includes the hours of operation of each building, structure and/or use which is to be part of the specific proposal, and the projected parking demand for each building, structure and/or use during each hour of the day.

Surface parking lots — Surface parking lots shall be provided with landscaping around the perimeter of the lot and, wherever possible, shall provide trees and/or plantings within the lot. The perimeter landscaping shall include a combination of pedestrian scale trees and shrubbery of medium height (3 to 4 feet). All parking lots shall be paved with an impervious surface such as asphalt or concrete. Parking spaces shall be dimensioned as provided in Section 31-053(4) of the St. Joseph zoning ordinance. Parking spaces must be clearly striped as definitive parking spaces. Lighting should be shielded and directed so as to minimize off-site glare. All parking lots shall be well maintained and free of trash, litter, and debris. To the extent possible, parking lot lighting shall be encouraged. The lighting should be shielded or designed as "pedestrian level" lighting so as to avoid off-site glare.

Parking structures — Parking structures shall be architecturally designed in a manner that clearly identifies the entrances and exits. The use of significant landscape areas shall be incorporated into the site design such that the hard walls of the structure can be softened and the overall height of the structure appears to be brought down to the pedestrian level. Special attention shall be given to pedestrian circulation in and around the structure. Particular emphasis shall be given to pedestrian circulation outside the structure to ensure comfortable, safe walkways are provided. Parking garages shall be well lit and, to the point that is practical, free of hidden spaces so that patrons feel as safe and secure as possible. All parking spaces shall be in compliance with the off-street parking and loading requirements provided in the zoning ordinance. However, interior travel lanes and back up distances shall be determined by the project designer and dependent upon the overall circulation pattern and parking space configuration.

SIGNS

The allowable sign area shall be limited to 10% of the area of the façade for which the sign is affixed. The area of the façade for the purposes of sign area calculation shall be the length of the façade multiplied by the first 20 feet in height. All signs and graphic symbols should relate to the buildings design, character, color scheme, materials and purposes and, to the extent possible given the nature of the use, be compatible with signs on adjoining buildings. The number and size of signs should be minimized in order to avoid visual clutter and to preserve the character of the street façade. The use of sign design that creates a feel of activity and excitement through the use of neon, interesting colors, and unique graphic or letter design is strongly encouraged.

Multiple occupancy buildings shall develop a sign program which shall be approved by the DRB prior to implementation. The city planner shall review the program to ensure that the program promotes integrated design and equitable space and size. The optimum program will identify the name of the building and perhaps two or three primary users on the exterior of the building with the remainder of users identified on an interior signboard. However, all tenants with a street level storefront shall be allowed a sign that is proportional to the tenant space street frontage.

Exterior building mounted signs for multi-tenant buildings shall be limited to 10% of the area of the individual tenant space façade, calculated as described above.

Awning signs shall only be permitted after review and approval by the Downtown Review Board. The sign area on awnings shall be counted toward the allowable signage that is limited to 10% of the area of the façade for which the sign is affixed and shall be proportional to the awning and storefront for which the awning is affixed.

All signs shall be approved by the DRB except those previously approved by the DRB through a Master Sign Program, temporary banners, and painted signs which are affixed to a building and are no larger than 8 square feet.

NONCONFORMING STRUCTURES AND USES

If, by virtue of this Precise Plan, any structure or use should become nonconforming, the provisions of Section 31-056 of the St. Joseph zoning ordinance shall apply except as follows:

Nonconforming parking lots shall be upgraded and landscaped as part of proposed property upgrades. However, discretion can be made by the director of planning and community development or his/her designee at the time of the proposed upgrades to defer parking lot improvements based on financial considerations. The plan in no way is intended to deter necessary property upgrades due to lack of parking lot improvement, but rather to encourage parking lot improvements for the benefit of the entire downtown area. Normal parking lot maintenance as required by the City of St Joseph zoning ordinance is required for those properties located in the downtown plan area.

A nonconforming use of property that does not have a building associated with said use on the same property shall be considered final, and not allowed to return to the property if discontinued for a period of one year. Said use shall be considered abandoned if said use has not been active for one year. The mere existence of a storage use on a property, for instance, does not allow for continuance of the use. The use must be active. It is incumbent upon the property owner to show that the use is active by supplying information to show that current receipts are available for the storage use if it is rental space, or that storage stock has been rotated as required by the business.

Nonconforming uses in structures shall be allowed to continue for the life of the building, unless such use is discontinued for a period of two years. The mere existence of said use does not constitute continuation of the use. It is incumbent upon the property owner to show current receipts if the structure is used for rental purposes, or to show that an active use has continued if not for rental purposes. An active use is one in which the products, goods or services have continued to be viable in so much as a market exists, or the stock contained therein is rotated on a basis that is consistent with other similar businesses. It shall be incumbent upon the property owner to show an analysis that proves that the stock is rotated in a manner that is consistent with similar businesses. The plan discourages inactive uses because they do not add to the overall community health and welfare, rather they encourage blight by showing neglect, and are not in the best interest of the revitalization effort the plan is designed to encourage.

EMERGENCY SECURITY, DANGEROUS BUILDINGS, AND MOTH-BALLED BUILDINGS

Dangerous buildings or those requiring emergency security may cover windows, doors and other openings using wooden materials as the property owner deems necessary to secure the building. If the wooden material is to remain for a period of 2 months or greater, the material shall be painted in a color that matches as closely as possible the color of the building. This shall be considered a temporary measure until such time as the building is renovated.

Likewise, if a building is being moth-balled as a property owner awaits a better economic climate, windows, doors and openings may be boarded up as long as the color of the wooden material is painted to match as closely as possible the building's color. Once the building is put back in use, however, the wooden material must be removed and replaced with the more appropriate traditional building materials that are in keeping with the building's original architecture and with the standards of this plan.

APPEALS

Appeals to any decisions made as a result of the interpretation of the plan, by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the chief building official, city planner, or the DRB may be appealed to the Board of Adjustment. Such appeals shall be taken within five days from the date of the decision by filing

with the office of the Planning and Community Development Department, City of St. Joseph, Missouri. In order to file an appeal, the requisite application and fee shall be paid to the Planning and Community Development Department unless waived by the director of planning and community development. The process for appeal, extent of the Board's appeal powers, stay of proceedings, and decisions on appeals shall be as defined in Section 31-091 of the City of St. Joseph zoning ordinance.

RETAIL USE OF PUBLIC SIDEWALKS

Policies & Procedures

For The Permitted Use of the Public Right-of-Way



Department of Public Works & Transportation

May, 2007

Retail Use of Public Sidewalks Policies & Procedures

The Retail Use of Public Sidewalks Policies and Procedures (Rules) shall be followed, in addition to the City of St. Joseph Code of Ordinances (Code) concerning vending, health codes, and liquor licenses. The general provisions of Chapter 25 shall also apply as it pertains to use, conduct, maintenance, and public safety issues. Zoning and public appearance/appropriateness issues shall fall under the purview of the Downtown Review Board (Board) or Planning Department (Planning) as well. In the event of a conflict, the documents shall have the following order of precedence: (1) Code; (2) Rules; (3) Board.

Application Process

Permits are required for the following activities: sidewalk cafes; sampling; vending, entertainers, sidewalk sales, special events, and any special activity. Completed applications shall be submitted to the City Planner or his/her designee. Applications are then reviewed by the Board (in the Downtown area) or by the Planning Department if in an area outside the Downtown “Downtown” is defined as the area of responsibility set forth for the Downtown Review Board. All applications must be completely filled out and legible in order to be reviewed by the Board. Any illegible or incomplete applications will be returned. Approval of the completed applications shall be based upon the following criteria:

- ✓ Background, as requested in the application
- ✓ Experience
- ✓ Product Choice
- ✓ Sale Price and Quality of the product
- ✓ Benefit of the activity to the Downtown or immediate area
- ✓ Impact of the activity to the Downtown or immediate area

Merchandise vending (mobile sites not associated with a permanent structure and or business adjacent to the activity), are limited to four locations selling similar products, unless otherwise approved by the Committee or Planning. It shall be unlawful for any owner, part owner, shareholder, or person interested directly or indirectly in any permit issued by the Department of Public Works (Department), to conduct, own, (either in whole or in part) or be directly or indirectly interested in more than two (2) permits issued pursuant to this division.

Vendor/Temporary Carts

Cart Design Guidelines

*These guidelines are in addition to the P-1 Downtown Precise Plan Zoning District regulations that are now in effect, or as amended in future actions.

A. Canopy/Umbrella

Approved canopy colors are: Sunbrella Pacific Blue – Style 4601
 Sunbrella Sea Grass Green – Style 4645
 Sunbrella Buttercup – Style 4635

Or an approved, similar color as reasonably determined by the Board or Planning.

B. Signage and Graphics

All Canopies must include graphics reading “Downtown St. Joseph” for activities in the Downtown area only. All exterior graphics must be professionally produced and approved by the Board or Planning. Handwritten signs will not be permitted on the cart other than one chalkboard which may be used for daily specials.

All signage must comply with the City Sign Code.

C. Skirting

Any permittee storing boxes of additional product under the cart is required to have a skirt around the body of the cart that completely hides all boxes from public view. Skirting should match the approved canopy color.

D. Other

Vendors are limited to two (2) coolers and permits for additional coolers under certain circumstances. Additional elements shall be approved by an Exceptions Committee that will be appointed by the Director of Public Works & Transportation at the time of such request, comprised of, but not limited to, representatives from Board, Planning, Fire, Police, and Public Works.

Extensions cords or power cords outside the cart must be secured with an approved cord cover to eliminate any tripping hazards. Cords must be UL-rated for outdoor use and circuit protected. Approved cord and cord cover colors are brown, black, dark grey and green.

In addition to storage located on the cart, food vendors will be permitted one additional storage tub located next to the cart for additional product. Storage tubs must be in good condition, free of cracks and stains and must be approved by the Director of Public Works & Transportation or his designee. Approved tubs will have a clear plastic body, white top, and may be no larger than 30 gallons.

Towing hitches must be included in the application review process by the Board or Planning. Towing hitches shall be less than three (3) feet in length. Vendors shall make reasonable efforts to minimize safety issues related to towing hitches.

Vendors are permitted to have one trash receptacle. The approved receptacle must be white or stainless steel and may be no larger than 2' high x 2' wide x 15" deep.

Operating Guidelines

- ✓ Carts must be clean, sanitary, safe, and in good working condition at all times. The determination of whether the cart condition complies with the foregoing is at the sole discretion of the Director or his designee. The Director can submit a written Work Order to the permittee if the Director or his designee determines that the cart does not comply with Code, Rules, or Board. If a work order is submitted to the permittee, the permittee is obligated to repair the cart at his/her expense in a timely manner, not to exceed 30 calendar days. The permittee may appeal the requirements of the work order to the Board. Such appeal must be submitted in writing with ten (10) calendar days of the permittee's receipt of the work order.
- ✓ No cart shall be located on the sidewalk in a manner that obstructs the sight triangle of an intersection.
- ✓ The location utilized by all carts must meet City standards regarding condition. No permit shall be issued to operate on a substandard sidewalk that requires repair for safe use.
- ✓ All vending activities must retain a minimum of five (5) feet of sidewalk clear width for public access and to meet the requirements of the Americans with Disabilities Act.
- ✓ Permittee shall supply evidence of all licenses and permits required by the City of St. Joseph or State of Missouri, before a permit is issued.
- ✓ Insurance:
 - Proof of insurance documenting the existence of a one million dollar comprehensive liability policy, with policy limits of no less than one million dollars, naming the City of St. Joseph as an additional named insured shall be provided.
 - The Permittee agrees to indemnify and save harmless the City, its City Council, and its officers, agents and employees from and against any and all loss of, or damage to, property of third persons, or injuries to, or death of, any person or persons, and from any and all claims, damages, suits, costs, expenses, liability, actions or proceedings of any kind whatsoever in any way resulting from or arising out of the acts or omissions of officers, employees and volunteers of the Permittee connected with the Permittee's operations, regardless of whether such acts or omissions were caused in part by the CITY. At its own cost and expense, Permittee will defend and protect the CITY from and against any and all such claims or demands and will defend all suits arising therefrom.

- ✓ All City permits and/or licenses must be made available when requested by anyone. Food carts must have the public sidewalk use permit displayed in a prominent place on the cart.
- ✓ Merchandise must be displayed in a neat and orderly fashion.
- ✓ Display of merchandise outside the cart proper is subject to the reasonable approval of the Director or his designee.
- ✓ Carts should not be left unattended for a period of 10 minutes at any one time.
- ✓ The City of St. Joseph is not responsible for damage or theft to any cart, merchandise, or other vendor property or physical injury.
- ✓ Permittee is responsible for renewing his/her permit on an annual basis. Failure to do so in accordance with all the terms and conditions may result in the loss of the ability to renew.
- ✓ The permit is site specific and cannot be transferred to another location or vendor.
- ✓ No liquid, including water, ice or cleaning solutions, may be poured into the tree pits or onto the walking surface of the sidewalks. However, a reasonable amount of clean water may be used to clean up spills on the sidewalk surface. All slip and fall or tripping hazards arising from the permittee's use of the public sidewalk shall be the responsibility of the permittee.
- ✓ Vendors must practice good customer service and may not use offensive language, or slander or threaten other vendors.
- ✓ Vendors, their employees and/or representatives (vendors), shall be courteous to the public, efficient and neat in appearance. Vendors shall not use foul or vulgar language or act in a loud, boisterous, or otherwise improper or unacceptable manner. Vendors shall not engage in open, notorious and/or public disputes, disagreements or conflicts tending to deteriorate the quality of the surroundings or that of their competitors and/or businesses.
- ✓ Obscene communications or gestures, intimidation in any form, threats (direct or indirect) of violence or physical harm, fighting, gambling, illegal activity, being under the influence of alcohol or illegal substances, or carrying of weapons or illegal substances is strictly prohibited. Any violation may result in immediate revocation of the Permit.
- ✓ Vendors are required to be fully clothed, including shirts and shoes.
- ✓ Vendors are responsible for all litter within fifteen (15) feet of their cart.

- ✓ No propane or other gas cylinders can be stored, attached, or hooked outside the body of the cart unless permitted by the Director or his designee. All gas cylinders used for heating are subject to Fire Department inspection. Unsafe hookup or operation procedures are cause for immediate permit revocation.
- ✓ Vendors are allowed to have radios at their carts for their personal enjoyment only and to create an ambiance within their immediate locations. If a radio can be heard over fifteen (15) feet from the cart, it is too loud. The volume of the vendor's radio must not create a nuisance for those nearby. If complaints are received with regard to the volume of a specific radio, the vendor will be prohibited from having a radio at their cart.
- ✓ Vendors shall not use planters or planting areas in Downtown as a seating area.

Sidewalk Cafes

Revocable permits for the operation of outdoor sidewalk cafes as an extension of an existing indoor restaurant or public seating area, located on a public sidewalk, are permitted subject to the following conditions:

- ✓ Determination by the Director or his designee that the operation will not impede pedestrian or transit traffic. A minimum of five (5) feet of public sidewalk must be maintained to retain public access and to meet Americans with Disabilities Act requirements.
- ✓ The existing condition of all sidewalks for which the applicant is responsible for under City Code is acceptable and does not require repair.
- ✓ The operation shall meet all City and State requirements for licensing and operation – including liquor licensing.
- ✓ The permittee must install and maintain in good condition the following elements within the sidewalk café or public seating area:
 1. Umbrellas, if utilized, shall be installed on the tables closest to the perimeter of the café area, except where tables are sheltered by awnings attached to building walls. Umbrellas that extend beyond the patio railing must be 80” in height above the walking surface at its lowest point (if required).
 2. For any restaurant or establishment serving alcohol, a simple architectural railing around the open perimeter of the café area, which shall be sturdy in weight and design and capable of standing by itself. It shall be affixed to the pavement. Additionally, the material and appearance of the railing is subject to Board review and approval. The access to such area shall be controlled from outside access and shall meet the requirements of the State Liquor Inspector.
 3. Trash receptacles (of a compatible color and type) shall be placed within the perimeter of the café area only.
 4. All elements installed and maintained by the permittee shall be subject to design and maintenance review by the Board and Director or his designee.

Additional conditions:

- ✓ The permittee is responsible for the removal of any rust, grease, cigarette butts, liquids or dirt left on the sidewalk, or replacement of pavement when the railing is removed due to rust or other materials damaging the surface condition or appearance of the pavement.
- ✓ All fixtures, furniture and property that are contained within the permitted area shall stay within the seating area perimeter.
- ✓ It is the responsibility of the permittee to ensure that all trash and litter are promptly removed from the permitted area.
- ✓ Permittee is not allowed to use Downtown trash receptacles for disposal of trash within the permitted area.
- ✓ Insurance:
 - ✓ Proof of insurance documenting the existence of a one million dollar comprehensive liability policy, with policy limits of no less than one million dollars, naming the City of St. Joseph as an additional named insured shall be provided.

- ✓ The Permittee agrees to indemnify and save harmless the City, its City Council, and its officers, agents and employees from and against any and all loss of, or damage to, property of third persons, or injuries to, or death of, any person or persons, and from any and all claims, damages, suits, costs, expenses, liability, actions or proceedings of any kind whatsoever in any way resulting from or arising out of the acts or omissions of officers, employees and volunteers of the Permittee connected with the Permittee's operations, regardless of whether such acts or omissions were caused in part by the CITY. At its own cost and expense, Permittee will defend and protect the CITY from and against any and all such claims or demands and will defend all suits arising therefrom.

- ✓ It is recommended that chairs be removed or secured on the permitted area each evening.
- ✓ The permitted area must be washed to the nearest drain and washed regularly in order to maintain a sanitary surface. Washing should not be performed when the pavement surface is cold enough to freeze.
- ✓ At the conclusion of snow events, the permittee is responsible for the removal of all snow accumulated within the permitted area as well as the public sidewalk area adjacent to the business, as set forth in City Code.

Café Furniture Design

All café furniture shall meet the following design standards:

- Tables & Chairs - Materials
 - Tables and chairs shall match and be made of safe, sturdy and durable material, such as wood, steel, plastic and wrought iron. All furniture shall be commercial grade, and manufactured for outdoor commercial use. Vinyl tablecloths are not recommended.
 - Small round or square tables shall seat no more than four people unless otherwise approved as part of the application process. Tables and chairs shall match.
 - Round tables shall be no larger than 2 ½ feet wide (30" diameter). Square tables shall be no larger than 3 feet wide.

- Flower Boxes & Planters
 - The café owner may use flower boxes or planters to define the boundaries of the café seating area. To avoid blocking the patron's vision while seated, the combined height of the planters and live plants shall not exceed four (4) feet above the sidewalk grade. The boxes or planters shall be no greater in height than 2 ½ feet and no wider than 2 feet at the base. Taller plants may be permitted depending upon the location of the sidewalk café as approved by the City.
 - The flower boxes, planters, and storage bins shall be portable and made of safe, durable and attractive material such as wood or steel.
 - All boxes, planters and planting areas must be planted with seasonal blooming live plants from at least May 1 through October 15. The café owner shall be responsible for the prompt removal of all empty or poorly maintained planting areas.

Menu Boards & Signs

Menu boards, both portable and on walls, shall be subject to sign permit approval in conformance with the City sign Code.

Portable Heaters

Portable heaters are permitted, subject to review and approval by the Fire Department.

Trash Receptacles

The number, type, and location of trash receptacles shall be determined by the City and shall comply with the minimum clear width of five (5) feet to conform to the Americans with Disabilities Act.

Trash receptacles shall be made of durable material to match the existing façade and shall be commercial grade as determined by the City. Fifty-five (55) gallon metal barrels shall not be an acceptable receptacle type.

Sidewalk Sales

Sidewalk sales may be permitted, in conformance with the Code, as it relates to public safety, visibility, and public access. A minimum width of five (5) of sidewalk must be retained for open access for the general use of the public and to meet the requirements of the Americans with Disabilities Act.

- Permittee may put out tables or clothing racks on the sidewalk directly in front of his/her storefront.
- All tables must be skirted.
- Tables and racks may not block the permittee's store entrance, nor may they extend beyond the width of the permittee's storefront.
- Tables and racks may not narrow the pedestrian path to less than five (5) feet in width.
- The existing condition of all sidewalks for which the applicant is responsible for under City Code is acceptable and does not require repair.
- Sidewalk sale permits shall be granted for no greater than three (3) days in length and no more than four (4) permits total in a twelve month period.
- All tables and products must be removed from the sidewalk at least 30 minutes before the closing time of the business and may be placed on the sidewalk no sooner than 30 minutes before the store's opening.
- Absolutely no products or materials may be left on the sidewalk overnight.
- No products that are offensive or inappropriate, as determined by the Board or Planning, may be displayed in any permitted sale on the public sidewalk.
- Insurance:
 - Proof of insurance documenting the existence of a one million dollar comprehensive liability policy, with policy limits of no less than one million dollars, naming the City of St. Joseph as an additional named insured shall be provided.
 - The Permittee agrees to indemnify and save harmless the City, its City Council, and its officers, agents and employees from and against any and all loss of, or damage to, property of third persons, or injuries to, or death of, any person or persons, and from any and all claims, damages, suits, costs, expenses, liability, actions or proceedings of any kind whatsoever in any way resulting from or arising out of the acts or omissions of officers, employees and volunteers of the Permittee connected with the Permittee's operations, regardless of whether such acts or omissions were caused in part by the CITY. At its own cost and expense, Permittee will defend and protect the CITY from and against any and all such claims or demands and will defend all suits arising therefrom.

Daily Retail Use

Revocable permits for the extension of retail display areas, located on a public sidewalk are permitted subject to:

- ✓ Determination by the Director or his designee that the operation will not impede pedestrian or transit traffic. A minimum of five (5) feet of public sidewalk must be maintained to retain public access and to meet Americans with Disabilities Act requirements.
- ✓ The existing condition of all sidewalks for which the applicant is responsible for under City Code is acceptable and does not require repair.
- ✓ The requirement that the operation shall meet all City and State requirements for licensing and operation. The sale of alcohol is expressly prohibited.
- ✓ All elements installed and maintained by the permittee shall be subject to design and maintenance review by the Board and Director or his designee.
- ✓ Permittee may put out tables or clothing racks on the sidewalk directly in front of his/her storefront.
- ✓ All tables must be skirted.
- ✓ Tables and racks may not block the permittee's store entrance, nor may they extend beyond the width of the permittee's storefront.
- ✓ Tables and racks may not narrow the pedestrian path to less than five (5) feet in width.
- ✓ All tables and products must be removed from the sidewalk at least 30 minutes before the end of normal business hours of the business and may be placed on the sidewalk no sooner than 30 minutes before the store's normal business hours.
- ✓ Absolutely no products or materials may be left on the sidewalk overnight.
- ✓ No products that are offensive or inappropriate may be displayed in any permitted sale on the public sidewalk.
- ✓ Display of products is limited to the normal business operating days and hours posted.

Additional conditions:

- ✓ The permittee is responsible for the removal of any rust, grease, cigarette butts, liquids or dirt left on the sidewalk, or replacement of pavement due to rust or other materials damaging the surface condition or appearance of the pavement.
- ✓ All fixtures, furniture and property that are contained within the permitted area shall stay permitted area only.
- ✓ It is the responsibility of the permittee to ensure that all trash and litter are promptly removed from the permitted area.
- ✓ Permittee is not allowed to use Downtown trash receptacles for disposal of trash within the permitted area.
- ✓ At the conclusion of snow events, the permittee is responsible for the removal of all snow accumulated within the permitted area as well as the public sidewalk area adjacent to the business, as set forth in City Code.
- ✓ The permit shall be an annual permit, effective for twelve (months) after issuance.
- ✓ Insurance:
 - ✓ Proof of insurance documenting the existence of a one million dollar comprehensive liability policy, with policy limits of no less than one million dollars, naming the City of St. Joseph as an additional named insured shall be provided.

- ✓ The Permittee agrees to indemnify and save harmless the City, its City Council, and its officers, agents and employees from and against any and all loss of, or damage to, property of third persons, or injuries to, or death of, any person or persons, and from any and all claims, damages, suits, costs, expenses, liability, actions or proceedings of any kind whatsoever in any way resulting from or arising out of the acts or omissions of officers, employees and volunteers of the Permittee connected with the Permittee's operations, regardless of whether such acts or omissions were caused in part by the CITY. At its own cost and expense, Permittee will defend and protect the CITY from and against any and all such claims or demands and will defend all suits arising therefrom.

GROUND FORS SUSPENSION OR REVOCATION OF PERMITS

- Fraud, misrepresentation or false statement contained in application
- Selling unpermitted merchandise
- Selling merchandise outside normal business days or hours
- Violation of City Codes, State Laws, Federal Laws, Rules, or Board requirements
- Failure to renew permit in a timely manner or to provide and display current licenses and insurance
- Failure to conduct business in a lawful manner or conducting business in a manner unsafe to the general public or employees
- Failure to pay fees or insufficient payments
- Failure to maintain required insurance.
- Failure to comply with this Rule.