

DATE: November 14, 2019
TO: Planning Commission
FROM: Randy Warren, City Planner
SUBJECT: Zoning Ordinance Amendment
Article 10 – CBD Outdoor Dining / Display.



SUGGESTED ACTION

RECOMMEND approval of the ordinance amendment as discussed.

DISCUSSION

- Planning staff has proposed an update to Article 10, Central Business District.
- Increased demand for outdoor dining is anticipated.
- Use of public property is seen as a way for accommodating increased demand.
- The proposed ordinance amendment and application process as described will address peak-period crowds as well as satisfy the desire to dine outdoors.
- Establishes the framework for the use of public property for outdoor dining.

ISSUE

- Research was done on other jurisdictions that have addressed outdoor dining.
- The amendment presented is a result of the research and the inclusion of the best elements of other ordinances to fit Sugar Hills needs.
- Defining the individual sections of the ordinance amendment as needed.
- Sections deal with allocation of space, access standards, material standards, signage standards, application requirements and approval procedures.

Attachments

ZOA Article 10, Central Business District overlay.

Section 1002.

G. Outdoor Dining/Display

1. Decks or patios located on private property are not regulated or prohibited by this section.
2. An Outdoor Dining/Display Permit shall be applied for and obtained for the use of any public areas for dining or outdoor display with an associated business in the Central Business District.
3. Outdoor dining areas of less than 200 square feet may be approved administratively provided they meet the general guidelines of this ordinance.

H. Use of Public Property

1. Use of the public sidewalk for any purpose other than as a pedestrian right-of-way is a privilege, which the city may grant or deny to insure the primary purpose of the public rights-of-way for travel and to maintain the efficiency of the pedestrian path for both safety and convenience.

I. Allocation of the Public Space

Allocation of the public space for outdoor dining/display use shall be based on frontage between the extended lines of the partition walls of the business use making the request.

J. General Standards

1. Maintain a minimum six-foot wide access in a direct and straight path to the building entrance clear and unimpeded for ingress and egress.
2. Maintain a minimum six-foot wide sidewalk corridor for general pedestrian circulation adjacent to the use.
3. Maintain a minimum 15-foot radius from street corner intersections, measured from the back of curb.
4. Within the sidewalk and public space, the city may require a minimum six-foot clearance adjacent to city street trees and furnishings, to allow for use of trash containers and benches by the general public, and to allow access for maintenance of planters, trellis structures, street lights and other street furnishings by city maintenance crews.
5. Furnishings and decorations shall not encroach beyond the permitted use area or overhang pedestrian or vehicular circulation paths.

K. Furnishing/Display Standards

Tablecloths are permitted to be cloth only. Vinyl tablecloths are not permitted. Tablecloths shall be brought indoors nightly and shall be clean when placed outside each day. To minimize litter and debris, where table wait service is provided, or food is served to the customer on a tray to be taken and eaten on site in the outdoor dining area, plates, glasses, cups, and silverware made of permanent (non-disposable) materials such as glass, ceramic, and metal, and cloth napkins shall be required. The use of disposable food containers, utensils, and napkins is permitted only where food is served to the customer "to go" only. Trash receptacles, consistent with the Central Business District, shall be required for all outdoor dining use areas. The applicant shall be responsible for maintaining the use area and trash receptacles in a clean and tidy manner, including emptying the receptacle daily, or more frequently if needed in high use areas, into the primary restaurant trash receptacle serving the business for proper disposal.

All outdoor dining furnishings shall be of commercial grade and designed for outdoor use. All furnishings shall be properly maintained and cleaned regularly. Tables and chairs shall be of the same or a similar and compatible design. Plastic or resin tables and chairs are prohibited. All tables and chairs within a use area shall be of the same or compatible color. Bright, reflective, and fluorescent colors are prohibited.

Permitted:

1. Framework: Wrought iron, fabricated steel, cast aluminum, cane or teak
2. Seat: Wrought iron, fabricated steel, cast aluminum, cane, teak or rattan.
3. Table top: Solid tops of slate, marble, granite, faux stone, wrought iron, embossed aluminum, teak, tempered glass, and mesh tops of wrought iron and aluminum are permitted. Plastic, resin, and plain-metal table tops are not permitted.
4. All dining use tables shall be readily identifiable as serving the adjacent establishment.
5. Table Height: Standard café height up to 30".
6. Umbrellas: Canvas only. Vinyl or plastic umbrellas are prohibited. All umbrella panels shall be of the same solid color. A complementary solid color may be used for trim (such as piping). Patterns (floral, stripes, etc.) and fluorescent colors are prohibited.
7. Umbrella stands: Cast aluminum, wrought iron, fabricated steel, or wood.
8. Lighting: Under umbrella lighting (directional or tube) and table-top lighting (candles or other low-level light sources) are permitted. Lighting shall create a soft glow directed at the tabletop or cart surface. Lighting shall not create glare or fall outside of the use area. To provide for a warm glow, lighting sources shall be of warm white light (2700 to 3200 degrees Kelvin). Cool white lighting can create a harsh glare and is prohibited. Bare bulb neon, backlit signage, colored lights, blinking or "chasing" lights are prohibited.
9. Portable Heaters: Standing portable propane heaters are permitted, subject to review and approval by the Fire Department. Electric or fuel heaters other than propane are prohibited.
10. Trash Receptacles: Trash receptacles shall be of an appropriate size in relation to the use area and of materials and design consistent with CBD standards, labeled as private and emptied nightly.

11. Outdoor dining areas shall be swept clean, then hosed and sanitized nightly.
12. Planters: Planters are required as a buffer between adjacent outdoor dining uses. A decorative fence meeting # 13 requirements may be approved in lieu of planters by the City Manager.
13. Fencing: If fencing is proposed it shall be designed of wrought iron or cast aluminum and shall not exceed 36" in height.
14. Padded fabric chair pads are permitted, shall be brought indoors nightly, and shall be clean when placed outside each day.
15. Tabletop flower arrangements, centerpieces, and candles are permitted and shall be brought in nightly.
16. Streamers, balloons, banners, and other decorative items not specifically permitted herein are prohibited.
17. Display of merchandise shall be allowed only in an area extending 10 feet from the storefront and shall not interfere with pedestrian accessibility.
18. Display of merchandise shall only be allowed to a height of 5 feet and shall be kept clear of access zones

L. Signage Standards:

1. Permitted signage for outdoor dining uses shall not count toward business aggregate signage under the provisions of Chapter 10 and Chapter 13 of the Sugar Hill Zoning Ordinance and shall be consistent with the design standards contained therein.
2. **Umbrella Signs:** Each umbrella may display the name of the business twice on opposite panels, or may display the name of the business once and the business logo once, each on opposite panels. Lettering shall not exceed 6 inches in height and logos shall not exceed one square foot. Total signage on each umbrella shall not exceed 10 percent of the area of the umbrella.
3. **Menu/chalk boards** may be mounted to the building façade or may be placed on a portable support with an overall height not to exceed 6 feet and no more than 2' by 4' in size. The design of menu board supports or frames shall utilize decorative metal, wood or other high quality materials that relate to the design of other furnishings within the use area.
4. Banner signs, electrical signs, illuminated signs, and **other signage not specifically permitted herein are prohibited.**

M. OUTDOOR DINING/DISPLAY PERMIT APPLICATION REQUIRED

No person shall place tables and chairs for outdoor dining within public areas without first obtaining a City of Sugar Hill- Outdoor Dining/Display Permit. An application for an Outdoor Dining/Display Permit shall be accompanied by an application for an encroachment permit. An application for an Outdoor Dining/Display Permit shall include the following:

1. Completed general planning and encroachment permit application forms; associated property and business owner signatures are required.
2. Appropriate application fees and deposits.
3. A dimensional site plan that demonstrates:
 - a. The underlying right-of-way and the location of adjacent city street trees and furnishings, including but not limited to planters, light poles, trellis structures, benches, trash containers, kiosks, etc.
 - b. An outline of the area proposed for outdoor dining/display use and the location of any existing and adjacent outdoor dining uses.
 - c. The proposed layout of all use furnishings including but not limited to tables, chairs, umbrellas, heaters, planters, fencing, signage, etc.
 - d. The proposed electrical connections to serve the use - if electrical service is requested (electrical service is permitted for lighting only); e. The proposed circulation to and from the outdoor dining use and the associated business, general pedestrian circulation, and building ingress/egress.
4. Specifications for the design, colors, and materials of all proposed furnishings including but not limited to tables, chairs, umbrellas, heaters, planters, fencing, trash receptacles, etc., demonstrating that all furnishings are of commercial grade and designed for outdoor use .
5. Specifications for all proposed signage/display.
6. A lighting plan, including umbrella ,table, lighting, fixture, lamp type and locations.
7. An operational schedule including hours and days.
8. *Evidence of comprehensive liability insurance, evidence of Workers Compensation Insurance, and assigned Hold Harmless and Indemnification statement (that indemnifies and holds harmless the City of Sugar Hill officials, employees, agents and volunteers), in a form approved by the City Manager.*
9. A copy of the applicant's City of Sugar Hill business license.
10. An Outdoor Dining/Display Permit shall be valid for a period of one year, beginning on January 1st and ending on December 31st. Annual Permit Required: Each year, the applicant shall submit a complete application for an Outdoor Dining/Display Permit as defined above, including application, service and maintenance charges and deposits. The City Manager shall approve, conditionally approve, or deny the permit request, and shall provide written notification of the action taken to the applicant.
11. Outdoor Dining/Display Permits are not transferable.

12. An Outdoor Dining/Display Permit is an interruptible privilege. The City may interrupt the operation of an outdoor dining use at any time due to anticipated or actual conflicts. Such conflicts may arise from, but are not limited to, scheduled festivals and similar events, parades or marches, repairs to the public right of way, or demonstrations or emergencies occurring in the area. Outdoor dining uses shall be permitted to continue during special events unless the City of Sugar Hill specifically requests that the use temporarily discontinue for the duration of the event. Such request may include the removal of all use furnishings.
13. Annual Outdoor Dining/Display Permit fee as may be set by Mayor and City Council.

O. Approval Procedure and Requirements.

1. An application with the application fee as established by the Mayor and City Council shall be filed with the City Manager, or his designee, prior to any use or placement of any item upon public property.
2. The City Manager shall use reasonable discretion to determine whether and to what extent the use of the public area interferes with the considerations of this section.
3. Use of the public area shall be in accordance with the approved application and shall not be modified without the written consent of the City Manager.
4. The City Manager at his reasonable discretion may place additional conditions upon the issuance of approval in order to insure the protection of the public rights-of-way and the rights of all adjoining property owners and the health, safety, and general welfare of the public.
5. The City Manager at his reasonable discretion may require removal for any reason. Failure to remove items and cease use of public property shall result in a removal of such item(s) by the Manager. The business shall be responsible for all expenses incurred by the City Manager for the removal and storage of such items.
6. The business is responsible for repair of any damage to public property caused by the use of the public area.