

Outdoor dining shall be permitted in the CB, Commercial Business District with an approved Zoning Permit with conditions, as a secondary use.

- (a) All outdoor dining areas shall conform to provisions and guidelines of this section. The Zoning Administrator shall issue no Zoning Permit to authorize the installation of an outdoor dining area without prior approval after review by the health department of the plans for such installation. Elements to be reviewed shall include: the type, number and placement of tables, chairs, and/or other dining furniture; the placement, design and color of awnings; the design and placement of planters, trash receptacles, billiards, fences and other street furnishings and landscaping. The type, amount and location of surface material and corresponding loss of green space if any, the limits of encroachment, if any, into public rights-of-way, the width of the unobstructed pedestrian thoroughfare adjacent to the outdoor dining area.
- (b) Any encroachment of outdoor dining area into a public right-of-way must be approved first by the Village Manager or his/her designee. The action of the City Manager or designee is subject of the review of the Village Council. The applicant must adhere to all terms and provisions specified in the agreement granted by either the Village Manager or the Village Council.
- (c) Alcoholic beverages may be served in the outdoor dining area if the establishment has an approved license for alcohol sales. Alcohol sales require the outdoor dining area to be secured to prevent access to the public right-of-way with alcoholic beverages.
- (d) Any outdoor dining area shall be surfaced with bricks, wood decking, exposed aggregate, paves or similar material effectively treated to facilitate maintenance. Surfaces shall be kept free of litter and shall be graded to prevent pooling of water. No refuse containers may be permitted on these surfaces overnight.
- (e) The outer edge of any outdoor dining areas shall not reduce the adjacent pedestrian thoroughfare to less than four feet.
- (f) The hours of operation of the outdoor café shall not extend beyond the normal operating hours of the principal establishment.
- (g) Tables, chairs and other furniture placed within the outdoor dining areas shall be readily available for use. Any furniture, which is not readily accessible, may not be stored within the outdoor dining area.
- (h) All outdoor furniture, including tables, chairs, umbrella bases and poles, benches, trash receptacles and other street furniture shall be compatible with the character of the district in size, scale, material and color. All outdoor furniture must have a uniform or complimentary design, color and material.

- (i) Awnings, umbrellas and all upholstered surfaces must be made of canvas or similar woven material that meets all local, state and federal safety and fire standards. Vinyl or plastic is prohibited.
- (j) Awnings shall be mounted within the window or entry opening, directly on the frame. If this is not possible, they should be attached just outside the opening. On masonry structures, attachments for awnings should be made in the mortar joints and not in the brick itself.
- (k) Furniture, lighting fixtures and poles shall be compatible in scale and materials with the structures, landscape and neighboring setting.
- (l) Barriers or delineators shall be made of wrought iron or wood. Metal may also be appropriate.
- (m) The style of the barrier or delineator shall complement the architecture of the building façade and the style of the outdoor dining furniture.
- (n) The owner or proprietor may allow dogs to be present in the outdoor dining area, provided dogs are kept on a leash and under reasonable control at all times. Dogs shall not be allowed on chairs, tables, or other furnishings.
- (o) It shall be the responsibility of the dog owner to immediately clean any waste and sanitize the affected area with an approved product. A kit with appropriate cleaning materials shall be kept near the designated outdoor area.

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**NON-COMPLIANCE; PENALTIES FOR VIOLATION OF THIS ORDINANCE**

**905.1** Any person or entity that fails to comply with this ordinance within a period of sixty (60) days after a written notice from the Zoning Administrator shall then be subject to enforcement as here and after set out.

**905.2** This Ordinance is subject to enforcement under Chapter 22 of the Code of Ordinances.

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**EFFECTIVE DATE**

**905.3** This ordinance shall take effect immediately after adoption

Adopted this 18<sup>th</sup> day of August, 2015

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Mayor, Dennis Lacey

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Municipal Clerk, Tammy Floyd