



## **Addendum #2a – Outdoor restaurant regulations for seating on private property**

(f) *Accessory outdoor restaurants.* The outdoor restaurant regulations as established in these regulations have city-wide applicability, are designed to encourage outdoor restaurants in commercial areas, to promote and protect public health, safety, and general welfare and to provide for the creation of a more urban pedestrian environment. Outdoor restaurants shall be constructed and operated in the following manner:

(1) If the outdoor restaurant is on a side of the building adjacent to residentially zoned property, then the outdoor restaurant, regardless of floor level, shall be separated by an intervening building or six and one-half foot high masonry wall without windows along all side(s) of the outdoor restaurant that are adjacent to the residentially zoned property. No variance from this requirement may be granted. Notwithstanding the foregoing, the approving authority may allow the materials comprising the buffer wall to be other than masonry, and may approve the use of a window so long as it remains fixed or remains fully closed within the buffer wall. In such instances, the approving authority shall make a finding that such change in materials will protect the adjacent residentially zoned property(s) from potentially adverse impacts of the outdoor dining activity.

(2) If the outdoor restaurant is located on a side(s) of a building adjacent to non-residentially zoned property or a public right-of-way, it shall be separated on that side(s) of the building from the non-residentially zoned property and/or public right-of-way by either a building or a two foot high enclosure. The enclosure may consist of plants, planters, fences or walls.

(3) The exterior of the wall(s) required in subsections (1) and (2) above shall be finished in a manner considered appropriate to the materials used.

(4) All patrons of the outdoor restaurant shall vacate the outdoor restaurant no later than 11:00 p.m. on Sunday through Thursday, inclusive, except the day prior to a holiday, and 11:59 p.m. on Friday, Saturday and the day prior to a holiday. Provided, however, if the outdoor restaurant is located within 120 feet of residentially zoned property, as measured in a straight line from the nearest property boundary of the residentially zoned property, the patrons shall vacate the outdoor restaurant no later than 11:00 p.m., seven days per week. Notwithstanding the foregoing, stricter hours of operation may be established by the approving authority. In such instances, the approving authority shall make a finding that said more stringent restriction is necessary to mitigate potential impacts from the outdoor restaurant to the residentially zoned property.