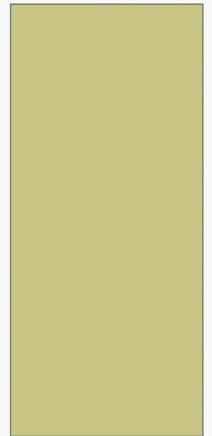


OUTDOOR SEATING ORDINANCE

RALEIGH APPEARANCE COMMISSION'S DESIGN REVIEW COMMITTEE
JANUARY 6, 2016



OVERVIEW

- Scope of Outdoor Seating Ordinance Design Review
- Background
 - Existing Downtown PUPS Handbook Regulations
 - New Citywide Outdoor Seating Ordinance and Revisions
 - Relevant Design Specifications and Issues
- Best Practices Overview
- Discussion



SCOPE OF DESIGN REVIEW

Design Elements of Updated Outdoor Seating Ordinance identified for Appearance Commission's Review:

- **Space Delineation:** Design of Stanchions and/or Specifications for Design of Visible, Above Ground Barriers for Outdoor Seating Area Space Delineation(Council request)
- **Outdoor Furniture:** Design Specifications(Council request)
- **Outdoor Signage:** Design Specifications(Council request)
- **Outdoor Seating Occupancy Limit:** Analysis(Staff)

BACKGROUND: PUPS HANDBOOK

- Regulations governing Private Use of Public Spaces within Downtown and adjacent PBOD's
- Outgrowth of Downtown Livable Streets Plan
- Permits issued by a one-stop permits office
- Included regulations for most private uses on public spaces
- Tailored standards applied to Fayetteville Street
- Outdoor Dining Permits: Location, Design, Operation, Maintenance regulations apply
- Permits valid for a year; renewed annually
- Fairly prescriptive; city enforced regulations leniently

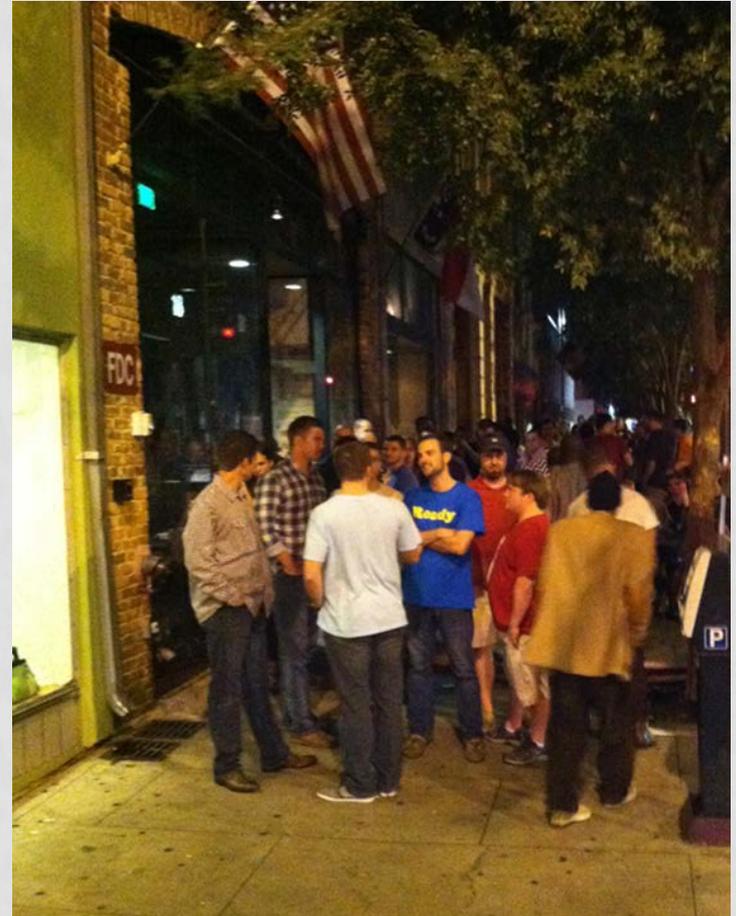
BACKGROUND: PUPS HANDBOOK

Relevant Pre-existing Design Regulations:

- **Space Delineation:** Not required on site; area approved in drawings; may be defined with approved fences, barriers, pots or planters; perimeter fences while permitted are discouraged; fences must not be solid or opaque, made of plastic or unfinished or pressure treated wood, or affixed to the ground; specific regulations apply to FS with garden zone designated for outdoor dining
- **Outdoor Furniture:** Must be made of durable material. No plastic, or unfinished, or pressure treated wood furniture is permitted
- **Outdoor Signage:** Tabletop signage is limited to menus and must not exceed 4 square feet in area; alcohol signage not specified
- **Outdoor Seating Occupancy Limit:** Limited to the approved seating layout in submitted drawing

WHY THE NEED FOR NEW ORDINANCE?

- Update of Old Ordinances
- Clarification & Definition
- Public Safety
- Public Health & Welfare
- State & Fed. Law Compliance
- Enforcement



KEY DESIGN SPECIFICATIONS

SPACE DELINEATION

New Regulation: A permit holder must provide stanchions or other portable, visible, above-ground barrier between the approved outdoor seating area and the remainder of the public sidewalk whenever the outdoor seating area is in use; planters or pots may be used to define the outdoor dining space but are not required

Design Issue: Requirement for visible, above ground barriers to define seating area has resulted in the use of unappealing barrier elements and stanchions of poor design quality



KEY DESIGN SPECIFICATIONS

OUTDOOR FURNITURE

New Regulation: Furniture must be made of durable material. No plastic, or unfinished or pressure treated wood furniture is permitted; furniture must be kept clean and in good repair;

Design Issue: With minimum design specifications in place for outdoor furnishings, a few unappealing furnishings have been put out in outdoor seating areas that negatively impact the visual appeal and harmony of the urban fabric (issue most prominent along Fayetteville Street)

KEY DESIGN SPECIFICATIONS

OUTDOOR SIGNAGE

New Regulation: Tabletop signage is limited to menus and must not exceed 4 SF in area; permit holders shall post visible signs at all exit points from the outdoor seating area to the public sidewalk reminding patrons that they cannot possess open containers of alcohol outside the public seating area

Design Issue: With the new requirement for alcohol service reminder signage, unsightly, substandard signs have been utilized to define alcohol service area edges that are incompatible with the surrounding streetscape and spoil the visual harmony of the built urban fabric (issue most prominent along Fayetteville Street and side streets)

KEY DESIGN SPECIFICATIONS

OUTDOOR SEATING OCCUPANCY LIMIT

New Regulation: The occupancy of an outdoor seating area shall not exceed the max. Floor Area Allowances pursuant to Table 1004.1.1 in the NC Building Code; the max. occupancy permitted shall be posted on the exterior of the building in a conspicuous place. The permit holder shall ensure that the number of occupants in the outdoor seating area does not exceed the posted limit at any time. A server or other person employed is not included in the occupancy count

Design Issue: 15 SF/person cap has been utilized for max. occupancy count calculations along with seating layout submittal; this variable was primarily introduced as a solution to help control crowding issues on sidewalk along with the standing drinking crowd issue; however, a few small businesses are negatively impacted by this approach (in coordination with the removal of adjacent frontage usage)

BEST PRACTICES BACKGROUND

The Responsible Hospitality Institute (RHI) published their Best Practices for Nightlife 2d Edition (2011) setting forth strategies to manage alcohol in an outdoor café environment, they include:

- *Limit hours of operation for serving alcohol*
- *Post signs to prohibit patrons from removing beverages*
- *Food service to be available during hours of operation*
- *Do not allow a portable bar to be located in the ODA*
- *Exterior monitoring of the ODA to ensure no loitering*
- *Limit alcohol to table service only*

BEST PRACTICES RESEARCH

DURHAM, NC

Space Delineation: Required only for alcohol service area to be delineated by clearly visible barriers and not have more than two designated points of egress and ingress (enforce city installed medallions for Downtown)

Outdoor Furniture: Furnishings of movable type, not permanently fixed to street or sidewalk; furniture must be made of durable material, and no plastic or unfinished wood furniture is permitted; kept clean and in good repair

Outdoor Signage: To be posted, visible at all designated exit points from the outdoor dining area that it is unlawful to remove alcoholic beverages in open or unsealed containers from the premises

Outdoor Seating Occupancy Limit: Not to exceed 25% of the total seating capacity of the restaurant; exception upto 40% granted by city manager if good standing showed; no more patron than can be accommodated by the actual seats provided in the dining area



BEST PRACTICES RESEARCH

GREENSBORO, NC (Downtown Sidewalk Café District)

Space Delineation: The area designated for the DT sidewalk café shall be physically separated from the remaining sidewalk by visible barricades with a height of at least 36" and no more than 42". The barricades must be constructed of materials of a finished quality, including but not limited to wrought iron, planters, picket fences or velvet ropes; barricades shall not be anchored and shall be of a type of street furniture that is easily movable; alcohol service area enclosed by clearly visible barricades and not have more than 2 points of ingress and egress

Outdoor Furniture: Operation or furnishing shall involve no permanent alteration to or encroachment upon any street or sidewalk

Outdoor Signage: Signs must be posted visible at all exit points that it is unlawful to remove alcoholic beverages from the premises

Outdoor Seating Occupancy Limit: The seating capacity of the sidewalk café must not be more than 50% of the interior seating capacity of the associated restaurant



BEST PRACTICES RESEARCH

ASHEVILLE, NC

Space Delineation: To be shown in drawings; no barriers required; permit required for encroachment of a fence

Outdoor Furniture: Design of the furniture and accessories for an outdoor dining area to be located in the Central Business District must be approved by the City's Planning and Development Director or her/his designee, using the city's downtown design review guidelines, prior to a permit being issued for their use in the Central Business District. The applicant must provide a photograph, drawing or sketch of the design of the furniture and accessories to be used for the outdoor dining area as part of the application for a permit

Outdoor Signage: To comply with city sign ordinance

Outdoor Seating

Occupancy Limit: Limited to approved seating layout



BEST PRACTICES RESEARCH

CHARLOTTESVILLE, VA (Pedestrian Mall)

Space Delineation: Through any one or more of the following markers: trees, fences, planters and barriers. All items used for delineation of café space should be compliant with current ADA guidelines and approved by city staff prior to use

Outdoor Furniture: In an area subject to design controls, design and appearance of café structures and furnishings reviewed by architectural review board subject to city's design standards; all furnishings to be maintained in good, clean condition

Outdoor Signage: not specified

Outdoor Seating Occupancy Limit: max. area of 800 SF per permit operator



BEST PRACTICES RESEARCH

AUSTIN, TX

Space Delineation: Must have boundaries that are freestanding or affixed by a single bolt per corner; Any portion of a sidewalk café in which alcoholic beverages are served must be secured by balustrades, planters, or other appurtenances

Outdoor Furniture: Not specified

Outdoor Signage:

Not specified

Outdoor Seating

Occupancy Limit:

Limited to the seating capacity shown in drawing



BEST PRACTICES RESEARCH

WEST PALM BEACH, FL

Space Delineation: No object permitted around the perimeter of an area occupied by tables and chairs which have the effect of forming a physical or visual barrier discouraging the free use of tables and chairs by general public or which would have the effect of obstructing the pedestrian path

Outdoor Furniture: Tables, chairs, umbrellas and other permissible objects shall be of quality, design, materials, size, elevation and workmanship both to ensure the safety and convenience of users; maintained clean and in good repair; not fixed to any object on public rights-of-way; umbrellas and other decorative materials shall be fire-retardant, pressure-treated or manufactured of fire-resistant material

Outdoor Signage: Signs are permitted on umbrellas, chairs, tables and other permissible fixtures located on public right-of-way; Menu boards and special boards have design specifications

Outdoor Seating Occupancy Limit: Only equipment shown on drawing allowed in the sidewalk area; estimated chair count per table may vary within prescribed area provided chairs remain in approved area; permanent storage not allowed

DISCUSSION