

CITY OF DELANO
COUNTY OF WRIGHT
STATE OF MINNESOTA

ORDINANCE NO. O-17-04

An Ordinance amending Delano City Code, Chapter 51.21, 51.22, and 51.23 which regulates outdoor dining within the City of Delano, Minnesota.

The City Council of the City of Delano Ordains:

Section 1. Section 51.21. B-2, General Business District, is hereby amended as follows:

Subd. D. Conditional Uses.

6. Outdoor dining facilities accessory to a restaurant provided that:

- a. The applicant submit a site plan and other pertinent information demonstrating the location and type of all tables, refuse receptacles, and wait stations.
- b. Access to the dining area be provided only via the principal building if the dining area is full service restaurant, including table waiting service.
- c. The size of the dining area is restricted to forty (40) percent of the total ~~customer~~ floor area within the restaurant.
- d. The dining area may exceed 40% of the total floor area within the restaurant with the following conditions:
 - All provisions of the state building code are met.
 - The site is ADA accessible.
 - The site meets all parking requirements necessary under section 51.03 Subd. E of the City Zoning Ordinance for the additional outdoor seating.
 - The area is not abutting a residential land use.
- e. The dining area is screened from view from adjacent residential uses in accordance with Section 51.03, Subd. D.10 of this Ordinance.
- f. All lighting be hooded and directed away from adjacent residential uses in accordance with Section 51.03, Subd. D.2 of this Ordinance.
- g. The applicant demonstrates that pedestrian circulation is not disrupted as a result of the outdoor dining area by providing the following:
 - Outdoor dining area shall be segregated from through pedestrian circulation by means of temporary fencing, bollards, ropes, plantings, or other methods, and shall be subject to review and approval by the City Council.

- Minimum clear passage zone for pedestrians at the perimeter of the restaurant shall be at least five (5) feet without interference from parked motor vehicles, bollards, trees, tree gates, curbs, stairways, trash receptacles, street lights, parking meters, or the like.
- Overstory canopy of trees, umbrellas or other structures extending into the pedestrian clear passage zone or pedestrian aisle shall have a minimum clearance of seven (7) feet above sidewalk.

h. The dining area is surfaced with concrete, bituminous or decorative pavers or may consist of a deck with wood or other flooring material that provides a clean, attractive, and functional surface.

i. A minimum width of thirty-six (36) inches shall be provided within aisles of the outdoor dining area.

j. Storage of furniture shall not be permitted outdoors between November 1 and March 31. Outdoor furniture that is immovable or permanently fixed or attached to the sidewalk shall not be subject to the storage prohibition of this section. However, any immovable or permanently fixed or attached furniture shall be approved as part of the administrative permit application.

k. Additional off-street parking may be required pursuant to the requirements set forth in Section 51.03, Subd. E of this Ordinance based on the additional seating area provided by the outdoor dining area.

l. Refuse containers are to be provided for self-service outdoor dining areas. Such containers shall be placed in a manner which does not disrupt pedestrian circulation, and 51.03, Subd. D.6 be designed to prevent spillage and blowing litter.

Section 2. Section 51.22. B-3, Highway Business District, is hereby amended as follows:

Subd. D. Conditional Uses

11. Outdoor dining facilities accessory to a restaurant, provided that:

- a. The applicant must submit a site plan and other pertinent information demonstrating the location and type of all tables, refuse receptacles, and wait stations.
- b. Access to the dining area be provided only via the principal building if the dining area is full service restaurant, including table waiting service.
- c. The size of the dining area is restricted to forty (40) percent of the total ~~customer~~ floor area within the restaurant.
- d. The dining area may exceed 40% of the total floor area within the restaurant with the following conditions:
 - All provisions of the state building code are met.

- The site is ADA accessible.
- The site meets all parking requirements necessary under section 51.03 Subd. E of the City Zoning Ordinance for the additional outdoor seating.
- The area is not abutting a residential land use.

e. The dining area is screened from view from adjacent residential uses in accordance with Section 51.03, Subd. D.10 of this Ordinance.

f. All lighting be hooded and directed away from adjacent residential uses in accordance with Section 51.03, Subd. D.2 of this Ordinance.

g. The applicant demonstrates that pedestrian circulation is not disrupted as a result of the outdoor dining area by providing the following:

- Outdoor dining area shall be segregated from through pedestrian circulation by means of temporary fencing, bollards, ropes, plantings, or other methods, and shall be subject to review and approval by the City Council.
- Minimum clear passage zone for pedestrians at the perimeter of the restaurant shall be at least five (5) feet without interference from parked motor vehicles, bollards, trees, tree gates, curbs, stairways, trash receptacles, street lights, parking meters, or the like.
- Overstory canopy of trees, umbrellas or other structures extending into the pedestrian clear passage zone or pedestrian aisle shall have a minimum clearance of seven (7) feet above sidewalk.

h. The dining area is surfaced with concrete, bituminous or decorative pavers or may consist of a deck with wood or other flooring material that provides a clean, attractive, and functional surface.

i. A minimum width of thirty-six (36) inches shall be provided within aisles of the outdoor dining area.

j. Storage of furniture shall not be permitted outdoors between November 1 and March 31. Outdoor furniture that is immovable or permanently fixed or attached to the sidewalk shall not be subject to the storage prohibition of this section. However, any immovable or permanently fixed or attached furniture shall be approved as part of the administrative permit application.

k. Additional off-street parking may be required pursuant to the requirements set forth in Section 51.03, Subd. E of this Ordinance based on the additional seating area provided by the outdoor dining area.

l. Refuse containers are provided for self-service outdoor dining areas. Such containers shall be placed in a manner which does not disrupt pedestrian circulation, and shall be designed to prevent spillage and blowing litter.

Section 3. Section 51.23. B-4, Central Business District, is hereby amended as follows:

Subd. D. Conditional Uses

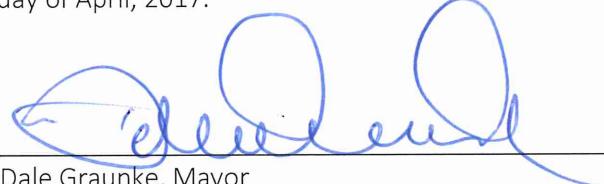
3. Outdoor dining facilities accessory to a restaurant provided that:

- a. The applicant submit a site plan and other pertinent information demonstrating the location and type of all tables, refuse receptacles, and wait stations.
- b. Access to the dining area be provided only via the principal building if the dining area is full service restaurant, including table waiting service.
- c. The size of the dining area is restricted to forty (40) percent of the total floor area within the restaurant.
- d. The dining area may exceed 40% of the total floor area within the restaurant with the following conditions:
 - All provisions of the state building code are met.
 - The site is ADA accessible.
 - The site meets all parking requirements necessary under section 51.03 Subd. E of the City Zoning Ordinance for the additional outdoor seating.
 - The area is not abutting a residential land use.
- e. The dining area is screened from view from adjacent residential uses in accordance with Section 51.03, Subd. D.10 of this Ordinance.
- f. All lighting be hooded and directed away from adjacent residential uses in accordance with Section 51.03, Subd. D.2 of this Ordinance.
- g. The applicant demonstrates that pedestrian circulation is not disrupted as a result of the outdoor dining area by providing the following:
 - Outdoor dining area shall be segregated from through pedestrian circulation by means of temporary fencing, bollards, ropes, plantings, or other methods, and shall be subject to review and approval by the City Council.
 - Minimum clear passage zone for pedestrians at the perimeter of the restaurant shall be at least five (5) feet without interference from parked motor vehicles, bollards, trees, tree gates, curbs, stairways, trash receptacles, street lights, parking meters, or the like.
 - Overstory canopy of trees, umbrellas or other structures extending into the pedestrian clear passage zone or pedestrian aisle shall have a minimum clearance of seven (7) feet above sidewalk.

- h. The dining area is surfaced with concrete, bituminous or decorative pavers or may consist of a deck with wood or other flooring material that provides a clean, attractive, and functional surface.
- i. A minimum width of thirty-six (36) inches shall be provided within aisles of the outdoor dining area.
- j. Storage of furniture shall not be permitted outdoors between November 1 and March 31. Outdoor furniture that is immovable or permanently fixed or attached to the sidewalk shall not be subject to the storage prohibition of this section. However, any immovable or permanently fixed or attached furniture shall be approved as part of the administrative permit application.
- k. Additional off-street parking may be required pursuant to the requirements set forth in Section 51.03, Subd. E of this Ordinance based on the additional seating area provided by the outdoor dining area.
- l. Refuse containers are to be provided for self-service outdoor dining areas. Such containers shall be placed in a manner which does not disrupt pedestrian circulation, and 51.03, Subd. D.6 be designed to prevent spillage and blowing litter.

Section 4. Effective Date. This ordinance shall be effective upon passage and publication.

Approved by the Delano City Council on the 18th day of April, 2017.



Dale Graunke, Mayor



Brian F. Bloch

Attest: Brian Bloch, Finance Director/Clerk

