5.54 OD-01: Outdoor Dining Standards

This Outdoor Dining Standards section applies to the following districts:

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The intent of Outdoor Dining Standards is to permit outdoor dining in appropriate areas while maintaining pedestrian accessibility and circulation, ensuring the safety of diners and restaurant servers, and preserving or enhancing the character of the area. The following standards apply:

A. Prerequisite: Any establishment that wishes to have outdoor dining partially or fully within the right-of-way shall first get approval from the Richmond Common Council. This approval is necessary because right-of-way is the exclusive jurisdiction of the Richmond Common Council. Therefore, the Zoning Administrator, Plan Commission, or Board of Zoning Appeals cannot process an Improvement Location Permit or other petition for this use within a right-of-way without prior approval from the Richmond Common Council.

B. Permits: An Improvement Location Permit shall be required prior to establishing an outdoor dining area. A new permit shall not be required each year unless changes are proposed in the outdoor dining area.

C. Operations: Generally, outdoor dining is permitted from March 31 through December 1, and from 6:00 AM until 11:00 PM Sunday through Thursday and 6:00 AM until 12:00 midnight Friday through Saturday.

D. Design:

1. *Circulation and Accessibility*:
   a. All outdoor dining areas shall maintain a minimum four (4) foot wide pedestrian circulation area along a public sidewalk. The pedestrian circulation area shall be free of all obstacles including but not limited to tree wells, fire hydrants, street light poles, and newspaper boxes. This pedestrian circulation area shall be maintained at all times.
   b. Outdoor dining areas shall not interfere with handicap accessibility, curbs, ramps, or driveways.
   c. Portions of outdoor dining areas fronting a right-of-way may have a pedestrian barrier enclosing the outdoor dining area except for ingress/egress into the establishment. The pedestrian barrier shall meet all of the following criteria:
      i. Pedestrian barriers shall be sturdy, stable, and have sufficient weight so they cannot be blown over by wind.
      ii. Pedestrian barriers shall not be permanently attached or bolted to the sidewalk, unless granted special permission from the Board of Works.
      iii. Pedestrian barriers shall be at least thirty (30) inches in height to prevent tripping hazards.
      iv. Pedestrian barriers shall be removed and stored during the off season, but not on the exterior of the building.
   d. Outdoor dining areas that do not front a right-of-way may have a pedestrian barrier around at least seventy-five percent (75%) of the outdoor dining area. The pedestrian barrier shall meet all of the following criteria:
      i. Pedestrian barriers shall be constructed of wood, composite wood, stone, masonry, wrought iron, decorative metal, or a combination of these materials.
      ii. Pedestrian barriers shall be permanently attached to the ground.
      iii. Pedestrian barriers shall be at least thirty (30) inches in height to prevent tripping hazards.
   e. No element of the outdoor dining area shall interfere with access to any structure.
2. *General*:
   a. A sufficient number of trash containers shall be provided outdoors and be readily accessible to outdoor diners. However, full service establishments with outdoor dining areas shall not be required to provide outdoor trash containers.
   b. There shall be no storage of food trays; carts; receptacles for dirty dishes or trays; carts for utensils; or cooking appliances in any portion of the outdoor dining area.
   c. There shall be no service stations in any portion of the outdoor dining area.

3. *Furniture*:
   a. To maintain a high quality environment, quality materials shall be used for outdoor dining areas. Outdoor dining furniture and outdoor trash containers shall be iron, steel, aluminum, wood, or resin. Finishes on the furniture and trash containers shall be kept relatively free of fading, chips, and rust.
   b. Umbrellas are permitted, but shall be flame retardant, color-fast fabric with an anti-flyback feature.
   c. Outdoor dining furniture, trash containers, and umbrellas shall not incorporate signs.
   d. Outdoor dining furniture, trash containers, and umbrellas shall be stored during the off-season, but not on the exterior of the building.