



OUTDOOR DINING STANDARDS

I. INTRODUCTION

The City of Clayton has become a restaurant destination for not only residents and employees of Clayton businesses, but also for restaurant patrons throughout the St. Louis Metropolitan Area. The City is currently home to over 60 eating establishments, which provide dining services and opportunities unequaled in the area. Among the most prevalent opportunities is the availability and variety of dining in Clayton. The restaurant experience in Clayton provides every type and cost range of dining, both at lunch and dinner.

The implementation of the outdoor dining concept has had a positive impact on the dining customers, participating restaurants, and the City of Clayton. The outdoor dining experience in Clayton has resulted in a sense of excitement, allowing diners the chance to enjoy the weather and watch the pedestrian traffic while being provided customary restaurant services.

The restaurants have benefited by the expanded square footage, and very visible image. The City of Clayton has also benefited from outdoor dining by increased tax dollars generated from the additional restaurant business and the overall ambiance associated with outdoor dining.

In April of 1996, the City established standards for outdoor seating designed to reflect the quality of Clayton.

Based upon continued experience with the outdoor dining/seating concept, the City recognizes the need to maintain the standards which protect the high quality environment associated with Clayton dining establishments.

The following pages detail these standards and clarify certain requirements for participation of a restaurant in the outdoor dining program.

II. GENERAL STIPULATIONS

The following standards address general provisions governing the placement of outdoor dining establishments, particularly, but not limited to, situations in which the restaurant is using public right-of-way or located on the sidewalk fronting the establishment.

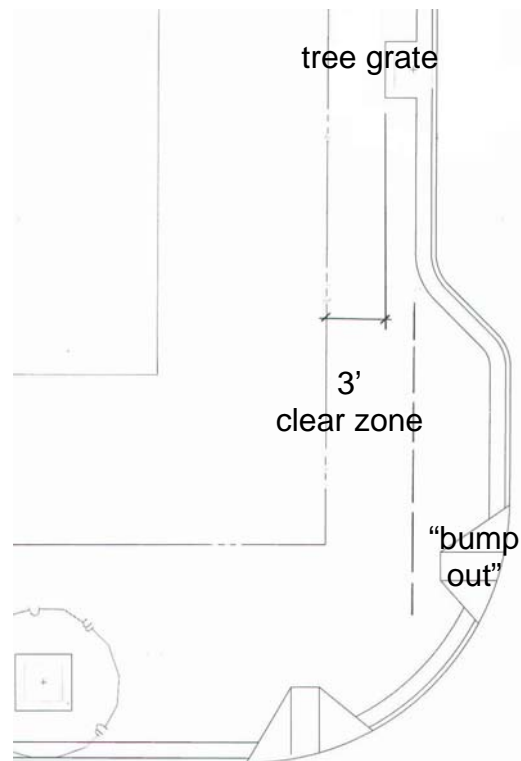
- A) The sidewalk dining area must be located beginning at the property line and expanding into the sidewalk area fronting the applicant's business. The allowable size of the sidewalk dining area will be determined by the following factors:
- 1) The width of the sidewalk
 - 2) The level of existing or anticipated peak hour pedestrian congestion.
 - 3) The existing neighborhood and the homogeneity of outdoor dining to the neighborhood character.
 - 4) A minimum of three (3) foot pedestrian clearance (clear of all obstacles including, but not limited to street trees, fire hydrants, news boxes, parking meters, planters, etc.) must be provided for a clear path of travel. When determining clearance in which a street tree is involved, measure the distance between the outermost portion of pedestrian railing and the back side of the brick banding (where the banding ends and the tree grate begins). **This three (3) foot minimum clearance must be maintained on the sidewalk at all times.**

EXCEPTION: Restaurant establishments approved with outdoor dining before these requirements were enacted and cannot meet guidelines for clearance may seek a temporary waiver of this requirement by application to the Architectural Review Board. A temporary waiver may mean a specific period of time or to allow the existing restaurant to continue encroachment but prohibit continued encroachment if transfer of ownership takes place.

B) Sidewalk dining areas may not intrude on pedestrian "clear zones" at corners. Sidewalk dining areas must also not interfere with curbs, ramps or driveways. Restaurants located on corners may not encroach into the "bump out" area.

C) No element of the proposed installation may interfere with access to any building. This includes all means of ingress/egress. No element of outdoor dining can be placed below a fire escape, stairwell or balcony.

D) A sufficient number of trash containers must be placed no more than six (6) inches from the building's front facade and must be readily accessible to patrons. Full service outdoor dining establishments are not required to provide outside receptacles; however, food



trays or carts, receptacles for dirty dishes, trays or carts for utensils and also cooking appliances shall not be placed or stored on any portion of the outdoor dining area.

- E) No service stations may be placed on any part of the outdoor dining area.
- F) All outdoor dining establishments or portions fronting a public right-of-way must have a pedestrian barrier enclosing the outdoor area except for ingress/egress to the restaurant. No part of any table or chair may extend beyond the pedestrian barrier. It is the responsibility of the permittee to assure that all restaurant related activity remain within the pedestrian barrier. The requirement for pedestrian barriers on private property will be considered on a case-by-case basis.

III. OUTDOOR DINING SEASON

- A. The regular outdoor dining season - concludes on December 21st and does not resume until March 1st of the following year. However, those restaurants with outdoor dining located on private property (i.e. not on the City's sidewalk) may apply for year-round outdoor dining. Approval of year-round outdoor dining is made through the annual outdoor dining permit.

The following conditions will apply:

- 1) Furniture is not to be stacked or stored on the exterior of the building when not in use;
- 2) Furniture must be kept in good condition; periodic inspections by the City will be made;
- 3) Full-year dining is not permitted for restaurants located on the City's right-of-way.

However, during the off-season on days where the temperature exceeds 50 degrees Fahrenheit, outdoor dining will be permitted for restaurants located on the public right-of-way with a current outdoor dining permit.

The following conditions will apply:

- 1) Outdoor dining furniture and barriers must be stored during the off-season while not in use;
- 2) Barriers and furniture may not be stored or stacked on the exterior of the building;
- 3) Portable propane heaters will be not permitted on City of Clayton right-of-way. Other heaters must be reviewed as part of the outdoor dining permit and receive Fire Department approval.

Additionally, restaurants desiring outdoor dining on a Friday or Saturday evening during the off-season may request permission from the City Manager based upon the above stipulations and conditions of the existing outdoor dining permit.

IV. STANDARDS

While the City realizes that each type of outdoor dining fulfills a different purpose, it is still necessary to establish standards that are to be maintained by all participating establishments to

assure the continued quality of the Clayton outdoor dining experience. The following are specific standards related to the material and design of furniture, pedestrian barriers and landscaping:

A. Furniture

Clayton, in its attempt to maintain a high quality environment, requires that excellent materials be used in the public view. While no "look" is being proposed or required, the quality level will not be compromised. The furniture shall be maintained so as not to stain/discolor the concrete sidewalk. Outdoor dining furniture materials are limited to the following:

Material Standards

Iron, Cast:	Low carbon iron, hand or machine cast parts, stainless steel connectors, and hand ground to smooth finish.
Iron, Wrought:	Heavy gauge, low carbon, MIG welded and hand ground to smooth finish.
Steel, Expanded:	Frame - Minimum of 13 gauge cold rolled steel, low carbon, MIG welded and finish with hard, abrasive resistant liquid paint.
Steel, Wire:	13/14 gauge cold rolled MIG welded, smooth ground joints, and abrasive resistant finish.
Aluminum, Cast:	Solid aluminum bars, not hollow tubes, and all heli-arc welded connections.
Aluminum Extruded:	Anodized extruded aluminum, heli-arc welded connections.
Wood:	Frame - Minimum 3" x 3" nominal frame member Slats - Minimum 1/2" x 3" nominal slat size Joints shall be doweled and glued. No screw or bolt connections.
Resin* :	Flame resistant, glossy finish with durable and stable construction; one piece.

***No white resin furniture will be permitted.**

B. *Umbrellas*

Umbrellas are an unique opportunity to add color, vibrance and "life" to an outdoor environment. Clayton allows the use of umbrellas in the outdoor dining environment under the following conditions:

- (1) No advertising on umbrellas is allowed
- (2) Flame retardant fabric
- (3) Color fast fabric
- (4) An infinitely adjustable tilt position
- (5) Positive brake on cranklift
- (6) Anti-flyback feature
- (7) Top pole rotates to at least eight (8) locking positions
- (8) Seamless and drawn 1-1/2" diameter anodized aluminum pole sections
- (9) Zinc coated heavy gauge ribs
- (10) Umbrellas may not encroach over the pedestrian barrier or onto the right-of-way

C. *Pedestrian Barriers*

Outdoor dining must be separated from the right-of-way, both for the privacy of the patron and the unimpeded flow of pedestrian traffic.

Separation can be accomplished on private property by sufficient setback from public right of way, by a change in elevation, the placement of a non-permanent railing or all of these methods.

All separation elements must be maintained to reflect the high quality of the outdoor dining experience in Clayton. Railings and fences must be made of durable material, properly secured and weatherproof. Paint must be kept free of fading, chips and rust. The

railing shall be maintained so as not to stain/ discolor the concrete sidewalk. Railings shall not be anchored to the public sidewalk in any manner.

Pedestrian barriers must meet all of the following specific standards:

- 1) Pedestrian barriers must be sturdy and stable. They must have sufficient weight so that they cannot tip over or be blown over.
- 2) Pedestrian barriers must not be permanently attached to the sidewalk.
- 3) Pedestrian barriers must be at least thirty inches (30") high to prevent tripping hazards.
- 4) Pedestrian barriers may not have any legs or supports that protrude into the Pedestrian Access Route (PAR).
- 5) Pedestrian barriers must be kept free of graffiti, litter and other debris.
- 6) Pedestrian barriers must be removed between December 22nd and February 28th of each year, except when in use per the provisions of Section II-G of these standards.

D. Plants

It is imperative that plants are maintained in a healthy manner and arranged for the best visual impact. Only live plant material can be used which should be attractive and compatible with the outdoor dining experience. Diseased or dead plant material must be replaced with new plants immediately to assure that the quality of outdoor dining is preserved. The use of planters as pedestrian barriers is prohibited.

E. Trash Receptacles

Trash receptacles must be completely enclosed and made of the following materials:

- 1) Steel
- 2) Metal alloy
- 3) Wood
- 4) Or a combination thereof

A sufficient number of refuse containers must be placed no more than six (6) inches from the face of the building and be readily accessible to patrons.

V. OUTDOOR DINING AREA MAINTENANCE

As important as the initial design and material is the continued maintenance of all the elements of the outdoor dining area.

Replacement materials need to be consistent with other items already displayed and meet the standards set forth in this document.

All outdoor dining items including furniture, awnings, pedestrian barriers and refuse containers must be maintained in good state of repair and cleanliness.

The permittee shall keep the outdoor dining areas and adjacent sidewalks clean and free of obstructions and refuse at all times.

The Planning and Development Services Department will conduct inspections to assure compliance with the provisions of these standards. Restaurant owners will be expected to comply with the corrections required in a timely manner. Failure to comply with or any continued infraction of any of the standards set forth in this document can result in the revocation, suspension and/or non-renewal of the Outdoor Dining Permit as described below.

ANNUAL PERMIT PROCESS

In an effort to assure these standards are maintained without impacting the overall operation of the restaurant, the City of Clayton has established an Outdoor Dining Permit process. This process requires that all participating restaurants, including all restaurants currently approved for outdoor dining per a Conditional Use Permit (CUP) shall, whether utilizing private or public property for outdoor dining purposes, apply and be approved for said permit before the start of the Outdoor Dining Season. A separate permit application will require specific submissions (See Application Form) and will assure that all restaurants meet the standards as established by this document. The permit is renewable by the City on an annual basis. If the City chooses not to renew the permit, then a notice will be sent by February 1st of the outdoor dining season stating the denial and reasons therefore.

City staff will review all permit applications and supporting materials for conformance with the foregoing standards and aesthetic impact, and inform the applicant of any deficiencies and measures to correct. The staff has the discretion to require ARCHITECTURAL REVIEW BOARD approval of any or all applications for permit. Any restaurant denied an outdoor dining permit by staff may also appeal to the ARCHITECTURAL REVIEW BOARD via an ARCHITECTURAL REVIEW BOARD application.

ARCHITECTURAL REVIEW BOARD APPEAL

Architectural signed and sealed, to-scale plans must accompany an application for Architectural Review Board consideration. **All furniture, umbrellas, trash receptacle, plant material, and pedestrian separations shall be approved by sample only.** Pictures, as well as verbal and written descriptions, shall accompany the samples. Samples shall be available for inspection at the Architectural Review Board meeting.

CONCLUSION

The City of Clayton, in partnership with the participating restaurants, believes that outdoor dining can continue to benefit the City, the restaurants and particularly the patrons. The aforementioned standards are designed to assure that all restaurants meet reasonable level of design and maintenance so Clayton can continue to enjoy its reputation as a high quality of life community.

NO RESTAURANT MAY BEGIN OUTDOOR DINING WITHOUT A PERMIT.

INSTRUCTIONS FOR OUTDOOR DINING PERMIT

Complete and submit application to the City of Clayton Department of Planning and Development Services, 10 North Bemiston Avenue, Clayton, Missouri 63105.

All applicants observe the following instructions and guidelines as set forth in the **OUTDOOR DINING** document when completing the site plan:

- 1) Show on plans ingress/egress to business and outdoor dining area.
- 2) Show on plans sidewalk width from face of building to the curb (Minimum four foot clearance must be provided) {in cases of sidewalk type dining}.
- 3) Show on plans width of sidewalk to be occupied {in cases of sidewalk type dining}. Provide a survey showing property lines.
- 4) Show on plans all surface obstacles/obstructions (i.e. hydrants, street-lights, parking meters, etc.).
- 5) Show on plans number and placement of tables, chairs, umbrellas, refuse containers, plant material and the dimensions of each.
- 6) Show on plans placement and dimensions of pedestrian barriers.
- 7) Plans shall be signed and sealed by a licensed architect for all first-time permits as described herein. Subsequent permit renewals shall not require signed and sealed plans.
- 8) Plans shall also be signed and sealed by a licensed architect for any of the following reasons:
 - a) Exit (fire hazard reasons).
 - b) Structure is included.
 - c) Safety or welfare issues at Staff's discretion.

Applicants that are requesting sidewalk dining on public right-of-way must also submit evidence of the following:

That the Permittee shall provide and maintain, at its sole cost and expense, general liability insurance in full force and effect for the Area, in standard form generally in use in the State of Missouri with insurance companies having a current "Best" rating of not less than A and a financial rating not less than Class VII and authorized to do business in the State of Missouri in the amount of Five Hundred Thousand Dollars (\$500,000.00) for any accident or occurrence resulting in bodily injury to or death of one person in an amount of at least Two Million Dollars (\$2,000,000.00) for any accident or occurrence resulting in bodily injury to or the death of more than one person, and comprehensive property damage insurance covering liability for damage to all property from any accident or occurrence in an amount of not less than Two Hundred Fifty Thousand Dollars \$250,000.00). Executed copies of said policies of insurance, or certificates thereof, shall be delivered to the City of Clayton at the time said permit is issued and thereafter within thirty (30) days prior to expiration of the term of each such policy, a renewal or replacement insurance policy, or certificate thereof, shall be delivered to the City of Clayton. In addition to the delivery of the policies, or certificates, at the same time the Permittee

shall deliver to the City of Clayton proof of payment of the premiums for said policies. As often as any such policy shall expire or terminate, renewal or additional policies shall be procured and maintained by the Permittee in like manner and to like extent. All said policies of insurance delivered to the City of Clayton must contain a provision that the company writing said policy will give the City of Clayton twenty (20) days notice in writing in advance of any cancellation, lapse or reduction in the amount of insurance. All of said policies of insurance must contain a provision naming the City of Clayton, its agents, employees, guests and invitees, as an additional insured.

Permittee acknowledges agreement and understanding by making application for the use of the City of Clayton right-of-way that said use is conditional and temporary and is subject to the right of the City of Clayton in its sole discretion to reclaim the right-of-way by the termination of the permit granted hereunder at any time. In the event of such termination, Permittee agrees to immediately vacate said right-of-way and remove any temporary structures that have been placed on the City of Clayton right-of-way.

To the best of my knowledge, the foregoing is true and I agree to comply with all conditions and requirements outlined in this application.

Signature

*Outdoor dining season opens March 1st and ends December 21st yearly, except for when in use per the provisions of Section II-G of these standards.

**Outdoor dining furniture/umbrellas/pedestrian barriers must be removed annually from December 22nd through February 28th, except for when in use per the provisions of Section III of these standards.