

ORDINANCE 23-

Introduced by Councilor

AN ORDINANCE AMENDING CHAPTER 50, ARTICLE VI – SEC. 50.0936 - OUTDOOR SEATING ON PUBLIC PROPERTY

THE CITY COUNCIL OF ALBERT LEA, MINNESOTA ORDAINS:

SECTION 1. Chapter 50, Article VI, Outdoor Seating on Public Property of the Code of Ordinance of the City of Albert Lea, Minnesota is hereby amended to read as follows:

Sec. 50.0936. Outdoor seating on public property.

- (a) Outdoor seating on public property (including right-of-way or public easements), either temporary or permanent in nature, will be permitted as an accessory use in all business districts (B-1, B-2, and B-3, and DCD districts), subject to the application of an administrative permit issued by the zoning administrator.
- (b) The following standards must be met in order to issue an administrative permit for outdoor seating:
 - (1) The applicant must possess a valid food establishment license, as regulated by the state department of health.
 - (2) The outdoor seating area is limited to the area directly adjacent to the property owned and/or operated by the primary food establishment. The area occupied by the outdoor seating area should abut and should be operated as part of the food establishment operated by the applicant. No part of the outdoor seating area should adjoin any premises other than the applicant's food establishment.
 - (3) The outdoor seating area is segregated from pedestrian circulation by acceptable means, as determined by the city engineer and should not restrict the safe usage of the sidewalk by the public after taking into consideration the location of obstructions, vehicular traffic and other impediments to the passage of pedestrians, and according to the following standards:
 - a. A minimum of six (6) feet of clear travel space between the outdoor seating area and curb is maintained on the public sidewalk adjacent to the outdoor seating area. In all cases, a 3-foot discernable pedestrian walkway shall be required which is required by Americans with Disabilities Act (ADA).
 - ~~b. The outdoor seating area is segregated from pedestrian circulation by means of temporary fencing, bollards, ropes, or planters. Segregation devices must not cause destruction to sidewalk or other elements in the public right-of-way and must be kept in good condition. Snow, orange, or plastic temporary fencing will not be allowed.~~
 - ~~e. b.~~ Over-story canopy of umbrellas extending into the pedestrian aisle have a minimum of seven (7) feet above the sidewalk, consist of a solid color, and any signage or branding on umbrellas must be reviewed for compliance with article IV of this chapter.
 - (4) A distance of at least two hundred (200) feet is maintained between the nearest point of the outdoor seating area to the nearest point of property zoned R-1 single-family residential.

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- (5) Hours of operation are limited to the hours of the food establishment business. All outdoor seating areas and appurtenances must be properly secured and screened from view after hours. After December 1 and until March 1, outdoor seating areas must be removed from the right-of-way upon dusk every night.
- (6) If proposed to be located in public right-of-way, the property owner, business operator, and the city enter a hold harmless agreement, as provided by the city, exempting the city from all liability claims associated with the outdoor seating use. Furthermore, the applicant must add the city as additional insured on their business liability insurance, and provided evidence of such as part of the permit process.
- (7) Any service of alcoholic beverages in the outdoor seating area is subject to the annual liquor licensing required by the city and must be compliant with state statute. The application for the annual liquor licensing must include a description of physically connected attachments to the main structure, including any outdoor seating areas. The description must specify the floor and space to which the license will apply.
- (8) All outdoor seating areas must comply with the following aesthetic requirements, as evidenced in the application:
 - a. Furniture and other appurtenances (heaters, misters, or other accessories) must be washable and constructed of weather-resistant materials, designed for outdoor use, maintained in a safe and sanitary condition, and located fully within the separated outdoor seating area.
 - b. Plant materials are in containers that allow for movement.
 - c. Signage related to the outdoor seating areas should be limited to within the signage allowances for the establishment. See section 50.0853.
 - d. Any lighting used to illuminate the outdoor seating area is arranged to reflect the light away from the adjoining property and public streets or alleys.
 - e. Property owner is responsible for maintaining daily litter in the public right-of-way within one hundred (100) feet of the cafe on a daily basis.
 - f. All outdoor seating areas in the historic preservation district must be conducive with the intent of the historic preservation guidelines, as applicable and be compliant with article IV of this chapter.

That the motion for the adoption of the foregoing resolution was duly seconded by Councilor , and upon a vote being taken thereon, the following voted in favor thereof: Councilors Christensen, Baker, Howland, S. Rasmussen, R. Rasmussen, Anderson, and Mayor Murray;

And the following voted against the same: None. Mayor Murray declared the resolution passed.

Introduced and passed the first time this 8th day of May, 2023

Mayor Rich Murray

Filed and attested this 9th day of May, 2023

Secretary of the Council