

ORDINANCE NO. _____

AN ORDINANCE to amend Sections 40-103, various subsections of 40-106(3), 32-106(e), 4-45(b), 4-109(b) and 115-398(g) and to create various subsections of 40-106(3) of the Code of Ordinance for the City of La Crosse regarding outdoor dining areas in public right-of-way.

SECTION I: Section 40-103 is hereby amended by revising the following definition:

Outdoor dining area means a designated area where dining appurtenances are located on a public street, other adjacent public right-of-way, or a sidewalk within a public right-of-way, partially within the public right-of-way and partially upon private property or, upon private property within an adjacent greenspace or off-street parking spaces, and operated as an integral part of an adjacent business, such as a bakery, candy or ice cream store, coffee shop, food store, grocery, delicatessen, restaurant, tavern, tasting room, or other like establishment for the purpose of outdoor dining.

SECTION II: Section 40-106(3)(a)(3) and (4) are hereby amended and (5) and (6) are hereby created to read as follows:

3. A scaled site plan for an outdoor dining area, to include the location and boundary of the proposed outdoor dining area; the dimensions of the remaining width of the sidewalk outside the outdoor dining area; the dimension from the outdoor dining area to the curb and all buildings; and the location of awnings, dining appurtenances within the outdoor dining area. The plans shall also indicate: existing property lines; associated buildings and entrances; extent of sidewalk adjacent to businesses, face of curb, location of fire hydrants, bus shelters and/or stops, trees, utility poles, signs, benches, light poles, waste receptacles, driveways, alleys, vaults, exterior fire department connections, and any other obstructions within the public right-of-way at the proposed location of the outdoor dining area and for an additional 20 feet there from. Site Plan shall also include dimensions of the proposed outdoor dining area, the number of tables/seats and the distances between them, and the location of all fencing with a description of type and materials.
4. Identification of zoning district of primary building of business.
5. Plans for any proposed structures such as raised platforms, enclosures, and/or roofs.
6. Photos, attachments, and/or renderings or any other information that will help the City better understand, review, and process your application.

SECTION III: Section 40-106(3)(b)(3), (4), (5) and (6) are hereby created to read as follows:

3. A barrier must be provided to separate the dining area from vehicular traffic. Rigid metal barriers or stanchions are permitted. Concrete barriers on each end of the outdoor dining area are required. Chain link or snow fences are not permitted. Other, free standing, durable fencing may be considered by the Board. Fences or barriers shall be a minimum of at least 42" in height.
4. Raised platforms or other structures for outdoor dining may be permitted upon the review and approval of the Board. Review and approval may also be required by the Fire Department.

5. Outdoor dining areas located on public street must not impede stormwater drainage in the gutter.
 - i. No stormwater flow obstruction in curb and gutter. At minimum 30" x 6" opening over curb and gutter should remain unobstructed at any time.
 - ii. No covering or obstructing utilities access points. Proposed structure should not be over and closer than five feet to the nearest edge of the utilities manholes and water valves.
6. Outdoor dining areas should have an emergency exit that meets applicable fire and building codes.

SECTION IV: Section 40-106(3)(c)(3) is hereby amended and (5) and (6) are hereby created to read as follows:

3. The outdoor dining area may not include within the proposed area of encroachment, bus stops, fire hydrants, exterior fire department connections, or other facilities deemed necessary for public safety.
5. All outdoor dining areas must provide their own trash receptacles and shall not use City of La Crosse trash receptacles.
6. All ADA requirements must be met.

SECTION V: Section 40-106(3)(d)(3), (5), (8), (11), and (13) are hereby amended and (14), (15) and (16) are hereby created to read as follows:

3. Amplified music and sound, and non-amplified music are prohibited unless permitted by the Board.
5. Portable propane heaters are permitted within the outdoor dining area provided they are in minimum of 80 inches in height and located at least five feet from a building. Propane tanks are not allowed to be stored within the building or within 10 feet of an entrance door to the building. The use and storage of propane tanks must follow the requirements laid out in NFPA 1, Chapter 69 (2012 ed.).
8. Operating hours for the outdoor dining areas shall be between the hours of 7:00 a.m. -10:00 p.m. consistent with the operating hours of the associated business, unless the affiliated business is located within 200 feet to a residential zoning district, in which case outdoor dining areas shall not be operated between the hours of 10:00 p.m. and 7:00 a.m.
11. Outdoor dining areas and dining appurtenances shall be permitted to occupy sidewalks within the public right-of-way throughout the year; provided, however, snow and ice removal shall be the obligation and at the expense of the permit holder. Outdoor dining areas will not be permitted in public streets from November to April unless permitted by the Board.
13. Alcohol beverages in the outdoor dining area are prohibited unless approved pursuant to 4-45(b) and/or 4-109(b).
 - i. ~~Alcohol beverages may be permitted in the outdoor dining area under the Outdoor Café Program adopted by the Common Council. Expansion of the licensed premises must be provisionally approved by the City Clerk pursuant to Section 4-45(b).~~
14. No vertical drinking or dining is permitted; one person allowed per seat in the outdoor dining area.
15. On-street dining areas shall not require streets to be closed.
16. Outdoor dining areas are not permitted on State Highways unless permitted by the Wisconsin Department of Transportation.

SECTION VI: Section 32-106(e) is hereby amended to read as follows:

- (e) Street privilege permits under this section may be granted in accordance with the terms and conditions stated under Article IV of Chapter 40 of the Code, approved by the Board of Public Works and City Clerk, and shall be subject to a permit fee established by resolution pursuant to Section 40-108, approved under the Outdoor Café Program adopted by the Common Council. No permit fee is required as established by resolution.

SECTION VII: Section 4-45(b) is hereby amended to read as follows:

- (b) Expansion of licensed premises under this section may be provisionally approved for outdoor dining areas by the City Clerk stated under Article IV of Chapter 40 of the Code, approved by the Board of Public Works and City Clerk, and shall be subject to a permit fee established by resolution, under the Outdoor Café Program adopted by the Common Council. Said request shall be forwarded to the Judiciary and Administration Committee and Common Council for consideration no later than the next regularly scheduled meeting. Fencing for expanded licensed premises will be approved in accordance with Section 40-106(3), the Outdoor Café Program Guidelines. No permit fee is required as established by resolution. Expansion of licensed premises for outdoor dining areas on private property must meet the requirements stated in Section 40-106(3).

SECTION IX: Section 4-109(b) is hereby amended to read as follows:

- (b) Expansion of licensed premises under this section may be provisionally approved for outdoor dining areas by the City Clerk stated under Article IV of Chapter 40 of the Code, approved by the Board of Public Works and City Clerk, and shall be subject to a permit fee established by resolution, under the Outdoor Café Program adopted by the Common Council. Said Request shall be forwarded to the Judiciary and Administration Committee and Common Council for consideration no later than the next regularly scheduled meeting. Fencing for expanded licensed premises will be approved in accordance with Section 40-106(3), the Outdoor Café Program Guidelines. No permit fee is required as established by resolution. Expansion of licensed premises for outdoor dining areas on private property must meet the requirements stated in Section 40-106(3).

SECTION X: Subsection 115-398(g) is hereby amended to read as follows:

- (g) Fences that are required for an outdoor dining area under the Outdoor Café Program will be approved in accordance with Section 40-106(3), the Outdoor Café Program Guidelines. No permit will be required from the City of La Crosse Fire Department Division of Community Risk Management.

SECTION XI: This ordinance shall take effect and be in force from and after its passage and publication.

Mitch Reynolds, Mayor

Nikki M. Elsen, City Clerk

Passed:
Approved:
Published: