



**Emergency Ordinance
Regarding Outdoor Dining
During the COVID-19 Pandemic
Emergency
(pursuant to Section 2-515 of the
Fresno Municipal Code)**

Planning and Development Department
2600 Fresno Street, 3rd Floor, Rm 3076
Call (559) 621-8277 for an appointment or visit www.fresno.gov for
information

Policy and Procedure No.

C-008

Date:

September 09, 2020

Target Audience:

Planning staff and the general public.

Purpose:

On May 21, 2020, the Council of the City of Fresno adopted emergency Ordinance No. 2020-020 adding Section 2-515 to the Fresno Municipal Code (FMC) to assist restaurant businesses which have been limited to take out only, and which will likely be unable to operate at full capacity within indoor premises for an extended period of time, to temporarily utilize Outdoor Dining in order to accommodate and retain patronage while ensuring compliance with CDC recommendations for distancing and provide protections to the public to reduce spread of the virus.

This Policy outlines the City of Fresno Planning and Development Department, Development Services (Planning) Division procedures for purposes of processing and expediting Zone Clearance applications specific to Outdoor Dining in common areas and parking lots of shopping centers during the Covid-19 pandemic emergency and until expiration/repeal of Section 2-515 of the FMC.

- * *Outdoor dining proposed on City property is permitted with permission of the City Manager.*
- * *The provisions of the emergency ordinance and Section 2-515 et seq. do not apply to use of public rights-of-way.*

Policy:

Application Not Required:

When outdoor dining is proposed pursuant to the provisions of §2-515 of the FMC and this policy, the property owner and business operator shall assume all responsibility for ensuring and maintaining compliance with these provisions and requirements.

Standards and Regulations:

- Property owner authorization is required and shall be kept on-site and made readily available to City Officials upon request (see sample authorization form included herein below).
- Pursuant to §2-515(a) of the FMC, Outdoor Dining may include consumption of alcohol (with an existing alcohol sales license) so long as it is combined with consumption of food and in compliance with California Alcoholic Beverage Control (ABC) Requirements.
- Outdoor dining shall be provided in accordance with the following requirements of §2-515(b) of the FMC:
 - Proper social distancing shall be maintained with dining areas demarcated with tape or barriers;

- Excess seating shall be removed when feasible, or blocked off if the seating or tables are permanently affixed;
 - For parking lots, every other parking stall may be used;
 - Parking stalls between those stalls which are used for tables shall remain vacant.
 - No disabled person parking stalls may be used.
 - Businesses shall follow any additional State and County requirements in effect at the time; and,
 - All employees must wear masks and wash hands frequently.
- * *NOTE: Further regulations may be issued by the City Manager, with approval by the Police Chief and City Attorney.*
- Locations. Outdoor operations shall occupy a fixed and delineated location that does not disrupt normal function of the site or its circulation and does not encroach upon driveways, obstruct required pedestrian walkways or paths-of-travel (as described herein below) or required landscaped areas.
 - For parking lots, parking stalls may be used subject to the following;
 - Exclusive outdoor operational areas for independent businesses shall retain a minimum of one vacant parking stall between outdoor operational areas.
 - No disabled person parking stalls may be used.
 - Outdoor operational areas shall not disrupt normal circulation of the site. The outdoor operational area shall not encroach upon driveways, interfere with required pedestrian and vehicular access, points of ingress/egress (including but not limited to fire lane or fire access ways) or easements;
 - Clear paths of travel and walkways shall be provided and maintained in accordance with American with Disabilities Act (ADA) and California Code of Regulations, Title 24, Part 2 California Building Code requirements.
 - A four foot pedestrian pathway shall be maintained and not blocked by the outdoor operation area.
 - Outdoor operation areas shall not obstruct sight distance or otherwise create hazards for vehicle or pedestrian traffic.
 - Shade covers, including umbrellas, tents, and/or awnings to protect patrons from inclement weather are permitted.
 - Shade covers shall be properly anchored or weighted to prevent overturning due to wind or weather.
 - A building permit is required for any temporary tent or canopy larger than 120 square feet.
 - Hours of operation for outdoor dining areas shall not be permitted to exceed allowable hours of operation for the respective business.
 - Compliance with all applicable noise standards of the Fresno Municipal Code shall be required.
 - Refuse/Litter. The operator shall provide waste removal and shall be responsible for collecting trash and recycling in outdoor areas each day operations occur.

- If complaints are received regarding outdoor operations, the Planning and Development Department Director may impose other conditions that would ensure the operation of the proposed outdoor area in an orderly, efficient and safe manner (this may include submittal of a zone clearance application with additional exhibits or documentation for review and approval prior to resuming outdoor operations).

Documents & Fresno Municipal Code Sections Referenced in this Policy/Procedure:

[Ordinance No. 2020-020 adding Section 2-515 to the Fresno Municipal Code \(FMC\)](#)

[Section 15-2744 of the Fresno Municipal Code \(FMC\).](#)

Review and Responsibility:

The Planning & Development Department, Development Services (Planning) Division is responsible for the implementation of this policy.

Forms (attached):

[Owner Authorization Form](#)

Signature:



Jennifer K. Clark, AICP, HDFP, Director

Dated: 9/8/2020