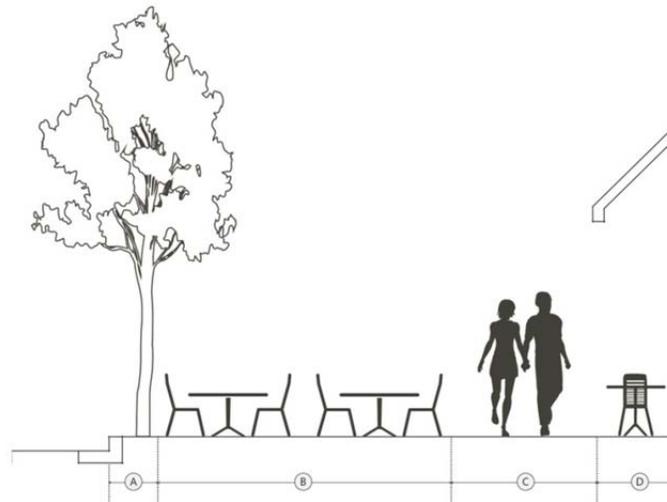


Standard Operational Requirements Outdoor Dining in the Public Right-of-Way

All outdoor dining areas located in the public right-of-way shall comply with the following requirements.

- Outdoor dining areas shall be allowed within the Curbside Furniture Zone and Property Line Furniture Zone, as illustrated in **Figure 1. Permitted Locations for Outdoor Dining Areas**. Limited encroachments into the Buffer Zone are permitted as noted.

Figure 1. Permitted Locations for Outdoor Dining Areas

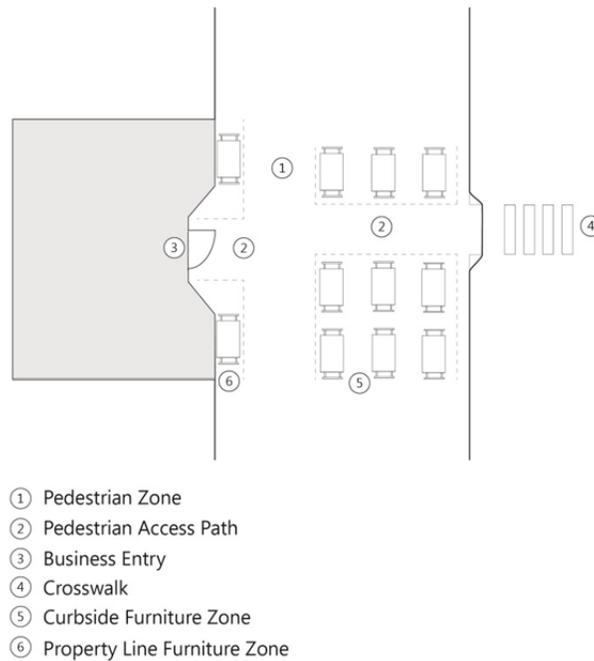


| A Buffer Zone ¹ | B Curbside Furniture Zone | C Pedestrian Zone | D Property Line Furniture Zone |
|-------------------------------|------------------------------|----------------------|-----------------------------------|
| 2' | Varies | 6' minimum | 0' – 3' |

¹ The Buffer Zone may be reduced to 18-inches where on-street parking is angled or perpendicular or where no on-street parking is allowed.

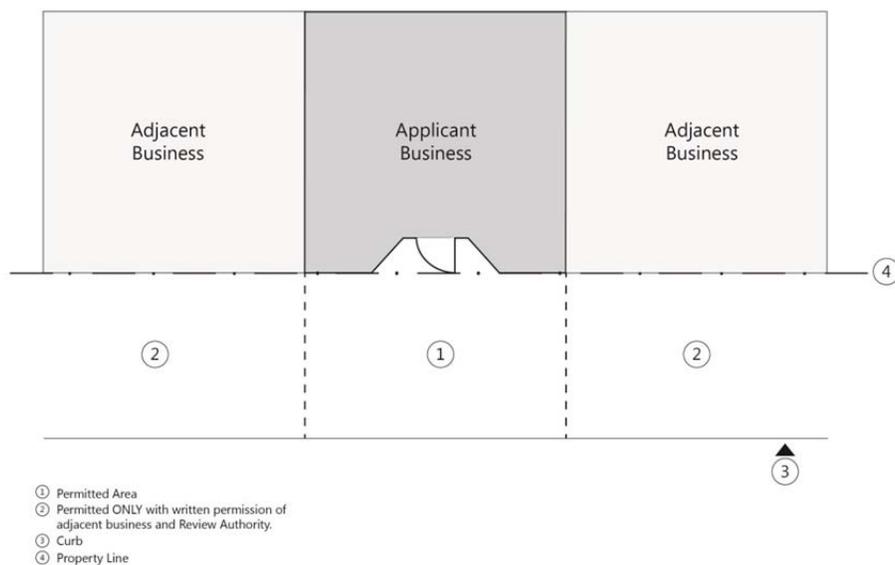
- The Buffer Zone shall remain unobstructed at all times at the minimum distance specified in **Figure 1** and shall be measured from the face of curb.
- The Pedestrian Zone shall remain unobstructed at all times at the minimum distance specified in **Figure 1**. Parking meters, traffic signs, trees, planters, benches, and all similar obstacles shall constitute an obstruction within the Pedestrian Zone area for purposes of meeting this requirement.
- No outdoor dining area shall obstruct or prevent adequate public access to seating or landscape features intended for public use or other key features such as parking meters, as determined by the Review Authority.
- 4-foot clear Perpendicular Pedestrian Access Paths shall be maintained to provide access from the Pedestrian Zone to points of building ingress/egress and ramps for pedestrian access to crosswalks, including midblock crossings. Perpendicular Pedestrian Access Paths shall remain unobstructed at all times. See **Figure 2. Perpendicular Pedestrian Access Paths**.

Figure 2. Perpendicular Pedestrian Access Paths



6. A minimum eight-foot height clearance shall be maintained within the Pedestrian Zone Perpendicular Pedestrian Access Paths.
7. The outdoor dining area must be located in the public right-of-way space in front of the associated business, determined by extending the bounds of the business frontage perpendicular to the face of curb. Outdoor dining areas may extend into the public right-of-way space located in front of an adjacent business only with written approval of the adjacent tenant and the Review Authority, as illustrated in **Figure 3. Permitted Extensions into Adjacent Spaces.**

Figure 3. Permitted Extensions into Adjacent Spaces



8. Mobile vendors are not permitted within outdoor dining areas.
9. The surface of the sidewalk shall be cleaned and maintained by washing or buffing to remove any stains, marks, or discoloration to the satisfaction of the Public Works Department and in accordance with prevailing storm water and water quality regulations.
10. No marking or alterations of the sidewalk are permitted with this Zone Clearance. Furthermore, no permanent fixtures are permitted to be located in the public right-of-way with this Zone Clearance. Such markings, alterations, or fixtures may be considered with the issuance of an Encroachment Permit at the discretion of the Public Works Director.
11. Non-permanent fixtures shall be secured in a manner that will prevent fixtures from unintended transfer or movement. This may include, but not be limited to, using weights to secure umbrellas to prevent fly away, securing non-permanent barriers with steel plate footings to prevent shifting or tipping, etc.
12. The design of all furniture and temporary fixtures shall be of a quality to sustain weather and wear, and shall be of a material other than molded plastic. Furniture shall be of durable materials such as wrought iron, wood, steel, or cast aluminum. Planter boxes, where used, shall be of quality materials such as wood, precast concrete, terra cotta, or other pottery, and shall not be of plastic. Alternative materials may be used only with written approval from the Review Authority.
13. All fixtures, including furniture, barriers, shade covers, and/or misters/heaters shall be maintained in good working and physical condition and located in accordance with the manufacturer's specifications, as applicable. Umbrellas shall be fire-treated.
14. Signage and/or advertising are not permitted under this Zone Clearance. Separate permits are required.
15. It shall be the responsibility of the business to provide an adequate number of trash receptacles within the outdoor dining area to accommodate the amount of trash generated by the business. Trash receptacles shall be emptied by the business as often as necessary to prevent overflow. The outdoor dining area and adjoining curb, gutter, and sidewalk shall be maintained in a neat, clean, and orderly condition at all times, regardless of the source of refuse and litter.
16. Amplified sounds from the establishment when located in the downtown shall not be audible from a distance of 200 feet from the outdoor dining area and shall be in compliance with the Noise Ordinance.
17. Public liability insurance in an amount specified by the City and naming the City of Fresno as an additional insured shall be maintained in full force and effect while this Zone Clearance is in effect.
18. The City shall have the right to suspend or prohibit the operation of an outdoor dining area at any time because of anticipated or actual problems or conflicts in the use of the sidewalk area.
19. The outdoor dining area in the public right-of-way approved under this Zone Clearance is temporary in nature and it vests no permanent rights whatsoever. Upon 30 days' notice the Zone Clearance may be revoked and the sidewalk furniture ordered removed. Such notice shall be posted on the premises and shall be provided to the official contact person specified on the application. Such notice may be waived where the permitted use shall become dangerous or unsafe, as determined by the City.