

## ORDINANCE NO. 21-03

### AN ORDINANCE AMENDING SECTIONS 4-16 CB, COMMUNITY BUSINESS DISTRICT AND 4-17 CC, CITY CENTER DISTRICT OF THE NEW HOPE CITY CODE RELATED TO PERFORMANCE STANDARDS FOR OUTDOOR DINING

#### THE CITY COUNCIL OF THE CITY OF NEW HOPE ORDAINS:

**Section 1.** Section 4-16(d)(4), *Uses by Administrative Permit, CB*, Outdoor dining, accessory. Outdoor dining as an accessory use for restaurants, drive-in, and convenience food establishments, under a conditional use permit subject to the following conditions is hereby amended to read as follows:

- c. The size of the dining area is restricted to 30 percent of the total customer floor area within the principal structure. for restaurants located in shopping centers, multiple tenant buildings or within a site with shared parking. Freestanding restaurants may exceed the 30 percent outdoor dining size restriction provided they meet the following provisions:
  1. The freestanding restaurant is located on its own lot and does not share parking with another businesses.
  2. The maximum allowable size of the outdoor dining area shall be based on site meeting the city's parking requirement for restaurant dining and bar space for both the indoor and outdoor dining.
  3. The outdoor dining area shall maintain a minimum setback of five (5) feet from property lines abutting other commercial properties or public streets.
  4. The outdoor dining areas shall maintain a minimum setback of thirty (30) feet from property line abutting a residential land use.

**Section 2.** Section 4-17(d)(1)d. Administrative uses listed in Table 4-17(d)-1 are also subject to the following administrative use provisions, *Outdoor dining* is hereby amended to read as follows:

2. The size of the dining area is restricted to 30 percent of the total customer floor area within the principal structure. for restaurants located in shopping centers, multiple tenant buildings or within a site with shared parking. Freestanding restaurants may exceed the 30 percent outdoor dining size restriction provided they meet the following provisions:
  - i. The freestanding restaurant is located on its own lot and does not share parking with another businesses.
  - ii. The maximum allowable size of the outdoor dining area shall be based on site meeting the city's parking requirement for restaurant dining and bar space for both the indoor and outdoor dining.
  - iii. The outdoor dining area shall maintain a minimum setback of five (5) feet from property lines abutting other commercial properties or public streets.
  - iv. The outdoor dining areas shall maintain a minimum setback of thirty (30) feet from property line abutting a residential land use.

**Section 3.** Effective Date. This ordinance shall be effective upon passage and publication.

APPROVED by the New Hope City Council this 28th day of April, 2021.

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Kathi Hemken, Mayor

ATTEST:

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Valerie Leone, City Clerk