



**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

**To:** Phoenix City Council

**Date:** June 23, 2020

**From:** Alan Stephenson  
Planning and Development Director

**Subject:** Proposed Temporary Outdoor Dining and Signs Guidelines

**TEMPORARY OUTDOOR DINING**

During the COVID-19 Pandemic restaurants located within a zoning district that permits outdoor dining and alcohol consumption will be able to expand an existing outdoor dining area without a use-permit hearing if the restaurant operator secures an Administrative Temporary Use Permit (ATUP) with no fee. Restaurants that do not have an existing outdoor dining area shall only be permitted to establish one through the ATUP process, so long as they are not within 500-feet of a residential zoning district boundary. In addition to the 500-feet, restaurants within C-1 zoned property may only expand alcohol sales if they have an approved use permit for the overall restaurant for alcoholic beverage consumption. These provisions are necessary because of the potential for the outdoor activity to create nuisance issues to nearby residential uses and because the C-1 neighborhood retail zoning district requires that a use permit be approved for any alcoholic beverage consumption on the parcel.

An applicant requesting to utilize these allowances shall be required to submit an ATUP application and enclose a letter and attachments that demonstrate compliance with the following:

- Written authorization from the property owner authorizing the expanded area.
- A site or plot plan that depicts the location of buildings and the proposed outdoor dining area or expanded outdoor dining area.
- The Temporary Extension of Premises application submittal to the Arizona State Liquor Board.

The ATUP supplemental letter shall also address how the requested outdoor dining area will:

- Not occupy or impact the use of ADA facilities or public sidewalks.
- Not eliminate required parking spaces (excess parking spaces are permitted to be occupied).
- Not block existing private or public driveways/accessways or drive aisles.
- Not block fire lanes, loading or unloading zones or other designated public safety areas

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- Abide by any zoning stipulations associated with the site from either the underlying zoning case or an approved use permit for the outdoor dining.
- Comply with other applicable City Ordinances (including Zoning Ordinance and Building Codes).

An allowance for the use of required parking spaces for an outdoor dining area will be considered if the restaurant is implementing social distancing measures resulting in a reduction in the amount of existing dining area and can demonstrate that the proposed outdoor dining area does not exceed the square footage of the existing dining area.

If alcohol will be provided in the proposed outdoor dining area the necessary approvals must be secured from the Arizona Department of Liquor Licenses and Control. The applicant must include the pertinent information about the extension of premises application in the letter a staff will evaluate that request concurrent with the request for outdoor dining and alcohol sales. Applicant must state in the ATUP application that they are submitting truthful information and acknowledge that misrepresentation or not maintaining the expanded area in conformance with the ATUP requirements is grounds for revocation of the approved ATUP.

Approval of the ATUP is due to the COVID-19 Pandemic and will not be granted unless the above criteria is met as approved by the Planning and Development Department Director or designee. The applicant must abide by the outlined conditions in the ATUP and/or other requirements placed on the area at the time of ATUP approval. The Planning and Development Director reserves the right to revoke the approval of the ATUP issued pursuant to this memo. The program may end earlier than the City Council rescinds the Local Emergency Declaration if circumstances warrant. If rescinded the Planning and Development Director will provide 60 days' notice in writing to any approved ATUP holder under this temporary program.

### **TEMPORARY SIGNS**

The purpose of these guidelines is to keep pedestrians and motorists safe and prevent hazards from being created by blocking sidewalks and other pedestrian areas and preventing encroachment into sight visibility triangles at intersections for vehicular traffic.

These guidelines are intended as a temporary relief measure during the COVID-19 Pandemic for businesses and do not apply to non-business uses.

1. No temporary signs shall encroach into the public right-of-way or the traffic visibility zone (also known as visibility triangles) at corners or driveways.
2. Sign permits for temporary signs in non-residential zoned areas, Downtown Code area, and properties zoned Walkable Urban Code are not required during the COVID-19 Pandemic.

3. Banners shall be subject to the following safety standards:
  - a. Banners shall be attached to a solid structure in a secure manner.
  - b. Banners shall have a minimum clearance of eight feet above grade when placed above an area open for the common or general use of the public.
  - c. Banners shall be vented to ensure they will withstand wind pressure from any direction applied to the projected exposed area.
  - d. Banners shall not project above the roofline.
4. Balloons shall be subject to the following safety standards:
  - a. Balloons shall be securely fastened.
  - b. Balloons shall be set back from the property line at least one foot for each foot of the height of the balloon, including the tethering cord.
  - c. Balloons shall not project above the roofline.
5. Notwithstanding these guidelines, the City Planning and Development Department reserves the right to remove any temporary sign that poses imminent danger to the public health and welfare.