

Sec. 16-4-190. - Review standards applicable to particular uses.

- (a) Uses in Zone Districts. Certain uses are important to the character and functions of the City, but may not be appropriate in all circumstances within a particular zone district. Such uses cannot be judged solely by standards common to all uses in the zone district. These uses also require additional standards by which their location, site plan, operating characteristics and intensity can be reviewed. Those uses which require such additional standards are identified in the "Standards" column of Table 16-D, Schedule of Uses. The standards for each of these uses follow below.
- (r) Downtown Street Patios. The downtown street patio program allows the use of public street right-of-way in the downtown for outdoor dining and retail activities. Downtown is defined as that area zoned Central Business (C-2) and generally within the boundaries of Fourth Street, the Monarch Spur Trail, D Street and the Arkansas River. The purpose of this policy is to enliven the outdoor environment and promote economic vitality while protecting the health, safety and welfare of residents, pedestrians, businesses, and visitors. These requirements are for applications for patios submitted after March 20, 2018.
 - (1) Siting and Use Standards. A downtown street patio will be allowed with approval of a conditional use permit, issuance of a revocable license and all applicable fees are paid. The use permit shall be subject to the conditions below or as modified by the approving body:
 - a. Downtown street patios will be allowed year-round for businesses that are open year-round. If the business is not open year-round the patio shall be removed from the right-of-way from October 1 to May 1 of each year. It shall be the responsibility of the business owner to remove snow from the street on all sides of the patio that cannot be reached by City snow plows, within twenty-four (24) hours of a storm event.
 - b. Patios shall not exceed a size of eight (8) feet by twenty (20) feet within the roadway. The structures may extend over the sidewalk up to one (1) foot. Any proposed roof or covers shall be shown as a part of the application. Patios cannot obstruct access to City infrastructure such as water meters, curb shut-offs, manholes and tree grates.
 - c. Ramps for accessibility shall be integral to the design and not present an obstacle within the sidewalk.
 - d. Patios shall not be located at intersections of streets or alleys in such a way as to block appropriate sight triangles.
 - e. Once there is one (1) downtown street patio established within a block to include both street frontages, an additional patio may only be allowed through the conditional use process if the additional review standard to Section 16-4-110(d) is met:
 - 8. Additional Downtown Street Patio per Block. The additional patio will allow vehicle movements in the street; pedestrian passage and not overly restrict parking within the block.

It shall be the applicant's responsibility to provide justification that the additional patio meets this standard.

 - f. The location of the patio must be in proximity to the front door of the business being served within an existing parking space.
 - g. Signage is not allowed on the patios except for customer menus and signage approved by the City for public purposes.
 - h. Use of the patios shall be for retail food and beverage establishments and retail establishments that serve specialty foods and beverages (e.g. ice cream shops, coffee houses, and bars/distilleries/brew pubs) located within buildings in the downtown. Alternative uses may be considered through the conditional use process if an additional review standard to Section 16-4-110(d) is met:

9. Alternative Uses for Downtown Street Patios. The alternative use meets the intent of the downtown street patio program by enlivening the outdoor environment and promotes economic vitality while protecting the health, safety and welfare of residents, pedestrians, businesses, and visitors and by meeting the siting and use standards above. The alternative use should have a high customer turnover; be an attraction; provide interest to pedestrian level views; and allowing the use al fresco adds to the intrinsic value of the use.

It shall be the applicant's responsibility to provide justification that the alternative use meets this standard.

- i. The applicant shall reduce the impact on parking in the downtown by providing a minimum of one (1) off-street parking space for customers or employees. The parking space shall either be owned or leased within the C-2 district. Verification shall be provided with the application. This requirement may be met by providing a fee-in-lieu of the parking space in an amount equal to and in addition to the lease amount as provided in the revocable license agreement. Proceeds will dedicated to parking purposes for the downtown.
 - j. Installation of the downtown street patio shall be approved by the Community Development Department.
 - k. A downtown street patio may not be combined with encroachment permits for use of sidewalks in accordance with Section 11-4-20.
 - l. The initial approval of a downtown street patio shall be for one (1) year. After review by the approving body after the initial period, the conditional use permit may be renewed for longer periods.
- (2) Revocable License Required. Business owners who receive conditional use approval for downtown street patios will have to enter into a revocable license agreement with the City, as approved by the City Council, prior to installation of the patio.

(Ord. No. [2014-05](#), 5-6-2014; Ord. No. [2017-07](#), § 2, 4-18-2017; Ord. No. [2018-07](#), § 2(Exh. A), 3-20-2018; Ord. No. [2019-13](#), § 6, 9-6-2019; ; Ord. No. [2019-17](#), § 2(Exh. A), 12-3-2019; Ord. No. [2019-18](#), § 5, 12-20-2019)