
10.60.080 Outdoor facilities.

The purpose of this section is to permit and regulate commercial outdoor displays of merchandise on private property and materials in order to encourage visual interest along commercial streets and support the business community while minimizing adverse aesthetic impacts to the public and nearby residential uses.

A. **What is Permitted.** Outdoor facilities activities may include:

1. Outdoor display of merchandise (except bulk inventory), materials (including chairs and benches for customer waiting) and equipment including items for customer pick-up, on the site of and operated by a legally established business.
2. Outdoor food and beverage service and outdoor dining on the site of and operated by a legally established business and accessory to an eating and drinking establishment or food and beverage sales business with incidental seating area, as defined in Section 10.08.050. Outdoor food and beverage service and dining on public property is not regulated by this section and requires an encroachment permit pursuant to Chapter 7.36 of this Code.

B. **Where Permitted.** Outdoor facilities authorized by this section are permitted for all legally established commercial and industrial uses. Notwithstanding the aforementioned, outdoor facilities are prohibited in all residential districts.

C. **Performance Standards.** Outdoor facilities are subject to the following:

1. Outdoor display of merchandise or materials shall not occupy public property, and may not occupy more than fifty percent (50%) of the total "tenant frontage" of a building as defined in Section 10.72.030 of this title.
2. Yards, screening, or planting areas may be required to prevent adverse impacts on surrounding properties. The height of merchandise, materials, and equipment stored or displayed shall not exceed the height of the screening fence or wall, if required.
3. There shall be no outdoor preparation of food or beverages associated with outdoor dining where food is consumed at tables.
4. Amplified sound and live outdoor entertainment are subject to Chapter 4.20 (Amusements—dances and cafe entertainment) and Chapter 5.48 (Noise regulations).
Exception: Amplified sound and live outdoor entertainment shall be prohibited in outdoor dining areas above the ground floor, including indoor dining areas that are not fully enclosed on the same level.
5. Alcoholic beverages may be served or consumed in outdoor dining areas that are within 150 feet of residential uses, above the ground floor, or operate beyond 10:00 p.m., only if a Use Permit or a Use Permit amendment is obtained and subject to approval by the California Department of Alcoholic Beverage Control.
6. Outdoor dining area occupancy shall be determined by the availability of an adequately sized trash enclosure on the premises and service levels, subject to review and approval by the Public Works Department, prior to permit issuance. Otherwise, only existing tables used inside the restaurant may be used in the outdoor dining area. Changes in occupancy or minor expansions to the indoor dining areas above the ground floor solely to accommodate access to the outdoor dining area on the same level shall not require a Use Permit or a Use Permit amendment.
7. Off-street parking requirements in Chapter 10.64 shall apply to the outdoor dining areas, unless approved prior to this provision taking effect. As an alternative, a minimum of 5 bicycle parking

spaces on the premises for each vehicle parking space required may meet this requirement. If outdoor dining is provided on off-street parking spaces, the minimum required parking spaces and dimensions per Chapter 10.64 shall be maintained at all times. Outdoor dining shall only occur within off-street parking spaces that are not required to meet the minimum parking code requirements.

8. Outdoor dining activities must conclude by 10:00 p.m.

Exception: Eating and drinking establishments with outdoor dining located on the ground floor more than 150 feet away from residential uses may operate in compliance with other associated permits applicable to the business.

9. Outdoor dining above the ground floor shall not face or be located less than 15 feet away from residential uses. Sound attenuation guidelines, included in the City of Manhattan Beach Outdoor Dining Guidelines, on file with the Community Development Department and updated from time to time, shall be incorporated into the outdoor dining area design. Outdoor dining balconies over the right-of-way are prohibited unless approved prior to this provision taking effect. Any such balconies shall not be expanded.

10. The business owner shall comply with all applicable federal, State, and local ordinances, codes, regulations and requirements.

- D. Exceptions.** Notwithstanding the provisions of subsections A, B, and C of this section, outdoor storage and display shall be permitted in conjunction with the following use classifications in districts where they are permitted or conditionally permitted:
1. Nurseries, provided outdoor display is limited to plants and related materials only.
 2. Vehicle/equipment sales and rentals, provided outdoor display shall be limited to vehicles, boats, or equipment offered for sale or rent only.
- E. Application.** The owner of a business shall submit a written request with plans and an application fee, for an outdoor facilities permit ~~(which may consist of a letter)~~ to the Community Development Director. The request shall include a full description of the display activity, including but not necessarily limited to: types of items to be displayed, location on the site, and hours during which items are to be placed outdoors. The Community Development director shall review the application for compliance with performance standards contained in this section and may impose conditions to avoid adverse impacts such as but not limited to public safety impediments, visual clutter, and disorderly displays.
- F. Grounds for Denial—Revocation.** If adverse impacts cannot be prevented, the Community Development Director shall deny the outdoor facilities permit application. If a business fails to comply with the terms and conditions of an approved outdoor facility permit the Community Development Director, after holding a hearing in the manner as set forth in Section 10.104.030, may revoke the permit upon confirmation by the Director of Community Development or their designee of a third violation within a one-year period following the first violation. If revoked, the permittee shall be unable to reapply under this section for a one-year period from the date the permit is revoked.
- G. Duration and Renewal.** Upon approval, an outdoor facilities permit, excluding outdoor dining above the ground floor, shall be valid for a period of one (1) year or until March 1st, whichever occurs first. Outdoor facilities permits may be renewed annually, upon finding by the Community Development Director that the business has complied with all imposed terms and conditions, and that no adverse impacts or nuisance conditions have resulted.
- H. Appeals.** Decisions of the Community Development Director may be appealed to the Planning Commission in accordance with Chapter 10.100 of this Code.

(Ord. No. 1832 , Amended, 01/17/91; Ord. No. 1838 , Renumbered, 07/05/91; Ord. No. 1891 , Amended, 01/06/94; § 3, Ord. 2007 , eff. November 18, 1999)

DRAFT

Chapter A.60. Site Regulations - All Districts

A.60.080. Outdoor facilities.

The purpose of this section is to permit and regulate commercial outdoor displays of merchandise on private property and materials in order to encourage visual interest along commercial streets and support the business community while minimizing adverse aesthetic impacts to the public and nearby residential uses.

- A. What is Permitted. Outdoor facilities activities may include:
1. Outdoor display of merchandise (except bulk inventory), materials (including chairs and benches for customer waiting) and equipment including items for customer pick-up, on the site of and operated by a legally established business.
 2. Outdoor food and beverage service and outdoor dining on the site of and operated by a legally established business and accessory to an Eating and Drinking Establishment or Food and Beverage Sales business with incidental seating area, as defined in Section A.08.050. Outdoor food and beverage service and dining on public property is not regulated by this section and requires an Encroachment Permit pursuant to Chapter 7.36, Title 7 (Public Works) of the Municipal Code.
- B. Where Permitted. Outdoor facilities authorized by this section are permitted for all legally established commercial and industrial uses. Notwithstanding the aforementioned, outdoor facilities are prohibited in all residential districts.
- C. Performance Standards. Outdoor facilities are subject to the following:
1. Outdoor display of merchandise or materials shall not occupy public property, and may not occupy more than fifty percent (50%) of the total "tenant frontage" of a building as defined in Section 10.72.030/A.72.030 of the Sign Ordinance.
 2. Yards, screening, or planting areas may be required to prevent adverse impacts on surrounding properties. The height of merchandise, materials, and equipment stored or displayed shall not exceed the height of the screening fence or wall, if required.
 3. There shall be no outdoor preparation of food or beverages associated with outdoor dining where food is consumed at tables.
 4. Amplified sound and live outdoor entertainment are subject to Chapter 4.20 (Amusements—dances and cafe entertainment) and Chapter 5.48 (Noise regulations).

Exception: Amplified sound and live outdoor entertainment shall be prohibited in outdoor dining areas above the ground floor, including indoor dining areas that are not fully enclosed on the same level.

5. Alcoholic beverages may be served or consumed in outdoor dining areas that are within 150 feet of residential uses, above the ground floor, or operate beyond 10:00 p.m., only if a Use Permit or a Use Permit amendment is obtained and subject to approval by the California Department of Alcoholic Beverage Control.
6. Outdoor dining area occupancy shall be determined by the availability of an adequately sized trash enclosure on the premises and service levels, subject to review and approval by the Public Works Department, prior to permit issuance. Otherwise, only existing tables used inside the restaurant may be used in the outdoor dining area. Changes in occupancy or minor expansions to the indoor dining areas above the ground floor solely to accommodate access to the outdoor dining area on the same level shall not require a Use Permit or a Use Permit amendment.
7. Off-street parking requirements in Chapter A.64 shall apply to the outdoor dining areas, unless approved prior to this provision taking effect. As an alternative, a minimum of 5 bicycle parking spaces on the premises for each vehicle parking space required may meet this requirement. If outdoor dining is provided on off-street parking spaces, the minimum required parking spaces and dimensions per Chapter A.64 shall be maintained at all times. Outdoor dining shall only occur within off-street parking spaces that are not required to meet the minimum parking code requirements.
8. Outdoor dining activities must conclude by 10:00 p.m.
Exception: Eating and drinking establishments with outdoor dining located on the ground floor more than 150 feet away from residential uses may operate in compliance with other associated permits applicable to the business.
9. Outdoor dining above the ground floor shall not face or be located less than 15 feet away from residential uses. Sound attenuation guidelines, included in the City of Manhattan Beach Outdoor Dining Guidelines, on file with the Community Development Department and updated from time to time, shall be incorporated into the outdoor dining area design. Outdoor dining balconies over the right-of-way are prohibited unless approved prior to this provision taking effect. Any such balconies shall not be expanded.
- ~~3-10.~~ The business owner shall comply with all applicable federal, State, and local ordinances, codes, regulations and requirements.

D. Exceptions. Notwithstanding the provisions of subsections (A), (B), and (C) above, outdoor storage and display shall be permitted in conjunction with the following use classifications in districts where they are permitted or conditionally permitted:

1. Nurseries, provided outdoor display is limited to plants and related materials only.
2. Vehicle/Equipment Sales and Rentals, provided outdoor display shall be limited to vehicles, boats, or equipment offered for sale or rent only.

E. Application. The owner of a business shall submit a written request with plans and an application fee, for an outdoor facilities permit ~~(which may consist of a letter)~~ to the

Community Development Director. The request shall include a full description of the display activity, including but not necessarily limited to: types of items to be displayed, location on the site, and hours during which items are to be placed outdoors. The Community Development director shall review the application for compliance with performance standards contained in this section and may impose conditions to avoid adverse impacts such as but not limited to public safety impediments, visual clutter, and disorderly displays.

- F. Grounds for Denial: Revocation. If adverse impacts cannot be prevented, the Community Development Director shall deny the outdoor facilities permit application. If a business fails to comply with the terms and conditions of an approved outdoor facility permit the Community Development Director, after holding a hearing in the manner as set forth in MBMC Section 10.104.030, may revoke the permit upon confirmation by the Director of Community Development or their designee of a third violation within a one-year period following the first violation. If revoked, the permittees shall be unable to reapply under this section for a one-year period from the date the permit is revoked.
- G. Duration and Renewal. Upon approval, an outdoor facilities permit, excluding outdoor dining above the ground floor, shall be valid for a period of one (1) year or until March 1st, whichever occurs first. Outdoor facilities permits may be renewed annually, upon finding by the Community Development Director that the business has complied with all imposed terms and conditions, and that no adverse impacts or nuisance conditions have resulted.
- H. Appeals. Decisions of the Community Development Director may be appealed to the Planning Commission in accordance with Chapter 10.100 MBMC.