



# Outdoor Dining & Seating Information and Guidelines



City of Murrieta, Planning Department  
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[www.Murrieta.org](http://www.Murrieta.org) - City Website

## **Hours of Operation**

Monday – Thursday 7:30a.m. – 5:30p.m.  
Closed on Fridays



## **OUTDOOR DINING & SEATING INFORMATION and GUIDELINES**

February 4, 2008

### **PURPOSE**

These guidelines provide standards for the location and appearance of outdoor dining and/or seating areas in the City of Murrieta. The intent of the guidelines is to maintain a quality and consistent appearance of outdoor seating areas in keeping with existing Development Code standards. These guidelines are intended to save time and expense by pre-establishing standards that must be followed for all outdoor dining set-ups.

The City encourages the use of outdoor dining and seating areas, provided that business operators are mindful of two important considerations: (1) the safety and flow of pedestrian traffic; and (2) the visual appearance of the outdoor dining and/or seating areas. These design guidelines are also intended to ensure that outdoor dining / seating is done in a way that is both safe for pedestrians and appropriate for the surroundings.

### **APPLICATION PROCESS**

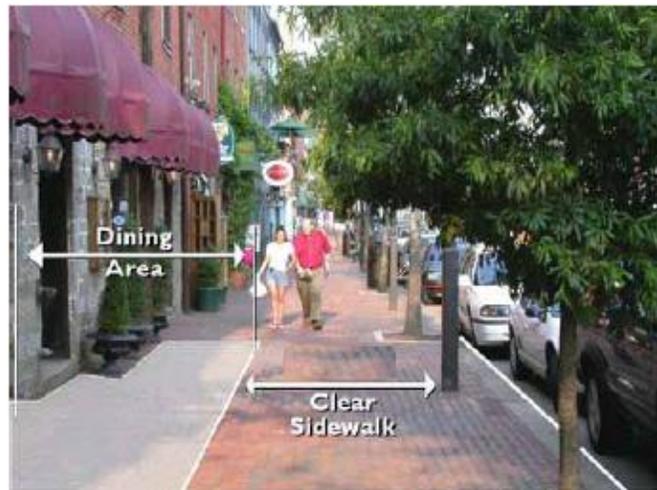
Outdoor seating may be allowed on private property as an accessory use associated with a legally approved eating and/or drinking business. If an application for outdoor seating is for eight (8) or fewer seats, and the proposal complies with these guidelines and regulations, it is generally allowed with administrative (staff) review and approval. Larger outdoor areas (more than 8 seats) which may significantly intensify the restaurant use, change the exterior of the building, or otherwise not comply with these guidelines, may be referred to the Planning Commission as a Conditional Use Permit (CUP).

### **OUTDOOR DINING & SEATING PLAN SUBMITTAL REQUIREMENTS**

- Floor Plan:** A plan showing the layout of the indoor business space, the proposed outdoor dining/seating area with appropriate setbacks indicated. Must identify center name, business name and street address.
- Site Plan & Vicinity Map:** A drawing showing the location of the restaurant/business within the entire shopping center. The center name and surrounding streets should be noted.
- Application Form & Processing Fee:** For dining areas requiring CUP approval, please refer to the Conditional Use Permit Submittal Requirements handout for additional items.
- Hold Harmless Agreement:** Only for dining / seating areas immediately adjacent to the public right-of-way. In these cases, a Hold Harmless Agreement shall be recorded releasing the City from any liability related to the outdoor dining/seating area.
- CUP Submittal Requirements:** For dining areas requiring CUP approval, please refer to the Conditional Use Permit Submittal Requirements handout for additional items.

## SETBACKS FOR OUTDOOR DINING / SEATING AREAS

- Handicapped Accessibility Requirements: If any of the standards listed below are found to be inconsistent with the American's with Disabilities Act (ADA) or California Building Code (CBC) requirements, the ADA and/or CBC standards shall apply.
- From Property Lines or Parking Lots: A minimum unobstructed setback of three (3) feet from property lines or parking lots, including cars overhanging the curb.
- Residential Uses: A minimum setback of two hundred (200) feet from residential uses (except approved mixed-use projects).
- From Other Businesses: The minimum setback necessary to maintain the visibility of neighboring businesses to pedestrians and motorists.
- Pedestrian Space: A minimum of three (3) feet of totally unobstructed walkway space shall be maintained around the outdoor seating area, and outdoor seating areas shall not disrupt disabled access.
- Perimeter Enclosure. Adequate space to ensure handicapped accessibility and to permit the movement of patrons and wait staff within the enclosure.
- Potential Impacts: Outdoor seating should consider the location of sensitive land uses and proper measures.



## DINING BARRIERS

Barriers are recommended, but are not required unless you plan to serve alcohol in the outdoor dining/seating area, or if the seating area is directly abutting public property.

Serving Alcohol: All areas where alcoholic beverages are served outside must comply with the standards established by the State Department of Alcoholic Beverage Control.

- Any perimeter fence and/or landscaped planter(s) shall be designed to clearly suggest that alcohol is not allowed outside the dining/seating area.

Abutting Public Property: Outdoor seating is prohibited on public property.

- For seating areas directly abutting public property, a physical separation in the form of an approved fence and/or landscaped planter is required.
- The fence/planter must be a minimum height of thirty-six (36) inches, but no higher than forty-eight (48) inches maximum.

Design & Appearance: The physical design of the fence, barrier and/or landscaped planter(s) shall be compatible with the design of the building.

- Dining/seating area barriers (fences, gates, ropes, etc.) shall be visually appealing, and help to separate the dining/seating area from the sidewalk.

- All barrier material must be maintained in good visual appearance, without visible fading, dents, tears, rust, corrosion, or chipped or peeling paint.

A variety of styles and designs are permissible for outdoor dining/seating area barriers, including the following:

**Sectional Fencing:** This is a desirable solution for outdoor seating areas using barriers, and is generally defined as rigid fence segments that can be placed together to create a unified fencing appearance. This type of fencing is portable, but cannot be easily shifted by patrons or pedestrians, as can less rigid forms of enclosures.

- Sectional fencing must be of metal (aluminum, steel, iron, or similar) or of wood construction and must be of a dark color (either painted or stained).
- Any barrier must be freestanding, without any permanent or temporary attachments to buildings, sidewalks or other infrastructure.



**Rope and Chain Rails:** Rope or chain-type barriers are generally defined as enclosures composed of a rope or chain suspended by vertical elements such as stanchions. These types of barriers are permitted if they meet the following guidelines:

- The rope or chain must have a minimum diameter of 1 inch, in order to remain detectable by the visually impaired.



- Vertical support posts (stanchions, bollards, etc) must be constructed of wood or metal (aluminum, steel, iron, or similar).
- A stanchion or other vertical supporting member that has a base must not be a tripping hazard.
- The stanchion base shall not be domed, and shall not be more than one-half (1/2) of an inch above the sidewalk surface.

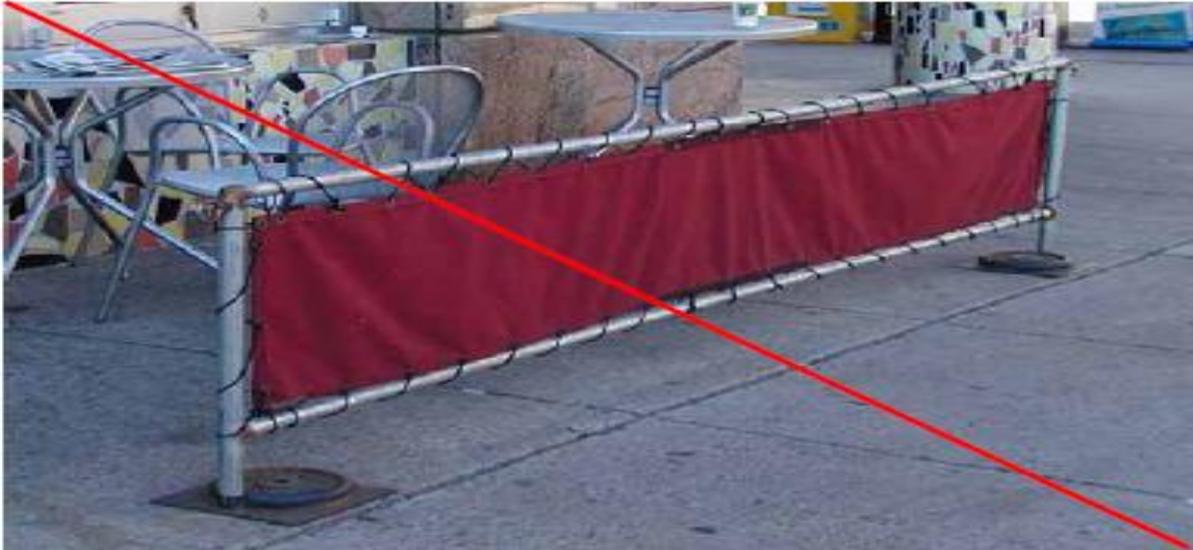
**Planters:** Planters may be used in addition to or in place of other barrier designs. Planters may be used in situations where no barrier is required in order to provide added visual interest and create a more attractive and welcoming atmosphere.

- All planters must have living plants contained within them.
- Dead plants within the planter must be replaced or the planter removed from public view.
- Artificial plants; empty planters; or planters with only bare dirt, mulch, straw, woodchips or similar material are not permitted.
- Seasonal, thematic planter displays are encouraged.



**Prohibited Materials:** Fabric inserts (natural or synthetic) of any size are not permitted to be used as part of a barrier.

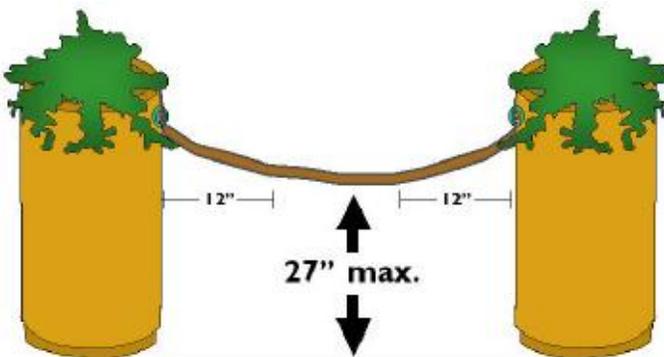
- The use of chain-link, cyclone fencing, chicken wire or similar material is prohibited.
- Materials not specifically manufactured for fencing or pedestrian control are prohibited unless they are expressly allowed elsewhere in these guidelines.
- Materials such as buckets, food containers, tires, tree stumps, vehicle parts, pallets, etc. are not permitted and shall not be used as components of a barrier.



### **BARRIER MEASUREMENTS**

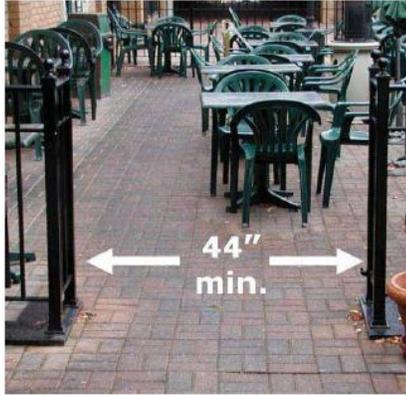
To ensure their effectiveness as pedestrian control devices and their ability to be detected by persons with vision impairments, barriers must meet the following measurements:

- Height: The highest point of a barrier (such as a stanchion) must measure at least 36 inches in height, with the exception of planters.
- Maximum Height of Planters and Plants: Planters may not exceed a height of 36 inches above the level of the sidewalk. Plants (whether live or artificial) may not exceed a height of 108 inches (8 feet) above the level of the sidewalk.
- Rope/Chain Distance from Ground: In the case of a rope or chain enclosure, the rope or chain must not exceed 27 inches in height.
- Maximum Distance from Ground: All barriers must be detectable to visually impaired pedestrians who employ a cane for guidance. Therefore, the bottom of barriers must be no greater than 27 inches above the sidewalk surface.



- “Open Appearance”: Fences or other perimeter enclosures with a height of between 36 inches and 48 inches must be at least 50 percent open (see-through) in order to maintain visibility of street level activity. Any enclosure with a height over 48 inches must be at least 80 percent open (see-through).

- **Minimum Access Width:** Any access opening within the barrier must measure no less than 44 inches in width.
- **Location:** Access openings should be placed in a location that will not create confusion for visually impaired pedestrians.



## FURNITURE AND FIXTURES

Outdoor dining furniture becomes a prominent part of the streetscape when used in the front of buildings, and such furniture needs to uphold the high standards applied to buildings and other improvements. To ensure compatibility with surrounding uses and a high standard of design quality, all physical elements associated with an outdoor seating area shall be compatible with the overall design of the main structure. A wide range of furniture styles, colors and materials are permitted.

- All furniture and fixtures must be maintained in good visual appearance, without visible fading, dents, tears, rust, corrosion, or chipped or peeling paint.
- All furniture and fixtures must be maintained in a clean condition at all times.
- All furniture and fixtures must be durable and of sufficiently sturdy construction as not to blow over with normal winds.
- Furniture and fixtures must not be secured to trees, lampposts, street signs, hydrants, or any other public street infrastructure by any means, whether during restaurant operating hours or when the restaurant is closed.



To ensure a quality visual appearance, the conditions on the following pages apply to outdoor dining furniture.

Tables and Chairs: Tables and chairs need to be functional, not only for patrons, but also for pedestrians, given the limited space available in some areas. Outdoor dining furniture must also contribute to the overall atmosphere and be complementary in both appearance and quality.

- Tables may be a dark or earth tone color, or a natural unpainted material (i.e. wood, metal, etc.).
- Tables shall not be white plastic or any fluorescent or other strikingly bright or vivid color.
- Upholstered chairs are permitted. Upholstery is not permitted to be of any fluorescent or other strikingly bright or vivid color.
- All chairs used within a particular establishment's outdoor seating area must match each other by being of visually similar design, construction and color.



Umbrellas: Umbrellas can add a welcoming feel to outdoor dining areas and provide shelter from the elements, making their use desirable for outdoor dining / seating applications. Appropriately designed and sized umbrellas are permitted subject to the following conditions:

- Umbrellas must be free of advertisements or product names.
- All parts of any umbrella (including the fabric and supporting ribs) must be contained entirely within the outdoor seating area.
- When extended, the umbrella must measure at least 7 feet above the surface of the outdoor dining area in order to provide adequate circulation space below.
- The 7 foot minimum height includes not only the umbrella frame and panels, but also any decorative borders such as fringes, tassels or other such ornamentation.
- No part of an umbrella may exceed a height of 10 feet above the surface of the outdoor dining area to avoid an undue visual obstruction of other businesses.
- Umbrellas must blend appropriately with the surrounding built environment.
- Umbrella fabric must be one solid color, and is not permitted to be a fluorescent or other strikingly bright or vivid color.
- Given the constrained space of many outdoor dining areas, it is strongly recommended that square or rectangular umbrellas be used, as opposed to round or octagonal umbrellas.
- Market-style umbrellas (those designed specifically for patio or outdoor restaurant use) are preferred for outdoor dining purposes.
- Umbrella fabric must be of a material suitable for outdoor use, and must be canvas-type.

- No plastic fabrics, plastic/vinyl-laminated fabrics, or any type of rigid materials are permitted for use as umbrellas within an outdoor seating area.
- Umbrellas must not contain signage for the restaurant or for any other entity in the form of wording, logos, drawings, pictorial or photographic representations, or any other similar identifying characteristics.



### **Prohibited Furniture**

All furniture other than tables, chairs, umbrellas and heaters are prohibited. This includes, but is not limited to, serving stations, bar counters, shelves, racks, sofas, televisions, cooking appliances and torches.

### **Prohibited Sidewalk Coverings**

The floor of outdoor seating areas should be uncovered sidewalk material as to provide continuity with the adjacent public sidewalk or private walkway.

- Prohibited seating area floor coverings include carpet, fabric, canvas, wool, tile, linoleum, nylon, vinyl or any covering intended to resemble turf.
- Raised decks, platforms, or other such surfaces are not permitted within outdoor dining areas.

**Signage** - Signage is not permitted within an outside dining area except with a valid City permit. No extra or additional signage is permitted solely as a result of having an outdoor dining area.

**Waste Receptacles** - Waste receptacles shall be provided in outside seating areas for “quick serve” establishments (typically using disposable utensils) and/or when table service is not provided. Waste receptacles shall not be placed in outside seating areas when table service is provided unless required by the Planning Director.

**Entertainment** - Outdoor seating areas that include dancing, entertainment, or amplified music require the preparation of a noise analysis with the appropriate mitigation measures. Outdoor entertainment requires a separate application from the City.

**Parking Requirements** - Outdoor seating areas with eight (8) or fewer seats will not be required to provide additional off-street parking. Outdoor seating areas with more than eight (8) seats shall comply with the requirements for off-street parking in Chapter 16.34 of the Development Code.

- The Planning Director may adjust the parking requirements for outdoor seating areas with 20 or fewer seats when the seating is operated on a seasonal basis.
- Outdoor seating areas that are used in common with several restaurants or tenants within a commercial center shall not be required to provide additional off-street parking for these common outdoor areas if the total number of seats does not exceed eight (8) seats per restaurant or 20 seats total.