

PAST, PRESENT & FUTURE

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ARIZONA RESTAURANT NEWS

The Magazine of the Arizona Restaurant Association

2014

Industry Update

Up and Coming Food Trends  The Landscape of Loyalty Programs  Evolution of Food TV

Considering Outdoor Dining? Consider This First.

By William F. Allison/Gallagher & Kennedy, P.A.

The weather across the desert is beautiful and Arizona restaurateurs increasingly are taking advantage of this asset with outdoor dining areas. Some additional seating, tables and staff and get started! But, wait! Before making the investment, there are several issues to consider and address to be sure the new outdoor area is successful and legal.



Location: Is the outdoor area on private property or a sidewalk/public right-of-way? If private property, check the lease to be sure it allows use of area beyond the building/suite. If public right-of-way, work with the city/town/county on the possibility of getting a revocable permit to use the sidewalk. Bottom line – be sure to have rights to use the outdoor area.

Zoning: Does the property's zoning allow outdoor dining? Some zoning districts and some cities/towns/counties are very restrictive about outdoor uses. Even if allowed, the zoning ordinance could require meeting specified standards, e.g. distance from a home, or obtaining approval through a public hearing. Even the shortest public hearing timeline is likely to take at least a month and delay opening of the outdoor area to customers.

Music/entertainment: Will the property's zoning permit outside entertainment or amplified sound? At a minimum, a city/town/county could have standards for amplified sound. Live entertainment is more likely to require approval through a public hearing. If applicable and possible, it makes sense to combine any entertainment application with an outdoor dining application. This approach could save time and money.



Parking: Is enough parking available on the property to accommodate the outdoor dining area? It is standard practice for a parking code to use the same parking ratio (e.g. 1 parking space for 50 square feet of dining area) to both indoor and outdoor dining. Smaller or older commercial properties might not have extra parking, especially if other restaurants are in the shopping center. If there is not enough parking on site, will the city/town/county allow legal parking off-site – either on private property or in the street? Or, is there a special circumstance with the property

that could warrant approval of a parking variance? Parking can be a major stumbling block and one of the trickiest issues to resolve.

Liquor service: Is outdoor liquor service part of the outdoor dining plan? If yes, for an existing restaurant with a liquor license,



House of Tricks

it will be necessary to complete an extension-of-premises request with the Arizona Department of Liquor License and Control. For a new restaurant or liquor license, the outdoor area must be included in the licensed premises on the liquor license application. The city/town/county could also have special, additional standards or public hearing requirements to serve liquor in an outdoor area. If this is true, it is advisable to include the liquor request with an outdoor dining application.



Gertrude's

Arizona's Restaurants are acclaimed for their outdoor dining spaces. AZ Central Listed the top restaurants with great patios, among the list are Arizona Restaurant Association members, The House at Secret Garden, Gertrude's, House of Tricks, Lon's at the Hermosa.



Lon's at the Hermosa