

**CITY OF NORMANDY, MISSOURI
AN ORDINANCE**

**1st READING 05/13/2025
2nd READING 05/13/2025**

**BILL NO. 25-13
ORDINANCE NO. 837**

AN ORDINANCE OF THE CITY OF NORMANDY, MISSOURI, AMENDING CHAPTER 405: ZONING REGULATIONS, BY THE ENACTMENT OF A NEW SECTION 405.758 REGULATING OUTDOOR DINING AS AN ACCESSORY USE.

WHEREAS, §§ 89.020 and 89.040 RSMo empower the City Council of the City of Normandy to adopt zoning regulations for the purpose of promoting the health, safety, and general welfare of the community; and

WHEREAS, § 89.060 RSMo empowers the City Council to amend and modify the City's Zoning regulations; and

WHEREAS, the City Council believes that enactment of outdoor dining regulations would promote economic development in the City, thereby promoting the general welfare of the community; and

WHEREAS, the City Council previously referred the consideration of outdoor dining regulations to the Planning and Zoning Commission of the City of Normandy, and the Planning and Zoning Commission forwarded a favorable recommendation proposing certain outdoor dining regulations to the City Council; and

WHEREAS, the City Council of the City of Normandy, Missouri, held a public hearing thereon at Normandy City Hall on May 13, 2025, beginning at 6:30 p.m.; and

WHEREAS, notice of said public hearing had previously been published at least 15 days prior to the hearing in the St. Louis Countian, a newspaper of general circulation in the City of Normandy and otherwise posted and published in accordance with Chapter 89, RSMo and applicable City ordinances; and

WHEREAS, all persons who presented themselves and desiring to be heard were given an opportunity to be heard and a copy of the proposed ordinance has been made available for public inspection prior to its consideration by the City Council, and the Bill was read by title in open meeting two times before final passage by the City Council; and

WHEREAS, the City Council being fully informed finds that that the enactment of outdoor dining regulations will be in the best interest of the City's economic development and its residents and will not adversely affect the character of the neighborhood, traffic conditions, fire hazards, public utility facilities, and other matters pertaining to public health, safety and general welfare of the community;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMANDY, MISSOURI, AS FOLLOWS:

Section 1

Chapter 405, Article XII of the Code of Ordinances of the City of Normandy is hereby amended by the enactment of a new Section 405.758, to read as follows:

CHAPTER 405 ZONING REGULATIONS

**ARTICLE XII ADDITIONAL USE, HEIGHT AND AREA REGULATIONS
AND EXCEPTIONS**

Section 405.758 Outdoor Dining.

- A. *Findings and Purpose.* The City finds that outdoor dining encourages a pedestrian-oriented environment, helps to create a visually attractive streetscape, and promotes overall commerce. The purpose of this Section is to permit outdoor dining on public and private property in a manner that advances the City's aesthetic, economic, and community goals and assures a safe and inviting pedestrian environment.
- B. *Permit Required.*
1. Every business providing an outdoor dining area for patrons on public or private property must obtain an outdoor dining permit from the City Administrator. Said permit shall be valid for a period of one (1) year from the date of issuance and shall be renewable on an annual basis. Prior to issuance of any permit, applicants must submit documentation sufficient to allow the City to determine whether the proposed outdoor dining area will comply with the provisions of this Section. An annual fee of one-hundred dollars (\$100.00) is due with the permit application. Inspection of all outdoor dining areas by City employees to ensure compliance with the provisions of this Section shall be a prerequisite to the issuance or renewal of any outdoor dining permit.
 2. The City may refuse to issue or renew any outdoor dining permit to any applicant who is delinquent in taxes to the State of Missouri, County of St. Louis, or City of Normandy, or for any property which is in violation of any provision of this Code.
 3. The City hereby reserves the right to suspend or revoke any permit granted under the provisions of this Section for good cause shown. The City Council, after a hearing thereon, shall suspend or revoke the license of such licensee, giving ten (10) days' notice, in writing, thereof prior to the hearing thereon to the permittee, or any person in charge of or employed in the place of business holding the permit, stating the time, place, purpose and grounds therefor.
- C. *General Requirements.*
1. Outdoor dining is permitted yearlong on public and/or private property as an accessory use to a restaurant that has indoor seating.
 2. The hours for outdoor dining shall not be earlier or later than the restaurant's hours of operation as specified in Section 405.700 or the governing special use permit.
 3. The location of all furniture, fixtures, and facilities associated with outdoor dining shall be such that a continuous pedestrian access route (PAR) shall be maintained

at all times which meets at least the minimum requirements of the Americans with Disabilities Act (ADA) and, when and if issued or revised from time to time by the United States Access Board, Public Rights-of-Way Accessibility Guidelines (PROWAG).

4. The permittee, at its own expense and cost, shall keep the outdoor dining area in a neat and clean condition, free from nuisance and filth, and provide for the prompt removal of snow, ice, trash, and waste therefrom.

D. *Location.*

1. If located on a public sidewalk or a private walkway used by the public, an unobstructed pedestrian access route (PAR) must be maintained at all times, in accordance with the following standards:
 - a. The PAR is recommended to be a minimum of five (5) feet wide and in any event shall not be less than four (4) feet wide and seven (7) feet tall. Tree grates and similar semi-open surfaces do not count towards the required PAR width.
 - b. If/when more restrictive Public Rights-of-Way Accessibility Guidelines (PROWAG) are adopted or revised from time to time by the United States Access Board, the more restrictive PROWAG requirements for PARs shall be applicable.
 - c. Outdoor dining permittees shall adapt and revise the arrangement of their facilities from time to time as necessary to accommodate the most recent PAR standards.
 - d. There shall be no "grandfathering" or non-conforming right to continue previously permitted outdoor dining arrangements insofar as minimum PAR standards are concerned, it being understood that any permit is issued only on an annual basis as hereinafter provided and is subject to mandatory modification to assure compliance with required PAR standards as they evolve from time to time.
 - e. Additional sidewalk clearance shall be required where pedestrian traffic or other circumstances warrant, in the sole discretion of the City.
 - f. If located on a public sidewalk, all outdoor dining furniture must maintain five (5) feet minimum separation from and access to the following fixtures in the right-of-way: the edge of curb, street trees, streetlights, fire hydrants, Fire Department connections, mailboxes, benches, bicycle racks, and other similar fixtures at all times, from parking meters when they are in effect, and from the edge of driveways, alleys, and accessibility ramps.
 - g. Outdoor dining shall not be located underneath a fire escape, stairwell, or balcony and shall not block established public utility points of access (i.e., manholes, handholes, traffic signal cabinets, etc.).
2. The outdoor dining area may be located in front of an adjacent property with the written agreement of the owner of the adjacent property, a copy of which shall be on file with the City. In the event the written agreement is terminated, the parties to the agreement shall notify the City as soon as practicable, and the outdoor dining area shall be removed from the front the adjacent property.

E. *Furniture.*

1. Only tables, chairs, umbrellas, approved heaters, and pedestrian barriers shall be permitted in the public right-of-way.
2. Furniture shall be made of a durable material, in a neutral color scheme (limited to black, white, brown, silver, and/or gray), and maintained in good appearance and kept clean. Outdoor dining may be separated from the right-of-way by a minimum thirty (30) inch tall pedestrian barrier but no taller than forty-two (42) inches (railing, fence or planters). Pedestrian barriers must be sturdy and stable and must have sufficient weight so that they cannot tip or be blown over. Pedestrian barriers shall not be anchored to the public sidewalk and shall be maintained so as not to stain/ discolor the sidewalk.
3. Advertising on umbrellas is permitted, provided the product being advertised is sold by the restaurant. Umbrellas must be located completely out of the pedestrian clear zone unless they are at least seven (7) feet above the sidewalk when opened.
4. All furniture shall be sufficiently secured against movement by the wind.
4. Restaurants without outdoor table service must provide a sufficient number of refuse containers readily accessible to patrons. Refuse containers must be placed no more than 6 inches from the face of the building.
5. Outdoor heaters must be reviewed and approved by the Northeast Ambulance & Fire Protection District.
6. Outdoor service stations are prohibited on public property.
7. Outdoor dining furniture must be stored inside the building for the duration of any high wind advisory warning issued for the area by the National Weather Service.
8. Advertising devices shall not be attached to fixtures in the public right-of-way, including but not limited to street trees, streetlights, sign poles, traffic signals, and parking meters.

Section 2

All other Sections and Subsections of Chapter 405: Zoning Regulations, of the Code of Ordinances of the City of Normandy, Missouri shall remain in full force and effect.

Section 3 – Repealed

All acts and parts of Ordinances or Resolutions heretofore adopted by the City in conflict with the provisions of this Ordinance are hereby repealed insofar as they conflict with the provisions of this Ordinance.

Section 4 – Severability

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, phrases, and words of this ordinance are severable, and if any section, paragraph, sentence, clause, phrase, or word(s) of this ordinance shall be declared unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, phrases, and words or this ordinance since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional or invalid portion of the ordinance.

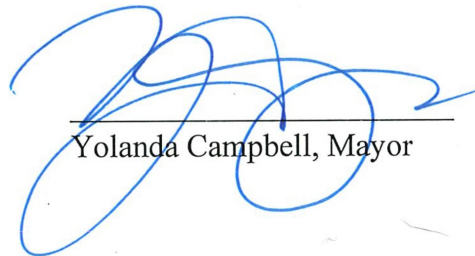
Section 5 – Codification

The Chapter, Article, Division, and/or Section assignments designated in this Ordinance may be revised and altered by the codification company servicing the City's Code of Ordinances upon supplementation of such code if, at the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations, the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

Section 6 – Effective Date

This Ordinance shall be in full force and effect upon the passage of this Ordinance and its approval by the Mayor and attested by the City Clerk.

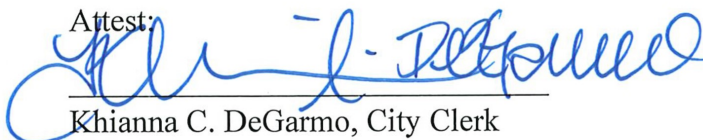
PASSED by the Council of the City of Normandy and **APPROVED** by the Mayor this **13th** day of **May**, 2025.



Yolanda Campbell, Mayor

(SEAL)

Attest:



Khianna C. DeGarmo, City Clerk

APPROVED AS TO FORM:



Andrew R. Bramman, City Attorney