

**ORDINANCE NO. 793**

**AN INTERIM ORDINANCE TEMPORARILY  
ALLOWING EXPANDED OUTDOOR SEATING**

**WHEREAS**, Minnesota Governor Walz issued Executive Order 20-01 declaring an emergency due to the COVID-19 pandemic, which has been extended by Executive Orders 20-35 and 20-53; and

**WHEREAS**, the Princeton City Council declared an emergency on March 19, 2020; and

**WHEREAS**, the Governor's Executive Orders have prohibited sit-down, dine-in service at restaurants, which has threatened the existence of many businesses and the vitality of downtown Princeton; and

**WHEREAS**, the City of Princeton (the "City"), prior to the pandemic, has invested significant time and resources in fostering a business environment that is friendly to and supportive of small businesses, including food establishments, particularly in downtown Princeton; and

**WHEREAS**, small businesses, especially food establishments are an essential component of the economy within the City and have suffered greatly as a result of the closure order; and

**WHEREAS**, the City is greatly concerned about the long-term damage that the closure is causing on food establishments and the likelihood that it will undo decades of progress that Princeton has worked hard to achieve; and

**WHEREAS**, the Princeton City Council administers zoning within the City and may regulate land use as part of the City's zoning authority; and

**WHEREAS**, Minnesota Statute § 462.355, Subd. 4, provides the City with authority to adopt an interim ordinance to temporarily regulate activity; and

**WHEREAS**, under the current Princeton zoning ordinance, parking standards are imposed based upon occupancy of the building; and

**WHEREAS**, in light of the COVID-19 pandemic, the CDC recommends enhanced spacing and reduced capacity in food establishments; and

**WHEREAS**, when food establishments are permitted to resume sit-down, dine-in service in Minnesota, it is likely that reduced occupancy levels will be required within restaurants; and

**WHEREAS**, reduced occupancy will result in excess parking under the Princeton zoning ordinance; and

**WHEREAS**, the City is concerned about economic suffering of reduced occupancy and wishes to provide food establishments with added flexibility to establish temporary outside seating in unnecessary parking areas; and

**WHEREAS**, the City wishes to facilitate the ability of local Restricted Business to expand their area of operation and service and wishes to expedite and streamline the approval process; and

**WHEREAS**, the temporary nature of these measures and the urgency of the needs of affected businesses necessitates use of an interim ordinance and foregoing typical planning commission review and public hearing procedures; and

**WHEREAS**, the City will study evolving public health concerns related to COVID-19, business needs, and public input during the interim ordinance and adjust the interim ordinance as the City deems necessary.

**NOW, THEREFORE**, the Princeton City Council adopts the following findings:

1. The recitals above are incorporated into the findings.
2. The City desires to provide flexibility and accommodations for food establishments in a manner that protects public health and safety.
3. The City of Princeton regulates outdoor seating, and making it easier for food establishments to implement outdoor seating is critical for supporting the local economy and protecting public health.
4. Temporary use of public parking spaces or sidewalks, as well as business owned property contiguous to the business structure itself, for temporary outdoor seating is appropriate due to reduced demand that is a direct result of COVID-19 pandemic.
5. Due to social distancing requirements the ability for the City to quickly study, prepare, and implement ordinary ordinance revisions is hindered.
6. The issue is time sensitive due to the potential re-opening of businesses.
7. An interim ordinance, pursuant to Minnesota Statutes § 462.355, is necessary to allow the City to quickly implement temporary revisions to accommodate the re-opening of food establishments.

**NOW, THEREFORE**, pursuant to Minnesota Statutes § 462.355, the Princeton City Council hereby ordains:

**Section 1. Interim Ordinance.**

1. **Temporary Ordinance.** A temporary ordinance providing flexibility for outdoor seating for food service establishments within the City of Princeton is hereby established.
2. **Restricted Business.** For purposes of the interim ordinance, “Restricted Business” means any restaurant, bar, club, coffee shop, delicatessen, candy shop, or bakery with sit-down, dine-in service that have occupancy limitations imposed by the State of Minnesota due to the COVID-19 pandemic.
3. **Temporary Changes to Zoning Ordinance.** An interim ordinance.
  - a. B-1. Parking standards required by Chapter V Section 8 Provision G-2, for

Restricted Businesses in the (B-1) Central Business District shall temporarily and proportionately be reduced by any temporary reduction in occupancy ordered by the State Minnesota. Restricted Businesses wishing to add onsite temporary outdoor seating may utilize temporarily unnecessary parking spaces by obtaining a Temporary Outdoor Seating Permit.

- b. B-2. Parking standards required by Chapter V Section 9 Provision I for Restricted Businesses in the (B-2) General Business District shall temporarily and proportionately be reduced by any temporary reduction in occupancy ordered by the State of Minnesota. Restricted Businesses wishing to onsite add temporary outdoor seating may utilize temporarily unnecessary parking spaces by obtaining a Temporary Outdoor Seating Permit.
  - c. B-3. Parking standards required by Chapter V Section 10 Provision G for Restricted Businesses in the (B-3) General Commercial District shall temporarily and proportionately be reduced by any temporary reduction in occupancy ordered by the State of Minnesota. Restricted Businesses wishing to add onsite temporary outdoor seating may utilize temporarily unnecessary parking spaces by obtaining a Temporary Outdoor Seating Permit.
4. **Temporary Outdoor Seating Permit**. In order to utilize onsite temporary outdoor seating, a Restricted Businesses shall obtain a Temporary Outdoor Seating Permit as follows:
- a. Site Plan. The Restricted Business submits a site plan and other pertinent information demonstrating the location and type of all tables, refuse receptacles, and wait stations. The site plan is not required to be prepared by a civil engineer.
  - b. Access. Access to the outdoor dining area, to the extent possible, is limited to access from the principal building.
  - c. Screening from Residential. The dining area should be located in a manner that maximizes screening from view from adjacent residential uses.
  - d. Pedestrian Safety. The Restricted Business shall minimize pedestrian circulation disruption as a result of the outdoor dining area by providing physical or signed separation and a clear passage zone for pedestrians; umbrellas or other structures extending in to the pedestrian clear passage zone shall have a minimum clearance of seven (7) feet above sidewalk.
  - e. Surface. The dining area is surfaced with a hard surface that provides a clean and non-slip surface.
  - f. Garbage. Refuse containers, designed to prevent spillage and blowing litter, are provided for self-service outdoor dining areas.
  - g. Permit Issuance. Temporary Outdoor Seating Permits shall be issued administratively by the City Administrator.

- h. Permit Termination. Temporary Outdoor Seating Permits shall immediately terminate upon the termination of this interim ordinance and create no vested rights for Restricted Businesses. Temporary Outdoor Seating Permits may be revoked by the City Council at any point in time.
  - i. Public Parking Areas May Be Included. Temporary Outdoor Seating Permits may be issued for public parking areas immediately adjacent to a Restricted Businesses. The inclusion of public parking areas in a Temporary Outdoor Seating Permit shall only be permitted where other public parking is reasonably available. In order to utilize public parking areas, temporary physical barriers are required to separate diners from vehicles. Use of public parking areas for Temporary Outdoor Seating Permits may be denied or rescinded for safety reasons by the City Administrator without notice.
  - j. No Permanence. No alteration of a public right of way or installation of permanent improvements is permitted by a Sidewalk Café Permit.
  - k. Suspension and Revocation. The City Administrator may immediately suspend a Temporary Outdoor Seating Permit if violations occur or safety issues arise, pending a hearing before the Princeton City Council. The Princeton City Council may revoke a Temporary Outdoor Seating Permit after a hearing.
  - l. No Fee. Fees for a Temporary Outdoor Seating Permit shall be waived while this interim ordinance is in effect.
5. **Liquor License**. All Restricted Businesses are required to comply with both State and City liquor licensing requirements when utilizing a Temporary Outdoor Seating Permit.
6. **City Owned Property**. A Restricted Business securing a Temporary Outdoor Seating Permit for use on City Owned Property shall be required to obtain any additional insurance deemed necessary by the City, naming the City as an additional insured. The City may deny any request to utilize City owned property for use of Temporary Outdoor Seating.
7. **Duration**. This temporary ordinance shall be in effect for a period of one year, or until such earlier time as the Princeton City Council determines the interim ordinance is no longer necessary.
8. **Effective Date**. This Ordinance shall be effective immediately upon its adoption.
9. **Validity**. Every section, provision, or part of this Ordinance is declared severable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this Interim Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

**Section 2. Summary Publication.**

At least four-fifths of the City Council's members direct the Administrator to publish only the title and a summary of this Ordinance as follows:

“AN INTERIM ORDINANCE TEMPORARILY ALLOWING EXPANDED OUTDOOR SEATING FOR RESTAURANTS WITHIN THE CITY OF PRINCETON”.

It is the intent and effect of this Ordinance to temporarily allow expanded outdoor seating in order to accommodate businesses affected by the COVID-19 pandemic.”

A printed copy of the ordinance is available for inspection by any person during regular office hours at City Hall.

Adopted this 28th day of May, 2020.

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Brad Schumacher, Mayor

ATTEST:

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Robert Barbian, Administrator