

LAMC Section 12.03 - Definitions

OUTDOOR EATING AREA.

When used in Sections 12.12.2, 12.13, 12.14, 12.21.1 and 12.24, this term shall refer to a covered or uncovered portion of a ground floor restaurant which is not completely enclosed within the building; is used primarily for the consumption of food and/or drinks by the patrons of the restaurant; and is not larger than 50 percent of the dining area of the ground floor restaurant. A "ground floor" restaurant refers to any restaurant with an average finished floor elevation either below or not more than three feet above natural grade as measured from any point along the exterior building wall closest to the restaurant. (Amended by Ord. No. 165,403, Eff. 2/17/90.)

Section 12.03 Non-conforming Building. Definition.

See section 12.23A3(a)3 of this manual.

Section 12.03 Nurseries - Netted Horticultural Structures (floor area)

Q - Does the area beneath a Netted Horticultural Structure (NHS) constitute Floor Area for off-street automobile parking and other Zoning Code requirements?

A - An NHS is a structure used to accommodate the growing or display of fruits, vegetables, flowers or plants. The surface material shall be open meshed or twisted fabric approved by the Fire Department. Such types of materials are not considered to provide housing or shelter to the use below (see definition of "Building" in Sec. 12.03) and therefore they do not constitute a Building. Since the use of these materials do not define a Building, they do not introduce Floor Area. Their use, however must be in compliance with other applicable Zoning Code requirements such as height, zone requirements etc..

For construction and Building Code requirements, see the Information Bulletin listed below.

(Information Bulletin No. P/ZC 2002-003)

Section 12.03 Outdoor Dining and Eating Areas - Definition.

Section 12.03 defines "Outdoor Eating Area" as a "...covered or uncovered portion of a ground floor restaurant which is not completely enclosed... and is not larger than 50 percent of the dining area of the ground floor restaurant..." These "Outdoor Eating Areas" are first permitted in the CR zone.

ZAI 1808 on the other hand, allows uncovered outdoor dining starting in the C2 zone.

This item consists of two questions related to outdoor eating areas.

Q₁ - Under what conditions and in what zones are outdoor dining areas permitted in conjunction with restaurants?

A₁ - By authority of ZAI 1808, outdoor dining is permitted in the C2, C4, CM and all the M zones as an incidental activity to a restaurant or similar food establishment, (remember that in the MR Zones, restaurants are permitted only when incidental to the industrial use on the lot.) The ZAI has no limitation regarding the area of the open use and has no parking requirements attached to it. In all these instances, the outdoor dining area must be open to the sky and must

be located outside of any required yards such as in MR Zones or when the lot contains residential use (Yards are defined as unoccupied space in Sec. 12.03.)

“Outdoor Eating Areas” as defined in Sec. 12.03 and in conformity with the limitations specified therein and summarized above are first permitted in the CR zone. “Outdoor Eating Areas”; may be located in a side, rear or front yard as first specified in Section 12.12.2A4.13. In the CR, C1 and C1.5 zones however, an “Outdoor Eating Area” can be located in a side or rear yard only when the yard is along a street. This is true whether it is roofed or unroofed.

Q₂ - Which provision takes precedence; that contained in the Code or that in the ZAI?

A₂- These provisions overlap in some cases but do not supersede one another. An unroofed area used for dining in conjunction with a restaurant may be permitted per ZAI 1808 in the C2 and less restrictive zones. A roofed, though not completely enclosed “Outdoor Dining Area”, must comply with the limitations in the Code specified above and those contained in each zone or else, the floor area must be computed in the normal manner. In the CR, C1 and C1.5 zones, “Outdoor Eating Areas” are permitted only if they comply with the definition in Section 12.03 and the regulations contained in each zone. (Continues on next page)

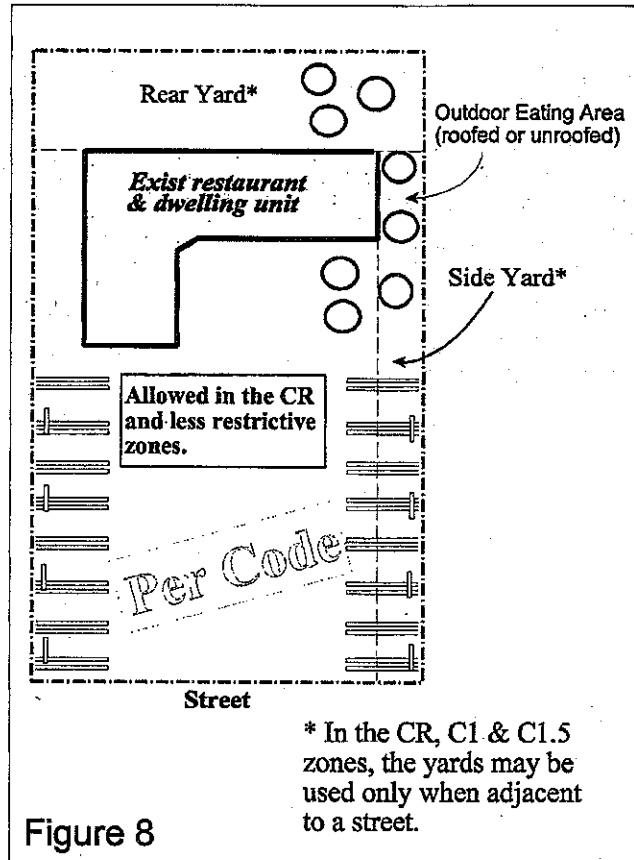


Figure 8

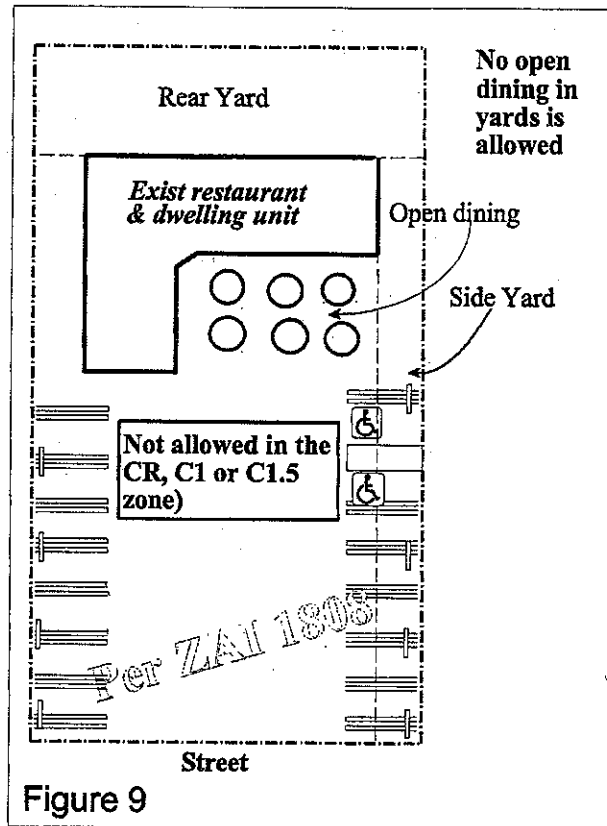


Figure 9

These answers are summarized in the following table:

Permitted	O.K. in zones	Permitted in Yards	Roofed/ Unroofed	Max. area	Floor Area ¹	Other limitations
Per Code and as defined in Sec. 12.03	C2,C4,CM & M	Side, rear or front (unroofed only)	Either	50% of interior dining area	Exempt	Ground Floor Restaurant
	CR, C1, C1.5,	Front and side, & rear when adj. to a street (unroofed only)	" "	" "	" "	" "
Per ZAI 1808	C2,C4,CM & M	No	Unroofed only	No limit	No	any level

¹ If exempt from floor area, then no parking is required.

(Z. E. memo 12-13-95 and 10-17-01)