



PREPARED FOR THE PLAN COMMISSION

Proposal: **Zoning Text Amendment**

Legistar File ID #: [69382](#) Temporary and permanent outdoor seating areas

Prepared By: Planning and Zoning Staff

[69382](#) – This amendment modifies existing ordinance requirements for outdoor eating areas associated with food and beverage establishments to make the uses permitted under certain circumstances, and adds language to the zoning ordinance to make the [City’s Streatery Temporary Outdoor Seating program](#) a permanent program. These changes are being reviewed in combination with a parallel series of amendments to create more flexible sidewalk cafe regulations and a new “roadway café” permit for seating in street areas. In 2020 and 2021, the City approved temporary seating at about 80 establishments.

Currently, in the MXC, CC, and RMX districts, any outdoor eating is a permitted use, with no limits on use characteristics such as outdoor amplified sound or hours of operation. For other districts where the use is allowed, outdoor eating is a Conditional Use.

The amendment also includes definitions for both *Outdoor Eating Area Associated with Food and Beverage Establishment* and *Outdoor Eating Area, Temporary, Associated with Food and Beverage Establishment*. The amendment also creates and/or modifies supplemental regulations for these uses. These supplemental regulations address impacts that may make some outdoor eating areas incompatible with surrounding uses.

In MXC, CC, and RMX, there is no change but for adding the temporary outdoor eating area uses. In all other zoning districts where permanent and temporary outdoor eating area use is allowed, hours of operation are limited to end at 9:00 PM and amplified sound is not permitted at any time. Extended hours or the inclusion of amplified sound requires a Conditional Use Approval.

One part of the amendment is directed at making the Streatery temporary outdoor seating program a permitted use in many zoning districts. This amendment allows a portion of a site, typically off-street parking or landscaping areas, to be temporarily used for outdoor eating areas. Site plan review, including review by City Engineering, Fire Department, Traffic Engineering and Zoning, is required. Temporary barriers that meet sight and safety requirements for the City’s Traffic Engineering Division and Fire Department are used to delineate/separate areas of parking and vehicle circulation from outdoor eating areas with tables, chairs, and other outdoor amenities. If displaced by temporary outdoor eating areas, features such as required accessible parking stalls and bicycle parking facilities must be temporarily relocated on-site. These temporary outdoor eating areas allow for a low investment in providing the desired seating and preserve the ability to switch the use of the areas back to landscape areas or parking.

Another part of the amendment modifies the allowances for permanently-installed outdoor eating areas associated with food and beverage establishments. The amendment allows permanent outdoor eating areas as a permitted use in these districts if conditions in the supplemental regulations are met. Site plan review, including review by City Engineering, Fire Department, Traffic Engineering and Zoning, is required.

Legistar File ID [69382](#)

Zoning Text Amendments, Temporary and permanent outdoor seating areas

March 7, 2022

Page 2

The service of alcohol within any outdoor eating area, temporary or permanent, requires approval of a change to the licensed premise by both the Alcohol License Review Committee and Common Council.

Staff supports this amendment.