

# Planning Commission

November 3, 2022



<b>Case No:</b>	22-LDC-0006
<b>Project Name:</b>	Outdoor Dining LDC Amendments
<b>Location:</b>	Louisville Metro
<b>Applicant:</b>	Louisville Metro
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	All Council Districts
<b>Case Manager:</b>	Joseph Haberman, AICP, Planning Manager

## REQUEST

An amendment to the Land Development Code (LDC) concerning regulations related to outdoor dining areas for restaurants.

## SUMMARY/BACKGROUND

Louisville Metro Council has directed Planning & Design Services staff and the Planning Commission to review the requirements for outdoor dining areas in the LDC and provide recommendations to improve the existing regulations.

In May 2020, Metro Council passed Ordinance #057, 2020. This ordinance permitted the temporary use of parking lots, open areas, and sidewalks for outdoor dining and alcohol sales in response to limitations placed on restaurants by the Governor during the COVID-19 crisis (see Attachment #3). This ordinance allowed such outdoor dining areas from May 22, 2020 until 30 days after the date the state of emergency related to COVID-19 concluded. Guidelines were established to ensure such outdoor dining areas were consistent with health and social distancing directives and applicable fire, life safety, and ADA requirements.

In June 2021, the timeframe was extended with the passage of Ordinance #085, 2021. The sunset was extended to 30 days after December 31, 2021 (January 30, 2022). In addition, it added a cap to amount of parking that could be used for outdoor dining areas— up to 50% of the required parking spaces.

In October 2021, the timeframe was further extended with the passage of Ordinance #155, 2021. The sunset was extended to 30 days after December 31, 2022 (January 30, 2023).

In the LDC, there are not specific and special regulations pertaining to outdoor dining. The use is generally permitted as accessory to restaurants. Such areas are subject to setback and parking requirements and may prompt landscaping requirements. In addition, the physical attributes of the outdoor dining area further affect how it can be approved. Some areas are situated at ground level on patios, while others are located on elevated decks or balconies. Some are covered by independent structures such as gazebos or by awnings/roof overhangs attached to buildings. Related physical improvements often require review and approval in their own right, with some requiring building permits and/or development plan approval.

Some existing requirements act as barriers to the establishment of outdoor dining areas by restricting development of available area and requiring special approvals. Setback and parking requirements often limit the land available for the use. If relief is needed, the regulations often

require special approvals, such as variances, waivers, and conditional use permits. The special approvals contribute to costs and add to the time to review and resolve.

Staff reviewed the existing requirements to determine if changes could be made to remove unnecessary requirements and provide updated development review procedures that are more simplified and specifically designed for the use.

This draft ordinance only applies to the Land Development Code. Outdoor dining areas located on public rights-of-way, such as sidewalks are regulated outside of the Land Development Code in the Louisville Metro Code of Ordinances (LMCO). LMCO requires encroachment permits, as well as overlay permits in overlay districts and certificates of appropriateness in local preservation districts, for outdoor dining on rights-of-way.

*Summary of Existing LDC provisions:*

Outdoor dining area is not defined. Such areas are generally permitted as accessory uses to restaurants.

- “Restaurants with dancing and entertainment permitted, outside as well as inside a building, and including drive-ins where all or part of the service or consumption is inside a building or inside a vehicle (Indoor and outdoor alcohol sales and consumption with proper ABC license)” are permitted in C2, C3, CM, EZ1, W1, and W2 and permitted with standards in M1, M2, and M3.
- “Restaurants excluding drive-ins and dancing and entertainment activity (Indoor alcohol sales and consumption only with proper ABC license)” are permitted in CN and CR.
- “Restaurants excluding dancing and entertainment activity with drive-ins permitted (Indoor alcohol sales and consumption only with proper ABC license)” are permitted in C1.
- There are many nonconforming restaurants in residential zoning districts. These uses are regulated by the nonconforming use provisions in KRS and LDC Sec. 1.3.1. Expansion is generally prohibited.
- Outdoor alcohol sales in C1 is only permitted with a conditional use permit (discretionary, approved or denied following a public hearing by the Board of Zoning Adjustment or BOZA).
- Outdoor dining areas are subject to setback requirements in Chapter 5 of the LDC. Requirements are generally dependent on the form district in which the restaurant is located and as such vary.
- Restaurants currently have a minimum parking requirement of 1 space per 500 square feet of gross floor area in suburban form districts and 1 space per 1,000 square feet of gross floor area in traditional form districts. Outdoor dining is not expressly exempted or

noted and it is not clear if such an area is subject to the aforementioned requirement or another requirement.

### **PLANNING COMMITTEE MEETING**

The Planning Committee reviewed the proposed amendments on October 12, 2022 and determined the amendment was ready for public hearing.

The Committee formally requested a change to the timeframe in which outdoor seating would be eligible for the longer temporary activity permit. An initially proposed standard stated that a temporary outdoor dining area of greater than 30 days could only be permitted within the window of May 1st through September 30<sup>th</sup>. The Committee requested that this proposed standard be revised to allow a restaurant to apply for up to 6 months during any part of a calendar year (not restriction to the warmer seasons).

In addition, Committee members suggested removing the requirement for a physical barrier for outdoor dining areas with alcohol sales in C1. While presented as new text in the draft, this is an existing requirement that has been moved.

After the Planning Committee meeting, staff made some technical changes and amended some of the provisions related to the hours of operation and standards related to the sale for alcoholic beverages to be consistent with the current provisions in Louisville Metro Code.

### **STAFF ANALYSIS**

While already common and found throughout the metro area, outdoor dining areas are increasing in popularity. In recent years, there has been an increased demand for such dining areas due in part to the COVID-19 pandemic.

To provide immediate relief to facilitate and encourage healthier dining environments outdoors, Metro Council passed Ordinance #057, 2020 in 2020. The ordinance enabled restaurants to immediately establish outdoor dining areas by temporarily providing relief to many zoning requirements that often serve as barriers to establishing outdoor dining areas.

The temporary allowances are set to sunset on January 30, 2023. Council has requested that staff review the approved temporary provisions and determine if any can be adopted permanently to continue to support outdoor dining areas.

Since the adoption of the ordinance, 43 applications have been submitted to establish temporary outdoor dining areas on private property (Attachment #5). Additional applications were submitted to allow temporary outdoor dining areas on rights-of-way.

These permits in Attachment #5 established outdoor dining areas on private property that did not meet the current requirements of the LDC. When the ordinance sunsets, these restaurants will be required to bring their properties into compliance by either eliminating the outdoor dining areas or bringing them into compliance, which may require special approvals that are subject to denial. Relaxed requirements may negate the need for some or all special approvals, reducing the uncertainty of approval, process time, and project cost.

For permanent outdoor dining areas, zoning barriers often cited by restaurant developers and owners include the following:

- *Setback Requirements:* Outdoor dining areas are typically located immediately to the fronts, sides, and rears of buildings. Buildings are commonly built along or near the required setback lines. As a result, many outdoor dining areas require variances. Most variances must be approved by the BOZA at a public meeting and decisions are discretionary. The process usually takes several months to complete and requires an application fee of \$700.
- *Parking Requirements:* Outdoor dining areas are not expressly exempted from parking requirements, but a specific standard is not provided. The indoor seating requirements are too strict for outdoor seating as outdoor spaces cannot be used the same as indoor spaces. The establishment of new outdoor dining areas often requires the development of additional parking, parking agreements, and/or parking waivers. Waivers can only be approved by the Planning Director or the Planning Commission, depending on the percentage of parking being waived. Dependent on the review body, the process may take several months and requires an application fee of \$250 to \$700.
- *Temporary Activity Permit Limitations:* For restaurant owners interested in establishing seasonal outdoor dining areas or temporary outdoor dining areas for events, the temporary activity permit provisions are restrictive and limited, including a 10- or 30-day maximum duration dependent on zoning.
- *Conditional Use Permit (CUP) for outdoor alcohol sales in C1:* Most CUPs must be approved by the BOZA at a public meeting and decisions are discretionary. This process usually takes over 4 months to complete and requires application fees of \$1,150. However, these requests are granted far more often than they are denied. Upon an analysis of such CUPs issued since 2014, with 35 total applications, 33 were approved, 0 were denied, and 2 are under review (Attachment #6).
- *Nonconforming Rights Limitations:* Many established restaurants are located in residentially zoned areas. As these restaurants are not permitted uses and nonconforming, they are limited in their ability to expand. As a result, outdoor dining areas cannot be introduced even if compatible with adjacent uses.

Amending the requirements for outdoor dining areas can result in the development of more locations in better ways. However, if not adequately regulated, outdoor dining that is poorly located or designed can adversely impact residents. Regulations should effectively provide for the needs of the community and mitigate potential adverse impacts.

Zoning enforcement staff rarely receives complaints related to outdoor dining areas associated restaurants. Complaints are usually related to the outdoor dining areas that have been established in prohibited areas, such as parking areas or sidewalks. Complaints are more common with outdoor areas associated with taverns/bars; with concerns mostly related to noise.

In an effort to obtain input from the public, staff initiated a 30+ day comment period on October,4, 2022 by the publishing a webpage with information and an online comment form (<https://louisvilleky.gov/government/planning-design/outdoor-dining-amendments>). As of the publishing date of this report, staff has not received any written comments from the public.

The following is a summary of the draft amendments presented in Attachment #1. These recommendations are preliminary in nature and subject to change upon review and feedback from the public, Planning Commission, and Metro Council.

- Adds a new definition for outdoor dining area (which differentiates it from the generally used term of outdoor seating); requiring such areas to be for dining and accessory to restaurants;
- Regulates outdoor dining areas in two distinct ways – as temporary outdoor dining areas that are seasonal and as permanent outdoor dining areas that may be used year-round
- Allows for seasonal outdoor dining areas with annual temporary activity permits, on which staff can place site specific restrictions, provide temporary relief to permanent requirements, and revoke if warranted;
- Allows lawfully established restaurants that are nonconforming uses to temporarily expand with outdoor dining areas via temporary activity permits;
- Eases the locational requirements for permanent outdoor dining areas with standards; however, requires screening when the areas are in required setbacks and adjacent to residential properties and continues to limit the erecting of permanent improvements for cover such as gazebos and decks in required setbacks;
- Removes any minimum parking requirement for outdoor dining areas; and
- Removes the requirement for a conditional use permit for alcohol sales in C1 (but continues to provide special standards that must be met)

The draft amendments in this report do not affect outdoor dining areas in public rights of way; do not expand where the principal use of restaurants may be located in terms of allowed zoning; and do not amend the requirements for outdoor dining/seating associated with taverns.

### **APPLICABLE PLANS AND POLICIES**

This amendment to the LDC text is consistent with the following provisions of Plan 2040:

- Community Form Goal 1: Guide the form and design of development to respond to distinctive physical, historic and cultural qualities.
  - Objectives B and C
- Economic Development Goal 1: Provide an economic climate that improves growth, innovation, investment and opportunity for all.
  - Objectives D, E, and I

### **NOTIFICATION**

Notice was published in accordance with KRS 100. In addition, email notice through the GovDelivery system was provided.

### **INTERESTED PARTY COMMENT**

No formal comments have been provided as of the date of this report.

## ATTACHMENTS

1. Draft Proposed Amendments
2. Metro Council Ordinance #057, 2020
3. Metro Council Ordinance #085, 2021
4. Metro Council Ordinance #155, 2021
5. List of Temporary Permits for Outdoor Dining Areas
6. List of CUPs for Outdoor Alcohol Sales in the C1 since 2014

### Attachment #1: PROPOSED AMENDMENTS

*The Planning Commission must make a recommendation to Metro Council and the legislative bodies of cities with zoning authority to approve, approve with modifications, or deny the LDC text amendments. The proposed changes are presented as specific amendments to the Louisville Metro version of the LDC. The cities with zoning authority in Louisville Metro have different versions. If any of the cities consider incorporating the amendments into its LDC, staff will assist the city in preparing specific amendments that reflect the nature of the changes recommended in this report.*

## Louisville Metro Land Development Code

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### Chapter 1 Part 2 Definitions

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#### 1.2.2 Definitions

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Outdoor Dining Area – Accessory area outside the confines of a building with seating, tables, and other furnishings for the purpose of dining and serving food and beverages by an adjoining restaurant in which the same food and beverages are offered for sale and served.

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**Outdoor Sales and Display** - The placement of any items(s) outside a building in a nonresidential zoning district for the purpose of sale, rent or exhibit. (This term shall not include any outdoor dining ~~and seating~~ areas associated with a restaurant.)

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**Restaurant** - Commercial establishments, the main business of which is serving food, which may include the sale of alcoholic beverages. Provided, however, that a place wherein both food and alcoholic beverages are sold for consumption on premises and within which the total receipts from the sale of alcoholic beverages exceed the total receipts from the sale of food shall be a tavern.

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**Temporary Activities** - Temporary activities are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site to accommodate the activities. ~~Temporary activities include~~ This term includes, but is not limited to, the following types of temporary events/uses: temporary concerts, festivals, carnivals, and fairs, temporary non-permanent parking areas/lots, temporary circuses, temporary rodeos, show houses/display homes, seasonal outdoor sales/markets such as pumpkin and Christmas tree sales, seasonal

attractions such as haunted houses, temporary “Haunted House”, and temporary “Show House” and seasonal outdoor dining areas.

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## Chapter 2 Part 4 Commercial Zoning District

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### 2.4.3. C-1 Commercial District

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Restaurants, tea rooms and cafes excluding dancing and entertainment activity (Indoor alcohol sales and consumption only with proper ABC license; outdoor alcohol sales and consumption only with proper ABC license and pursuant to the standards in Chapter 4, Part 3)

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#### 4.2.1 Intent and Applicability

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4.2.41	<del>Outdoor Alcohol Sales and Consumption</del> /Entertainment Activity for Restaurants in the C-1 zoning district
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#### 4.2.41 ~~Outdoor Alcohol Sales and Consumption~~/Indoor Entertainment Activity for a Restaurant in the C-1 Zoning District

Outdoor and ~~alcohol sales and consumption and/or~~ indoor live entertainment for a restaurant may be permitted in the C-1 zoning district upon the granting of conditional use permit and compliance with the listed requirements:

- A. ~~All outdoor areas for the sale and consumption of alcohol must have designated boundaries.~~
- B. ~~Outdoor dining areas within the public right-of-way must receive approval from the agency responsible for transportation engineering and shall be designed in accordance with agency standards.~~
- C. ~~Outdoor dining areas adjacent to the public right-of-way shall contain a physical barrier that is at least three feet in height. The barrier should be designed to permit existing legal access from building to the adjacent public right-of-way.~~
- D. ~~Outdoor dining areas that include the sale and consumption of alcohol within 50 feet of a residentially zoned or used property shall provide a six foot continuous screen as part of the designated boundary for the areas of the outdoor area within 50 feet of residentially used or zoned property. The continuous screen shall be in conformance with the Chapter 10, Part 4 (Implementation Standards).~~
- E. ~~This conditional use permit shall be limited to restaurant uses in the C-1 that hold the following types of ABC licenses:~~
  - 1. ~~Restaurant liquor and wine license by the drink for 100 plus seats~~
  - 2. ~~Restaurant wine license by the drink for restaurants with seating for 100 and receives at least 70 percent gross receipts from food sales~~
- F. ~~The use of outdoor dining areas for the sale and consumption of alcohol shall cease by 1 A.M.~~
- G. ~~A.~~ The entertainment activity shall be in compliance comply with the Metro Noise Ordinance (LMCO Chapter 99) noise requirements set forth in Louisville Metro Code Chapter 99.

- H. B. The Board may require additional and more restrictive requirements ~~than those listed above~~ based on the conditions of the specific location and the characteristics of the specific restaurant.

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## Chapter 4 Part 3 Permitted Uses with Special Standards

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### 4.3.7 Temporary Activities

Temporary activities may be permitted by the Planning Director or designee within any form district and zoning district in accordance with the following standards set forth below: In addition, related to the specific nature and extent of an event, the Planning Director may impose additional conditions to ensure the event is safe and does not adversely impact neighboring residents and businesses.

#### General Events:

- A. Pavement or gravel used for the event shall be removed after the completion of the event and the ground reseeded within 2 weeks of removal of pavement or gravel; and
- B. No activities shall take place on land within the required stream buffer of a perennial stream or wetland as specified in Chapter 4 Part 8; and
- C. A temporary fence shall be provided to prevent access and parking from crossing over into adjacent properties and within environmentally sensitive areas (e.g. wetlands, stream buffers, etc.); and
- D. No event shall exceed 10 days in duration within a residential zoning district. No event shall exceed 30 days in duration in any non-residential zoning district. No more than two events shall be permitted on the same property within a calendar year; and
- E. Permanent changes to the site are prohibited; and
- F. Vehicle ingress and egress to the site shall be approved by the Director of Works or designee. Gravel or other measures to accommodate vehicles and prevent tracking of the public right-of-way may be required; and
- G. No temporary activity within a residential zoning district shall take place within 200 feet of a dwelling unit(s) unless approval is obtained in writing from the owner(s) of the dwelling unit(s).
- H. Any temporary canopy or tent remains subject to building permit requirements and must be removed at the conclusion of the event/activity unless otherwise permitted by this Land Development Code. A copy of such issued building permit for the canopy or tent shall be provided with the application submittal. Any tent or canopy shall observe the setback requirements identified in both the temporary activity permit and building permit. In the event the setback requirements differ, the more restrictive setback shall apply; and
- I. As part of the permit application, the applicant shall submit a site plan of adequate detail showing the location of the event; the maximum capacity; and all temporary improvements that are being added to facilitate the event. Any change to this plan shall require a revised permit; and
- J. If the event is subject to two (2) or more substantiated civil and/or criminal complaints, the Planning Director may revoke the permit. Complaints include, but are not limited to, reported violations of criminal, noise, building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Substantiated complaints may be grounds to deny subsequent permit applications.

#### Seasonal Outdoor Dining Areas:

- A. The outdoor dining area shall be accessory to and serve a restaurant that is located on the same parcel or a contiguous parcel; and
- B. The outdoor dining area may be covered. Any temporary canopy or tent remains subject to building permit requirements and must be removed at the conclusion of the event/activity unless otherwise permitted by this Land Development Code. A copy of such issued building permit for the canopy or tent shall be provided with the application submittal. Any tent or canopy shall observe the setback requirements identified in both the temporary activity permit and building permit. In the event the setback requirements differ, the more restrictive setback shall apply; and
- C. This section only applies to an outdoor dining area on private property. An outdoor dining area within the public right-of-way must receive approval from the agency responsible for the right-of-way and shall be designed in accordance with agency standards; and
- D. The outdoor dining area shall only be permitted for up to 6 months in a calendar year; and
- E. The outdoor dining area may be temporarily located in a required setback/yard and/or parking area; excluding atop any required ADA accessible parking space, parking/drive aisle needed for safe ingress and egress, and/or fire lane. Required parking spaces shall be immediately reestablished at the conclusion of the permit; and
- F. The outdoor dining area shall not impede access into or out of the building; and
- G. Outdoor dining areas approved as temporary shall not prompt any requirements for additional landscaping; however existing required landscaping and trees shall not be removed unless otherwise permitted; and
- H. Fences and barriers are permitted immediately around an outdoor dining area to define the space, protect patrons, and provide privacy to and from adjacent uses. Such fences are limited to 4 feet in height in required front yard setbacks and 6 feet in height in other required yard setbacks. Any fence or barrier remains subject to building permit requirements and must be removed at the conclusion of the permit unless otherwise permitted by this Land Development Code; and
- I. Only a restaurant that has an alcoholic beverage license that allows alcohol to be served outdoors may serve alcoholic beverages in the outdoor dining area; and
- J. Smoking is prohibited in and within 15 feet of an outdoor dining area; and
- K. An outdoor seating area within a residential zoning district shall not be permitted unless approval is obtained in writing from the owner(s) of dwelling unit(s) on contiguous properties; and
- L. When contiguous to residentially used property, the operating hours of the outdoor dining area shall be limited to between 7:00 A.M. and 10:00 P.M.; and
- M. The use of sound amplifying equipment or live music is prohibited between the hours of 10:00 P.M. and 7:00 A.M.; and
- N. As part of the permit application, the applicant shall submit a site plan of adequate detail showing the location and dimensions of the outdoor dining area; the seating capacity; and all temporary improvements that are being added to facilitate the event. Any change to this plan shall require a revised permit; and
- O. Any improvements that are not otherwise permitted shall be removed immediately upon the conclusion of the event; and
- P. If the outdoor dining area is subject to two (2) or more substantiated civil and/or criminal complaints, the Planning Director may revoke the permit. Complaints include, but are not limited to, reported violations of criminal, noise, building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Substantiated complaints may be grounds to deny subsequent permit applications.

#### 4.3.28 Outdoor Alcohol Sales and Consumption for a Restaurant in the C-1 Zoning District

Outdoor alcohol sales and consumption for a restaurant may be permitted in the C-1 zoning district with the following standards:

- A. The outdoor dining area shall have designated boundaries.
- B. An outdoor dining area within the public right-of-way must receive approval from the agency responsible for the right-of-way and shall be designed in accordance with agency standards.
- C. An outdoor dining area immediately adjacent to the public right-of-way shall contain a physical barrier that is at least three feet in height. The barrier should be designed to permit existing legal access from building to the adjacent public right-of-way.
- D. An outdoor dining area within 50 feet of a residentially zoned or used property shall provide a continuous screen of 6 feet in height as part of the designated boundary for the areas of the outdoor area within 50 feet of the residentially used or zoned property. The continuous screen shall be in conformance with Chapter 10, Part 4.
- E. This allowance shall be limited to restaurant uses in the C-1 that hold an alcoholic beverage license granted pursuant to Louisville Metro Code Chapter 113, with sales limited to between 6:00 A.M. and 12 A.M. on Mondays through Saturdays and between 10:00 A.M. and 11:59 P.M. on Sundays.

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#### **Chapter 4 Part 4 Accessory Uses and Miscellaneous Standards**

The following topics are discussed in this section:

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4.4.12	Outdoor Dining Areas
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#### **4.4.12 Outdoor Dining Areas**

- A. This section only applies to an outdoor dining area that is accessory to and serves a restaurant that is located on the same parcel or a contiguous parcel.
- B. This section only applies to an outdoor dining area on private property. An outdoor dining area within the public right-of-way must receive approval from the agency responsible for the right-of-way and shall be designed in accordance with agency standards.
- C. Uncovered outdoor seating may be situated in a required setback. If located in a required setback contiguous to a residential use, screening of at least 6 feet in height shall be provided. Screening may be in the form of a solid fence and/or landscaping. The continuous screen shall be in conformance with Chapter 10, Part 4. Any fence shall meet the applicable fence requirements for the location.
- D. An outdoor dining area may be covered. Any gazebo, canopy, or tent that provides cover remains subject to building permit requirements and must meet applicable setback requirements for the location.
- E. An outdoor dining area may not be located on any required parking space.
- F. An outdoor dining area shall not impede access into or out of the building.
- G. Only a restaurant that has an alcoholic beverage license that allows alcohol to be served outdoors may serve alcoholic beverages in the outdoor dining area.
- H. Smoking is prohibited in and within 15 feet of an outdoor dining area.
- I. When contiguous to residentially used property, the operating hours of the outdoor dining area shall be limited to between 7:00 A.M. and 10:00 P.M.
- J. The use of sound amplifying equipment or live music is prohibited between the hours of 10:00 P.M. and 7:00 A.M.

The provisions in this section do not apply to any outdoor dining area approved by a temporary activity permit.

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**5 Part 5 Non-Residential/Mixed Use Design Standards**

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**5.5.5 Accessory Structure Standards**

- A. Standards for Accessory Structures (other than accessory structures to single-family residential development)
  - 1. A Unless expressly permitted, accessory structures (e.g. dumpsters, storage buildings, HVAC equipment, fast food ordering stations/menu boards and similar uses) shall not be constructed or permitted within any required setback/yard. These structures shall be subordinate in size to the principal structure, shall not be visible from the public street, and shall be screened from adjacent residential areas by fencing or walls. When accessory structures are adjacent to residential uses, the accessory structure shall not exceed the scale of the adjacent residential structure(s). Open unenclosed seating, decks or other similar types of areas are permitted to encroach within the required front setback/yard, provided that minimum landscape buffer areas are provided per Chapter 10 Part 2. Outdoor dining areas are permitted to encroach within any required setback/yard, provided that the minimum landscape buffer areas are provided per Chapter 10 Part 2.
  - 2. Setback from Alley or Rear Property Line – The setback shall be the same as for the required landscape buffer area or transition setback/yard if applicable, whichever is greater.
- B. Form District Specific Requirements
  - 1. Downtown Form District – Accessory structures/screens shall be designed and constructed of the same materials as the primary structure. Accessory structures, excluding those related to outdoor dining, shall only be permitted at the rear of a principal structure

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**Chapter 9 Part 1 Motor Vehicle Parking Standards**

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**Table 9.1.3B Minimum and Maximum Motor Vehicle Parking Based on Use**

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<b>Shopping, business, or trade (2000)</b>			
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	Restaurant (includes bars) (2200)	Suburban Form: 1 per 500 sq. ft. of gross floor area  Traditional Form: 1 per 1,000 sq. ft. of gross floor area  <u>*Accessory outdoor dining areas</u>	1 per 100 sq. ft. of gross floor area

		<u>associated with a restaurant with indoor seating is excluded</u>	
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