



# Agenda Item Summary Sheet

Item No: **E-7**  
Meeting Date: **October 6, 2021**

**Item Title:** Request for Public Hearing to consider a text amendment to the Unified Development Ordinance allowing temporary accommodations for outdoor dining

**Item Summary:**

At their meeting on May 5, 2021, the Board of Commissioners requested that planning staff work on a text amendment to accommodate temporary allowances for outdoor dining, regardless of a declared state of emergency. Staff was asked to consider amendments that would allow for outdoor dining on a temporary or seasonal basis in a more flexible and simplified manner, allowing this where parking was not a reduced below that which is required and/or when seating is not increased in excess of available and required parking, or in excess of wastewater capacity.

Taking into consideration comments from the Planning Board at their July 20, 2021 meeting, Planning Staff prepared and presented an amendment to Section 4.11.5, Temporary Use Permit, which if adopted would allow temporary outdoor dining that qualifies as customer service area, or to allow the temporary use of parking areas for outdoor dining. With such requests, parking shall not be reduced below that which is required for the use, nor shall seating/occupancy be increased in excess of required parking or the wastewater capacity. When issued, these temporary use permits would have an expiration date, not to exceed 180-days from the date of issuance. Extensions of this original temporary use permit for dining may be sought but shall not be granted beyond 210 consecutive days as proposed. Restaurant uses shall not be eligible for the issuance of a temporary use permit for outdoor dining where a temporary use permit has been effective for the same site in each of the two (2) preceding calendar years.

**Staff Recommendation/Planning Board Recommendation**

Planning Staff is of the opinion that providing temporary accommodations for outdoor dining, with limits, is supported by the Comprehensive Plan and that the proposed amendment is reasonable and in the public interest.

At their September 21, 2021 meeting, the Planning Board voted unanimously to recommend adoption of the proposed text amendment as requested.

Number of Attachments: 0

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**Specific Action Requested:**

Schedule the Public Hearing.

Submitted By: Planning and Development

Date: September 28, 2021

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**Finance Officer Comment:**

N/A

Signature: Amy Miller

Date: September 28, 2021

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**Town Attorney Comment:**

N/A

Signature: John Leidy

Date: September 28, 2021

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**Town Manager Comment and/or Recommendation:**

N/A

Signature: Andy Garman

Date: September 28, 2021