

# Memorandum

**To:** Plan Commission

**From:** Katherine Holt, Community Development Specialist

**Date:** April 6, 2022

**Re:** **Outdoor Dining Zoning Text Amendment**

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On March 7, 2022, Staff presented the Plan Commission a memo regarding a potential zoning text amendment to remove outdoor dining without alcohol and remove and amend the language for outdoor dining with alcohol.

Staff proposes to remove the specific standards for outdoor dining, without alcohol ([Sec. 13-1-132\(l\)](#)), which would include removal of the definition ([Sec. 13-1-57\(m\)](#)) and land use from the table ([Sec. 13-1-105\(m\)](#)). Staff proposes to remove and replace the existing language for outdoor dining with alcohol ([Sec. 13-1-132\(m\)](#)) to state:

- (1) A fence shall be added as a barrier between the outdoor dining area and the pedestrian walkway if alcohol consumption or public safety becomes an issue outside of the designated barriers.

## **Zoning Text Amendment Findings**

A determination is required to ensure that a Zoning Text Amendment is in harmony with the recommendations of the City of Verona's Comprehensive Master Plan by answering the following questions posed in Section 13-1-215 of the Zoning Ordinance.

- a. *How does the proposed text amendment further the purposes of this title and the general article in which the amendment is proposed to be located as outlined in section 13-1-5?*

The proposed text amendments remove language that is not needed to outdoor dining without alcohol. Outdoor dining with alcohol is removed and amended to assist Public Safety if there is ever a concern.

- b. *How does the proposed text amendment further the purposes of the specific section in which the amendment is proposed to be located?*

The proposed text amendment allows outdoor dining to occur without regulation if alcohol is not present. If alcohol is present, there are requirements that must be met.

- c. *Which of the following factors has arisen that are not properly addressed in the current zoning text:*
1. *The provisions of this chapter should be brought into conformity with the Comprehensive Plan (if a factor related to the proposed amendment, note pertinent portions of the Comprehensive Plan);*
  2. *A change has occurred in the land market, or other factors have arisen which require a new form of development, a new type of land use, or a new procedure to meet said change(s);*
  3. *New methods of development or providing infrastructure make it necessary to alter this chapter to meet these new factors;*
  4. *If the proposed text amendment is concerned with the provisions of articles C and/or D: How does the proposed amendment maintain the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts?*

The current language in the Zoning Ordinance was typically conditioned on various projects in the City for site plan approvals. Staff decided it was worth formalizing these conditions for all projects, but Public Safety is more flexible on the overall design for outdoor dining with alcohol. It is in the best interest of the City to remove these restrictive design standards and allow flexibility to the land use. In addition, the market and Covid has changed the behavioral patterns of how people dine as more want to be outside.

### **Recommendation:**

Staff recommends the following Plan Commission actions:

1. Recommend the Common Council approve the zoning text amendment for Section 13-1-132(m) to remove the existing text and replace with a fence shall be added as a barrier between the outdoor dining area and the pedestrian walkway if alcohol consumption or public safety becomes an issue outside of the designated barriers.
2. Recommend the Common Council approve the zoning text amendment to remove language for outdoor dining, without alcohol in sections 13-1-132(l), 13-1-57(m), and 13-1-105(m).

