


County Executive Steven R. Schuh

**Office of Planning and Zoning
Development Division**

INTER-OFFICE CORRESPONDENCE

DATE: October 17, 2013 (Amended and Effective March 3, 2014)
REVISED March 22, 2016 DRAFT

TO: OPZ and I&P staff and MBIA members

FROM:  Larry R. Tom, Planning and Zoning Officer

SUBJECT: Outdoor Seating for Additions to Existing Structures

The following Policy is being established for use when reviewing applications for sites that include outdoor seating, and additions to existing structures that include outdoor seating. The policy addresses the review as it relates to adequacy of public facilities for traffic and utilities and is intended to provide guidelines for thresholds that trigger the requirement to address APF. Additionally, the policy addresses parking requirements.

A. Traffic:

1. Based on trip generation data, applications for 10 seats or less of outdoor seating, regardless of whether the seats will be seasonal (April to October) or year round will NOT require a Traffic Study and therefore are exempt from meeting Traffic APF.
2. Applications for 11-20 seats will be allowed to proceed through the Modification to SDP process without submitting a Traffic Study, **ONLY** if the seating will be seasonal (that is, in an area that cannot be enclosed, including eisenglass.)
3. All applications not covered under Nos. 1 and 2 above, trigger the Site Development Plan requirement and will require a Traffic Study.

B. Utilities (EDU calculations and allocation):

1. In general, outdoor seating will be treated in the same manner as the primary structure, regardless of whether or not it is seasonal outdoor seating.

2. For additions, outdoor seating will be treated like any other seating in the establishment, regardless of whether or not it is of a seasonal nature. If the outdoor seating is for a restaurant that is in a mixed use building, the flow factor for mixed use (which is based on square footage) will apply to the outdoor seating area. If the outdoor seating is for a restaurant on a pad site, **the flow factor of 8 gpd per seat will apply to the outdoor seating.** DPW and the Development Division reviewers will rely on the consultants to supply this information.

C. Parking Requirements

1. Although not an APF requirement, plans submitted for a Modification to skip SDP should include parking tabulations that factor in the additional seating. For sites with multiple tenants/uses, the parking tabulations table should include data for all tenants/uses.
2. If parking requirements cannot be met, the applicant may propose restriping plans to add spaces by including compact spaces or, in accordance with County Code Section 18-3-105, provide a parking analysis and request approval of a reduction in parking with a request letter addressed to the Planning and Zoning Officer, through the Development Division.

D. EXAMPLES

1. A restaurant in a mall wants to add a seasonal outdoor seating area of 16 seats and 480 sf. Since the mall is a mixed use building, the outdoor seating area will be tested for EDUs based on the additional 480 sf of floor area. No Traffic Impact Study will be required.
2. A restaurant in a mall wants to add a year-round outdoor seating area of 30 seats and 600 sf. Since the mall is a mixed use building, the outdoor seating area will be tested for EDUs based on the additional 600 sf of floor area. A Traffic Impact Study will be required.
3. A restaurant on a standalone pad wants to add a seasonal outdoor seating area of 30 seats and 600 sf. Since the standalone pad is a restaurant use, the outdoor seating area will be tested for EDUs based on the additional 30 seats **at the flow rate of 8 gpd per seat.** A Traffic Impact Study will be required.
4. A proposed 4,000 sf convenience store wants to include a 400 sf 16 seat outdoor seating area in their application. Since the convenience store tested for EDUs as a mixed use commercial building, the outdoor seating area will be included in the total floor area and tested for EDUs on 4,400 sf. A Traffic Impact Study will be required.