

**AMENDMENTS TO COUNCIL BILL 23-0435  
(1<sup>st</sup> Reader Copy)**

By: Councilmember Costello  
{To be offered to the Economic and Community Development Committee}

**Amendment No. 1**

On page 1, in line 10, after “5-308,” insert “14-328(j), 14-329(a)”; and, on that same page, in that same line, strike “and”; and, on that same page, in that same line, after “18-403” insert “, Table 10-301”; and, on page 6, after line 3, insert:

**“Title 14. Use Standards**

**Subtitle 3. Use Standards**

**§ 14-328. Neighborhood commercial establishments.**

...

(j) Outdoor dining.

(1) In general.

Where the right-of-way is 10 feet or greater, outdoor dining may:

(i) be on the street side of the property; AND

(ii) be on the interior of the property[;].

[(iii) be in the rear yard of the property;

(iv) be on the deck above the ground floor; and

(v) be on the roof of the property.]

(2) Deck dining - prohibition.

No deck used for outdoor dining shall be constructed in the 10 foot right-of-way described under this section.

**§ 14-329. Outdoor dining.**

(a) Nature of use.

(1) Outdoor dining is considered an accessory use to a principal use and may be located on either the property for which the permit is approved or extend into the public right-of-way immediately adjoining the building frontage or street corner side of the property.

(2) Rooftop dining is allowed in all non-residential zoning districts.

(i) Rooftop dining is a permitted use in all non-residential zoning districts, except the C-1, C-1-VC, C-1-E, and C-2 zoning districts.

(ii) [Outdoor] ROOFTOP dining in a C-1, C-1-VC, C-1-E, or C-2 zoning district requires approval as a conditional use by the Board of Municipal and Zoning Appeals.

(3) Paragraphs (1) and (2) of this subsection are subject to the requirements set forth in this section, as applicable.”;

and, on that same page, after line 14, insert:

**“Zoning Tables**

<i>Table 10-301: Commercial Districts - Permitted and Conditional Uses</i>								
<i>Uses</i>	<i>Districts</i>							<i>Use Standards</i>
	C-1	C-1-VC	C-1-E	C-2	C-3	C-4	C-5	
<b>COMMERCIAL</b>								
Outdoor Dining	P <sub>2</sub> <u>CB</u> <sup>5</sup>	P <sub>2</sub> <u>CB</u> <sup>5</sup>	P <sub>2</sub> <u>CB</u> <sup>5</sup>	P <sub>2</sub> <u>CB</u> <sup>5</sup>	P	P	P	Per § 14-329

<sup>5</sup> SEE § 14-329 FOR ROOFTOP DINING, WHICH IS A CONDITIONAL USE.”.