

## Proposed Text - Draft

In the revisions shown below, text to be deleted is identified with ~~strike-through~~ and text to be added is underlined. Advertised options are included (***in parentheses, italics, and bold***). When an option is presented as a range, the Board may approve any number within the advertised range. The proposed changes are based on the provision of the adopted Zoning Ordinance in effect as of May 10, 2023.

**#1 INSTRUCTION: Amend Article 9 – Definitions and Ordinance Interpretations, Section 9102. General Terms to add a new definition for outdoor dining as shown below.**

# ARTICLE 9 - DEFINITIONS AND ORDINANCE INTERPRETATION

## 9102. General Terms

### Outdoor Dining

An accessory outdoor seating area outside the confines of the commercial structure intended solely for the consumption of food and beverages served by an adjoining food establishment, and which does not include permanent structures. This use does not include any use meeting the definition of a public entertainment use.

**#2 INSTRUCTION: Amend subsection 4102.7 by adding a new subsection (L) Outdoor Dining and renumber the remaining subsections, as shown below.**

## 7. Accessory Uses

### L. Outdoor Dining

#### **Standards applicable to all outdoor dining areas:**

- (1) Outdoor dining, unless expressly prohibited by any applicable proffered condition, development condition, special permit, or special exception condition or otherwise approved as part of a site plan, may be permitted as an accessory use to the following: a restaurant; restaurant, carry out; restaurant with drive-through; craft beverage production establishment or other similar uses that have a food establishment permit. All outdoor dining must be in accordance with the following standards:**
  - (a) The outdoor dining area for any single food establishment may not exceed 50 percent of the indoor dining floor area of the establishment. Additionally, for any outdoor dining area serving multiple establishments, the total area devoted to outdoor dining may not exceed 50 percent of the total combined indoor dining floor area for all establishments. (*Option: Outdoor dining areas may not exceed a range from 25 percent to 75 percent of the indoor dining area.*)**

- (b)** The hours of operation must generally conform to the business hours of the principal use. *(Option 1: Outdoor dining may not occur before 7:00 AM or after 10:00 PM when located directly adjacent to single family development or as otherwise approved by the Board in conjunction with a rezoning or other action before the Board. Option 2: Outdoor dining located directly adjacent to single family development may not operate before 9:00 AM.*
- (c)** All tables, chairs, umbrellas, tents, lighting, and other accessories must be removable and maintained in good repair and in safe condition.
- (d)** Any area used for outdoor dining must be clearly demarcated by rope, bollards, planters, or other object. All outdoor dining areas must be located entirely on impervious surfaces. Any outdoor dining located in parking areas is subject to the standards in subsection 4102.7.L(2).
- (e)** The outdoor dining area may not obstruct any fire equipment, building entrance or exit or any other area marked or designated for emergency egress or ADA accessibility, or pedestrian passage on any trail or sidewalk.
- (f)** Any single tent larger than 900 square feet, or multiple tents separated by less than 12 feet and exceeding a combined area larger than 900 square feet, requires a permit from the Office of the Fire Marshal. All tents, regardless of size, must be securely anchored to prevent collapse or uplift during inclement weather.
- (g)** No cooking, open flames or outdoor heaters are permitted under any tent unless approved by the Office of the Fire Marshal.
- (h)** Outdoor dining and related activities must comply with Chapter 108.1 (Noise Ordinance).
- (i)** No additional business sign or advertisement is permitted except as permitted by the Zoning Ordinance. The outdoor dining area must be kept free of trash and debris. Any extension cords associated with audio or video entertainment equipment may not create a trip hazard.
- (j)** Outdoor dining areas are subject to all applicable provisions of the County Code.

**Standards when permitted by administrative permit:**

- (2)** Outdoor dining located in a parking lot must conform to the applicable standards for all outdoor dining standards above, and must also comply with the following standards:

  - (a)** May not reduce the total number of parking spaces below the minimum required for the site. *(Option: Outdoor dining area provided in a parking lot may not exceed a range from 500 square feet to 1,000 square feet per establishment)*
  - (b)** May not be located, in any designated accessible parking spaces, access aisles, street accesses for fire department vehicles, or parking lot landscaping that is located in or part of the parking lot.