

**TOWN COUNCIL OF CENTREVILLE
ORDINANCE NO. 11-2016**

AN ORDINANCE OF THE TOWN COUNCIL OF CENTREVILLE TO AMEND THE TOWN'S ZONING ORDINANCE CODIFIED AS CHAPTER 170 OF THE TOWN CODE TO ADD CERTAIN DEFINITIONS, TO CLARIFY CERTAIN DEFINITIONS AND TO ALLOW OUTDOOR DINING AREAS IN THE PUBLIC RIGHT OF WAY IN THE CENTRAL BUSINESS DISTRICT, IN ORDER TO ADMINISTER AND ENFORCE THE TOWN'S ZONING ORDINANCE MORE EFFECTIVELY.

WHEREAS, Section 5-213 of the Local Government Article of the Annotated Code of Maryland authorizes the Town Council to establish reasonable zoning regulations.

WHEREAS, Section 4-102(6) of the Land Use Article of the Annotated Code of Maryland authorizes the Town Council to regulate the location and use of buildings, signs and structures on the land.

WHEREAS, the Town Council finds that the health, safety, and general welfare of the residents of the Town will be furthered and enhanced by clarifying certain terms and definitions within the Town's Zoning Ordinance, which is codified as Chapter 170 of the Centreville Town Code, in order to aid in the administration and enforcement thereof.

NOW, THEREFORE, be it ordained by the Town Council of Centreville that:

Section 1. The recitals set forth above are incorporated herein by reference and made a part of this ordinance.

Section 2. Chapter 170-22 Central Business District

Permitted uses

E. Except as otherwise noted in the Schedule of Zone Regulations, the following additional requirements shall apply to the CBD District:

(3) The ground floor street frontage of each structure shall be pedestrian-oriented, and windows shall be provided to the maximum extent practical rather than blank walls. Restaurants shall be permitted to provide outdoor table areas and operate outdoor dining on sidewalks, including areas within the public right-of-way and in courtyards, so long as such area utilized is adjacent to the abutting property, provided that pedestrian circulation and access to store entrances shall not be impaired to less than four feet of clearance or width and no part of an outdoor table area or outdoor dining area shall encroach upon any part of the sidewalk frontage of any adjacent premises, right-of-way or alley. If the outdoor dining area has permanently attached features, including but not limited to fencing, gates, awnings, lighting, etc., a simplified site plan shall be filed with and approved by the Zoning Administrator (See 170-48 Simplified site plan)

Section 3. 170-39 Accessory uses and structures; fences

A. All necessary uses and structures shall be located outside the required front or side yards in any residential or commercial district, unless part of or attached to the main building. Accessory uses and structures that are a part of or attached to the main building require the same minimum yard setbacks as the main building. In the Central Business District, sidewalks may be used for outdoor tables and outdoor dining provided that it does not impede pedestrian flows or create a hazard. If the table area or

outdoor dining area has permanently attached features, including but not limited to fencing, gates, awnings, lighting, etc., a simplified site plan shall be filed with and approved by the Zoning Administrator (See 170-48 Simplified site plan)

Section 4. DESIGN STANDARDS (ZONING APPENDIX):

Commercial Lighting:

6: Exempt Lighting:

- The following lighting is exempt from lighting standards:
(e) string lighting or similar lighting in the Central Business District when used to enhance an outdoor table area or outdoor dining area when accompanied and approved by a simplified site plan. This lighting shall be turned off outside of business hours, and shall not flash, blink, move, revolve, rotate, scintillate, vary in intensity of color, or use intermittent electrical pulsation.

Section 5.

170-68 Definitions:

Restaurant: A food-serving establishment whose principal business is the sale of food and the principal method of operation is its service when ordered from a menu to seated customers at a table, booth or counter inside the establishment. This type includes cafeteria-style restaurants. A restaurant may also have an outdoor table area, or an outdoor dining area, which is permitted subject to the following conditions:

Outdoor Table Area- defined as an outdoor area where food, refreshments, and/or beverages are sold by a restaurant, for public consumption at tables located on the sidewalk fronting the restaurant:

- (1) Customers in an outdoor table area shall be seated at tables.
- (2) The number of outdoor seats shall not exceed the number of indoor seats at tables.
- (3) Customers in the outdoor table area shall have access to the same indoor toilets as do customers seated indoors; portable toilets shall not be permitted.
- (4) An outdoor table area shall not be open for business during hours when the indoor restaurant is closed for business.
- (5) No part of any outdoor table area shall be within 75 feet of a residential zone.
- (6) All illumination shall be directed within the outdoor table area and not towards neighboring properties.

Outdoor dining area—Permit required. For purposes of this chapter, "outdoor dining area" means any outdoor dining area situated on a public sidewalk with any of the following:

- Permanently attached structures to the public right of way or sidewalk and/or
- Alcohol sales to be consumed on premises

Outdoor dining areas shall operate only as authorized pursuant to this chapter.

A. A person shall not construct, maintain, use or operate an outdoor dining area without first obtaining a permit as provided in this chapter.

- (1) Customers in an outdoor dining area shall be seated at tables.
- (2) The number of outdoor seats shall not exceed the number of indoor seats at tables.
- (3) An outdoor dining area with more than four tables or sixteen seats shall provide table service.
- (4) An outdoor dining area shall not include an outdoor bar.
- (5) Customers in the outdoor dining area shall have access to the same indoor toilets as do customers seated indoors; portable toilets shall not be permitted.
- (6) An outdoor dining area shall not be open for business during hours when the indoor restaurant is closed for business.

(7) No part of any outdoor dining area shall be within 75 feet of a residential zone.

(8) All illumination shall be directed within the outdoor dining area and not towards neighboring properties.

B. An application for an outdoor dining area permit shall be made to the Zoning Administrator as provided by the Zoning Administrator. The application shall be made by the operating establishment.

C. An outdoor dining area operating permit shall be for one year, the permit shall be valid from the date on which the permit is issued. The holder of a permit shall pay an annual fee as established by resolution of the Town Council. The annual fee shall be paid with the original permit application and with the request for renewal of the permit. The Zoning Inspector shall consider the issuance of any prior municipal infractions, citations and unpaid fines relative to outdoor dining when reviewing permit renewal requests.

D. The holder of an outdoor dining permit shall fully insure, indemnify, defend and hold harmless the Town Council of Centreville and in their capacity as such, the officers, agents and employees thereof from and against any and all claims and damages in any way arising out of or through the acts or omissions of the permit holder or its employees in the construction, operation, maintenance, use, placement or condition of the outdoor dining area. An applicant for outdoor dining area shall provide proof of such insurance before a permit may be issued or renewed under this chapter.

E. A restaurant shall not sell, serve or allow consumption of alcoholic beverages on its outdoor dining area without obtaining the required license from the Queen Anne's County Board of License Commissioners. Alcoholic beverages shall be served on the outdoor dining area only in conjunction with the service of food.

F. The following are prohibited in the outdoor dining area: cooking of food; unshielded trash or refuse storage; advertisements (exclusive of menus intended to be read from café); outdoor entertainment, music, speakers, or public address system; exclusively carry-out transactions.

G. An outdoor dining area shall comply with all applicable building, health, safety, fire, zoning and environmental standards.

Section 6. All new material has been underlined.

ATTEST

THE TOWN COUNCIL OF CENTREVILLE

Carolyn M. Brinkley
Town Clerk

George G. Sigler, President

First Reading: August 4, 2016

Second Reading: August 18, 2016

Enacted: _____

Effective: _____

Timothy E. McCluskey, Vice President

Jim A. Beauchamp, Member