

**TOWN COUNCIL OF CENTREVILLE
ORDINANCE NO. 11-2019**

**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 AND TO ALLOW OUTDOOR TABLE AREAS AND
OUTDOOR DINING AREAS AS AN ACCESSORY USE TO A RESTAURANT IN THE
PUBLIC RIGHT-OF-WAY IN THE CENTRAL BUSINESS DISTRICT**

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. Section 170-22.C Central Business District Accessory uses and structures shall be amended to add a new item (2). The existing item (2) shall be renumbered to item (3). The new item (2) shall read as follows:

- (2) Outdoor Table Area and Outdoor Dining Area as an accessory use to a Restaurant, provided it complies with the following requirements:
 - (a) Restaurants shall be permitted to provide Outdoor Table Areas and operate Outdoor Dining Areas 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 forty-eight (48) inches or clearance or width or thirty-six (36) inches of clearance or width in the event of a mid-sidewalk obstruction 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 unless written permission is provided by the property owner. 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).
 - (b) Customers in an Outdoor Table Area or an Outdoor Dining Area shall be seated at tables.
 - (c) The number of outdoor seats shall not exceed the number of indoor seats at tables.

- (d) Customers in the Outdoor Table Area or Outdoor Dining Area shall have access to the same indoor toilets as do customers seated indoors; portable toilets shall not be permitted.
- (e) An Outdoor Table Area or Outdoor Dining Area shall not be open for business hours when the indoor restaurant is closed for business.
- (f) No part of any Outdoor Table Area or Outdoor Dining Area shall be within 75 feet of a residential zone.
- (g) All illumination shall be directed within the Outdoor Table Area or Outdoor Dining Area and not towards neighboring properties.
- (h) The operator of an Outdoor Table Area and Outdoor Dining Area 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 operator of the Outdoor Table Area or Outdoor Dining Area or its employees in the construction, operation, maintenance, use, placement or condition of the Outdoor Table Area or Outdoor Dining Area.
- (i) The following are prohibited in Outdoor Table Areas and Outdoor Dining Areas: cooking of food; unshielded trash or refuse storage; advertisement (exclusive of menus intended to be read from the outdoor area); outdoor entertainment, music, speakers, or public address system; exclusively carry-out transactions.
- (j) Outdoor Table Areas and Outdoor Dining Areas shall comply with all applicable building, health, safety, fire, zoning and environmental standards.
- (k) The following additional provisions apply to Outdoor Dining Areas:
- [1] An Outdoor Dining Area shall not include an outdoor bar.
 - [2] A permit shall be required for an Outdoor Dining Area. An application for an Outdoor Dining Area permit shall be made to the Zoning Administrator. The application shall be made by the operator of the restaurant establishment.
 - [3] An Outdoor Dining Area permit shall be valid for one year 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 any requests for renewal of the permit. The Zoning Administrator shall consider the issuance of any prior municipal infractions, citations and unpaid fines relative to the Outdoor Dining Area when reviewing requests for permit renewal.
 - [4] A restaurant shall not sell, serve or allow the consumption of alcoholic beverages within its Outdoor Dining Area without first obtaining the required license from the Queen Anne's County Board of License Commissioners. Alcoholic beverages shall be served in the Outdoor Dining Area only if the sale of food is also offered in the Outdoor Dining Area.

Section 3. Section 170-39.A Accessory uses and structures; fences shall be amended to read as follows:

- A. Except as otherwise provided in the Zoning Ordinance, 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. Accessory uses and structures must be set back from side and rear yard lines three feet when located in or adjacent to the R-1, R-2, R-3, and TND Residential Districts.

Section 4. Section 170-70 Definitions shall be amended to add the following two definitions:

OUTDOOR TABLE AREA

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.

OUTDOOR DINING AREA

Any outdoor dining area situated on a public sidewalk with any of the following:

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

Section 5. The Development Design Standards, Section 4.D.6 Exempt Lighting which are attached to the Zoning Ordinance as Attachment 6 shall be amended to add a new paragraph (e) to read as follows:

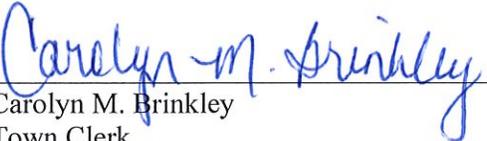
- (e) String lighting or similar lighting in the Central Business District when used to enhance an Outdoor Table Area or Outdoor Dining Area when accompanied and approved by a simplified site plan. This lighting shall be turned off outside of business hours, and shall not flash, blink, move, revolve, rotate, scintillate, vary in intensity of color, or use intermittent electrical pulsation.

Section 6. All new material has been underlined.

Section 7. This Ordinance shall become effective twenty days after its enactment.

ATTEST:

THE TOWN COUNCIL OF CENTREVILLE



Carolyn M. Brinkley
Town Clerk



Jim A. Beauchamp, President

First Reading: September 5, 2019
Second Reading: October 4, 2019
Enacted: October 4, 2019
Effective: October 25, 2019



Jeffrey C. Morgan, Vice President



Timothy E. McCluskey, Member