

3.19 TEMPORARY FORMS OF OUTDOOR ENTERTAINMENT (Revised: 09/09/20)

The following temporary forms of outdoor entertainment may be allowed by Zoning Compliance Permit. No single activity may take place for more than 14 consecutive calendar days. The total of all activities permitted under this section on a single property shall not exceed 75 calendar days within a single year.

Such activities permitted under this provision shall include fairs, bazaars, concerts, dances, exhibitions, rodeos, circuses, carnivals, festivals, recurring performances, outdoor theater productions, or other similar activity.

An application for approval of such activity shall be submitted to the Zoning Enforcement Officer. The Zoning Enforcement Officer may require application submittal up to 21 days prior to the proposed start of the event. Prior to submitting an application, applicants shall contact the ZEO to ascertain any anticipated permit requirements and the amount of time necessary for review. Applications shall indicate the type of entertainment to be provided, the site of the event, and the period of time over which the event is to occur.

Such application shall be accompanied by a sketch of the site, to scale, indicating the location and method of sanitary facilities, provisions for off-street parking, provisions for traffic controls, provisions for fire safety, proposed seating arrangement, location of all temporary booths, canopies, and/or tents, and such other information as the Zoning Enforcement Officer may require in order to assure that the public health, safety, and welfare is addressed.

3.44 ACCESSORY OUTDOOR DINING (Effective Date: 5/31/22)

Accessory Outdoor Dining is permitted as an accessory use for all approved dining establishments, subject to the following provisions:

- a. Application Review and Permitting Authority:
 1. Accessory Outdoor Dining may be allowed by Zoning Compliance Permit as an accessory use to any permitted restaurant or café provided that no permanent physical changes will be made to the exterior of the property.
 2. Accessory Outdoor Dining shall be subject to Site Plan review pursuant to Section 22 of these Regulations as an accessory use to any permitted restaurant or café if improvements to accommodate the proposed Accessory Outdoor Dining will result in permanent physical changes to the exterior of the property.
- b. All Accessory Outdoor Dining shall be subject to the following provisions:
 1. The area to be used for dining shall not be located within public rights of way, required fire lanes, handicap parking spaces, handicap accessible approaches to buildings, stormwater facilities, or drive-thru facilities and associated queuing lanes.

2. Dining may be permitted in parking lots adjacent to the primary use provided that adequate parking in conformance with Section 20 of these regulations is provided on site or by written agreement with the owner of a contiguous property.
3. Dining may be located on sidewalks adjacent to the primary use, provided that an unrestricted four (4) foot pedestrian access is maintained.
4. Pedestrian access between the primary and accessory dining areas shall be provided. Positive vehicular traffic controls and associated signage may be required as determined by the Zoning Enforcement Officer in consultation with the Police Department or the Planning and Zoning Commission.
5. Dining areas shall be separated from vehicles and pedestrians by fencing, planters, ropes, bollards, or similar barriers, or a combination thereof, and be between 30 and 42 inches in height. Barriers shall be clearly visible at all times. Limited lighting or reflective perimeter materials may be required.
6. Separate or additional restroom facilities shall not be required for Accessory Outdoor Dining, unless required to meet applicable Building Codes.
7. Accessory Outdoor Dining shall not be permitted if it would result in the expansion of a non-conforming use.
8. Accessory Outdoor Dining may be permitted between the hours of 7am and 10pm.
9. Music may be permitted by the Planning and Zoning Commission in association with Accessory Outdoor Dining, provided sound emitted from said music is not in violation of any applicable noise ordinance.
10. Any other performance or special activity beyond those described in 3.44(9) shall be subject to separate permitting under Section 3.19 of these regulations governing Temporary Forms of Outdoor Entertainment.