

In the adopted amendment:

- Adopted text added is shown with underline and adopted text deleted is shown with ~~strikethrough~~.
- Text relocated from one location to another is noted with a footnote[#].
- Footnotes are for information only and are not adopted as part of the Zoning Ordinance.
- Where paragraphs were added or deleted, all subsequent paragraphs were renumbered accordingly; and all references throughout the Ordinance were updated accordingly.

Article 12. Use Standards

§12.9. ACCESSORY USE STANDARDS

§12.9.15. Outdoor cafés

Outdoor cafés may be allowed only as accessory to otherwise allowed restaurants, subject to the following requirements ~~unless otherwise modified by site plan pursuant to §15.5:~~

A. Outside of public rights-of-way or easements for public use

~~For an~~ Outdoor cafes are allowed, subject to approval by the zoning administrator, when they are not located within outside of public rights-of-way or easements for public use: and comply with the following, except that the County Board may modify the requirements of §12.9.15.A.7 and §12.9.15.A.8 by use permit or by site plan, pursuant to §15.4 and §15.5, respectively.

1. An outdoor café, including any canopies or covers associated with such a café, shall be permitted within the required setback. Said canopies or covers may be affixed to the ground.
2. ~~Except as provided in §12.9.15.A.1 above, and~~ all fixtures and furnishings in the outdoor café including, but not limited to, tables, chairs, bar, server stations and sources of heat shall be portable and not affixed to the ground, building or other permanent structures. Permanent railings or fences may be permitted only where and to the extent that the building code requires an affixed fence for safety purposes.¹
3. Outdoor cafes shall not be enclosed, except as specified elsewhere in the ordinance.¹
4. Except as may be required by site plan or use permit condition or as otherwise provided in §12.10.5.B.2(b), outdoor cafes are not required to be closed during a season and may be open any day during the year.¹
5. ~~and~~ The hours of operation of an outdoor café shall not extend past the normal operating hours of the main use, the restaurant.²

¹ To improve legibility, three distinct use standards previously contained within Subsection §12.9.15.A.2 have been separated out to form three distinct line items (Subsections §12.9.15.A.2-4). All outdoor café use standards have also been regrouped so that standards that may be modified by the County Board by use permit or by site plan are relocated toward the end of the section.

² To improve legibility, the two distinct use standards previously contained within Subsection §12.9.15.A.3 have been separated out to form two distinct line items (§12.9.15.A.5 and §12.9.15.A.8). All outdoor café use standards have also been regrouped so that standards that may be modified by the County Board by use permit or by site plan are relocated toward the end of the section.

- 27 6. Outdoor cafes located in side or rear yards abutting or across an alley from an “R” or
28 “RA” District shall not operate before 9:00 am or after 11:00 pm.³
- 29 7. No sound or audio or video entertainment, including but not limited to television or
30 radio playing of music and/or sports events, may be piped into, or played so as to be
31 visible or audible from the outdoor café area before 9 am or after 11 pm on Fridays
32 and Saturdays and before 9 am or after 10 pm on Sundays through Thursdays.⁴
- 33 8. ~~As accessory uses~~ O outdoor cafes shall have fewer seats than the indoor portion of
34 the restaurant.²
- 35 9. ~~Unless otherwise required by the County Board,~~ O outdoor cafes shall be exempt from
36 any parking requirement, unless otherwise required by the County Board when
37 approving a use permit or site plan.⁵
- 38 B. Within public rights-of-way or easements for public use
39 Outdoor cafes may be permitted within public rights-of-way or easements for public use ~~if~~
40 subject to approval of a use permit ~~is obtained by the County Board~~ as provided ~~for~~ in
41 §15.4.
- 42 C. In M districts
43 In addition to the provisions of §12.9.15.A and B, outdoor cafes in M districts may be
44 enclosed up to ten months per year, subject to approval of a use permit ~~approval by the~~
45 County Board as provided in §15.4.

² To improve legibility, the two distinct use standards previously contained within Subsection §12.9.15.A.3 have been separated out to form two distinct line items (§12.9.15.A.5 and §12.9.15.A.8). All outdoor café use standards have also been regrouped so that standards that may be modified by the County Board by use permit or by site plan are relocated toward the end of the section.

³ Subsection §12.9.15.A.6 was previously listed as Subsection §12.9.15.A.4.

⁴ Subsection §12.9.15.A.7 was previously listed as Subsection §12.9.15.A.6.

⁵ Subsection §12.9.15.A.9 was previously listed as Subsection §12.9.15.A.5.