

RESTAURANTS

NOTES: On the topic of restaurants the Planning Commission may want to consider making a distinction between restaurants and drive-in restaurants and revising the Permitted Uses table of reflect this distinction. Suggested definitions are:

Restaurant, drive-in - Any place or establishment merchandising or dispensing food or drink at which the customer is served:

- A. While sitting in an automobile or other motor vehicle, or
- B. Through an interior or exterior sales window, counter or serving area, and in which a substantial part of the food or drink merchandised and dispensed has been prepared and packaged so as to facilitate its consumption outside the structure in which the food or drink is dispensed.

Restaurant, Café, Coffee Shop - A retail business selling ready-to-eat food and/or beverages for on- or off-premises consumption. These include:

- A. Counter Ordering. An establishment where customers are served from a walk-up ordering counter for either on- or off-premises consumption. This includes retail bakeries such as a donut shop, pastry shop, cake shop, and similar types of businesses;
- B. Table Service. An establishment where customers are served food at their tables for on-premises consumption, which may also provide food for take-out;
- C. Outdoor Dining. An establishment with either counter ordering or table service that provides a defined outdoor area for eating, which may be a sidewalk café as regulated by Chapter 285; and
- D. Serving Alcohol. Any of the above restaurants, cafés, coffee shops which serve beer, wine or distilled spirits with the meal.

For purposes of adding drive-in restaurants to the Permitted Uses Table (§ 340-51) in Article VII I assume the Planning Commission would only allow a drive-in restaurant in the GC district.

§ 340-66. Restaurants, outdoor seating.

A. Outdoor seating area[s] in the CC, GC, and ~~MC~~-Zones ~~is~~ **[are]** permitted subject to the following conditions:

- (1) An outdoor seating area shall exist only in conjunction with indoor seating that is under the same management, which operates the indoor and outdoor seating as a single business.
- (2) The outdoor seating area shall be contiguous to the restaurant with which, per Subsection A(1) above, it forms a single business. For restaurants/cafes providing a sidewalk dining area see Subsection C below.
- (3) Customers in an outdoor seating area shall be seated at tables.
- ~~(4) The number of outdoor seats shall not exceed the number of indoor seats at tables.~~
- (4) An outdoor seating area with more than two (2) tables or eight (8) seats shall provide table service.
- (5) An outdoor seating area shall not include an outdoor bar.
- (6) Customers in the outdoor seating area shall have access to the same indoor toilets as do customers seated indoors; portable toilets shall not be permitted.
- (7) An outdoor seating area shall not be open for business during hours when the indoor restaurant is closed for business.
- (8) No part of any outdoor seating area shall be within ~~seventy-five (75)~~ **[fifty (50)]** feet of a residential zone.
- (9) All illumination shall be directed within the outdoor seating area and not towards neighboring properties.
- (10) Conditions set forth in Subsection A(3), ~~(4)~~, (5) and (7) shall not apply during a private function for which the restaurant's outdoor seating area is closed to the general public.

[B. Outdoor seating areas in the MC Zones are permitted subject to the following conditions:

- (1) Customers in an outdoor seating area shall be seated at tables.**
- (2) An outdoor seating area with more than two (2) tables or eight (8) seats shall provide table service.**

- (3) An outdoor seating area shall not include an outdoor bar.**
- (4) Customers in the outdoor seating area shall have access to indoor toilets; portable toilets shall not be permitted.**
- (5) No part of any outdoor seating area shall be within ~~seventy-five (75)~~ [fifty (50)] feet of a residential zone.**
- (6) All illumination shall be directed within the outdoor seating area and not towards neighboring properties.]**

C. Restaurants/cafes with outdoor dining abutting a public sidewalk. General requirements:

- (1) An outdoor dining area, accessory to a restaurant/cafe, which abuts a public sidewalk may only be permitted in those zones where restaurants and cafes are otherwise permitted.
- (2) A permit for the above noted outdoor dining shall be issued by the Town.
- (3) The permit fee shall be as set out in the Town's Administrative Fee Schedule for a zoning certificate.
- (4) All chairs, benches, tables and service operations shall not extend beyond the privately held property on which the business is located and shall not extend into the pedestrian corridor as defined in § 285-1 (obstructions) of the Town Code.
- (5) No alcohol of any type may be served on public property or in violation of any license issued by the Talbot County Board of License Commissioners. Violation of this condition shall result in immediate termination of the use of the property for outdoor dining and sidewalk use permit.
- (6) The authority to grant, renew, revoke, or deny a permit for outdoor dining abutting a public sidewalk rests with the Zoning Inspector/Codes Enforcement Officer.
- (7) The duration of the permit shall be 365 days.
- (8) No structure or enclosure to accommodate the storage of trash or garbage shall be erected or placed on, adjacent to, or separate from the outdoor dining area on the public sidewalk or right-of-way. Outdoor dining areas shall remain clear of litter at all times.
- (9) The hours of operation of the outdoor dining area shall be limited to the hours of operation of the associated restaurant or cafe.
- (10) Enforcement of these provisions is governed by the St. Michaels Police Department and/or Codes Enforcement Officer.

~~(11) Violations of these conditions will be considered a municipal infraction and subject to a fine in the amount of \$200 per day.~~

(11) 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.