

Proposed Amendments

to be considered at the

November 2022 General Referendum

Amendment

1. Outdoor Dining for Restaurant Uses in Town

Amendment #
Outdoor Dining for Restaurant Uses in Town

Ballot Language: The following language would appear on the ballot:

Article X

The Town hereby ordains amendment of the **Zoning Ordinance** to allow outdoor dining for restaurant uses permitted in town.

Statement of Fact: The purpose of this amendment is to allow restaurant uses, where permitted in town, to be able to have outdoor seating for dining purposes. The proposed allowance for outdoor dining for restaurant uses will be in place until November 2024 to allow evaluation of this ordinance and modify it if needed.

Recommendations:

Amendment: Amend Article Seven Special Provisions by permitting outdoor seating for permitted restaurant uses in town and include a sunset clause to allow for ordinance evaluation.

7.19 Outdoor Seating for Restaurant Uses

7.19.1 General. Outdoor seating for dining purposes shall be allowed where a restaurant use is permitted per Article Four Use Regulations. This provision shall supersede any zoning ordinance section that states otherwise. Outdoor seating used for dining purposes shall not be included for determining maximum gross floor area calculations for restaurant uses where applicable.

7.19.2 Outdoor Seating in the Public Right of Way. Outdoor seating for a restaurant use may be permitted in a public right-of-way after Selectboard approval. Selectboard approval or denial shall occur after either Planning Board or Code Enforcement approval as prescribed in Article Eighteen Administration of this ordinance. The Planning Board or Code Enforcement shall ensure outdoor seating for dining purposes meets applicable ordinances or regulations, that the seating locations are secure, and that safe passage for pedestrian, bicycle, and vehicular traffic is ensured. The York Police Department, appropriate York Fire Department, and York Department of Public Works shall provide comment prior to an approval granted by the authorized permitting authority.

SUNSET CLAUSE: This ordinance shall remain valid until November 30, 2024. Notwithstanding the provisions of 1 M.R.S. § 302, this ordinance amendment shall apply retroactively to any applications accepted by the Planning Board or Code Enforcement Officer on or after May 27, 2022, which is the date when the first public hearing was posted for this amendment. This Sunset Clause provision is provided to allow evaluation of this and other ordinances pertaining to restaurant uses, the ordinances effectiveness and adjust if needed without causing adverse impacts.

Draft Amendments to be voted in November 2022

DRAFT – June 10, 2022

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