



## Relevant Code Sections

### *Section 18-335.2 Permanent Outdoor Dining Provisions:*

- A. Outdoor dining with more than twelve (12) seats requires a conditional use permit and will be subject to §18-824 of this chapter.
  - i. In addition to criteria set forth under §18-824, adverse impacts to surrounding properties including, but not limited to, noise and lighting shall be considered by the Board of Zoning Appeals when reviewing an application for a conditional use permit.*
  - ii. Hours of operation for outdoor dining shall be considered by the Board of Zoning Appeals when reviewing an application for a conditional use permit.**
- B. Any permanent outdoor dining seats shall count towards the parking requirement for restaurants, subject to Article 5 of this chapter.*
- C. Permanent outdoor dining shall be located on a permanent surface, such as a private sidewalk, deck or patio.*
- D. Permanent outdoor dining shall include adequate protection from vehicles.*

### *Section 18-503 Certificate of Approval Required*

- 1. Any material change in the appearance of a building, structure, or site visible from public places (rights-of-way, plazas, squares, parks, government sites, and similar) and located in the Architectural Control Overlay District require review and approval by the Board of Architectural Review. See §18-821 for Certificate of Approval process.*
- 2. Material change in appearance shall include construction; reconstruction; exterior alteration, including changing the color of a structure or substantial portion thereof; demolition; or relocation that affects the appearance of a building, structure or site. It shall also include any alterations of a building using lights that are placed in a configuration to outline the architectural features of the building, including, but not limited to, windows, doors, parapets and fascia. Such proposed changes must be submitted as an exterior modification before construction or installation may occur.*

### *Section 18-821 Board of Architectural Review Certificate of Approval*

- 1. Certificate of Approval Required. Per Chapter 4, Section 4-8 of the Town Code, no structure, building, sign or other improvements or other major landscape features surrounding such building, structure, sign or improvement located on any land within any architectural control district shall be erected, reconstructed, altered or restored until the plans for such shall have been approved by the Board of Architectural Review; provided that the provisions of this chapter shall not apply to the regular maintenance of the same as opposed to the reconstruction, alteration or restoration. For the purposes of this section, the repainting of a structure, building or sign that results in the complete change of color of the said structure, building or sign*

*or a substantial portion thereof shall be deemed an alteration and not regular maintenance.*

- 2. Criteria for Review. The criterion for the Board of Architectural Review decision is found within §4-15. - Design criteria and §8-B.3 Same – Purposes.*

#### *Section 18-553 Architectural Review*

- 1. Any material change in the appearance of a building, structure, or site visible from public places (rights-of-way, plazas, squares, parks, government sites, and similar) and located in the Architectural Control Overlay District require review and approval by the Board of Architectural Review. See §18-821 for Certificate of Approval process.*
- 2. Material change in appearance shall include construction; reconstruction; exterior alteration, including changing the color of a structure or substantial portion thereof; demolition or relocation that affects the appearance of a building, structure or site. It shall also include any alterations of a building using lights that are placed in a configuration to outline the architectural features of the building, including, but not limited to, windows, doors, parapets and fascia and should be submitted as an exterior modification.*

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