

October 4, 2021

Dear Restaurant and Retail Owners & Operators:

This information is being sent to update you on recent changes made to the Town's outdoor seating regulations and Town policy changes. As you know, the Town created a temporary program last year to allow outdoor seating in response to the pandemic. Indoor restaurant seating and retail displays were permitted to be relocated outdoors as a way for the Town to assist local business owners continue to operate under a series of the Governor's Executive Orders that limited indoor seating. Twenty local restaurants and a few retailers took advantage of this program.

During this time, the Town has worked to revise the outdoor seating regulations. Outdoor seating continues to be a special exception use under the zoning code. In addition, restaurants that are approved for the outdoor seating are required to apply for an annual Outdoor Café Permit. This permit will grant the restaurant owner / operator the ability to place a specified number of indoor seats outdoors and the outdoor operations will be reviewed annually for possible renewal.

Attached are the new outdoor seating regulations. Ordinance No. 16-2021 was adopted on August 11, 2021 and will become effective on September 11, 2021. This ordinance modified the outdoor seating regulations in the zoning code and created the Outdoor Café Permit program. Resolution 68-2021 amended the Town Master Fee Schedule and set the Outdoor Café Permit fee at \$1,000 per year per restaurant, along with a \$50 fee per outdoor seat. It is expected that the Outdoor Café Permit revenue will cover the expected expenses in the program's administration and enforcement activities.

For those restaurants interested in outdoor seating, please check the new regulations to see if your outdoor area is capable of complying with the regulations and make an application for the special exception. If approved by the Town Council as a special exception, the annual Outdoor Café Permit application is required. These application forms are available on the Town website.

The temporary Covid-19 outdoor seating program will continue as the spike in Covid cases has recently increased. However, as the Covid situation improves, the temporary seating program will come to an end. It is the Town's estimation that the Town Council will halt the temporary Outdoor seating and retail display program on or about _____, 2022. This allows you to make

the special exception use application now and be scheduled for a hearing during the months of _____ or _____.

The Town hopes that the temporary outdoor seating and retail display program over the past year and a half was helpful to your business. Please contact Planning, Zoning & Building with any questions at (561) 838-5431.