

## § DOWNTOWN OVERLAY REQUIREMENTS

### (7) *Incentives and disincentives.*

(a) The town encourages the use, re-use, renovation, and other creative endeavors that preserve historic structures, create new structures, or otherwise enhance the private or public realm, and which add value and enhance or promote the character of downtown Clayton. To that purpose, the following incentives and disincentives are established in the Downtown Overlay District:

### (b) *Incentives.*

Outdoor seating and dining areas and outdoor display areas, on private property and in public rights-of-way, shall be allowed with approval of a zoning compliance permit and accompanying dimensioned site drawing complying with Table 2-1 (§ 155.202) and §§ 155.308(D)(5) and (6) “Outdoor Display and Sales” and “Outdoor Dining.” In this instance and within this Overlay District, the zoning compliance permit expressly replaces any other requirement for a site plan application, unless the Planning Director determines otherwise or elevates the decision to a higher level.

A. Outdoor seating and dining areas and site elements shall be constructed of high-quality materials. Plastic or unfinished wood are not allowed for tables, chairs, planters, window boxes, benches, or similar.

B. All outdoor seating and dining and site elements shall be kept in good working order and appearance and shall not fall into disrepair or they shall be removed immediately.

C. All accouterments associated with outdoor seating and dining (tables, chairs, benches, planters, bollards, dividers, umbrellas, space heaters, lighting, entrance menus, etc.) shall be maintained to a high standard which demonstrates appreciation of the special character of the district.