

PLANNING & ZONING  
COMMISSION  
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TOWN HALL ANNEX  
238 Danbury Road  
Wilton, Connecticut 06897

MEMORANDUM

September 26, 2023

TO: PLANNING AND ZONING COMMISSION

FROM: Staff, Michael E. Wrinn, Town Planner

RE: Outdoor Dining – Discussion of permanent standards

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**BACKGROUND:** During the past few years of the COVID period, outdoor dining has been operating under various Executive orders and House Bills. It is time to give the restaurant owners a permanent solution so they may properly plan for next year's outdoor dining season.

This memo will serve to start the conversation, leading to a consensus and a regulation. Wilton's outdoor dining is different from many local communities which have a tremendous number of outdoor dining facilities on public sidewalks and along the public road. For the most part, outdoor dining here is on private property, so the regulation will be focused on that.

Some of these points/ choices seem obvious but need to work through the process. After discussion, staff will prepare a rough draft, circulate it to the various permitting Departments for comments and bring that back to the Commission for a final review, after which it would be sent to a public hearing.

**PURPOSE AND INTENT:**

Permit outdoor food service as accessory to a food establishment (defined under CGS 19a-36i)

Allow for all types of food establishments? Restaurants, both sit-down and fast food ? Fast food includes coffee shops, ice cream, etc. All of these uses required a Special Permit in order to operate as a business

Outdoor dining areas with full food and beverage service from wait staff and outdoor dining areas to which customers bring food purchased from the establishment, when located on the same property

## **LOCATION / SIZE:**

Location and size should relate to existing facility.

Couple of ways to regulate size with parking:

Regulate number of seats to ensure that the number of seats in the restaurant is not exceeded when adding outdoor dining ( 25 seats indoors, could not exceed 25 seats both indoors and out)? Under this scenario, would not require additional parking.

Set a maximum dining area for which you do not have to add additional parking?  
Set either at a maximum SF (as an example - 200 SF) or a percentage of the seats in the restaurant (20%), which also would not require additional parking.

Accommodation for a roadside stand with no indoor seating, something similar to Heibecks Stand on Danbury Road

Allow a dining area in a parking lot?

How does that impact available, needed parking?

Any proposal that uses parking spaces needs to come to the Commission with a parking study and demonstrate that the parking reduction is justified? Would be seen as a modification to the Special Permit

Any outdoor dining proposing to utilize public property would need to have the necessary Town permissions, permits, and insurance requirements in addition to the outdoor dining permit.

Outdoor dining only in front of the dining facility? Expand in front of other stores with permission ?

Private sidewalks - need to accommodate a 4' ADA traveled way through the area – cannot funnel walkers into a parking lot, need to keep ADA curb cuts open

## **DURATION OF DINING PERIOD:**

Allow operation between April 1<sup>st</sup> and November 1<sup>st</sup> OR allow the restaurants to use as the weather conditions and customer demand dictate - Question of having tables and chairs set up during a prolonged cold or snow period where dining is not used..

If setting a time frame, site should be cleared during the off season. If allowing year-round, are chairs/tables removed during periods of non-use?

HOURS: If facility has existing restaurant liquor license, keep hours same as license?  
OR defined, consistent hours, such 6:00 AM to 10:00 PM close? Early hours accommodate cafes, coffee shops.

## **LAYOUT:**

Plans would be required, showing tables, chairs, location of entrances, all to be handicap accessible, keeping accessible routes through and to the main indoor space

Separation from common traveled area with fencing or other suitable device ( fabric on a metal frame is typical ) ? Allows clear definition of space which requires through pedestrian flow, such as a 4' traveled way on sidewalk common to other users. Must confirm that existing ADA routes and curb cuts are not blocked.

## **AMENITIES:**

Tents or canopies allowed? Would need Fire and Building review in most cases

Umbrellas only with no advertising? Would set standards such as 7' clearance above the ground, sufficiently weighted....

Outdoor music – Allowed ? Set hours ? (finished by 9:00PM, not to be heard off site?) Hard to police

Site lighting – set standards, dark sky type, just the minimum needed, concern regarding extension cords placed in trees or on ground

Heating devices –Show location and storage of units and propane, proximity to any overhead structures or flammable materials

Show trash receptacles, bussing stations, etc.

No consumer bars; alcoholic beverages to be served at the table in accordance with the applicable liquor license

Signs – Menu board only

## **MAINTENANCE/OPERATIONS**

Need to have a section regarding daily housekeeping – swept, steam cleaned as necessary, etc.

Barriers – Most outdoor dining is located in proximity of head in parking and barriers will be required. Typically, the Police Department reviews the barriers for protection of diners.

## **REVIEW AND APPROVAL:**

Grandfather those existing outdoor dining permits approved prior to 2019? (Provided there was no expansion of seat count or dining area and if records can be produced)

Going forward, after the initial application is reviewed and approved by the Commission, allow all further yearly renewal to be done by staff if no changes or violations discovered during the previous year's operation?

Set a minimum size project that is allowed to move forward with just an administrative application to staff? (example: 3 tables, 12 seats?) Staff would confirm that it meets the outdoor dining requirements. These would still require the full Departmental reviews

## **REVIEWS:**

Internal review: Health Dept, Police Dept, Fire Marshall, Building Dept, Planning and Zoning staff.

Review by VDDAC or ARB ?

No fee required, simple checklist application to be prepared

Any violation of any portion of the permit shall cause the permit to be revoked. Wording that violation would require full Planning and Zoning Review

Property owner would need to sign any application