

DARIEN

Outdoor Dining:

A restaurant where, as an accessory use, consumption of foods and/or beverages occurs outside the principal building.

Accessory Uses Requiring Special Permits The following accessory uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000.

a. Outdoor dining.

Public Plazas The Commission may permit building height to be increased as provided in Note (c) of Section 746 in the zone, or pursuant to Section 730 in the zone, provided that the proposed development includes one or more on-site public plazas that meet the following criteria:

- a. The total area of all on-site public plazas shall be not less than five (5%) percent of the total area of the lot being redeveloped, or 10,000 square feet, whichever is greater.
- b. The public plaza shall be reserved from building coverage and shall be developed and maintained by the owner, and open to the general public, provided that the Commission may approve as public plazas areas covered by an upper floor of adjacent structures, or an upper floor connecting two structures, or by awnings, eaves or similar appurtenances.
- c. Public plazas shall include seating and features such as a fountain, water cascade, or other water display, public art, or other comparable public amenity which is maintained by the property owner or their representative in operating condition throughout the year, except when weather conditions prohibit such operation.
- d. The area of at least one public plaza shall be at least 3,500 square feet in size, which can fit a box of at least 35 feet x 35 feet in size.
- e. Public plaza features shall not be reserved for exclusive use by any occupant or tenant of the redevelopment site. The public plaza is not to be used as an expansion of the commercial use(s) of the site (such as dining tables or outside display/sales area or other activities which might hinder public access).
- f. Commonly used areas such as sidewalks, parking areas, and the like shall not be included in the calculation of the total area of on-site public plaza features. Page VII-18 Landscaped islands within a parking lot cannot count towards a public plaza unless they are 30 feet wide. A public plaza cannot be in a required buffer unless it provides public access into the site.
- g. For each public plaza, the Commission shall find that its location, layout, dimensions, landscaping, traffic, lighting, signage, drainage, utilities, and other features shall be in harmony with the convenient, orderly, and attractive development of the zone.

Off Street Parking:

Outdoor seating/dining as allowed by Special Permit in conjunction with a non-residential use that has sufficient on-site parking to comply with the Zoning Regulations. Seventeen (17) seats or over will require one space for each two seats thereafter. No spaces are required for the first sixteen outdoor seats.

GREENWICH

The 2023 Outdoor dining season is arriving. The Town is now operating outdoor dining in a manner similar to pre-2020 seasonal dining (Prior to COVID executive orders and the House Bills, which we followed the past 3 seasons, and have expired). Dining nodes, those taking up Public Parking spaces, and as permitted by the Board of Selectmen are also available to those who wish to apply and make use of this option. Whether using nodes or not, seasonal outdoor dining will need to follow the current, amended, Zoning Regulations. That means if, you have or are proposing more than three (3) tables, and never received a prior site plan approval from the Planning and Zoning Commission to operate a seasonal outdoor dining area, and only did so in 2020, 2021 and 2022 under the executive orders, you will need to seek and receive said approvals, before operating an outdoor dining use. The same would apply if you are looking to change your pre-2020 approved outdoor dining use.

The Planning and Zoning Department have created new Outdoor Dining Permit applications for the 2023 season, as well as a document answering your most frequently asked questions. The Outdoor Dining Permit application should be used for any restaurant that has never received outdoor dining approval prior to the COVID executive orders, as well as any restaurant looking to add seating or make any other changes to the scope of a previous approval, aside from adding nodes. The Outdoor Dining Permit Renewal should only be used for restaurants that have a previous approval through the Planning and Zoning Commission and are not making any changes to their scope, aside from nodes. A previously approved restaurant that is adding nodes and is not otherwise changing their scope can use the Renewal application.

- The Seasonal Outdoor Dining Season will run from April 1 and end on Nov. 20.
- Seating for restaurants cannot exceed the maximum occupancy approved by Zoning approval(s), Building Code, or Fire Code, whichever is lowest. (i.e. if a restaurant is approved for 40 seats, the indoor seats would need to be removed, equal to the number of outdoor seats, not to exceed that maximum number approved, 30 inside, 10 outside, 40 seats total.)
- Outdoor dining areas shall be capable of accommodating disabled patrons in accordance with all applicable laws.
- Pass-through or take-out windows are prohibited except that walk-up takeout windows may be permitted at seasonal snack-bar type restaurants, which are provided as an accessory use within recreational facilities such as public parks, school sports stadiums or golf courses, provided that such take-out windows shall be located and operated in a manner which ensures that they are an amenity to patrons of the facility and not a food service destination in their own right. Any door used to deliver food from the restaurant to an accessory outdoor dining area shall be self-closing, unless an alternative mechanism is approved by the Town of Greenwich Health Department.
- Public address systems or other systems intended to convey music or verbal messages through amplification is prohibited in the outdoor dining areas.
- Lighting shall be limited to the minimum level necessary to illuminate the outdoor dining area for patrons and staff. Flashing/blinking lights shall be prohibited.
- Required cleanliness standards have been added.

- Umbrellas are the only permitted shade structure, provided that the drip edge thereof is located at least seven feet above the ground and further provided that they shall not be used to advertise the restaurant or any other product or service.
- The design of the outdoor dining area, including its furniture, should complement the design of the restaurant with which it is associated and contribute to the attractiveness of the streetscape.

Outdoor dining facilities, ancillary and contiguous to an eating establishment (restaurant, or retail food establishment), operating on a seasonal (seven month) basis starting on April 1st and concluding on November 1st 20th in any calendar year subject to the following: (11/25/2008, 3/25/2014)

(1) In the case of small-scale projects (3 tables with fewer than 12 total seats) or less, on private property) site plan approval by the Planning and Zoning Commission will not be necessary. An administrative application shall be submitted to the Planning and Zoning Office for review by the Town Planner. Assurance that the conditions of this subsection have been met and any requisite insurance must be provided as mandated by the Town. (4/9/2014)

(2) Any other applicant seeking approval of an outdoor dining area shall submit a site plan application to the Planning and Zoning Commission. After the initial approval by the Commission, annual administrative approvals are required from the Planning and Zoning Department. Any restaurant found to be in violation within a given outdoor dining season is subject to immediate closure of the outdoor dining and shall be ineligible to reapply for such outdoor dining approval during the following outdoor dining season. All outdoor dining applications are subject to the following requirements:

A. The total number of indoor and outdoor seats shall not exceed the total number of seats approved for the site. For example, if a restaurant is limited to 100 seats, the total number of indoor and outdoor seats shall not exceed 100 seats.

B. Outdoor dining areas shall be capable of accommodating disabled patrons in accordance with all applicable laws.

C. Proof of the availability of adequate parking shall be submitted at the time of application for final site plan approval guaranteeing said availability for the period the use is to function. C. Outdoor dining areas shall not interfere with public, state or municipal use of any public street, sidewalk or property, shall not create a disturbance or hazard to pedestrians or traffic and shall not interfere with the safe and free flow of pedestrians or traffic. (7/24/83)

D. Dining facilities use on private property must be entirely on contiguous land owned or leased by the applicant. Public property may not be used for dining facilities purposes unless a properly executed lease agreement has been obtained proof of adequate liability insurance has been provided.

a. Outdoor dining areas located on Town sidewalk(s) will be required to carry additional liability insurance and/or policies in such an amount as determined by the Town's Risk Management Office. Proof of liability insurance shall be disclosed on an Acord form entitled, "Certificate of Liability Insurance", and be in the amount as required by the Town's Risk Management Office. The Town of Greenwich shall be named as an additional insured. Restaurants operating on the site must also comply with the CT Worker's Compensation Statutes.

b. If alcohol is being served, the Certificate of Liability Insurance certificate must disclose that liquor liability insurance is in place for the same amounts of the required general and umbrella liability policies and the applicant will be required to carry further liability insurance and/or policies.

c. The owner/operator shall sign an agreement indemnifying the Town from liability on adjacent Town property resulting from the operation of said use prior to any approvals for a given outdoor dining season. the issuance of Building and Zoning permits. (4/9/2014)

(No D)

E. Pass-through or take-out windows are prohibited except that walk-up takeout windows may be permitted at seasonal snack-bar type restaurants, which are provided as an accessory use within recreational facilities such as public parks, school sports stadiums or golf courses, provided that such take-out windows shall be located and operated in a manner which ensures that they are an amenity to patrons of the facility and not a food service destination in their own right. Any door used to deliver food from the restaurant to an accessory outdoor dining area shall be self-closing, unless an alternative mechanism is approved by the Town of Greenwich Health Department.

F. Public address systems or other systems intended to convey music or verbal messages through amplification is prohibited in the outdoor dining areas.

G. Patrons must be seated at tables. Bar service in outdoor areas, whether patrons are standing or seated at stools, is not permitted. The service of alcoholic beverages must be at an approved table and be adjunct to the service of food.

H. Lighting shall be limited to the minimum level necessary to illuminate the outdoor dining area for patrons and staff. Flashing/blinking lights shall be prohibited.

I. During the outdoor dining season, the outdoor dining area, shall be kept clear of litter, food scraps or soiled dishes and utensils at all times. The entire floor/sidewalk surface in and around the outdoor dining area shall be swept as necessary, but not less frequently than daily, and cleaned to remove greases, oils and stains by steam cleaning or a similar process on a monthly basis. Spilled materials shall be cleaned immediately. Sweeping debris or spilled materials into the gutters of public streets shall be prohibited. The cleaning requirements in this section shall also apply to any areas beyond the outdoor dining area that are traversed by restaurant staff and/or patrons. J. Umbrellas may be used to shade tables, provided that the drip edge thereof is located at least seven feet above the ground and further provided that they shall not be used to

advertise the restaurant or any other product or service. Tables, chairs and umbrellas shall be of durable commercial-grade materials, sufficiently weighted to avoid displacement by wind.

K. The design of the outdoor dining area, including its furniture, should complement the design of the restaurant with which it is associated and contribute to the attractiveness of the streetscape. Diversity in the design of the furniture and outdoor dining areas is encouraged, provided that they complement the overall streetscape. The Commission may choose to seek input from either the Historic District Commission or the Architectural Review Committee, both of whom are advisory to the Commission in this capacity.

L. Tents over outdoor dining areas are prohibited.

M. When the seasonal use ceases at the end of the approved period, all evidence of such use shall be removed from the premises. (3) Any application for outdoor dining shall include at least the following:

a. Proof of approval and number of seats for the use of the eating establishment.

b. Written approval of the proposed plan from the Health Department, Fire Marshall's Office, and Proof of liability insurance and the CT Worker's Compensation Statutes acceptable to the Town Risk Manager if applicable.

c. A plan drawn to scale demonstrating the total number and arrangement of the tables and chairs. All outdoor dining areas must be handicap accessible and show that a minimum 6-foot public walkway will be provided and maintained pursuant to Americans with Disabilities Act and CT State Building Code as referenced in Public Act 22-1. If different furniture is used for the outside dining, it shall be shown which indoor seats will be removed and noted whether they will be stored on or off site.

d. The plan shall also show the specifications of the dining area (e.g., fencing, planters, or barricades), any trash receptacles, bussing stations, lighting, heaters, and signage.

WESTPORT

Outdoor Eating Areas for Restaurants, Cafes, Taverns and Retail Food Establishments subject to the requirements in §32-20 and initial administrative approval in the form of a Site Plan Waiver from the Planning and Zoning Director pursuant to §43 and a Zoning Permit. Thereafter the use is subject to an annual Zoning Permit from the Planning and Zoning Office renewed by May 1st each year provided there are no changes, or a new Site Plan Waiver must be obtained.

SPECIAL REQUIREMENTS FOR OUTDOOR EATING AREAS:

Outdoor Eating Areas as defined in §5 shall be permitted in all Non Residential Zones, except RPOD, GBD/R, DDD and CPD on privately-owned property subject to the following requirements:

For use of Town-owned property including sidewalks, parking spaces, roads, or road right-of-way, or for Mobile Food Trucks, contact the Selectwoman's Office for their approval process:

1. Required Planning and Zoning Approvals.

A Site Plan Waiver application shall initially be submitted to the Planning and Zoning Office and is eligible for approval by the Planning and Zoning Director pursuant to §43 and will be subject to obtaining a Zoning Permit. After the initial Site Plan Waiver is granted, the use shall be subject to an annual Zoning Permit from the Planning and Zoning Office renewed by May 1st each year thereafter provided there are no changes, or a new Site Plan Waiver must be obtained.

2. Required Other Department Approvals.

Prior to submission of a Site Plan Waiver application, an Outdoor Patio approval must be obtained directly from:

- a. The Aspetuck Health District.
- b. The Fire Marshal's Office.
- c. The Building Department if proposing to use sidewalk areas.
- d. The Police Department for any Outdoor Eating Areas that abut driveways, parking lots and streets or are located within parking areas.

3. Location.

Outdoor Eating Areas may be located on privately-owned property as follows: On-site, or on an abutting property with the approval of the property owner, in either case subject to providing a pathway constructed in compliance with Federal ADA requirements that is at least four-feet wide.

- a. Outdoor Eating Areas may be located on a privately-owned sidewalk in front of the Principal use, provided a four-foot-wide clear path shall be maintained consistent with the federal ADA requirements.
- b. Outdoor Eating Areas may be located within parking areas to support the Principal use provided a Barrier Protection Plan is submitted that is subject to approval by the Westport Police Department.
- c. Fire Department Appurtenances. No Outdoor Eating Area or related Structure shall impede access to fire hydrants, fire lanes, or fire department connections.

4. Size.

The Outdoor Eating Area shall not exceed 75% of the total Floor Area of the Principal use.

5. Parking Requirements.

There are no minimum parking requirements for Outdoor Eating Areas.

6. Setbacks/Coverage.

Outdoor Eating Areas shall not be permitted within 50-feet of a residential zoning district boundary line unless separated from the Residential Zone by a public street or a waterbody. No Front Landscape Area may be removed to accommodate an Outdoor Eating Area. Structures used for an Accessory Outdoor Eating Area are exempt from Coverage requirements.

7. Lighting.

Any lighting shall be down directed and not shed light beyond the property line.

8. Covers, Enclosures and Structures.

Use of umbrellas, tents, awnings, igloos, and covers with rigid supports and fabric or non-rigid sides is permitted, with the construction material subject to the flame spread regulations of the Connecticut State Fire Safety Code. Such areas may be heated subject to an inspection by the Fire Marshal's Office before use.

Following the granting of a Site Plan Waiver and issuance of a Zoning Permit, a Building Permit shall be obtained for any Structure:

- a. Installing temporary or permanent electrical service.
- b. Installing temporary or permanent heating or air conditioning.
- c. That is a Tent with side walls in excess of 400 SF.
- d. That is a Tent open on all four sides in excess of 700 SF.
- e. That are multiple Tents set side by side without a 12-foot fire break whose aggregate area is in excess of 700 SF.

9. Hours of Operation.

The hours of operation shall be limited to 6:30 a.m. to 11:00 pm Sundays through Thursdays and 6:30am to 12:00 midnight on Fridays and Saturdays. There shall be no music in any Outdoor Eating Area after 9:00 p.m.

10. Signage.

No additional signage shall be permitted.