

## **OUTDOOR DINING**

### **Purpose**

To allow outdoor dining on private or public property as an accessory use to a Sit-down or a Fast Food restaurant, that is licensed or permitted to operate in the Town. This includes outdoor dining that has wait staff providing food and beverage and also outdoor dining areas where the customer brings their food purchased from the restaurant. Outdoor dining accessory use shall allow the service of food and beverage, including alcoholic liquor and alcoholic beverages, at tables with chairs, in accordance with the local health code and the state liquor commission. An outdoor dining accessory use shall not be permitted for a brew pub, brewery or distillery, which will require review and approval of a Special Permit application.

### **Review and Approval:**

The Planning and Zoning Commission shall review and approve all applications for new outdoor dining areas or modifications to an existing outdoor dining area as an administrative Site Plan approval. Any outdoor dining application will require written permission from the property owner as part of the application. Approvals from the Health Dept, Building Official, Fire Marshal and Police Department are required prior to submitting an application. These departments shall review all applications for outdoor dining and make recommendations as to design, health and safety measures.

Any outdoor dining on Town property will require appropriate insurance and permission from the Town, including additional liability insurance and indemnifying the Town from liability; such documentation is required to be in place prior to a permit being issued.

Outdoor dining permits shall be valid for a period of 1 (one) year and may be renewed by the Zoning Enforcement Officer on an annual basis if there have been no violations of the permit the previous dining season. Any violation will require a review by the Commission before a renewal permit is issued.

### **Submission Requirements:**

1 - A site plan will be required, roughly to scale and dimensioned, showing the extent of the dining area proposed in relation to the parking, building, entrances and public pedestrian sidewalks. An existing site plan may be used for the base map for this requirement. The plan shall have the following information:

- Floor plan of the existing restaurant and total square footage and number of seats
- Proposed table and chair layout along with dimensions
- Location and dimensions of any umbrellas, along with anchoring system details
- Dimensioned and location of accessible route (minimum of 4' clear in width) to and from the restaurant and to other areas of the site

- Location and type of any electrical power, including extension cords and temporary lighting
- Location of any proposed heating equipment and storage area for any propane tanks or heating sources
- Location, dimensions and specifications/description of fences, planters or other barriers
- Location of outdoor service areas, including server and bus station, along with hand wash sink areas

**Location:** The outdoor dining accessory use may be located on plazas or on private sidewalks abutting the area permitted for the licensed restaurant, with the permission of the property owner. An outdoor dining accessory use may be located on public sidewalks with the proper documentation and permission from the Town of Wilton. Any dining proposed in a parking lot will require approval of a parking capacity plan by the Commission ????

Outdoor dining patrons must be seated at tables; bar service is not allowed, either standing or at bar stools. The service of alcoholic beverages must be at an approved table and be adjunct to the service of food.

**Design:** The design of the outdoor area and related equipment shall complement the design of the restaurant and the streetscape. If there are substantial elements to the proposal, the Commission may request a review of the proposal by the Architectural Review Board or the Village District Design Advisory Committee

**Dates / Time of Operation:** The outdoor dining shall operate only on a seasonal basis, between April 1st and November 1st. All tables, chairs and material associated with the outdoor dining shall be removed from the property or stored inside within 15 days of the cession of the outdoor dining or during extended periods of outdoor dining inactivity.

The hours of operation of any outdoor dining shall be limited to 6:30 AM to 11:00 PM Monday through Sunday. All outdoor activities shall end by 11:00 PM.

**Lighting:** Lighting shall be dark sky compliant and the minimum needed to properly light the area. No lighting shall be directed off the property. Any electrical work will require review by the Building Department.

**Size:** For restaurants with indoor seating, the outdoor dining area may not exceed 50% of the total Floor Area of the principle use.

Ridgefield – Outdoor area shall not exceed 30% of total floor area of principle use

Westport – Outdoor area shall not exceed 75% of the indoor area

Greenwich – Total number of indoor and outdoors seats cannot exceed existing number of interior seats (requires removing as many interior seats as you want outdoors)

**Parking Requirements:** No additional parking will be required for accessory outdoor dining *if the number of seats proposed is 16 or less. Any outdoor dining with seating above 17 spaces will require additional parking*

*If requesting to install outdoor dining in parking spaces, approval of a parking capacity plan by the Commission shall be required. A comprehensive protection plan for the area in the parking lot shall be required. ???*

*Westport – No minimum parking requirements for outdoor dining*

*Ridgefield – No minimum parking requirements for outdoor dining*

*Another possibility - Graduated? If outdoor seats to 25% of existing permitted seats, no additional parking req'd – if outdoor seats are over 25% of existing permitted, additional parking is required*

**Protection:** Any outdoor dining area adjacent to a parking lot, driveway or roadway will need to have a protective barrier, approved by the Police Dept, providing adequate protection from traffic and other hazards. The use of jersey barriers or metal / plastic drums and similar barriers are prohibited. Bollards in keeping with the architectural style of the building are recommended and shall provide adequate protection from traffic and other identifiable hazards based on the specific location.

The dining area shall not impede pedestrian flow or emergency access or egress. No outdoor eating area shall impede access to fire lanes, fire department connections or fire hydrants.

Any pathway shall be constructed and kept in accordance with physical accessibility guidelines, as applicable, under the federal Americans with Disabilities Act, as updated and the State Building Code. The pathway shall be a minimum of 4 feet in width. Existing ADA access to parking spaces or restaurant shall not be blocked. Outdoor dining areas shall be capable of accommodating disabled patrons in accordance with all applicable laws.

**Covers, Structures:** Umbrellas, a minimum of 7' above the surface and properly weighted to prevent dislodgement from winds, are allowed. Advertising on the umbrellas, either product or restaurant branding is / **is not** ?? allowed. Tables and chairs shall be of durable commercial - grade materials, properly weighted to avoid displacement by wind.

Tents and other types of enclosures are not allowed. *Covers, enclosures and tents may also be allowed but will require approval of the Fire Marshall and Building Official. ?? Will expand on this as far as safety requirements go if tents are going to be allowed, will require flame spread certifications, permits if a tent with side walls over 400SF, etc. ????*

**Noise:** All forms of amplified sound through speakers, TVs, video screens, etc. are prohibited, as well as public address systems to convey music or verbal messages

**Cleanliness & Hygiene:** Outdoor areas shall be cleaned on a regular basis and maintained removal of trash on a daily basis; area shall be kept free and clear of debris, garbage, bottles, food, soiled dishes or utensils at all times.

**Signage:** There shall be no additional signage with the exception of 1 (one) A-frame menu board, a maximum of 2' x 3' in size, to be located directly adjacent to the outdoor dining.

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