Downtown Outdoor Dining
Greenwich, Connecticut
PURPOSE OF THE STUDY

The purpose of this study is to provide the Planning and Zoning Commission with an evaluation of outdoor dining on sidewalks on Greenwich Avenue and the surrounding commercial area known as the Central Greenwich Business-Retail (CGBR) zone. Several establishments have inquired about the process of requesting administrative review for small scale outdoor dining on or near Greenwich Avenue. This is clearly a trend and many more applications will likely follow.

In developing this study a committee of Town Department staff was consulted, including Department of Public Works - Highway and Engineering, Police, Fire, Building, Zoning Enforcement, Health and Law Department. The following guidelines for development of outdoor dining on sidewalks incorporate all these departments’ comments and concerns. Maps have been created showing where outdoor dining may be feasible based on these guidelines. It is recommended that this Outdoor Dining Committee of Town Departments continue to review applications on an administrative basis to ensure that all concerns are addressed with each application.

This Outdoor Dining study:

- Incorporates guidelines and recommendations of where outdoor dining can be located.
- Provides Greenwich Avenue indicating widths of sidewalks from the front of the building to the curb line (GIS based Maps).
- Identifies the areas of downtown Greenwich that may be impacted by outdoor dining.
- Recommends outdoor dining regulations and design guidelines that may be applicable to Greenwich.
- Identifies the regulations which currently exist in Greenwich that govern outdoor dining.
PROPOSED GUIDELINES FOR OUTDOOR DINING

1.0 Barriers

1.1 For any dining area extending onto the public sidewalk, as required by the Department of Health guidelines, a three (3) foot high fence barrier should be provided along the full perimeter of the outdoor dining area which precludes the public from directly accessing the tables and chairs of the outdoor dining.

1.2 A minimum six (6) feet wide unobstructed pedestrian corridor is required. Benches against the building with no food service provided may be permitted provided a minimum of six (6) feet of open sidewalk width for the public is still maintained.

2.0 Furniture and Fixtures

2.1 Only tables, benches and chairs are allowed in this outdoor dining area. No other equipment or fixtures are allowed.

2.2 Tables and chairs will be removed from the sidewalk and placed inside the restaurant every day/night when the outdoor dining area is closed. There shall be no stacking or storage of outdoor furniture on the public sidewalk. Benches do not have to be removed if they are located against the building and for self service and maintain a six (6) foot cleared area.

2.3 Furniture and barriers should not be secured to the sidewalk, wall of buildings, trees, lampposts, street signs, hydrants or any other street infrastructure.

2.4 Small square or rectangular tables (no higher than 3 feet) are preferred. Small rectilinear tables are flexible for dining configurations and fit flush against a building’s wall which allows for more useable area for pedestrians.

2.5 Tall tables and tall seating for tables shall not be permitted in outdoor dining area.

2.6 Umbrellas are not allowed in outdoor dining areas on the public sidewalk.

2.7 Signs are not permitted in the outdoor dining area or on the sidewalk in front of the restaurant; this includes sandwich boards and blackboards.

2.8 The sidewalk under the outdoor dining area shall remain uncovered. Carpeting, raised decks, platforms or painted sidewalk surfaces are not permitted.

2.9 All furniture and fixtures shall be readily removable without damage to the surface of the sidewalk. There shall be no penetration of the public sidewalk surfaces. Property owners and restaurant tenants will be subject to fines for any damage to sidewalks, trees, tree planters, etc.
2.10 Doors that lead to outdoor dining areas must remain closed or be screened if they are to be left opened.

2.11 Self service restaurants and retail food establishments must provide self-closing trash containers in front of their businesses against their façade.

3.0 Circulation

3.1 No part of the outdoor dining area (including plants) may extend into the six (6) foot unobstructed pedestrian corridor sidewalk.

3.2 Food service aisles shall not be less than 36 inches wide for staff access to outdoor dining tables within the enclosed barrier area. Wait staff may not serve patrons from that portion of the sidewalk beyond and outside the perimeter fenced barrier and enclosure.

3.3 Ingress/egress must be maintained between restaurants doorways and the sidewalk. All ADA Accessibility Guidelines and Fire Code should be adhered to. The exit doors of the restaurant should be maintained free of chairs and tables at all times.

3.4 The outdoor dining area must be handicapped accessible.

3.5 Lighting for nighttime dining shall be kept to a minimum and emergency lighting may be required.

4.0 Operational

4.1 The total number of seats should not exceed the restaurant’s previous approved maximum seats and is subject to Health Department approvals. Seats may need to be removed from the interior of the restaurant in order to maintain the total number of approved seating when combined with the outside dining seating. Retail food establishments shall not exceed twelve (12) seats total-inclusive of interior and exterior seating.

4.2 Outdoor dining areas may be open to patrons from 8:00 AM to 10:00 PM daily but is subject to Health Department and other Departmental approvals.

4.3 Outdoor dining requires serving and consumption of food products. Consumption of alcohol only without food is not permitted.

4.4 Approvals by appropriate town departments for all outdoor dining shall be required on an annual basis for a maximum of six (6) months use only. Annual renewals are not automatic and are subject to review of complaints and violations annually. No facilities or furniture shall be placed on the sidewalk as part of this approval for outdoor dining except for the period between April 15 and October 15 of each year.
4.5 Within the period from April 15 to October 15, removal of all outdoor dining furniture is required upon notification from the Department of Public Works that weather conditions or work needs to be performed on the property of the Town, or by the Police Department for public safety purposes, and to maintain the six (6) feet of cleared public walking space on the sidewalk. The applicant shall immediately remove all of its property associated with outdoor dining.

4.6 There shall be no food preparation in outdoor dining areas.

4.7 Smoking shall not be allowed in these outdoor dining areas.

4.8 Tents, Table top candles, cash registers or heaters are not permitted in outdoor dining areas or on the sidewalks.

4.9 Outdoor dining areas cannot run electrical cords from the restaurant building, its façade or from Town power receptacles.

4.10 Furniture and fixtures relating to the outdoor dining area may not be stored on the public right of way and must be removed from the sidewalk when the restaurant is closed to the public every day and/or night.

4.11 Outdoor speakers must not be used and music from inside the restaurant or retail establishment must not be heard beyond the building itself onto the sidewalk.

4.12 Outdoor dining areas shall be arranged so as not to obstruct pedestrian visibility of the ground floor of the adjoining retail establishments.

4.13 A Comprehensive General Liability Policy in the minimum amount of one million dollars ($1,000,000) per occurrence for death, bodily injury, personal injury, and property damage shall be provided, subject to Law and Risk Management Department Review, which insures the Town against all claims and demands for bodily injury and property damage with respect to the sidewalk dining facilities and services. The Town shall be named as an “additional insured” in all policies of such insurance. The Licensee (and their heirs, successors and assigns in interest) shall hold harmless, defend and indemnify the Town of Greenwich and its employees and agents from any responsibility, liability and claims arising out of or related to the operations of the outdoor dining.

4.14 All permits and licenses must be secured prior to start of operations of outdoor dining. This includes but is not limited to the Town Highway Department, Health Department, Building Dept., Planning and Zoning Department and State Liquor.
RECOMMENDATIONS

It is recommended that the Planning and Zoning Commission modify existing regulations to address the issues raised by this study. First time applications may need to be reviewed by the Planning and Zoning Commission. It is also recommended that the working committee consisting of department staffs be continued to review applications for outdoor dining.
STUDY AREA

The geographical boundaries of this study include the Central Greenwich Business-Retail (CGBR) zone which encompasses portions of Greenwich Avenue from the northern most intersection with Putnam Avenue to the southern most intersection with Railroad Avenue and many of the adjacent properties on the cross streets which dissect the Avenue.

The maps of Greenwich Avenue are included in this study. The maps shows the existing sidewalk widths and areas of potential outdoor dining are shown in green. As is indicated by the maps, there are approximately twenty-two (22) food establishments that have the potential for outdoor dining.

The extent of the Central Greenwich Business Retail Zone (CGBR) is identified by the purple boundary line.
OUTDOOR DINING MAPS OF GREENWICH AVENUE
These maps show the existing conditions and include sidewalk widths.

Map 1. Outdoor Dining – West Putnam Avenue
Map 2. Outdoor Dining – Greenwich Avenue – West Putnam to Amogerone Crossway
Map 3. Outdoor Dining – Greenwich Avenue – Lewis Street
Map 4. Outdoor Dining – Greenwich Avenue – Elm Street
Map 5. Outdoor Dining – Greenwich Avenue – Havemeyer Place to Fawcett Place
Map 6. Outdoor Dining – Greenwich Avenue – Fawcett Place to Railroad Avenue
Map 7. Outdoor Dining – Railroad Avenue
Greenwich Avenue/West Putnam Avenue-Amogerone Crossway
Sidewalk width

Legend
- Lot Lines
- Buildings
- Restaurants with potential sidewalk width to support outdoor dining

Outdoor Dining Feasibility
MAP 2
Highlighted areas are existing locations of restaurants and retail food establishments in the CGBR zone

**BACKGROUND, ISSUES AND CONCERNS**

The two most important considerations for outdoor dining are the safety and flow of pedestrian traffic and the visual appropriateness within the Town’s historic downtown area.

Pedestrian safety and flow needs to be paramount when considering outdoor dining on the publically travelled sidewalk and guidelines should be developed that recognize this. Often this can be accomplished by regulating the dimensions and style of furniture or fixtures. The minimum width of the unobstructed pedestrian corridor has been determined to be six (6) feet and should be applied to all outdoor dining establishments in Town that impact the public right of way. In addition, health and fire codes should be addressed and safe egress from the restaurant should be preserved. The goal is to encourage a safe and open pedestrian walkway, minimize Town liability from accidents, falls, tripping on Town sidewalks or sidewalks maintained by the Town on private property, and promoting the vitality of the downtown commercial area.
Greenwich Avenue has the honorary distinction of being recognized as a noteworthy district on the National Register of Historic Places. Inclusion of this entire district to the National Register recognizes that a building, site or district is significant in American history, architecture, archaeology, engineering and culture. The challenge will be to regulate outdoor seating on Greenwich Avenue, while maintaining the historic character of this area. Visual clutter must be avoided and appropriate designs of tables, chairs and benches should be in keeping with the overall character of the building and street area.

Conflicts created by outdoor dining will undoubtedly arise with the introduction of outdoor dining on Greenwich Avenue. Implementing design standards and guidelines for outdoor dining, as the ones discussed earlier, can help in minimizing these conflicts. Conflicts may arise not only between the pedestrian and the restaurant use but between the outdoor dining establishment and neighboring retail uses. Outdoor dining areas that are adjacent to the restaurant will force pedestrian traffic away from the façade towards the curb. Pedestrians will be further away from the storefront windows when there is an adjacent outdoor dining area. In addition, outdoor dining areas may block views into the adjacent retailer’s windows and obscure their signs. Retailers may resort to displaying goods on the sidewalk to make their goods more noticeable and accessible to pedestrians that are passing by. The diversity of the retail uses may continue to decline in those areas that have a lot of restaurants and retail food establishments such as is found on the “Bottom of the Avenue”. These issues need to be addressed and reviewed annually for an negative impacts on the retail establishments.

Noise from outdoor dining areas may result in conflicts with the residential community of Greenwich Avenue, who occupy the upper floors of the retail buildings which were typically quiet in the evening hours. All third floor uses on Greenwich Avenue are required to be residential.

There are still unresolved questions for outdoor dining on Greenwich Avenue. Will Town ordinance §11-3 prohibit the use of the sidewalks for outdoor dining?

**Sec 11-3 Obstructing sidewalks prohibited.**

No person shall place on any public highway in the town, including any sidewalk or gutter located within the Town limits, any obstruction to lawful travel or expose for sale or distribution thereon any goods or articles, without the consent of the Chief of Police, except as authorized in Article 2 of Chapter 3. (Ords. & Reg., §9-2, 10/9/50)

This issue should be addressed quickly by the Law Department and the Police Chief. The Building Zone Regulations, while they allow outdoor dining, do not refer specifically to placing it on a public travelled way and the regulations need to be revised to address these issues. Planning and Zoning Commission review and approval is needed the first time any outdoor dining is proposed at any location.
Two of the three applications that are before the Commission at this time are located in the part of Greenwich that is most densely occupied by restaurants and food establishments, the lower third of the Avenue. Retail food establishments such as candy stores, ice cream stores, coffee shops, convenience stores that sell food, may request self-service seating outside their establishments which could be accomplished with benches. Existing retail food establishments will be allowed to apply for outdoor dining if they meet the requirements as noted above.
It is clear that if outdoor dining is allowed on the public way then standards and guidelines need to be adopted and imposed. It is recommended that the outdoor dining Committee continue to review applications and provide specific suggestions on each application prior to permitting and approval by the Planning and Zoning Commission or staff. The Outdoor Dining Committee has held meetings on February 10, 2011 and on March 15, 2011. Representatives from the Health Department, Building Department, Engineering Department, Highway Department, Law Department, Fire Department and the Police Department have participated on this Committee.

When the Outdoor Dining Committee met on February 10, 2011 there were many concerns about the impact of dining on the sidewalk on Greenwich Avenue. In particular they discussed Versailles, a restaurant which has requested outdoor dining on the sidewalk of the lower portion of Greenwich Avenue. The Committee suggested that the following information be provided:

1. Pedestrian traffic counts.
2. Barriers should be placed creating a “mock up” outdoor dining area in the appropriate location and be left in place for a week so that the Town Departments can review the impact on the sidewalk.
3. The risk manager and Law Department is to be contacted to determine the amount of indemnification that is required for this particular dining facility.

The owners of Versailles agreed to place a mocked up outdoor dining area outside their restaurant on Greenwich Avenue. The members of the Outdoor Dining Committee reviewed the outdoor dining set up and met again on March 15, 2011. The Committee once again voiced many concerns about dining on the public sidewalk. The guidelines developed by this Committee seek to address those concerns.
GREENWICH AVENUE & OUTDOOR DINING - BACKGROUND

Three outdoor dining areas have previously been approved by the Planning and Zoning Commission for restaurants that are on Greenwich Avenue, but none have been directly on the sidewalks. One outdoor dining establishment, Thataway Café, is located on the corner of Bruce Park Avenue and Greenwich Avenue. The outdoor dining is on a separate lot adjacent to the restaurant with access to both Bruce Park Avenue and Greenwich Avenue. A second outdoor dining establishment, Mediterraneo, is located on the corner of Grigg Street and Greenwich Avenue. The outdoor dining area of this restaurant is located on in a small area between the restaurant and Grigg Street. A third outdoor dining establishment, Terra, is located on the corner of an access way to a Town parking area and Greenwich Avenue. Once again, this outdoor dining area does not extend into the travelled sidewalk and is nestled between the restaurant and the right of way to the parking lot.

In all three of these instances the outdoor dining does not extend out onto the travelled way of the sidewalk that is between the restaurant and Greenwich Avenue. In fact, none of the approved outdoor dining areas extend past the front building lines. All three locations have barriers between the sidewalk and the outdoor dining area.

Using GIS (Geographical Information System) maps, the sidewalks on Greenwich Avenue are approximately 7 to 15 feet in width. However, from these maps it can be noted that the sidewalks on Greenwich Avenue are not entirely owned by the Town. Most of the private property boundaries of the commercial establishments on Greenwich Avenue extend out into the sidewalk for approximately 6 to 10 feet. Every restaurant, (except for Barcelona’s which does not have frontage on Greenwich Avenue), has a property line that extends into the sidewalk. The lower portions of Greenwich Avenue have private property boundaries that extend the furthest out into sidewalk and in some cases the property line encompasses the entire sidewalk and ends at the curb line. Although property lines may extends onto the sidewalk, the Town maintains and constructs sidewalks on those properties.

Outdoor dining has never been approved by the Commission directly on a Greenwich Avenue sidewalk and the BZR regulations clearly state that outdoor dining facilities “must be entirely on property owned or leased by the applicant”. The BZR regulations (§6-100 (5)) also state that “Public property may not be used for dining facilities purposes unless a properly executed lease agreement has been obtained” . The travelled sidewalk has been installed and maintained by the Town of Greenwich. However, the Town Department of Public Works maintains and replaces sidewalks on Greenwich Avenue and therefore the town has liability issues.
EXISTING REGULATIONS IN GREENWICH

The requirements for Outdoor Dining are found in §6-100 of the **Building Zone Regulations** and are as follows:

Outdoor dining facilities, ancillary and contiguous to an eating establishment (restaurant, or retail food store), operating on a temporary (six month-seasonal) basis subject to the following:

(11/25/2008)

(1) 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.

(2) Proof of adequate insurance coverage for the establishment shall be submitted and 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 the issuance of a building permit.

(3) When the temporary use ceases at the end of the approved period, all evidence of such use shall be removed from the premises.

(4) If said use is to be re-established the applicant must reapply and again meet all conditions and standards of this subsection.

(5) Dining facilities use must be entirely on property 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.

(6) A building permit must be obtained prior to the start of dining facilities use regardless of the amount of construction involved. (11/17/97)

(7) In the case of small-scale projects (3 tables or less) site plan approval by the Planning and Zoning Commission will not be necessary. The Town Planner shall review and approve said projects after assurance that the conditions of this subsection have been met.

(8) Will not interfere with public, state or municipal use of any public street, sidewalk or property, will not create a disturbance or hazard to pedestrians or traffic and will not interfere with the safe and free flow of pedestrians or traffic. (7/24/83)

On September 28, 2010 Section 6-103.1 the **Building Zone Regulations** were amended to add section (F) which prohibited outdoor display of goods in the CGBR zone:

**§6-103.1(F)** There shall be no display of merchandise or the placement of equipment used for an on-site business activity permitted in the required parking area.

The Greenwich Municipal Code §11-3 regulates the use of the sidewalks:

**Sec 11-3 Obstructing sidewalks prohibited.**

No person shall place on any public highway in the town, including any sidewalk or gutter located within the Town limits, any obstruction to lawful travel or expose for sale or distribution thereon any goods or articles, without the consent of the Chief of Police, except as authorized in Article 2 of Chapter 3. (Ords. & Reg., §9-2, 10/9/50)