

PLPZ 2022 00480

Proposed text is in bold and deleted text is denoted via strikethrough.

Sec. 6-100. USE GROUPS FOR BUSINESS ZONES.

USE GROUP 1 (9/28/2010)

...

~~For Restaurant uses approved by the Greenwich Planning and Zoning Department, to operate temporary outdoor dining for the 2022 outdoor dining season, pursuant to CT HB 5271, AN ACT CONCERNING THE PROVISION OF OUTDOOR FOOD AND BEVERAGE SERVICES AND OUTDOOR DISPLAYS OF GOODS, to commence on April 1, 2022 and end on the Sunday prior to Thanksgiving, November 20, 2022~~

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 1st20th** 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 shall review and approve said projects, after 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:

~~(7)~~

- 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.
 - e. 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)~~
- E. Pass-through or take-out windows are prohibited except that walk-up take-out 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.

~~(3) If said use is to be re-established the applicant must reapply, annually, and again meet all conditions and standards of this subsection.~~

~~(4) Building and Zoning permits must be obtained prior to the start of dining facilities use regardless of the amount of construction involved. (11/17/97, 4/9/2014)~~