

Narrative for Proposed Regulation Amendment: Outdoor Dining

Background:

The State of CT passed Public Act No. 22-1 in April of 2022. This legislation includes new requirements for municipalities related to regulating outdoor dining. The intent is to make the many of the temporary flexibilities that were created for outdoor dining during the COVID-19 pandemic permanent, allowing businesses to continue the operations that have been place on a temporary basis for the last 2 years. These State requirements are in line with changes that the Manchester PZC had already expressed interest in making permanent.

The State legislation requires the following:

- Municipalities must allow food establishments to engage in outdoor food and beverage service as an accessory use by right, subject only to any required administrative site plan review to determine conformance with zoning requirements, provided such accessory use would not result in the expansion of a nonconforming use.
- Outdoor dining must be permitted until 9:00pm or a time established by the zoning commission of the municipality, whichever is later.
- Outdoor dining must be permitted in the following locations:
 - On public sidewalks and other pedestrian pathways abutting the area permitted for the principal use and on which vehicular access is not allowed, provided that such pathway:
 - Is constructed and maintained in compliance with physical accessibility guidelines (ADA);
 - Extends for the length of the lot upon which the area permitted for the principal use is located, and not less than 4 feet in width shall remain unobstructed for pedestrian use; and
 - Subject to reasonable conditions imposed by the municipal official or agency that issues right-of-way or obstruction permits.
 - On off-street parking spaces associated with the permitted use, notwithstanding any minimum parking requirements.
 - On any lot, yard, court or open space abutting the area permitted for the principal use, provided that:
 - Such lot, yard, court or open space is located in a zoning district where food establishments are permitted;
 - Such use is in compliance with any applicable requirements for access or pathways pursuant to physical accessibility guidelines (ADA); and
 - The permittee obtains written authorization to engage in such service from the owner of such lot, yard, court or open space and provides a copy of such authorization to the zoning commission.

August 30, 2022

Proposed Revisions:

Art. I, Sec. 2 (Definitions):

The definition for *Sidewalk Cafes* is replaced by a new definition for *Seasonal Outdoor Dining Areas*. This term will replace *Sidewalk Cafes* in the zoning regulations.

Art. II, Sec. 9013.01 (Accessory Uses in Business Zones):

“Seasonal outdoor dining areas in accordance with Article IV, Section 23” is added as a permitted accessory uses in all business zones.

Art. II, Sec. 11.01.03 (Permitted Uses in B2 Zone):

“Sidewalk cafes” is deleted.

Art. II, Sec. 15.01.01(v) (Permitted Uses in CBD Zone):

“Sidewalk cafes” is deleted.

Art. II, Sec. 24.01.05 (Permitted Uses in GB Zone):

“Sidewalk cafes” is deleted.

Art. II, Sec. 26.03.02.B (Outdoor Activity Zones in FBZ Zone):

Language is adjusted to reflect administrative approval process for seasonal outdoor dining areas (as opposed to a special exception, which will still be required for other types of outdoor activities on the sidewalk in the FBZ).

Art. IV, Sec. 23 (Seasonal Outdoor Dining Areas and Vestibules):

This section is reorganized and expanded to incorporate the additional flexibilities required by the State. (Note: Regulations for Seasonal Vestibules are not changing, except for reorganization of the section.)

Implementation:

Before the effective date of this regulation amendment, a new case type will be created in the Plan module of EnerGov for *Seasonal Outdoor Dining Area Permits*. These applications will be processed by Planning and then assigned to the Zoning Enforcement Officer, and any other relevant staff, for review in the same manner as the Temporary Outdoor Dining Permits that we have been issuing for the past two seasons. Approvals will be administrative, and after the first year, permits may be renewed annually via an expedited process as long as no changes are proposed from the previous year’s permit.