

**ORDINANCE NUMBER _____ SUPPLEMENTAL
AMENDING CHAPTER 214, ARTICLE V,
OUTDOOR DINING / SIDEWALK CAFES**

WHEREAS, Chapter 214, Article V of the Code of Ordinances contains various provisions by which owners of restaurant establishments abutting a Public Sidewalk situated in the commercial district can apply for a permit to operate a sidewalk cafe; and

WHEREAS, it has been determined that it is in the best interests of the City of Stamford to require all owners of restaurant establishments in the City of Stamford to apply for a permit to provide Outdoor Dining; and

WHEREAS, it has been determined that it is in the best interests of the City of Stamford to require all owners of restaurant establishments abutting a Public Sidewalk situated anywhere in the City of Stamford to enter into a license agreement with the City to provide Outdoor Dining on such Public Sidewalk.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

Chapter 214, Article V, of the Code of Ordinances is hereby amended as follows:

ARTICLE V. ~~SIDEWALK CAFES~~ OUTDOOR DINING

Sec. 214-44.- Purpose

This Article is designed to permit outdoor dining in areas where it is appropriate and to promote and protect the public health, safety and general welfare. Specific purposes of this Article are:

- (1) To ensure adequate space for pedestrians on the sidewalk adjacent to outdoor dining areas.
- (2) To preserve and enhance the character of the neighborhoods where such outdoor dining is permitted and to protect the adjacent areas.
- (3) To promote the most desirable use of land.

Permit required.

~~Any owner of a restaurant establishment, as said term is defined herein, abutting a public sidewalk situated in the commercial district within the downtown boundary, as delineated on the City of Stamford Master Plan, as the same may be amended from time to time, may make application to the Zoning Enforcement Officer of the City of Stamford for a permit to operate a sidewalk cafe. The issuance of said permit shall require the approval of the Zoning Enforcement Officer. The qualifications, regulations and conditions relative to said permit and the issuance thereof are as hereinafter provided.~~

Sec. 214-45. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

Outdoor Dining. Any outdoor cafe, sidewalk cafe, outdoor eating area or any

outdoor food service accessory to a Food Service Establishment.

Permittee. A person who has received a permit from the City of Stamford to operate ~~a sidewalk cafe~~ Outdoor Dining facility.

Public ~~sidewalk~~ Sidewalk. Any portion of the street, between the curb and the adjacent property line, intended for the use of pedestrians.

~~Restaurant establishment. As defined in the Zoning Regulations of the City of Stamford as "restaurant standard," and not including establishments falling under the Zoning Regulations definition of "restaurant, carry-out" or "restaurant, fast food."~~

Food Service Establishments. Food Service Establishments include Restaurants, Cafes, Drive-ins, Carry-outs, Bakeries and all other retail food shops, as same are defined in the Zoning Regulations.

Sidewalk ~~cafe~~ Cafe. Any group of tables, chairs, benches and suitable decorative devices maintained upon any Public Ssidewalk or public land for use in the sale to the public of food, refreshment and beverages.

Winter months. The period of time from November ~~15-30~~ to March ~~30-15~~ of the next succeeding year.

Amenity Zone. That area which is generally twenty-four (24") inches in width and is intended to contain trees, fire hydrants, parking meters, utility poles and other items of a similar nature. Said Amenity Zone shall be located directly adjacent to the roadway.

Cafe Season. The period of time from March 15 to November 30.

Sec. 214-46. Permit application and License Required.

Permit required.

A. Any owner of any restaurant Food Service Establishment, as said term is defined herein, abutting a public sidewalk situated in the commercial district within the downtown boundary, as delineated on the City of Stamford Master Plan, as the same may be amended from time to time seeking to provide Outdoor Dining on either publicly or privately owned property, may shall make application to the Zoning Enforcement Officer of the City of Stamford for a permit to operate a sidewalk cafe provide Outdoor Dining. The issuance of said permit shall require the approval of the Zoning Enforcement Officer the Building Department, the Director of Health Inspections, the Fire Marshal or his/her designee, and the Police Chief or his/her designee. The qualifications, regulations and conditions relative to said permit and the issuance thereof are as hereinafter provided.

(1) For Outdoor Dining on privately owned property, the qualifications, regulations and conditions relative to said permit and the issuance thereof are those that are otherwise applicable to the indoor part of the restaurant, including optimal accessibility for all ages and abilities.

(2) Furthermore, the Outdoor Dining area on privately owned property shall not encroach on any Public Sidewalk or land.

A(3)- Application forms and instructions for an Outdoor Dining permit shall be made available to the public by the Zoning Enforcement Officer.

(4) A fee of two hundred and fifty dollars (\$250.00) per year shall be charged for an Outdoor Dining permit.

B. In addition to the permit required in Subsection 214-46.A, an owner of a Food Service Establishment seeking to provide Outdoor Dining to be located on a Public Sidewalk shall enter into a license agreement with the City of Stamford for utilization of same as hereinafter provided.

(1) Application forms and instructions for a license agreement to use a Public Sidewalk for Outdoor Dining shall be made available to the public by the Zoning Enforcement Officer.

BC. A completed application for a license agreement to use a Public Sidewalk for Outdoor Dining shall include the following:

(1) A lease or other satisfactory evidence of proprietorship of the existing ~~restaurant~~Food Service Eestablishment.

(2) A certificate of insurance naming the City of Stamford and its officers, employees, agents and assigns as the additional insured party. Said certificate of insurance shall be in a minimum amount of one million dollars (\$1,000,000.00) against any and all damage and injury to property or person by reason of or related to the permittee's use of the ~~public~~Public sidewalkSidewalk. If any applicable insurance expires prior to the end of the Cafe Season, any associated permit and license agreement issued shall immediately be revoked.

(3) An executed agreement, in form and substance as determined by the City, to indemnify and hold harmless the City of Stamford and its employees, officials and/or agents and assigns from any and all claims, actions, injuries or damages of every kind and description which may accrue to or be suffered by any person by reason of or related to the operation of ~~a said sidewalk~~Sidewalk cafeCafe.

(4) A plan detailing the area for which the application to occupy the ~~public~~Public sidewalkSidewalk is made. The location of any Sidewalk Cafe shall be in an area designated by the City, shall be coordinated with adjacent properties, and shall be approved by the Zoning Enforcement Officer. Said plan shall specify the location of tables, chairs, temporary poles, railings, similar supports and dividers and like appurtenances. Said plan shall also include (a) a clear and unobstructed path for pedestrians that is not less than forty-eight (48") inches in width which allows for adequate pedestrian movement and is generally coordinated with adjacent properties and is outside the Amenity Zone; and (b) a clear and unobstructed path for pedestrian movement that allows ingress and egress to the interior of the Food Service Establishment. No portion of the Sidewalk Cafe may be located in the Amenity Zone, or in either of the areas designated for pedestrian movement. Said plan shall require the

~~approval of the Zoning Enforcement Officer, the Building Department, the Director of Health Inspection or his/her designee, the Fire Marshall or his/her designee, and the Police Chief or his/her designee. Said plan shall be signed by the Chief of Police or his designee and the Fire Chief or his designee~~ verifying that the plan permits adequate public access in the area surrounding the cafe area and ingress and egress from the ~~restaurant~~ Food Service establishment ~~Establishment~~ and adjoining buildings so as not to endanger the public health, safety and welfare. ~~Any sidewalk cafe may occupy up to seventy percent (70%) of the sidewalk, provided that a minimum width of four (4) feet is left unoccupied in order to allow adequate pedestrian movement, except that, in the case of corner lots, this restriction shall take the form of a radius from the intersection of the property lines on both streets. The width of the sidewalk is measured from the property line to curbside obstacles, including but not limited to trees, parking meters, utility poles and fire hydrants. The plan referenced above shall meet the following requirements: it shall be prepared by a Connecticut licensed surveyor, architect or engineer, and shall be to scale with dimensions, showing all physical features existing or proposed.~~

(5) No advertisement or other signage shall be placed in the area for pedestrian movement or the Amenity Zone.

(6) In the event that alcoholic beverages are to be sold, a copy of a valid and current liquor permit from the State Liquor Commission.

~~(6) — An application fee of one hundred dollars (\$100.).~~

~~(7) — Additionally, for any application brought by the owner of a restaurant establishment situated within the urban redevelopment area, evidence of the Urban Redevelopment Commission's approval of such applicant pursuant to Section II 2 of the Urban Renewal Plan for the Southeast Quadrant Project (extended), Stamford, Connecticut, R-43, as amended.~~

D. The fees to be charged for the license per year for an Outdoor Dining area on a Public Sidewalk or public land shall be in addition to the Outdoor Dining permit fee, and shall be in the amount of \$2.00 per square foot, based upon the square footage detailed in the plan described in § 214-46.C(4) hereof. This fee shall be in addition to the Outdoor Dining permit fee.

Sec. 214-47. General regulations and restrictions.

A. ~~Sidewalk cafes may only be established on public sidewalks in commercial districts within the downtown boundary as delineated on the Master Plan.~~

~~B.~~ Sidewalk ~~cafe~~Cafe Areas may only be located directly in front of the ~~restaurant~~ Food Service establishment ~~Establishment~~ with which they are associated.

~~C.B.~~ Sidewalk cafes shall not be ~~open~~permitted to operate between the hours of 1:00 a.m. and 7:00 a.m., Monday through Friday, or 1:30 a.m. and 7:00 a.m., Saturdays and Sundays.

- C. Furnishings for Sidewalk Cafes shall consist solely of movable tables, chairs and decorative accessories. Furnishings must be kept in a state of good repair and in a clean and safe condition at all times.
- D. During winter months, ~~sidewalk~~Sidewalk Cafes shall not operate, and all chairs, tables and appurtenances shall be removed from the sidewalk area.
- E. A structure or device which is not of a permanent nature and which is not less than thirty (30) inches in height shall be erected or placed in, on or about the perimeter of the area which the Sidewalk Cafe is permitted to occupy. No permanent structure or device shall be erected or placed in, on or about any public sidewalk; however~~However~~, temporary poles, railings or similar supports or dividers may be anchored to non-protruding fixtures in the sidewalk.
- F. The Department of Health shall, at all times, have full jurisdiction concerning compliance with appropriate laws, statutes and regulations regarding the safe handling and servicing of food and beverages, and nothing contained herein shall be construed to limit or abrogate the powers of the Director of Health.
- G. Refuse receptacles shall be covered at all times.
- H. Litter emanating from the ~~sidewalk~~Sidewalk cafe~~Cafe~~ area and from whatever area to which it may flow shall be collected by the permittee, as defined in § 214-45 hereof, as often during the course of day or night as may be required to keep the sidewalk as clear of litter and debris as if the ~~public sidewalk~~Sidewalk cafe~~Cafe~~ did not exist. At the end of the Cafe Season on a Public Sidewalk, the permittee must arrange for a thorough cleaning of the sidewalk space used to remove any hazardous conditions.
- I. Tables may not be preset.
- J. No open grills or barbecues shall be permitted.
- K. All tables, chairs and appurtenances shall be positioned and maintained in strict compliance with the approved application plan.
- L. Illumination of ~~sidewalk~~Sidewalk cafes~~Cafes~~ shall be confined to the cafe portion of the sidewalk.
- M. Sidewalk ~~cafes~~Cafes may be covered by nonstructural material, such as canvas or vinyl, that can be retracted. These may not be permanently supported from the sidewalk.
- N. Noise-producing systems for advertising purposes shall be prohibited; however, background music will be approved or disapproved on a case-by-case basis at the time the application for a sidewalk cafe permit is made, using consideration for the protection of adjacent and nearby residents as the criteria.

Sec. 214-48. Limitation of permit~~license~~.

Any ~~permit issued~~license agreement issued hereunder shall be limited to a

revocable license for the use of a public sidewalk area for purposes specified herein and shall not be construed as granting any interest to, upon or for the use of a public sidewalk area beyond this limited scope.

Sec. 214-49. Revocation of ~~permit~~license.

- A. Any ~~permit~~license agreement issued pursuant to this Article may be revoked by the Zoning Enforcement Officer ~~for~~upon the occurrence of any of the following:
- (1) Violation of any regulation under § 214-47 of this Article, or any state, federal or local law.
 - (2) Violation of any Connecticut liquor law and/or regulation.
 - (3) Violation of any Health Department order, regulation, health ordinance or public health statute.
 - (4) A change in circumstances in the surrounding area.
 - (5) In the event that it becomes necessary for the City of Stamford to perform work in or adjacent to the ~~public sidewalk~~ Sidewalk ~~cafe~~ Cafe area.
 - (6) Failure to maintain good order and proper conduct of ~~sidewalk~~ Sidewalk ~~cafe~~ Cafe patrons.
- B. Within five (5) days after notification by the Zoning Enforcement Officer of revocation of a license and associated permit, the permittee must correct the problem that led to the notification. If the problem is not corrected, a citation shall be issued by a city citation officer or other proper officer for a penalty not exceeding ninety dollars (\$90.00). If the permittee receives a second citation in the Cafe Season, the Zoning Enforcement Officer shall shut down the cafe for a week (7 days). If the permittee is issued a third violation in the Cafe Season, his license and associated permit shall be revoked for thirty (30) days.~~permit, the permittee may appeal said revocation, in writing, to the Mayor. Thereafter, within thirty (30) days, the Mayor shall hold a hearing to determine the validity of the revocation. The permittee may be represented by counsel at said hearing. After the determination as to validity has been made, the Mayor shall issue an order either upholding the revocation, setting aside the revocation without penalty or setting aside the revocation conditioned upon a payment of a penalty not to exceed ninety dollars (\$90.-).~~
- C. The recipient of a civil citation shall have the right of appeal as set forth in Chapter 97 of the Stamford Code of Ordinances.

This ordinance shall take effect upon its enactment.