

ARTICLE V. OUTDOOR DINING¹

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.~~ Re-Imagine the Potential of City Streets

(4) To promote an active and healthy street life

(5) Support Local Businesses

Sec. 214-45. Definitions.

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

Outdoor Dining. Any outdoor cafe, sidewalk cafe, Streatery, 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 an Outdoor Dining facility.

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

Public Right-of-Way. The legal boundary of any City owned Street, Sidewalk, or parking area not under the purview of the Parks and Recreation Commission.

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

Streatery. Any group of tables, chairs, benches and suitable decorative devices maintained upon any public road or public parking area for use in the sale to the public of food, refreshment and beverages.

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

¹**Editor's Note**—Ord. No. 1206, adopted Dec. 7, 2015, amended Art. V in its entirety to read as herein set out. Former Art. V, §§ 214-44—214-49, pertained to sidewalk cafes, and derived from Ord. No. 564, adopted Nov. 6, 1985; Ord. No. 892, adopted July 6, 1999; Ord. No. 1065, adopted May 7, 2007; Res. No. 3674, adopted Sept. 8, 2014.

Amenity Zone. That area which is generally ~~twenty-four~~forty-eight (4824) 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.~~

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

Streatery Season. The period of time from April 1 to November 1.

Outdoor Dining Area: The area of a private patio, Sidewalk Café and/or Streatery Permitted to a Food Service Establishment

Sec. 214-46. Permit and license required.

- A. An owner of any Food Service Establishment, seeking to provide Outdoor Dining on either publicly or privately owned property, shall make application to ~~the Zoning Enforcement Officer of~~ the City of Stamford for a permit to provide Outdoor Dining. The issuance of said permit shall require the approval of the Transportation Bureau Chief, the Director of Health Inspections, the Fire Marshal, and the Zoning Enforcement Officer (or any of their designees). ~~Zoning Enforcement Officer, the Building Department, the Director of Health Inspections, the Fire Marshal or his/her designee, and the Police Chief~~Transportation Bureau Chief or his/her designee.
- (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 unless approved and permitted.
 - (3) Application forms and instructions for an Outdoor Dining permit shall be made available to the public by the Zoning Enforcement Officer-City of Stamford.
 - ~~(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 within the Public Right-of-way~~ 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~~the Public Right-of-Way for Outdoor Dining shall be made available to the public by the Zoning Enforcement Officer-City of Stamford
- C. A completed application for a license agreement to use ~~a the~~ Public Sidewalk-Right-of-Way for Outdoor Dining shall include the following:
- (1) A lease or other satisfactory evidence of proprietorship of the existing Food Service Establishment.
 - (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 ~~Sidewalk~~Right-of-Way. If any applicable insurance expires prior to the end of the Sidewalk Cafe and or Streatery 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-Cafe-Outdoor Dining Area~~

- (4) A plan detailing the area for which the application to occupy the Public ~~Sidewalk-Right-of-Way~~ is made. The location of any ~~Sidewalk-Cafe~~~~Outdoor Dining Area~~ shall be in an area designated by the city, shall be coordinated with adjacent properties, and shall be approved by the ~~Zoning Enforcement Officer-City of Stamford~~. Said plan shall specify with dimensions the location of tables, chairs, temporary poles, planters, buildings, curbs, roadway, railings, similar supports and dividers and like appurtenances, in addition to any line-up and wait areas in the Right-of-Way where potential patrons may queue to enter the establishment. 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 for any building access point~~ ~~-.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 ~~Transportation Bureau Chief, the Director of Health Inspections, the Fire Marshal, and the Zoning Enforcement Officer (or any of their designees)~~the Zoning Enforcement Officer, the Building Department, the Director of Health Inspection or his/her designee, the Fire Marshal or his/her designee, and the Police Chief or his/her designee verifying that the plan permits adequate public access in the area surrounding the cafe area and ingress and egress from the Food Service Establishment and adjoining buildings so as not to endanger the public health, safety and welfare. ~~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 within the public Right-of-Way other than the name of the Food Service Establishment which may be marked onto the barriers referred in Sec. 214-47 (E) in the ~~area for pedestrian movement or the Amenity Zone~~public Right-of-Way.
- (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.

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 two dollars (\$2.00) per square foot, based upon the square footage detailed in the plan described in Section 214-46.C(4) hereof. This fee shall be in addition to the Outdoor Dining permit fee.~~ shall follow the below Fee Schedule:

Effective immediately: 2022

<u>\$0</u>

Effective January 1, 2023 and beyond.

<u>Fee Level</u>	<u>Seating Number in Public Right of Way</u>	<u>Fee</u>
<u>Level 1</u>	<u>Less than 20 seats located in the Outdoor Dining Area</u>	<u>\$250.00</u>
<u>Level 2</u>	<u>21-45 Seats in the Outdoor Dining Area</u>	<u>\$500.00</u>
<u>Level 3</u>	<u>Greater than 45 seats in the Outdoor Dining Area</u>	<u>\$1,500.00</u>

Effective January 1, 2025.

<u>Fee Level</u>	<u>Seating Number in Public Right of Way</u>	<u>Fee</u>
<u>Level 1</u>	<u>Less than 20 seats located in the Outdoor Dining Area</u>	<u>\$300.00</u>
<u>Level 2</u>	<u>21-45 Seats in the Outdoor Dining Area</u>	<u>\$600.00</u>
<u>Level 3</u>	<u>Greater than 45 seats in the Outdoor Dining Area</u>	<u>\$1,800.00</u>

Effective January 1, 2027.

<u>Fee Level</u>	<u>Seating Number in Public Right of Way</u>	<u>Fee</u>
<u>Level 1</u>	<u>Less than 20 seats located in the Outdoor Dining Area</u>	<u>\$350.00</u>
<u>Level 2</u>	<u>21-45 Seats in the Outdoor Dining Area</u>	<u>\$700.00</u>
<u>Level 3</u>	<u>Greater than 45 seats in the Outdoor Dining Area</u>	<u>\$2,100.00</u>

Any application to the City made that includes the use of a metered parking space, regardless of the total number of spaces used, shall be charged a fee equal to Level 3.

Any applications made to the City for outdoor dining exclusively on Private Property shall be charged a fee equal to Level 1. Any applications utilizing the Public Right of Way and private property shall follow the above fee schedule.

F. An Obstruction Permit from the Engineering Department will not be required if the above permit conditions are satisfied.

Sec. 214-47. General regulations and restrictions.

- A. Sidewalk-CafeOutdoor Dining Areas may only be located directly in front of the Food Service Establishment with which they are associated. Upon receiving written approval from the adjacent business proprietor and the adjacent property owner, which shall be included in an applicant's permit, then the Food Service Establishment may utilize half the adjacent area located in-front of said building.
- B. Sidewalk-cafesOutdoor Dining Areas shall not be 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-Cafes~~Sidewalk Cafes and Streateries shall not operate, and all chairs, tables and appurtenances shall be removed from the ~~sidewalk area~~Public Right-of-Way.
- 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-Outdoor Dining Area~~ is permitted to occupy. However, temporary poles, railings or similar supports or dividers may be anchored to non-protruding fixtures in the sidewalk. No tables, chairs, signs, heaters, decorations, planters,

or other appurtenances may encroach outside of the area demarcated by the above referenced perimeter devices.

- 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-Cafe~~Outdoor Dining- Area and from whatever area to which it may flow shall be collected by the permittee, as defined in section 214-45 hereof, as often during the course of day or night as may be required to keep the ~~sidewalk~~Public Right-of-Way as clear of litter and debris as if ~~the Sidewalk-Cafe~~Outdoor Dining Area 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. At the end of the Streatery season within the public Right-of-Way, the permittee must arrange for a thorough cleaning of the Right-of-Way 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-Cafes~~Outdoor Dining Area shall be confined to the ~~cafe-permitted~~ portion of the Public Right-of-Way-sidewalk.
- M. ~~Sidewalk-Cafes~~Outdoor Dining Areas 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. Any background music shall terminate after 8:00pm and no music may begin before 10:00 am- Music, DJs, and other amplified music and sounds shall be prohibited within the public Right-of-Way as part of this permit. Noise limitations as outlined in the Noise Ordinance shall be observed at all times.
- O. Streateries shall only be in the Public Right-of-Way during the designated Streateries Season.
- P. An unobstructed and un-encroached path with a minimum width of 48" shall remain on the sidewalk
- Q. Food Service Establishments shall not increase the total number of seats beyond the approved and permitted amount. Any unapproved increase in seats that causes the Food Service Establishment to be elevated into a higher level of the fee schedule in Section 214-46 (D) shall be a violation of this ordinance and the Food Service Establishment shall be subject to a fine of fifteen hundred dollars (\$1,500).
- R. The permit issued to the Permittee for the Outdoor Dining Area shall be clearly displayed and available upon request.

Sec. 214-48. Limitation of license.

Any license agreement issued hereunder shall be limited to a revocable license for the use of ~~a public sidewalk area~~Public Right-of-Way for purposes specified herein and shall not be construed as granting any interest to, upon or for the use of ~~the Public Right-of-Way a public sidewalk~~ area beyond this limited scope.

Sec. 214-49. Revocation of license.

- A. Any license agreement issued pursuant to this Article may be revoked and/or suspended by ~~the Zoning Enforcement Officer~~ the City of Stamford upon the occurrence of any of the following:
- (1) Violation of any regulation under section 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 or an applicant with an issued and valid Roadway Obstruction or Road Opening Permit to perform work in or adjacent to the ~~Sidewalk Cafe~~Outdoor Dining area.
 - (6) Failure to maintain good order and proper conduct of ~~Sidewalk Cafe~~outdoor dining patrons.
- B. Within five (5) days after notification by the ~~Zoning Enforcement Officer~~City of Stamford 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 two hundred and fifty ~~ninety~~ dollars (\$250~~90~~.00). If the permittee receives a second citation in the Cafe Season, the ~~Zoning Enforcement~~City of Stamford ~~Officer~~ shall shut down the ~~cafe~~ Outdoor Dining Area for a week (7 days) and a citation of five hundred dollars (\$500) shall be issued. If the permittee is issued a third violation in the Cafe Season, ~~his~~their license and associated permit shall be revoked for thirty (30) days and a citation of fifteen hundred dollars (\$1,500) shall be issued.
- 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.

Sec. 214-50. Inspections

- A. Employees from Departments of the City of Stamford reviewing Outdoor Dining Permits shall reserve the right to inspect and enforce the regulations of this ordinance at any outdoor dining area at any time without notice to ensure compliance with this article.