



TOWN OF GUILFORD

PLANNING AND ZONING COMMISSION

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TOWN HALL SOUTH

GUILFORD, CONNECTICUT 06437

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Draft Amendment to Section 273-75Q(1)-Outside Dining. **Proposed text language is in red.**

Q. Outside dining and outside music.

(1) Outside dining.

(a) Where outside dining is proposed accessory to a permitted restaurant use and said outside dining is on a lot within 100 feet of any lot where a residential use is located (inclusive of the applicant's lot), a Special Permit shall be required in accordance with [Article X](#) and the following additional standards and requirements:

[1] The applicant shall notify by certified mail the owner of any lot meeting the above criteria (exclusive of the applicant's lot) and shall provide evidence of such notice to the Commission. Such notice shall be given at least 14 days prior to the Public Hearing scheduled for said Special Permit.

[2] A plan showing the location, number of seats and tables, type of furniture and lighting shall be submitted to the Commission and shall be reviewed by the Design Review Committee. The number of seats for outside dining may be limited by the Commission in order to mitigate any adverse impact on adjoining uses.

[3] A report from the Director of Health shall be provided.

[4] The proposed hours, days, and seasons of activity shall be provided.

In granting a Special Permit pursuant to this Section, the Commission may limit the hours, days or seasons of activity and may approve the application on a temporary basis in order to assess potential adverse impacts.

(b) Where outside dining is proposed accessory to a permitted restaurant use and said outside dining is not on a lot within 100 feet of any lot where a residential use is located (inclusive of the applicant's lot), Site Plan review shall be required in accordance with [Article IX](#). In addition to the standards and requirements of [Article IX](#), all standards and requirements specified in Section (1)(a), above, shall be met except for (1)(a)[4]

(c) **Any outdoor dining that has not been the subject of a zoning enforcement action or nuisance complaint, which is operating with a permit issued pursuant to 2020 Gubernatorial Executive Order 7MM, shall be permitted to operate until December 31, 2020, provided that such extension shall not be interpreted to create any nonconforming right, and further provided that the operation of the outdoor dining between the date of the suspension of the State's declared state of emergency and December 31, 2020, shall be deemed to be a complete and total waiver of any claim of nonconforming rights under any local, state, or federal legal authority.**