

# TOWN OF STONINGTON

## GUIDE TO TEMPORARY OUTDOOR DINING / OUTDOOR RETAIL CERTIFICATES

On May 12, 2020, Governor Lamont's [Executive Order 7MM](#) allowed for expedited municipal review of outdoor dining and retail. The Stonington Planning and Zoning Commission also approved a [Temporary Policy Regarding Zoning Enforcement and Permitting](#) During the COVID-19 Pandemic which allows for similar measures. This document is intended as a guide to the Temporary Outdoor Dining / Outdoor Retail Certificate Application.

### Frequently Asked Questions

#### Are permits required?

Permits and approvals by land use commissions are not required. However, a [Temporary Outdoor Dining / Retail Certificate application](#) must be submitted to the Zoning Official. Staff may refer applications to the Building Official and local Fire Marshal for review of code compliance if applicable. The goal is for these to be reviewed as quickly as possible.

**Prior to re-opening, businesses are also required to self-certify with the State of Connecticut at:**  
<https://business.ct.gov/recovery>

#### What is the fee?

There are no fees associated with a request for a Certificate.

#### Do I need professionally drawn plans for submission?

No. Plans by a surveyor, engineer or architect are not required. However, a sketch/drawing is required that is roughly to scale and includes the following:

1. Location and dimensions of the dining area.
2. Proximity of the dining area to adjacent uses to help determine if screening/fencing is required.
3. Number of seats and tables and how they will be spaced.
4. Illustrated pathway that will be taken to and from the kitchen by wait staff.
5. Location of waste receptacles.
6. Location of any temporary structures, including tents. (Where required due to size, tents must meet construction, wind load, fire rating and installation standards.)
7. Any proposed traffic or parking changes.
8. Efforts to mitigate impacts on neighboring properties.
9. Safety measures, fencing or other separations.

#### How many outdoor seats can I have?

The State is limiting outdoor seating to 50% of normal capacity (half the permitted amount of indoor + outdoor seats). Social distancing requirements may further reduce the number of allowed seats.

#### Can I use areas of my parking lot, lawn, or other designated outdoor areas?

Yes, subject to relevant Building and Fire Code requirements and provided appropriate social distancing is implemented. For temporary dining or retail areas to be located in parking lots, barriers for the protection of patrons will be required.

#### Can I use another nearby property?

Yes, as long as you have written permission from the property owner, and the property already has a commercial use in a commercial zoning district.

**Can I use the sidewalk in front of my business?**

Maybe. Executive Order 7MM allows municipalities to permit outdoor seating and retail on public sidewalks. However, the Order requires at least 6 feet of clearance for pedestrians and few sidewalks can accommodate this requirement. This requirement applies to State roads as well. Serving alcohol on a Town sidewalk will require proof of insurance naming the Town as an additional insured.

**Can I install tents over temporary dining areas?**

Yes. Tents may be installed and do not need to meet normal zoning requirements. Details must be submitted with the Certificate application; the Building Official and Fire Marshal may be consulted regarding code compliance. Tents cannot have sides due to health concerns.

**Can I serve alcohol?**

Yes, provided your establishment has an existing permit from the State of Connecticut to serve alcohol. If you do not have a current liquor license, you will not be able to serve alcohol outdoors. Per Executive Order 7MM, the Certificate can be issued for dining with ancillary alcohol service as permitted by the State of Connecticut. Outdoor bars are not permitted.

**How late can I serve customers outdoors?**

Per Executive Order 7MM, Hours of Operation are limited to 9:00 PM from Sunday through Thursday and 11:00 PM on Fridays and Saturdays. This requirement supersedes any later hours that might otherwise be permitted.

**What if we already have an outdoor dining or retail area approved by the Town?**

You may use your existing outdoor dining or retail area without submission of a Certificate, but must comply with all separation and health guidelines issued by the State. Any modifications to existing outdoor areas will require submission of a Certificate application.

**Do I need a permit from Ledge Light Health District?**

No. Additional permitting from Ledge Light is not required for the addition of outdoor seating. Please contact Ledge Light at 860-448-4882 or [www.llhd.org](http://www.llhd.org) with any health-related questions.

**How long will my Certificate be valid?**

This is a fluid situation involving local and State approvals and temporary measures.

1. Certificates are valid until September 7, 2020 or until relevant social distancing and operational requirements for businesses have been lifted by the State of Connecticut, whichever is earlier. Should full re-opening not be possible after September 7, 2020, the Planning and Zoning Commission may authorize additional extensions.
2. All Certificates are subject to revocation for failure to follow safety protocol and/or the creation of any nuisance.
3. Temporary outdoor seating / retail displays that do not violate zoning or other applicable regulations may be able to become permanent with an application to the Planning and Zoning Commission.

**What other requirements are there?**

The State of Connecticut has developed several requirements for the safe re-opening of restaurants and retail establishments. Please see <https://business.ct.gov/recovery> and <https://www.stonington-ct.gov/planning-department/files/re-open-ct-restaurant-sector-rules> for more information.

**Contact List:**

Candace Palmer, Zoning Official:	<a href="mailto:cpalmer@stonington-ct.gov">cpalmer@stonington-ct.gov</a>	860-535-5095
Lawrence Stannard, Building Official:	<a href="mailto:lstannard@stonington-ct.gov">lstannard@stonington-ct.gov</a>	860-535-5075
Ledge Light Health District:	<a href="http://www.llhd.org">www.llhd.org</a>	860-448-4882