

PLANNING AND ZONING COMMISSION TEMPORARY POLICY REGARDING ZONING ENFORCEMENT AND PERMITTING DURING THE COVID-19 PANDEMIC

Due the ongoing COVID-19 pandemic, the Stonington Planning and Zoning Commission approves the following temporary enforcement policies in place 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**. These temporary policies may be modified or further extended by a vote of the Commission.

Note: This temporary policy was adopted by the Commission on 5/12/20. After this policy's approval by the Planning and Zoning Commission, the Governor's Office issued **Executive Order 7MM** which covered many of the same issues. This policy has been modified in certain areas by the Executive Order; these areas are noted in this document. In the case of conflict, the Executive Order shall take precedence.

PURPOSE

The policies are established to assist the Town's business community in dealing with the financial hardships imposed by the COVID-19 virus and its related business closures. Extra temporary signage is warranted at this time to communicate openings and safety information to the public. It is expected that the State will allow restaurants to allow only outdoor seating with social distancing measures. While operating under limited capacity, such seating will have fewer impacts, such as parking, for the Commission to review. Outdoor retail displays will also enable such businesses to communicate re-openings to the public and help businesses operate under social distancing requirements. The Commission also seeks to streamline the approval process for simple Changes of Use in existing commercial buildings. As the Commission's meeting schedule becomes backlogged, due to previously cancelled meetings, this change will enable faster openings for new local businesses.

SIGNAGE

The Department of Planning will not enforce the use of temporary signage under the following circumstances:

- Temporary signs announcing re-openings, safety information, etc. shall be allowed without permits. Signs allowed under this policy include temporary banners and A-frame signs and shall not include signs attached in a permanent manner and/or those requiring a Building Permit.
- After the expiration of this policy, all such temporary signs shall be removed.
- Signs will not be allowed that interfere with pedestrian, vehicular travel or sight-lines. Signs shall not interfere with handicap access under the Americans with Disabilities Act.
- Temporary signs shall conform with the "sign prohibition," "light variations" and "sign motion" requirements of the regulations (Sections 7.12.2.1, 7.12.3.3 & .4), except for those signs expressly allowed through this policy. These regulations preclude such things as inflatable signs, flashing lights, steamers, billboards, moving signs, etc.
- Such temporary signs shall not be permitted for "Home Occupation" businesses.
- A-frame signs shall be limited to 10SF in size.
- Temporary banners shall be limited to 24SF in size.
- Should excessive sign clutter result due to this policy, the Zoning Official reserves the right to work with businesses to collaboratively reduce the size and number of temporary signs.

OUTDOOR SEATING FOR RESTAURANTS AND OUTDOOR RETAIL DISPLAYS

The Department of Planning will temporarily allow outdoor seating at restaurants (including “retail-restaurants”) and outdoor retail displays without the benefit of Commission approval or Zoning Permits under the following circumstances:

- A Temporary Outdoor Dining / Outdoor Retail Permit Application shall be submitted to the Zoning Official for approval per Executive Order 7MM. The Zoning Official is the designated Local Enforcement Official per the Executive Order. There is no fee for this application. *[This section has been modified by Executive Order 7MM]*
- The total number of restaurant seats shall not exceed what has already been approved.
- Outdoor seats or retail displays of merchandise shall not interfere with pedestrian or vehicular travel, sight-lines or public safety and shall not interfere with handicap access under the Americans with Disabilities Act.
- Outdoor seating and/or retail displays of merchandise may be located in on-site parking spaces; minimum on-site parking requirements are temporarily waived for this purpose. *[This section has been modified by Executive Order 7MM to include retail displays]*
- Hours for outdoor seating service (taking orders) shall not extend beyond 9:00PM from Sunday to Thursday and 11:00PM on Friday and Saturday. All noise ordinances must continue to be met. *[Hours have been modified by Executive Order 7MM]*
- All reasonable measures must be provided to protect tables from vehicle and bicycle traffic.
- Outdoor seating may also include service of alcoholic beverages within the limitations of Executive Order 7MM.
- This policy only authorizes flexibility in the enforcement of the Town’s Zoning Regulations. Outdoor seating and/or retail displays shall conform to all relevant health and safety requirements that are not under the purview of the Planning and Zoning Commission, including but not limited to Building Code, Fire Code, Liquor Control regulations, Town and State Ordinances and Regulations regarding use of sidewalks, State Health Code and any Emergency Orders related to the COVID-19 Virus.
- This policy shall remain in effect until the State allows restaurants to resume maximum permitted capacity, provided that all other sections of this policy are met.
- Should this policy lead to negative impacts on the surrounding area, including noise or parking impacts, the Zoning Official reserves the right to work with businesses to collaboratively address these issues.

CHANGES OF USE IN EXISTING COMMERCIAL BUILDINGS

- The Commission temporarily authorizes the Zoning Official to issue Zoning Permits for certain changes of use in existing commercial buildings under the following circumstances:
 - Proposed uses must be permitted in the zoning district without the benefit of a Special Use Permit and must comply with all bulk and use requirements, including the minimum parking requirements of Section 7.10.
 - No construction, building additions and/or significant exterior modifications or site modifications are proposed.
 - The Zoning Official may still refer any such application to the Commission for review and/or interpretation when compliance with the regulations is in question.
 - This temporary policy does not modify any current regulations or processes regarding Building, Fire or Health Code compliance or permitting.