

Kittery Planning Board Public Hearing November 12, 2020

§16.2.2 Definitions §16.8 Design and Performance Standards for Built Environment

1 §16.2.2 Definitions

2 Outdoor Dining - A dining area with seats and/or table(s) located outside of a restaurant, which is either:
3 a) located entirely outside the walls of the building of the subject business, or b) enclosed on two (2)
4 sides or less by the walls of the building with or without a solid roof cover, or c) enclosed on three (3)
5 sides by the walls of the building without a solid roof cover.

7 §16.8 Design and Performance Standards for the Built Environment

8 Article XXIX Outdoor Dining

9 A. Applicability

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- 11 1. Outdoor dining, as defined in Chapter §16.2.2 of this Title, is allowed as follows:
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- 13 a. Within the buildable lot area in all zoning districts where restaurants are allowed as
- 14 either a permitted or a special exception use;
- 15 b. Within the front, side and/or rear yards (setbacks) of the C-1, C-2, C-3, B-L, B-L1, MU,
- 16 MU-KF and MU-N zones where such a setback does not abut a residential use; and
- 17 c. Outdoor dining in the public way is permitted subject to Title 5 and all Town
- 18 requirements.
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- 20 2. Any existing restaurant that meets the above requirements may apply for approval for
- 21 outdoor dining on-site utilizing §16.10.3.2
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- 23 3. New restaurants to be constructed may include outdoor dining plans on-site as part of their
- 24 site plan review for review and approval by the municipal permitting authority. See §16.10
- 25 Development Plan Application and Review.
- 26

27 B. Standards

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- 29 1. Outdoor dining on site must meet all the requirements of the pertinent zone’s buffering and
- 30 screening requirements in Chapter §16.3 Land Use Zone Regulations.
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- 32 2. Proposed outdoor dining on-site must comply with all conditions pertaining to any existing
- 33 variances, special exceptions or other approvals granted for the property as well as any
- 34 conditions imposed by the granting of the site plan review approval for the outdoor dining
- 35 itself.
- 36 3. All the proposed outdoor dining activities must be conducted on private property owned,
- 37 leased or otherwise controlled by the applicant unless separate approval for the use of any
- 38 public rights-of-way has been obtained from the Town.
- 39
- 40 4. The proposed outdoor dining must not impede pedestrian or vehicular traffic.
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42 5. No additional parking is required for outdoor dining at existing restaurants where on-street
43 parking is available. For outdoor dining areas in existing restaurants where on-street parking
44 is not available, if the outdoor dining area is 1,000 square feet or less, no additional parking
45 is required. For outdoor dining areas in existing restaurants over 1,000 square feet but less
46 than 2,000 square feet, one additional parking space is required. Thereafter, one additional
47 parking space is required for every additional 1,000 sf.

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49 C. Site Plan Review submission requirements

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51 1. The site plan must be drawn to scale, showing the dimensions of the proposed outdoor
52 dining area, and its location relative to the structure where the restaurant is located.
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54 2. The site plan must show the location of any proposed or existing pavement, hardscaping,
55 landscaping, planters, fencing, canopies, umbrellas, awnings or barriers surrounding or
56 delineating the outside dining area.
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58 3. Calculations demonstrating the number of tables that may be placed within the proposed
59 outdoor dining area according to state and local regulations must be submitted.
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61 4. The above submission requirements are all that is required for outdoor dining areas that
62 require minor site plan review. For outdoor dining areas that must be reviewed under major
63 site plan review, the above requirements must be met in addition to the submission
64 requirements of §16.10 unless a submission requirements waiver is granted by the Planning
65 Board.