

## 16.3 Definitions

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

## 16.5 General Performance Standards

### 16.5.30 Outdoor Dining

#### A. Applicability

1. Outdoor dining, as defined in Chapter 16.3 of this Title, is allowed as follows:
  - a. Within the buildable lot area in all zoning districts where restaurants are allowed as either a permitted or a special exception use;
  - b. Within the front, side and/or rear yards (setbacks) of the C-1, C-2, C-3, B-L, B-L1, MU, MU-KF and MU-N zones where such a setback does not abut a residential use; and
  - c. Outdoor dining in the public way is permitted subject to Title 5 and all Town requirements.
2. Any existing restaurant that meets the above requirements may apply for approval for outdoor dining on-site utilizing minor site plan review. See 16.7.4.
3. New restaurants to be constructed may include outdoor dining plans on-site as part of their site plan review for review and approval by the municipal permitting authority. See 16.7.

#### B. Standards

1. Outdoor dining on site must meet all the requirements of the pertinent zone's buffering and screening requirements in Chapter 16.4.
2. Proposed outdoor dining on-site must comply with all conditions pertaining to any existing variances, special exceptions or other approvals granted for the property as well as any conditions imposed by the granting of the site plan review approval for the outdoor dining itself.
3. All the proposed outdoor dining activities must be conducted on private property owned, leased or otherwise controlled by the applicant unless separate approval for the use of any public rights-of-way has been obtained from the Town.
4. The proposed outdoor dining must not impede pedestrian or vehicular traffic.
5. No additional parking is required for outdoor dining at existing restaurants where on-street parking is available. For outdoor dining areas in existing restaurants where on-street parking is not available, if the outdoor dining area is 1,000 square feet or less, no additional parking

44 is required. For outdoor dining areas in existing restaurants over 1,000 square feet but less  
45 than 2,000 square feet, one additional parking space is required. Thereafter, one additional  
46 parking space is required for every additional 1,000 sf.

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48 C. Site Plan Review submission requirements

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50 1. The site plan must be drawn to scale, showing the dimensions of the proposed outdoor  
51 dining area, and its location relative to the structure where the restaurant is located.  
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53 2. The site plan must show the location of any proposed or existing pavement, hardscaping,  
54 landscaping, planters, fencing, canopies, umbrellas, awnings or barriers surrounding or  
55 delineating the outside dining area.  
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57 3. Calculations demonstrating the number of tables that may be placed within the proposed  
58 outdoor dining area according to state and local regulations must be submitted.  
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60 4. The above submission requirements are all that is required for outdoor dining areas that  
61 require minor site plan review. For outdoor dining areas that must be reviewed under major  
62 site plan review, the above requirements must be met in addition to the submission  
63 requirements of 16.7 unless a submission requirements waiver is granted by the Planning  
64 Board.