

Temporary Zoning Permit for Outdoor Activities (Dining and Shopping)

Per Executive Order 7MM

May 14, 2020

Planning and Zoning Department

Town of Oxford, CT

BACKGROUND

The Town of Oxford shares your determination to reopen your establishments and return your employees to work. To support these goals, the Oxford Planning and Zoning Department has created a new Temporary Zoning Permit for Outdoor Activities (Dining and Shopping) and a set of guidelines to help assist you in their preparation and submittals.

The Planning and Zoning Department will work with you and your staff to address the many challenges ahead. We are committed to supporting your operations and return to profitability. For assistance, please contact Steven Macary, Zoning Enforcement Officer at 203-828-6503 or Jessica Pennell, P&Z Coordinator at 203-828-6512 for specific questions regarding the permit process.

The Town of Oxford will be following the strategies and procedures established by Governor Lamont in the REOPEN Connecticut guidelines.

- Allowing municipalities to accelerate changes to their zoning regulations to expand outdoor dining and shopping.
- Creating a sped-up approval process for restaurants and other establishments that serve food to get fast-tracked permission to create or expand outdoor dining areas.
- Allowing other businesses such as retail stores to get fast-tracked permission to sell goods on the sidewalk or in other outdoor areas, including shared spaces and/or spaces provided by municipalities.
- Allowing restaurants and other businesses who already have liquor permits to serve alcohol only with food without applying for a separate patio or extension of use permit; and
- Allowing private clubs to sell alcohol only to their members for delivery or pickup.

Guidelines for a Temporary Zoning Permit for Outdoor Activities (Dining and Shopping)

Per Executive Order 7MM

May 14, 2020

Oxford CT Planning and Zoning Department

ALLOWED OUTDOOR ACTIVITIES

- Restaurants and Establishments that sell food
- Retail Stores
- Bars (only if food is served)
- New Covid-19 Instigated Signage (area under fifteen (15) square feet)

REQUIRED PROCEDURES

1. Expansion of a previously approved outdoor activity area or establishment of new outdoor activity area requires an Temporary Zoning Permit for Outdoor Activities (Dining and Shopping) (which can be found at the end of this document) to be approved by the Building Official, Fire Marshal, Health and Zoning Officials (ALL FEES WAIVED).
2. Temporary Zoning Permits for Outdoor Activities (Dining and Shopping) will be valid until full indoor dining and shopping restrictions are lifted by the State of Connecticut.
3. A Temporary Zoning Permit for Outdoor Activities (Dining and Shopping) application MUST include:
 - A. Property owner signature/authorization
 - B. A site plan sketch is required with permit indicating new, or expansion of existing area.
 - C. Outdoor dining and shopping areas must be clearly delineated by railings, stanchions, or other suitable barriers and shown on the plan. No service shall be permitted outside delineated area.
 - D. Handicap access to and from the seating to the building, restrooms, and parking areas must be shown on the plan.

POSSIBLE LOCATIONS

- Permitted outdoor activities may be extended to certain yards or within certain setbacks.
- Outdoor activities can be located on sidewalks if a six (6) foot clearance is maintained.
- Adjacent properties zoned for a similar permitted usage may also be used subject to a written permission of the owner.
- Although allowed under EO 7MM, it is suggested that public streets should not be the initially chosen spaces for outdoor activities.
- Historic districts and wetlands are not locations where waived by the Order.

LOCATIONAL LIMITATIONS

- Dining and shopping spaces shall not block fire department access.
- Customers shall be served only when seated at tables. No standees.
- No outdoor food or beverage prep shall be permitted.
- No outside music or sound system shall be permitted.
- Social distancing must be maintained. No waiting queues are permitted; patrons required to make reservations or have a mobile device notification.

- No parties greater than 5.
- Outdoor area should open no earlier than 6:00 AM and close no later than 9:00 p.m. (Sunday-Thursday) 11:00 p.m. (Friday and Saturday)
- Must maintain clear path for pedestrians a minimum of six (6) feet.
- Failure to abide by the required criteria can be cause for the Town of Oxford to revoke the right to have outdoor seating.

APPLICATION PROCEDURES

- Either the Zoning Administrator or Zoning Enforcement Officer can approve, approve with conditions, or reject an application. No commission or board approval is necessary.
- All Outdoor Activities are allowed and can subject only to “reasonable” conditions.
- Clear guidance from Fire Marshal and the Health Departments on separating distances for seating and other spacing parameters are incorporated into this temporary permitting.
- Appeals (whether applicant or third party) will be fast-tracked to the Oxford Planning and Zoning Commission.

STANDARDS AND SUBMISSION REQUIREMENTS

Temporary Zoning Permit for Outdoor Activities (Dining and Shopping)

Alcohol

If alcohol is served, a temporary liquor permit must be obtained from the State Consumer Protection Agency, Liquor Control Division (Please attach).

Insurance

If all or a portion of the proposed service area is on Town property or within the Town right of way, the applicant must provide a certificate of insurance evidencing general commercial liability with the minimum amounts of one million (\$1,000,000) dollars per occurrence/two million (\$2,000,000) dollars general aggregate. The Town of Oxford must be included as an additional insured and confirmed as such on the certificate of the insurance. If alcohol is to be served, the Town requires liquor liability insurance of one million (\$1,000,000) dollars per occurrence with Town of Oxford included as an additional insured.

Proof of Self-Certification from the CT Business and Reopening Center

Applications must include Proof of Self-Certification from the CT Business and Reopening Center. Upon completion of the self-certification process, your business will be provided with an electronic badge. (Please provide documentation of the badge)

- Visit <https://business.ct.gov/recovery> and complete the self-certification process for Connecticut businesses.

Applications must be accompanied by the following:

A site plan of the property and written narrative outlining the proposed or modified dining and/or shopping facilities. Contact the Planning and Zoning Department to determine if a survey is available, if a survey is not available, the applicant can provide a site plan on a printout of the property obtained from the Town's GIS mapping.

1. Applications will be accepted via mail and via email.
2. The required site plan must illustrate:
 - A. An Access Path for emergency services (unimpeded by parking) to within 150 feet of all points of the dining area. And first floor of building.
 - B. The location of any tables, tents, waitstaff stations, waste receptacles, or any applicable furniture associated with the operation.
 - C. An outline of the maximum area, including scaled dimensions, to be used for the operation.
 - D. The path to be used by staff for service to and from the kitchen/store must be safe and obstruction free.
 - E. The survey/site plan must be drawn to scale. Failure to do so will impact staff's ability to assess the operation and may result in delays.
3. The application must include a narrative outlining all operations including:
 - A. Employee training and preparation.
 - B. Implementation of safety measures, particularly where dining in active parking lots is requested.

- C. Privacy measures taken to minimize disturbance (if any) to abutting uses.
 - D. Hours of operation.
4. In addition to the safety risks anticipated from the current pandemic, the Town of Oxford is aware of risks imposed on patrons from vehicular traffic. If area is lacking to provide outdoor dining service on existing patios, decks (or lawns if permitted by the Pomperaug District Department of Health), the use of a portion of the parking area may be considered. Understanding the inherent concerns of using a parking area for dining, and with due consideration to the loss of parking spaces, the following considerations must be addressed:
- A. The site plan must demonstrate that parking is adequate for the proposed outdoor seating.
 - B. A plan to ensure the safety of patrons including, but not limited to adequate protection from vehicular intrusion into the outdoor dining area.
 - C. If parking is shared, no approval may be granted to use a parking area that adversely affects another business owner.
 - D. The means by which this is accomplished must be shown on the site plan. If the means of protection is unable to stop a moving vehicle, it cannot be accepted.
 - E. Adequate emergency vehicle access must be considered for the outdoor dining area as well as nearby businesses.
5. Applications involving the use of tents must also be reviewed by the Building Official and Fire Marshal. You are urged to contact them before applying to ensure that appropriate supporting materials are included with your application submittal.
6. Applications will be reviewed by the Pomperaug District Department of Health, and the Oxford Building Official, Fire Marshal, and Zoning Official. Please contact them before submitting this application to help avoid delays.
7. Filing Fee: There shall be no filing fee for this application.



Town of Oxford

S.B. Church Memorial Town Hall
486 Oxford Road, Oxford, Connecticut 06478-1298
Phone: 203-888-2543 Fax: 203-888-2136
Website: oxford-ct.gov

REQUIRED CONSTRUCTION APPROVALS **for** **Restaurant/Retail Opening – Phase 1 COVID-19 Pandemic**

Applicant: _____

Property Address: _____

Permit Use (Please Check One):

☐ Add Outdoor Seating ☐ Expand Outdoor Seating ☐ Tent

OBTAIN SIGNATURES IN NUMERICAL ORDER

The same plan must be submitted to each land-use department. If changes are made to the plans after an approval has been given, the plans must be re-submitted to all prior departments for re-approval.

1) To be filled out by P.D.D.H. or W.P.C.A

Plan Date: _____ Signature: _____ Date: _____

2) To be filled out by the Fire Marshal

Plan Date: _____ Signature: _____ Date: _____

3) To be filled out by Building Official

Plan Date: _____ Signature: _____ Date: _____

4) To be filled out by Zoning Enforcement Official

Plan Date: _____ Signature: _____ Date: _____



**Food Service Establishment Application
for Temporary Outdoor Seating**
in response to Connecticut's Reopening Protocol for COVID-19

Print Legibly and fill out ALL sections.

No Fee

1. Establishment Information

Food Establishment Name	
Establishment Location - Address	Town

2. Owner of Establishment

Name of Owner			
Applicant Mailing Address	City	State	Zip Code
Applicant Phone	Applicant Fax		
Applicant Email			

3. Request to temporarily add or increase outdoor seating Capacity for to COVID-19 Reopen CT Protocol – please check the type of request you are making

Existing Outdoor Seating Capacity _____

☐ I am requesting to add outdoor seats. Number of seats _____

☐ I am requesting to increase my outdoor seating capacity by _____ outdoor seats.

Proposed Total Outdoor Seating Capacity _____

Tables must be at least 6 feet apart. Distance shall be measured from the closest chair at one table to the closest chair at another table.

I understand that this application is for the TEMPORARY addition of outdoor seating in response to Connecticut's reopening protocol for the COVID-19 pandemic. I will comply with the distancing requirements and all current Reopen Connecticut protocols and guidance. The approval expires on November 25, 2020, at which time the temporary outdoor seating must be removed. I understand that I should contact the applicable Town officials (i.e. zoning, building, fire marshal, etc.) to obtain any other necessary approvals for this outdoor seating.

Signature of Owner _____

Date _____

Temporary Zoning Permit for Outdoor Activities (Dining and Shopping)

Oxford Planning and Zoning Department
Oxford Town Hall
486 Oxford Road, Oxford, CT 06478-12981
203-828-6503 or 203-828-6512

Permit Number _____

1. Please check one:

- _____ Modification for Existing Temporary Zoning Permit for Outdoor Activities (Dining and Shopping) Approval
_____ New Temporary Zoning Permit for Outdoor Activities (Dining and Shopping) Approval

2. Business Name: _____

Phone: _____

Mailing Address: _____

3. Name of Contact: _____ Phone: _____

Mailing Address: _____

Email: _____

4. Name of Property Owner: _____ Phone: _____

Mailing Address: _____

3, Property Address (es): _____

4. Assessor's Lot Number: _____

5. Zoning District: _____

DETAILS

6. Outdoor Dining/Shopping Description: (Number and location of tables/chairs, garbage receptacles, safety measures, fencing or other separation, social distancing measures, traffic, and parking changes, etc.)

7. Date Range (Cannot exceed October 31, 2020) _____

8. Dining Location on Property _____

9. Serving Time From _____ to _____ 10. Dining Style: _____

11. Alcohol Served? ☐ YES ☐ NO 12. Electricity Required? ☐ YES ☐ NO ☐ 13. Tent? ☐ YES ☐ NO

14. Occupancy

- Approved (Indoor/Outdoor) _____ Dining/Shopping proposed within Right of Way?
- Proposed (Outdoor Only) _____ ☐ YES ☐ NO

15. Any Additional Signage Needed (Describe and attach Picture)

16. Provide and attach a list of adjacent property owners (The Town GIS and/or Assessor's Land Records may be used for this purpose). Plans must be reviewed with respect to potential impact to adjacent property owners. If deemed appropriate, temporary fencing may be required by staff.

TEMPORARY APPROVAL - Any approval granted for new Temporary Zoning Permit for Outdoor Activities (Dining and Shopping), or a modification to existing Temporary Zoning Permit for Outdoor Activities (Dining and Shopping) is temporary and shall expire upon the cessation of any Executive Order prohibiting indoor dining. Certain elements of this approval such as those under the jurisdiction of the Building Official, Fire Marshal, or the Pomperaug District Department of Health, may have conflicting expiration dates. It is the responsibility of the applicant to renew any lapsing permits with any such coordinating authorities in the case they expire prior to the suspension of the Executive Order limiting restaurants to outdoor dining only.

17. HOLD HARMLESS AGREEMENT (Business Owner must read/agree to the following Agreement)
The Business Owner will fully indemnify, fully defend and hold harmless the Town of Oxford and all of its respective officers, employees, agents, servants or volunteers to the fullest extent allowed by the law for any claim for personal injury, bodily injury, death, property damage, emotional injury and any other injury, loss or damage of any kind, including but not limited to attorney fees and other professional fees, occurring during the terms of agreement, or alleged to have occurred in whole or in part by the Business Owner's use of the sidewalk adjacent to the property listed for outdoor dining/shopping purposes. The terms of this Agreement will remain in effect until such time the Business Owner is no longer using said sidewalk for outdoor dining/shopping Purposes

I, the undersigned applicant acknowledge I have read the above Hold Harmless Agreement and agree to its terms. Applicant/Business Owner Signature _____ Date _____

18. All information submitted with this application is true and accurate to the best of my knowledge. The applicant understands that this application is to be considered complete only when all information and documents outlined under "**Standards and Submissions**" have been submitted. In addition, by signing below, the applicant confirms their understanding of any terms or conditions applied to the permit if approved, particularly the expiration date. Under no circumstances shall any permit for new outdoor dining and/or modified outdoor dining extend beyond the ability of the applicant to resume normal business.

Date: _____

Signature of Applicant/Business Owner

Date: _____

Signature of Property Owner

Town of Oxford Use
Date Application Received _____
Receiver's Name _____
Fire Marshal Approval/Authorization _____ Date _____
Health Department Approval/Authorization _____ Date _____
Building Official Approval/Authorization _____ Date _____
First Selectman Approval/Authorization _____ Date _____
Zoning Official Approval _____ Date _____