

Approved July 6, 2010

Affective August 2, 2010

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New Section 10.23 – Outdoor Dining:

10.23 Outdoor Dining:

10.23.1 Intent. The Town of Lisbon recognizes the importance of outdoor dining facilities to the vitality and success of our commercial districts. The outdoor dining regulations are in place to promote the health, safety and welfare of our resident, businesses and visitors. Seasonal Outdoor dining facilities as accessory uses to restaurants may be permitted via Special Permit application and subject to the following conditions:

10.23.2 Standards.

- a. Outdoor dining facilities shall only be allowed in conjunction with legally established restaurants located on the same parcel and shall only operate during the hours of operation of the associated restaurant. Outdoor dining facilities may be operated between March 1st and November 30th.
- b. Sound systems shall not exceed 86 decibels. No outdoor music shall be played before 10:00 a.m. or after 10:00 p.m. Monday-Saturday and no outdoor music shall be played before 11:00 a.m. or after 8:00 p.m. on Sunday.
- c. Outdoor dining facilities shall be used only for dining by seated patrons. No bars for the service of alcohol, food preparation areas or dance areas shall be permitted in an outdoor dining area.
- d. Aesthetics, location and configuration.
 1. The outdoor dining area shall be subject to architectural review by the Commission. The outdoor space shall be designed as an integral component of the restaurant.
 - [a] The Planning and Zoning Commission may require aesthetically pleasing barriers, such as wooden railings with lattice work, solid vegetative hedges (either in-ground or in planters) or decorative metal barriers, to accomplish these objectives or to enhance the aesthetic appeal of the dining area.
 2. Outdoor dining facilities shall also be located and configured so as to:
 - [a] Ensure, to the satisfaction of the Planning and Zoning Commission, the safe and unhindered passage of pedestrians and/or vehicles;
 - [b] be enclosed with a sturdy barrier not less than 36 inches in height and shall clearly designate the area where food and /or beverages shall be permitted to be served and consumed.
 - [c] be located directly adjacent to and/or above the lawfully operating Restaurant Use and be directly under Applicant's control. The Outdoor/Seasonal Dining Facility

may be located immediately adjacent to the front of the Restaurant Use, on the side or rear of the Restaurant Use; and

- [d] Prevent the escape of litter from the dining area.
- [e] The capacity of any outdoor dining facilities shall be limited to 50 seated patrons with such seating capacity included when calculating parking requirements. However, the total number of seats for the Outdoor Dining Facility shall not exceed 25% of the maximum number of approved indoor seats for the Restaurant Use. The final number of seats for the Outdoor Dining Facility will be determined by the Planning and Zoning Commission upon review of the amount of space available, the ADA and the Building Code.
- [f] The area of any outdoor dining facility shall not exceed 750 square feet.
- e. During each day of operation of an outdoor dining facility, a restaurant employee shall regularly patrol the area within 500 feet of the outdoor dining facility to collect any trash or litter which may have been generated by restaurant operations or customers. The Applicant must keep the Outdoor/Seasonal Dining Facility sanitary, neat and clean at all times, free from accumulation of food, litter, snow, ice and other potentially dangerous or unsanitary matter.
- f. Outdoor dining facilities shall be permitted in a front yard, subject to the following conditions:
 - 1. Outdoor dining facilities situated at grade shall not be located within 20 feet of the front property line.
 - 2. Outdoor dining facilities located above grade shall not be located within the required front setback.
- g. Outdoor dining facilities located in any yard except a front yard shall not be located within any required setback and shall be screened from the satisfaction of the Planning and Zoning Commission.
- h. The following information and/or standards shall be submitted and/or met as part of the application process in addition to other standard contained with these regulations.
 - 1. A detailed, labeled and scaled site plan and elevations of the location of the outdoor dining area, number and arrangement of tables and chairs, barriers, means of ingress and egress, sidewalk, above-ground utilities and any other sidewalk obstruction, parking and planter areas;
 - 2. Manufacturer's information and cut sheets on all proposed tables, chairs, barriers, lighting and accessory furniture (Plastic table and chairs shall be prohibited). All furniture and fixtures shall be high quality, durable and attractive;
 - 3. A signed statement by the owner of the building confirming the ownership of the building and, if the owner is not the Applicant, granting permission to the Applicant to pursue the conditional use permit;
 - 4. A detailed description of the type of food and beverage served at the establishment. When applicable, a copy of the Applicant's liquor permit and any other documentation giving the Applicant permission to serve alcohol;

5. The Seasonal Dining Facility must be in compliance with the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq. (as used in this section, the "ADA"), and at a minimum allow for 5 feet of continuous pedestrian access along the public sidewalk free from all obstruction, and must not create any pedestrian hazards;
 6. The applicant shall submit a plan to store furniture when the outdoor dining area will not be operated, and;
 7. The Outdoor/Seasonal Dining Facility must have adequate illumination during evening hours in accordance with the Outdoor Dining Design Guidelines. All lighting will be designed to minimize the intrusive effect of glare and illumination upon abutting areas, especially residential properties.
- 10.23.3 Permit Duration. A permit for Outdoor/Seasonal Dining Facility shall be valid for two (2) years from approval, except that the Commission may limit the permit period to a shorter period where there are special concerns for the impact of the facility on the surrounding area.
- 10.23.4. Permit Renewal. An application for renewal of the Outdoor/Seasonal Dining Facility must be received at least 30 days prior to expiration of the permit. No permit shall be renewed if it is determined that there are substantial, outstanding violations of any condition of the permit for which the renewal is sought.
- 10.24.5 Revocation of Permit. Following a public hearing, the Commission may revoke the permit if it is determined that the terms of such permit have been violated.

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ATTEST. BETSY M. BARRETT, TOWN CLERK