General Assembly          Substitute Bill No. 6610

January Session, 2021

AN ACT CONCERNING THE PROVISION OF OUTDOOR FOOD AND BEVERAGE SERVICE BY RESTAURANTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (Effective from passage) (a) For the purposes of this section, "food establishment" means a food establishment that is licensed or permitted to operate pursuant to section 19a-36i of the general statutes, and "municipality" has the same meaning as provided in section 8-1a of the general statutes.

(b) Notwithstanding any provision of the general statutes, special act, municipal charter or ordinance, the zoning commission of each municipality shall allow any licensee or permittee of a food establishment operating in such municipality to engage in outdoor food and beverage service as an accessory use of such food establishment's permitted use until March 31, 2022. Such accessory use shall be allowed as of right, subject only to any required administrative site plan review to determine conformance with zoning requirements not contemplated by this section.

(c) Any such licensee or permittee may engage in outdoor food and beverage service (1) on public sidewalks and other pedestrian pathways abutting the area permitted for principal use and on which vehicular access is not allowed, (A) provided a pathway (i) constructed in
compliance with physical accessibility guidelines, as applicable, under the federal Americans with Disabilities Act, 42 USC 12101, et seq, as amended from time to time, and (ii) the length of the lot upon which the area permitted for principal use is located, and not less than six feet in width, not including any area on a street or highway, shall remain unobstructed for pedestrian use, and (B) subject to reasonable conditions imposed by the municipal official or agency that issues right-of-way or obstruction permits; (2) on off-street parking spaces associated with the permitted use, notwithstanding any municipal ordinance establishing minimum requirements for off-street parking; (3) on any lot, yard, court or open space abutting the area permitted for principal use, provided (A) such lot, yard, court or open space is located in a zoning district where the operation of food establishments is permitted, and (B) the licensee or permittee obtains written authorization to engage in such service from the owner of such lot, yard, court or open space and provides a copy of such authorization to the zoning commission; and (4) until nine o'clock p.m., or a time established by the zoning regulations of the municipality, whichever is later.

This act shall take effect as follows and shall amend the following sections:

| Section 1 | from passage | New section |

**PD**  Joint Favorable Subst.