



**TOWN OF LEDYARD**  
741 Colonel Ledyard Highway  
Ledyard, CT 06339  
Phone 860-464-3266  
Email [land.use.asst@ledyardct.org](mailto:land.use.asst@ledyardct.org)

**LEDYARD PLANNING & ZONING COMMISSION**  
**Policies and Guidelines for**  
**Temporary Outdoor Dining in accordance**  
**with State of CT Governor Lamont's COVID-19**  
**5/12/2020 Executive Order No. 7mm**  
May 19, 2020

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## ***LEDYARD PLANNING & ZONING COMMISSION***

### ***RE-OPENING POLICIES & GUIDELINES REGARDING***

### ***TEMPORARY OUTDOOR DINING DURING COVID-19***

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The Town of Ledyard shares your determination to reopen your establishments and return your employees to work. To support these goals, the Ledyard Planning & Zoning Commission has established Outdoor Dining Re-Opening Policies. The policies are designed to assist restaurants with their reopening and guide them in the rules and safety protocols provided by the State of Connecticut and requirements of Town Departments. The Town Team includes the Mayor's Office and Fire, Building, Zoning, Planning & Police Departments' staff. We have prepared this document to assist with creating or expanding outdoor areas for restaurant dining and to expediate the permit process throughout the COVID-19 pandemic period. When restrictions for indoor dining and retail establishments are eased, we stand ready to work to implement policies, regulations & safety protocols for those future operations.

Town Staff will work with you and your restaurant staff to address the many challenges ahead and to expedite your applications for an Outdoor Dining Permit. We are committed to supporting your operations and return to profitability. For general questions, please contact the Local Enforcement Official, Kyle Faulise at the Land Use Department at (860) 464-3216 or other Town Staff listed in this guide for specific questions regarding their department's permit process.

The Town of Ledyard will be following **Executive Order 7MM ("EO7MM") issued by State of CT Governor Ned Lamont, dated May 12, 2020** and the guidelines established by DECD in its REOPEN Connecticut documents, dated May 8, 2020 and, which contain helpful links to guide you through the reopening process.



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## *Restaurant New/Expanded Outdoor Dining & Seating*

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### **OUTDOOR DINING SEATING PERMIT INFORMATION:**

- Expansion of a previously approved outdoor dining area or establishment of a new outdoor dining requires an Outdoor Seating Permit (which application for can be found at the end of this document) that shall be approved by the Building Official, Fire Marshal, Zoning and Planning Officials (**ALL FEES WAIVED**).
- Temporary outdoor dining permits and expansion of existing permits will be valid until October 31, 2020 or until full state of emergency restrictions are lifted by the State of CT, *whichever comes later*.
- Outdoor Seating Permit Applications **MUST** include the following information:
  - Site Drawing.** A drawing or illustration, roughly to scale or dimensioned and depicting with reasonable accuracy the outdoor area that is proposed. This shall include the following:
    1. The location and dimensions of the dining area
    2. The number of tables and how they will be spaced
    3. The illustrated pathway to enter/exist the establishment, access restrooms, and staff movement which demonstrates a 6' distance from the pathway to any tables.
    4. Location of waste receptacles
    5. Location of any temporary structures, including tents (note Building Official notes on sizing, construction, and egress for tents)
    6. Any additional heat or electrical which may be subject to additional restrictions by the Building Official.
  - Narrative.** A narrative, with or without accompanying illustrations, that explains any noise, waste management, odor, light pollution, and environmental impacts expected from same and how said impacts will be managed.
  - Additional Signage.** Please describe and/or attach a picture or drawing of proposed signage. "COVID-19 Signage" shall mean any outdoor, non-internally illuminated, non-animated signage that is 15 sq. feet or smaller and contains directions, social distancing



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instructions, or other signage that might customarily be displayed within the building, including, but not limited to menus and specials.

- Permit applications forms may be obtained online on the Town of Ledyard Website at <https://www.town.ledyard.ct.us> or from the Local Enforcement Official, ZWO Kyle Faulise at the Land Use Department by emailing at [zoning.official@ledyardct.org](mailto:zoning.official@ledyardct.org) or by calling (860) 464-3216.
- The Town of Ledyard is following the rules of State of CT Executive Order No. 7MM (Protection of Public Health and Safety During COVID-19 Pandemic and Response – Expedited Approval and Permitting For Expanded Outdoor Dining), which Order can be found at the following link: <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7MM.pdf>
- Additional information regarding rules for restaurants and self-certification can be found at the following link:  
[https://portal.ct.gov/media/DECD/Covid\\_Business\\_Recovery/CTReopens\\_Restaurants](https://portal.ct.gov/media/DECD/Covid_Business_Recovery/CTReopens_Restaurants)
- Applications for Outdoor activities are *automatically* approved within 10 days, but the Local Enforcement Official (Zoning Administrator) can approve, approve with conditions or reject an application within said time period.
- There are no fees associated with the application.
- No nonconforming use rights for outdoor dining areas are initiated under EO7MM.
- Outdoor dining. Outdoor seating, including new and/or existing outdoor seating areas, shall be limited to 50% of the maximum occupancy of existing restaurant seating.
- Outdoor dining areas must close no later than 9:00 p.m. (Sunday-Thursday) and 11:00 p.m. (Friday and Saturday). Note: The Local Enforcement Official can condition an approval to change/limit/expand these hours.
- Live entertainment and loud music/sound systems are prohibited.
- Customers shall be served only at tables, except for pick-up orders. No standees.
- No outdoor food or beverage prep shall be permitted.
- Outdoor dining areas are allowed in setbacks or yards if there are no safety or health issues.
- Outdoor dining areas are allowed on sidewalks as long as there is a 6-foot clearance.
- Outdoor dining areas are allowed on other zoning lots with the property owner's permission.
- Outdoor dining areas are allowed on public streets with permission from the Town.
- Shared outdoor dining areas are permitted.
- Minimum parking requirements are lifted for the duration of this permit.
- Social distancing must be maintained per DECD guidelines for restaurant re-opening.
- No parties greater than 5.
- Outdoor dining areas, including tent areas, shall not block fire department access.



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- Pedestrian walkways must maintain clear paths with 6' of clear space. Failure to abide by the required criteria can be cause for the Town of Ledyard to revoke the right to have outdoor seating.
- The Local Enforcement Official can reasonably condition the details of the permit.
- Alcohol. Per EO7MM, Section 3 (Liquor Service in Connection with Outdoor Dining), in part: Title 30 of the Connecticut General Statutes, including Sections 30-22(a) and 30-22a(a), and any corresponding regulations or practices such as the requirement to file a patio or extension of use permit with the Department of Consumer Protection, are modified to the extent they conflict with, or create additional requirements on, the sale of alcoholic liquor by a liquor licensee so long as such licensee is (i) in compliance with Section 2 of this order and any executive order permitting outdoor dining; (ii) any rules for outdoor dining, including social distancing requirements, issued by the Department of Economic and Community Development (DECD); and (iii) any town or municipal requirements related to outdoor dining and liquor sales, as amended by Section 2 of this order. A liquor licensee who serves alcoholic liquor shall not be required to obtain a patio or extension of use permit provided that the licensee shall serve only the types of alcoholic liquor allowed by their permit type and shall abide by the following conditions:
  - a. The licensee must comply with all other laws and regulations under Title 30, including prohibitions on sales to minors or intoxicated persons and restrictions on the times such sales may occur.
  - b. Alcoholic liquor may be served only in connection with outdoor dining, which means food prepared on premises or at a food truck adjacent to the premises.
  - c. There shall be no consumer bars, and all alcoholic beverages shall be served tableside.
  - d. There shall be no live entertainment unless live entertainment was previously permitted in the outdoor space, or the licensee obtains permission pursuant to this order or underlying rules, and such entertainment complies with all other social distancing rules.
  - e. For Caterer licensees, outdoor service is permitted only at locations with on-premise permits for which the licensee is hired as a bona fide caterer.
  - f. For Clubs, outdoor dining is permitted only for members and their families and guests.
  - g. If a licensee is permitted by local authorities to provide outdoor dining in space outside their permitted premises, including public sidewalks, parking lots or space owned by an adjacent business, such space shall be deemed to be part of the



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permitted premises for the duration of this order and the licensee shall be responsible for any liquor violations in that area.

- Appeals. Notwithstanding any contrary Covered Law, if a Local Enforcement Official approves with conditions or rejects an application for an Outdoor Activity filed pursuant to this Order, the applicant may appeal such decision, within 7 days of receipt of notice of the decision (including, but not limited to, emailed notice or certified mail), to the planning and zoning commission or to the zoning commission, as applicable, but if the zoning commission is the town's legislative body, to the planning commission, provided that any Covered Law that would require a public hearing for such appeal is suspended. Nothing in this Order shall suspend or modify an individual's right to submit a complaint to the relevant municipal authority or the right of a municipal authority to enforce conditions associated with a permitted Outdoor Activity, impose fines and fees, or issue a notice of violation or a cease and desist order.

- **BUILDING AND FIRE REQUIREMENTS:**

- An occupant load for the establishment shall be determined normally. The Owner/manager of the facility is responsible for the maintenance of the reduced capacity of 50% or less of the normal occupancy and the 6' of social distancing requirements.
- Verify egress is sufficient for occupancy of the outdoor seating area.
- If tents are erected permits are required only for tents greater than 400 square feet in area (or 700SF if open on all sides). Membrane material should comply regardless of the size of the tent (3103.5.8).
- If there is temporary heat installed it needs to meet the requirements of the building and fire codes.
- Accessible seating needs to be provided and an accessible route to the dining area is required.
- Restrooms need to be provided for guests. The number can be limited based on the occupancy or segregated between staff and customers.

- **HEALTH DEPARTMENT REQUIREMENTS:**

- LLHD does not need to sign off on temporary outdoor dining permits unless the permit is for off premises. The LLHD foodservice license encompasses the interior and exterior (sidewalk, parking lot, grass areas) of the establishment.
- For more information regarding outdoor dining, please contact Ledge Light Health District at (860) 448-4200 or visit its website at [https://llhd.org/wp-content/uploads/2020/05/LLHD-Checklist-Reopen-Rules\\_FSE.pdf](https://llhd.org/wp-content/uploads/2020/05/LLHD-Checklist-Reopen-Rules_FSE.pdf).