



**Town of Westport  
Planning and Zoning Commission**  
Town Hall, 110 Myrtle Avenue  
Westport, CT 06880 [www.westportct.gov](http://www.westportct.gov)  
Tel: 203-341-1030 | Fax: 203-454-6145 | [PandZ@westportct.gov](mailto:PandZ@westportct.gov)

**FOR OFFICE USE ONLY**

Submission Date: \_\_\_\_\_  
Fee Received: \_\_\_\_\_  
Application #: \_\_\_\_\_  
***Application Fee: \$225***

**OUTDOOR EATING AREA APPLICATION, *Effective 5/1/23***  
**Site Plan Waiver and Zoning Permit**  
***See §32-20 of the Zoning Regulations on Pg. 5 Herein***

**NOTE: If Your Outdoor Eating Area is on TOWN PROPERTY:**

**Board of Selectman (BOS) approval is required, and this form should NOT be used.**

Contact the BOS at 110 Myrtle Ave., Town Hall, Westport CT Rm. 310 - PH: 203-341-1111, [westportselectwoman@westportct.gov](mailto:westportselectwoman@westportct.gov)

**INSTRUCTIONS:**

**FIRST:** Obtain approval for an *Outdoor Eating Area* from the Aspetuck Health District using this [form](#).

**SECOND:** Complete Items 1-10 below.

**THIRD:** Submit form and plan(s) showing proposal to EACH DEPT. listed below for their endorsement on this form; **OR** email your form and plan(s) to EACH DEPT. *Review Page 4 for any additional information required from EACH DEPT.*

**LAST:** Submit Health District approval, completed application form below endorsed by EACH DEPT. as evidenced by their signature on Pg. 3; or digital signature if corresponding by email, and RETURN to PLANNING & ZONING DEPT. by submitting one hard copy of each document along with the application fee to Rm. 203, Town Hall, 110 Myrtle Ave., and email a digital copy of your submission to [PandZ@westportct.gov](mailto:PandZ@westportct.gov).

***Application fee of \$225 must be paid to Planning and Zoning in cash or by check payable to "Town of Westport."***

1. Applicant Business Name: \_\_\_\_\_

Applicant Business Location: \_\_\_\_\_

2. Applicant's Contact Name: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_

Applicant's Daytime Tel. #: \_\_\_\_\_ Email: \_\_\_\_\_

3. Name of Property Owner: \_\_\_\_\_

Property Owner's Tel #: \_\_\_\_\_ Email: \_\_\_\_\_

Signature of Property Owner:\* \_\_\_\_\_

4. Location of Outdoor Eating Area (*check all that apply*):

ON-PREMISES       ABUTTING PROPERTY       IN PARKING AREA

5. Location of abutting property (*if applicable*) \_\_\_\_\_

6. Title of Plan(s) Submitted: \_\_\_\_\_

Date of Plan and Plan Preparer: \_\_\_\_\_

*\*Authorization letter from the property owner or his/her designee may be substituted for signature on this application.*

7. What is the floor area of the Principal use (how big is the interior restaurant or retail food establishment)?

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8. What is the footprint of the proposed Accessory Outdoor Eating Area (length x width)?

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9. How many tables and chairs are proposed in the Accessory Outdoor Eating Area?

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10. Any structures proposed?  Yes  No *If Yes, please describe and provide dimensions, and see info. on Pg. 4 for Building Permit requirements:*

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**NARRATIVE: Describe the proposal**

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**\*YOU MUST Submit the Same Plan(s) to ALL DEPTS. so they all have the same information**

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**FIRE MARSHAL** - Required for ALL applications, see Pg. 4

**Signature** of Fire Marshal or Fire Inspector: \_\_\_\_\_

Date Signed: \_\_\_\_\_ **Fire Dept. Conditions (if any):** \_\_\_\_\_

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**POLICE CHIEF** – If applicable, see Pg. 4

**Signature** of Police Chief or Designee: \_\_\_\_\_

Date Signed: \_\_\_\_\_ **Police Dept. Conditions (if any):** \_\_\_\_\_

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**BUILDING OFFICIAL** – If applicable, see Pg. 4

**Signature** of Building Official or Designee: \_\_\_\_\_

Date Signed: \_\_\_\_\_ **Building Dept. Conditions (if any):** \_\_\_\_\_

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**HISTORIC DISTRICT COMMISSION ADMINISTRATOR** – If applicable, see Pg. 4

**Signature** of HDC Administrator or Designee: \_\_\_\_\_

Date Signed: \_\_\_\_\_ **Conditions (if any):** \_\_\_\_\_

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**PLANNING AND ZONING DIRECTOR** – Required for ALL applications, see Pg. 4

**Signature** of Planning & Zoning Director or Designee: \_\_\_\_\_

Date Signed: \_\_\_\_\_ **P&Z Dept. Conditions (if any):** \_\_\_\_\_

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- An Annual Zoning Permit must be obtained by May 1<sup>st</sup> of next year to renew this permit if no changes, use this [form](#).
- Tents/Structures may require a Building Permit. It is the applicant’s responsibility to obtain all necessary permits. The Building Dept. is located at 515 Post Rd East, 2<sup>nd</sup> Floor of the Fire House – PH: 203-341-5025, [buildingpermits@westport.gov](mailto:buildingpermits@westport.gov)

**PLANNING & ZONING DEPT. REQUIREMENTS: - Required for ALL Applications**

Located: 110 Myrtle Ave Town Hall Rm 203 – PH: 203-341-1030, [PandZ@westportct.gov](mailto:PandZ@westportct.gov)

1. **Fee \$225** Cash or Check made payable to “Town of Westport.”
2. One copy of a **completed application form** titled Outdoor Eating Area Application.
3. **Plans Required:**
  - One (1) copy of **survey or site plan** of the property, drawn to scale, showing location of proposed Outdoor Eating Area with dimensions, showing the proposed number and location of tables and chairs, and if applicable, showing location of any proposed Structures (tents, etc.).  
*A copy of a survey or site plan may be available in the P&Z Department for your use.*
  - **Floor plan**, drawn to scale, showing total floor area of the establishment (Principal use) to confirm proposed Outdoor Eating Area (Accessory use) does not exceed allowable size as permitted pursuant to Sec. 32-20 of the Zoning Regulations, see Pg. 5 herein.  
*A copy of the approved tenant layout plan may be available in the P&Z Department for your use.*
  - If applicable: One (1) copy of an **elevation plan** showing any proposed Structures, drawn to scale, with dimensions indicated.
4. A digital version of your application materials (**PDF**) should be sent to [PandZ@westportct.gov](mailto:PandZ@westportct.gov)

**FIRE MARSHAL’S OFFICE SUPPLEMENTAL REQUIREMENTS: - Required for ALL Applications**

Located at 515 Post Rd East, 2<sup>nd</sup> Floor of Fire House – PH: 203-341-5020, [FMO@westportct.gov](mailto:FMO@westportct.gov)

1. Plan showing existing building access door locations to ensure proposed Outdoor Eating Area will not potentially block emergency egress.
2. If applicable, plan showing any proposed outdoor cooking stations, and/or proposed outdoor heaters/air conditioners, and/or outdoor electrical service lines.
3. If applicable, information showing the fire rating of any tents or other covering materials proposed.
4. Same plan(s) to be provided to Planning and Zoning (*see above*).

**POLICE DEPT. SUPPLEMENTAL REQUIREMENTS: - IF APPLICABLE**

Located at 50 Jesup Rd – PH: 203-341-6000, [westportpolicedepartment@westportct.gov](mailto:westportpolicedepartment@westportct.gov)

1. Required for any Outdoor Eating Areas that abut driveways, parking lots and streets or are located within parking areas.
2. A Barrier Protection Plan if using parking areas, showing how the table area will be separated from vehicles, and what markings will be used to alert motorists approaching the table area.
3. Same plan(s) to be provided to Planning and Zoning (*see above*).

**BUILDING DEPT. SUPPLEMENTAL REQUIREMENTS: - IF APPLICABLE**

Located at 515 Post Rd East, 2<sup>nd</sup> Floor of Fire House – PH: 203-341-5025, [buildingpermits@westport.gov](mailto:buildingpermits@westport.gov)

1. Required if any Outdoor Eating Area is proposed on sidewalks on private property to demonstrate a 4-foot wide clear path will remain accessible consistent with Federal ADA requirements.
2. Same plan(s) to be provided to Planning and Zoning (*see above*).

**HISTORIC DISTRICT COMMISSION OFF. SUPPLEMENTAL REQUIREMENTS: - IF APPLICABLE**

Located at 110 Myrtle Ave Town Hall Rm 108 – PH: 203-341-1184, [ddouglass@westportct.gov](mailto:ddouglass@westportct.gov)

1. Required for any enclosure within the Village District Overlay/Westport Center (VDO)
2. To determine if property is within the VDO, use this link [here](#), or call 203-341-1184
3. To seek approval from the Architectural Review Board/Historic District Commission use this form [here](#).
4. Same plan(s) to be provided to Planning and Zoning (*see above*).

## **§32-20, SPECIAL REQUIREMENTS FOR OUTDOOR EATING AREAS, Effective May 1, 2023**

*For use of Town-owned property including sidewalks, parking spaces, roads, or road right-of-way, or for Mobile Food Trucks, contact the Selectwoman's Office, PH: 203-341-1111, [westportselectwoman@westportct.gov](mailto:westportselectwoman@westportct.gov)*

Outdoor Eating Areas as defined in §5 shall be permitted in all Non Residential Zones, except RPOD, GBD/R, DDD and CPD on privately-owned property subject to the following requirements:

1. **Required Planning and Zoning Approvals.** A Site Plan Waiver application shall initially be submitted to the Planning and Zoning Office and is eligible for approval by the Planning and Zoning Director pursuant to §43 and will be subject to obtaining a Zoning Permit. After the initial Site Plan Waiver is granted, the use shall be subject to an annual Zoning Permit from the Planning and Zoning Office renewed by May 1<sup>st</sup> each year thereafter provided there are no changes, or a new Site Plan Waiver must be obtained.
2. **Required Other Department Approvals.** Prior to submission of a Site Plan Waiver application, an Outdoor Patio approval must be obtained directly from:
  - A. The Aspetuck Health District.
  - B. The Fire Marshal's Office.
  - C. The Building Department if proposing to use sidewalk areas.
  - D. The Police Department for any Outdoor Eating Areas that abut driveways, parking lots and streets or are located within parking areas.
  - E. The Historic District Commission Administrator for any Structure proposed in the Village District.
3. **Location.** Outdoor Eating Areas may be located on privately-owned property as follows: On-site, or on an abutting property with the approval of the property owner, in either case subject to providing a pathway constructed in compliance with Federal ADA requirements that is at least four-feet (4') wide.
  - A. Outdoor Eating Areas may be located on a privately-owned sidewalk in front of the Principal use, provided a 4-foot-wide clear path shall be maintained consistent with federal ADA requirements.
  - B. Outdoor Eating Areas may be located within parking areas to support the Principal use provided a Barrier Protection Plan is submitted that is subject to approval by the Westport Police Department.
  - C. Fire Department Appurtenances. No Outdoor Eating Area or related Structure shall impede access to fire hydrants, fire lanes, or fire department connections.
4. **Size.** The Outdoor Eating Area shall not exceed 75% of the total Floor Area of the Principal use.
5. **Parking Requirements.** There are no minimum parking requirements for Outdoor Eating Areas.
6. **Setbacks/Coverage.** Outdoor Eating Areas shall not be permitted within 50-feet of a residential zoning district boundary line unless separated from the Residential Zone by a public street or a waterbody. No Front Landscape Area may be removed to accommodate an Outdoor Eating Area. Structures used for an Accessory Outdoor Eating Area are exempt from Coverage requirements.
7. **Lighting.** Any lighting shall be down directed and not shed light beyond the property line.
8. **Covers, Enclosures and Structures.** Use of umbrellas, tents, awnings, igloos, and covers with rigid supports and fabric or non-rigid sides is permitted, with the construction material subject to the flame spread regulations of the Connecticut State Fire Safety Code. Such areas may be heated subject to an inspection by the Fire Marshal's Office before use.
 

Following the granting of a Site Plan Waiver and Zoning Permit, a Building Permit may be required for any Tents/Structures. It is the applicant's responsibility to obtain all necessary permits. The Building Dept. is located at 515 Post Rd East, 2<sup>nd</sup> Floor of the Fire House – PH: 203-341-5025, [buildingpermits@westport.gov](mailto:buildingpermits@westport.gov).
9. **Hours of Operation.** The hours of operation shall be limited to 6:30 a.m. to 11:00 pm Sundays through Thursdays and 6:30am to 12:00 midnight on Fridays and Saturdays. There shall be no music in any Outdoor Eating Area after 9:00 p.m.
10. **Signage.** No additional signage shall be permitted.