



General Assembly

Amendment

January Session, 2021

LCO No. 10479



Offered by:
REP. ZULLO, 99th Dist.

To: Subst. House Bill No. 6448

File No. 542

Cal. No. 386

(As Amended)

**"AN ACT CONCERNING ACCESS TO LOCAL GOVERNMENT, THE
MODERNIZATION OF LOCAL GOVERNMENT OPERATIONS,
REGIONAL COUNCILS OF GOVERNMENT AND THE PROVISION
OF OUTDOOR DINING."**

1 Strike section 38 in its entirety and substitute the following in lieu
2 thereof:

3 "Sec. 38. (NEW) (*Effective April 1, 2022*) (a) For the purposes of this
4 section, "beverage" includes alcoholic liquor or an alcoholic beverage, as
5 defined in section 30-1 of the general statutes, "food establishment"
6 means a food establishment that is licensed or permitted to operate
7 pursuant to section 19a-36i of the general statutes, and "municipality"
8 has the same meaning as provided in section 8-1a of the general statutes.

9 (b) Notwithstanding any provision of the general statutes, special act,
10 municipal charter or ordinance, the zoning commission of each
11 municipality shall allow any licensee or permittee of a food
12 establishment operating in such municipality to engage in outdoor food

13 and beverage service as an accessory use of such food establishment's
14 permitted use. Such accessory use shall be allowed as of right, subject
15 only to any required administrative site plan review to determine
16 conformance with zoning requirements not contemplated by this
17 section, provided such accessory use would not result in the expansion
18 of a nonconforming use.

19 (c) Any such licensee or permittee may engage in outdoor food and
20 beverage service (1) on public sidewalks and other pedestrian pathways
21 abutting the area permitted for principal use and on which vehicular
22 access is not allowed, (A) provided a pathway (i) is constructed in
23 compliance with physical accessibility guidelines, as applicable, under
24 the federal Americans with Disabilities Act, 42 USC 12101, et seq., as
25 amended from time to time, and (ii) such pathway extends for the length
26 of the lot upon which the area permitted for principal use is located, and
27 not less than four feet in width, not including any area on a street or
28 highway, shall remain unobstructed for pedestrian use, and (B) subject
29 to reasonable conditions imposed by the municipal official or agency
30 that issues right-of-way or obstruction permits; (2) on off-street parking
31 spaces associated with the permitted use, notwithstanding any
32 municipal ordinance or zoning regulation establishing minimum
33 requirements for off-street parking; (3) on any lot, yard, court or open
34 space abutting the area permitted for principal use, provided (A) such
35 lot, yard, court or open space is located in a zoning district where the
36 operation of food establishments is permitted, (B) such use is in
37 compliance with any applicable requirements for access or pathways
38 pursuant to physical accessibility guidelines under the federal
39 Americans with Disabilities Act, 42 USC 12101, et seq., as amended from
40 time to time, and (C) the licensee or permittee obtains written
41 authorization to engage in such service from the owner of such lot, yard,
42 court or open space and provides a copy of such authorization to the
43 zoning commission; and (4) until 9 o'clock p.m., or a time established by
44 the zoning commission of the municipality, whichever is later.

45 (d) Notwithstanding the provisions of subsections (b) and (c) of this
46 section, the zoning commission or combined planning and zoning

47 commission, as applicable, of a municipality, by a two-thirds vote, may
48 initiate the process by which such municipality opts out of the
49 provisions of said subsections regarding allowance of accessory outdoor
50 dining and beverage service, provided such commission (1) first holds
51 a public hearing in accordance with the provisions of section 8-7d of the
52 general statutes on such proposed opt out, (2) affirmatively decides to
53 opt out of the provisions of said subsections within the period of time
54 permitted under section 8-7d of the general statutes, (3) states upon its
55 records the reasons for such decision, and (4) publishes notice of such
56 decision in a newspaper having a substantial circulation in the
57 municipality not later than fifteen days after such decision has been
58 rendered. Thereafter, the municipality's legislative body or, in a
59 municipality where the legislative body is a town meeting, its board of
60 selectmen, by a two-thirds vote, may complete the process by which
61 such municipality opts out of the provisions of subsections (a) to (d),
62 inclusive, of this section."