
Article 18: To see if the Town will vote to adopt amendment No. 15 to Chapter 190 (Zoning) of the Municipal Code of Conway to revise §190-17., §190-18., §190-19., §190-20., §190-22., and §190-23., to permit Outdoor Dining accessory to an approved restaurant; and to revise §190-31 regarding definition of Outdoor Dining Establishment as follows: “An area on private property, a public sidewalk, or public way where patrons may consume food and/or beverages provided by a licensed restaurant. Such restaurants may either provide table service in the outdoor dining areas or sell take-out items to be consumed within the outdoor dining area.”.

Proposed by the Planning Board.

Recommended by the Planning Board (7-0-0)

Proposed Outdoor Dining Ordinance

Outdoor Dining Establishment

An area on private property, a public sidewalk, or public way where patrons may consume food and/or beverages provided by a licensed restaurant. Such restaurants may either provide table service in the outdoor dining areas or sell take-out items to be consumed within the outdoor dining area.

Proposed Ordinance Language:

The proposal would amend the following Commercial sections of Conway Zoning Ordinance, Chapter 190.

190-17(O) – Center Conway Village Commercial District

190-18(O) – Conway Village Commercial District

190-19(O) – North Conway Village Commercial District

190-20(O) – Highway Commercial

190-22(M) – Industrial One

190-23(M) – Industrial Two

(O,M). Outdoor Dining Establishments are permitted in the zoning district as an accessory to any approved Restaurant use.

- (1) An Outdoor Dining Establishment application shall be accompanied by a plot plan, drawn to scale and dimensioned to included seating arrangements and immediately adjacent physical features such as fire hydrants, trees, structures, sidewalks, and pedestrian or vehicular travel ways. The plan shall be reviewed by the fire chief to ensure unimpeded pedestrian access. Outdoor Dining areas shall be designed to maintain compliance with requirements of the American Disabilities Act (ADA).
- (2) Establishments serving alcohol shall hold a valid liquor license from the State Liquor Commission prior to occupancy of the space. The license shall explicitly identify the Outdoor Dining area. Any permission granted by the Town of Conway will be subject to requirements of the State Liquor Commission.
- (3) Outdoor dining areas must be maintained. A minimum of one trash receptacle shall be provided and identified on the plot plan. Plantings, barriers, and outdoor furniture shall be maintained and suitable for the intended purpose.

- (4) Outdoor dining areas shall be separated from vehicular and pedestrian traffic. The separation must be adequate to ensure public safety; the minimum height of the barrier shall be 36 inches and the maximum height shall be 48 inches. Where no curbing or adequate vehicular separation exists, concrete or similar barriers shall be installed to prevent vehicular passage.
- (5) Outdoor entertainment associated with the dining area must not be considered a nuisance as defined in Site Plan Regulations 110-39 and shall adhere to 97-6.A, Noise Restrictions.
- (6) Occupancy limits shall be established by the Fire Chief. Applications must indicate that adequate parking can be provided as per Site Plan Regulations §110-21.
- (7) Dining areas and associated equipment are subject to all applicable setbacks.
- (8) Restroom facilities shall be readily accessible.
- (9) Outdoor Dining applications may be reviewed as a Small Undertaking as per Site Plan Regulations § 110-4. Site Plan review is required for any proposal which reduces total site greenspace to less than 30%, proposes a reduction of greenspace of greater than 2,000 square feet, or increases structural floor area by greater than 25% or 1,000 square feet, whichever is more restrictive.