

**ARTICLE #04  
AMENDMENT #3**

**Hampton Zoning Ordinance Amendment**

Article 1: General Provisions, Section 1.5. Definitions  
Add the Terms “Outdoor Dining (Permanent)” and “Outdoor Dining (Temporary)”  
Article 5: General Use Regulations, Section 5.2. Use Definitions and Requirements

~~Strikethrough~~ = Proposed Deletion  
Underline = Proposed Addition

**Highlighting** = All Proposed Changes

**1.5 Definitions**

**Outdoor Dining (Permanent):** A designated, permanent area located on private property, but outside of a fully enclosed roofed structure, for eating and drinking during the licensed operating hours of a restaurant. This definition includes all installation features such as seating, decks, patios, and any accessories thereto. Such installations are typically used seasonally and are intended for reuse.

**Outdoor Dining (Temporary):** A designated, non-permanent area on private property, but outside of a fully enclosed roofed structure, for eating and drinking during the licensed operating hours of a restaurant. This definition includes all installation features such as seating and any accessories thereto. Such installations are typically seasonal and are limited to a single calendar year, at the end of which all installation features are completely removed from the site. Outdoor dining of a total duration exceeding two calendar years shall be considered permanent.

**5.2. Use Definitions and Requirements**

Term	Description	RAA	RA	RB	RCS	B	BS	I	G	Amended	Section
<b>Restaurant</b>	Restaurants. Permanent outdoor dining installations associated with this use shall require Site Plan Review with a public hearing(s) by the Planning Board. Temporary outdoor dining arrangements which involve the utilization of existing parking areas and/or affect the flow of traffic on the site, shall also require <del>may be permitted following</del> Planning Board review but are not subject to a public hearing(s). <del>No establishment shall be permitted more than a total of two calendar years of temporary outdoor dining – in such case the establishment must apply for and receive permanent outdoor dining approval to continue the activity. All outdoor dining installations which do not involve construction activity or, in the opinion of the Town Planner, will not substantively affect the functionality of the subject property may be approved administratively. All outdoor dining must be located on private property and is may be subject to any additional applicable licensing/permitting requirements. A Wastewater Development Charge (WWDC) may also be required by the Department of Public Works. Establishments must maintain safe and sanitary conditions at all times and ensure outdoor dining installations do not negatively impact public access or surrounding uses.</del>	X	X	X	X	P	P	P	P	2003	5.2.48.