



CITY OF WESTMINSTER TEMPORARY OUTDOOR DINING/SEATING PROCEDURES AND GUIDELINES

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Questions regarding outdoor dining areas may be addressed to City of Westminster, Department of Community Planning and Development Staff at planning@westgov.com.

INTRODUCTION

All restaurants, as well as social organizations such as American Legions, VFWs, and Elks Clubs, that intend to provide outdoor dining must obtain the appropriate City of Westminster, Carroll County Health Department, and, if intending to sell alcohol, the Carroll County Board of License Commissioners (Liquor Board) approvals and adhere to the following strict public health requirements preventing the spread of COVID-19 consistent with the CDC, FDA, and the National Restaurant Association.

Restaurants must:

- Ensure patrons are appropriately distanced with no more than six people seated at a table, with the exception of members of the same household.
- Ensure patrons are seated at least six feet away from each other, except for members of the same household seated together.
- Use single-use disposable paper menus or sanitize reusable menus between each seating.
- Sanitize outdoor tables and chairs between each customer seating.
- Train staff in current COVID-19 health and workplace guidelines.
- Begin screening procedures including daily temperature checks of all staff.
- Ensure staff wear masks or face coverings when interacting with other employees or patrons.

If your restaurant is currently approved for outdoor seating pursuant to an approved site plan and building/use permit and are not exceeding the limits of the approved outdoor seating area, you may continue to offer outdoor seating subject to the State requirements listed above.

If your restaurant is not approved for outdoor seating or you would like to exceed the limits of an approved outdoor seating area, the City of Westminster Mayor and Common Council, in an effort to promote safer dining and support the restaurant industry, is allowing for temporary outdoor dining subject to the State requirements listed above and the following guidelines and procedures including the submission of a Sidewalk Use Permit application for sidewalk dining areas or a Simplified Site Plan for parking lot dining areas.

If proposing outdoor dining in a location other than a sidewalk or parking lot, please email the Department of Community Planning and Development at planning@westgov.com with your proposed outdoor dining option and location for possible allowance and applicable process.

SIDEWALK DINING AREAS

Sidewalk Use Permit and Procedures

Temporary outdoor dining is allowed within the City of Westminster subject to the following guidelines and the submission of a Sidewalk Use Permit application. The Director of Public Works is authorized to issue a Sidewalk Use Permit on a temporary basis for sidewalk dining areas. In addition, restaurant owners must maintain compliance with applicable Carroll County Health Department standards for serving food and obtain approval by the Carroll County Liquor Board to for serve alcohol in the outdoor dining area.

Any person seeking temporary sidewalk dining/seating shall file a completed Sidewalk Use Permit application, as follows:

1. The application must be signed by the owner of the restaurant adjacent to which the sidewalk dining area is to be located.
2. If the restaurant owner is not the owner of the real property on which the restaurant is located, the property owner must sign the application or an agent authorization form accompanying the application.
3. Applications must be submitted to the Department of Community Planning and Development at 56 West Main Street, Suite 1, Westminster, MD 21157 or emailed to planning@westgov.com.

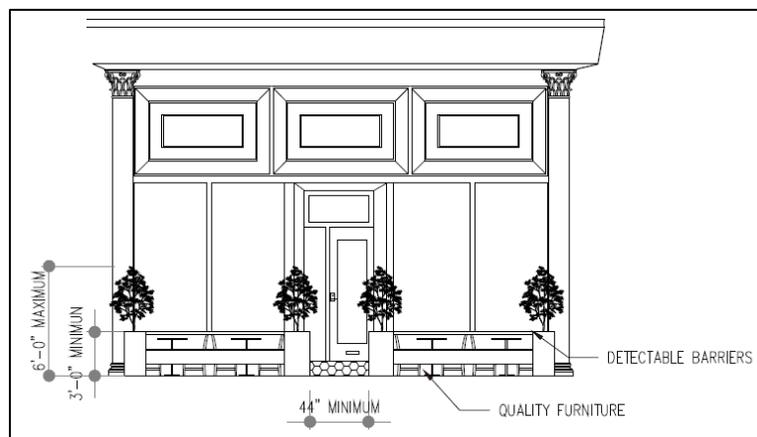
The following information must be provided with the Sidewalk Use Permit application:

1. Using the guidelines below, a sketch plan showing all pertinent features of the area affected showing building footprint/façade, sidewalks, street curb lines, lighting or any other obstacle, and the proposed location of the sidewalk dining area layout, with appropriate dimensions; [Refer to the sidewalk dining area diagrams, below]
2. The seating capacity of the proposed sidewalk dining area;
3. Photos or other depiction or description of the exact type of outdoor tables and seating to be used;
4. If applicable, photos or other depiction or description of barriers to be used; and
5. If applicable, written permission from adjacent business to allow the sidewalk dining area to extend in front of the adjacent business sidewalk.

The City will waive the Sidewalk Use Permit application fee typically required for an outdoor seating permit during the duration of the COVID-19 health crises. At such time the State allows full use of interior restaurant space, all permits shall be considered terminated and all elements of the sidewalk dining areas shall be removed. Restaurants wishing to continue the use of outdoor dining areas must follow the standard process to expand a restaurant use and obtain all necessary approvals from the City.

Location & Elements

Sidewalk dining areas may be located on the sidewalk directly abutting an existing approved restaurant. The dining area shall not extend beyond the limits of the façade width of the restaurant, without written permission from the adjacent business. A sidewalk dining area may be located either adjacent to the building façade or adjacent to the curb. Elements of a typical sidewalk dining area include: barriers, planters, tables, chairs, umbrellas, menu display, and an access point.

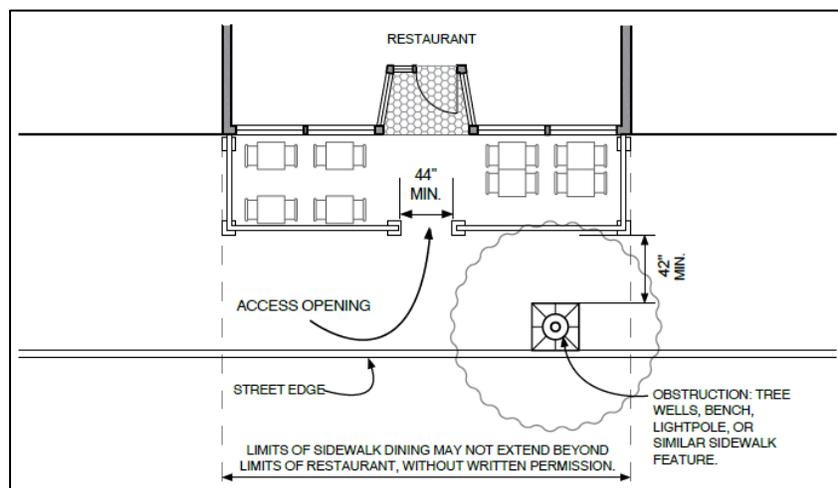


Barriers

Generally, barriers should be 36 inches in height, and must be free-standing, stable, and removable. Barrier segment bases should be flat with tapered edges that are between 1/4 to 1/2 inch thick. Barriers should not be chain link, rope or chain rails or materials (buckets, flags, trash cans) that are not specifically designed as fencing. No damage, cutting, or drilling of the sidewalk or any public infrastructure to accommodate barriers is permitted. The barrier access opening should be located along the dining area barrier side that faces the ADA approved walkway. The barrier access opening must be clear of objects and materials and measure no less than 44 inches in width.

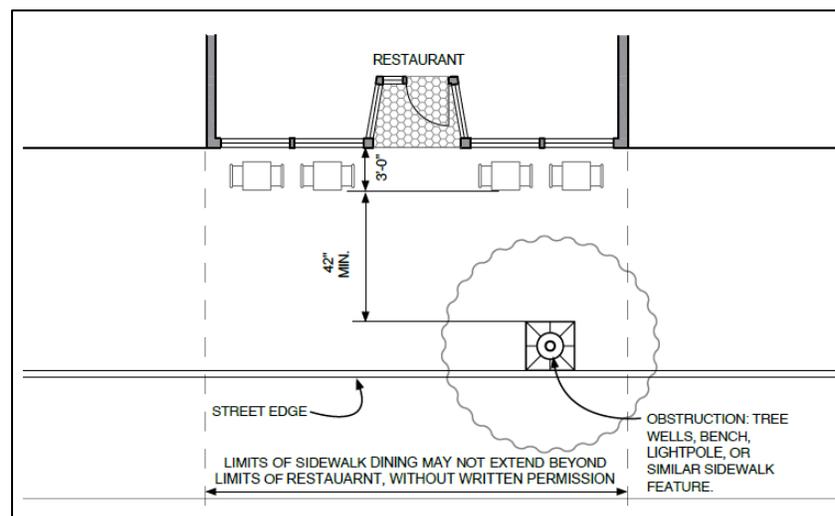
Barriers Required

The perimeter of sidewalk dining areas that extend more than 3 feet into the sidewalk from the building facade shall be enclosed by barriers. Sidewalk dining areas that serve alcohol must be surrounded by a barrier in all cases. The barrier access point must be controlled by the restaurant owner.



Barriers Not Required

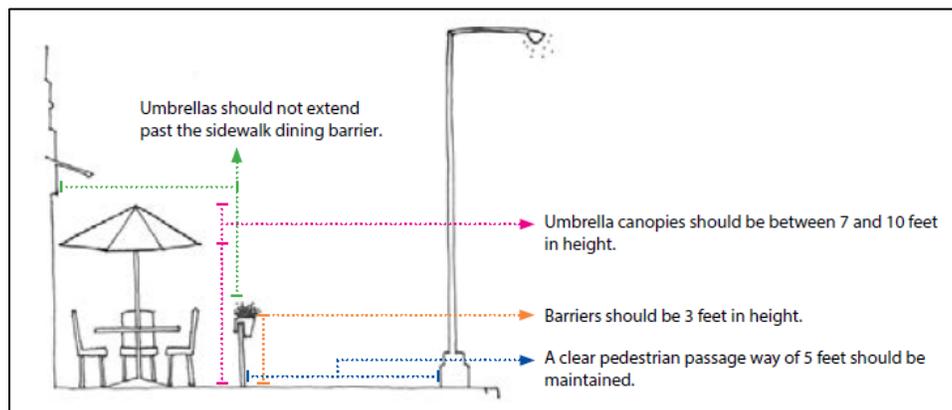
Sidewalk dining areas that extend 3 feet or less into the public right-of-way and do not serve alcohol are not required to be enclosed by a barrier.



Furniture

It is important for sidewalk dining areas to utilize quality furniture (tables, chairs, etc.) and fixtures that contribute to the safety and attractiveness of the public realm. Furniture and fixtures must be durable and of sturdy construction; able to withstand severe weather without blowing over. Encouraged furniture materials include: metals, finish grade woods, sturdy recycled materials. Discouraged furniture materials include: breakable plastics, unfinished lumber.

Umbrellas must be contained within the defined sidewalk dining area. Square or rectangular market-style umbrellas are recommended for sidewalk dining areas for space-efficient design. When open, umbrella canopies should be between 7 and 10 feet tall.



All furniture, umbrellas, and other personal property must be secured or removed from the outdoor dining area when the outdoor dining area is not in use. All furniture, umbrellas, and other personal property must be immediately removed in the event of severe weather.

Canopies

Restaurants may opt to erect canopies to provide coverage for outdoor diners. The canopy shall have no side walls or flaps and is totally open on all sides and shall not exceed 500 square feet. In order to maintain proper air flow and circulation, canopies with sidewalls or flaps are **NOT ALLOWED** for outdoor dining areas. A canopy shall meet minimum setbacks to property lines; combustible materials such as hay, straw or like materials are not permitted under the canopy; smoking is not permitted under the canopy; open or exposed flames and outdoor cooking equipment must not be located within 20 feet of the canopy; and portable fire extinguishers are required.

Trash Removal

If wait service is not provided in the sidewalk dining area, the restaurant is required to supply a waste receptacle that is regularly monitored by staff. If wait service is provided, the restaurant operator is not permitted to place a waste receptacle in the sidewalk dining area. It's the restaurant's responsibility to clean up trash.

Clear Path of Travel

If a sidewalk dining area abuts a building façade, a clear path of travel of at least 42 inches wide must be maintained at all times between the sidewalk dining area and the curb or any obstruction. If a sidewalk

dining area abuts a curb, a clear path of travel of at least 42 inches wide must be maintained between the sidewalk dining area and the building façade or any obstacle.

A sidewalk dining area must be located so as not to impede the ingress or egress of parked vehicles or prevent ingress/egress from the building. No portion of a sidewalk dining area may be located in the area extending into the outer limits of the crosswalks, including sidewalk ramp or landing area. The landing area is the space where pedestrians wait prior to crossing the street.

Capacity

All diners must have a seat. A **“No seat, no service”** policy must be strictly enforced by the restaurant owner. The maximum number of customers that may be served in an outdoor dining area may not exceed 50% of the maximum occupancy of the existing approved restaurant. In no event shall the number of customers served inside the restaurant and in an outdoor dining area combined exceed 100% of the maximum occupancy of the restaurant. For purposes of this section, “maximum occupancy” means the maximum occupancy load of the restaurant as stated on the applicable certificate of occupancy or certificate of completion or, if no certificate has been issued for the restaurant, the maximum occupancy pursuant to applicable laws, regulations, and permits.

PRIVATE PARKING LOT DINING AREA

Simplified Site Plan and Procedures

Temporary private parking lot dining is allowed within the City of Westminster subject to the following guidelines and the submission of a Simplified Site Plan. The Director of Community Planning and Development is authorized to approve a Simplified Site Plan on a temporary basis. In addition, restaurant owners must maintain compliance with applicable Carroll County Health Department standards for serving food and obtain approval by the Carroll County Liquor Board to for serve alcohol in the outdoor dining area.

Any person seeking temporary private parking lot dining/seating shall file a completed Simplified Site Plan application, as follows:

1. The application must be signed by the restaurant owner of the private parking lot used by the restaurant to which the private parking lot dining area is to be located.
2. If the restaurant owner is not the owner of the real property on which the private parking lot is located, the property owner must sign the application or an agent authorization form accompanying the application.
3. Applications must be submitted to the Department of Community Planning and Development at 56 West Main Street, Suite 1, Westminster, MD 21157 or emailed to planning@westgov.com.

The following information must be provided with the Simplified Site Plan application:

1. Using the guidelines below, a sketch plan or previously approved site development plan showing all pertinent features of the area affected showing the proposed location of the private parking lot dining area layout, adequate and safe vehicular movement and accessible routes to

and around the private parking lot dining area, remaining parking lot spaces, parking lot drive aisles, existing restaurant footprint, sidewalks, street curb lines, lighting or any other obstacle(s), with appropriate dimension; [Redline mark-up of an existing approved site development plan is recommended]

2. The number of required parking spaces, the number of parking spaces used for the private parking lot dining area, and the number of remaining parking spaces; [The parking requirement for restaurants in the City is one space per four seats and one space per two employees.]
3. The seating capacity of the proposed private parking lot dining area;
4. Photos or other depiction or description of the exact type of outdoor tables and seating to be used; and
5. Photos or other depiction or description of barriers to be used.

The City will waive the Simplified Site Plan review fee typically required for outdoor restaurant seating during the duration of the COVID-19 health crises. At such time the State allows full use of interior restaurant space or the City provides an end date for the , all Simplified Site Plans shall be considered terminated and all elements of the private parking lot dining areas shall be removed and parking spaces must be made available to vehicles. Restaurants wishing to continue the use of private parking lot dining areas must relocate such dining area to a location outside of the parking lot and adjacent to the restaurant and follow the standard process to expand a restaurant use and obtain all necessary approvals from the City.

Location & Elements

Private parking lot dining areas may be located in an adjacent or abutting parking lot owned or leased and used by the existing approved restaurant offering the dining area. The area of the parking space and adjacent drive aisle may be used for dining. No element or portion of the dining area may encroach into access drives or travel lanes needed for vehicular circulation or onto the sidewalks providing ADA accessible and pedestrian access. No element or portion of the dining area may obstruct access to any hydrants, streetlights, mailboxes, or any other such improvement on the adjacent street or sidewalk area. Fire lanes must be kept clear. Accessible parking spaces for the disabled shall be kept open and available for disabled users. Elements of a typical private parking lot dining area include: barriers, planters, tables, chairs, umbrellas, menu display, and access point.

Barriers

Generally, barriers should be 36 inches in height, and must be free-standing, stable, and removable. Barrier segment bases should be flat with tapered edges that are between 1/4 to 1/2 inch thick. Barriers should not be chain link, rope or chain rails or materials (buckets, flags, trash cans) that are not specifically designed as fencing. No damage, cutting, or drilling of the sidewalk or other public infrastructure to accommodate barriers is permitted.

The private parking lot dining area barrier access opening should be located to provide the most direct access to the existing restaurant it is serving. The access opening must be clear of objects and materials and measure no less than 44 inches in width.

Barriers Required

The perimeter of all private parking lot dining areas shall be enclosed by barriers. Barrier access points must be controlled by the restaurant owner.

Furniture

It is important for private parking lot dining areas to utilize quality furniture (tables, chairs, etc.) and fixtures that contribute to the safety and attractiveness of the public realm. Furniture and fixtures must be durable and of sturdy construction; able to withstand severe weather without blowing over. Encouraged furniture materials include: metals, finish grade woods, sturdy recycled materials. Discouraged furniture materials include: breakable plastics, unfinished lumber.

Umbrellas must be contained within the defined private parking lot dining area. Square or rectangular market-style umbrellas are recommended for private parking lot dining areas for space-efficient design. When open, umbrella canopies should be between 7 and 10 feet tall.

All furniture, umbrellas, and other personal property must be secured or removed from the dining area when the dining area is not in use. All furniture, umbrellas, and other personal property must be immediately removed in the event of severe weather.

Canopies

Restaurants may opt to erect canopies to provide coverage for outdoor diners. The canopy shall have no side walls or flaps and shall be totally open on all sides and shall not exceed 500 square feet. In order to maintain proper air flow and circulation, canopies with sidewalls or flaps are **NOT ALLOWED** for outdoor dining areas. A canopy shall meet minimum setbacks to property lines; combustible materials such as hay, straw or like materials are not permitted under the canopy; smoking is not permitted under the canopy; open or exposed flames and outdoor cooking equipment must not be located within 20 feet of the canopy; and portable fire extinguishers are required.

Trash Removal

If wait service is not provided in the private parking lot dining area, the restaurant is required to supply a waste receptacle that is regularly monitored by staff. If wait service is provided, the restaurant operator is not permitted to place a waste receptacle in the private parking lot dining area. It's the restaurant's responsibility to clean up trash.

Clear Path of Travel

A clear path of travel of at least 42 inches wide must be maintained at all times providing accessible access to the private parking lot dining area. If a standard sidewalk abuts the private parking lot dining area and/or provides access to the dining area, the sidewalk must remain in use and clear of any obstructions. A clear path of travel must be provided and maintained, clear of any obstructions, from the private parking lot dining area to the public entrance of the existing restaurant offering the dining area. A private parking lot dining area must be located so as not to impede the ingress or egress of vehicles using remaining parking spaces.

Capacity

All diners must have a seat. A **"No seat, no service"** policy must be strictly enforced by the restaurant owner. The maximum number of customers that may be served in a private parking lot dining area may not exceed 50% of the maximum occupancy of the existing approved restaurant. In no event shall the number of customers served inside the restaurant and in an outdoor dining area combined exceed 100%

of the maximum occupancy of the restaurant. For purposes of this section, “maximum occupancy” means the maximum occupancy load of the restaurant as stated on the applicable certificate of occupancy or certificate of completion or, if no certificate has been issued for the restaurant, the maximum occupancy pursuant to applicable laws, regulations, and permits.

Parking Requirements

In establishing a private parking lot dining area, the owner of a restaurant shall make reasonable efforts to ensure that sufficient space for parking of vehicles is provided on the site to meet the applicable minimum parking requirements established for the restaurant in accordance with the City of Westminster Zoning Ordinance. Pursuant to Zoning Ordinance Article XVI, Off-Street Parking and Loading, and Section 164-158.1., Administrative Adjustments, at a minimum, 75% of the required spaces must remain available for parking. At such time the State allows full use of interior restaurant space, all elements of the private parking lot dining area shall be removed and parking spaces made available to vehicles.