

PROPOSED POLICY FOR OUTDOOR DINING ON PUBLIC SPACE

Presentation Date: March 1, 2022

Developed by

- Mayor Stan Mills
- Commissioner Patrick Gossett
- City Staff:
 - Evan Miller
 - Howard Rothstein
 - Matt Janis
 - Sharon Lynn

Version: February 28, 2022



It is a desire to develop a program to expand outdoor dining options similar to our successful patio dining ordinance.



Using the experience of the past two seasons the City has developed guidelines for outdoor dining on public space. These guidelines will continue the popular practice of providing outdoor dining on public space, while fulfilling City's responsibility for promoting and maintaining the health, safety and welfare of our residents and visitors, and providing an enjoyable and safe environment for all those dining, walking, biking, and driving in Rehoboth Beach.

APPLICABILITY FOR OUTDOOR DINING ON PUBLIC SPACE

Restaurants which meet the criteria set forth by the City of Rehoboth Beach may be permitted to establish outdoor dining areas on public space.



Definitions

RESTAURANT

An establishment where meals are, for compensation, prepared and served on the premises and when alcohol is sold or consumed complies with [§270-19](#).

Definition as appears in 270-4



Definitions

PUBLIC SPACE

City owned sidewalks excluding the boardwalk.



Definitions

OUTDOOR DINING AREA ON PUBLIC SPACE

A permitted outdoor dining area on a portion of a city sidewalk.



Definitions

SIDEWALK

An impervious surface parallel to a street between a curbline and a property line intended for use by pedestrians.



Definitions

BUFFER

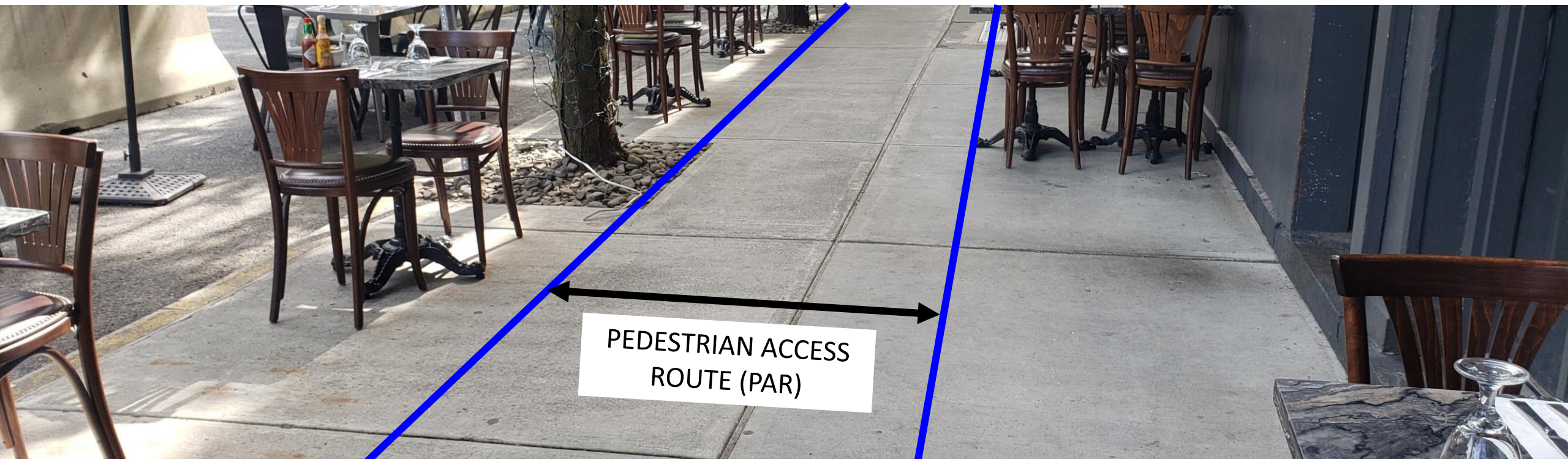
The area between the curbline and the pedestrian access route, which typically contains obstacles such as benches, brick, fire hydrants, grass, news racks, parking meters, pavers, planter boxes, stone, streetlights, street signs, street trees, transformers, tree wells, utility poles, etc.



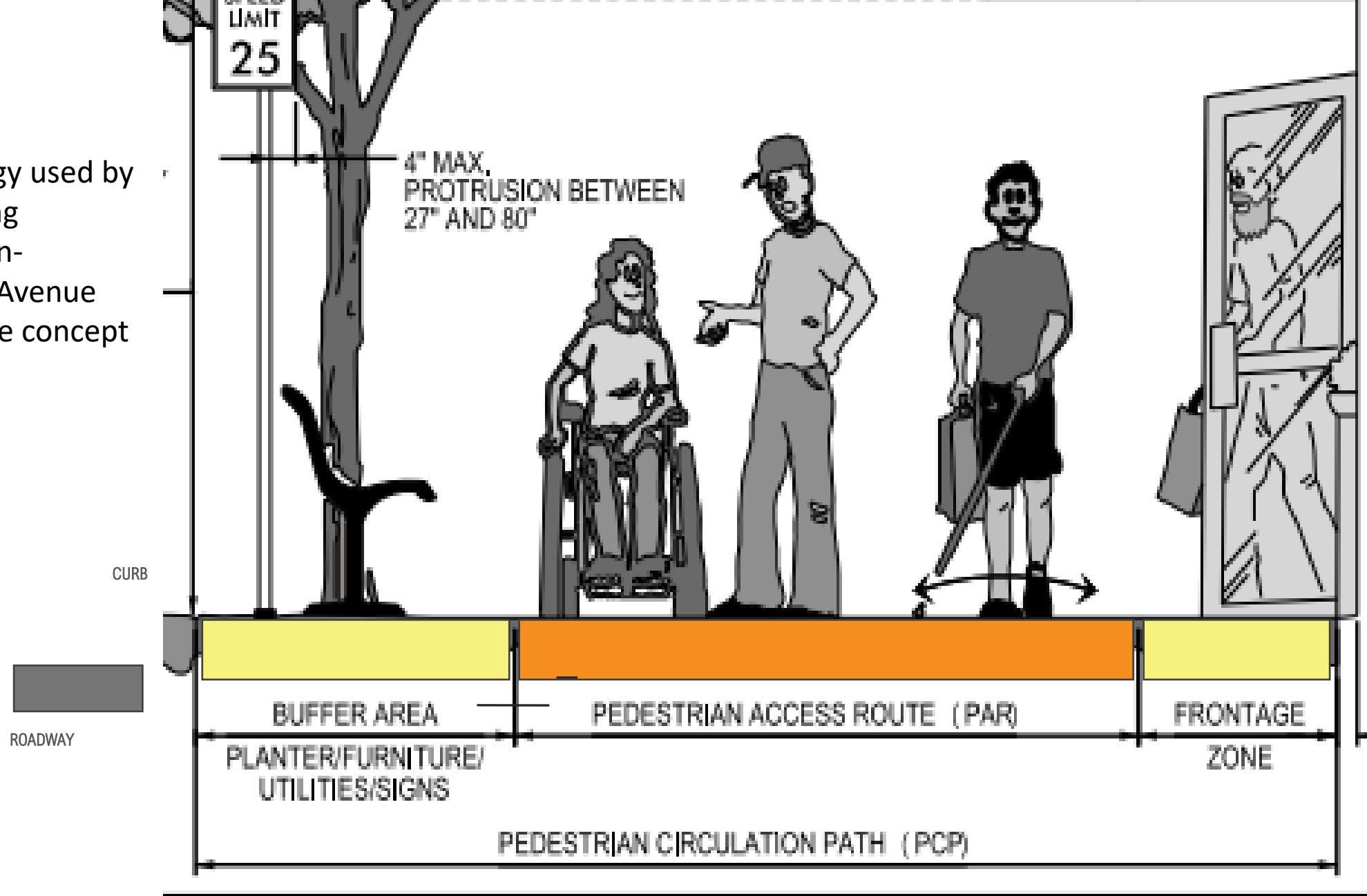
Definitions

PEDESTRIAN ACCESS ROUTE (PAR)

The primary pedestrian way within a sidewalk defined by parallel sides and free of obstacles.



Terminology used by Rossi during Wilmington-Baltimore Avenue Streetscape concept creation

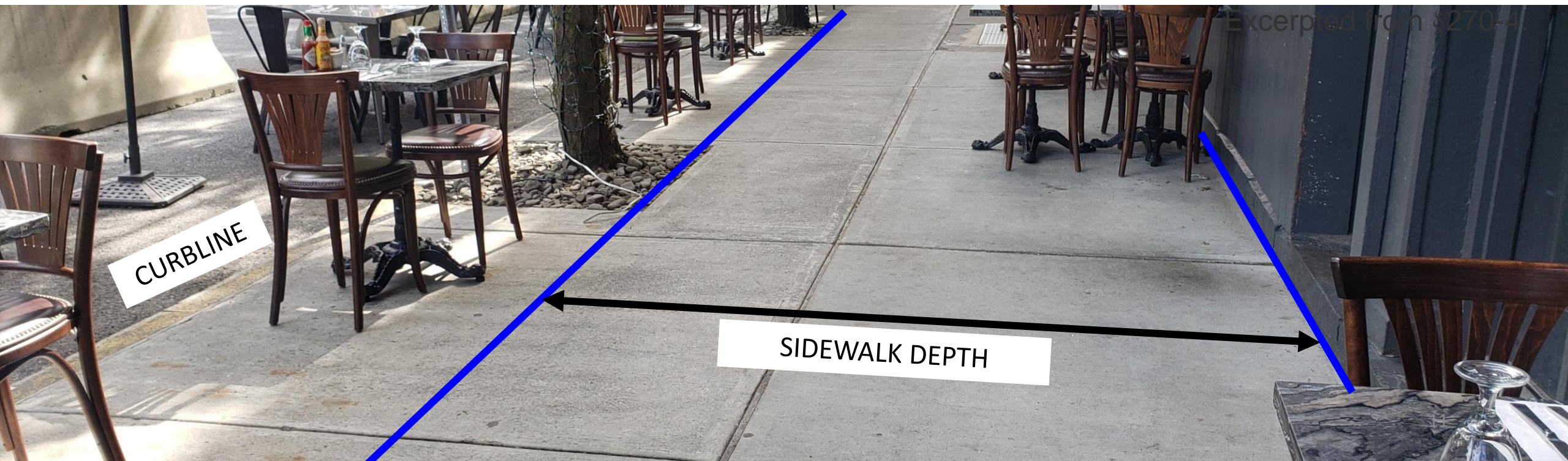


Source: *DelDOT Pedestrian Accessibility Standards (2018)*

Definitions

SIDEWALK DEPTH

The measurement from the outer edge of the pedestrian access route closest to the street to the face of the building or structure, excluding any buffer areas such as brick, grass, stone, tree pits, paver borders, etc.



Definitions

OUTDOOR DINING AREA DEPTH

The maximum dimension perpendicular to the building façade on which a permitted outdoor dining area can be located on a portion of a city sidewalk.



Definitions

SEPARATION BARRIER

A physical, freestanding obstruction designed to define a dining area and constrain entry and exit to the dining area.



Definitions

SERVICE AISLE

Open space without obstruction between a table or seating and the separation barrier that is at least 3 feet in width and used for accessing and servicing tables.



BASIS FOR POLICY ON OUTDOOR DINING ON PUBLIC SPACE

- Indoor restaurant capacity has returned to 100% after lifting of restrictions imposed by the Governors Emergency Order.
- Pedestrians use of public sidewalks is expected to return to pre-COVID density or greater.
- Safe transit of pedestrians on the sidewalk including passage around on-sidewalk outdoor dining areas is a priority.

BASIS FOR POLICY ON OUTDOOR DINING ON PUBLIC SPACE

- **Safe transit of pedestrians on the sidewalk including passage around on-sidewalk outdoor dining areas is a priority .**
 - Use of full depth of the public sidewalk for outdoor dining is not permitted.
 - Use of parking spaces for pedestrian access routes (PAR) is not permitted.
 - Parklets, or in-street dining areas, are not permitted.
 - Split outdoor dining areas are not permitted. By example, having a pedestrian pathway bisect two outdoor dining areas for the same dining establishment is not permitted.



BASIS FOR POLICY ON OUTDOOR DINING ON PUBLIC SPACE

- **Safe transit of pedestrians on the sidewalk including passage around on-sidewalk outdoor dining areas is a priority.**
 - The pedestrian access route (PAR) shall have parallel sides and be void of any obstacles such as benches, brick, fire hydrants, grass, news racks, parking meters, pavers, planter boxes, stone, streetlights, street signs, street trees, transformers, tree wells, utility poles, etc.
 - Maintaining a minimum sufficient width of unobstructed ADA compliant pedestrian access routes (PAR) on public sidewalks is required.
 - Only restaurants that can maintain a required minimum pedestrian access route (PAR) within the sidewalk depth after placing tables, a service aisle, and separation barrier around the seating area, may be allowed to have outdoor dining on public space provided all criteria are met.
 - Outdoor dining areas are required to be located up against the front building façade or structure when adequate room for the dining area is available and other criteria are in compliance.
 - Pedestrian access routes (PAR) on public sidewalks are to be located on the street side of the sidewalk.
 - The minimum pedestrian access route (PAR) in front of any property/business is as determined by Building & Licensing Department. The minimums may vary by block. See illustrations of how measurements are determined.

BASIS FOR POLICY ON OUTDOOR DINING ON PUBLIC SPACE

Continued

- For restaurants located within a courtyard, alley or mews, no outdoor dining areas shall be permitted on public space, except for restaurants fronting on public space.
- Outdoor dining on public space is prohibited on the Boardwalk.
- Only those restaurants that comply with all criteria for outdoor dining on public space may apply for a permit for this purpose.
- Outdoor dining areas on other than the licensed property are not permitted.
- The operation of an outdoor dining area will not be conducted in such a way as to become a public nuisance and the operation of such business will not interfere with the circulation of pedestrian or vehicular traffic on the adjoining streets. The dining will not interfere with access to adjacent tenants of a building, with required fire egress or access by persons with disabilities.

DESIGN STANDARDS FOR OUTDOOR DINING AREAS ON PUBLIC SPACE

- Restaurants that can maintain the required minimum pedestrian access route (PAR) within the sidewalk depth after placing tables, a service aisle, and separation barrier around the seating area, may apply for outdoor dining.
- The outdoor dining area will be located adjacent to the building façade, with the minimum allowable clear pedestrian passage (PAR) provided between the separation barrier and the edge of the buffer area.
- The specific seating design for any dining area must be approved by the Building & Licensing Department.
- Examples of permissible seating configurations are available from Building & Licensing.
- The pedestrian access route (PAR) shall be completely clear of all tables, chairs and other encroachments and must maintain parallel sides. The pedestrian access route (PAR) may not encroach on any areas containing obstacles such as benches, brick, fire hydrants, grass, news racks, parking meters, pavers, planter boxes, stone, streetlights, street signs, street trees, transformers, tree wells, utility poles, etc
- Sidewalk depths are established by the City Building and Licensing Department and will vary from location to location.

DESIGN STANDARDS FOR OUTDOOR DINING AREAS ON PUBLIC SPACE

MAXIMUM PERMITTABLE OUTDOOR DINING AREA

Maximum allowable outdoor dining area is 750 square feet total for the sum of patio dining area(s) and outdoor dining area on public space.

DESIGN STANDARDS FOR OUTDOOR DINING AREAS ON PUBLIC SPACE

SEPARATION BARRIER REQUIRED

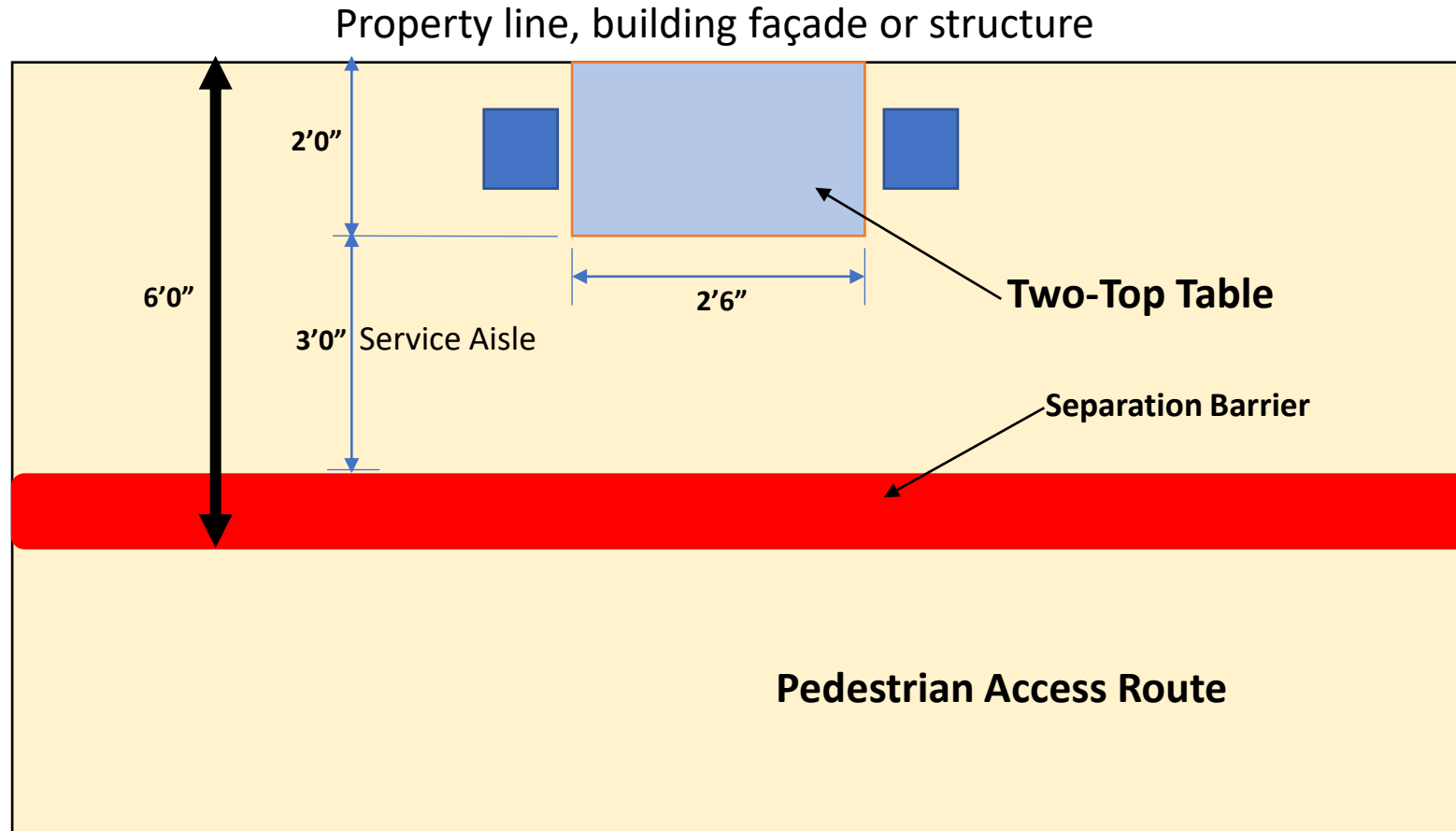
- All restaurants, whether they serve alcohol or not, shall define the boundaries of their outdoor dining areas by use of physical barriers.
- The physical barrier around the perimeter of the dining area shall be no less than 42 inches high constructed of wood, concrete, plastic, wrought iron, dense vegetation or other approved material such that entry and exit will be restricted to no more than one location. Barriers shall not encroach into the pedestrian access route.
- Barriers shall be continuous.
- Barriers shall be self-supporting without the use of attachments to sidewalks or other infrastructure and shall be constructed substantial enough to withstand wind or other strong pressures.

DESIGN STANDARDS FOR OUTDOOR DINING AREAS ON PUBLIC SPACE

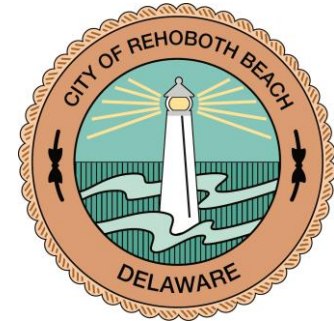
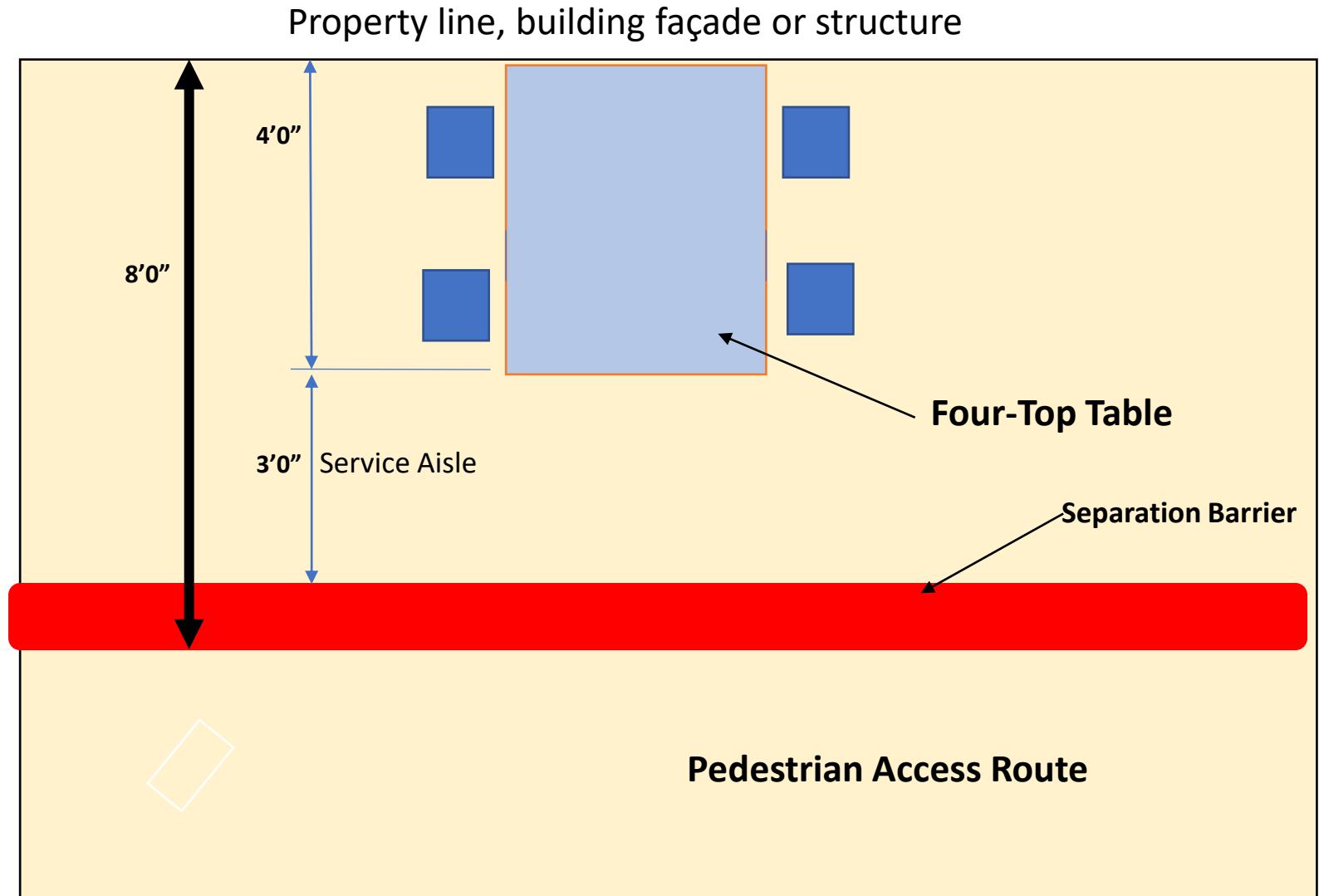
TABLE AND CHAIR PLACEMENT

- Outdoor dining areas must all be adjacent to the building and must be continuous.
- Split outdoor dining areas on public space are not permitted.
- Only 2-top and/or 4-top dining tables may be used
- 2 top tables shall be placed so that their longest dimension is parallel to the façade of the building.
- 4 top tables shall be placed so that their shortest dimension is parallel to the façade of the building.
- Maximum dimensions of each table must not exceed 2'6" by 4'.
- Tables larger than four tops or tables that are not placed against the building façade are not permitted.
- Tables and chairs shall be oriented so that chairs pull out parallel to the sidewalk.
- Fire Department connections (WYE) shall not be obstructed with a minimum clearance of 3 feet on each side.
- A 3-foot minimum service aisle shall be maintained between the outermost edge of any table or seat and the barrier around the seating area. A service aisle is open space without obstruction between a table or seating and the separation barrier that allows waitstaff to serve customers and perform other service functions.
- The specific seating design for any dining area must be approved by the Building & Licensing Department.
- Examples of allowable seating configurations are available from Building & Licensing

PERMISSIBLE OUTDOOR DINING LAYOUT & MINIMUM DIMENSIONS – TWO TOP TABLE



PERMISSIBLE OUTDOOR DINING LAYOUT & MINIMUM DIMENSIONS – FOUR TOP TABLE

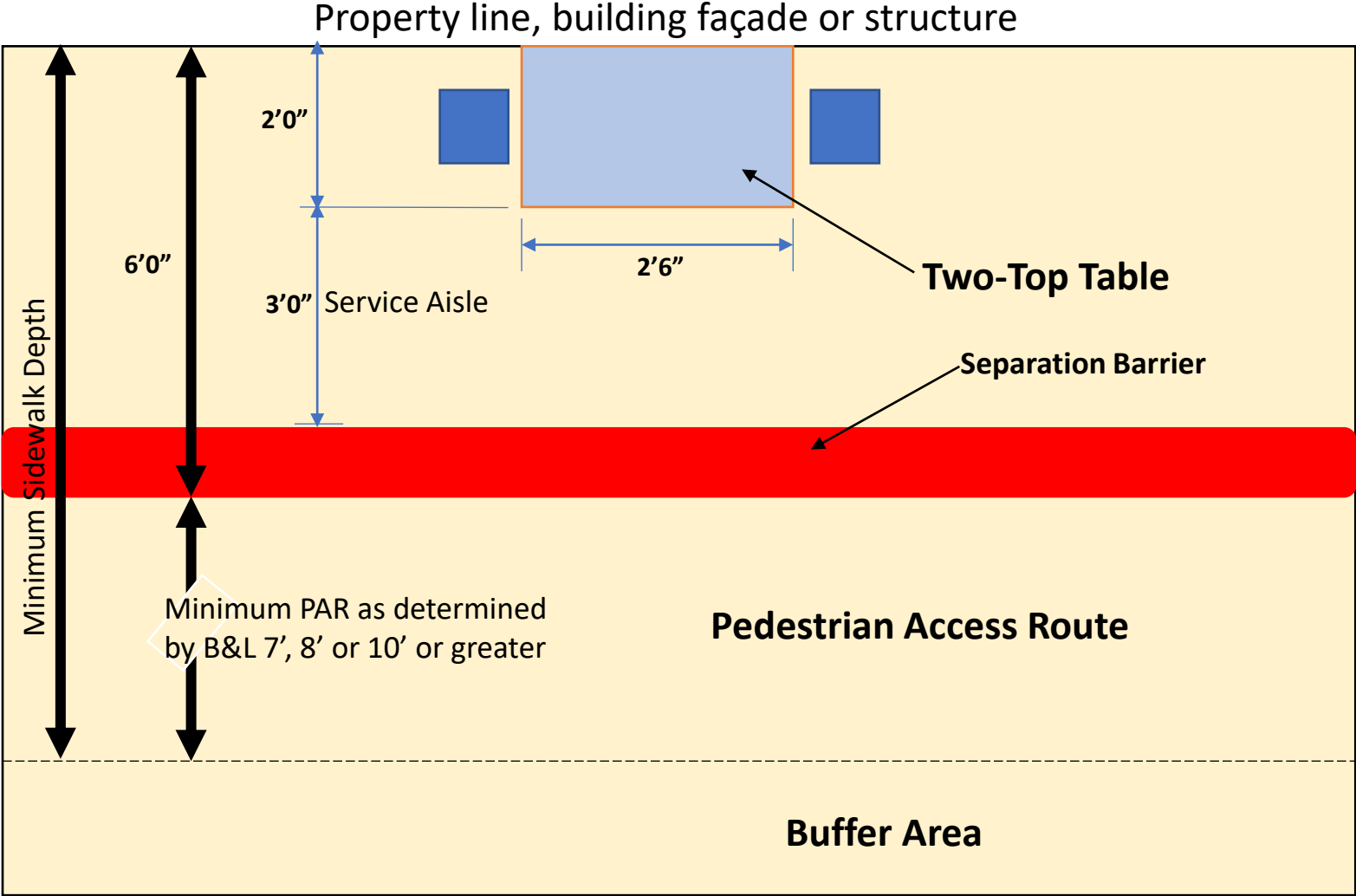


DESIGN STANDARDS FOR OUTDOOR DINING AREAS ON PUBLIC SPACE

DIMENSIONS OF OUTDOOR DINING AREAS ON PUBLIC SPACE

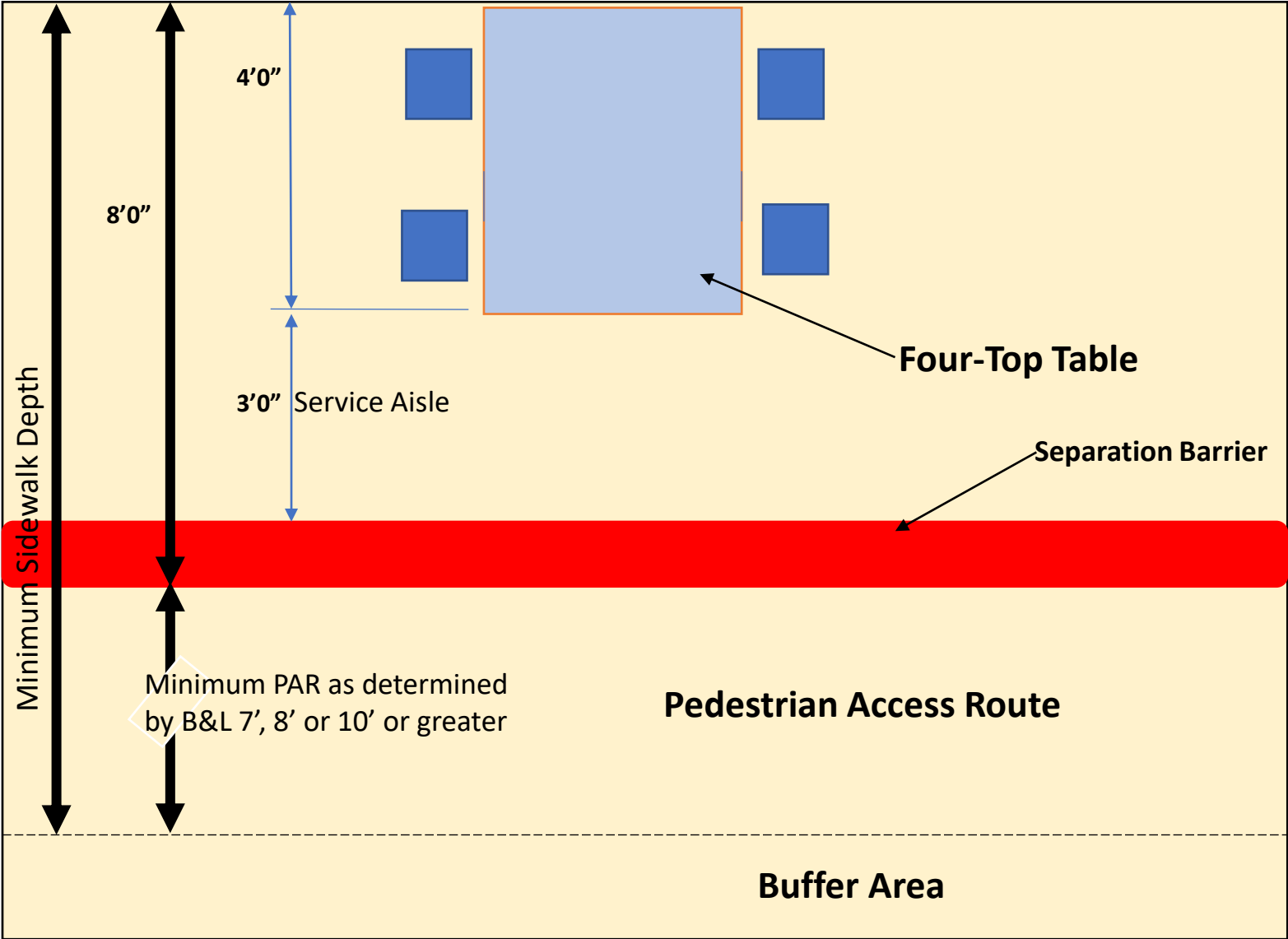
- Maximum width of the permittable outdoor dining area on public space, is the width of the property minus allowances for entrances equal to or greater than the existing approved egress and also a 3 foot setback from corners if a corner property.
- Maximum depths of outdoor dining areas on public space, measured from outside of the barriers to the building façade are:
 - Six feet when two-top tables are used allowing for a two-foot-deep table, three-foot service aisle and up to a one-foot-deep barrier.
 - Eight feet when four-top tables are used allowing for a four-foot-deep table, three-foot service aisle and up to a one-foot-deep barrier.
- **A minimum depth of sidewalk is required to establish an outdoor dining area on public space. Sidewalk dimensions are established by the City Building and Licensing Department and will vary from location to location. Minimum depth of sidewalk to establish an outdoor dining area on public space equals the sum of (the minimum designated depth of the pedestrian access route as determined by Building & Licensing) + (the required minimum depth of the dining area including barrier per code).**
- **See illustrations and formulas.**

REQUIRED OUTDOOR DINING DIMENSIONS & SIDEWALK DEPTH MINIMUMS



REQUIRED OUTDOOR DINING DIMENSIONS & SIDEWALK DEPTH MINIMUMS

Property line, building façade or structure



NEW-
which is
better
titling? See
next slide



Origin of seven
foot minimum
sidewalk width

BALTIMORE AND WILMINGTON AVENUES STREETSCAPE CONCEPT

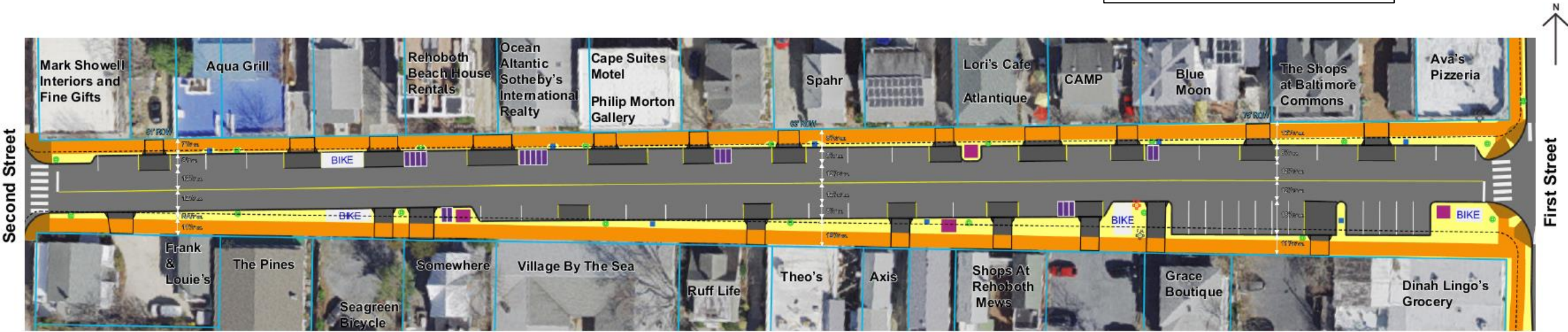


- Objectives: (Excerpted)
- Provide ADA accessible walkways and widen walkways for pedestrian traffic and outdoor activities
- Increase safe pedestrian ...travel
- Task Force guidelines: (Excerpted)
- The overarching interest of the streetscape improvements is to bring pedestrians ... onto Wilmington and Baltimore Avenues.
- [Establish] Pedestrian ...[sidewalk] minimum widths.



Baltimore Avenue 2nd Block

Origin of seven foot minimum sidewalk width



Note: Concept parking subject to revision in coordination with property owners, fire/EMS, and ADA requirements

Rossi: "Accommodates a consistent 7 ft PAR"

Legend

Pedestrian Circulation Path (PCP)	Parking Pay Station
Pedestrian Access Route (PAR)	Scooter Parking
Travel Lane	Bike Rack
Driveway/No Parking Area	Street Light
Curb	Utility Pole
Existing Curb	Transformer
Right-of-Way (ROW)*	Fire Hydrant
	Existing Fire Connections/Hydrants

*Aerial and ROW measurements are approximate

How do I determine if my restaurant can have an outdoor dining area on public space?

1) Identify the outer edge of the pedestrian access route (PAR). This is a line generally parallel to the street and which separates the main pedestrian route from the buffer which contains obstacles.

Example #1



Outer edge of PAR touches street lights, grass areas, etc.

Example #2



Outer edge of PAR inset from objects that people interact with such as parking meters.

Example #3



Outer edge of PAR touches borders,

How do I determine if my restaurant can have an outdoor dining area on public space?

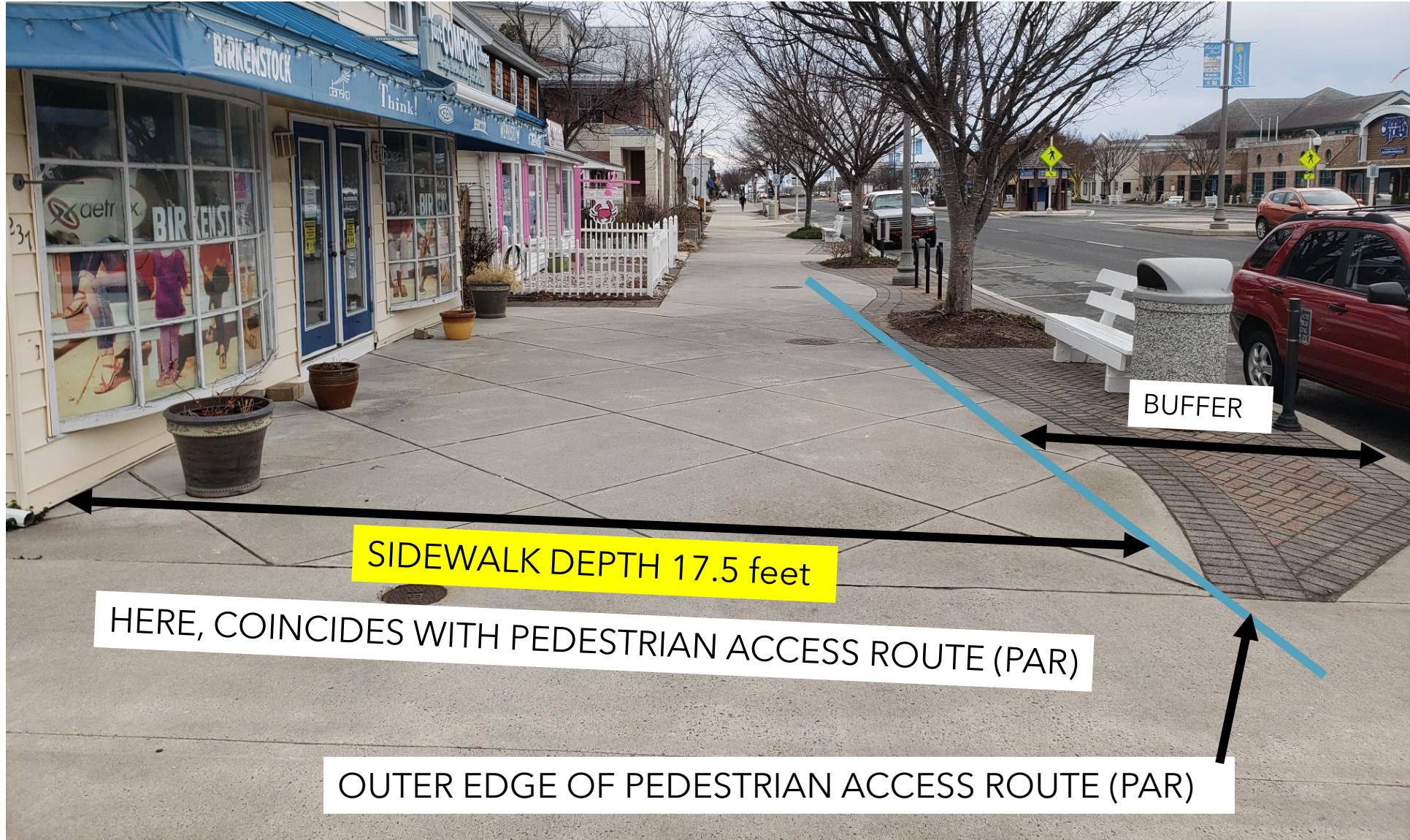
1) Identify the outer edge of the pedestrian access route (PAR). This is a line generally parallel to the street and which separates the main pedestrian route from the buffer which contains obstacles.

Example #4



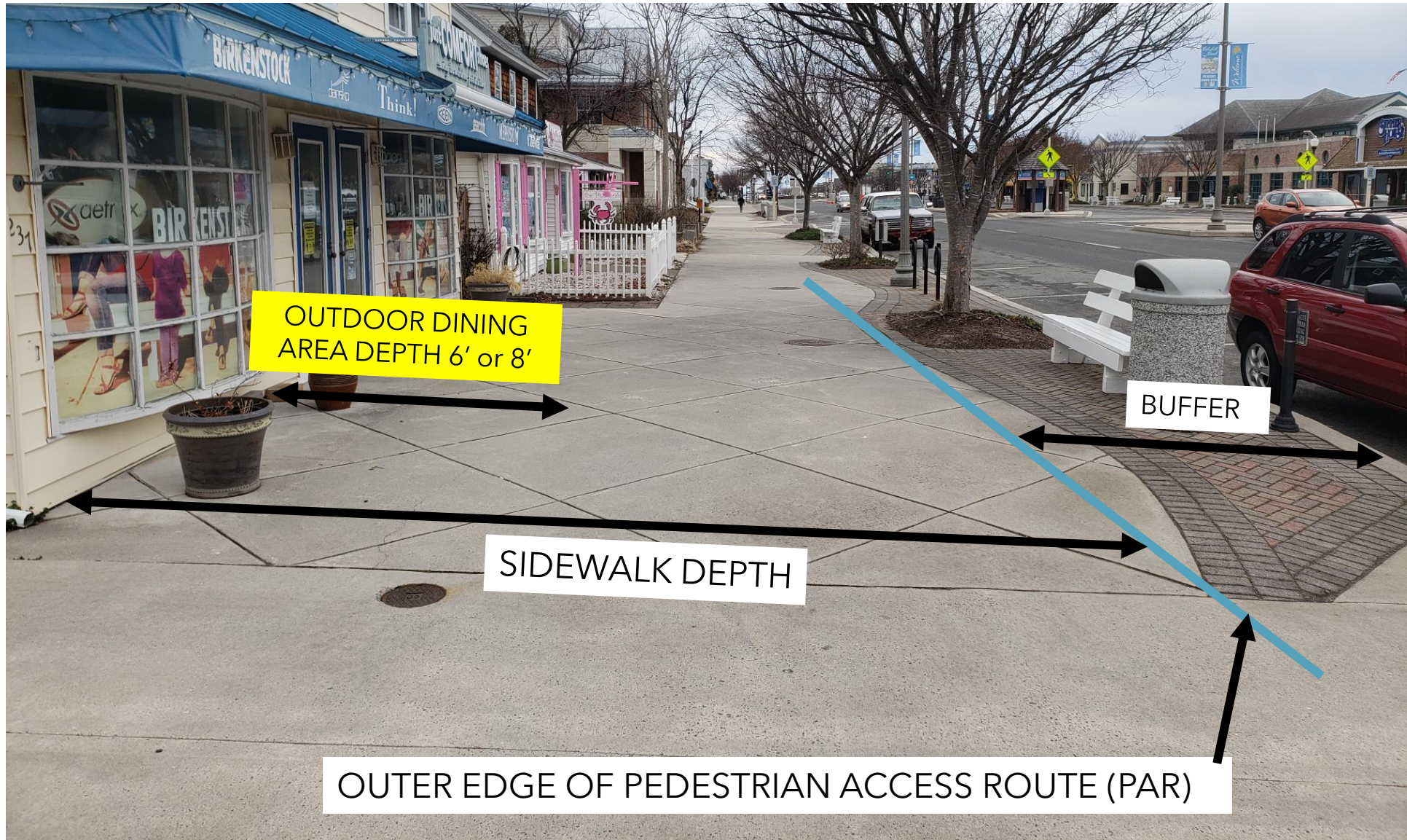
How do I determine if my restaurant can have an outdoor dining area on public space?

- 2) Measure sidewalk depth from outer edge of pedestrian access route (PAR) to building façade or structure.



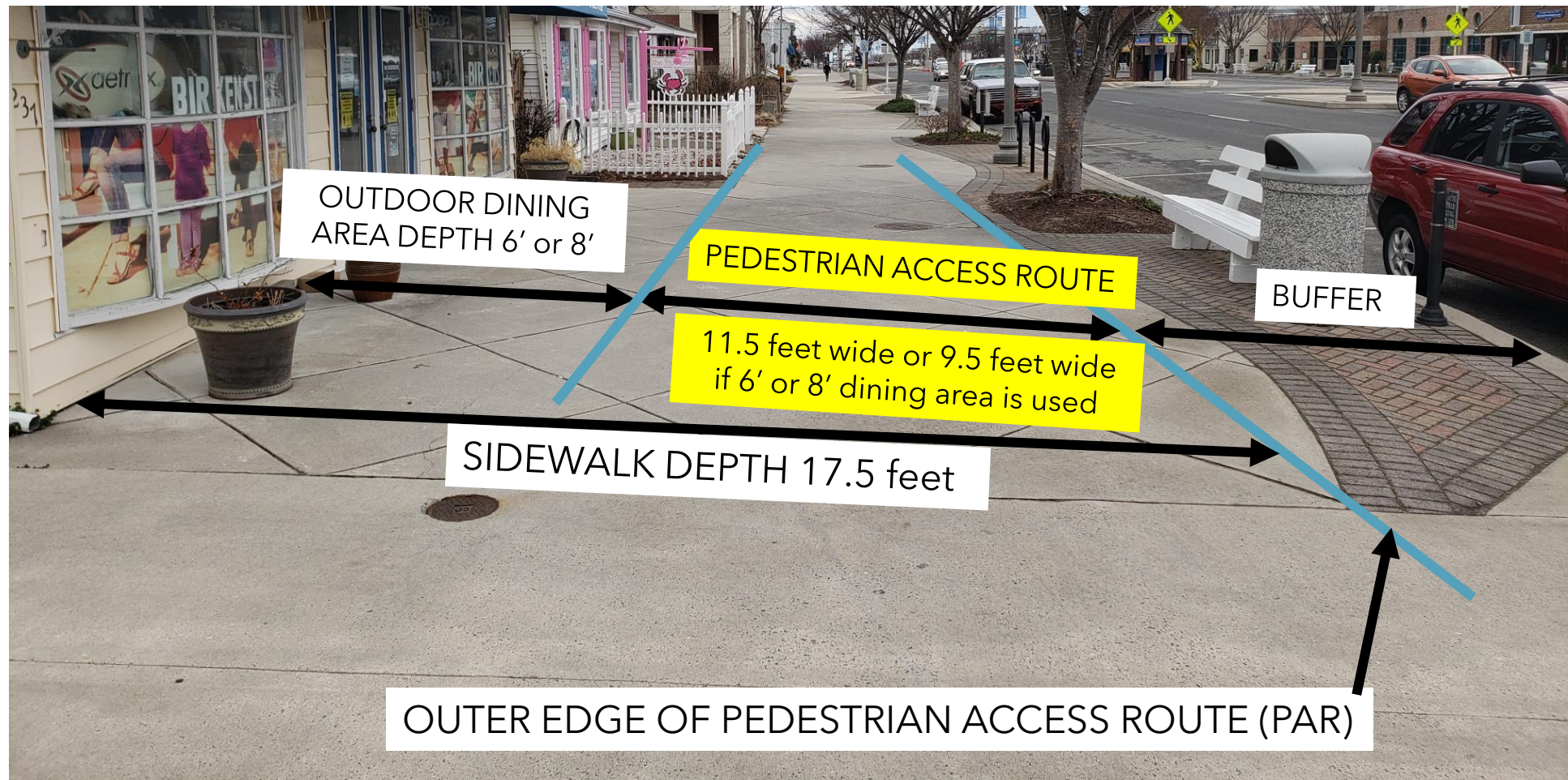
How do I determine if my restaurant can have an outdoor dining area on public space?

3) Subtract from sidewalk depth 6 feet (for two-top table layout) OR subtract 8 feet for four-top table layout.



How do I determine if my restaurant can have an outdoor dining area on public space?

4) If balance meets or exceeds minimum PAR as determined by Building & Licensing, then the two-top or four-top table layout may be permissible if other criteria are met. *In this example the minimum pedestrian access route (PAR) for this location as determined by B&L = 7 feet thus allowing for an 8 foot deep or 6 foot deep outdoor dining area if other criteria are met.*



EFFECTIVE DATES

- April 1 to October 15, 2022

ENFORCEMENT

- The City Code Enforcement Officer will be responsible for monitoring and ensuring compliance.

VIOLATIONS

- Non compliance with approved policy shall constitute grounds for withdrawal of the permit authorizing establishment of an outdoor dining area on public space

APPEALS

- Challenges to denial of a permit authorizing establishment of an outdoor dining area on public space shall be in writing to the city manager.

EVALUATION OF POLICY

- The Commissioners and Building & Licensing shall develop criteria for evaluating the Outdoor Dining on Public Property Policy. B&L shall present a report at the request of the Mayor and Commissioners.



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