

Outdoor Dining Policy
Presentation March 1, 2022

BACKGROUND:

At the height of the COVID-19 pandemic, the City established a temporary emergency policy on outdoor dining on public spaces. It allowed restaurants to operate sidewalk dining next to their premises, including in areas of the public space that had long been restricted from such opportunities. The program proved to be a critical lifeline for restaurants citywide, as indoor dining limitations severely reduced their operations.

CITY ACTION:

The city is taking the first step in creating a permanent program to expand outdoor dining that is clear, predictable, organized, and equitable, and balances the health of our restaurants with the needs and safety of our visitors and residents.

CASE STATEMENT:

Indoor seating is back to 100%

- 1) Governor's Emergency Order has been terminated as of 6PM today, March 1, 2022.
- 2) Guests have returned to indoor dining, permitted at 100%.

The City's, visitors, residents, and restaurants all enjoy outdoor dining

- 1) All public input shows that people enjoy outdoor dining
- 2) City has successfully provided outdoor PATIO dining for over 40 restaurants for decades.
- 3) Tens of thousands of visitors currently enjoy outdoor dining during the season and shoulder seasons.
- 4) On February 16, 2022, the Governor signed HB290, which provides for legal consumption of alcohol at outdoor seating.

The City has a responsibility to pedestrians to provide safe accessible sidewalks.

- 1) The City provided emergency walkways within barriers for the last 2 years.
- 2) Feedback indicated these walkways were not safe and did not comply with ADA requirements.
- 3) The Chamber, Main Street and real estate offices have forecasted crowds this season at pre-COVID levels or higher, meaning more crowded sidewalks.
- 4) The City forfeited 89 parking spaces with a loss in revenue of nearly \$¼ of a million.

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OUTDOOR DINING RULES INCLUDE:

- **Dates of operation:**
 - Outdoor dining areas on public space may operate from April 1 to October 15.
 - When the outdoor dining area is closed longer than 7 calendar days or by request of Building & Licensing, (e.g. because of pending weather event) all dining tables, chairs and barriers shall be removed from the public space.
- **Food and Beverage Service Section 270-19:**
 - Food and beverages may be served only to seated patrons.
 - There shall be no bar in the outdoor dining area.
 - There shall be no food and or beverage preparation in the outdoor dining area.
 - The permitted outdoor dining area shall end all food and beverage service in the outdoor dining area and close by 11:00 P.M. and all patrons must vacate area by 11:30 P.M.
- **Entertainment Section 270-19:**
 - There shall be no live entertainment in the outdoor dining area, no external speakers or amplifiers in the outdoor dining area, and no internal speakers are to be directed to the outdoor dining area.
 - City of Rehoboth Beach Code Chapter 189 Noise will be strictly enforced.
- **Design and Layout:**
 - For all outdoor dining areas on public space, the blocking of the public ways, pedestrian or vehicular, by related activities is prohibited.
 - No operational items, i.e. hostess stands, menu stands are permitted outside of the barriers/outside of the designated outdoor dining area.
 - Dates of operation for outdoor dining areas on public No tables may be placed within 6 feet of a take-out window.
 - Dining areas must not block any entrance or ADA accessible areas.
 - Must be a minimum of 60" from exits and entrances.
 - Establishments using outdoor seating on public sidewalks shall have readily identifiable and visible markers at the front, outer corners of their property, identifying the outer boundary limits of the outside dining area
 - No overhead wiring is allowed over the pedestrian pathway. Thus, no overhead wiring can be affixed to street trees.
 - Outdoor dining on neighboring property is not permitted.

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OUTDOOR DINING RULES INCLUDE (continued):

- **Maintenance of Area:**

- The sidewalk within or adjacent to the dining area shall be maintained in a clean and orderly manner. All food or drink spills, and trash of any kind, must be immediately removed from the sidewalk area. Private dining trash must be collected and deposited in private trash receptacles, not placed in public trash receptacles.

- **Permitted Equipment:**

- Only directional signage, not to exceed 2 square feet, is permitted in the outdoor dining area.
- Umbrellas shall maintain seven (7) feet vertical clearance, eight (8) feet maximum diameter, have a weighted base and cannot extend beyond the perimeter of the designated outdoor dining area.
- Tents or canopies are not permitted.
- Outdoor heater use must comply with the following:
 - Only propane fuel is permitted
 - No electric heaters or open flame heaters
 - Must be securely placed or weighted in such a way not to be affected by winds.
 - Only be in place and operated during open hours.
 - Must not block any entrance or ADA accessible areas.
 - Must be a minimum of 60" from exits and entrances.