



Temporary Outdoor Patios for Restaurants

About the program

- Erie is creating a temporary program to expand options for restaurants to operate in outdoor patio settings adjacent to their businesses.
- The intent of the program is to allow for greater social distancing and safety for restaurant-goers when public health orders allow restaurants to resume sit-down service.
- The Town of Erie has created a webpage where businesses can submit a proposal for the town to review: www.erieco.gov/outdoorexansion
- Final rules and regulations are in development. Under this program, Erie would allow businesses to expand existing patio space or establish new patio areas, potentially including parking lots, sidewalks, street parking spaces, and possibly closing select streets to expand.
- We are implementing this program with input and guidance from public health experts.

FAQs

General Program Information

1. Where do I go to apply or find more information?

www.erieco.gov/outdoorexpanansion or contact economicdevelopment@erieco.gov for questions

2. What is this program about?

Erie's temporary outdoor patio program offers restaurant establishments in the town an opportunity to expand their footprints to create more social distancing. The goal is to create a streamlined permitting process, while ensuring that mobility and safety remain top priorities.

3. Who is eligible?

Consistent with state guidelines released on May 25, restaurants open for in-person dining at 50 percent capacity of the indoor posted occupancy code limit, but they can not exceed 50 people, whichever is less. They are also encouraged to provide as much outdoor service as possible. Bars will remain closed. Establishments that do not serve food will be evaluated in June.

4. When will people be able to apply for a temporary outdoor expansion?

Restaurants can apply starting today. Proposals will be reviewed and considered upon receipt. Approval from the state is also required.

5. How long does this program last?

Businesses will be able to use approved temporary outdoor patios through October 31, 2020, which is typically viewed as the tail end of the outdoor dining season in Colorado. Businesses will have one week following expiration of the program to remove the fixtures from their outdoor area.

6. What are the allowed hours of operation for the temporary outdoor expansion?

Sunday through Thursday, temporary outdoor patios are required to close by 10 p.m.
Friday, Saturday, and federal holidays, temporary outdoor patios are required to close by 11 p.m.

Note: These hours apply to the new, temporary outdoor patio space only. Existing permanent patios may have different hours.

7. Who are the process navigators?

Process navigators will be staffed from Town Clerk, Economic Development, and Planning and Development. Process navigators will help answer questions and help restaurant operators navigate applicable rules and regulations.

8. Can I erect/build/install furniture, tents, railings, etc.?

In most cases, yes. The outdoor area may include temporary tables, benches, chairs, and shade devices, as well as temporary railings and other means of containment and separation between patrons and the public. All furnishings and must be easily removed at the end of the program period. **Additionally, if the outdoor area includes public right-of-way (Old Town), safety measures (such as signage, traffic control, barricades, and barriers) are required to ensure mobility and safety for both patrons and the public. Shade devices will not be permitted in public right-of-way at this time.

9. Can these patios be used for standing areas, games, movies, broadcast sports, etc.?

No, outdoor patios established or expanded under this program can only be used for sit-down dining or

customer pick-up and carry-out service.

They cannot be used for "standing areas," as these would promote congregating. They cannot be used for yard games or other similar activities that would encourage people to congregate or share equipment. Businesses cannot offer entertainment on their temporary outdoor patios, including but not limited to live entertainment, outdoor games, amplified sound or entertainment such as music over speakers, movies or broadcast sports, or loudspeaker call systems. Pets other than service animals are not permitted on the expanded outdoor patios.

10. How will enforcement be handled?

Residents can call public health to report concerns about how an expanded patio space is operating (Boulder County: 720-776-0822 and Weld County: 970-400-2111). The Erie Police Department may also be contacted in an emergency situation at 911, or 303-441-4444.

PUBLIC HEALTH QUESTIONS

11. What are the public health requirements? (e.g., how many tables allowed, minimum spacing, number of occupants, face coverings while eating)

Please [click here](#) to review the state guidelines for reopening.

12. Is risk of transmission lower for outdoor dining compared to indoor dining?

Outbreak trends suggests risk outdoors may be lower, however this does not diminish the need for physical distancing and continued use of face coverings. People from different households are discouraged from dining together to reduce risk of transmission. Outdoor seating and congregating should follow the same guidelines as indoor dining, to the extent possible, including tables effectively spaced. Because there is much still unknown about COVID-19 and transmission, we will closely evaluate disease trends as restrictions are lifted.

More detailed guidance for both indoor and outdoor dining from the town and the state is under development. The Town of Erie is committed to working with the state and will release details as we have them.

13. What if public health guidelines for COVID-19 change? Can this approval be revoked?

Requirements may evolve to reflect new public health guidelines and the town can revoke these approvals at any time, particularly if there is an increase in COVID-19 cases tied to any of these locations.

RIGHT-OF-WAY and STREET CLOSURES

14. What will the Town consider when reviewing a proposal to use or close the public right-of-way?

When reviewing applications, the Town will consider the following:

- Safety: ensuring any closure of the public right of way is done safely.
- Mobility: considering impacts to people's ability to get around the closure by foot, bike, wheelchair and car and how the proposal mitigates impacts with a traffic control plan, if necessary.
- Local and emergency access: local access to adjacent homes and businesses must be maintained.

Prior to approving an application, the Town will perform a final inspection of the premises.

PARKING LOTS and PRIVATE PROPERTY

15. Are zoning permits required?

No.

16. Can I close a parking lot, or use some spaces in a parking lot, for this program?

Yes, if you have written permission from the private property owner and maintain ADA compliance.

17. I don't have any outdoor space to use. Can I use a neighbor's parking lot or open area?

It depends. The outdoor patio must be contiguous or adjacent to the business.

18. Can I share outdoor space with another restaurant?

No, the state does not allow sharing outdoor spaces with another restaurant.

19. Do I need to provide additional parking for the new expanded outdoor area of my restaurant?

No.

BUILDING PERMITS

20. Are building permits required?

In most cases, no.

BUSINESS/LIQUOR LICENSING and PUBLIC POSTINGS (Town Clerk)

21. Do I need state approval?

Yes, you will need to submit your application to the state as well.