



# Business Best Practices

## OUTDOOR DINING

### Frequently Asked Questions

#### Where do I go to apply or find more information?

Fcgov.com/business or forfortcollins.com

#### What is this program about?

Fort Collins' temporary outdoor expansion program offers restaurant and bar establishments in the city an opportunity to expand their footprints to adhere to physical distancing. The goal is to create a streamlined permitting process, while ensuring that mobility and safety remain top priorities.

#### Who is eligible?

Restaurants, cafes, fast food outlets, coffee shops, bars, taverns, brew pubs, breweries, microbreweries, distillery pubs, wineries, tasting rooms, and other similar places of public accommodation offering food, beverages, or alcoholic beverages for on-premises consumption.

All current rules during the pandemic still apply to food trucks and other mobile food establishments. While this program does not apply to these, they have been able to continue to operate and serve to-go food while following recommended guidelines for physical distancing, sanitary and hygiene practices.

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

Restaurants and bars can apply starting today. Proposals will be reviewed and considered upon receipt; however, approvals will not be issued until restaurants are allowed to open per State of Colorado order. To help applicants prepare, a checklist for the permit is available here: [www.fcgov.com/engineering/files/outdoordiningchecklist.pdf](http://www.fcgov.com/engineering/files/outdoordiningchecklist.pdf)

#### How long does this program last?

Businesses will be able to use the temporary outdoor space for the public through September 27, 2020, which is typically viewed as the tail end of the outdoor dining season in Fort Collins, Colorado. Businesses will have one week (through October 4, 2020) to remove all fixtures from their outdoor area.

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

Temporary outdoor patios are required to close by 11 p.m., with table service ending at 10 p.m.

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



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### **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 lighting must be freestanding and easily removed at the end of the program period. Depending on what's being installed, electrical, building, or fire permits may be needed (see questions below for more detail). Additionally, if the outdoor area includes public right-of-way, safety measures (such as signage, traffic control, barricades, and barriers) may be required to ensure mobility and safety for both patrons and the public.

Businesses with liquor licenses must demonstrate they can control their premise in accordance with state statute and rules; however, they are not required to mark the liquor-licensed premise by installing railings or any other furniture.

### **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 are not permitted on the expanded outdoor premises except as provided in the Americans with Disabilities Act.

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

### **Would each tenant/business need to apply separately?**

Each tenant/business must apply separately when requesting to expand their operations outdoors. Tenants/Businesses are encouraged to work with their landlords and neighboring businesses to ensure multiple establishments are not applying for the same physical space. Likewise, establishments are encouraged to coordinate when requesting street closures. However, businesses may not share outdoor premises, and must maintain control of all operations and food and beverage service within their outdoor premises.

### **How will enforcement be handled?**

The public can notify [engineering@fcgov.com](mailto:engineering@fcgov.com) to report concerns about how an expanded patio space is operating. The City's departments will inspect complaints received about the location or operation of an outdoor area. If an inspector finds a violation of these guidelines, or any other applicable provision of Fort Collins's municipal codes, the eligible business and property owner will be responsible for resolving the issue and paying any enforcement-related fines or penalties.



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### **Are businesses required to post a public notice of intention to expand or add a patio area?**

Businesses with liquor licenses that have applied for the program are required to post notice 10 days prior to opening their patio areas for onsite consumption.

### **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 city can revoke these approvals at any time, particularly if there is an increase in COVID-19 cases tied to any of these locations.

### **Are businesses allowed additional temporary signage?**

Temporary signage allowance is not increased.

## **RIGHT-OF-WAY and STREET CLOSURES**

### **What will the City Engineering consider when reviewing a proposal to use or close the public right-of-way?**

Upon receipt of a permit request, a right-of-way inspector will visit the business location and consider the closure proposal from a mobility and safety perspective. An inspector may be able to approve a simple inspection in the field and issue the permit the following business day. More complex requests will be reviewed for:

- 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.

Following implementation of any right-of-way closure, a final inspection will be completed to ensure the closure is meeting the permit requirements.

### **What types of right-of-way will restaurants and bars be able to use?**

Restaurants and bars may request closure of sidewalks and streets as well as parking lanes.

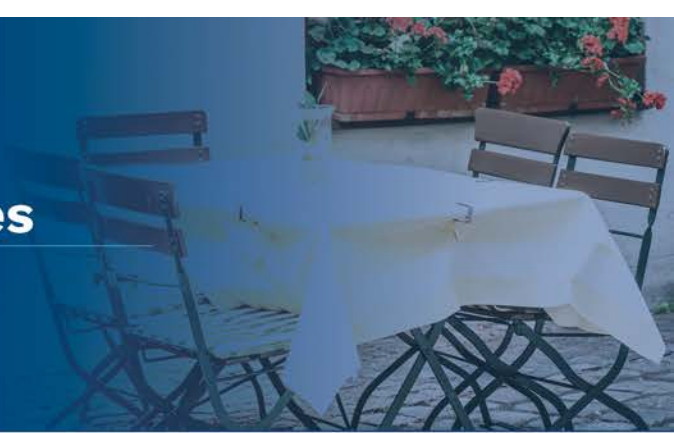
### **What will the right-of-way permit cost?**

There will be no cost for most right-of-way permits. However, an expansion proposal that requires new construction may require a construction permit that comes with a fee. A business that is proposing to close the public right-of-way may have costs related to securing barricades, developing a traffic control plan, and creating seating areas in the new space.



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### **How will it be handled if a city project or private development project has already pulled a right-of-way permit for an area or location?**

Work that the City is already aware of and that may be moving through City processes would take priority over a newly received request; both may be accommodated, depending on the actual proposal and timing of the closures.

### **PARKING LOTS and PRIVATE PROPERTY**

#### **Does this require a Minor Amendment?**

No.

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

It depends. The Land Use Code requires a minimum number of parking spaces. Additionally, most parking lots have an Emergency Access Easement. If a business can provide its minimum number of off-street parking spaces and be clear of Emergency Access Easements and other easements that need to remain clear, then it may be allowed. Accessibility Parking Spaces may not be used.

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

It depends. See above answer.

#### **Can I share outdoor space with another restaurant/bar?**

No, this is not allowed because it will make performing contact tracing very difficult. Businesses must maintain control of all operations and food and beverage service within their outdoor premises.

#### **Do I need to provide additional parking for the new expanded outdoor area of my restaurant/bar?**

No.

#### **Where is this allowed?**

This may occur on private property that has a certificate of occupancy for a restaurant/bar or parking lot that has been approved as an accessory use for a restaurant/bar, provided it meets all other requirements.





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### BUILDING PERMITS

#### Do I need electrical or building permits?

If you are to add lighting, this temporary outdoor dining permit serves as your building permit. Permitted limited job scope shall be:

- This permit is limited to the installation or expansion of temporary outdoor dining areas due to COVID-19.
- Tivoli/festoon lighting is allowed. All other outdoor lighting shall be fully shielded and face in a downward direction with a high Kelvin rating equal to or less than 3000k. Lighting will be limited to no more than a signal 20 AMP circuit. Temporary power to the lighting can be supplied by an extension cord from an existing electrical branch circuit limited in length to 50 feet and a wire size larger or equal to 12 gauge. If an extension cord is used it shall be UL 817 listed and approved for outdoor and installed and secured in place to a point higher than 10 feet above adjacent grade across all walking surfaces.
- No attachment will be allowed on any City owned surface.
- Fencing cannot attach to the building in any manner. Fencing and/or seating may not attach to, or cause any damage to, historic stone sidewalk or entry pavers, entry tile work, sidewalk prisms/vault lights/sidewalk glass, or any other historic feature.
- Outdoor temporary dining area will be installed in accordance with all egress and accessibility requirements per the 2018 International Building Code.
- All work listed above is subject to inspections and approval prior to occupying the space.
- The issuance of this permit does not circumvent any requirements imposed by the Larimer County Health Department or Poudre Fire Authority (PFA). Please contact the Larimer County Health Department and PFA directly for their requirements.
- The approval of this installation or expansion will expire with the expiration of the temporary outdoor dining permit.

### BUSINESS/LIQUOR LICENSING and PUBLIC POSTINGS (Excise and Licenses)

#### How do I submit?

Please go to: <https://www.fcgov.com/cityclerk/liquor>. You will need to submit a Modification of Premise forms.

#### How can I submit my application if I am waiting on my Right-of-Way permit?

You can submit both permits concurrently.