

# **City of Mobile Policy for Temporary Outdoor Dining Activities**

## **I. Preface**

The City of Mobile's restaurant recovery policy is established to provide restaurants, bars, breweries and similar establishments the greatest ability to operate successfully during the COVID-19 economic recovery. The proposed policy entails the ability to utilize available private and public space to be used as extended areas for restaurant activity while maintaining public safety requirements.

## **II. Order of the State Health Officer dated May 8, 2020**

Enforcement of certain City Code requirements will be suspended to allow restaurants and bars to utilize City rights of way and to add temporary outdoor dining spaces. Additional temporary outdoor dining is permitted subject to the following requirements:

1. All indoor and outdoor seating is limited to 8 persons per table and seating of parties shall be spaced at least 6 feet apart.
2. Outdoor seating in City rights of way is limited to tables and chairs for restaurants, bars, breweries, or food establishment seating.
3. Facial coverings are required to cover employees' noses and mouths while interacting with patrons and guests.
4. Restaurants and bars will not offer self-serve drink stations, buffets or salad bars.
5. Restaurants will read and implement the Alabama Department of Public Health guidelines for restaurants and bars.
6. No equipment will be offered for use if they are likely to be handled by multiple patrons, such as pool tables or pinball machines.

## **III. Temporary Outdoor Dining Activities - Private Property**

- A. Restaurants and bars must comply with Section II.
- B. Property Owner, either applicant or landlord, as appropriate, consents to the proposed use.
  1. Single-Use or Single Tenant Site
    - a) Up to 50% of required private parking may be converted to outdoor dining space
    - b) Handicapped parking cannot be used or blocked.
  2. Multi-Tenant Site
    - a) The sidewalk directly in front of the individual tenant space may be converted to outdoor dining space. Additional space may be used only with the permission of the landlord.

- C. Tents:
  - 1. Tents less than 10 feet by 10-feet do not require a building permit but must:
    - a) Comply with Section III above.
    - b) Keep all sides open to allow for air flow (installation of “walls” is prohibited).
  - 2. Tents greater than 10 feet by 10 feet must obtain a tent permit.
    - a) Submission of Tent permit applications shall include:
      - (1) Signed consent of the property owner
      - (2) A site plan indicating the location of both permanent structures and the proposed tent
    - b) Issuance of a tent permit.
      - (1) All tents shall be at least 5’ from all permanent structures and comply with applicable codes and ordinances including but not limited to the 2012 International Building Code, Chapter 31, Section 3103 Temporary Structures, and Table 602.
- D. Temporary use must comply with the Fire Code.
- E. Additional dining space is permitted only on property zoned for restaurant use.

#### **IV. Public Property and City Rights-of-Way:**

- A. Private use of Rights of Way, Parklets and Sidewalks
  - 1. The City of Mobile reserves the right to remove tables and chairs that interfere with road maintenance or construction, create an obstruction to or cause congestion of pedestrian or vehicular traffic, or that, for any reason, represent a danger to public health and safety.
  - 2. General Requirements:
    - a) Must be an approved parking space (or Parklet) (not an ADA space, in a loading zone, or blocking fire connections)
    - b) When using public sidewalk, a minimum of 4 feet of pedestrian path must be maintained. Pedestrian path should be free of obstructions and ideally is located closest to the curb.
    - c) Metered and non-metered spaces can be reserved by contacting Traffic Engineering at 251-208-2960, [trafficengineering@cityofmobile.org](mailto:trafficengineering@cityofmobile.org)
    - d) Should consider ADA transition from the curb to the Parklet
  - 3. Location Requirements
    - a) Parklets should maintain a two-foot buffer from the travel way.
    - b) Retroreflective cones or plastic bollards should be used to separate the Parklet from the travel way.
    - c) Parklet should not: locate in a parking space with an adjacent inlet; block gutters or drainage inlets; or otherwise prevent the flow of draining waters.

- d) Parklet should have removable barriers on three sides to define the parklet.
- e) Parklet should not locate within 15 feet of an intersection. Lines of sight for crossroads and pedestrian crossings must remain clear.
- 4. Temporary Removable Barrier Materials, which must be used in combination with reflective cones or bollards.
  - a) Wood
  - b) Plastic
  - c) Straw
  - d) Planter boxes (less than 30 inches high)
  - e) Crowd control barricades, available from the City Traffic Engineering Department.

**V. Business Responsibilities:**

- A. It shall be the responsibility of the business utilizing a temporary outdoor dining space to install all temporary materials in compliance with this policy
- B. It shall be the responsibility of the business utilizing a temporary outdoor dining to maintain the area utilized, keeping it free of trash and debris.

**VI. Applications for the restaurant assistance program**

- A. A written application including; a description of how the added space will be used and maintained, and a site plan of the outdoor seating, is required.
- B. Applications are available at the COVID-19 update page of the City's website.
- C. Applications should be submitted to the City of Mobile Traffic Engineering, 251-208-2960, [trafficengineering@cityofmobile.org](mailto:trafficengineering@cityofmobile.org) Department and will be reviewed by all applicable departments.
- D. The City will advise applicants of its action on their applications, whether the application is denied, allowed, or allowed with modifications.

**VII. Miscellaneous**

- A. City Code and Life Safety issues are subject to the applicable city codes and regulations as currently adopted.