



CITY OF REHOBOTH BEACH DESIGN MANUAL FOR OUTDOOR DINING ON PUBLIC SPACE

APPLICABILITY FOR OUTDOOR DINING ON PUBLIC SPACE.

Restaurants which meet the criteria set forth by the City of Rehoboth Beach may apply for a license to locate outdoor dining areas on public space.

TERMS DEFINED

Unless the particular provision or the context otherwise requires, the definition provisions contained in this design manual shall govern the construction, meaning and application of words and phrases used in this design manual.

BUFFER

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

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 or property.

OUTDOOR DINING AREA ON PUBLIC SPACE

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

PEDESTRIAN ACCESS ROUTE (PAR)

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

PUBLIC SPACE

City owned sidewalks or property excluding the Boardwalk.

RESTAURANT

As found in §270-4.

SIDEWALK

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

SIDEWALK DEPTH

The measurement from the outer edge of the pedestrian access route (PAR) closest to the street, to the face of the building, excluding any buffer area. Sidewalk depths are established by the City Building and Licensing Department and will vary from location to location.



SEPARATION BARRIER.

A physical, freestanding obstruction designed to define a dining area and constrain entry and exit to the dining area. Separation barriers must comply with 270-19B (6), be self-supporting without the use of attachments to the sidewalk or other structures and must be substantive enough to withstand strong winds or other pressures.

SERVICE AISLE

Open space without obstruction between a table or seating area and the separation barrier or between a table or seating area and the front façade of a building that is at least 3 feet in depth and used for accessing and servicing tables.

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.
- Permittable seating examples are illustrated in *Appendix B*.
- 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 Appendix A*).
- 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 which may contain 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. Pedestrian access routes (PAR) on public sidewalks are required to be located on the street side of the sidewalk.
- The outdoor dining area will be located adjacent to the building façade, with the minimum allowable clear pedestrian access route (PAR) provided between the separation barrier and edge of the buffer area.

DIMENSIONS OF OUTDOOR DINING AREAS

- Sidewalk dimensions are established by the City Building and Licensing Department and will vary from location to location.
- Maximum width of the allowable 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 a 3-foot setback from corners if a corner property.
- Maximum depth of the allowable outdoor dining areas on public space is measured from outside of the separation barrier to the building façade, or structure and must include:
 - A distance of 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.
 - A distance of 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.
- 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 plus the required minimum depth of the dining area including separation barrier per this design manual. *See Appendix C.*

SEPARATION BARRIER REQUIRED

- All restaurants, whether they serve alcohol or not, shall define the boundaries of their outdoor dining areas by use of physical separation barriers.
- The separation 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 two locations. Stanchion style barriers shall not be used.
- Barriers shall not encroach into the pedestrian access route (PAR).
- Barriers shall be solid and continuous, except for allowances for entry and exit to the outdoor dining area.
- Barriers shall be self-supporting without the use of attachments to sidewalks or other infrastructure and shall be constructed substantive enough to withstand wind or other strong pressures.

TABLE AND CHAIR PLACEMENT

- Outdoor dining areas must all be adjacent to the building façade and must be continuous.
- 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 either the façade of the building or the separation barrier.
 - 4 top tables shall be placed so that their shortest dimension is parallel to either the façade of the building or the separation barrier.
- Tables and chairs shall be oriented so that chairs pull out parallel to the sidewalk.
- Tables larger than four tops are not permitted.
- A 3-foot minimum service aisle shall be maintained between the outermost edge of any table or seat and the separation barrier around the seating area or between the innermost edge of any table or seat and the front façade of the building.
- Fire Department connections (WYE) shall not be obstructed with a minimum clearance of 3 feet on each side.
- Tables must not be placed within 6' of a take-out window.
- The specific seating design for any dining area must be approved by the Building and Licensing Department.

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE

- The dining area on public space shall comply with all ADA standards.
- Tables & chairs must not block any exit or entrance or ADA accessible areas.
- Aisle widths must meet ADA & Fire Code requirements within the outdoor dining area.

OUTDOOR DINING RULES

- The restaurant owner/operator will be responsible for maintaining the sidewalk within or adjacent to the dining area in a clean and orderly manner. All food or drink spills, and



trash of any kind, must be immediately removed from the sidewalk area. Outdoor dining trash must be collected and deposited in private trash receptacles, not placed in City trash receptacles.

- *Applicable provisions of Section 270-19 (Zoning) Use Restriction (B) Dining Patios* shall apply to outdoor dining on public space:
 - Food and beverages may be served only to seated patrons.
 - There shall be no live entertainment in the outdoor dining area.
 - There shall be no external speakers or amplifiers in the outdoor dining area.
 - No internal speakers from the premises are to be directed to the outdoor dining area.
 - There shall be no bar in the outdoor dining area.
 - There shall be no food and or beverage preparation in the outdoor dining area.
- All food and beverage service in the outdoor dining area shall end and close by 11:00 P.M., and all patrons must vacate the area by 11:30 P.M.
- *City of Rehoboth Beach Code Chapter 189 Noise* will be strictly enforced.
- Only directional signage, not to exceed 2 square feet, identifying entrance and exit, are permitted in the outdoor dining area.
- For all outdoor dining areas on public space, the blocking of the public ways, pedestrian or vehicular, by related activities is prohibited.
- Outdoor heaters use must comply with the following:
 - Only propane fuel is permitted.
 - No electric heaters.
 - No 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.
- 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.
- Establishments using outdoor seating on public sidewalks shall have readily identifiable and visible property markers at the front, outer corners of their property.

FOLLOWING ARE NOT PERMITTED:

- Utilizing the full depth of the public sidewalk for outdoor dining.
- Utilizing parking spaces for pedestrian access routes (PAR).
- Having split outdoor dining areas.
 - By example, having a pedestrian access route (PAR) bisect two outdoor dining areas for the same dining establishment.
- Using Parklets, or in-street dining areas.
- Establishing outdoor dining areas within an alley or on the Boardwalk.
- Affixing anything from the outdoor dining area to street trees or across the PAR.
- Encroachments into the PAR including umbrellas, heaters, or any other component of the outdoor dining space.



- Operational items (i.e. hostess stands, menu stands, benches, etc.) within the PAR.
- Tents or canopies.

EFFECTIVE DATES

- A license for outdoor dining on public property may be issued annually from January 1 to December 31.
- Outdoor dining may be suspended by the City Manager for community or special events, utility, sidewalk or road repairs, or emergency situations or violation of provision contained in this design manual. The length of the suspension will be for a duration as determined necessary by the City Manager.
- When the outdoor dining area is closed for the season:
 1. The PAR is to be maintained clear of snow.
 2. The dining patio is not to be used for storage of materials other than tables and chairs. Tarps or other covers shall not be permitted.
 3. Operational items, e.g., hostess stands and menu stands, usually placed outside of the designated outdoor dining area shall be removed.

FEES

- A non-refundable fee of \$150.00 shall accompany any new application or reapplication seeking a license for outdoor dining on public space.
- Upon granting of the license, the applicant shall pay an additional non-refundable annual fee of \$325. Fees will not be pro-rated.

ENFORCEMENT

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



LICENSING PROCEDURE FOR OUTDOOR DINING ON PUBLIC SPACE

LICENSE APPLICATION

1. Authority to utilize outdoor dining areas on public space is by license issued on an annual basis.
2. Licenses are valid from January 1 through December 31 for the year issued.
3. Favorable issuance of a license to establish an outdoor dining area on public space is based on meeting all design manual criteria.
4. The City Manager may revoke a permit for failure to maintain compliance with the design manual criteria or failure of an establishment to observe City ordinances.
5. As part of the license evaluation, the Building and Licensing Department will conduct a design review of the proposed outdoor dining area to verify the designs are safe, that the materials are suitable, and that the design will not damage or restrict access to existing sidewalks, street trees or other infrastructure.
6. As a part of the design review, the Building and Licensing Department will also review the cumulative impact to the general area to verify that adequate space remains for the other sidewalk functions that exist at and around the site.

CRITERIA FOR ANNUAL LICENSE AUTHORIZING OUTDOOR DINING ON PUBLIC SPACE

1. A current City-issued business license.
2. An approved Permit of Compliance for indoor food service operation, if serving alcohol.
3. If possessing a valid Delaware OABBC license, must abide by all existing rules and regulations for the service of alcohol as directed by the Delaware Office of the Alcohol Beverage Control Commissioner (OABBC).
4. Restaurants using dining areas on public space must meet all codes and regulations of all City, State, and Federal Agencies, including but not limited to City of Rehoboth Beach Code, State Fire Code, State Department of Public Health, American with Disabilities Act.
5. All applications for outdoor dining areas on public space received from establishments with liquor licenses or applying for a liquor license, once approved by the City, will then be provided to the Delaware Office of Alcohol Beverage Control for their approval. For restaurants serving alcohol, a city outdoor dining on public space license becomes effective only upon approval of state licensing by the OABC.
6. The outdoor dining license shall not be in effect unless and until the applicant files with the City:
 - a. A certificate of liability insurance confirming that the applicant has procured a policy of commercial general liability insurance issued by an insurance company authorized to do business in the state of Delaware. The policy shall provide in substance that the insurer will defend against all claims and lawsuits which arise and will pay any final judgment of a court of competent jurisdiction against the City, its officers, agents, or employees. The insurance shall provide coverage in an amount of not less than \$1,000,000.00 for each single occurrence. The policy of insurance shall name both the applicant and the City of Rehoboth Beach as insured parties to the full amount of the policy limits. If the policy is not kept in



full force and effect throughout the term of this sidewalk dining license, the license may be terminated by the City upon providing written notice of termination to applicant.

- b. A complete and valid waiver of indemnification agreement.



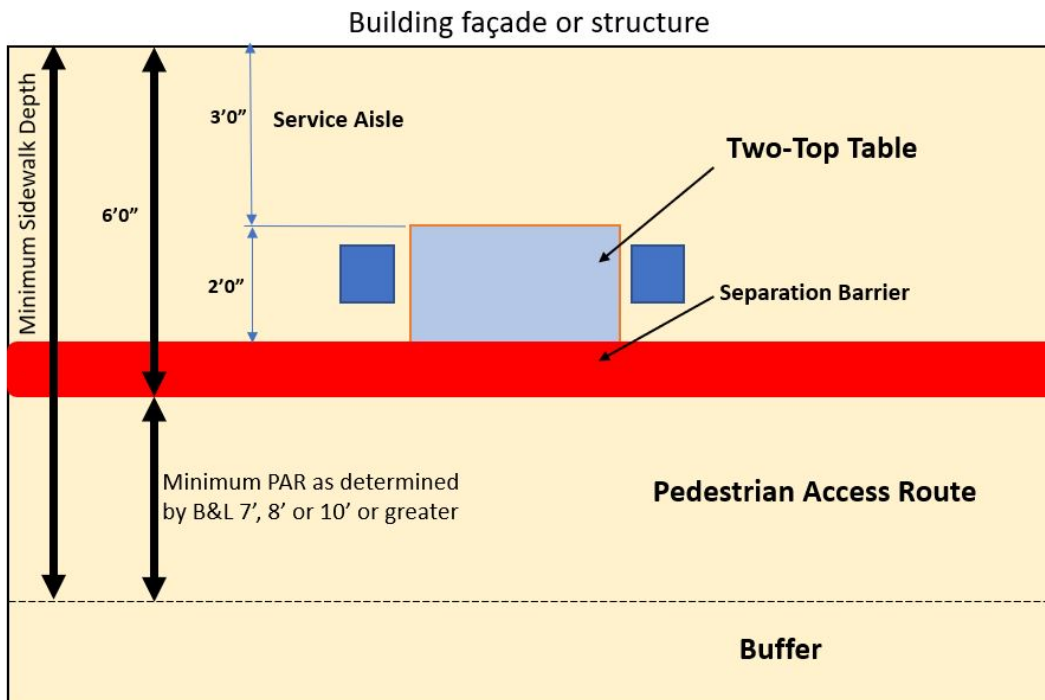
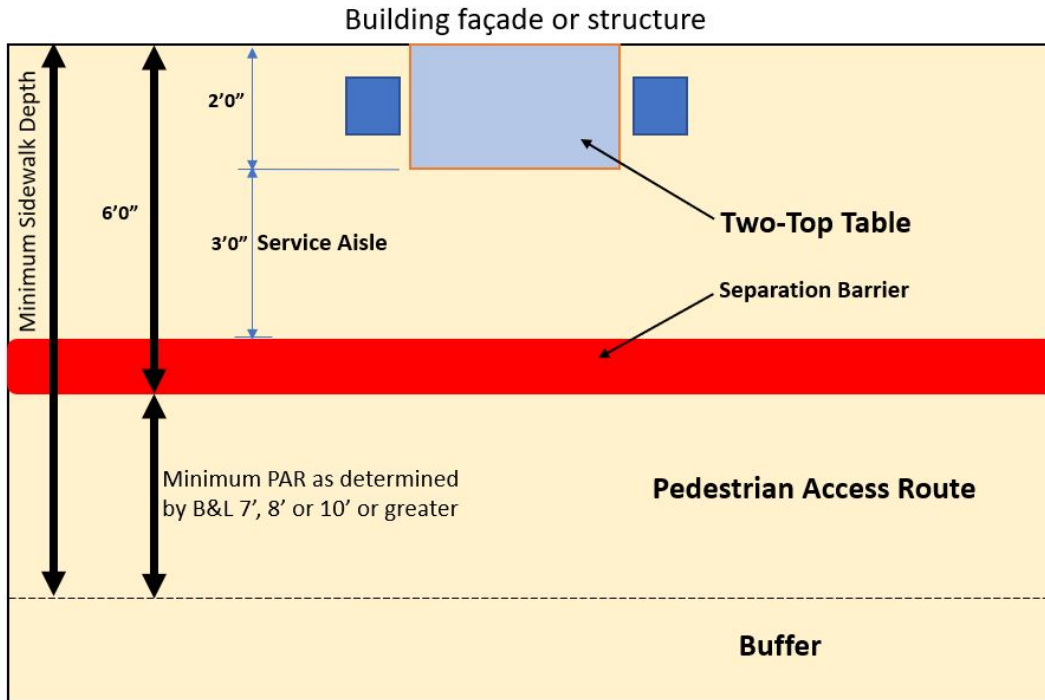
Appendix A

Location	Minimum PAR
Rehoboth Avenue – 1 st Block	10'
Rehoboth Avenue – 2 nd Block	8'
Rehoboth Avenue – 3 rd Block to Canal Street Baltimore Avenue Wilmington Avenue North 1 st Street South 1 st Street North 2 nd Street South 2 nd Street Lake Avenue (between Rehoboth Avenue and Third Street) Christian Street	7'

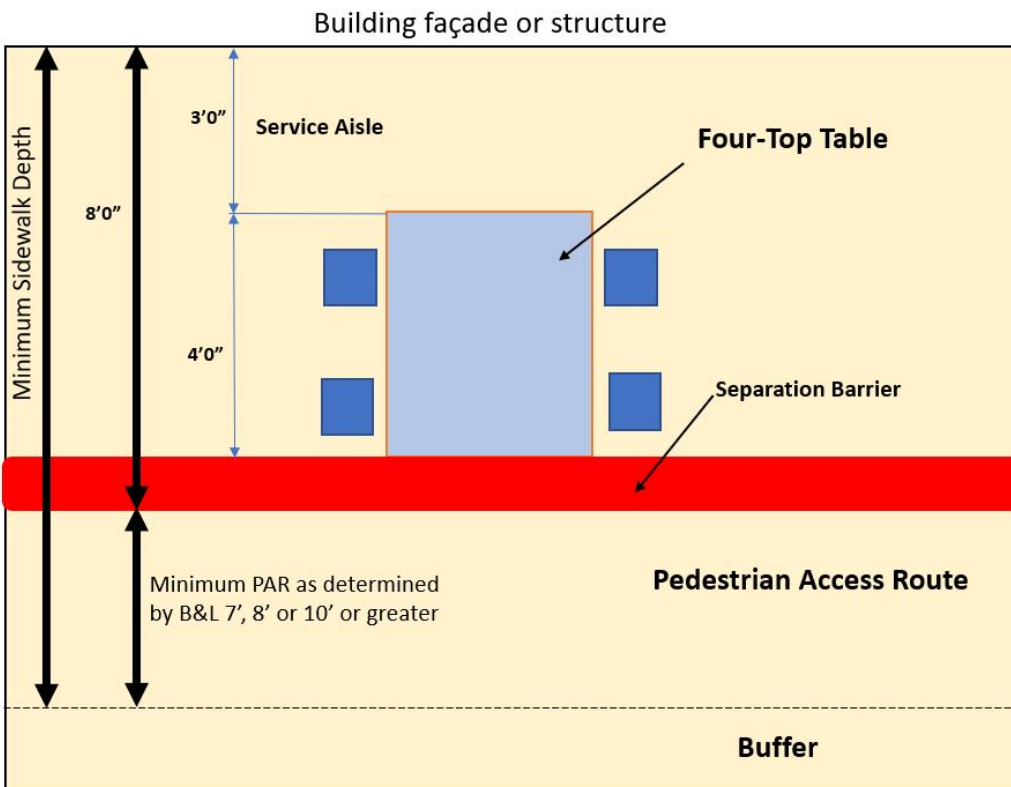
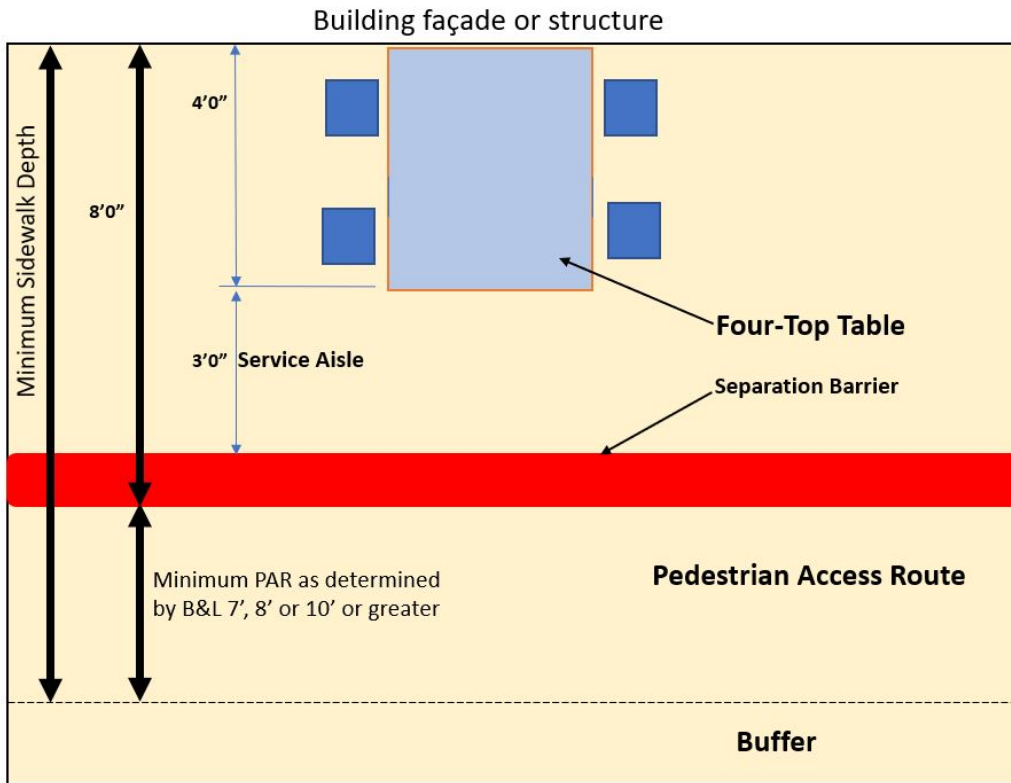


Appendix B

Two-Top Table Configuration



Four-Top Table Configuration



Appendix C

How do I determine if my restaurant can have outdoor seating 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.



How do I determine if my restaurant can have outdoor seating 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 outdoor seating on public space?

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



How do I determine if my restaurant can have outdoor seating 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.

