

Guidelines for Temporary Outdoor Restaurant Seating

Howard County will authorize outdoor seating for food and beverage service uses as a temporary use for up to 180 days, until or unless the emergency is lifted or revised by executive order. If/When future executive orders allow for indoor seating within the facility at less than 100% capacity, the facility may combine use of indoor and outdoor seating to achieve up to the facilities approved capacity, providing a letter of permission is obtained from owners of the outside space (if applicable). The total outdoor seating capacity cannot exceed the total capacity permitted prior to COVID restrictions.

The Department of Inspections, Licenses and Permits (DILP) will be the clearinghouse for processing temporary outdoor seating applications. Restaurants must adhere to the following DILP guidelines:

- Maintain an accessible route to the outdoor seating area and bathrooms.
- Provide accessible seating in accordance with the Maryland Accessibility Code
- Do not block existing exits from the building
- Maintain egress in accordance with the Howard County Building Code through temporary barriers.
- All tents over 100 ft², or multiple tents grouped together cumulatively over 100 ft² must be of approved fire retardant labeled material in accordance with NFPA 701.
- If seating is being allowed on sidewalks, a clear unobstructed walkway of at least 44 inches must be maintained.

The Department of Planning and Zoning (DPZ) will review a site plan exhibit to ensure the proposed outdoor seating location does not conflict with areas designated for other uses. Restaurants must adhere to the following DPZ guidelines:

- Seating and waiting areas cannot be located within the public right of way.
- If the seating area is proposed to be in the parking lot, sufficient excess parking must exist to ensure adequate parking supply for other businesses sharing the parking area.
- Seating areas must be located in a safe location away from vehicular traffic and must be protected against motor vehicle impact by physical barriers. Barriers must be a minimum of 36" in height and shall be weighted such as; planters, utility poles, parked cars, water filled K-rails, or steel bollards fixed to the ground. Open area between barriers should contain a metal fence or other similar barricade with a minimum height of 36" to contain patron in the seating area. Barrier will need to be easily removed for Emergency Police, Fire or Medical access.
- Seating in tents will not be required to install physical barriers but will need to maintain a 20' buffer between the tent and any parking spaces or drive aisles.
- For restaurant that share parking or common areas with other restaurants, it is preferred that one site plan be submitted showing all outdoor eating areas so that the locations can be coordinated, and the County can ensure outdoor opportunities for all restaurants. Otherwise, applications will be approved on a first come, first serve basis.

During the current state of emergency related to COVID-19, the Temporary Outdoor Restaurant Seating application will provide a temporary extension of premises for on premises consumption in an outdoor serving area for current liquor licenses. There will be no requirement of public notice, public hearing, or liquor board application.

- An applicant shall not request a temporary extension of premises to serve alcoholic beverages for on-premises consumption in an outdoor seating area without prior approval by the landowner of the premises.
- An extension of premises does not change the type of alcoholic beverages a Licensee shall be permitted to sell.
- A current licensee shall be able to temporarily serve alcoholic beverages for on-premises consumption in an outdoor seating area which has also been approved for food and/or beverage service and consumption.
- An extension of premises for the service of alcoholic beverages for on-premises consumption in an outdoor seating area is only temporary and will expire at the end of the State of Emergency related to COVID-19.

The Howard County Health Department (HCHD) provides health and safety guidance.

Consistent with State Executive Order # 20-05-27-01, restaurants, bars, and other establishments that sell food and beverages for consumption, including social and fraternal organizations (*e.g.*, American Legion, VFW, and Elks Lodge and similar organizations) that have dining facilities may open for on-site sale and consumption of food and beverages, subject to specified conditions. In addition, foodservice establishments that have been providing carry-out and/or curbside sale of food or beverages may continue to do so, subject to all applicable requirements set out in applicable State and County Executive Orders. **On-site sale and consumption of food is limited to outdoor seating only.** Restaurants must adhere to the following HCHD guidelines:

- Establishments shall post signs instructing customers to maintain six-foot social distancing between individuals or groups of diners, routes of customer ingress and egress, a prohibition against standing in the dining area, and other measures the establishment employs to promote social distancing and customer safety.
- Self-service of food or beverages is prohibited, including self-serve buffets. Food must be served by restaurant staff, who must follow requirements for foodservice staff in County Executive Order # 2020-10 and State Executive Order # 20-05-27-01.
- Employees interacting with customers are required to wear face coverings or utilize other protective equipment, such as plexiglass barriers, in keeping with public health guidelines for minimizing the risk of transmission of the COVID-19 virus.
- Customers waiting to be seated shall not stand or wait in the area where diners are seated but must, instead, wait outside that area until it is time to be escorted to a table. While waiting, customers must at all times maintain appropriate social distancing of at least six feet from other persons or groups, including those who have been seated and those waiting to be seated. If there

is insufficient space to wait outside the dining area, then customers will be asked to wait in another location, such as in their cars, other designated areas on the property where it is safe to wait and maintain social distancing, or off the premises.

- All customers shall wear masks or facial coverings when they are waiting to be seated, being escorted to a table or otherwise walking through the seating area, and at all other times except when doing so would interfere with eating or drinking.
- Customers are required to be seated at tables in the designated dining area and may not stand or linger while waiting to be seated. Tables shall be placed at least six feet apart and no more than six customers shall be seated at a single table unless the group of diners are members of the same household.
- In areas such as outdoor bars, customers shall be seated at least six feet from others. Customers may be seated closer than six feet only if they are part of the same family or group dining together or temporary impermeable barriers, such as barriers made out of plexiglass, are used between guests to keep people or groups of people completely separated from others. For outdoor bars, establishments should ensure that bartenders have places to stand so he or she is at least six feet away from customers when not actively waiting on or serving customers.
- If a foodservice establishment that is opening for on-site sale and consumption of food and beverages is also continuing to provide curbside or carry-out services, those operations should be kept separate and set up in a separate location from the on-site dining area. Foodservice establishment managers shall assign different staff to handle on-site dining and curbside pickup or carryout, with no staff crossover. Separate staff shall also be assigned to bus tables, which should not be done by wait staff.
- Touchless payment options are preferred. However, in the absence of touchless payment options, staff other than those handling or serving food should be assigned to handle payments. The location of where payments are processed should be incorporated into the plan for ingress and egress and movement of customers and staff through the establishment and dining area with appropriate social distancing.
- Hand washing stations shall be set up in an outside area for employee use, who are required to frequently wash their hands while serving or distributing food or performing other duties. Hand-washing stations and/or hand sanitizer should also be readily available for customer use upon their entry into and exit from the dining area and outside the restrooms.
- Menus shall be printed and disposed of after a single use. Menus shall not be re-used by other diners or groups of diners at more than one table or by diners who are seated later. Likewise, all condiments shall be provided in disposable containers or packages so they cannot be re-used by other diners.
- Foodservice establishments should review and adhere to guidelines and best practices published by the CDC, the FDA, and the COVID-19 Reopening Guidance issued by the National Restaurant Association. Consistent with, or in addition to, these requirements for decontamination and disinfecting surfaces, at a minimum chairs and tables shall be thoroughly cleaned and sanitized between diners.
- Foodservice establishments shall ensure that all staff are trained in procedures for minimizing the risk of exposure to the COVID-19 virus in a restaurant setting, including the need for social distancing, appropriate protective equipment, and hygiene and sanitation. Employers are also

encouraged to provide training to employees on any special restrictions or measures the foodservice establishment has put into place aimed at minimizing the risk of transmission of the virus.

- All foodservice establishment staff shall be screened prior to beginning their shifts. Screening might consist of voluntary temperature checks and screen questions such as whether they have been ill, have a fever, or may have been exposed to someone known to have COVID-19. **Staff shall be instructed that if they feel ill or have a fever they are prohibited from coming to work or must go home if they fall ill at work.** If management of a foodservice establishment becomes aware of staff that are confirmed COVID-19 positive, they shall contact the Health Department through the warm line (410) 313-6284 so any needed follow-up can occur. The Governor's guidance on screening can be found here:
 - <https://commerce.maryland.gov/Documents/BusinessResource/Restaurants-bars-COVID-19-Best-Practices.pdf>
- Restrooms shall be frequently cleaned and sanitized. Customers using foodservice establishment restrooms are required to wear masks or facial coverings when walking through the establishment to and from the restrooms. Customers shall not be permitted to wait in line or congregate either in or outside of restrooms and foodservice establishments must have a plan in effect for management of customers waiting to use restrooms to ensure proper social distancing.
- All breakrooms and other common areas where employees may congregate should be frequently cleaned and sanitized. Managers are encouraged to prohibit employees from eating in these areas, which would require removal of masks or facial coverings in areas where other employees may be in close proximity. Managers are also encouraged to adopt procedures that would keep the number of employees in these areas at any one time to a minimum.

DILP, DPZ and HCHD Consolidated Application Submission Requirements:

All departments will be reviewing one consolidated application, and each department will work with the business as appropriate.

An Exhibit should be submitted on at least an 8 ½ x 14" format. The Exhibit should be a copy of the "Site" plan from the approved Site Development Plan for the property. This plan can be found on the Howard County website following the instructions [here](#) or can be obtained by contacting zoning@howardcountymd.gov.

If no existing site development plan exists for the site, you may substitute the site plan exhibit with a drawing. It is recommended that an aerial shot from a mapping application such as Google Earth be used and zoomed to show the existing conditions of the immediate proposal area in detail.

The exhibit must depict the following, which can be hand drawn:

1. The existing building, sidewalks, parking lot with parking spaces numbered and public road access. If the restaurant is within a shopping area or multi-tenant building, provide a list of all tenants and their business use. Include total number of restaurants.
2. Location and square footage of outdoor seating area.

3. Indicate how many parking spaces will be repurposed for the temporary outdoor seating area. If known, indicate the quantity of spaces currently available to your establishment for full capacity use, and the number of spaces that will be reduced to accommodate seating. Identify the temporary new total number of spaces available on the site.
4. Identify the location and number of designated curbside pick-up parking spaces.
5. Identify the seating capacity of outdoor seating area and verify it does not exceed your pre-COVID approved seating capacity.
6. If the outdoor seating area is not elevated from the parking lot, barriers are required around the perimeter of the outdoor seating area. Please include a description, and if possible, an image of the proposed barriers. Provide the distance between the boundary of the proposed seating area and any adjacent drive aisles and usable parking spaces.
 - Barriers shall be continuous and separate the seating and waiting areas from the vehicular traffic areas.
 - Barriers shall remain in place during all hours of operation.
 - Barriers shall be a minimum of 36" in height and shall be weighted such as; planters, water filled K-rails, or steel bollards fixed to the ground. The open area between barriers will contain a metal fence with a minimum height of 36".
7. Demonstrate that the full width of vehicular drive lanes remain clear of any obstructions. If any portion of a drive lane is encumbered for customer activity, adequate space for through traffic circulation and parking maneuvers must be maintained.
8. Show and label the curbside pick-up and queuing area.
9. Show and label the outdoor patron seat queuing area. It is strongly recommended that you coordinate with adjoining businesses to ensure all establishments can maintain required social distancing.
10. Show and label the existing fire hydrants and Fire Department connections.
11. Indicate if seating will be covered by a tent or other canopy (subject to additional DILP approval) and identify the extents/pole locations of the tent/canopy.