



Edgewater Temporary Patio Extensions: Policies and Process

The City of Edgewater is currently following the State of Colorado Safer at Home Order that has recently released some guidance for re-opening restaurants and bars that serve food. The City understands the importance of providing a streamlined process to approve modifications and additions of patios to increase the number of dining-in seating. In support of increasing the ability of local restaurants and bars to expand out into privately-owned parking lots or Public Right of Way, the City of Edgewater is in the process of approving Executive Order 2020-1.

Note: Executive Order 2020-1 will be subject to change. These guidelines may be used in preparation for reopening but in no way allow business operations which are not otherwise authorized by the State and County. Reopening of bars and restaurants for on-premise dining (inside or outside) will be determined by the State and County; use this guidance in conjunction with State and County rules.

Proposed Guidelines

- A Temporary Patio Extension Application must be completed and approved by the City of Edgewater prior to any modifications.
- Temporary tents are permitted on private property:
 - Tents must be weighted down (40lbs per leg for 10x10 tents and more for larger tents).
 - Tents must be open on at least three sides during business hours.
 - Any activity within a tent must comply with social distancing requirements.
 - Any single tent larger than 400 square feet requires a building permit from the City.
 - Permits may be required by the Fire District depending on the configuration.
- No parking or setting up in the fire lane.
- Access to the building entrance must be kept clear.
- The building's life safety systems must be accessible at all times – this includes hydrants.
- Tents with sides having an area in excess of 400 square feet or canopies without sides having an area in excess of 700 square feet require a Fire Department permit.
- Electrical equipment and wiring shall be listed and labeled for outdoor use.
- Generators shall be installed not less than 10 feet from combustible materials and shall be isolated from the public by physical guard, fence or enclosure.
- Each generator shall be provided with an approved portable fire extinguisher.
- No refilling of a generator during hours of operation.
- Any use of propane or flammable liquids outside requires Fire Department approval.
- Temporary outdoor space is permitted on private property for patios, dining, retail, or service:
 - Outdoor business functions may occur on hard surface areas, including but not limited to parking spaces or other paved areas.
 - Outdoor business functions may occur in grass/turf areas, but not in rock, mulch, or planting beds.
 - Outdoor business functions may not occur in the right-of-way or on City-owned property, without a license to operate in Public Right of Way, except that public



sidewalks or property may be used as a path of travel between the indoor and outdoor business operations.

- Businesses must obtain property owner permission for any modification or use of outdoor space.
 - The area of the outdoor business function should not exceed the area of the indoor business. For example, if a business has 1,000 square feet inside, they may have up to 1,000 square feet outside.
 - Outdoor space must be demarcated if it has been included in a liquor license premises; see below.
- Use of public property or right-of-way requires a Revocable License for Use of Public Right of Way. The City has already identified areas that may be available, but each business will have to license this area before utilizing it.
 - Building permits are required if permanent electrical is installed outside.
 - The City acknowledges and encourages businesses to accommodate curbside pickup of food and retail purchases. Note that curbside delivery of alcohol is temporarily allowed by the State's emergency regulation 47-1101.
 - PLEASE BE SMART! For all outdoor activity, do not block sidewalks, ADA parking, drive aisles, emergency access, sight distance, or right-of-way; and don't create tripping hazards (e.g. with extension cords). Follow manufacturer guidelines for any temporary improvements, such as tents or portable heaters.

Liquor Licenses

- For businesses with an active liquor license, an outdoor area may be temporarily added to the licensed premises on private property:
 - A premises modification application must include the DR8442 form, property owner permission, a diagram of the existing premises, and a diagram of the proposed premises. Applications may be submitted electronically to lpedroza@edgewaterco.com.
 - If City-owned property (such as sidewalks) separate the indoor and outdoor premises, licensees must attest that liquor will not be consumed on the sidewalk or on City-owned property. Additionally, the premises modification shall include either an endorsement on the relevant commercial liability policy naming the City as an additional insured, or an indemnification in a form approved by the City Attorney.
 - Outdoor premises should be clearly marked by temporary access control (for example, by stanchion, rope, hay bale, planter, and/or paint). Signs must indicate "no alcohol past this point."
 - A Liquor hearing will need to be conducted to approve the modification.
 - Subsequent to City review, the State Liquor Enforcement Division (LED) will review the application. LED Bulletin 20-07 reduces the application fee to \$150 and allows for electronic payment and submittal. Licensees may not operate in temporary outdoor areas until approval is received.
- Curbside delivery of alcohol is temporarily allowed by the State's emergency regulation 47-1101.



Indoor Modifications

- No building permit is required for installation of Plexiglas barriers, such as at checkout counters.
- Refer to City regulations to learn when building permits apply. Generally, cosmetic changes do not require permits, but new construction, additions or alterations do need permits, including for installation of permanent awnings, electrical changes, moving walls, demolition, and interior remodel; see below.

Application Process

- Applications can be found on the City of Edgewater website, www.edgewaterco.com. These applications can be submitted electronically to lpedroza@edgewaterco.com or submitted via mail to the City Clerk, Edgewater Civic Center, 1800 Harlan St. Suite C, Edgewater, CO 80214.
- Upon receipt of application, the City Clerk will review the application package for completeness. If the application is deemed complete, it will be routed for approval to the Planning Manager and the City Manager. Applicant will also receive an email stating the application has been deemed complete and being reviewed.
- The City's review of the application will be finalized within 3 business days of being deemed complete.
- Following the approval of the Planning Manager and the City Manager, the applicant will be emailed with an approval. If the application is not approved, applicant will be given a deadline to make changes.
- All applications must not only provide the information required, but also follow the polices set forth above.

Resources:

- Review the Jeffco Safer at Home order and guidance: <https://www.jeffco.us/4047>
- Apply for a liquor license modification: <https://edgewaterco.com/index.asp?SEC=B0C4B0F2-200C-495A-9309-C4C595CE0895>
- Apply for a building permit: <https://edgewaterco.com/index.asp?SEC=D00CEE32-B133-40FB-9B41-05CF8B30E9A1>
- Apply for a business license: <https://edgewaterco.com/index.asp?SEC=E14E987B-5837-44E0-81CF-AAD3ED543BD0>
- Find COVID resources for businesses: <https://edgewaterco.com/index.asp?SEC=B0C4B0F2-200C-495A-9309-C4C595CE0895>
- Review State liquor rules: <https://www.colorado.gov/pacific/enforcement/liquor>



Temporary Patio Extension Application

Applicant Name: _____ Phone: _____

Trade Name of Establishment: _____

Main Contact: _____ Phone: _____

Email Address: _____

Address of Licensed Business: _____
Street Address City State Zip

Business Mailing Address (if different from Premise location):

Street Address City State Zip

Request Outdoor Business Extension Into:

Private Property

- Please attach approval letter from property owner.

Public Right of Way

- Please attach:

1. Signed Revocable License for Use of Public Right of Way
2. Proof of Insurance in Accordance with 7 (ii) of the Revocable License for Use of Public Right of Way.

Operational plan

1. Purpose and Use of expanded area: _____

2. Hours of operation of extended area: _____

3. How furniture or equipment will be secured outside operating hours.

4. Frequency of cleaning and disinfecting area.

5. Exterior Lighting (Please also show site plan):

6. Exterior Speakers or any amplified noise:



Application Attachments

Please attach a **Site Plan** to this application. Please provide the plan on an 8.5 x 11 sheet. The plan must include:

1. Street names and location of patio relevant to streets.
2. Dimensions of all patio sides and type of patio fencing/barrier materials.
3. All tables and seating following the requirements of the State Order.
4. Any tents with size, location and how they will be tethered.
5. Location of business front door, all hydrants or other public infrastructure in area, fire lanes and electrical wiring or generators.
6. Temporary signs and outdoor lighting.
7. Traffic Plan and traffic flow. Please show parking lot(s), public parking and business entrances and exits. Extensions can not obstruct the access point to the business.

By signing this application, I understand and will abide by the policies set forth for Temporary Patio Extension through the City of Edgewater as detailed in the Edgewater Temporary Patio Extensions Policies and Process document. I also understand that these policies and processes can be changed at any time. I will follow all State and County Orders and understand my approval for Temporary Patio Extension can be revoked at any time for failure to do so.

Business Owner

Date

City Clerk

Date

Planning Manager

Date

City Manager

Date