



## Policy on Temporary Expanded Dining Program

Updated: April 2021

### PURPOSE

The City of Tuscaloosa has created the following Temporary Expanded Dining program through our special events permitting processes to temporarily allow restaurants to expand their business footprint onto the public rights-of-way or in privately owned parking facilities if, administratively approved. For eligible restaurants, this may also include an expanded alcohol-licensed premise. The temporary expanded dining program is permitted separately from the City's sidewalk café program.

All administrative approvals are strictly temporary and expire when the program is canceled.

This Temporary Expanded Dining program is not meant to create gathering or social spaces for larger crowds and/or events, and only allows restaurant patrons to be seated in accordance with physical distancing requirements to increase capacity and aid in the recovery of restaurants. No application fees will be charged for the temporary expanded dining program. However, fees may apply for other licenses including inspections and alcohol board requirements, if applicable.

This program is subject to all Local, State and Federal Health Orders, laws and guidelines.

### PROGRAM GOALS

- To assist Tuscaloosa restaurants by allowing the temporary use of outdoor space to expand seated dining capacity and make social distancing easier.
- To create a quick, easy-to-understand, and flexible program that will allow Tuscaloosa restaurants recover lost capacity due to the COVID-19 restrictions.
- To improve the Tuscaloosa dining experience by reducing wait times, while maintaining a safe social distance among patrons.



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## PROGRAM DETAILS

In addition to adhering to current state and local regulations and Alabama Department of Health guidelines and orders, all Temporary Dining Expansions must abide by the rules and restrictions set forth herein.

### *Dates and Times*

- The Temporary Expanded Dining Program will run from Thursday, October 1 until the City determines an end date.
- The City reserves the right to cancel this program or to revoke permits granted under this program at any time, without notice to maintain safety of restaurant patrons, pedestrians, motorists or the general public.
- Each applicant will have the opportunity to request specific times for the operation of the temporary extended dining area.

### *Eligible Establishments*

- The mission of the program is to assist Tuscaloosa restaurants by allowing the temporary use of outdoor space to expand seated dining capacity.
- Restaurants located within the Tuscaloosa City limits are eligible for this program.
- Establishments with only an Alabama ABC lounge license are not eligible.

### *Eligible Expansion Locations*

- Public Property -
  - City of Tuscaloosa rights-of-way, such as on-street parking spaces and sidewalks, as well as some City of Tuscaloosa public property, like some parking lots, are generally eligible for the Temporary Expanded Dining Program.
  - Public property locations will require the permission of the City through the special event application process, administered by the division of Public Services.



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- A certificate of insurance will be required with a minimum of one million dollars (\$1,000,000.00) of general liability insurance providing coverage for all activity authorized by the permit, listing the City of Tuscaloosa, its officers, agents, and employees as additional insureds thereon and furnishing to the City of Tuscaloosa proof of insurance to such effect, and to immediately notify the City of Tuscaloosa of any changes in, modifications to or cancellation of said policies.
- Private Property
  - Temporary Dining Expansion on private property is administered by the City's Planning Division through the special event permit process.
  - The private property must be part of or adjacent to the restaurant property requesting expansion. For the purposes of this permit, across an improved public street or alley is not considered adjacent.
  - Adjacent private property, such as parking lots, may be eligible for the Temporary Dining Expansion Program if it is zoned for commercial use. If expanded dining is located on an adjacent property, written permission from the adjacent private property owner(s) is required.
  - Expanded dining areas cannot be located in a vehicle drive aisle in a parking lot, nor situated across a vehicle drive aisle, in a manner that blocks through traffic or permits for restaurant staff to cross open vehicle pathways while conducting business. However, drive aisles may be temporarily blocked if no other businesses on the property are affected, and signage/traffic control measures are taken.
  - Existing parking spaces that are part of the required minimum cannot be converted to temporary dining; however, consideration will be given to the reduced capacity and increased table spacing. For example, if the overall restaurant capacity is reduced by 50%, required parking can be reduced by 50% for as long as the capacity is reduced.
  - In shopping centers or multi-tenant buildings, parking spaces in front of other businesses cannot be used for expanded dining, unless written permission is given by the property or business owner.
  - No parking for disabled persons may be repurposed for outdoor seating, unless an acceptable alternative to replace these spaces is approved by the City. Such



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relocated spaces must meet all applicable ADA guidelines, including proximity to entrance, unloading zone, and signage.

- Temporary barriers delineating expanded dining area shall not be permanently affixed.
- Approval of temporary expanded dining area does not preclude applicant from obtaining any and all necessary permits from the Building Division.

### ***Permissible Use of Space***

- The Temporary Dining Expansion area must only be used for seated dining.
- The Temporary Dining Expansion area may not be used for standing bar service. All alcohol service must provide as a table service only.
- The Temporary Dining Expansion area cannot be used for activities that would promote congregating, involve shared equipment, or amplify sound, including but not limited to:
  - Standing areas
  - Live music, entertainment or dancing
  - Loudspeaker call systems
  - Live sporting event viewing parties
- No cover charge and/or private rental can be charged to access Temporary Dining Expansion area on public property
- Food preparation must remain within the existing kitchen. Only serving is allowed expanded dining area.

### ***Public Health***

- Tables must be spaced so that no individual seated at a table is closer than six feet from an individual seated at a neighboring table.
- Indoor restrooms must be available for patrons using the outdoor dining expansion at all times.
- Restaurants and patrons are required to comply with any state or local face covering ordinances including requirements for patrons to wear face coverings when not seated.
- All participating restaurants are subject to all Local, State and Federal Health Orders, laws and guidelines.



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### ***Alcohol Service***

Alcohol service in the Temporary Expanded Dining area must be limited to restaurant table service only - no standing bar service is allowed.

Restaurants with a current alcohol license may apply to the Alabama Alcoholic Beverage Control Board for an expansion of the licensed premises. The proposed expansion area must be clearly defined and must be adjacent or connected to the premises. The following information is required by the ABC Board:

- Authorization from the city approving the temporary use/addition of the parking lot or other temporary outdoor dining space.
- A copy of the lease or use agreement for the temporary outdoor seating area.
- A sketch of the clearly defined outdoor seating.
- A copy of the menu if there are any changes for the temporary outdoor dining area.
- A timeline for use of the temporary outdoor dining area.

### ***Safety***

- Access for Fire, Police and other first responders or government services must not be impeded.
- Outdoor dining areas must allow access to public utilities, building entrances, crosswalks, fire hydrants, sprinkler system connections, and similar infrastructure.
- For installations on roadway, parking lots or in parking spaces, proper barriers, subject to approval by the City, must be placed to safely shield patrons from traffic.
- Installations on corners must maintain a clear sight triangle to allow safe use of the street by all users.

### ***Accessibility***

- Outdoor dining areas must be designed and constructed to be ADA accessible.
- All seated dining areas and pathways must meet Americans with Disabilities Act accessibility guidelines.



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- The Temporary Expanded Dining area may not be in or restrict access to required disabled parking spaces, unless an acceptable alternative to replace these spaces is approved by the City.

### ***Furniture and Equipment***

- The cost of all necessary furniture, equipment & fixtures, including installation and storage, is the responsibility of the restaurant.
- Restaurants are required to define perimeter of outdoor their dining space with a physical barrier. Barriers may include planters, chains, cabling, railing, or mechanism deemed appropriate by the City, depending on location.
- Shade structures, such as tents and umbrellas, may be permitted, but must be weighted down (no staking) and cannot extend past the Expanded Dining area. The use of the tents is permitted, but tents cannot exceed 700 total square feet and all sides must remain open for visibility and ventilation. A tent inspection may be required.
- No permanent fixtures including signage, equipment, and furniture may be installed in a Temporary Dining Expansion area.
- Depending on dining area location and equipment used, the City may require all or portions of the expanded dining to be removed at the end of each day.
- All furniture, equipment and signage must be secured in the event of inclement weather.

### ***Signage***

Restaurants are required to post their Temporary Dining Expansion Permit within the expansion area in a conspicuous location.

Restaurants may post additional temporary signage to promote their business. Signage must comply with the following:

- Temporary Signage must be within the expanded dining area or against the perimeter barrier.
- Temporary signage is limited to A-Frame (6 square footage per side and no more than 4 ft in height) only.
- Banners or attached signage are not allowed unless specifically permitted.



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- Temporary outdoor signs are limited to 2 per establishment.
- Signs shall not interfere with or obstruct motor vehicle traffic nor pedestrian traffic or violate standards of accessibility as required by the ADA or other accessibility codes.
- The placement of approved signage is restricted to restaurant operational hours only. Signs shall be stored indoors at all other times.
- Approved temporary signage may not be illuminated or have any type of electronic component.

### ***Environmental***

- Litter must be regularly picked up, and additional trash receptacles may be recommended depending on the size and use of the space. Receptacles must be removed from the expanded dining area each day.
- Temporary expanded dining locations must comply with the City's noise ordinances.

## **APPLICATION AND APPROVAL PROCESS**

- Each restaurant that wants to either expand their current outdoor dining space or to create a temporary outdoor dining space must submit the [Temporary Dining Expansion Application](#) along with a site plan to request a temporary special event permit. Permit application fees have been waived for this program.
  - Site Plan Requirements
    - The site plans shall be drawn to scale and shall accurately reflect the location and layout (including furniture, signage and fixtures) for the temporary dining area
    - A photo of the space proposed.
  - If the location of the expanded dining area restricts direct access to another business or resident, the applicant must provide a letter of support from the impacted property owner.



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- Public property applications will be received and approved by the City of Tuscaloosa Public Services division. Applications will be reviewed by appropriate City departments, and inspections will be performed, if necessary.
- Private property applications will be received and approved by the City of Tuscaloosa Planning division. Applications will be reviewed by appropriate City departments, and inspections will be performed, if necessary.
- All efforts will be made to process applications within 5 business days.
- Each application will be approved on a case-by-case basis.
- Once approved, but prior to operation in the expansion area, the restaurant will have to provide the City the required Certificate of Insurance and proof of ABC Board approval, if applicable.
- The City reserves the right to suspend or cancel this program or to revoke any temporary expanded dining permits at any time without notice to maintain safety of restaurant patrons, pedestrians, motorists or the general public.



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