

**Regulations for Temporary Outdoor Seating in response to the COVID-19 Disaster
Emergency**

- In accordance with the Governor's guidance for yellow and green phase operations, all restaurants in Millcreek Township shall be eligible to obtain a Temporary Outdoor Seating Use Certificate provided they submit an application and have the outdoor space to accommodate such dining.
- Temporary outdoor seating shall be related to the principal existing restaurant legally operating on the property in accordance with the Millcreek Township Code.
- Restaurants in Millcreek may use the property(ies) adjacent to the property owned by the restaurant for outdoor seating or parking under a Temporary Outdoor Seating Use Certificate provided the property is in a commercial zoning district and the applicant has a written agreement with the owner of such property to do so. The use of adjacent property may require an evaluation of available parking spaces.
- An application for a Temporary Outdoor Seating Use Certificate must be obtained through the Township's Department of Planning & Development. Such application shall be accompanied by a drawing (which can be a hand-drawn sketch on an existing map, for example, an aerial photo printed from Google Maps or similar service) which shows the area to be converted to outdoor seating and any proposed tents or shade structures with their sizes and locations. The application shall also include a drawing (which can also be a hand drawn sketch) showing a basic floor plan of the outdoor dining area, including table locations, entry/exit ways and any other feature that would affect ingress/egress from the outdoor dining area.
- Site parking spaces may be converted to outdoor dining areas provided there is sufficient parking as determined by the Zoning and Development Officer in light of the COVID-19 limitations placed on the restaurant's operation. .
- New/additional outdoor seating shall not block any established exits from any building.
- Fire lanes shall not be blocked and required fire access must be maintained.
- Any outdoor dining area placed in a parking lot shall be protected from vehicles.
- Temporary seating or equipment such as wash stations and hand sanitizing stations, or stations for staff set up and service is prohibited within 10 feet of the road right of way.
- If allowed in the Temporary Outdoor Seating Use Certificate, building setback areas. may be used for outdoor dining, but in no case within 7 feet of any property line without the written permission of the adjacent property owner.
- All sidewalks or other pedestrian paths must remain in compliance with the Americans With Disabilities Act ("ADA") and diners may not be seated such that they are closer than six feet from any passerby.
- No parking for disabled persons may be repurposed for restaurant use.
- Temporary outdoor sit-down bars are prohibited.
- If allowed in the Temporary Outdoor Seating Use Certificate, the required landscape and buffer areas for the on-site parking spaces may, be used for outdoor dining. There shall be no parking in these areas.
- Tents or other shade structures may be erected in parking spaces to provide shade for the dining area. Any tent or shade structure covering an area in excess of 400 sq. feet shall be

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inspected by the Millcreek Township Office of Code Enforcement before being occupied and are subject to further inspections at any time during use.

- Temporary placement of equipment such as wash stations and hand sanitizing stations, or stations for staff set up and service do not need to meet required yard setbacks.
- Any permanent structures, permanent improvements or permanent alterations being proposed to expand the area for outdoor seating that require a Township permit shall be established and inspected only pursuant to such Township permit.
- Temporary Outdoor Seating Use Certificate shall expire upon the lifting of the Township's emergency disaster declaration relating to COVID-19.

These Temporary Measures are authorized under the general powers of the Board of Supervisors to make and adopt such rules and regulations necessary for the maintenance of the welfare of its citizens, trade and commerce. The Board also finds that this situation requires the granting of a temporary modification/variance to any conflicting rules and regulations found in both Chapter 125, Subdivision and Land Development, and Chapter 145, Zoning, in accordance with Sections 125-38 and 145-17D of the Code . The grant of a Certificate is not intended to waive or grant a modification or variance of any applicable requirements under the building or fire codes.