



WESTMINSTER

Guidelines: Expanded Area Food and Beverage Service Program

The City of Westminster is implementing a temporary program to allow food and beverage service businesses to temporarily expand their areas of service in order to promote social distancing and public health measures related to COVID-19. The following guidelines are intended to answer basic questions and provide guidance on the program.

Temporary Use Application

All businesses interested in expanding areas of service must submit a temporary application [here](#).

There is no application fee. Processing time is one week. Please note: depending on plans, additional permits/licenses might be required (i.e. liquor license, fire permit, or building permit). Staff will guide applicants as appropriate.

Who Is Eligible to Apply?

Applicants can include places of public accommodation offering food, beverages or alcoholic beverages for public consumption (restaurants, coffee houses, brew pubs, etc.). Applicants must be in compliance with existing business license and liquor license requirements. Applicants must also comply with all applicable zoning, building and fire codes.

What is Allowed?

Allowed activities include sit-down service, customer pick-up and carryout.

What is Not Allowed?

Any activity that promotes congregating is not allowed, including live music, yard games, etc.

How are Applications Reviewed?

A cross-disciplinary team of city staff will review each application in regards to life safety, public health, emergency access, mobility and other applicable code and license requirements. **An on-site inspection will be performed before approval is issued.**

Owner's Permission

For any proposed expansion on private property, an applicant must provide proof of owner's consent and permission through the online application form.

Zone Districts: Where is Expanded Outdoor Service Allowed?

This service is permitted in all non-residential zone districts/land use areas where restaurants and drinking establishments are permitted and currently in operation.

Can I Expand Onto Public Property?

The city's written consent through a license agreement or otherwise is necessary for any expansion onto right-of-ways, sidewalks, streets, etc.

Where Is Expanded Food and Beverage Service Allowed?

In general, this expanded service is allowed in areas adjacent to the tenant's business, including:

- Patio
- Plaza
- Parking Spaces
- Alley



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- Landscaping Area
- Sidewalk

What is the Occupancy Allowed for Expanded Outdoor Service?

Per State Order, indoor dining service must be limited to no more than 50% capacity, not to exceed 50 people, whichever is fewer, per room. Temporary outdoor service expansion areas may account for the lost 50% indoor occupancy so long as social distancing practices are observed.

What Are Allowed Hours for Expanded Outdoor Service?

- **Mondays through Thursdays** the curfew for any expanded outdoor service is 11:00 p.m.
- **Fridays, Saturdays, Sundays and Holidays** the curfew is 12:00 a.m. (midnight)

How Do I Know If My Application Is Approved?

An inspection ticket will be provided on-site during the required city inspection. A confirmation email will also be sent to the primary contact listed on the application.

When Does the Temporary Use Expire?

The program permitting the temporary use for expanded food and beverage service is currently scheduled to extend through October 2021. The city will re-evaluate the program leading up to this expiration date.

Signs

City enforcement of the sign code will be focused on public safety (i.e. preserving sight distance triangle at intersections, visibility, etc.).

Safety Guidelines for Temporary Use of Outdoor Space

- Temporary outdoor dining areas must not block egress from the building. Exiting is allowed through the temporary outdoor space as long as the exit path is defined and remains clear.
- Gates (if provided) in temporary outdoor barriers must remain unlocked and should not have any latching device.
- Parking stalls designated for the disabled must remain accessible, including any ramps or accessible routes into the building.
- Smoking is prohibited in all temporary outdoor spaces.
- All exterior electrical wiring must be approved for exterior use and suitable for wet locations (including proper GFCI protection). Electrical wiring must be properly supported, be protected from physical damage and not create a tripping hazard.
- A minimum of 6-foot pedestrian pathway must be maintained through sidewalk dining.
- Spacing of tables should be a minimum of 8-feet edge to edge to ensure proper social distancing.
- Ensure there is access for all modes of transportation, including pedestrians and cyclists.
- If dining in parking spaces, the area shall be delineated with some form of barrier, such as a rope, chain or planter, to ensure dining will be maintained outside of driving space.
- If an outdoor service area is proposed inside a parking area, a parking plan may be required. In some cases, a parking agreement may need to be provided.
- **Heaters:** Please note that heaters cannot be added without approval. No open flame heaters are allowed and all heater types need to be submitted for inspection by city staff and the Fire Department prior to implementation and use.
- **Tents:** Guidelines for the use of tents or other enclosed structures [can be found here](#).



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Guidelines for Safe Operation of Outdoor Service Areas

- Party sizes are limited to 8 people.
- Patrons in different parties must be a minimum of 6 feet apart.
- All employees must wear masks and gloves and follow all State protection requirements.
- You can find additional information on the State's Public Health Order outlining requirements for restaurants and outdoor dining [here](#).
- Tri-County Health or Jefferson County Public Health may have additional helpful guidelines and resources regarding outdoor food and drink service.

Additional Permits

- Building permits will not be required for most temporary outdoor improvements.
- No building permit is required for installation of Plexiglas barriers, such as at checkout counters.
- Generally, cosmetic changes do not require permits.

Building permits will be required for new construction, additions, or alterations, including:

- Any permanent improvements such as awnings and patio covers.
- Fences or barriers over 5' 9" in height.
- Installation of permanent electrical power or lighting (please note this does not include electrical extension cords or equipment powered by such cords).
- Installation of heating appliances that are connected to building services.
- Moving walls.
- Demolition.
- Interior remodeling.

Permits are required for tents:

- Over 400 square feet in size unless they are open on all sides.
- Over 700 square feet regardless if they are open on all sides.

Liquor Licensing – Approval for Temporary Modification of Premise

Additional state and local liquor license information will be necessary and processed through the City Clerk's Office in coordination with the State of Colorado's Liquor Enforcement Division.

There is no City of Westminster fee to process an application. The State Liquor Enforcement Division requires a \$150 fee to process (reduced from \$300). You may pay the state fee online at: <https://secure.colorado.gov/payment/liquor>.

The City Clerk's Office will submit your forms directly to the state Liquor Enforcement Division. The state estimates permit processing time at 15 to 45 days.

Additional Required Items For State of Colorado Permit



Download the DR 8442 form [here](#). Email your completed DR 8442 form to CityClerk@cityofwestminster.us. You must complete the top of the form, Section 9, and sign the Oath at the end of the form. In addition, you must submit supporting documents that are normally required for a modification, to include:



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<input type="checkbox"/>	Description of the modification proposed and the start date.
<input type="checkbox"/>	Confirmation the proposed space complies with local building and zoning laws
<input type="checkbox"/>	Attached diagram of the current licensed premises, and diagram of the proposed expanded premises with an outline of the new area and the entire licensed area. This may be one diagram or two separate diagrams.
<input type="checkbox"/>	Attached documentation of amended leases, statements of use, letters of permission (official letterhead required), permits, easements, or other documents that show the licensee has legal possession of the premises.
<input type="checkbox"/>	<p>NEW: Attach the licensee's Control Plan which details boundaries of the licensed premises, ingress/egress, signage, hours of operation, and preventing sales to underage or intoxicated persons. Include the following information:</p> <ul style="list-style-type: none">• Description of premise barrier.<ul style="list-style-type: none">○ Appropriate barriers should be made of substantial materials, such as metal or hard plastic, and weighted down to prevent incidental movement. Top of barrier should be at least 32 inches from the ground.○ Unacceptable barriers: chalk or tape lines, stanchions, or mesh (common safety fence).• Placement of Warning Signs regarding laws against public consumption of alcohol beverages; no alcohol beyond this point to be posted at all ingress/egress points. Must include hours of operation for temporary area.• Statement that servers will continue to follow alcohol service rules, i.e. no over-service of alcohol to intoxicated customers; no service to minors, no outside alcohol is allowed, no alcohol to be removed from premise.• Process for continued takeout/delivery service, if that access is blocked by proposed temporary modification.