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ORDER NO. 2021-089-003
REQUEST OF THE PLANNING & ZONING SUBCOMMITTEE

UPON THE REQUEST OF THE PLANNING & ZONING SUBCOMMITTEE, THE CITY OF FRAMINGHAM, THROUGH THE FRAMINGHAM CITY COUNCIL, IT IS SO ORDERED:

Pursuant to M.G.L. c. 40A, § 5, the Framingham City Council voted to approve the zoning amendment to the Framingham Zoning Ordinance by adding a **new Section II.G. 1. RESTAURANT OUTDOOR DINING REGULATIONS** and other associated amendments to provide permanent regulations for restaurant outdoor dining as presented below:

New Section II.G. 1. RESTAURANT OUTDOOR DINING REGULATIONS

a. Purpose and Intent

The 2020 COVID-19 pandemic has resulted in a spontaneous change to our economic environment, locally, nationally, and internationally. These regulations are in response to the need to allow additional seating for the restaurant community in order to optimize the utility of each respective site. Public health requirements have placed new burdens and challenges on the business community to provide more physical space between customers and staff. Restaurants have been the most affected by this change. These regulations are intended to continue to allow local restaurants to maintain currently established temporary outdoor seating on sidewalks, parking lots, on-street parking spaces, or landscaped yard areas around their restaurants to provide more space for seating their patrons and picking up take-out orders.

These regulations are intended to provide more physical space between customers and staff while maintaining the allowed number of seats permitted per site. Since restaurants have been the most affected by this change, these regulations will continue to allow local restaurants to maintain currently established temporary outdoor seating on sidewalks, parking lots, on-street parking spaces, or landscaped yard areas around their restaurants to provide a permanent solution to add more space for seating their patrons and picking up take-out orders.

This ordinance provides a means for those restaurants currently permitted and those seeking permits in the future by Site Plan Review or Special Permit by the Planning Board as indicated

City of Framingham
The City Council of Framingham



in Section II. B. Table of Uses Section 5. J., to apply for Accessory Use of parking areas for permanent allowance of outdoor table service, in-vehicle “car hop” service or “tailgate style” services, whereby a server delivers food and beverage to patrons seated in a parked vehicle.

These regulations will apply to by-right and special permit restaurants in existence as of June 1, 2020 and future special permits approved by the Planning Board for outdoor seating. These regulations shall permanently suspend the requirements of the City of Framingham Zoning Ordinance Section II.G. Accessory Uses for this use only.

- (i) Building Permit applications shall be reviewed and determined by the Building Commissioner, acting in lieu of the SPGA, who is authorized to refer such application for approval of the Licensing Commission.
- (ii) Outdoor dining areas shall be of an appropriate design, configuration and appearance in conformity with paragraph b below.

b. Parking Design Standards

Outdoor dining areas must be distinguished from their surroundings by some form of perimeter treatments such as a fence or barrier. Appropriate perimeter materials include, but are not limited to, demountable wrought-iron fences, bollards and chains, or individual planters of wood, masonry, or terra cotta. The public way, i.e., sidewalk and street, may not be damaged by the installation of any perimeter treatment. Café umbrellas are allowed; umbrellas and furniture should be of a design appropriate to the character of the building. Perimeter treatments, umbrellas, furniture and trash receptacles shall be supplied by the applicant and shall be maintained in a safe and sanitary manner by the applicant. In cases where sidewalk use is permitted, existing public trash receptacles may not be utilized in the plan unless applicant takes full responsibility for the disposal of the waste in such public trash receptacles on a daily basis. All furniture must be secured during the hours not in use. The outdoor seating plan must meet Fire Department standards, including points of egress, access to fire extinguishers, and tent and awning ratings, if applicable. If a tent or canopy is to be used it must be fire rated and the fire rating for the tent must be approved. Certain size or configuration tents will require a separate tent permit as deemed necessary by the Building Commissioner and/or Fire Department.

c. Pedestrian and Wheelchair Passage

Tables and other elements of the outdoor setup shall not block sidewalks, entrances, exits, fire lanes, hydrants, sprinkler connection points, drive aisles, back-up areas, pedestrian or handicapped access. In some cases, the Department of Public Services (DPS) may erect temporary barriers on the street to allow for the passage of pedestrian and wheelchair traffic