



CAPE COD
COMMISSION

COVID-19 Municipal Planning Strategies Toolkit

MAY 20, 2020

Prepared by Cape Cod Commission Staff

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Introduction

With the Commonwealth's recent plan to allow a gradual reopening of the economy, and with the summer season approaching, the Cape Cod Commission seeks to support local businesses and our communities as they face new challenges opening and operating during the COVID-19 pandemic. Doing so will require businesses to modify their operations and develop new business plans. While many local businesses have already shown impressive creativity and ingenuity as they've adapted their business models to operate during this time, municipalities play a key role in helping local businesses succeed, especially in this new environment.

This COVID-19 Municipal Planning Strategies Toolkit provides information for Cape Cod towns on how they can support the needs of local businesses as they operate during this period of social distancing requirements. It contains strategies to accommodate the new operational standards and includes examples from other municipalities that have expanded opportunities for businesses to offer their goods and services during the COVID-19 pandemic. Several strategies also include sample checklists to help towns develop administrative review procedures. These are intended as examples of potential items to include and will vary depending on town operations and needs.

Permits or approvals for curbside pickup, outdoor seating, or other changes in the use of space may take weeks or months to obtain under normal conditions. However, as the world is shifting daily with the COVID-19 pandemic, and many businesses have been closed for weeks or months, being able to reopen quickly—but safely—is critical for their survival. Developing and implementing creative approaches to permitting and approvals is critical for businesses' success.

Expediting the permitting or approvals process could entail town boards appointing designees to carry out administrative review of proposals. In other cases, towns might consider temporarily eliminating types of review or suspending certain regulations for a time. In addition to considerations about expediting permitting or approvals, towns might consider reducing fees for some temporary permits, deferring licensing or permitting fees payment, or providing some of these temporary permits or licenses for free.

The information provided here is intended as short-term or temporary approaches for municipalities during the pandemic and is not intended to serve longer term purposes. When adopting a temporary COVID-19-related policy, a town might want to limit the measure to a period of three to six months and include language that it could be modified or rescinded at any time. The duration of a temporary permit or allowance is up to the town, though towns may want to consider the "season" and what timeframes would make the most sense in light of that. Towns might also consider aligning the timeframe of these temporary strategies or permits with the state's emergency

declaration. If a newly adopted approach is not working as intended, or as needs change with a changing health environment, these processes and permits can be modified.

The gradual opening of the Massachusetts economy and our local businesses will require adopting new policies and trying new ways, with continual evaluation, especially as the pandemic conditions and state guidelines change.

LEGAL MECHANISMS FOR ADOPTING TEMPORARY REGULATIONS

Best practice for amending existing bylaws, ordinances and regulations is that they should only be amended consistent with state and local statutory requirements for adoption (or as individual statutes may prescribe for amendments). Town counsel should be consulted in each instance.

Adopted guidance and criteria, such as may be adopted to guide some site plan review procedures, may be subject to administrative amendment, depending on the method of adoption. Towns should seek an opinion from town counsel to determine best practices for all types of proposed amendments.

Temporary Pickup/Loading Zones



With social distancing requirements forcing businesses to reconfigure their sites and transaction methods, many will be utilizing takeout or curbside pickup to keep selling their goods and services. Establishing temporary loading or pickup zones can help make the process of picking up items easier and more efficient. Clearly marked zones help customers know where to park for picking up items and ensures that space is readily available and not taken up by longer-term parking. Communities might consider provisions allowing restaurants and stores to establish temporary loading zones for curbside pickup of goods or food quickly, without waiting to schedule regulatory board review. For example, towns might consider providing a simple and free online form businesses can fill out to let the town know they are establishing a temporary loading or pickup zone rather than having to request an official permit for the zone. Public safety officials, Department of Public Works, and/or planning staff could sign-off on the temporary pickup/loading area plans through administrative review. For longer-term parking or pickup area changes (beyond temporary COVID-19 measures) approval by relevant boards may be necessary.

CONSIDERATIONS

- Temporary pickup zones are especially important for Main Street and downtown businesses that lack adjacent parking lots
- There may be impacts on parking or traffic circulation, depending on the site
- The Department of Public Works may be involved or needed to install appropriate signage on public streets
- A town could offer signage and temporary permits with reduced or no fees
- Establishing consistent time limits in loading or pickup zones throughout town may be helpful
- As with other strategies, consistent signage throughout a community denoting pickup zones can increase efficiency

SAMPLE ADMINISTRATIVE REVIEW CHECKLIST FOR TEMPORARY PICKUP ZONE

- Completed application or form with a description of where the temporary pickup or loading zone will be and how it will be marked/signed if on private property
- Application or form with a detailed sketch of the proposed temporary pickup/loading zone with sufficient context to show what public streets or parking areas will be

impacted, how the area will be marked/signed, and the hours of operation if the proposed temporary pickup area will be on a public street or in a public parking area

- ❑ Temporary pickup or loading zones will not block entrances, exits, fire lanes, hydrants, drive aisles, back-up areas, or pedestrian walkways
- ❑ Safe traffic circulation will not be negatively impacted on-site or on adjacent roadways
- ❑ Handicapped parking and access are not negatively impacted by the proposal
- ❑ Time limits for pickup and loading zones are appropriate and consistent with other temporary pickup or loading zones in town
- ❑ Signage is clear and consistent with other temporary pickup or loading areas in town if possible

EXAMPLES

- [Austin, Texas](#) converted some on-street parking spaces into temporary pickup and loading zones, and created an on-line interactive map showing their locations. They also installed temporary signage at those locations, and created a simple way for restaurants to request an evaluation ([SmartMobilityATX.com](#)).
- [Detroit](#) established a temporary program to provide on-street carry-out zones for any existing restaurant that requests one. Restaurants contact the city by filling out a simple on-line application. Additionally, restaurants that apply through the online form are added to a database of restaurants offering takeout.
- [The City of Napa](#) created signage for priority pickup areas (under Pickup Priority Sign Program), and an easy [application form](#) for businesses to apply for them.

Relaxed Signage Regulations



As businesses look to alert customers that they are open and to follow social distancing protocol, they may need additional and creative signage. In most communities, both permanent and temporary signs require permits and allowed signage area is limited. Relaxing or suspending signage regulations, including for both temporary sandwich board signs and store windows signage, would allow businesses to quickly install the signs needed to operate safely and attract customers. Properties within local historic districts may require a separate permit from an historic district review board for temporary signage. The historic board might consider delegating review of temporary COVID-19-

related signs to town staff if their bylaw allows. For longer-term changes (beyond temporary COVID-19 measures) approval by relevant boards may be necessary.

CONSIDERATIONS

- Limiting signage to certain types of businesses and ensuring it is COVID-19-related
- Ensuring circulation on sidewalks, streets, and elsewhere is not impeded
- Ensuring signage does not inhibit vehicle sight lines and safety
- Possibly limiting the size of signage, such as how much of store façade or window area can be covered by temporary signage
- Limiting additional illumination for temporary signage
- Establish a time frame for the suspended or relaxed regulations

SAMPLE ADMINISTRATIVE REVIEW CHECKLIST FOR TEMPORARY RELAXED SIGNAGE PERMIT

- Completed application or form that specifies the size of proposed temporary signage, general content of the sign, where it will be located, and whether it will be illuminated
- Sign content is COVID-19-related (i.e., explains health procedures, designates pickup areas, etc.)
- Any proposed lighting for temporary signage is consistent with existing lighting regulations
- Temporary signage is in commercially zoned areas or on properties where commercial use is already permitted
- Signs do not restrict pedestrian circulation areas
- Signs do not impede handicapped parking spaces or handicapped access
- Signs do not obstruct vehicle sight lines

EXAMPLES

- [South Pasadena, California](#) relaxed temporary signage requirements for banners, window signs and sandwich boards to allow businesses to communicate more effectively with customers. Businesses must obtain a no-cost encroachment permit to ensure that all temporary signage adheres to their guidelines.
- [Derby, Kansas](#) suspended permitting requirements for temporary signs in non-residential areas.

Flexible Outdoor Seating



To ensure safe social distancing while dining, food service establishments might need to create new outdoor seating areas or increase the amount of permitted outdoor seating. Temporary COVID-19-related provisions could involve allowing businesses to relocate some of their existing permitted indoor seating to an outdoor location or could involve expanding an existing outdoor seating area to create more space between tables through a streamlined temporary permitting process. The intent of the temporary permit is to facilitate dining service in outdoor locations where social distancing is easier to achieve. Planning or other relevant boards might consider delegating review to town staff if their bylaw allows. Properties within local historic districts may require a separate permit from an historic district review board for outdoor dining and temporary structures associated with it. The historic board might also consider delegating review of these temporary structures to town staff if their bylaw allows. For longer-term changes (beyond temporary COVID-19 measures) approval by relevant boards may be necessary.

CONSIDERATIONS

- Availability of outdoor space adjacent to the business, either on the subject lot, in an adjacent parking area, or in another approved location
- Safe separation of seating areas from vehicle traffic
- Proximity to sensitive resources such as adjacent neighborhoods, environmental resources, or industrial uses
- Length of time for temporary permit (90 days – 6 months)

SAMPLE ADMINISTRATIVE REVIEW CHECKLIST FOR TEMPORARY FLEXIBLE OUTDOOR SEATING PERMIT

- Completed application with detailed sketch of the proposed layout, drawn to scale on a map of the property, for review by the designated town staff with sufficient detail to determine the layout, location, and safety measures proposed
- Dining tables are spaced according to public health guidelines
- Tables do not block entrances, exits, fire lanes, hydrants, drive aisles, back-up areas, or pedestrian circulation
- Outdoor seating does not block handicapped parking spaces or handicapped access
- A physical barrier or separation, such as bollards or planter boxes, protects customers from vehicle traffic both on-site and adjacent to the site

- ❑ The outdoor seating plan meets Fire Department standards, including points of egress, access to fire extinguishers, and tent and awning fire safety ratings, if applicable
- ❑ Outdoor dining areas are maintained and free of trash and other debris
- ❑ Operating hours do not exceed the hours of indoor seating
- ❑ Health Agent review and approval

EXAMPLES

- [Palm Bay, Florida](#) created a simple process to expedite requests for outdoor dining permits on a case by case basis, requiring a detailed sketch of the proposed outdoor seating plan, showing how it complies with requirements for spacing, safety, etc.
- [Warwick, Rhode Island](#) mayor signed an executive order to expedite the process for permitting outdoor seating at restaurants with no additional fees.

Temporary Tents and Covered Areas for Outdoor Uses



To help businesses create spaces with adequate social distancing, towns could allow tents to serve as temporary outdoor retail sales areas, restaurant seating areas, or curbside order and pickup areas. Doing so may require temporary exemption from maximum lot coverage requirements, setback requirements, parking requirements, amendment of restaurant seating capacity licenses, and/or expediting permits for outdoor eating and retail areas (see other strategies on using outdoor areas). Tents could be provided on existing paved or patio surfaces or on grass/landscaped areas of the subject property. It may also be possible to allow tents on adjacent parcels of land or on town-owned sidewalks and rights-of-way through a cooperative agreement with an adjacent property owner. Public safety officials, department of public works, and building department staff could sign-off on the plans through administrative review if the town's bylaws allow. Properties within local historic districts may require a separate permit from an historic district review board for these temporary structures. The historic board may consider delegating review of such temporary structures to town staff if their bylaw allows. For longer-term changes (beyond temporary COVID-19 measures) approval by relevant boards may be necessary.

CONSIDERATIONS

- Impact on parking and circulation if tent is placed in a parking area; ensure circulation remains safe
- Preference for locating in patio or landscaped areas away from vehicle traffic
- Size requirement or headroom requirement for tents
- Fire retardant tent materials
- Require tents have open sides when in use by customers
- Length of time for temporary permits (90 days – 6 months)

SAMPLE ADMINISTRATIVE REVIEW CHECKLIST FOR TEMPORARY TENTS AND COVERED AREAS PERMIT

- Completed application with a sketch showing the location of the proposed tent on a site plan, size and height of tent, proposed tent material, and a description of how the tent will be used to support business; sketch is detailed enough to show the tent will not interfere with safe site circulation
- Tent material meets fire safety standards
- Tent complies with any height requirements and size requirements established by the town
- If the tent is located within a parking area or immediately adjacent to a roadway, a physical barrier or separation, such as bollards or planter boxes, is used to protect customers from vehicle traffic on-site and adjacent to the site
- Tent does not obstruct safe parking lot circulation
- Tent does not block handicapped parking spaces or limit handicap accessibility
- Health Agent review and approval for food preparation or sales

EXAMPLES

- [Brookhaven, Georgia](#) created a temporary Outdoor Restaurant Operations Permit allowing 10' x 10' tents for temporary outdoor restaurant seating through the Mayor's executive order. Restaurants must [submit an application](#) via email for the free 90-day permit.
- [Mount Pleasant, South Carolina](#) passed an emergency ordinance to temporarily suspend town regulations related to prior approval of outdoor dining and retail services in order to allow display, storage, or sale of merchandise as well as the sale, service and consumption of food or drinks, including alcoholic beverages, in outdoor areas on private property. Business owners are required to submit their new operations plan through a new online mapping registration system. Town staff will review all submitted

details to ensure compliance with other ordinances such as accessibility and then publish the results to a public facing map.

- Connecticut Governor Ned Lamont issued an [executive order](#) allowing municipalities to expedite changes to their zoning rules or other ordinances to expand outdoor dining, retail sales in outdoor areas, and creates an expedited approval process for restaurants and other establishments that serve food to get fast-tracked permission to create or expand outdoor dining areas. The state also released a [guidance document](#) for restaurants as they reopen in outdoor areas only.

Reduced Parking Requirements to Allow for Outdoor Eating/Sales/Pickup



Relaxing or suspending minimum parking standards for businesses could allow them to utilize outdoor parking lot space to serve customers safely. The additional outdoor space may be turned into eating space under tents or into outdoor retail sales area to display items that would be difficult for customers to access in small stores (more information in other sections). This would be similar to allowances given for sidewalk sales but could last for several months. Public safety officials and planning staff could sign-off on the permits through administrative review. For longer-term parking/seating standards changes (beyond temporary COVID-19 measures) approval by relevant boards may be necessary.

CONSIDERATIONS

- Maintaining adequate customer parking and safe parking lot circulation
- May want to limit types of retail sales that can occur, such as requiring them to be linked to an existing permitted business in the community
- Coordination with town and state agencies if removing or reducing on-street parking areas may be necessary

SAMPLE ADMINISTRATIVE REVIEW CHECKLIST FOR REDUCED PARKING REQUIREMENTS TO ALLOW FOR OUTDOOR EATING/SALES/PICKUP

- Completed application with detailed sketch, drawn to scale on a map of the parking area, for review by the designated town staff with sufficient detail for staff to determine the layout, location, impacts on parking, and any safety measures proposed

- ❑ Adequate parking area is still available for customers (keeping in mind COVID-19 occupancy limitations will reduce the number of customers in a single location)
- ❑ Tables, tents, display racks, or other objects proposed in parking areas do not block entrances, exits, fire lanes, hydrants, drive aisles, back-up areas, or safe pedestrian circulation
- ❑ Reduced parking does not impact handicapped parking areas or handicapped access
- ❑ A physical barrier or separation, such as bollards or planter boxes, will protect customers from vehicle traffic both on-site/within the parking area and adjacent to the site
- ❑ The plan meets Fire Department standards, including points of egress, safe circulation, and access to fire extinguishers

EXAMPLES

- Texas is allowing pop-up drive-in movie theaters in some underutilized shopping center parking lots.
- Many of the examples under outdoor seating and temporary covered areas apply here as well since the communities are allowing outdoor uses to expand in to parking areas.

Street Closures, Shared and Slow Streets, and Sidewalk Directions



Towns throughout the country (and world) are closing streets to through-traffic both to create sufficient “social distance” space for people to walk or bicycle and also, in some residential neighborhoods, to provide room for people to get exercise. As warm weather approaches and people want to enjoy the outdoors, towns can help create safe spaces in the streets by closing them down to motorists (with exceptions to emergency vehicles and where necessary for commercial deliveries). In addition to street closures, newly designated “slow street” or shared street designations that allow local traffic at low speeds are gaining momentum. These allow for people to walk and recreate in the road but also allow local traffic at low speeds. Some communities are also closing a street lane to motor traffic to create bicyclist/pedestrian travel space while still allowing one lane of traffic. In downtown areas, removal of on-street parking spaces creates more space for pedestrians, bicyclists, and patrons to access businesses safely.

CONSIDERATIONS

- Consider locations that connect to essential retail services like grocery stores and takeout restaurants
- Residential streets are favorable for shared/slow street designation
- Sidewalk availability is one factor to consider when determining which streets might be the best to close or share
- Downtown areas that draw people to local businesses are prime areas for sharing/closing
- Providing a network of connections is ideal
- Public officials will need to stress that the purpose of the open or shared streets is to enable exercise and access to essential services on foot or bike and not for congregating
- A community might roll out closures gradually, perhaps beginning with a pilot project in one area first
- Signage (and bollards if needed) can transform a street fairly easily
- Continual evaluation of the closure's effectiveness is important; it can always be reversed if it's not working well
- Coordination with state agencies on state-owned roads may be necessary

EXAMPLES

- The [Burlington, Vermont](#) Shared Streets for Social Distancing Initiative created 25 miles of a shared street network.
- The [Town of Brookline](#) closed four major streets to traffic to allow people to walk to work and local businesses with adequate space.
- [Tampa, Florida](#) established a Business Recovery Zone pilot program closing select streets for outdoor dining.

Repurposing Municipal and Institutional Spaces



As towns re-open during and post COVID-19, public and institutional spaces could be repurposed to provide services and support local businesses. This could involve using town-owned land (including school property, especially large and underutilized parking areas) or partnering with private organizations that may be willing to share their campuses/institutions. With a vast reduction in parking needs, municipal lots could serve as open temperature screening sites, for example, or provide spaces for public meetings, food trucks, or farmers markets/outdoor bazaars for local vendors, perhaps on a rotating basis.

CONSIDERATIONS

- Fairness in determining which businesses are allowed to use the space, perhaps considering prioritizing local businesses that lack sufficient space to accommodate outdoor use on their property
- Ensuring any new use does not intrude upon an outdoor area that provides space for recreational enjoyment or stress relief

Liquor Licenses (for Takeout, Delivery, New Outdoor Seating Areas)



During the State of Emergency, Massachusetts has allowed businesses with liquor licenses to sell beer and wine for off-premises consumption. The current order in Massachusetts requires food to be purchased along with the beer or alcohol. Because many food establishments make a significant amount of their revenue from alcohol sales, allowing them to continue selling beer and wine with their food may help bring in critical revenue. If the State does not extend the current order, towns may look to address this issue on the local level. Towns could grant existing liquor license holders temporary permission to serve alcohol in outdoor areas and allow take-out alcohol purchases along with take-out food purchases, for pickup or delivery. Alternatively, towns could establish a simple on-line application

process or Temporary Allowed Activities Form to be reviewed by designated town staff. Town health and licensing staff could oversee the temporary alcohol and food permits, with select board review and approval.

CONSIDERATIONS

- Ensuring establishments are still in compliance with any local and state laws or regulations
- Adequate separation from sensitive locations such as high traffic locations or schools
- Requiring food also be purchased
- Deferring or reducing licensing fees

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