



City Manager Order 20-01 Temporary Outdoor Customer Service Areas

Pursuant to State of Minnesota Executive Order 20-01 and City Council Resolution 2020-36, the City of Edina has declared a Peace Time Emergency due to the COVID-19 Health Pandemic.

In furtherance of the federal, state and local government response, there is a need to provide multiple additional and alternative customer service areas on commercial sites, including commercially oriented public space, in order to limit forward facing exchanges between customers and employees and to promote physical and social distancing between persons engaged in business activities within the City.

Notwithstanding any City Code provision to the contrary, any business located in a commercial or industrial zone, or any legally permitted business that relies on face-to-face customer transactions located in a residential zone may establish temporary customer facilities as described in this Order to facilitate safe commercial activity conducted consistent with federal and state orders or guidelines.

- I) **TEMPORARY CUSTOMER FACILITIES ON PRIVATE PROPERTY** - Businesses may establish temporary drive-up or drive-thru areas, customer ordering, waiting or pick-up areas or customer seating or service areas on property that it owns or leases. The temporary outdoor use may occur in parking areas or green spaces without need for a variance.

Customer waiting, seating or service areas must not impede the use of sidewalks nor block designated handicapped accessible parking stalls, transfer aisles or accessible routes. Nor shall these facilities impede access to emergency exits, or fire safety equipment such as fire extinguishers, fire department connections, and fire alarm panels.

Temporary signage relative to the temporary outdoor facilities, temporary directional signage, and temporary outdoor display of wares sold are authorized on property owned or leased by the business provided that use of sidewalks and handicapped accessible routes are not impeded.

None of the temporary outdoor uses or their related activities shall create nuisance conditions for abutting properties or the general public. Signs that are deemed to impede sidewalks, traffic or accessible routes shall be removed immediately.

City permits are not required prior to establishing these outdoor customer areas, but each business operator must prepare a traffic management plan and provide on-site traffic and operational management. The management plan must be submitted to the City upon request.

Temporary freestanding canopies and sun shelters may be erected without a permit provided that the structure is: (A) open on all sides, (B) no larger than 700 square feet in covered area, and (C) minimum clearance of 12 feet to all structures and other tents. Any other tent structure must submit plans and permit applications in accordance with MN State Building and Fire Codes for accelerated review by City staff.

If beer, wine or other alcoholic beverages are to be dispensed or consumed in the proposed temporary facilities, the licensee must first submit a plan to the City that clearly identifies the expanded outdoor customer service area. Upon approval, the expanded outdoor service area will be considered a modification to the defined premises area designated in the liquor license. Any such modification shall remain “compact and contiguous” to the business location in accordance with MN Statute. The licensee must enclose the outdoor premises with a barrier as described in Edina ordinances and demonstrate proof of insurance upon the modified premises.

- 2) **TEMPORARY CUSTOMER FACILITIES ON PUBLIC EASEMENTS OR PUBLIC PROPERTY -** Businesses may also establish temporary customer pick-up areas or customer seating or service areas on public property – including public easements or right-of-way when granted City approval using procedures and policies established by the City.

All outdoor customer seating areas located in public easements or right-of-way must comply with applicable guidelines and requirements provided by the State of Minnesota. The permit holder will be solely responsible for collecting and removing waste from the seating area and for maintaining the area in a sanitary condition.

Due to the late start, the City will waive the customary application fee for sidewalk café permits. All other permit requirements shall remain. Additionally, outdoor sidewalk seating shall be allowed to extend past the business’ storefront with the consent of the adjacent property owner.

Customer pick-up, waiting, seating or service areas must not impede the use of public sidewalks nor block designated handicapped accessible parking stalls, transfer aisles or accessible routes. Nor shall these facilities impede access to emergency exits, or fire safety equipment such as fire extinguishers, fire department connections, and fire alarm panels.

Temporary signage relative to the temporary outdoor facilities, temporary directional signage, and temporary outdoor display of wares sold are authorized on public sidewalks directly in front of the business provided that a clear sidewalk width of 48 inches is maintained at all times. Open tree grates are not considered in the measurement of clear width. Outdoor display of goods shall not exceed 30 inches in depth as measured from the storefront.

Portable sandwich board style signs shall not exceed 28 inches tall nor 20 inches wide, must be anchored to prevent falling over and must be maintained in good condition so as not to create a nuisance to the general public. Any temporary sign or outdoor display that exceeds the allowable size, is in disrepair, blocks the required sidewalk route or otherwise creates a nuisance to the general public shall be removed immediately.

If beer, wine or other alcoholic beverages are to be dispensed or consumed on public property, the licensee must first submit a plan to the City that clearly identifies the expanded outdoor customer service area. Upon approval, the expanded outdoor service area will be considered a modification to the defined premises area designated in the liquor license. Any such modification shall remain “compact and contiguous” to the business location in accordance with MN Statute. The licensee must enclose the outdoor premises with a barrier as described in Edina ordinances and demonstrate proof of insurance upon the modified premises.

Temporary outdoor customer service facilities that impact public parking stalls or public roadways are subject to the review and approval of the City’s Traffic Safety Committee and other appropriate City Departments.

The terms and conditions of this Order may be modified or clarified by subsequent Order and those changes may have retroactive effect.

This Order is effective immediately. This Order will continue indefinitely until repealed by subsequent City Manager Order or by action of the Edina City Council or until termination of the state of emergency related to the COVID-19 Health Pandemic.

Effective this 27th day of May 2020.



Scott Neal, City Manager