

**City of South Portland Planning Division**  
**TEMPORARY OUTDOOR SERVICES APPLICATION**  
 In accordance with Ordinance #21-19/20



Submit to: [mnevajda@southportland.org](mailto:mnevajda@southportland.org)  
 Questions: Contact Milan Nevajda at 767-7649 or [mnevajda@southportland.org](mailto:mnevajda@southportland.org)

<b>For Office Use Only</b>	<b>Project #:</b>	<b>Date received:</b>
Business Name:	Business Address:	
Applicant Name:	E-mail:	Phone #:
Mailing Address:		
Property Owner:	E-mail:	Phone #:
Mailing Address:		
On-site Contact Name (if different than above):	E-mail:	Phone #:

Application Submission Requirements

In addition to this completed application form, an application must include the following:

- A narrative and illustrative plan describing the proposed outdoor service area that includes:
  - The dimensions and boundaries of the proposed outdoor services area.
  - Seating capacity of the outdoor service area.
  - Locations of all furniture, temporary structures, and other objects associated with the outdoor services.
  - Delineation of areas that are private property, public property, public right-of-way, and any access easements that may exist with other private parties.
  - Measurements for: distance between tables, aisle widths, and clearances around ingress and egress points to demonstrate how activities comply with physical distancing guidelines as well as City standards (outlined in the *Response to Covid-19 Public Health Crisis Ordinance*), notably:
    - Clear pedestrian path of at least thirty-six inches (36")
    - ADA accessible paths of travel are maintained or compliant alternative paths are provided.
    - Ingress and egress clearances of forty-four inches (44") or the width of the doorway, whichever is greater, for adjacent buildings.
  - Identify the spaces that will facilitate the safe movement of customers, pedestrians and wheelchair passage to the main entrance and, if along the sidewalk, the area that is not a part of the designated outdoor services area.
  - Days and hours of operation.
- Description and location of any temporary structure(s).
- If within a vehicular access area, a description barriers or protections that will shield the outdoor services area.
- If using City Property, evidence of general liability insurance for at least \$400,000.
- If alcoholic beverages will be served on City property, evidence of liquor liability insurance.

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I certify that all the information provided in this application form and accompanying materials is true and accurate. By signature below, I acknowledge that this approval is only temporary in nature and may be suspended or revoked if the City determines that the activity is creating a hazard to the public health, safety, or welfare.

\_\_\_\_\_  
Signature Date: \_\_\_\_\_

\_\_\_\_\_  
Print name

**Any person desiring a temporary outdoor service permit shall comply with all standards found in Section 33-7 of Ordinance #21-19/20, including, but not limited to:**

- Outdoor services may only be provided in the designated area approved by the City. Once approved, the designated area permitted for outdoor services shall not be expanded without first obtaining an amended permit in writing from the Planning Director. Once approved, the layout of the designated area permitted for outdoor services shall not be changed in a manner that impedes ingress or egress to the outdoor services area or the safe movement and circulation of customers, employees and wheelchairs within the outdoor services area without first obtaining an amended permit in writing from the Planning Director.
- Unless authorized as part of a temporary outdoor services permit, outdoor dining and outdoor retail and personal services shall not encroach within any public rights-of-way.
- Outdoor services shall not encroach into or interfere with required handicapped parking spaces unless parking spaces of equivalent accessibility are provided.
- Outdoor services shall not interfere with safe pedestrian and vehicular access or access required to be maintained under the Americans with Disabilities Act and its implementing regulations.
- Outdoor services shall not interfere with fire and other emergency access as determined by the Fire Chief or his/her designee.
- Any signage placed within the designated outdoor services area or otherwise on the property must be in compliance with State of Maine and City sign regulations except as follows:
  - Building- or ground-mounted signs that direct patrons to the outdoor services area are allowed so long as the signs do not exceed two (2) square feet in area.
  - Signs advising patrons of any health and safety measures are allowed so long as the signs do not exceed two (2) square feet in area.
  - Any sign placed within the designated outdoor services area or otherwise on the property pursuant to subsection 12(a) or 12(b) herein shall not interfere with or distract motorists on adjacent streets or otherwise be so situated as to prevent the safe use or maintenance of adjacent streets.

By signature below, I acknowledge that I have read, understand, and agree to abide by all applicable standards for a temporary outdoor service permit as required by Ordinance #21-19/20 Sec. 33-7.

\_\_\_\_\_  
Signature Date: \_\_\_\_\_

\_\_\_\_\_  
Print name

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**In addition, those temporary outdoor services that request the use of City property shall be subject to additional standards as required by Sec. 33-8. Of Ordinance #21-19/20, including, but not limited to:**

- Any and all outdoor service elements shall be removed from City Property except during the outdoor services' daily operations. The storage of outdoor service elements within City Property at any time is prohibited.
- Nothing shall be permanently attached to any City Property.

By signature below, I acknowledge that I have read, understand, and agree to abide by all applicable standards for a temporary outdoor service permit as required by Ordinance #21-19/20 Sec. 33-8.

\_\_\_\_\_  
Signature Date: \_\_\_\_\_

\_\_\_\_\_  
Print name

**For applications submitted prior to July 6, 2020:**

The Ordinance enabling Chapter 33 within the Zoning Ordinance (Sec. 27-33) which establishes provisions to process temporary outdoor services permit applications must proceed through the Ordinance adoption process, which involves a 1<sup>st</sup> reading, a 2<sup>nd</sup> reading with 7-days' notice, and a 20-day period for any petitions to be filed that challenge the City Council's approval of the ordinance. The ordinance adoption schedule currently anticipates the 20-day waiting period expiring on July 6, 2020.

Recognizing the immediate need for the relief provided by the Sec. 27-33 provisions, the Ordinance allows permits to be applied retroactively to June 1, 2020, which allows City staff to process permits immediately upon first reading with the express understanding that any action improvements done based on the issuance of a temporary outdoor services permit before the waiting period (July 6, 2020) closes has expired **is at the permit holder's own risk**, as facts, circumstances and the law may change prior to that date.

By signature below, I acknowledge that I have read, understand, and agree to the statement above regarding applications submitted prior to July 6, 2020 for a temporary outdoor service permit.

\_\_\_\_\_  
Signature Date: \_\_\_\_\_