



# Town of East Greenwich State of Rhode Island

## EXECUTIVE ORDER

20-1

May 13, 2020

### Temporary Expansion of Restaurant and Retail Business Service Area

WHEREAS, on March 9, 2020, the State of Rhode Island Governor Gina M. Raimondo issued Executive Order 20-03 declaring a state of emergency due to the outbreak of COVID-19;

WHEREAS, a local state of emergency was originally declared on March 16, 2020, which was then superseded by an emergency declaration dated April 13, 2020;

WHEREAS, pursuant to the emergency powers granted by the Rhode Island General Laws, and any other applicable provisions of state or local law, the Town Manager can issue additional directives, orders, and recommendations as circumstances require; and

WHEREAS, the pandemic has adversely affected the restaurant and retail industries; and

WHEREAS, Governor Raimondo has announced that as of May 18, restaurants may resume limited outdoor dining service, with indoor dine-in service expected to resume at a later phase of the economic reopening; and

WHEREAS, on May 8, 2020, Governor Raimondo issued Executive Order 20-32, permitting non-critical retail businesses to re-open for in-store pickup and limited browsing, in accordance with social distancing protocols, guidance, and regulations; and

WHEREAS, the Town of East Greenwich needs to take additional measures to support local restaurants and retailers;

NOW, THEREFORE, I, Andrew E. Nota, East Greenwich Town Manager, by virtue of the authority vested in said office pursuant to the Rhode Island General Laws, including but not limited to Title 30, Chapter 15 of the General Laws, and pursuant to the authority delegated to me by the Town Council, do hereby order and direct the following:

1. Restaurants and retailers located in Town are authorized to temporarily expand their business/service areas into sidewalks and/or adjacent private or public areas, subject to the following conditions:

- Expansion must be pursuant to and in accordance with any executive orders issued by Governor Gina Raimondo, directives of the Rhode Island Department of Health, Department of Business Regulation, or any other state agency, including without limitation all of the rules set forth in the documents entitled '[Phase I Guidelines for Restaurants](#)' and '[Phase I Non-Critical Retail Guidelines](#),' available at [www.reopeningri.com](http://www.reopeningri.com).
- Expansion shall be strictly temporary and shall be permitted only so long as any executive orders, directives, and/or guidelines related to COVID-19 and social distancing are in effect. The Town reserves the right to take enforcement action with respect to licensing and/or zoning against any establishment that fails to restore the conditions of the premises to what was permitted before social distancing measures were required.

- Expansion must be administratively approved by the Town Manager and Building Official following submittal of the Town's "Outdoor Restaurant Temporary Seating Request" form and all required supporting documents OR the Town's "Temporary Outdoor Retail Expansion Request" form and all required supporting documents as applicable.
- Where expansion into an adjacent area not owned by the Town is proposed, the applicant shall provide written authorization from the landowner.
- Before temporary expansion into a public area is authorized, the applicant shall provide proof of liability insurance from a company licensed to do business in the state and in a form satisfactory to the town solicitor, of no less than \$1,000,000.00 protecting the town for all claims and causes of action for personal injury or property damage resulting from use of this license.
- All applicable life safety codes must be satisfied.
- Expansion shall not result in an increase in capacity beyond what is currently permitted.
- Hours of operation will be limited to 11:00 AM to 11:00 PM. This shall not apply to sidewalk seating/service areas for which the Town Council has previously granted a license to the restaurant.
- The applicant shall agree in writing that temporary authorization to expand shall not confer any vested rights to continue such expanded use after social distancing measures are no longer in effect.

2. The following provisions of the Code of Ordinances are hereby suspended/modified only in connection with a duly-authorized temporary expansion of a restaurant or retail service area:

- Sec. 15-2, prohibiting the consumption and/or possession of alcoholic beverages on public property unless authorized by the Town Council;
- Sec. 15-4(A)(13), prohibiting liquor license holders from permitting the removal of alcoholic beverages from the premises;
- Sec. 15-8, requiring a license for outdoor sidewalk liquor service;
- Sections 260-20 through 260-25, the off-street parking requirements of the Zoning Code;

3. An applicant who is denied permission to temporarily expand service area may appeal such decision to the Town Council.

4. The Police Department is authorized to enforce these regulations in accordance with state directives and the Emergency Management statute.

This executive order shall remain in effect until June 15, 2020, and may be further extended if necessary by a subsequent executive order.

So Ordered:



Andrew E. Nota, Town Manager





# Town of East Greenwich State of Rhode Island

## **EXECUTIVE ORDER**

**20-2**

**July 31, 2020**

### **Temporary Expansion of Restaurant and Retail Business Service Area**

WHEREAS, on March 9, 2020, the State of Rhode Island Governor Gina M. Raimondo issued Executive Order 20-03 declaring a state of emergency due to the outbreak of COVID-19, which was then superseded by subsequent Executive Orders 20-18 dated April 8, 2020, 20-31 dated May 6, 2020, 20-42 dated June 4, 2020 and 20-52 dated July 3, 2020;

WHEREAS, a local state of emergency was originally declared on March 16, 2020, which was then superseded by subsequent emergency declarations dated April 13, 2020 and June 8, 2020;

WHEREAS, pursuant to the emergency powers granted by the Rhode Island General Laws, and any other applicable provisions of state or local law, the Town Manager can issue additional directives, orders, and recommendations as circumstances require; and

WHEREAS, the pandemic has adversely affected the restaurant and retail industries; and

WHEREAS, Governor Raimondo has allowed restaurants to resume limited outdoor dining service, and limited indoor dine-in service at the moment; and

WHEREAS, as of July 13, 2020, the Town has adopted Ordinance No. 895 and Ordinance 896 to allow outdoor expansion of restaurant service areas and suspension of off-street parking requirements through November 30, 2020; and

WHEREAS, the Town of East Greenwich needs to take additional measures to support local restaurants;

NOW, THEREFORE, I, Andrew E. Nota, East Greenwich Town Manager, by virtue of the authority vested in said office pursuant to the Rhode Island General Laws, including but not limited to Title 30, Chapter 15 of the General Laws, and pursuant to the authority delegated to me by the Town Council, do hereby order and direct the following:

1. Restaurants and retailers located in Town are authorized to temporarily expand their business/service areas into sidewalks and/or adjacent private or public areas, subject to the following conditions:

- Expansion must be pursuant to and in accordance with any executive orders issued by Governor Gina Raimondo, directives of the Rhode Island Department of Health, Department of Business Regulation, or any other state agency.
- Expansion shall be strictly temporary and shall be permitted only so long as any ordinances, executive orders, directives, and/or guidelines related to COVID-19 and social distancing are in effect. The Town reserves the right to take enforcement action with respect to licensing and/or zoning against any establishment that fails to restore the conditions of the premises to what was permitted before social distancing measures were required.

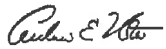
- Expansion shall not result in an increase in capacity beyond what is currently permitted, provided however that Section 15-9(1)(g) of the Code of Ordinances is hereby suspended, so as to allow an increase in capacity of 100% beyond what is currently permitted but in no event to a total of more than 50 outdoor seats, and subject to the determination of the Town Manager that neither public health and safety nor neighborhood character will be negatively impacted by such increased capacity.

2. An applicant who is denied permission to temporarily expand service area may appeal such decision to the Town Council.

3. The Police Department is authorized to enforce these regulations in accordance with state directives and the Emergency Management statute.

This executive order shall remain in effect until October 13, 2020, unless renewed, modified, or terminated by a subsequent executive order. Provided, however, that if the statewide state of emergency enacted by executive order by Governor Gina Raimondo should terminate or expire sooner, then this executive order shall expire on that date.

So Ordered:



Andrew E. Nota, Town Manager

ORDINANCE NO. \_\_\_\_\_

ADOPTED: \_\_\_\_\_

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF EAST GREENWICH, CHAPTER 260 THEREOF, ENTITLED "ZONING", ARTICLE VI "OFF-STREET PARKING REGULATIONS", SECTION 260-19 "APPLICABILITY" AND ARTICLE XI "HISTORIC DISTRICTS", SECTION 260-59 "APPLICABILITY, CERTIFICATES REQUIRED".

The Town Council of the Town of East Greenwich hereby ordains:

Section 1. Chapter 260 of the Code of Ordinances of the Town of East Greenwich, titled "Zoning" is hereby amended to read as follows:

**Article VI – Off-Street Parking Regulations**

**Sec. 260-19. Applicability.**

A. Existing structures and uses. Off-street parking spaces associated with any existing building or use shall be maintained so long as the existing building or use remains.

B. Alterations, additions, changes of use. All new vehicular use areas, those altered or improved subsequent to the adoption of these regulations, and structures that are enlarged or whose use is changed such that an increase in required off-street parking results (per § 260-20, Table of Required Off-Street Parking Spaces) shall be subject to the provisions of this article and shall be required to submit a parking plan as described under § 260-21 of this article.

**C. Nonconforming parking.**

(1) Where parking spaces are provided and maintained in connection with a building or use legally existing at the time this article became effective and are insufficient to meet the requirements for the use as now set forth by this article, such lots will be considered legally nonconforming.

(2) Where extensions, additions or enlargements to the building or use are contemplated, no such extension may be made unless the applicant can demonstrate compliance with the provisions of this article through the submission of a parking plan as detailed under § 260-21 of this article.

D. Exemptions. Any property which provides at least 50% of the required parking for the building or use and is destroyed by fire or natural causes may be restored to its original use, provided that the floor area is not increased without conforming to the parking requirements of this article.

E. Parking requirements may be suspended in whole or in part for restaurants and retailers in connection with a duly-authorized temporary expansion of a restaurant service area as provided for in Section 15-9.



ORDINANCE NO. \_\_\_\_\_

ADOPTED: \_\_\_\_\_

Article XI – Historic Districts

Sec. 260-59

Applicability; certificates required.

A. This article shall be applicable to any property described in § 260-58, including developed and vacant sites.

B. Structures and accessories. A certificate is necessary for construction, alteration, repair, relocation, removal or demolition of new or proposed structures and accessories for all of the following conditions:

(1) A building permit or demolition permit is required for such work or the work proposed will affect the exterior appearance of the structure or its appurtenances. The Building Official may not issue a permit until the Commission has granted a certificate under the provisions of this article.

(2) The proposed project is for exterior work.

(3) The proposed project is not a replacement-in-kind.

C. Stone walls. A certificate is necessary for the alteration, relocation and/or demolition of any stone wall located within a historic district or on a listed outlying property per § 260-58B above, whether or not a building permit is required for such work. No work on an applicable stone wall may begin until the Commission has issued a certificate in accordance with the provisions of this article.

D. Additional regulations. The regulations pertaining to the various zoning districts which may be included within any historic district or which may apply to the outlying property identified in § 260-58B shall apply, together with the additional requirements as set forth in this section and this article.

E. A certificate of appropriateness need not be obtained in connection with a duly-authorized temporary expansion of a restaurant service area as provided for in Section 15-9, provided that no permanent structure or addition to the structure is erected, and further provided that no removal of existing structural elements or appurtenances shall be allowed.

Section 2. This ordinance shall become effective upon adoption and shall expire on **May 31, 2021**, unless renewed by the Town Council in the same manner as the enactment of a new ordinance.

