

Reopening Your Restaurant with Outdoor Seating

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Restaurant and bar owners across the most COVID-19-ravaged Pennsylvania counties have been pointing to June 5 since late May as the day they would be allowed to open with outdoor seating in the yellow phase.

While many restaurants in rural areas may have plenty of outdoor seating available, others don't and have had to improvise to open with patron seating and service on sidewalks, parking lots or other nearby areas to serve as many customers as possible. But before restaurant owners do that, they'll need to make sure they have appropriate government approvals.

If the restaurant has a liquor license from the Pennsylvania Liquor Control Board, the restaurant will need to obtain approval for the "expansion of the licensed premises." This approval process used to take months, but fortunately, the PLCB announced an expedited process for the approval of the expansion of the licenses premises for the additional outdoor area seating and has waived the normal application fee for the expansion. The approval is temporary, and will expire when the COVID-19 emergency order ends. The restaurant must submit evidence it has the right to use this outdoor space with its application. If the restaurant owns that outdoor space, such as its own parking lot or land, then no separate approval is required.

If the restaurant is setting up its outdoor seating on someone else's property - an adjoining parking lot, city sidewalks, etc. - the owner must be able to show the Pennsylvania Liquor Control Board that it has permission to be there. Fortunately, certain municipalities, such as the City of Lancaster [have created a process to obtain a temporary permit](#) to place seating on city sidewalks, where seating would ordinarily be prohibited. The City of York [has similarly allowed sidewalk seating](#), and the approval the PLCB may be looking for is a letter from the zoning officer. If the outdoor seating would extend to someone else's private property, that permission may be a short-term lease or easement. Restaurants intending to use municipal property should immediately begin the process of getting that written permission, especially if they will need PLCB approval, as that approval is conditioned upon showing PLCB the restaurant's ability to use the expanded space

The state's decision to allow expedited emergency approval of outdoor seating areas will help fix the problem that was created for restaurants serving alcohol which may not have very limited outdoor space, or no outdoor area to expand to seat guests other than a sidewalk owned by the city, borough or township. These decisions by Pennsylvania municipalities and the PLCB will help restaurants get back on their feet during the yellow phase of reopening when the only areas they can serve guests in-house are outside.

If you have any questions about how you can legally reopen your bar or restaurant in the yellow or green phase of the state's reopening plan, please [contact me](#) or any member of the [Barley Snyder Hospitality Industry Group](#).

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