

Town of Chincoteague, Inc.



The restaurant establishment is solely responsible for the arrangement or removal of all the physical elements within the outdoor dining area and restoration of the private property to its existing condition. In addition to the Commonwealth of Virginia's Phase I requirements for outdoor dining and subsequent loosening of business restrictions under Executive Order No. 61, and subsequent Executive Orders, the following requirements shall be met at the time of physical inspection prior to approval to commence operation.

Temporary Outdoor Dining on Private Property

- Prior to operation, a physical inspection of the outdoor dining area will be required for approval.
- No fee shall be assessed for the processing of permit applications, and it is the desire of the Town Council that Town staff prioritize and process applications promptly.
- Temporary Outdoor Dining Permits issued shall automatically expire with the end of the Statewide Declaration of Public Health Emergency unless sooner terminated.
- Temporary Outdoor Dining Permits may be revoked at any time if the requirements stated here are not met or upheld during operation
- No tents will be permitted in the public right of way

Location: The outdoor dining area shall be located on private property and must be set up on an existing surface and may not expand the width of the applicant restaurant's storefront/face or property boundaries; An expansion onto an adjacent property shall require the written consent of the property owner. No outdoor seating will be allowed on public property.

Setbacks: The surrounding perimeter of the outdoor dining area must have a clear-width accessible route of six (6) feet from pedestrians, bicyclists, vehicular traffic and/or all structures in the public right-of-way, including traffic signals, poles, signs, lights, planting areas, trees, trash receptacles, benches, bike racks, parking meters, above-ground utilities, etc.

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Perimeter Barrier: Perimeter barriers shall fully surround the outdoor dining area and properly separate the dining activity from adjacent activities in public spaces and pedestrian traffic. The barrier shall be removable with 27 to 42 inches in height. Integrated planter boxes are permitted only when setback requirements are met. Commercial message signage is not permitted on the barrier.

Access: One well-defined entry/exit with 42 inches minimum opening clear width is permitted and shall be adjacent to or in close proximity to the public thoroughfare and/or host restaurant. Entry/exit with gate access must swing outside the required setback width.

Fixture and Furnishings: All tables, chairs, umbrellas, lighting and other accessories used in the outdoor dining area shall be removable, maintained in good visual appearance and condition at all times, and arranged within the perimeter barrier. All furnishings should be moved from the dining area and stored out of view during adverse weather conditions proclaimed by the Town, or when the restaurant establishment is not in operation for more than a two-day period.

Configuration: Each Table in an outdoor seating area shall allow not more than 10 persons seated or standing.

Each Table shall be positioned so that diners seated or standing at adjacent tables shall be no closer than 6' while dining.

The establishment owner shall notify the Virginia Department of Health and shall comply with all VDH requirements prior to establishing outdoor seating.

Prohibited:

- Use of outdoor dining area for any other purpose than dining and related circulation.
- Protrusions beyond the perimeter barrier obstructing the required setbacks. • Additional business signs and advertisements of any kind.
- Permanent attachment or erection of any outdoor dining features on public property and structures, including new in-ground footings, bolt attachment, or driving of stakes.
- Pop-up canopy tents and awnings
- The erection of elevated decks or any new paved surfaces.

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Tents:

1. A building permit is required and must be obtained for all tents or tent areas larger than 900 square feet or have an occupant load/seating capacity of more than 50. (No permit is required for any tent or tent areas that are below both of these requirements)
2. The tent must open on a minimum of 3 sides.
3. Total seating in the tent must be less than 50% of the restaurant establishment.
4. Tents must be flame/fire resistant with appropriate documentation or labeling.
5. Generally, tents shall be located no less than 20' from any building. Exceptions may be granted by the Fire Marshal's Office.
6. No Cooking in the tent.
7. Tents shall not block fire lanes, fire equipment such as fire hydrants and Fire Department connections, exits, and any other marked or designated areas for life safety or ADA accessibility.
8. All other requirements of Executive Order 61 and all other applicable codes and ordinances are met.

A permit issued by the Fire Marshal's Office may be required for certain tents. Please contact them at (757) 385-4228 for more information.

Questions about Building Permit requirements can be made at (757) 336-6519.

Please note that all tents, not previously approved, are required to be removed once the Statewide Declaration of Public Health Emergency expires.