

TEMPORARY OUTDOOR DINING PERMIT APPLICATION

(Restaurants using pre-COVID outdoor dining areas do not require a permit.)

The Fairfax City ReConnected Outdoors (FCRO) Temporary Outdoor Dining Permit provides an opportunity for restaurant establishments located in Fairfax City to expand their services outdoor within an approved area and/or in the public property pursuant to the requirements described herein. Permits granted under such provisions shall require the permittee to comply with all applicable laws, including but not limited to those pertaining to public health and safety requirements.

A. INSTRUCTIONS

Fully completed and signed applications must be submitted with the requested attachments via email to: EDOCOV19@fairfaxva.gov. EDO staff will contact the applicant to request additional information or to authorize proceeding with the outdoor dining set up. Prior to operation, a physical inspection of the outdoor dining area *may* be required for approval. All plans will be evaluated based on code regulations for safety and ADA requirements, and it is possible that not every permit will be approved. You must have a permit before proceeding with your plan. After approval, a letter of permit to the Virginia ABC of Law Enforcement from Fairfax City can be provided if requested by the applicant.

Temporary outdoor dining permits may be revoked at any time for any reason, and no rights are afforded to an applicant by virtue of any permit being granted.

B. APPLICANT INFORMATION

Restaurant Establishment Name	<input type="text"/>	1
Restaurant Establishment Address	<input type="text"/>	2
Restaurant Facility Owner/Operator/Manager Contact Person	Name: <input type="text"/> Phone #: <input type="text"/> Title: <input type="text"/> Email: <input type="text"/>	3
Expected Date Outdoor Dining Area Will be Utilized <i>If a future time is selected, a site inspection must occur before use.</i>	Immediately <input type="checkbox"/> Future Time <input type="checkbox"/> Expected Date: <input type="text"/>	4
Outdoor Tents Will be Erected <i>If a future time is selected, a site inspection must occur before use.</i>	Immediately <input type="checkbox"/> Future Time <input type="checkbox"/> Expected Date: <input type="text"/>	4
Outdoor Heaters Will be Utilized <i>If a future time is selected, a site inspection must occur before use.</i>	Immediately <input type="checkbox"/> Future Time <input type="checkbox"/> Expected Date: <input type="text"/>	4
Approved Occupancy Load (indoors) for Restaurant	<input type="text"/>	7

Business License #	<input type="text"/>	8
VABC License #	<input type="text"/>	9
Proposed Location <i>Select from drop-down menu</i>	<input type="text"/>	10
Description of Outdoor Dining Use & Fixtures	<input type="text"/>	11
Attachments	<p><i>Provide the following attachments with the completed application:</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Diagram of outdoor dining area, layout of fixtures, measurements (to buildings, sidewalks, alleys, roadways), and location of physical barriers on existing site plan or plat of the property per your VA ABC licensing application submission. <input type="checkbox"/> If utilizing property beyond boundaries (private property or parking lot) written approval with signature from the property manager and/or owner. <input type="checkbox"/> For all applicants seeking use of public property, proof of insurance with the City named as additional insured required, in the minimum amount of one million dollars (\$1,000,000.00) per occurrence and two million dollars (\$2,000,000.00) general aggregate. It is also requested the business provide evidence of liquor liability coverage (if applicable) with a minimum of one million dollars (\$1,000,000.00) per occurrence limit. 	12

C. OUTDOOR DINING REQUIREMENTS

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 public property to its existing condition upon the expiration or sooner termination of the permit. In addition to all requirements of applicable law, including but not limited to those pertaining to public health and safety requirements, the following requirements shall be met:

- C1. Location** The outdoor dining area must be set up on an existing hard surface and may not expand the width of the applicant restaurant’s storefront/face or property boundaries; provided, however, that expansions on property beyond the host building storefront/face or property boundaries will be permitted if the affected adjacent property owner(s) and/or property manager consent in writing to this expansion. For use of public property (right-of-way), the city must provide written consent.

Location cannot interfere with travel ways or on-site circulation; obstruct a fire lane or fire equipment; obstruct any building entrance or exit, or any other area designated for life safety or ADA accessibility; interfere with street access for life police or fire department vehicular response.
- C2. Setbacks** 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, fire hydrants, fire protection system control rooms, FDCs, etc.

- C3. Perimeter** 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 clearly marked and removable. Integrated planter boxes are permitted only when setback requirements are met. Branding elements or signage are not permitted on the barrier. Only signage permitted is that referring to COVID-19 public health reminders.
- C4. Access** The outdoor area must be accessible to disabled persons and free of trash and debris. One well-defined entry/exit with shall be adjacent to or in close proximity to the public thoroughfare and/or host restaurant.
- C5. Term** This Temporary Outdoor Dining Permit is valid through June 30, 2022, unless sooner terminated by the City.
- C6. Termination** The City reserves the right to terminate or temporarily suspend this Temporary Outdoor Dining Permit at any time, for any reason.
- C7. Noise** Each outdoor dining area shall comply with the provision of the noise ordinance set forth in the city's code for outdoor dining provisions.
- C8. Inspections** The City may conduct inspections of temporary activities while they are in progress, with or without prior notice, and after temporary activity has ceased, to ensure compliance with all provisions of the City Code and Fire and Building Codes. This permit does not negate full compliance with Building and Fire Code regulations.
- If a restaurant will not be utilizing the temporary outdoor dining area, tents, or heaters until a future date, permits are only *conditionally approved*. **An inspection of the conditionally approved temporary outdoor dining area must be completed prior to actual use.** *If an inspection is not completed prior to use the permit can be terminated. It is the responsibility of the restaurant to connect with the Office of Economic Development to schedule an inspection.*
- C9. Alcohol** Restaurants must follow VABC rules for serving alcohol in temporary outdoor dining areas. Approval from the Virginia Alcohol Beverage Control (ABC) is required for the sale of alcohol. For requirements, please see [Topic 16 ABC Response to Temporary Approval of Outside Dining Area](#).
- C10. Fixtures & 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, or at any time when the restaurant establishment is not in operation.
- C11. 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.
 - Commercial tents and awnings will be inspected.
 - The erection of elevated decks or any new paved surfaces.
 - Open flames, cooking, food prep or warming in Temporary Outdoor Dining Areas.

I, the undersigned, do swear (or affirmed) that the foregoing statements are true, full and correct to the best of my knowledge and agree to comply with outdoor dining requirements. The owner shall indemnify, hold harmless and defend the City, its elected and appointed officials, its agents, officers and employees, from and against all claims arising out of the location or existence of such outdoor dining area.

Business Owner/Operator Name	Signature	Date
Economic Development Office 10455 Armstrong Street, Fairfax City, VA 22030		EDOCOV19@fairfaxva.gov (703) 385-7944