
OPERATION OF TEMPORARY OUTDOOR DINING AREAS UNDER PHASE I CONDITIONS- MAY 14, 2020

Overview: Given the recent events in relation to the COVID-19 virus, the City of Chesapeake wants to facilitate the process to use temporary outdoor dining areas. The department will make every effort to expedite such requests. As such, the following information is provided to applicants who wish to operate an outdoor dining area during the temporary restrictions as allowed by the Chesapeake Zoning Ordinance and Building Code requirements. Please note, existing and previously approved outdoor seating areas do not require additional permits through Development and Permits Department. However, please be aware ABC, Health Department and Commonwealth of Virginia requirements must be met.

1. Permit Requirements

Building Permit- An application for a permit is required to place a temporary seating area for outdoor dining. Such application can be made through the City's electronic eBUILD system at the following link:
<https://aca3.accela.com/CHESAPEAKE/Default.aspx>.

If you don't already have an eBUILD account, one can be created through the above note link. Once an account is created, please use the "Commercial Alterations" permit as the format for such requests. In the description area, please specify the following- "Temporary Outdoor Seating due to COVID-19".

NOTE-While the EBUILD system is the preferred method of application, appointments may be made to submit your application and support documents with our front counter staff. Please note, such appointments are subject to the opening of City Hall for public access.

Tent Permits- If a tent is to be used, subject to size, a zoning or building permit may be required for the tent. See the following link for more information:
<http://www.cityofchesapeake.net/government/city-departments/departments/Department-of-Development-and-Permits/fees/tent-permit-fee.htm>

Other Permits- Any improvements outside the original permit, such as electrical or plumbing, etc. requires a separate permit and must meet safety requirements and comply with their respective codes.

Please contact our front counter staff at 382-6890 for questions related to the eBUILD system or to set up the appointment to visit the office (subject to the City offices are open to the public).

2. Zoning Enforcement

Once the application for the Commercial Alterations Permit has been submitted, the permit for the temporary outdoor seating will be issued. A set of criteria for the outdoor seating will be attached to, and made part of, the permit. This criteria is in-lieu of a site plan. The outdoor seating must remain in compliance with the in-lieu site plan requirements. Please indicate on your application if a tent or fencing of the area will be added to the site.

For questions or clarifications to the zoning review, please contact the Zoning Office at 382-6466.

3. Building and Zoning Plan Review

Tent- If a tent is to be used, a separate zoning permit or building permit will be required based on the size of the tent as noted above in Section #1.

The Zoning Division and/or the Building Plan Review Office will perform a review to ensure compliance with the Zoning Ordinance and/or the Virginia Construction Code. This review will determine allowable occupancy load, access to restroom facilities and other department or division requirements.

Open Seating Area (no tent)- the Zoning Division shall review the site plan to ensure proper location based on parking requirements and Fire Department criteria as noted below in Section #4.

For questions or clarifications to the plan review, please contact the Plan Review Office at 382-6018 for building questions and 382-6466 for Zoning questions.

4. Other Department or Division Requirements

Fire Department:

- Verify Fire Lanes are not impeded or blocked.
- Verify Fire Department Connections/Standpipe/Sprinkler hook-ups are not impeded or blocked.
- Tents over 900 square feet shall require a fire life safety inspection before approved use of occupying.
- If applicable, an inspection by Fire Prevention may be required due to an ABC

applications for license.

For questions or clarifications, please contact Captain Steve Bradley or Robert Warren at 382-6566.

Health Department and ABC:

- Subject to Health Department or ABC requirements, enclosures of the outdoor dining area may be required.
 - Please contact the Virginia Department of Health at:
<https://www.vdh.virginia.gov/chesapeake/>
 - Please contact the Virginia ABC at:
<https://www.abc.virginia.gov/licenses/get-a-license>

5. Inspections

Inspections may take place at any time during the operation of the outdoor dining. If a tent over 900 square feet is requested, a fire inspection is required prior to occupancy.

Types of inspections that may take place at any time:

- a. Open dining areas- Final Zoning inspection required
- b. Dining areas enclosed by a fence- Final Building Inspection.
- c. Tents greater than 900 sq. ft. requires a Fire Safety Inspection.
- d. ABC license requirements may require a Fire final inspection.
- e. Virginia Department of Health may require an inspection prior to use of the area.

6. Fees

In order to facilitate the issuance of permits, fees from the Temporary Commercial Alteration permit for the outdoor seating will be set at \$0.

Tent fees – shall be applied as per the link noted above in Section 1.

Fees for other permits that may be required, such as electrical permits, will be applied as normal.

7. Temporary Certificate of Occupancy

Temporary Certificate of Occupancy shall be issued for the use of the outdoor dining area upon application and review. Inspections for other aspects that are permitted as a result of the request, such as tents, electrical circuits, fencing, etc. must be completed prior to occupancy. Requests for inspections must be called in.

8. Legal Restrictions

Any violations to the requirements of the issued permits or that creates unsafe conditions shall require immediate corrective action as directed. Non-compliance to the designated corrective action shall result in the Temporary Certificate of Occupancy being rescinded and the immediate removal of the temporary outdoor seating area.

Please note, compliance with any State or other agency requirements, such as the application of the Commonwealth of Virginia Executive Order Sixty-One, is the responsibility of the owner or tenant of such facility.

If you have questions regarding this information, please do not hesitate to contact this office at 382-6018.

PMH/ph