



Outdoor Dining Guide - New

Process guide for new or substantially altered outdoor dining areas within a public right-of-way.

A valid permit is required to use public sidewalk space for outdoor dining. Outdoor dining permits are only issued for months within the same calendar year. If you are applying to continue a previously approved outdoor dining area using the same layout and furnishings, please see [Outdoor Dining Guide - Renewal](#) and [Application](#). Outdoor dining in City parks or plazas is administered by the Parks and Recreation Department (540.853.2236).

Process:

1. Submit completed application, required attachments, and \$75.00 application fee by one of these methods:
 - a. **Mail:** Mail all submission requirements to City of Roanoke Planning, Building, and Development Department at 215 Church Ave. SW, Room 166, Roanoke, Virginia 24011. Fee accepted by check payable to 'Treasurer, City of Roanoke.'
 - b. **Email:** Attach all submission requirements as a PDF to an email and send to planning@roanokeva.gov. Once permit number (also known as 'APD' number) is assigned, you can pay online by credit card at www.roanokeva.gov/treasurer. Credit card payments incur a service fee of 2.45% with a minimum charge of \$3.95.

We recommend email as the most reliable form of communication with department personnel at this time.

2. The application will be routed for review to designated departments prior to final approval by the Director of Public Works. You may receive comments from reviewers during this time. They will provide instruction on how to submit additional information, if needed. The review timeframe is approximately 30 days. Additional approvals may be required by the Roanoke City Health Department (540.283.5050) and/or Virginia Department of Alcoholic Beverage Control (540.562.3604) prior to final approval.
3. Obtain the approved permit from the City of Roanoke Planning, Building, and Development Department via return email. The permit fee will be collected at this time (see "*Application & Permit Fee*" under *Submittal Requirements*).
4. Once the outdoor dining area is established, a staff person from the Public Works Department will make periodic inspections to ensure compliance. A copy of your outdoor dining, Health Department, and Alcoholic Beverage Control approvals must be available for inspection at all times.
5. Upon expiration of the permit, all furnishings and other objects must be removed immediately from the public right-of-way. Tables, chairs, and other furnishings shall not be stacked or stored outdoors in the public right-of-way. If all furnishings are not removed, the City reserves the right to remove and dispose of them without further notice.



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Submittal Requirements:

- Completed [Outdoor Dining Permit](#) application.
- Current Certificate of Insurance.

An insurance certificate must be provided documenting a general commercial liability policy of at least \$1,000,000. Said certificate of insurance shall name the City of Roanoke as the certificate holder, and in the description of operations, list the City of Roanoke, its officers, agents and employees as additional insured for general liability showing coverage for the time span you will have outdoor dining. If insurance is cancelled, the applicant is responsible for notifying the City within thirty (30) days of the effective cancellation date.

- Consent letter from adjoining property owner, if proposed outdoor dining area extends beyond subject property. See *"Dining Area Layout" under Operational & Design Regulations.*
- Site Plan.

A drawing showing dimensions, square footage, layout of furniture, and exit paths of the proposed outdoor dining area as well as the dimensions of sidewalk clearance from the outer edge of dining area to curb and other obstructions (e.g. trees, poles, fire hydrants, etc.). See *"Dining Area Layout" under Operational & Design Regulations.*

- Furniture design.

Photograph and description of all proposed furnishings including tables, chairs, umbrellas, planters, trash containers, serving stations, and barriers. See *"Design of Furnishings" under Operational & Design Regulations.*

- Logos, advertising and/or signage dimensions and placement, if applicable.

Photograph or illustration showing the dimensions and location of all logos, advertising, and/or signage provided within the outdoor dining area, if applicable. See *'Logos, Advertising, and Signage' under Operational & Design Regulations.*

- Application & Permit Fee.

A fee of \$75.00 is due at time of application submittal.

A fee, or monthly lease, based on the square footage (\$3.25 per square foot) and months of operation of the outdoor dining area is due at time of permit issuance. The calculation for this fee is $(\text{Total Square Feet}) \times (3.25) \times (\text{Months of Operation}) / (12)$. A fee calculator is provided on the Outdoor Dining Permit application. Extensions during the same calendar year require a written request and payment in full prior to continued use.

Submit questions or completed applications to planning@roanokeva.gov.



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Operational, Design, and Environmental Regulations:

The applicant must comply with all applicable rules, regulations, ordinances, laws and statutes, including the American with Disabilities Act and those enforced by the Virginia Alcoholic Beverage Control Board and the Roanoke City Department of Health. Outdoor dining permits shall be revocable with or without cause at the discretion of the City Manager.

1. Dates of Operation

- a. Outdoor dining is permitted January 1 to December 31 of each year. The business may apply to use the space the entire year or a portion of the year. Outdoor dining permits are only issued for months within the same calendar year.

2. Hours of Operation

- a. Outdoor dining areas may be used daily from 7:00 a.m. until 3:00 a.m., subject to these exceptions:
 - i. Food and alcohol service must cease by 2:00 a.m.
 - ii. Musical entertainment shall not be conducted during the hours between 10:00 p.m. and 8:00 a.m. of any day. Un-amplified vocal and/or instrumental performances are permitted within outdoor dining areas subject to the noise ordinance of City Code, Sec. 21-204 thru Sec. 21-208.
 - iii. During a special event or festival using the subject right-of-way for which an Assembly Permit has been issued by the City of Roanoke. Affected businesses will be notified at least 30 days in advance of the event date by the event organizer.

3. Dining Area Layout

Please note that Dining Area Layout may be effected by social distancing requirements put in place as a result of the COVID-19 pandemic disaster.

- a. All furnishings (tables, chairs, trashcans, serving stations, etc.) must be located within the dining area.
- b. The dining area shall not reduce the sidewalk clearance for pedestrians to less than 3 ½ feet (42 inches) between the outer edge of the outdoor dining area and the edge of curb or other obstruction (e.g. trees, light fixtures, trash receptacles, traffic control devices, benches, street signs, ect.). Failure to maintain required clearance may result in revocation of Outdoor Dining Permit.
- c. Outdoor dining areas abutting Farmer's Market vendor stalls located on the west side of Market Street between Campbell Avenue and Church Avenue shall be subject to the following additional regulations.
 - i. Outdoor dining areas measuring four (4) feet in width from the adjoining building may be used from 7:00 a.m. until 6:30 p.m.



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- ii. Outdoor dining areas may be extended the full width of the sidewalk (from adjoining building to vendor stall table) from 6:30 p.m. until 3:00 a.m. This space may be occupied as early as 5:30 p.m. if the adjoining Farmer's Market vendor has vacated their stall.
- iii. All furnishings must be moved back into the four (4) foot area by 3:00 a.m. daily. If all furnishings are not moved, the City reserves the right to remove and dispose of them without further notice.
- d. Dining area must be contained to the space within the right-of-way that is contiguous to the applicant's business location. If the applicant wishes to use space in front of an adjoining property, the applicant must obtain written consent from the adjoining property owner and include it as part of their application package.

4. Design of Furnishings

The design and style of all furnishings must be similar in color, material, and design style and must be architecturally compatible with all buildings on the same block face as the proposed outdoor dining area. Please refrain from purchasing any furnishings prior to receiving approval.

- a. Barriers: Made of wrought iron, painted metal, or painted wood and meeting all applicable building and fire codes (e.g. widths and swing of gate). If alcohol is being served in the dining area, the barrier must also comply with the Virginia Department of Alcoholic Beverage Control's regulations.
 - b. Tables & Chairs: Made of metal, wood, fiberglass, or combination thereof.
 - c. Planters, Trash Cans, and Serving Stations: Compatible design, scale, materials, and color with other furnishings within the outdoor dining area and easily removed during periods of non-use.
 - d. Umbrellas: Minimum 7 foot overhead clearance required and must be fully contained within the outdoor dining area, including overhead spread. A maximum of two (2) colors compatible with the design of other furnishings is permitted. If food is being prepared outdoors, the umbrella size must also comply with the regulations of the Virginia Department of Health.
5. Logos, Advertising, and Signage (associated with outdoor dining area)
- a. Chair Backs: Printed or sewn logos a maximum of 90 square inches are permitted on each chair back. Logos that are stamped into a metal chair back must contribute to the design of the chair.



Coordinating barrier, table and chairs.



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- b. Umbrellas: Advertising a maximum of 200 square inches, including logos, is permitted on each umbrella.
- c. Barriers: Logos or identification signs for the establishment may be incorporated into the dining area barriers with a total sign area of 0.5 square feet per linear foot of outdoor dining area. No single sign shall be greater than 5 square feet in area.
- d. Freestanding signs: An entrance and/or identification sign for the dining area limited to 5 square feet in total sign area and 4 feet in height is permitted. If using a portable freestanding sign (e.g. sandwich board) within the right-of-way not directly associated with the outdoor dining area, an application for [Moveable Sign in the Public Right-of-Way Permit](#) must be submitted to the Public Works Department (540.853.2000).



Restaurant logo incorporated into barrier.

6. Environmental

- a. No toxic, hazardous or dangerous materials shall be introduced into the outdoor dining area unless such material is stored, safeguarded, or used in accordance with applicable laws and regulations. If use of such materials becomes necessary, at no times shall any toxic, hazardous, or dangerous materials be left unattended, nor be allowed to leave the area of use by spillage, leaks, drips, over-application, or other means.
- b. Garbage, trash, refuse, and other waste materials shall be frequently monitored to maintain a clean and usable space and to protect the right-of-way from damage. Any food drink or other items spilled on the right-of-way must be properly cleaned and removed for the safety of pedestrians and for environmental concerns. It is not permissible to sweep, rinse, or otherwise move any such waste materials to the street, gutter, or any portion of the municipal storm sewer system.
- c. Adequate lighting must be provided to comply with Virginia Department of Alcoholic Beverage Control regulations (if applicable) and for pedestrian traffic.
- d. Access to and use of City electricity, including and without limitation the use of any outdoor electrical outlet(s), shall be prohibited. Space heaters may be utilized so long as the use and operation is in compliance with all applicable building and fire codes and does not present a threat to the health, safety, or welfare of the public.
- e. The outdoor dining area shall be used and occupied in a safe and reasonable manner and in accordance with all applicable laws. The City maintains the right to enter the outdoor dining area at any time for inspections or to make repairs to sidewalks or streets. The applicant shall keep and maintain the outdoor dining area in good and complete state of repair and condition, except for ordinary wear and tear.