



Licensee FAQs: Outside Dining Areas

As of May 14, 2020

If I have an existing outside dining area that was previously approved by ABC, do I need to notify ABC before I reopen the area to customers?

No. Any outside dining areas previously approved by ABC remain in effect. They are not subject to this expedited process and required conditions. The licensee is responsible for complying with Governor Northam's [Executive Order 61](#) and [62](#) or any subsequent executive orders in these areas.

If I have an ABC license and want to create a new outside dining area, what information does ABC need in order to expedite the approval process?

Before a licensee is able to use the temporary outside dining area, they must provide to ABC a diagram of the area, written approval from the local government for use of the area, and written permission from the owner of the property (if the property is not currently owned or leased by the licensee) to have exclusive control over the area with expressed permission to the Virginia Department of Health and any other regulatory agency for entry and inspection of the area. Once their local ABC agent acknowledges receipt of those items, the licensee may begin using the area pending final approval or disapproval from ABC.

What types of areas might fall under this temporary approval?

To meet the requirements for the expedited process, the area must be contiguous to the licensee's leased premises. If the area is not contiguous, it shall be within 100 feet of the licensed premises. Some areas that may meet these requirements could be sidewalks and parking areas. Licensees cannot share or comingle outside dining areas with other licensees. See ABC's [Topic 16](#) for more information.

If my business received expedited approval from ABC, will an ABC agent need to visit my establishment and make a final determination before I can open the outside area to customers?

Once you receive acknowledgement from your local ABC agents that you have submitted the required items from [Topic 16](#), you may start using the outside area. An ABC agent may visit the establishment in the future.

Is it possible for a business with an existing outside dining area to expand their area? Would they go through the same process as establishments that want to create a new outside dining area?

Yes.

If my restaurant doesn't have an ABC license but I want to create a new outside dining area for my customers, do I need to contact ABC?

No. Only ABC licensed businesses seeking to create a new outside dining area or expand an existing outdoor area need to contact the authority. All other establishments are encouraged to reach out to their local government for guidance.

How does this guidance apply to food? Will people be able to eat in these temporary expanded outdoor areas?

Yes. The areas are to be used for table seating and used exclusively for dining and/or beverage consumption (no food or drink preparation). Meals as defined in [Virginia ABC Circular Letter 16-03 dated April 16, 2016](#) must be offered during the time the establishment is using the temporary area.

Does the area have to be enclosed? What type of barrier is needed for temporary areas?

The entire area must be enclosed with a well-defined barrier designed to prevent entry and exit except for at the designated entry and exit point(s). An example of an acceptable barrier would be the temporary orange event fencing.

For more information about Virginia ABC's response to COVID-19 including procedural and regulatory matters, visit <http://www.abc.virginia.gov/covid-19>.