

# TEMPORARY EXPANSION OF OUTDOOR SEATING FOR RESTAURANTS – Fast Fact Sheet

## Do I need a permit? What type?

- Yes – A Temporary Use Permit
  1. A temporary use permit may be issued by the Zoning Administrator for temporary uses that are not intended to become permanent.
  2. A permit may be issued if the Zoning Administrator determines that such use is compatible with the surrounding land uses and proper care has been taken to protect surrounding development, traffic patterns, safety issues and the environment.
  3. The timeframe of such temporary use will be determined and approved as part of the temporary use permit.

## Process and Fees

- All applicants need to submit an application, as well as a site plan of the property to be used, rented or leased. The site plan must include:
  - All structures on the site.
  - All parking spaces/driveways.
  - Proposed tent size(s) and location(s).
  - Specifications and locations of all equipment to be utilized.
- The plan(s) will be reviewed by Engineering, Parking, Zoning, Building, Electrical, Fire, Plumbing and Mechanical (as applicable).
- Temporary Use Permits cost \$100.00
- Questions relating to whether you are permitted to serve liquor and/or wine in this temporary serving area must be directed to the Tennessee Alcoholic Beverage Commission at (865) 594-6342. Unless you have obtained a special permit from the Beer Board for this temporary serving area (outside your original Permitted Premises), you are not allowed to serve or sell beer to patrons using this area.
- Applicant must secure written agreement from surrounding businesses, residents or property owners affected by the proposed expansion.

## Accessibility

- Eating and drinking areas shall be accessible to persons with disabilities and be provided with an accessible route from arrival points and to toilet facilities.
- Accessibility shall be in accordance with the 2018 IBC Chapter 11 and ICC A117.1-2009

## Expansion Areas

- Potential sites for expansion may include private parking lots, public parking spaces, and underutilized public and private property.

- Safety (Each site will be reviewed on a case by case basis): Need consideration for separation of vehicles from patrons, servers, waiting areas in tent/outdoor areas. Barriers and physical separation are recommended.
- Functionality of the remaining parking lot – vehicles should be able to enter the site, maneuver safely, and exit. Also, need to consider deliveries, garbage, and fire truck entry, maneuvering, and exiting.
- Water Quality--Outdoor food areas need to be strictly managed for stormwater quality considerations. Food waste, spills, garbage, etc.... would need to be closely managed.

### Tents and Fire Safety

- A detailed site and floor plan for tents or membrane structures with an occupant load of 50 or more shall be provided with each application for approval.
  - The tent or membrane structure floor plan shall indicate details of the means of egress facilities, seating capacity, arrangement of the seating and location and type of any heating or electrical equipment.
  - The owner or agent shall submit a certificate executed by an approved testing laboratory. The certificate shall indicate that the floor coverings, tents, membrane structures and their appurtenances, which include sidewalls, drops and tarpaulins, are composed of materials meeting the flame propagation performance of Test Method 2 of NFPA 701.
  - Alternatively, the materials shall be treated with a flame retardant in an approved manner and meet the flame propagation performance criteria of the applicable test method of NFPA 701.
  - Tents or membrane structures and their appurtenances shall be designed and installed to withstand the elements of weather and prevent collapsing.
- Tents or membrane structures shall not be located within 20 feet of lot lines, buildings, other tents or membrane structures, parked vehicles, or internal combustion engines. The following exceptions apply:
  - Tents or membrane structures under 10,000 square feet.
  - Tents or membrane structures under 15,000 square feet if no cooking occurs.
- An unobstructed fire break passageway or fire road not less than 12 feet wide and free from guy ropes or other obstructions shall be maintained on all sides of all tents and membrane structures unless otherwise approved by the fire code official.
- Smoking shall not be permitted in tents or membrane structures. Approved “No Smoking” signs shall be conspicuously posted.
- Open flame or other devices emitting flame, fire or heat or any flammable or combustible liquids, gas, charcoal or other cooking device or any other unapproved devices shall not be permitted inside or located within 20 feet of the tent or membrane structures while open to the public unless approved by the fire code official.
- Outdoor cooking that produces sparks or grease-laden vapors shall not be performed within 20 feet of a tent or membrane structure.
- Cooking and heating equipment shall not be located within 10 feet of exits or combustible materials.
- Approved portable fire extinguishers complying with Section 906 shall be provided and placed in locations as required by the fire code official.

### Exits

- Exits shall be spaced at approximately equal intervals around the perimeter of the tent or membrane structure and shall be located such that all points are 100 feet or less from an exit.
- Tents, or membrane structures or a usable portion thereof shall have not less than one exit.
- Tents with an occupant load between 10 and 199 shall have not less than two exits each having a minimum width of not less than 72 inches.
- Tents with an occupant load between 200 and 499 shall have not less than three exits each having a minimum width of not less than 72 inches.
- Tents with larger occupant loads shall have exits in accordance with IFC Table 3103.12.2.
- Exit openings from tents shall remain open unless covered by a flame-resistant curtain. The curtain shall comply with the following requirements:
  1. Curtains shall be free sliding on a metal support. The support shall be not less than 80 inches above the floor level at the exit. The curtains shall be so arranged that, when open, no part of the curtains obstructs the exit.
  2. Curtains shall be of a color, or colors, that contrasts with the color of the tent.
- Exit doors shall swing in the direction of exit travel.
- Exits shall be clearly marked. Exit signs shall be installed at required exit doorways and where otherwise necessary to clearly indicate the direction of egress where the exit serves an occupant load of 50 or more.

### Electrical

- Exit signs shall be either listed and labeled in accordance with UL 924 as the internally illuminated type and used in accordance with the listing or shall be externally illuminated by luminaires supplied in either of the following manners:
  1. Two separate circuits, one of which shall be separate from all other circuits, for occupant loads of 300 or less.
  2. Two separate sources of power, one of which shall be an approved emergency system, shall be provided where the occupant load exceeds 300.
- Emergency systems shall be supplied from storage batteries or from the on-site generator set, and the system shall be installed in accordance with 2017 National Electrical Code.
- The emergency system provided shall have a minimum duration of 90 minutes when operated at full design demand.
- Means of egress shall be illuminated with light having an intensity of not less than 1 foot-candle at floor level while the structure is occupied. Fixtures required for means of egress illumination shall be supplied from a separate circuit or source of power.
- Generators and other internal combustion power sources shall be separated from tents or membrane structures by not less than 20 feet and shall be isolated from contact with the public by fencing, enclosure, or other approved means.
- All 125-volt, single-phase, 15-, 20-, and 30-ampere receptacle outlets that are not a part of the permanent wiring of the building or structure and that are in use by personnel shall have ground-fault circuit-interrupter protection for personnel.
- Flexible cords and flexible cables and their associated fittings shall be suitable for the conditions of use and location (damp/wet locations).