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Applying for Expanded Outdoor Seating

Starting May 20, food and drink establishments are permitted to apply to expand their outdoor seating for serving food and drinks.

To do so, they must submit a proposal to the city/town (or county, if in unincorporated location) in which their business(es) is located.

The following are the elements which a business' outdoor seating plan must address, subject to the consideration or allowance of the local authority unless otherwise noted:

- Exterior perimeter measurements and what barriers will be at the edges
- A drawing/blueprint showing:
 - The extension relative to the main licensed premise
 - Placement of tables/chairs and distance between them
- The following transportation considerations:
 - Must not intrude upon State right of ways (unless approved by DeIDOT)
 - Must maintain current access (unless approved by DeIDOT)
 - Must provide required access to property for emergency services
 - Must consider local traffic patterns and parking capacity
- Explanation of how ADA compliance will continue to be in place
- Indications of how property boundaries will be marked to prevent alcoholic beverages from being removed from premises

Each of the above items will be checked and must be present in the provided plan for approval to be granted.

While no information on the following items needs to specifically be included in a proposal, all plans must adhere to them. The establishment:

- Must not exceed total seating capacity requirements approved prior to State of Emergency
- Must follow all existing rules and regulations for food safety and alcoholic beverages
- Must follow all additional requirements as laid out in the Phase 1 Business Guidelines
- Must abide by all local noise ordinances
- May allow for drink service without food service

The city/town (or county, as appropriate) will review and approve or deny all proposals. All applications from establishments with liquor licenses will then also require approval from the Office of Alcoholic Beverage Control. Please send applications via email to COVID19Extension@delaware.gov or via mail to OABCC, 3rd Floor, 820 N. French St, Wilmington, DE 19801.

Permission granted through this application automatically expires on July 31, 2020 unless expressly extended by a modification to the State of Emergency Order. The State or applicable locality can also revoke permission at any time.

Again, completed applications should be sent to the appropriate locality and OABCC, as necessary. Questions about applying for an expanded outdoor seating can be sent to COVID19FAQ@delaware.gov.