



Outdoor Seating Extension Guide

CITY OF RALEIGH

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NC DHHS Interim Guidance for Restaurants (May 22, 2020)

The North Carolina Department of Health and Human Services (DHHS) has implemented a three-phase approach to slowly lift restrictions while combatting COVID-19, protecting North Carolinians and working together to recover the economy. As the State enters Phase 2, businesses and organizations should follow the [guidelines](#)¹ below to help prevent the spread of COVID-19.

Any place where people gather poses a risk for COVID-19 transmission. Restaurants should create and implement a plan to minimize that risk. The guidance below will help restaurants reduce the spread of COVID-19 in their communities.

Social Distancing and Minimizing Exposure

According to the U.S. Centers for Disease Control and Prevention (CDC), and the DHHS² and the NC Governor's Office COVID-19 guidelines, [Social Distancing](#) and Minimizing Exposure are key tools to decrease the spread of COVID-19. Social Distancing (“physical distancing”) means keeping space between you and other people outside of your home. Stay at least 6 feet (about 2 arms’ length) apart from other people; not gathering in large groups; stay out of crowded places and avoid mass gatherings. Phase 2 includes several requirements and recommendations to support social distancing in spaces where the public may gather.

Restaurants are **required** to:

- Ensure social distancing by arranging tables and seating to achieve at least 6-foot separation between parties for indoor and outdoor seating.
 - Each group of people sitting at a counter should be separated by six (6) feet.
- Ensure Emergency Maximum Occupancy is followed. The Emergency Maximum Occupancy is calculated using the following three tests. The most restrictive number must be used.
 - Limit to 50% of stated fire capacity or 12 people per 1,000 square feet if there is not a fire code number available. When no fire code number is available for outdoor seating, the 12 people per 1,000 square feet number should be applied.
 - Limit the number of people in the space so that groups can stay six (6) feet apart.
 - Arrange the restaurant so that customers sitting at a table are not within six (6) feet of any customers sitting at another table. Moreover, each group of customers sitting at a counter should be separated from other groups by six (6) feet.
- Post the reduced “Emergency Maximum Capacity” in a conspicuous place. [Sign templates](#) are available in English and Spanish on the NC DHHS COVID-19 response site.
- Post signage reminding people about social distancing (staying at least 6 feet away from others). [Know Your W's](#) sign templates are available in English and Spanish on the NC DHHS COVID-19 response website.
- Mark six (6) feet of spacing in lines at high-traffic areas for customers, such as any cash register or any place where customers wait to be seated.

¹ For more information, see NC COVID-19 Interim Guidelines for Restaurants - <https://files.nc.gov/covid/documents/guidance/NCDHHS-Interim-Guidance-for-Restaurants-Phase-2.pdf>

² For more information, see NC Phase 2 FAQ: <https://www.nc.gov/covid-19/staying-ahead-curve/phase-2-faqs#does-this-executive-order-mean-that-i-can-gather-freely-with-individuals-outside-of-my-household>.

City of Raleigh Requirements

The COVID-19 Pandemic has hit the world in unprecedented ways. Our region has addressed the Pandemic aggressively, but there is a growing desire to reopen the economy as appropriate. Phase 2 of the State's reopening approach allows businesses such as restaurants, breweries, wineries, bottle shops, and wine shops to open for on-premises services with limits on occupancy, specific requirements for disinfection, and maintaining social distancing.

In order to align with the above-mentioned Phase 2 guidelines, the City of Raleigh has created the following guidelines to allow businesses to expand their business footprint or outdoor seating onto City public rights-of-way or in privately-owned parking lots without having to meet specific City Code and permit requirements while also slowing the spread of COVID-19.

An Outdoor Seating Temporary License will be issued to all businesses who register and will last until all COVID-19 restrictions are lifted plus an additional 30-day grace period following this date, at no cost to the applicant. Businesses may apply for an Outdoor Seating Temporary License 10 days following the City Council Meeting held on 6/2/2020, and pending receipt of registration requirements.

Pursuant to the State's three-phased approach, Phase 2 restricts restaurants from allowing no more than 50% of maximum occupancy as stated in fire capacity code.

Example: 20-person occupancy x 50% = 10-person occupancy

Business Requirements:

- A minimum clear path of 5 feet must be maintained between any business entrance and the pedestrian walkway space
- A minimum clear path of 5 feet must be maintained between the Outdoor Seating premises and edge of driveways, alleys, and handicap ramps
- Furniture may be located next to the curb (with 2 feet clearance) or adjacent to the building
- Must not block access to public amenities like street furniture, trash receptacles, way finding, or directional signs
- Must not block access to public utilities, building entrances, crosswalks, bus stops and transient entrances
- Must not extend within sight triangles at street intersections
- Must be delineated from other neighboring Outdoor Seating premises
- Alcohol beverages cannot extend beyond the Outdoor Seating premises
- Signage must not be placed or located in a manner that obstructs pedestrian and/or vehicular traffic or violates standards of accessibility as required by the ADA
- May not be in or restrict access to required handicap parking spaces
- May not be in or restrict the function of fire lanes
- May not cover or restrict access to fire hydrants
- Use of removable barriers to define the Outdoor Seating premises is permissible
- No heating, cooking or open flames are permitted in the Outdoor Seating premises
- No food preparation, plastic food displays, food storage, or refrigeration apparatus shall be allowed on the public right-of-way

Accessibility

Outdoor Seating premises must be designed and constructed to be ADA accessible.

Furniture Spacing Guidelines

As required by NC Department of Health and Human Services, restaurants are required to ensure social distancing by arranging tables and seating to achieve at least a 6-foot separation between parties for outdoor seating. Each group of people sitting at a counter should be separated by 6 feet. Total capacity for indoor and outdoor seating may not exceed 100% of fire capacity code. It is recommended that businesses allow no more than 6 people at a table and to not use shared tables among multiple parties unless the seats can be arranged to maintain social distancing between parties.

Business Responsibilities

It shall be the responsibility of the business to activate the spaces described in this guide with temporary materials such as tables and chairs, umbrellas, and visual/physical barrier materials as needed per site specific conditions. Maintenance (daily upkeep, litter pickup, etc.) associated with business operations shall also be the responsibility of the business.

Businesses are responsible for delineating their defined premises from other neighboring Outdoor Seating premises in the form of visual/physical barriers and ensuring alcoholic beverages do not extend beyond the Outdoor Seating premises. “No Alcohol Beyond This Point” signage is required.

Noise

Registration for an Outdoor Seating Temporary License does not change noise limitations outlined in the Raleigh City Code of Ordinances.

Alcoholic Beverage Control Commission Guidance

Temporary Extension of Premises for On-Premises Consumption

In accordance with Executive Order 141 (Phase 2 – Easing of Restrictions), the ABC Commission will temporarily allow On-Premise ABC permit holders to include additional outdoor seating as part of their licensed premises if that space is approved by the appropriate local government entity. This temporary change is allowed to maximize social distancing.

The below guidelines do not override any order from the North Carolina Office of the Governor, the NC Department of Health and Human Services, or any local ordinances. In the event that North Carolina reverts to Phase 1, these guidelines are invalid during that time period.

- An application for a temporary extension will not need to be submitted to the ABC Commission.
- If the area of the extension is not within the property's deed or lease, permittee must obtain the written permission of the property owner where the extension will be located.
- In addition to receiving approval from the appropriate local government entity, the ABC permittee must notify their ALE agent, the District ALE office or local law enforcement of the temporary extension of premises prior to use of the extended area. This includes those who will be temporarily extending their premises onto their own property (yard or parking lot, for example).
- A diagram of the temporary extension must be maintained on the permitted premises indicating the size and location of the temporary extension, the types of barriers to be used, and how many tables and chairs will be placed in the temporary area.
- The temporary extension does not increase an establishment's maximum occupancy as previously established by the fire code. (See EO141, Section 6.C.2.a)
- The extension of premises must be adjacent to, abutting, and connected to the primary licensed premises. One of the exterior walls of the licensed premises must be part of the extended area.
- Any temporary extension must comply with ADA accessibility requirements.
- The temporary area must be visibly and vertically marked off (crowd control stands, bike racks, planters, etc.) so that the average citizen can distinguish between the extended licensed premises and the public walkway.
- If extending into public property (such as sidewalk or street closures), it is recommended the local governing authority issue written guidelines (either by resolution or from the appropriate government division).
- Consumers will not be allowed to take open containers of alcoholic beverages out of the temporary extension of premises area.
- Failure to comply with these guidelines or other ABC rules could result in immediate cancellation of your temporary extension.
- If you have questions for the NC ABC Commission, please contact General Counsel, Stacey Carter-Coley at stacey.cartercoley@abc.nc.gov.
- To notify ALE of your temporary extension of premises, visit: <https://www.ncdps.gov/our-organization/law-enforcement/alcohol-law-enforcement/about-ale>, click "Contact ALE by Email", and send an email with your Trade Name and complete address.

Registration Process

Any business interested in expanding their footprint onto City public right-of-way, to be consistent with the State's [Phase 2 – Easing of Restrictions](#), must comply with all State and local laws, including but not limited to North Carolina Building Code, North Carolina Prevention Code, NC ABC Commission, and Wake County Environmental Services.

Businesses are required to register for an Outdoor Seating Temporary License with the City of Raleigh and comply with the requirements outlined in the Outdoor Seating Extension Guide.

[Temporary Outdoor Seating Extension](#)

Registration will include submittal of the following:

- Business Information
- Business Contact Information
- Hours of Operation
- Certificate of Insurance and Additional Insured Endorsement
- Indemnity Agreement
- Existing Wake County Environmental Services Permit
- Existing ABC Permit (if applicable)
- Sketch plan of Outdoor Seating premises denoting ADA access

Current Permit Holders

Current outdoor seating permit holders are being granted a 1-year permit extension to expire on 6/30/2021 with proof of an updated Certificate of Insurance and Indemnity Agreement. No fees will apply. Current permit holders are still required to register for an Outdoor Seating Temporary License if they wish to expand their outdoor seating footprint.

[Temporary Outdoor Seating Extension](#)

Questions

For more information about this process and other private use of public space inquiries, please contact hospitalitypermits@raleighnc.gov.

Frequently Asked Questions

What does the process entail to obtain an Outdoor Seating Temporary License?

Businesses are required to register for an Outdoor Seating Temporary License with the City of Raleigh and comply with the requirements outlined in the Outdoor Seating Extension Guide.

[Temporary Outdoor Seating Extension](#)

Upon receipt, a confirmation email will be sent to applicant with further questions/instructions.

Do I need a permit to add tables and chairs to the sidewalk in front of my business?

While a permit is not required, businesses will need approval to extend outdoor seating premises by registering for a temporary license, submitting necessary requirements, completing a site inspection, and following the guidelines outlined in this guide. No fees will apply.

Do I need to get approval to take over a public parking space in front of my business?

Yes. To take over public parking you must apply for a Parklet permit. Please visit the City of Raleigh [Hospitality Permits page](#) for more information.

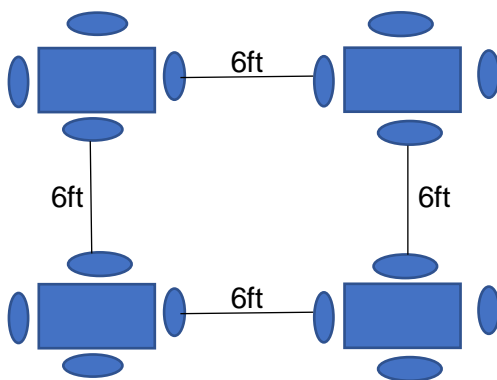
What are the hours of operation allowed on sidewalks?

Outdoor Seating hours of operation should remain consistent with your typical hours of operation. If you are expanding operations outdoors, please be mindful of your neighbors and any additional noise which may be generated.

Outdoor Seating premises may not operate after 2:00 a.m. on Saturday or Sunday and may not operate after 12:00 a.m. Monday through Friday.

How does the “6-foot rule” work for restaurant seating?

If people are at a table together, they do not need to be 6 feet apart. Each table setting needs to be 6' from other tables measured from the back of each chair, chair-to-chair.



Frequently Asked Questions (Continued)

What is the expected timeline of receiving a temporary license to extend my outdoor seating?

City staff will make every effort possible to review, communicate, and complete final site inspection at the earliest possible timeline, respective of the necessary actions required to fulfill the proposed request.

Do I need an Outdoor Seating Temporary License to extend my restaurant seating onto private property?

In an effort to capture all businesses wishing to extend their footprint onto either a privately-owned parking lot or City sidewalk, all such businesses are asked to go through the registration process. While the Outdoor Seating Temporary License does not apply to private property, you must separately obtain permission from private property owners and/or landlords to extend your seating or use onto private property. Alterations to your restaurant service area onto private property should still adhere to ADA, Emergency Egress, and other applicable guidelines, regulations and laws.

Can I serve alcohol in an extended Outdoor Seating premise?

The ABC Commission will temporarily allow current On-Premise ABC permit holders to include additional outdoor seating as part of their licensed premises to maximize social distancing. See ABC guidelines on page 6.

Can I exceed my interior capacity by extending my seating area onto public right of way?

No. Your overall occupancy capacity cannot exceed posted/approved capacity, regardless of size of outdoor space extension.

Can I cook or prepare food outdoors?

No. All food preparation guidelines, as permitted by Wake County Environmental Services remain in place and must be adhered to.

Are overhead shade structures allowed?

Overhead shade structures, such as umbrellas, may be utilized to provide shade in outdoor seating premises. Overhead elements must provide the appropriate clearance and may not interfere with the visibility of any traffic or wayfinding signage. Shade structures must be secured by weighted devices.