



Temporary Outdoor Dining During COVID-19 Emergency

Procedures

Any restaurant that wishes to establish new or additional outdoor dining areas in order to operate consistent with State of [NC Executive Order 141](#) (as such executive orders may be amended or superseded), shall e-mail TemporaryTents@mecknc.gov with the following information:

1. Name and address of restaurant (including any unit or suite number, where applicable)
2. **Valid municipal business license (attach to email).** If the restaurant does not have a valid the restaurant should contact the municipality having jurisdictions to begin the process of obtaining one.
3. Number of indoor seats previously (pre-emergency) at the restaurant
4. Number of outdoor seats previously (pre-emergency) at the restaurant
5. Number of indoor seats with executive order restrictions (no more than 50 percent of building occupancy) and proposed number of additional outdoor seats.
6. Walking distance from the temporary outdoor seats to the restroom facilities.
7. Days and hours that the new/additional outdoor seating will be used
8. Landlord/property owner authorization for new/additional outdoor seating (an email from the landlord/property owner is sufficient)
9. Date that use new/additional outdoor seating is proposed to begin
10. A statement that the operator understands and will follow the requirements of [NC Executive Order 141](#), and the addition rules provided below
11. If the proposed new or additional outdoor seating includes parking spaces or other areas designed for or typically utilized by vehicles ("Vehicular Use Areas"), submit a drawing (which can be hand-drawn on, for example, an aerial photo printed from Google Maps or similar service) showing the location of Vehicular Use Areas to be used, a safe path to and from one or more doors of the restaurant to the Vehicular Use Areas, and any barrier or other method proposed protecting the Vehicular Use Areas from vehicular encroachment. Additionally, if operation of the outdoor seating is proposed during other than daylight hours, state how lights or other methods will be used to ensure that drivers are aware of and can avoid the outdoor dining in the Vehicular Use Areas.
12. If an open tent or canopy larger than 1,800 square feet, or a tent with closed sides larger than 800 square feet is to be utilized as part of the temporary outdoor seating area, please use the Special Event permit

process to submit for the tent/canopy structure review. Additionally, any structure required to create a level floor surface for the tent will require a permit. Please use [this link](#) to access the application. For more additional information associated with the temporary erection of tents and membrane structures please click [here](#).

- B. Where the proposed outdoor seating DOES NOT include Vehicular Use Areas, staff will verify that all required information has been provided, and will send a reply email stating that the restaurant has been registered for the new/additional outdoor seating. Upon receipt of that email, the new/additional outdoor seating is approved to begin operation. MCCE staff will subsequently visit the establishment to assist the operator in assuring compliance with all applicable rules.

- C. Where the proposed outdoor seating DOES include Vehicular Use Areas, staff will verify that all required information has been provided and will route the proposal for review by **Zoning and Fire-Rescue Services staff**, which will review the proposal within one business day. If the review results in approval, staff will send a reply email stating that the restaurant has been approved for the new/additional outdoor seating, will state any conditions of approval (if applicable), and will state that the operator must call to schedule an inspection. MCCE staff will inspect the new/additional outdoor seating at the scheduled time. The restaurant owner or restaurant manager must be present in order to immediately address any compliance issues. If the inspection is approved, an email will be sent stating that the new/additional outdoor seating is approved to begin operation.

- D. Registration/approval of temporary new/additional outdoor seating shall be in effect for such time as capacity reductions for indoor seating remain in effect or a maximum of 90 days, whichever is sooner, NOTE: Any temporary **structure within the I-77/I-277 loop must be removed prior to August 22, 2020 and will not be permitted to be reconstructed until after April 29, 2020**

Rules Applicable to Temporary New/Additional Restaurant Outdoor Seating During COVID-19 Emergency

1. New/additional outdoor seating must comply with all applicable state and local laws and ordinances, including but not limited to the North Carolina Building Code and North Carolina Fire Prevention Code.
2. New/additional outdoor seating must comply with all [State of North Carolina Executive Orders](#), including but not limited [NC Executive Order 141](#) (as such executive orders may be amended or superseded).
3. All sidewalks or other pedestrian paths must maintain a three foot wide clear pedestrian path.

4. A minimum of six feet distance must be maintained between tables, individual diners, and/or groups.
5. The occupant load of any single structure shall not exceed 49. Separation of multiple structures shall comply with the North Carolina Building Code and North Carolina Fire Prevention Code.
6. All tables or other grouping of seats shall be limited to a maximum of 10 chairs, and no groups larger than 10 persons shall be seated. Establishments shall not create groups greater than 10.
7. Any physical improvements in connection with the provision of new/additional outdoor seating that require a City permit shall be established and inspected only pursuant to such City permit.
8. New/additional outdoor seating shall not block any established exits from any building.
9. Fire lanes shall not be blocked, and required fire access must be maintained.
10. Temporary outdoor bars are prohibited.
11. Expanded outdoor seating shall not block or otherwise restrict access to handicapped parking spaces.