

## TEMPORARY EXTENSION OF OUTSIDE DINING/SEATING PROGRAM

The Town of Fuquay-Varina has developed a Temporary Outdoor Dining/Seating Guidelines to assist food and beverage service providers during the [State of North Carolina Phase 2 - easing of restrictions](#). The Governor's Executive Order 141 limits on-premise indoor dining/seating to either 50% of the stated fire capacity of the business or no more than 12 customers per 1,000 SF of the total square footage of the location, **whichever is lower**.

The guidelines allow for restaurants and other food and beverage businesses permitted to be open under EO 141 to utilize private parking spaces and sidewalk space for temporary outdoor dining conversion. Restaurants with dedicated parking may convert up to 25% of parking spaces (excluding ADA spaces) to temporary outdoor dining. This can allow for more dining capacity while complying with the [Town of Fuquay-Varina Outdoor Dining/Seating Ordinance](#) and Governor Cooper's phase 2 requirements.

- ⇒ This program will be **effective May 29 beginning at 5:00 pm through June 26 at 5:00 pm** (subject to change pending changes by the Governor and/or other regulatory State, County or Local Government agencies).
- ⇒ Food and beverage businesses are required to [register temporary outdoor dining/seating with the Town of Fuquay-Varina](#) and comply with the requirements outlined in the Temporary Outdoor Dining Guidelines.
- ⇒ There is no permit fee associated with this temporary extension.
- ⇒ The temporary extension of additional outdoor dining/seating shall be subject to the food/beverage business placing seating in a manner compliant with social distancing spacing restrictions set out in EO 141 (i.e., arrange tables and chairs so that customers sitting at a table are not within six (6) feet of any customers sitting at another table and no more than ten (10) customers shall be seated together at the same table unless they are from the same household).

### **Use of Public Right-of-Way & Temporary Extension of Outdoor Dining/Seating**

- ⇒ The Town will allow additional outdoor dining/seating on public right of way(s) (i.e., sidewalks), either directly in front of the food/beverage business or adjacent to and in front of another business/property, provided that the primary business operator/property owner grant written permission for the food/beverage business to extend in front of their location. This expansion is limited to be in front of one (1) additional business - not the entire block or shopping strip. (Crossing a parking lot, driveway, or street to extend temporary outdoor dining/seating shall **not** be allowed for obvious, public safety purposes).
- ⇒ Businesses with private parking lots are allowed to use up to 25% of their designated parking spaces (excluding ADA spaces) for their restaurant operations for outdoor seating,

provided the business designates the area with a barrier (e.g., ropes or other like material) for safety purposes and follows the same social distancing and spacing restrictions as identified above.

## **Requirements of the North Carolina ABC Commission – May 24 – Phase 2 Response**

Pursuant to the guidance provided by the [North Carolina ABC Commission on Sunday, May 24, 2020 \(in response to Phase 2's easing of restrictions\)](#), food and beverage businesses wishing to extend temporary additional outdoor dining/seating, either on private property or in the public right of way, must do the following:

1. Obtain approval from the local government entity (Town of Fuquay-Varina). Town Police Department will be notified of application and requirements necessary to extend temporary ABC permitted areas.
2. Obtain the written permission of the owner of the property, if the business owner is not also the property owner, to extend temporary additional outdoor seating.
3. Business must receive confirmation of approval prior to use of the temporary extended area. This includes those who will be temporarily extending their premises onto their own property (yard or parking lot) and Town-maintained property.
4. Maintain a diagram of the temporary extension 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.
5. Position the temporary extension such that it is 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.
6. Comply with ADA accessibility requirements (e.g., no blocking of sidewalks).
7. Visibly and vertically mark off the temporary area so that the average citizen can distinguish between the extended licensed premises and the public walkway.
8. Monitor consumers such that they are not allowed to take open containers of alcoholic beverages out of the temporary extension of premises area.

## **REGISTRATION REQUIREMENTS**

Food and beverage businesses wishing to extend temporary additional outdoor dining/seating either on private property or in the Town's public right of way must do the following:

- Obtain approval from the Town of Fuquay-Varina.
- Obtain the written permission of the owner of the property, if the business owner is not also the property owner, to extend temporary additional outdoor seating.
- Maintain a diagram of the temporary extension 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.
- Position the temporary extension such that it is 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.

- Comply with ADA accessibility requirements.
- The installation of tents associated with temporary extension areas maybe subject to inspection by the Town Fire Marshal.
- Visibly and vertically mark off the temporary area so customers can distinguish between the extended licensed premises and the public walkway.
- Educate and monitor consumers such that they are not allowed to take open containers of alcoholic beverages out of the temporary extension of premises area.
- Comply with the Town of Fuquay-Varina Noise Ordinance.

For more information, please contact:

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