This document provides guidance for restaurants wishing to expand or create temporary outdoor dining so as to comply with Governor Cooper’s Executive Order 141. Any modification by a restaurant to allow for outdoor dining shall be for a temporary basis only. This temporary basis shall be defined as beginning on Friday, June 19, 2020 till restaurants are able to open to 100% occupancy.

At this time, the creation or expansion of temporary outdoor dining shall not require the issuance of a permit except when an applicant wishes to utilize a public sidewalk (which requires an encroachment agreement as detailed below). All temporary outdoor dining shall comply with the following:

1. Restaurants must follow all Executive Order requirements regarding customer capacity limits and social distancing.

2. In no event may total customer capacity inclusive of temporarily-allowed outdoor space exceed 100% of normal capacity.

3. Temporary outdoor dining capacity may to be expanded at the expense of parking spaces necessary to serve the demand (i.e., sufficient parking spaces must be provided and a restaurant’s privilege to operate the temporary outdoor dining may be revoked if sufficient parking is not maintained).

4. Temporary outdoor dining shall be placed on the property on which the restaurant is located and may not be located within a designated floodway.

5. Temporary outdoor dining may be placed on an adjacent public sidewalk if the following conditions are met:
   a. Pursuant to the current Town of Boone Emergency Declaration, no person may cause an obstruction or use space upon a public sidewalk for commercial purposes unless such obstruction or use allows passing pedestrians to maintain at least 6’ of clearance from other persons, including persons dining at the outside tables so that proper social distancing can be maintained.
   b. Applicants must submit a completed Town of Boone Encroachment Agreement for Temporary Outdoor Dining as well as a site plan to the Town of Boone Planning and Inspections Department (submittal information is on back side of this page). There are no fees associated with this paperwork. The site plan shall clearly depict the following:
      • Location and size of the public sidewalk, adjacent parking spaces, travel lanes of any adjacent streets, building entrances, parking meters, public trash or recycling containers in the area where the temporary outdoor dining is to be placed.
      • Location and size (including number of seats) of the temporary dining area. Please note, the temporary outdoor dining should not block any building entrances, parking meters, or any public trash or recycling containers. Additionally, the site plan must demonstrate that the temporary outdoor dining is at least 6’ away from any travel lane or parking space.

The Town of Boone Encroachment Agreement for Temporary Outdoor Dining can be found by using the link above or by typing the following into your internet search engine:

6. Temporary outdoor dining shall not be placed on any Town/NCDOT street.

7. Temporary outdoor dining shall not impede pedestrian or automobile traffic, nor shall it be placed in any required accessible (ADA) parking spaces. At least one 48” unimpeded accessible path of travel along the sidewalk to the accessible entry must be maintained for ADA compliance.

8. Restaurants who expand or create temporary outdoor dining shall follow and maintain the site in accordance with the NC Fire Prevention Code and are required to call the Boone Fire Department at 828-268-6180 to schedule a complementary inspection before opening the temporary outdoor dining. This inspection is to verify that the outdoor dining is in compliance with the NC Fire Prevention Code.
9. **TENTS**: Temporary outdoor dining covered by a tent shall meet the following conditions:

   a. Restaurants wishing to utilize a tent for temporary outdoor dining shall submit an application to the Fire Department for review. The application shall contain a scaled site plan which depicts the location of the proposed tent (including dimensions), any buildings on site with all doors marked on the plan, and all parking spaces and drive aisles. The applicant shall also provide the number of seats that will be utilized within the restaurant and the proposed tent.

   b. A site inspection with the Fire Department, Police Department, and the Planning & Inspections Department will be required after application submittal but prior to the installation of the proposed tent. The Fire Department will contact the applicant to schedule upon review of the application.

10. Once restaurants are able to return to normal operation at 100% capacity, all temporary outdoor dining components shall be removed and the site returned to the condition it was prior to the expansion or creation of the temporary dining. Failure to do so will be a violation and enforcement action may be taken. Restaurants wishing to permanently expand or create outdoor dining shall apply for all proper permits through the Town of Boone Planning and Inspections Department.

**Town of Boone Planning and Inspections Department – Operations Information**

Due to health concerns associated with the coronavirus (COVID-19) and efforts to limit possible transmission, the Planning and Inspections office is temporarily closed to the public. Though our office is closed to customers, the Department remains in operation at a reduced capacity as follows:

**Hours of Operation**

- Monday-Friday; 8 am – 5 pm

**Applications**

- **Forms.** Application forms may be accessed online or you can call our main line (828-268-6960) and ask that we either mail or email you a copy of the form. Forms related to Temporary Outdoor Dining are near the top of the page under the header for “Temporary Outdoor Dining Guidance”.

- **Submittals.** Applicants can submit the encroachment agreement by mail (680 West King Street, Suite C), by email at planning@townofboone.net or by dropping off all paperwork in the Downtown Post Office lobby at 680 West King Street, Boone, NC 28607. See Instructions for Drop Off below.

- **Instructions For Drop Off.** A drop-off window for application paperwork is available to the right side (as you face the teller windows) of the Downtown Post Office lobby. Look for signs and directions. We ask paperwork only be dropped off between the hours of 8 am-4 pm, Monday-Friday. **Please press doorbell located on the drop box beside the window to notify Staff that paperwork has been submitted. Please note doorbell is for notification only.**

Visit the Town of Boone Planning and Inspections Department’s webpage for more information on Department operations by using the link above or by typing the following into your internet search engine:

http://www.townofboone.net/departments/planning-inspections/

*Form Revised November 12, 2020*