



Town of Boone Temporary Outdoor Dining Guidance

Town of Boone Contact Information

Fire Department: (828) 268-6180 Planning and Inspections: (828) 268-6960 Public Works Department: (828) 268-6230

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. Temporary outdoor dining shall be placed on the property on which the restaurant is located and 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. Please see the Town's amended [Emergency Declaration](#) for more information.
 - b. **Sidewalks in Town right-of-way.** 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:

http://www.townofboone.net/wp-content/uploads/2016/07/TemporaryOutdoorDiningEncroachmentAgreement_06262020.pdf

- c. **Sidewalks in NCDOT right-of-way.** Note: Guidance on this is pending as Town Staff coordinates with NCDOT for the correct authorization.
2. Temporary outdoor dining shall not be placed on any Town/NCDOT street.
3. 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 and to the accessible entry must be maintained for ADA compliance.
4. 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.
TENTS: A call to the Boone Fire Department at 828-268-6180 is required before the installation of any tents.
5. Once restaurants are able to return to normal operation at 100% capacity, all temporary outdoor dining 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/>