



Community and Economic Development in North Carolina and Beyond Blog: Seats on the Street: Changes to Outdoor Dining in the Time of COVID-19

By CED Program Interns & Students

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With Governor Cooper's announcement of **Phase II** reopening on May

22nd, restaurants are allowed to seat customers for the first time since **March 17th**. Many communities are breathing a sigh of relief; **downtowns have suffered dramatically** from the loss of business due to COVID-19, and the reopening of restaurants is hoped to bring more foot traffic and inject much-needed revenue. However, this is not a return to the pre-COVID dinner rush: restaurants are limited to seating no more than 50% of their capacity within their dining areas and must comply with all DHHS guidelines around social distancing. This poses a dilemma for many businesses: if you need a full staff to offer dine-in services, but can only serve 50% of your volume, can you justify reopening? Restaurant owners **across the state and across the country** are wrestling with this decision, and for many, 50% capacity simply won't cut it. In order to offer a full range of dine-in services, they need to be able to serve more guests. To serve more guests and comply with social distancing, they need more dining space. Which brings us to the essential question: where can local restaurants get more space?

The answer, according to many local governments, is simple: sit outside! Allowing restaurants to expand their outdoor dining areas allows them to serve a greater portion of their capacity while still meeting social distancing guidelines. Local governments across North Carolina are in the process of implementing temporary changes that will allow restaurants to expand their operations into their parking lots, onto the sidewalks, and in some cases, onto main street itself. Questions about permits, regulations, and public safety abound, and local governments are managing these challenges with a variety of temporary processes. This post reviews some common initiatives from examples across the state, and offers some practical considerations for local governments looking to implement similar programs.

Permits: Why Reinvent the Wheel?

Rather than develop a wholly new temporary procedure for overseeing expansion into public and private spaces, it may be simplest for local governments to make temporary adjustments to an existing permitting process. Many local governments already have a process to allow businesses to request an incursion into the public right-of-way for a special event, and/or allow permits for temporary uses on private property. The City of Greensboro has made use of this opportunity, **streamlining their application** for special event permits and waiving the associated fees. Similarly, **Burlington** is in the process of tweaking their temporary use permit process as a tool for quickly reviewing and approving restaurants' expansion into private parking lots.



Opening Private Lots

Opening private lots to seating has been widely adopted across the state. Exact requirements vary: the [city of Hendersonville](#) has elected to place no specific restrictions or approvals on use of private lots as dining spaces. More typical are limits on the percentage of the lot that can be used for dining ([Charlotte](#) has set the percentage at 25%^[1]) and requirements that the restaurant submit a seating plan for approval prior to expanding. Allowing expansion into private property may be an easy-to-implement option for communities looking for options, as it typically requires less front-end coordination amongst regulations on public spaces on the part of community officials. Nonetheless, it is important to emphasize that ADA requirements, ABC regulations (COVID-related loosening of ABC regulations are found [here](#)), and DHHS guidance must be followed in these private lots as much as in the public space.

Dining and Pickup in the Parking Lane

In downtowns with on-street parking lanes in front of restaurants and businesses, those spaces may be an additional opportunity for creating additional dining space and facilitating the increase in delivery/takeout volume resulting from COVID-19. One option has been to create [dedicated 'curbside pickup' areas](#) along popular corridors; the hope is to increase the volume of pickup that can be accommodated along these streets. Others are looking to expand dining and retail sales into those spaces; [Raleigh](#), [Asheville](#), [Charlotte](#), and others are exploring options for how to make use of these spaces while still meeting the regulatory requirements of the Americans with Disabilities act, the Alcoholic Beverage Control Commission, and pedestrian safety guidelines at municipal and state levels. While balancing the necessary regulations can be delicate, communities are rolling out plans for how to repurpose these spaces; one model example is the [City of Charlotte temporary guidance](#). Charlotte's approach reflects some of the considerations already discussed: their guidance emphasizes meeting the requirements of existing regulatory frameworks (ADA, ABC, etc.), where possible they use existing permitting processes (specifically in this case, they use their existing process for permitting sidewalk dining), and they are developing temporary guidance for incursions into the public right-of-way.

Road Closures and Outdoor Dining

There is also the option of just closing the whole street off and seating customers right in the road. From [Vilnius](#) to [Berkeley](#), the past few months have seen cities of all sizes experimenting with closing streets to vehicles and creating pedestrian-only spaces. Street closures present a host of complications, not least access for emergency services and access for delivery drivers. However some communities in North Carolina^[2] have looked to precedent from parades and festivals and issued [temporary closures](#) on downtown corridors, opening the street to restaurants during [weekends and evenings](#). Street closures have the potential to create a [vibrant](#) festival atmosphere, which may have the added benefit of generating increased visitation to downtowns; however, this must be balanced against concerns about over-crowding and loss of on-street parking for retail and other commercial establishments. Early evidence from cities such as Belmont shows strong support from communities and businesses of all types, indicating that these types of efforts may spread to other communities.

A Note on State-Maintained Roads

For communities where the primary streets of interest are state-maintained roads, it is still possible to implement street closures and convert on-street parking. NCDOT representatives emphasized that the department is not only willing, but actively interested in supporting local governments in their efforts to promote economic activity through outdoor dining. They noted that communities need to have a plan in place for detours and enforcement, and that NCDOT would be particularly concerned about communities having a plan for separating pedestrians from traffic and maintaining ADA accessibility. Local governments must come prepared with a plan for managing the changes, but NCDOT will work with local communities and is willing to support both short- and longer-term road and lane closures^[3].

As communities continue to feel the burden of COVID, local governments are looking for creative ways to support local businesses and bolster local economies. Increasing the space available to restaurants to seat and serve customers is a common way that local governments can help businesses increase their revenues, and most local governments already have the tools to facilitate those changes. Repurposing existing permitting processes for special events, temporary street closures, and temporary uses can let local governments maintain appropriate oversight while still allowing novel uses of space. Local and state DOT's are willing and interested in supporting road closures, both temporary and longer-term.



COVID-19 is fundamentally changing how communities interact with downtown spaces; perhaps as we reconsider the role of public and private spaces in downtowns, some of those changes can be turned into positive steps for communities.

Ethan Sleeman is a second-year Master's Student in the UNC Department for City and Regional Planning, and a Fellow at the Development Finance Initiative. His research focuses on affordable housing and neighborhood opportunity issues.

[1] See also [Carolina Beach](#)

[2] [Raleigh](#) and [Elizabeth City](#), for example.

[3] Phone call between author and NCDOT Region 5 Engineer Mike Mills, 3 June 2020