

On May 24, 2020, the North Carolina Alcoholic Beverage Control (ABC) Commission issued guidelines to temporarily allow on-premises ABC permit holders to include additional outdoor seating as part of their licensed premises if that space is approved by the appropriate local government entity and the permit holder notifies law enforcement.

This only applies to permit holders who are allowed to open under Phase 2 of the Governor's Safer at Home Order. Additionally, the permit holder must own or lease the property where the additional seating is allowed or obtain the written permission of the owner.

According to the ABC Commission: "This temporary change is allowed to maximize social distancing. The guidelines do not override any order from Governor Cooper, the NC Department of Health and Human Services, or any local ordinances. In the event that North Carolina reverts to Phase 1, these guidelines are invalid during that time period."

In order to temporarily extend a permitted premises, the permit holder must obtain a [Temporary Use Permit](#) from the city and notify their ALE agent, the District ALE office or local law enforcement. Permittees may notify local law enforcement by sending an email to OfficeoftheChief@wilmingtonnc.gov . Permittees should keep a copy of the email notice they send for their records.

Pursuant to ABC Commission requirements (see the full list [here](#)), applicants must submit a site plan indicating the size and location of the temporary extension of their premises, the types of barriers to be used, and how many tables and chairs will be placed in the area. Prior to use of the temporary area, applicants must obtain city approval and must comply with all provisions of the Temporary Use Permit and ABC requirements at all times the extended outdoor seating area is in use. Failure to comply may result in immediate revocation of the temporary extension. There is no fee or cost for the ABC Approval or the Temporary Use Permit and both may be applied for using the same process.

Please contact the City's Planning Office at 254-0900 with questions pertaining to the ABC Approval and/or Temporary Use Permit requirements. Completed applications may be e-mailed to kathryn.thurston@wilmingtonnc.gov or mailed to P.O. Box 1810, Wilmington, NC 28401.