

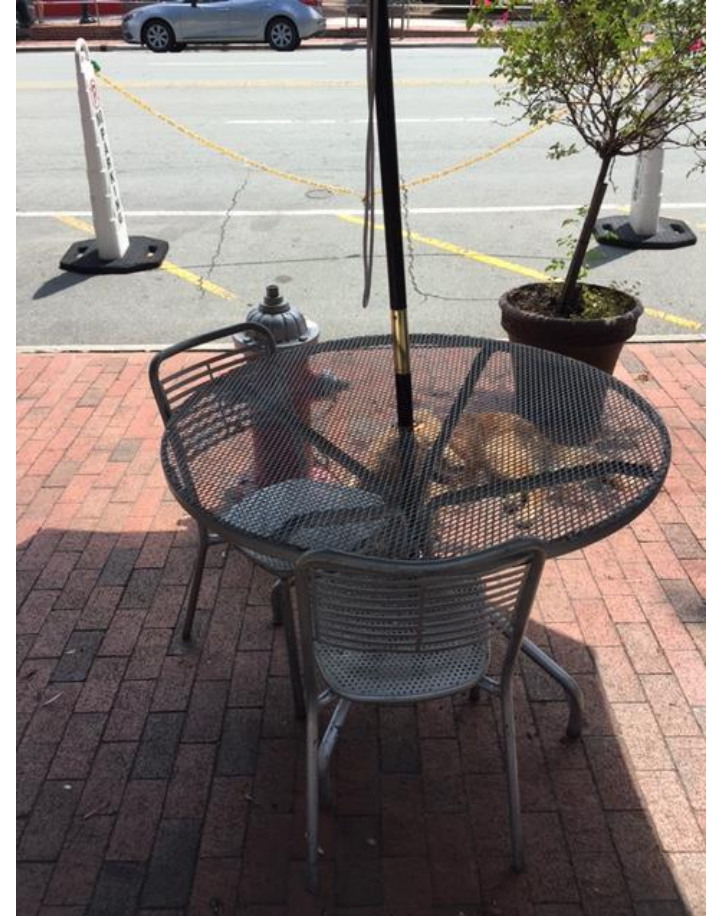
Sidewalk Dining Text Amendment

PLANNING COMMISSION – MARCH 19, 2019



Agenda

- Background of the current ordinance
- Why amendment is needed
- How revisions were determined and tested
- Summary of changes
- Next steps



A photograph of a street scene featuring a restaurant. A large, semi-transparent blue rectangle is overlaid on the center of the image, containing white text. The background shows a brick building with a sign that reads "ITALIAN PIZZERIA THE RESTAURANT". There are outdoor tables and chairs on the sidewalk, and a car is visible on the street to the left.

Our Ask:

**Provide input on the
proposed changes**

Ordinance Timeline

1995

Sidewalk dining added to Sec. 17 of Code

2004 & 2007

Revisions made

2013

NC GS 136-27.4 passed

Ordinance Background



- Article VI, Section 17-76 through 17-90 (“Sale of Merchandise on Sidewalks, Public Streets”)
- Acknowledges the benefits of limited sales of food and beverages in certain districts

BUT...

- Includes restrictions that limit restaurants’ ability to sidewalk dine

NC General Statute 136-27.4

- Passed in 2013
- Requirements are focused on ADA compliance and safety
- Provides guidance and sample ordinance language for local governments

Revisions Timeline

2017 &
2018

Concerns
and input
received

2018

Revisions
drafted
and tested

March
2019

Planning
Commission
review

April
2019

Council
approval

Concerns from Downtown Restaurants

- Furniture requirements very restrictive
- Application hard to read and complete
- Rules around sidewalk dining generally unclear



Concerns from Staff



- Ordinance does not outline penalties for non-compliance
- Ordinance written before streetscape investments improved width and capacity of sidewalks
- Written before state rules were passed

Input and Testing with Restaurants

- Downtown restaurants invited to provide their input on application and ordinance at February, 2018 meeting
- Application piloted with multiple restaurants in 2018
- Information for today shared with restaurants ahead of time for input



Town Staff Testing



- Team of internal stakeholders
- Others consulted to ensure changes will not affect Town Code, LUMO, or Zoning Ordinance
- Part of a larger effort to lower barriers to small businesses

CURRENT ORDINANCE

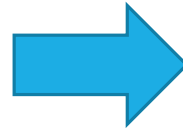
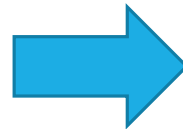
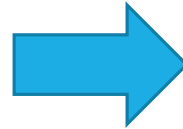
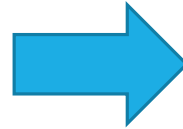
Sidewalk dining only allowed in **Town Center, Neighborhood Center, and Commercial Center** zoning districts

No sidewalk dining within **50'** of an intersection

6' clearance required between furnishings and any permanent object or building

Size of **furnishings restricted** to allow only dinette-style tables and chairs

Furnishings must be **removed by midnight** every day



PROPOSED REVISIONS

Sidewalk dining allowed **anywhere a restaurant is an approved use** and abuts the public right of way

No sidewalk dining with **6'** of any travel lane

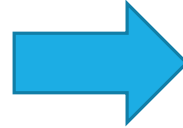
5' clearance required between furnishings and any permanent object or building

Removed; furnishing requirements are detailed in Chapter 8 of Building Code

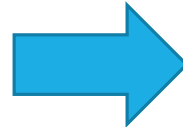
Furnishings **may be left out** other than during Town-declared special events or adverse weather

CURRENT ORDINANCE

Town Manager can only grant variances of **furnishing size**



No **penalty or appeals** process detailed



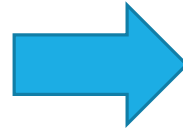
PROPOSED REVISIONS

Town Manager can grant variances to **any aspect not specifically prohibited** by State

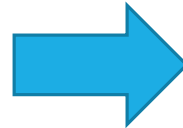
Outlines the **penalty for improper or unpermitted** sidewalk dining and an **appeals process**

OLD APPLICATION

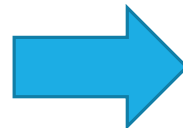
Required vague **narrative** response



Required **detailed site plan**



Requirements **hard to find** in ordinance



NEW APPLICATION

Simple checklists of requirements, reminders, and list of attachments

Only **simple pictures and drawings** required

Ordinance requirements now **included on permit application**

Next Steps

- Tonight: Planning Commission review and feedback
- April 10: Council consideration
- Application will be further revised to reflect new ordinance