

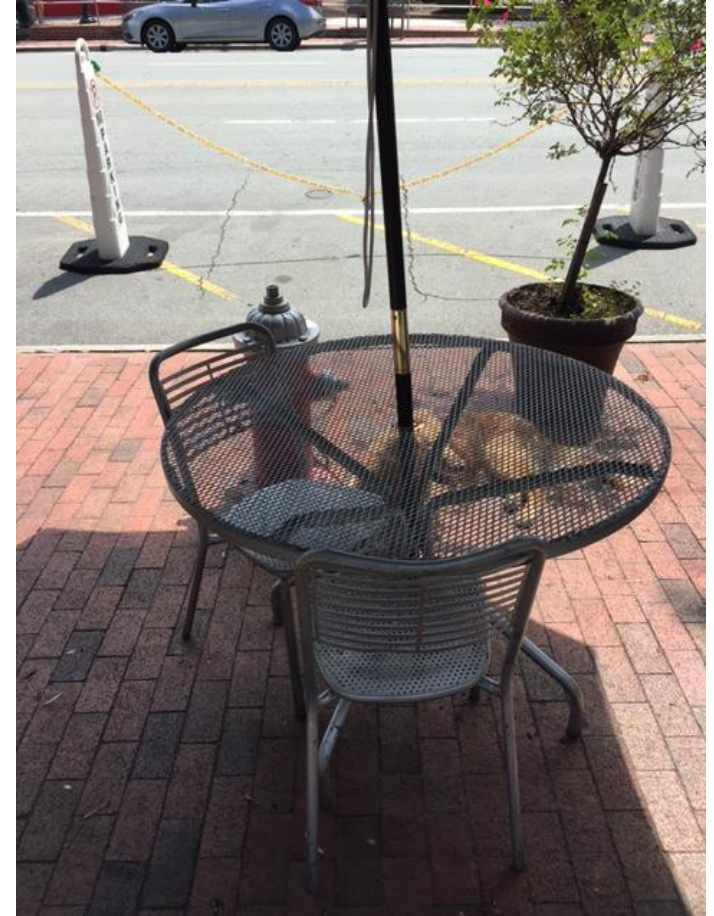
Sidewalk Dining Text Amendment

TOWN COUNCIL – APRIL 10, 2019



Agenda

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



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The background image shows a sunny street scene. On the left, there are green trees and a sidewalk with outdoor seating for a cafe, featuring black metal tables and chairs. A silver car is parked on the street. In the center, a semi-transparent blue rectangle contains the text. To the right, a brick building houses a restaurant with a sign that reads 'ITALIAN PIZZERIA & RESTAURANT'. Another sign for 'AL's' is visible on the building's facade. A large, vertical 'DRAFT' watermark is positioned on the right side of the image.

Action:

**Approve proposed text
amendment**

Ordinance Timeline

1995

Sidewalk dining
added to Sec.
17 of Code

2004 &
2007

Revisions made

2013

NC GS 136-
27.4 passed

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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

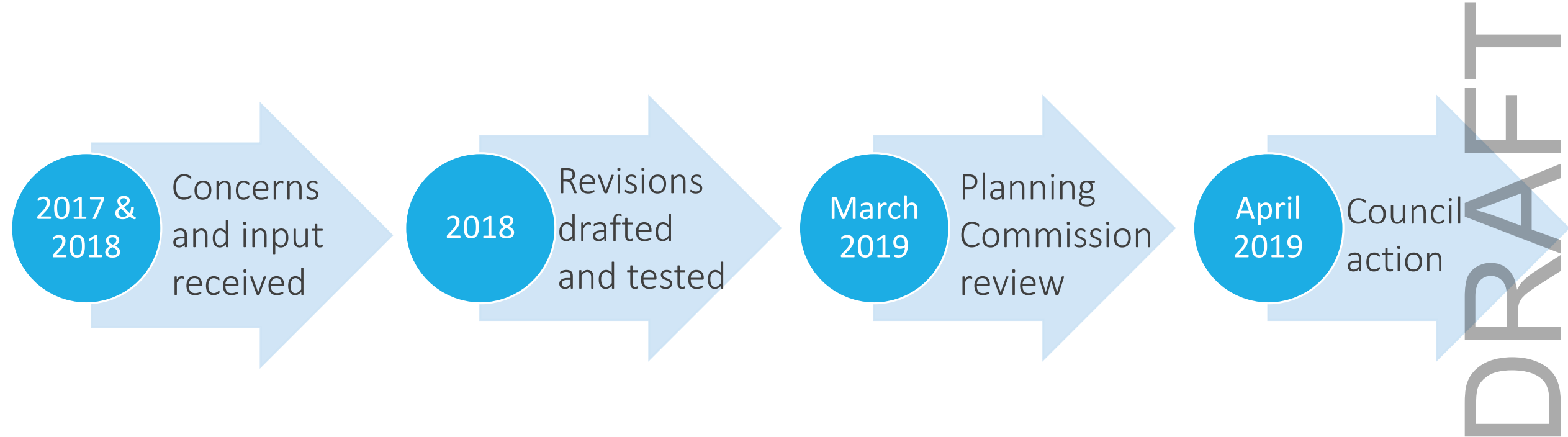
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NC General Statute 136-27.4

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

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Revisions Timeline



Concerns from Downtown Restaurants

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



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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

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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



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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

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CURRENT ORDINANCE

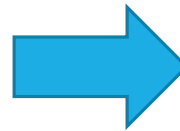
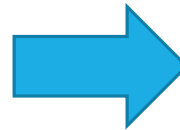
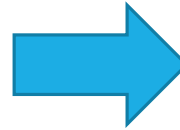
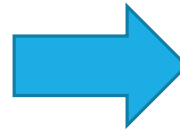
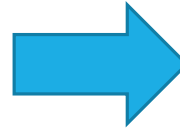
Sidewalk dining only allowed in **Town Center, Neighborhood Center, and Commercial Center** zoning districts

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

6' clear passage for pedestrians required

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 within **6'** of any travel lane

5' clear passage for pedestrians required

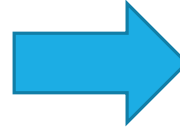
Removed; furnishing requirements are detailed in Chapter 8 of Building Code

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

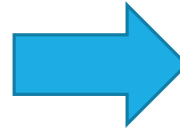
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CURRENT ORDINANCE

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

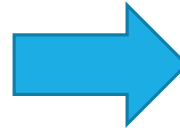


No **penalty or appeals** process detailed

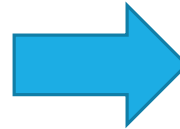


OLD APPLICATION

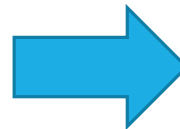
Required vague **narrative** response



Required **detailed site plan**



Requirements **hard to find** in ordinance



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**

NEW APPLICATION

Simple checklists of requirements, reminders, and list of attachments

Only **simple pictures and drawings** required

Ordinance requirements now **included on permit application**

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Recommendation and Next Steps

- Staff Recommendation: Approve text amendment
- Next steps:
 - Tonight: Council consideration
 - Application will be further revised to reflect new ordinance

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