

SIDEWALK DINING ORDINANCE OUTLINE



The following document summarizes Hendersonville NC's sidewalk dining ordinance (last updated, February 2018). This does not replace compliance with the ordinance and you are recommended to read the ordinance in its entirety. **[Download the complete sidewalk dining ordinance here.](#)**

[Paper or online applications are acceptable.](#)



SIDEWALK DINING ORDINANCE STANDARDS - ACCESSIBILITY

Not only is it the law, ADA compliance helps visitors and your customers navigate our downtown safely and comfortably. Non-compliance may result in denial or suspension of a sidewalk dining permit.

The placement of tables, chairs and other furnishings as shown in the drawing submitted with the site plan must be done in such a manner that at least five feet of unobstructed space remains on the sidewalk or pedestrian way for the passage of pedestrians. No fire exits or lanes may be blocked and such must remain clear at all times.

The leading edge of sidewalk café barricades must be perpendicular to the sidewalk direction and be a minimum height of 3' and maximum height of 4'2". The barrier must be detectable by the visually impaired.

Sidewalk café barricade stanchions/posts must not be a tripping hazard. If a stanchion or other vertical element is attached to a base, that base must be flat and must measure no more than 1" above the sidewalk surface.



NOTE:

if two people walking side by side have to go single file, or a wheel chair cannot pass through without maneuvering, your sidewalk is not accessible and adjustments need to be made to be in compliance.

SIDEWALK DINING ORDINANCE OPERATION

The sidewalk café must be associated with the operating restaurant and may not be open or operated at any time when the restaurant is not open for business.

The seating capacity of the sidewalk café may not be more than 50 percent of the indoor seating capacity of the associated restaurant.

Furnishings may not extend beyond the sidewalk frontage of the associated restaurant, with the following exception: tables, chairs, and other furnishings café furnishings and barricades may extend up to eight feet onto adjacent property frontage in either or both directions with the written permission of the occupant of the adjacent property.

Alcoholic Beverages:



The sidewalk café must be included as part of the premises for which an ABC permit is issued pursuant to state law.

Signs shall be posted, visible at all exit points from the sidewalk café, that it is unlawful to remove alcoholic beverages from the premises.



No outdoor bar is allowed within the sidewalk café, nor shall outdoor preparation of alcoholic beverages be permitted except that unfortified wine may be decanted or beer poured at a table as part of a meal.



SIDEWALK DINING ORDINANCE APPEARANCE STANDARDS

In compliance - Furnishings

Sidewalk café stanchions/posts constructed of metal (aluminum, steel, wrought iron, etc.), wood (wood must be painted or stained) or commercial grade planters. Railings are steel chain coated with black plastic, heavy duty black plastic chain, heavy duty black rope or black velour rope.

Commercial planters used as vertical support posts do not exceed 3' in height and vegetation within the planter does not exceed 6' from ground level.

Furnishings are constructed of metal (aluminum, steel, wrought iron, etc.).

Umbrellas are commercial grade and made with outdoor fabric and a metal or commercial grade plastic stand and free of logos or other signage.

Adequate trash receptacles for its patrons within the perimeter of the barricades.

At the end of each business day and during operating hours, the restaurant keeps their sidewalk dining area and beyond free of trash and debris of any sort. This includes debris that is outside of the permitted area but comes from the establishment.

The tables, chairs and other furnishings used in the sidewalk café is easily movable.

Outside of operating hours, furniture is secured in a manner that allows clear access from the street equal to or exceeding half of the frontage of the associated restaurant.



SIDEWALK DINING ORDINANCE APPEARANCE STANDARDS

In compliance - Cleanliness:

At the end of each business day and during operating hours, the restaurant keeps their sidewalk dining area and beyond free of trash and debris of any sort. This includes debris that is outside of the permitted area but comes from the establishment.

The sidewalk in and around the permitted sidewalk dining area must be kept clean and unblemished.

Spills and stains from general use must be removed on a weekly basis.

Café furnishings and barricades must be cleaned and properly maintained at all times.

Café furnishings and barricades must receive regular maintenance of fit and finish as required by the nature of the material being used.

Damaged or deteriorating furnishings, barricades or elements of either must be repaired or replaced in a timely manner.

All planters contain live plants in healthy condition.

SIDEWALK DINING ORDINANCE STANDARDS



Noncompliant:

Furnishings other than tables, chairs, trash receptacles and umbrellas.

Commercial umbrellas with logos or other signage.

Wood furniture (ie. picnic tables)

Lack of trash receptacles resulting in customers or staff using city receptacles for waste.

Debris is left behind in the sidewalk dining area during and after the close of business each day, or makes its way outside of the permitted dining area.

Violation of any provision of the county health department regulations

Violation of any law, regulation, or ordinance regarding alcoholic beverages or other controlled substances.

Operation of the restaurant or sidewalk café that creates a public nuisance or constitute a hazard to the public health, safety, or welfare; specifically including failure to keep the café area clean and free of refuse.

Operation of the restaurant or sidewalk café in violation of any city, county or state law, ordinance, or regulation.

SIDEWALK DINING ORDINANCE

PERMIT APP CHECKLIST

Complete permit application in its entirety. Paper or online applications are acceptable. This includes:

(see ordinance for additional details)

- ☐ The contact information for the restaurant and owner of restaurant desiring to operate a sidewalk café.
- ☐ The type of food, beverage, or food product to be sold and served at the sidewalk café and hours of operation of the restaurant and the sidewalk café.
- ☐ A drawing or site plan showing the section of sidewalk or pedestrian way to be used for the sidewalk café, and the section to be kept clear for pedestrian and fire lane use, and depicting the proposed placement of tables, chairs, barricades, umbrellas, trash receptacles, and other furnishings on the sidewalk or pedestrian way.
- ☐ A description and images, drawings and other illustrative graphics of the barricades to be used (if any) around the sidewalk café and of the furniture to be used, i.e. tables, chairs, umbrellas, etc.
- ☐ Proof of an insurance policy protecting the permittee and the city from all claims for damages to property and bodily injury, including death, which may arise from operation under or in connection with the permit. Insurance must name the city as additional insured and shall afford minimum limits of \$500,000.00 aggregate annually.
- ☐ A copy of all the permits and licenses issued by the county, state, or the city, including health and ABC permits and business licenses, necessary for the operation of the restaurant business, or a copy of the application for the permit if no permit has been issued. This includes any permits or certificates issued by the city or other governmental authority, for exterior alterations or improvements to the restaurant.
- ☐ A sworn statement describing any violation by the restaurant operator of any laws, regulations, or ordinances relating to the possession, sale consumption, or transportation of intoxicating beverages or controlled substances during the five years immediately preceding the date of the permit application.
- ☐ Annual Fee: \$0.50 per square foot of sidewalk cafe.

DOWNTOWN PROGRAM INFORMATION

Downtown Hendersonville is a nationally accredited Main Street Program. Main Street Communities use a comprehensive downtown revitalization process developed by the National Trust for Historic Preservation to encourage economic development within the context of historic preservation.

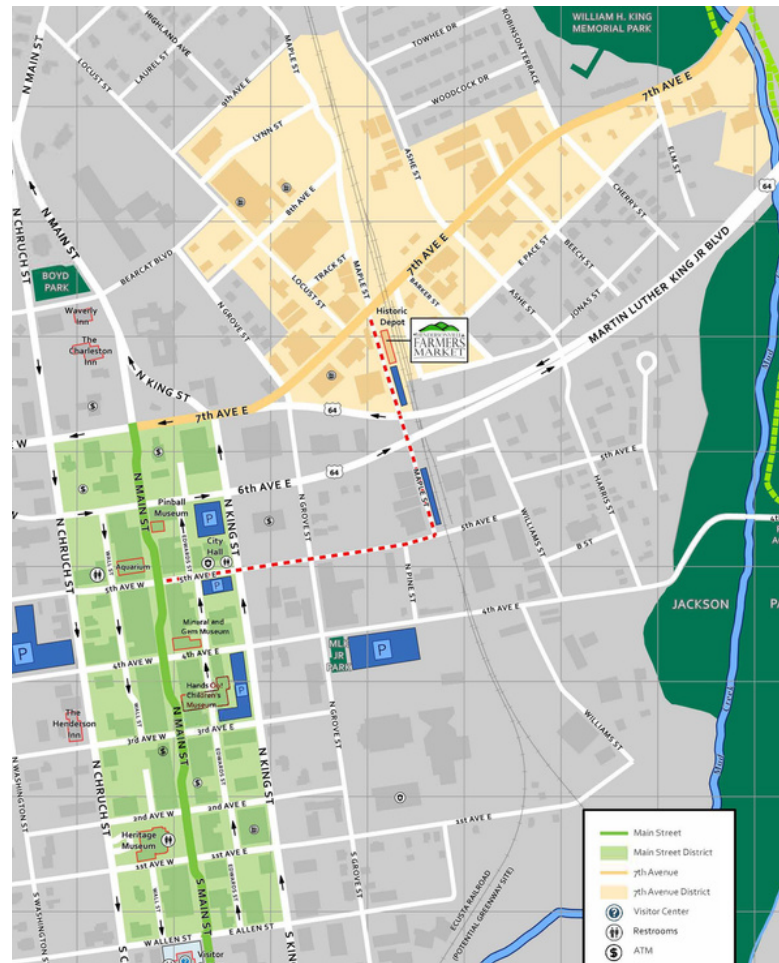
The Downtown Division of the City of Hendersonville Community Development Department works to improve the Main Street and 7th Avenue Municipal Service Districts.

Funding:

The Downtown Division is funded by Municipal Service District tax on the Main Street and 7th Avenue Districts, and a percentage of sales tax.

- Downtown Municipal Service District \$0.24 tax per \$100 valuation
- 7th Ave. Historic Municipal Service District \$.17 tax per \$100 valuation

Properties within the Main Street and 7th Avenue MSDs receive increased services due to the additional revenue generated through the additional tax rate.



district boundaries



Contact:

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