

Sidewalk & Outdoor Dining and Outdoor Display

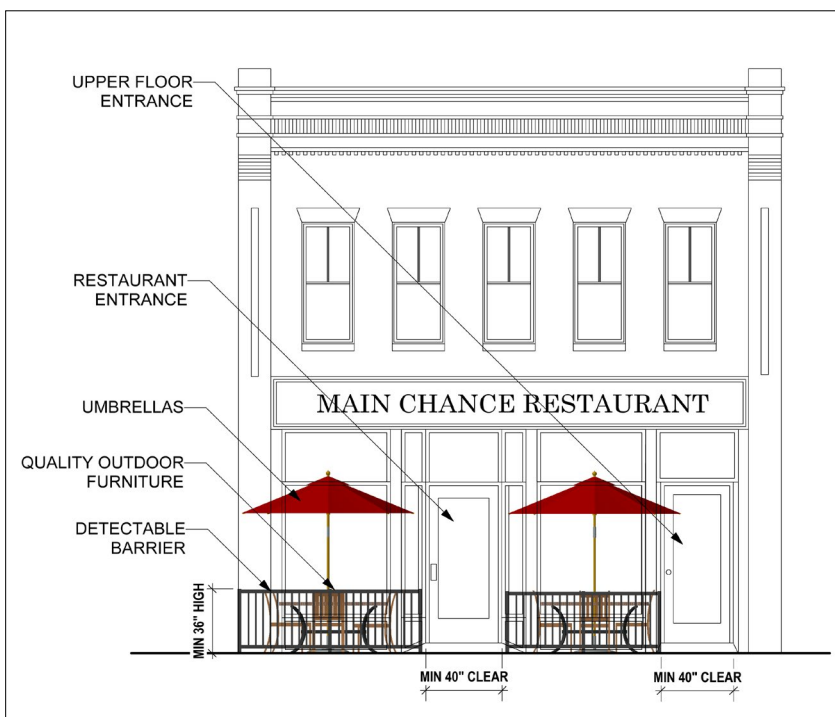
8.1. Purpose

The purpose of these guidelines is to provide guidance for Restaurant owners or owners of Places of Entertainment (bars, etc.) who wish to offer sidewalk or outdoor dining or seating on public sidewalks. Sidewalk dining and/or seating (Section 8.2) is defined as dining or seating allowed on public sidewalks and alleys, while outdoor dining (Section 8.3) is defined as dining or seating allowed on private land including on setbacks from the street, sideyards, alleys and rear yards. Also included in this section are rules for store owners who wish to display merchandise on the street (see Section 8.4).

8.2. Sidewalk Dining-Outdoor Seating

Store owners must obtain a yearly permit, must be mindful that they are using the public right of way, and must ensure that:

- Pedestrian traffic flow and safety are not impeded and ADA (Americans with Disabilities) standards are met;
- The historic architectural context is honored and enhanced; and
- Outdoor areas are maintained to the highest standards at all times.



This drawing illustrates a possible configuration of sidewalk dining. See other drawings for allowable dimensions. Note that all doorways must remain clear, with minimum 40" opening.

1. Space Requirements

The space allowed for outdoor seating and/or sidewalk dining will vary with the width of the sidewalk. There are two sets of requirements: for sidewalks 10' or narrower, and for sidewalks wider than 10'. See typical plans on the next two pages for graphic representations of these requirements.

For streets 10' wide or narrower:

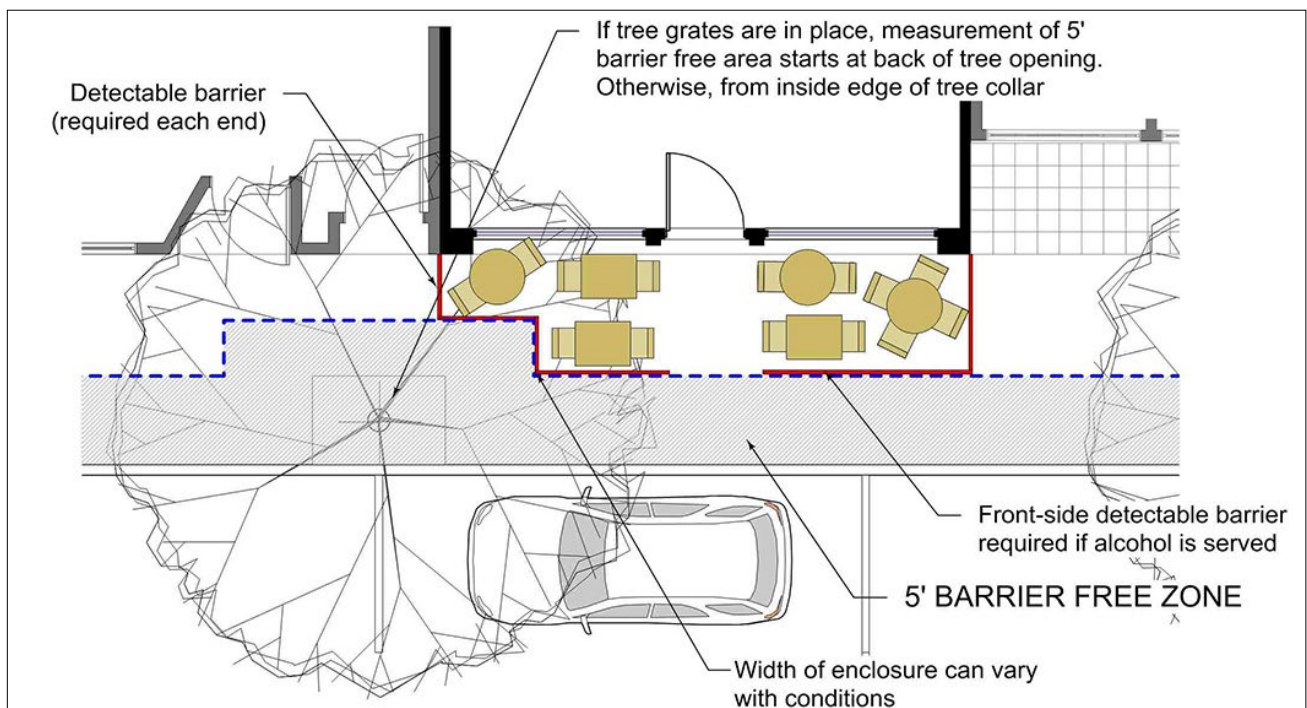
- A 5'-wide zone from the back of the curb or from any fixtures (trees, lights, bike racks, etc.) must remain clear of obstructions at all times. If tree pits are not covered with tree grates, the measurement for pedestrian traffic flow starts from the inside edge of the tree curb closest to the buildings. Although a minimum 5'-wide corridor must remain clear for pedestrian traffic flow, the space available for outdoor dining or seating may move in and out around street fixtures. The remaining public right of way, plus whatever setbacks that the building offers, may be used for sidewalk dining.

For sidewalks 10' or narrower

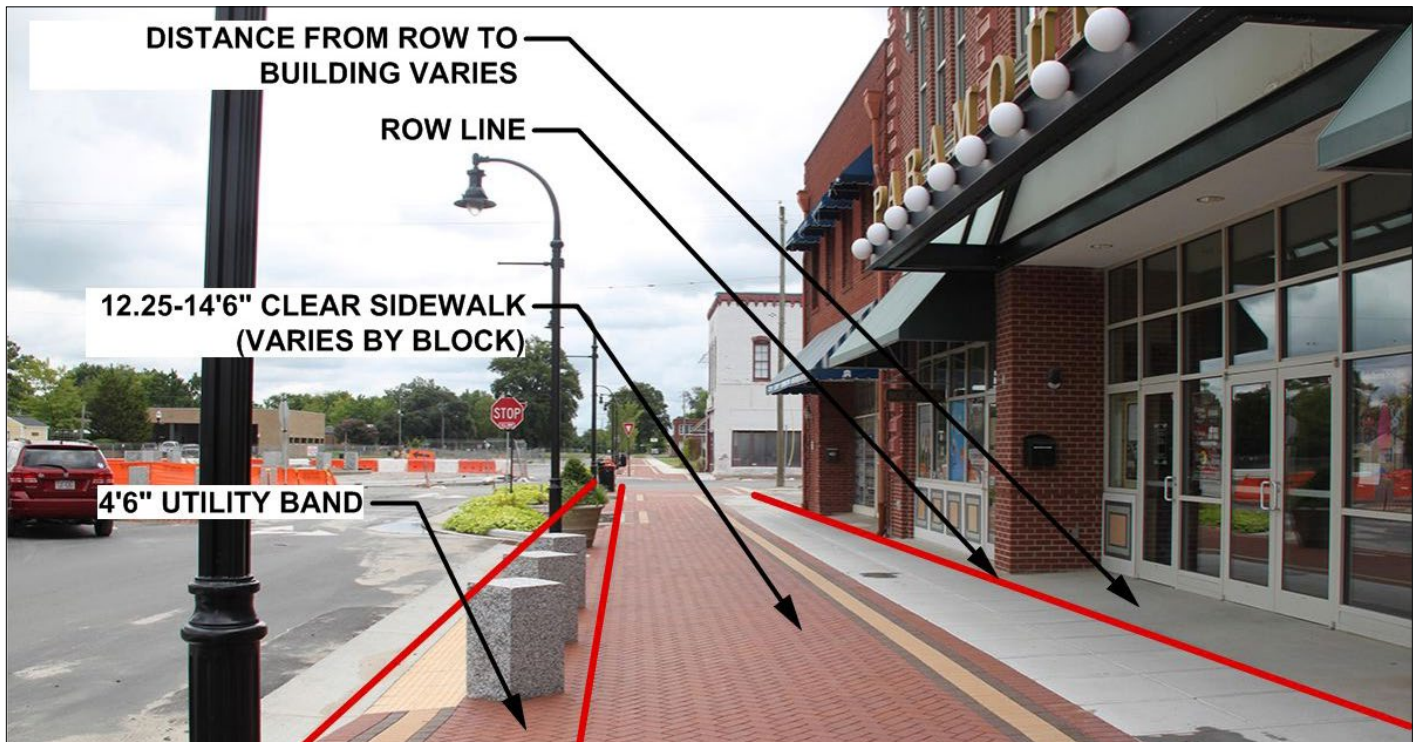


This photograph shows how the dining enclosure moves around a light pole in order to maintain a minimum 5' clearance on the sidewalk.

For sidewalks 10' or narrower

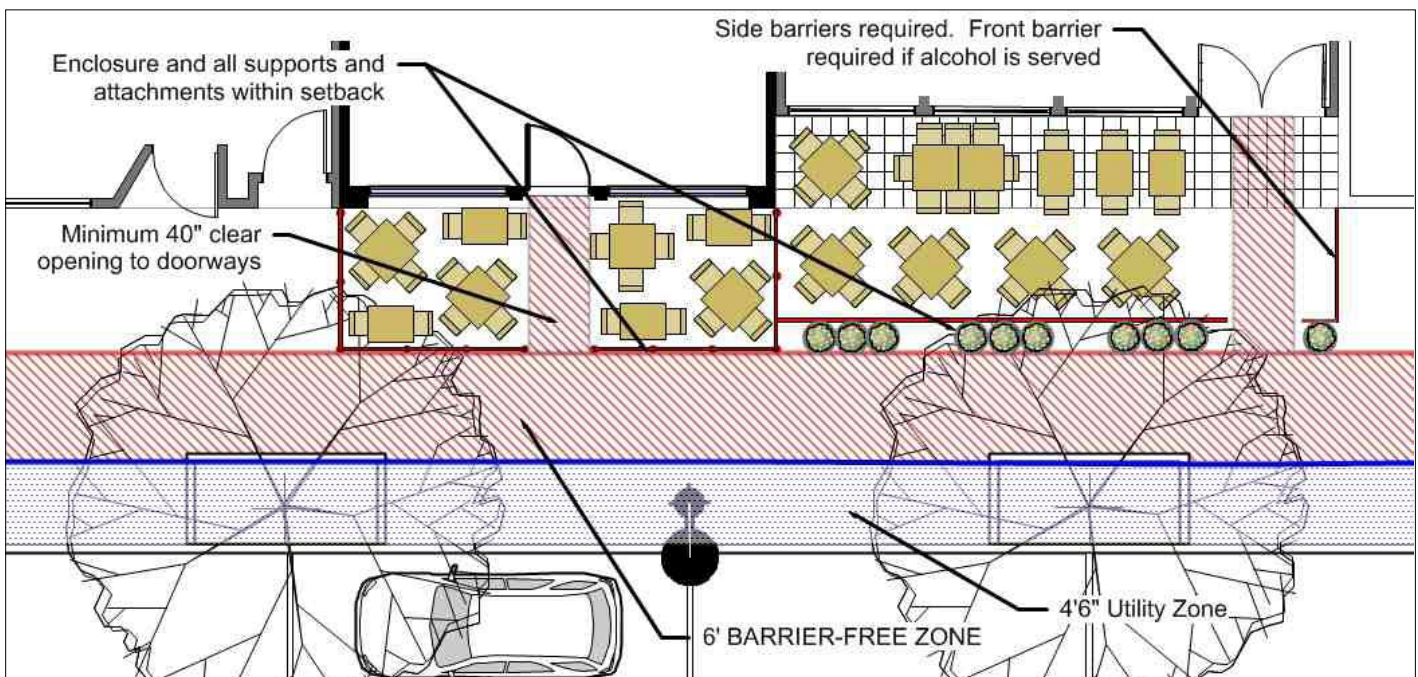


For sidewalks wider than 10'



This photograph of Center Street near the Paramount illustrates the areas allocated for utilities, shows the space between utilities and the right of way (ROW) line, and also illustrates that some buildings have space behind the ROW line that can be used for sidewalk dining, but is not included in space calculations (i.e. additional space).

For sidewalks wider than 10'





Even on narrow sidewalks it is possible to fit a limited amount of sidewalk dining. Side barriers are always required. If alcohol is served there must also be front barriers.

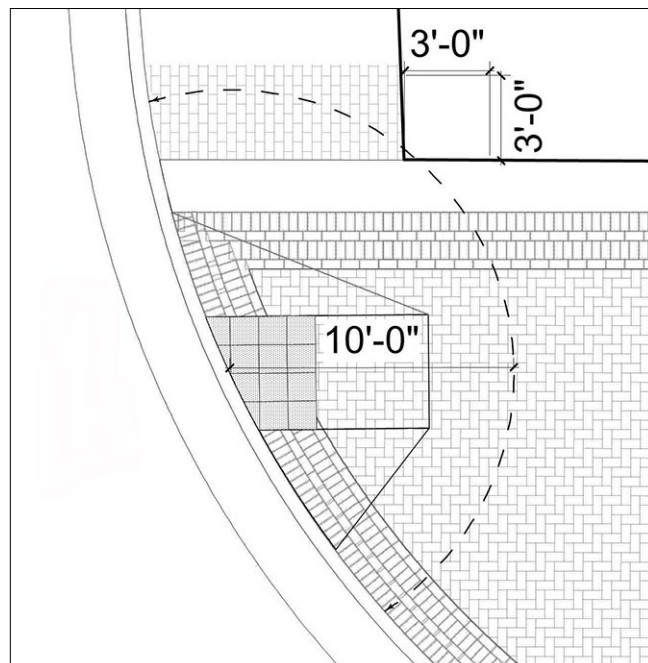


This metal dining enclosure in Washington, D.C. is enhanced with colorful hanging planters. The planters and plants must still fit within the allowable dimensions.

In most cases, streets this narrow will only accommodate a single table and two, or perhaps three chairs within this space. The photo at left shows an example of sidewalk tables on narrow sidewalks.

For streets wider than 10' (and especially Center Street with widened sidewalks):

- A 4'6"-wide utility zone next to the curb is reserved for any fixtures or street furniture. No tables and chairs for outdoor dining may be located in this zone.
- A minimum 6'-wide corridor inside the utility zone must remain clear for pedestrian traffic flow at all times. The remaining public right of way, plus whatever setbacks that the building offers, remains for sidewalk dining. On Center Street, this will be approximately 8'-9'.
- Depending on utilities and street furniture adjacent to the business, additional space may be allowed by exception with review and approval.
- Likewise, if there are any obstructions or elements in the sidewalk that require it, this 6' allowance for pedestrians may be increased.
- Any projections from the enclosure (signs, planting materials, lights, etc. must be included in calculating the 6' barrier-free areas.
- For buildings adjacent to handicap ramps, at least 10' from all handicap ramps (measured from the inside edge of the curb) must remain clear of obstructions. In addition, 3' from the corner of buildings located on corners must be free of all obstructions. See diagram below.



This diagram shows the area around handicap ramps that must remain clear of obstructions. In addition, no obstructions should be placed closer than 3' to buildings on corners.



The attractive wrought iron enclosure shown above looks as if it might be custom-made. The width of these sidewalks in Austin, TX allows enough room for planters in addition to the railings. Also note the small lights on the enclosure.



This photo shows a wood fence with angled slats to allow less wind resistance. Tropical woods should be used to prevent warping and splintering.



This private courtyard dining area has been fitted with small overhead lights for nighttime dining.

2. Barriers

Fencing or other enclosures for sidewalk dining areas is important both to provide control for the store owner, and also to alert pedestrians and those with sight impairments that an obstruction exists on the sidewalk.

Dimensions and placement requirements:

- Enclosures must be a minimum of 36" high;
- Leading edge barriers are required (perpendicular to the sidewalk)
- Front edge barriers are optional unless alcohol is served at the establishment; then they are required by North Carolina state law;
- Generally, only one entry to an enclosure is recommended, especially where alcohol will be served;
- Openings for access to all doorways must be a minimum of 40" wide, and must remain clear from the opening to the doorway. If there is an additional door in the facade allowing access to upper floors, that door can only be included in the enclosure by exception.

Allowable materials and dimensions for enclosures are as follows:

- Enclosures should be at least 50% open (except canvas or fabric, see below) to allow visibility to and from the street, and between 36-48" tall.
- Metal railings (wrought iron, aluminum or steel) on bases of circular or rectangular flat metal, or **mounted by attachment to the building and to the concrete slab under the brick of the sidewalks with review and approval.** No fencing may be permanently attached to the concrete portion of the sidewalk.
- Painted or stained wood on bases of flat circular or rectangular metal (wood bases are not permitted); tropical woods are required for wood enclosures to ensure stability and longevity.
- Rectangular, square or round planters made from architectural concrete, commercial grade resin or terra-cotta must be no more than 2'6" tall without planting. Planters must have plants in them or be removed from the sidewalk.
- Round or square planters or urns used as barriers and connected by ropes with review and approval may be up to 3' high without plantings;
- Canvas or other fabric securely fastened appropriately to metal frames are allowed, with the understanding that the canvas or fabric must be designed not to blow over in windy conditions and be maintained in good condition at all times.
- Other attachments and materials will be considered by exception with review.



Metal furniture such as this aluminum furniture is approved for use, although it may be warm in the summer months if shade is not provided.



Natural materials such as commercial grade wicker and rattan are allowed.



These square, compact umbrellas create a sense of order and allow efficient table layout. Stone topped tables and metal-framed resin-wicker furniture are durable and weather resistant. All photos this page courtesy of American Trading Company.

Not permitted are:

- Plastic used as a material for any portion of any enclosure;
- Domed or raised metal bases over 6" in diameter (these are a tripping hazard) or concrete or wood bases, except planters;
- Rope enclosures less than 1' in diameter;
- Planters with narrow bases which can be easily tipped or that would be difficult to detect by the visually impaired.

3. Furniture

Furniture for outdoor dining should be built for outdoor use and should be sufficiently sturdy to withstand reasonable variations of weather and wind. Stacking-type chairs are recommended for storage. Both chairs and tables should be compact to allow the greatest flexibility in seating options (square or round tables of no more than 30" are often used).

Furniture allowed for sidewalk dining:

- Chairs of metal (aluminum, steel, or wrought iron), wood, natural materials (e.g. wicker or rattan over metal for weight), or metal frames with natural, wood or plastic parts (e.g. resin woven wicker). Although chairs do not need to all be the same, when seen together they must appear unified in style. Colors should be natural or dark colors. White or fluorescent colors are not allowed.
- Tables of natural materials (wicker, rattan), metal (aluminum, steel, architectural concrete or wrought iron), with metal, stone, wood, architectural concrete or resin tops. Plastic woven (resin) wicker over metal of sufficient weight is also allowed. Tables should be natural or dark colors.

Although more than one size and shape of tables may be used, all elements should form a harmonious collection.

- Market-type umbrellas made of outdoor fabric with metal stands. Umbrellas should be compact in size and square is preferred over round. Plain colors rather than stripes are preferred. Umbrellas colors and shapes should harmonize with or provide an accent to the colors of the facade and any trim or awnings.

- Outdoor lighting may be desirable. Since many configurations are possible, all must be approved. Lighting affixed to the building or overhead lighting is preferred. See examples of lighting attached to a barrier and overhead on page 61 in this section.

- Open flames (e.g. candles) are not allowed.



- New materials are often introduced to the trade. These will be considered by exception with review.

Furniture/fitings not allowed for sidewalk dining:

- Any furniture or accessories other than chairs and tables and a hostess stand (e.g. no warming tables, bus tables, etc.);
- No covering or decking allowed to cover the sidewalk;
- All-plastic molded chairs or tables ;
- White or fluorescent colors (except as accents);
- Picnic tables of any material or size;
- Commercial Logos (e.g. beer logos) or other writing on umbrellas. Logo for store is allowed, but will be deducted from allowable square feet of signs allowed for the building.



8.3. Outdoor Dining on Private Property

Outdoor dining on private property offers many opportunities to create unique and diverse dining experiences: walled garden settings with pergolas, sophisticated courtyards with couches and firepits, decks overlooking a downtown view. Because the possibilities will be shaped by the space available, these guidelines are fairly general and plans will be reviewed individually. While guidelines for outdoor dining on private property adjacent to and visible from the street are similar to those for sidewalk dining, there are more possibilities for outdoor dining located elsewhere such as on rooftops or upper floor terraces.



Some possible configurations of outdoor dining in areas not adjacent to the public sidewalk.

1. Location, materials and fencing.

- Railings, decks, outdoor lighting, ramps, and safety items must conform to all City and State building, safety, accessibility and zoning requirements.
- Outdoor dining areas can be located on decks, sideyards, rooftops, or frontages of buildings that are set back from the public right of way.
- Clearance from public rights of way to all doorways must be a minimum of 40".
- Outdoor dining areas located in sideyards or rear yards may be fenced for security and screened for privacy. Fencing similar to that specified in the sidewalk dining guidelines may be used, but it may be permanently anchored. Height may be up to 6', and may be solid (e.g. masonry wall) or be open in construction (e.g. metal pickets or grilles or lattice), or may be a combination (e.g. solid up to 30-36" and open above). If a solid wall is used and there is a outdoor entry, the gate should be constructed of open materials such as metal pickets or wrought iron.
- Outdoor dining located in the frontages of buildings set back from the sidewalk must have perimeter fencing that meet the requirements for sidewalk dining. Paving should complement the adjacent sidewalk.



The attractive planters and plants maintained by this store owner add richness to the streetscape.



This outdoor display relates to the services offered, provides seasonal color, and invites pedestrians to “set a spell.”

- Outdoor dining located on decks or rooftops must have railings required by code as to height (42”), but may utilize materials that allow views through (e.g. horizontal or vertical steel cables or Plexiglas panels).
- Access may be through the building, from the street, or both.

2. Furniture

- For private dining areas located in setbacks from the front of buildings next to the public right of way, the standards for furniture and umbrellas are the same as for sidewalk dining.
- For furniture in side and rear yards and on decks and rooftops, the requirements are more flexible, with picnic tables, umbrellas with logos, service areas, hostess stations and bars allowed as reviewed and approved by the Historic District Commission (HDC) and the City.
- Garden structures, sculpture, fountains, fireplaces and other outdoor elements may be appropriate in outdoor dining areas.

8.4. Outdoor Display Guidelines

Businesses may wish to use the public sidewalk for display, for signs alerting pedestrians to sales inside, for menus or events, for landscaping or perhaps to provide a bench to invite pedestrians to linger a while. The following guidelines are given to suggest appropriate use of outdoor space. The goal of these guidelines is to avoid a cluttered appearance on the sidewalks. Items for outdoor display are in two categories: **permanent** items such as benches and planters, and **temporary** items such as store goods and sandwich signs (see also Section 9: Sign Guidelines).

1. Space Requirements

For sidewalks 10' wide or narrower:

- 3' from the face of the building (right of way line) will be allowed for display, temporary signage, landscaping, or benches.
- Display items and temporary signage (sandwich boards) placed in the street are allowed, but must be removed from the street at the close of business each day.
- Items such as benches and plants in planters are allowed, and may remain in place, but must meet quality standards for the city, and must be maintained (e.g. if plants in planters have died, the planter must be replanted or removed).
- Dried and artificial plant materials of good quality are allowed.

For streets wider than 10':

- 5' from the face of the building (right of way line) will be allowed for display, sandwich boards, landscaping, or benches.
- On Center Street, 5' from the ROW line will be allowed for display, enclosure, sandwich boards, landscaping, or benches.
- Other requirements are as above for narrower sidewalks.

2. Display Items

Allowed materials, permanent items:

- All permanent items to be placed in the public right of way must be approved in advance. Planters must be architectural concrete, concrete, wood, commercial grade resin, metal, or terra-cotta.
- Benches must be iron and wood, all wood, architectural concrete, or all metal. Wood should be pressure treated or tropical for ease of maintenance.
- Plant materials do not require approval, but must be kept in good condition or removed, along with the planters. Dried or artificial plant materials of good quality are allowed.
- Other materials with review and approval.

Materials not allowed, permanent items:

- Plastic or consumer-grade wood or resin planters or benches.
- Fluorescent colors.

A note about temporary display: Common sense must be used when displaying goods in the public right of way. This space must be neat and clean at all times. Temporary displays should be tasteful and understated. Examples might be a piece of sculpture or artwork to publicize an art show or a display of plants in the spring outside a flower shop or hardware store. This space is NOT intended to be extra floor space for the business, space regularly used for outlet and marked down items, and so on. The Merchants Association may be the best agent for setting up rules for this type of display to avoid abuse. Such a group could also arrange dates when "sidewalk" sales rules would be in place for all retailers at the same time.

Temporary signs ("sandwich" signs, etc.) are discussed in Section 9: Sign Guidelines.

8.5. Existing Conditions

Please note that all existing barriers, furniture, sandwich boards and other items placed on the public right of way are ***grandfathered for 90 days, by which time the existing conforming materials must be permitted, or if non-conforming, must be removed.***

8.6. Routine Maintenance

(COA not required)

- Repair/replacement of previously approved outdoor/sidewalk dining and outdoor display items
- Change of message of previously approved sandwich boards.
- Change of outdoor display upon approval of space configuration.
- Maintenance of permanent items (benches, planters) or replacement with same once approved.
- Replacement of plant materials in approved planters.

8.7. Certificate of Appropriateness Required

To obtain a COA, a completed application form (available from the designated City staff person in Planning) must be submitted to the HDC staff liaison with information about the type of establishment, hours, and (if a restaurant) the number of seats proposed.

- A measured plan of the sidewalk dining or display area must be prepared to ensure compliance with these guidelines, and should include relevant information (e.g. table and chair layout and pictures or drawings of all barriers, chairs, tables, umbrellas, benches, planters and so on) and submitted to the HDC staff liaison.
- Examples (photographs, drawings, samples) of permanent display items must be presented and approved by the HDC or by the staff liaison prior to placement.
- Upon approval by the staff liaison or by the HDC, a permit must be acquired and a fee paid from the City of Goldsboro. Contact the Planning Department for more information. Permits must be renewed yearly at no charge for both outdoor dining and temporary display. Permits may be pulled if proper maintenance and materials are not observed, at which time outdoor dining or display must be removed pending additional review and approval, permitting and payment of permit fees.
- Failure to obtain appropriate permission will be considered a zoning violation.

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