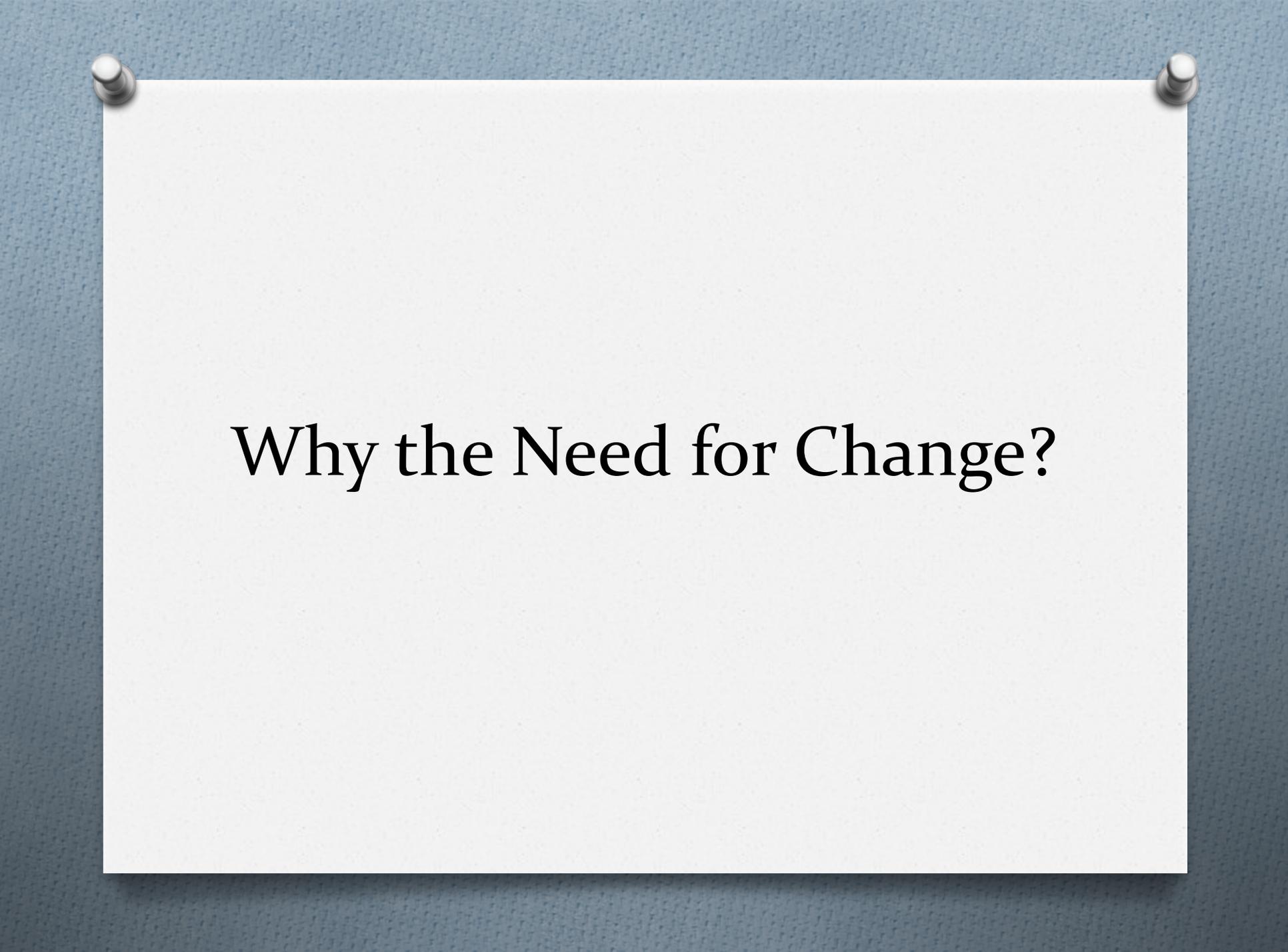


OUTDOOR SEATING

UNDERSTANDING the RECENT CHANGES
to PUPS and the RALEIGH CITY CODE

The Purpose of Today's Meeting

- o Move Forward
- o Open the Doors of Communication
- o Answer Questions About Outdoor Seating



Why the Need for Change?

Our Goals: From the Beginning

- o Update of Old Ordinances
- o Clarification & Definition
- o Public Safety
- o Public Health & Welfare
- o Enforcement

A Stitch in Time

In the two month period of June 1-July 30:

- o 51 Complaints involving Calls for Service to RPD and Complaints to City Staff
 - o 22 Separate “Complainants” (excluding RPD)
 - o 42 Complaints about Fayetteville Street

- o 60 Alcohol Related Arrests
 - o Glenwood Avenue: 24
 - o Fayetteville Street: 36

What is an Outdoor Seating Area?

- o A property that shares a boundary line with a public sidewalk or city plaza where tables, chairs or other furniture is placed for seating purposes.
- o It does not include:
 - o Encroachment Agreements
 - o Private property

Does This Affect Me?

If the Answer to Either of These is Yes, then No:

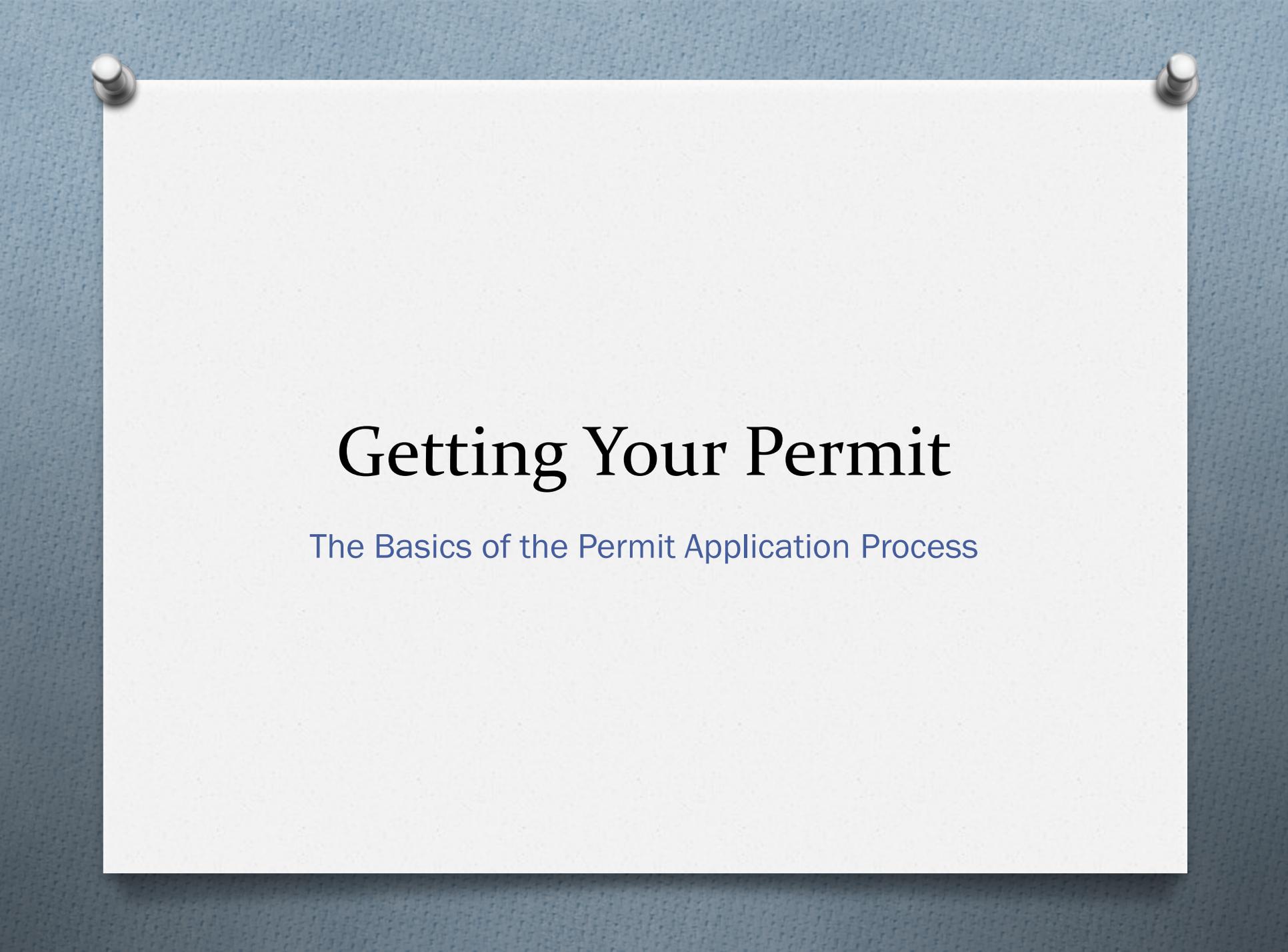
- o Do you have an Encroachment Agreement?
- o Is your Seating Area on Private Property?

If the Answer to Either of These is Yes, then Yes:

- o Is your Seating Area on Market Plaza?
- o Is your Seating Area on Exchange Plaza?
- o Is your Seating Area on a City Sidewalk?

“I’ve done this for 15 years, why do I need a permit now?”

- o You can’t operate an Outdoor Seating Area without a permit.
- o The permit allows you to the private use of public space
- o The permit does not create any property rights; the sidewalk is public property.



Getting Your Permit

The Basics of the Permit Application Process

Can I Get A Permit?

- o Eating establishments, food businesses, private clubs may apply for an Outdoor Seating Permit.
- o Only the Property Owner or Operator may apply for a permit.
- o For multi-level properties, the ground floor occupant with direct access to the Outdoor Seating Area has a right of first refusal; it is otherwise decided by the property owner.

How Do I Apply?

You must prepare and file an application for an Outdoor Seating Area permit on the form provided by the City.

Forms are available online!

www.raleighnc.gov

You can apply in person:
One Exchange Plaza, Suite 504

- o The name, address, and phone number of the Business;
- o The name, address and phone number of each Business Owner and Manager;
- o The hours of operation of the Business and Outdoor Seating Area;
- o A scaled drawing or site plan of architectural design standard quality showing the proposed Outdoor Seating Area boundary and surrounding streetscape details covering 7ft on either side of the Business;
- o Application fee
- o An approved Certificate of Insurance with CG 20 112 07 98 additional insured endorsement;
- o A signed indemnity statement;
- o A copy of all permits and licenses issued by the State or the City/County;
- o Other information upon request.

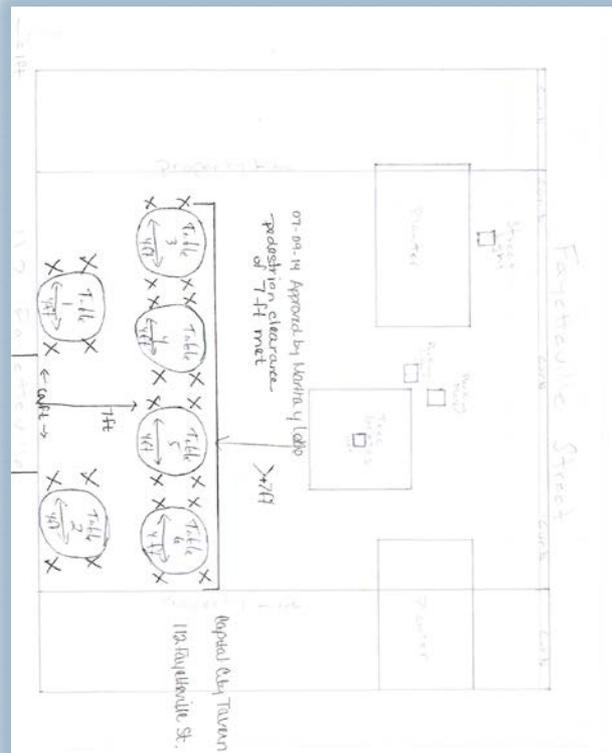
What If My Application Is Denied?

- o The City will notify you, *in writing*, if there is something wrong with your application. The notice will tell you what is missing.
- o Within thirty (30) days of the notice, you can submit for reconsideration one revised application for the same Business without paying any additional fee.
- o After the thirty (30) day window has expired you have to submit a new application, including the application fee.

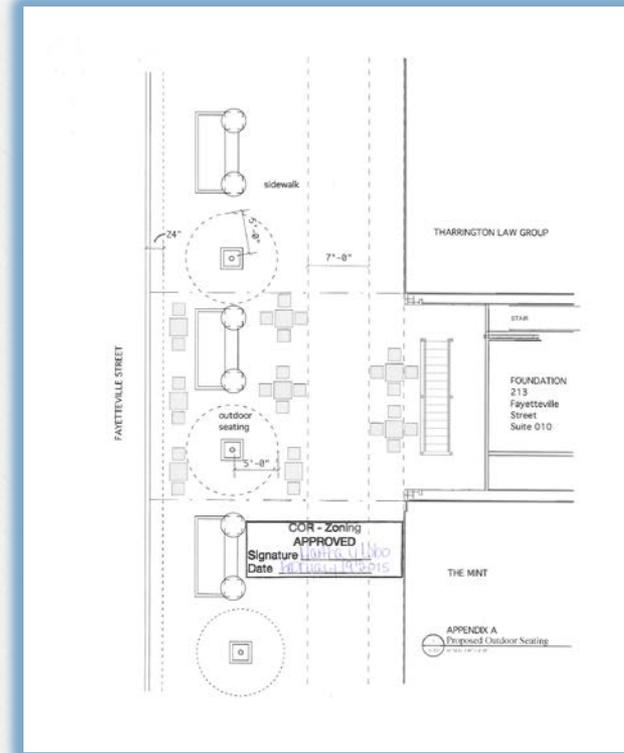
My Layout Worked Last Year

- o Hand drawn sketches makes it difficult to confirm the size, occupancy and actual layout of an Outdoor Seating Area, even post-Inspection.
- o Applicants would submit hand drawn “sketches” to us, but architectural renderings to the ABC Commission.

No Longer Acceptable



Acceptable



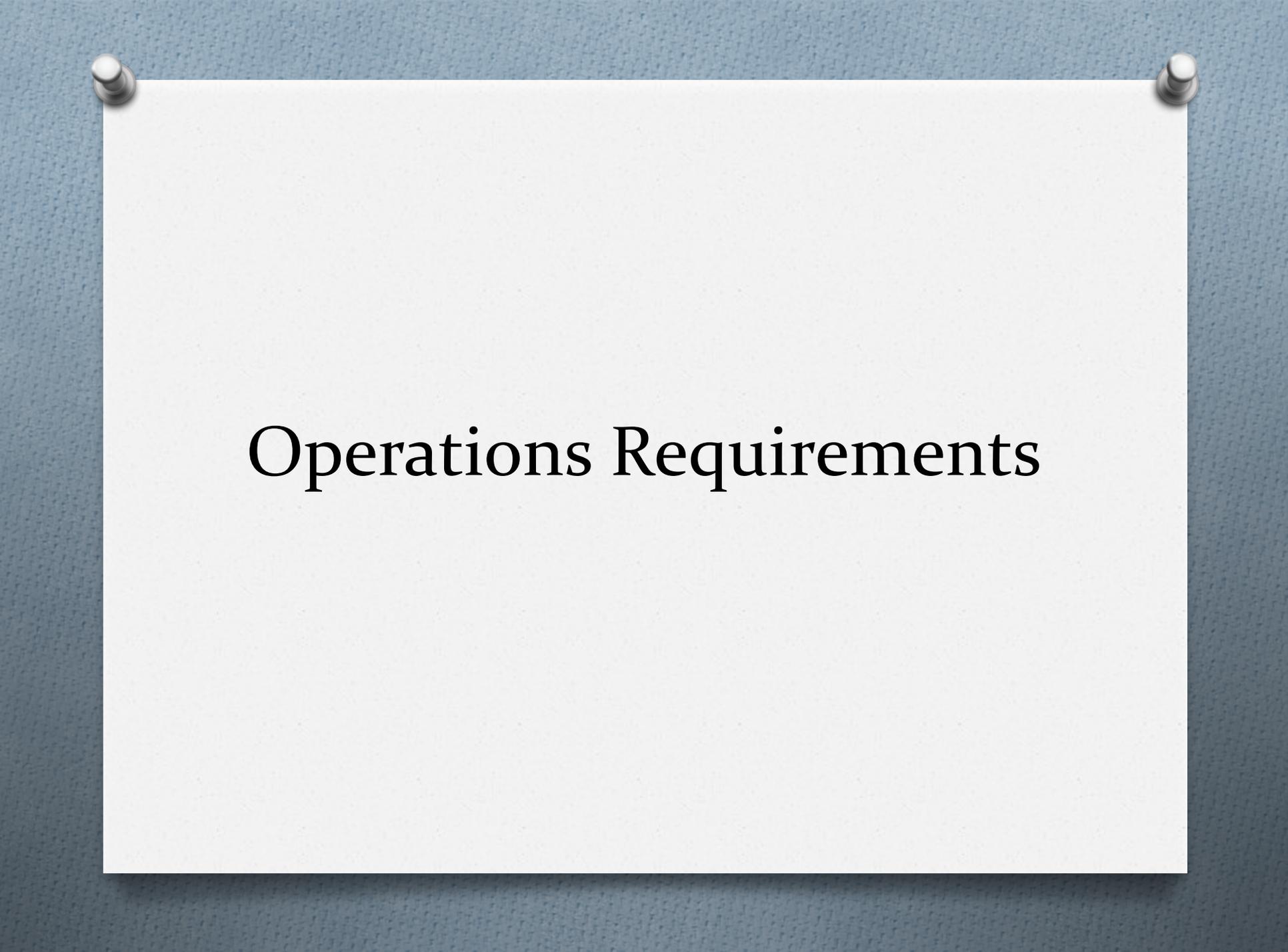
What if I Want a Different Layout Later?

You can submit ONE new layout within a permit year if you meet the following criteria:

- o No prior reconfiguration has been submitted.
- o You submit a scaled drawing of the new layout within seven (7) days of the request; and
- o The new layout does not:
 - o Extend outside of your approved area;
 - o Constitute a danger to the health or safety of a patron or the public; or
 - o Otherwise violate the terms of the permit.

How Long Does a Permit Last?

- o A permit is valid for a maximum of one calendar year.
- o All permits expire annually on June 30.
- o All permits must be renewed annually on or before June 30 so there is no stop in use.
- o The City can temporarily suspend permits at any time when an occurrence has the potential to jeopardize the health, safety, and welfare of the public.
- o The City can temporarily suspend permits at any time in order to allow for construction, maintenance, or repair of any street, sidewalk, utility, or public building.
- o During periods of temporary suspension, no use of the Outdoor Seating Area is allowed.



Operations Requirements

Operations Requirements

- o Operation of the Outdoor Seating Area must be clearly related to the associated business
- o The Outdoor Seating Area cannot extend beyond the frontage of the permitted business directly to the curb line.
- o It must be under the same management and share the same food preparation facilities, restrooms and other customer convenience facilities as the Business

Hours of Operation

- o Sunday – Thursday nights: Midnight
- o Friday/Saturday nights: 1:00a.m.
- o The Outdoor Seating Area can't be open for business at any time when the business is not open.

Alcoholic Beverage Specific

- o The area where alcohol is or may be served must be delineated by clearly visible barriers to avoid consumption in areas open to the general public other than customers.
- o Signs posted, visible at all designated exits, that it is unlawful to remove alcoholic beverages in open or unsealed containers from the property.
- o The business and its managers are responsible for ensuring that no alcohol is served or consumed outside the permitted area.



Design Requirements

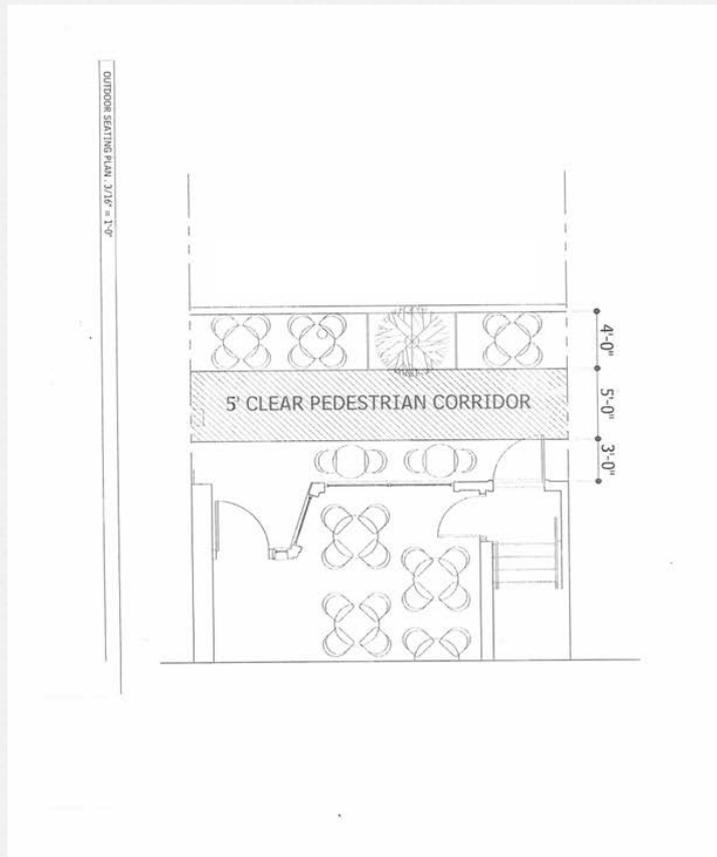
Pedestrian Clearances

- o Businesses located on Fayetteville Street: Minimum 7-foot-wide **unobstructed** pedestrian corridor *at all times*.
- o Everyone else: Minimum 5-foot-wide **unobstructed** pedestrian corridor *at all times*.

Occupancy

- o 15 sq. ft./person
- o Based on your layout & NC Building Code
- o Placarded to the exterior of the building in a conspicuous place.
- o Calculations verified by staff

Determining Occupancy



360 sq ft total

- 150 sq ft pedestrian walk

- 30 sq ft planter

180 sq ft net / 15 sq ft

Occupancy = 12

Results: 16 seats shown,

12 seats acceptable

Prohibited Items

- o Minibars
- o Cash Registers
- o Tents
- o Similar Items



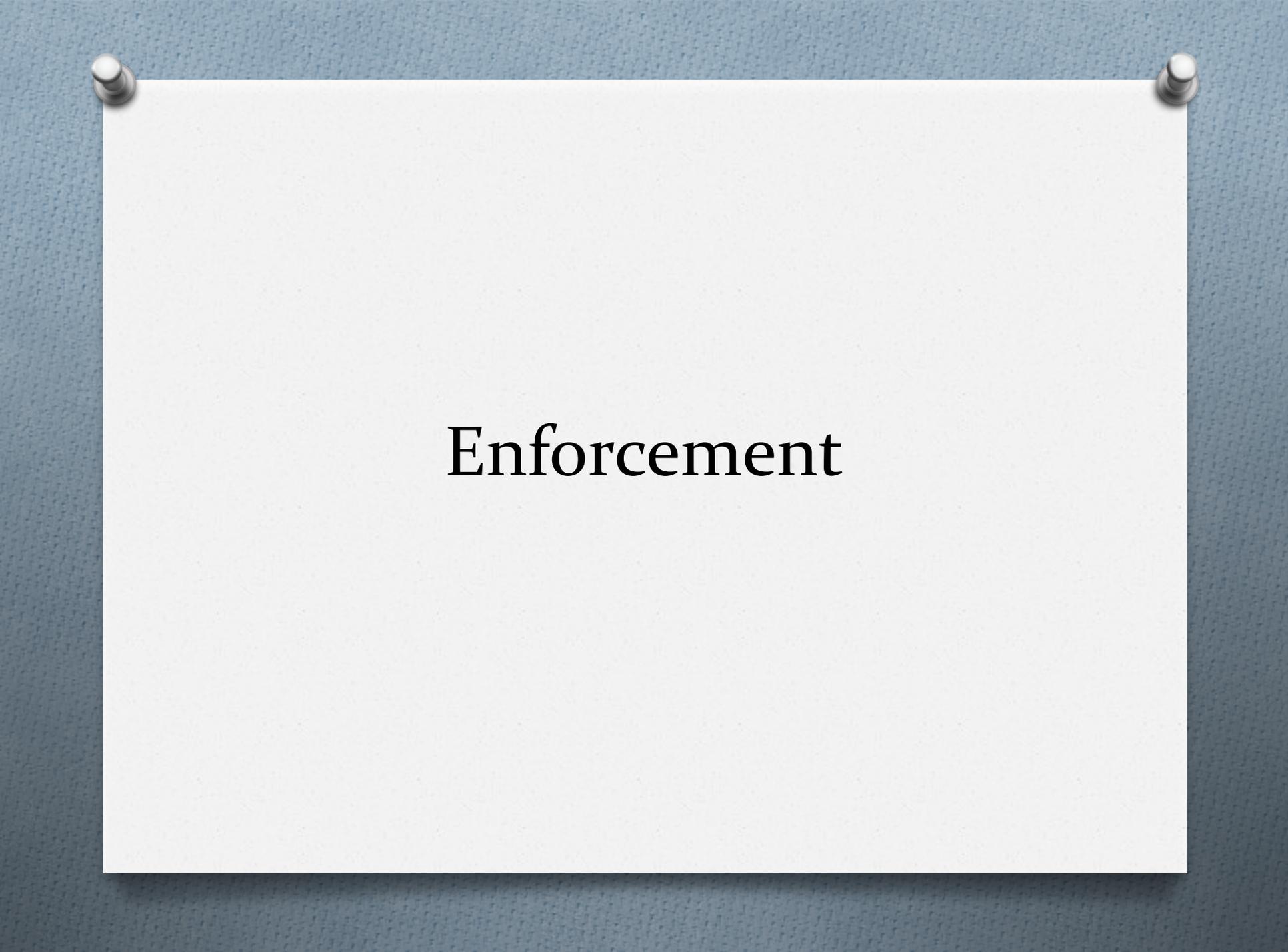
Maintenance Requirements

Maintenance Requirements

- o Maintain Outdoor Seating Area, including 7ft. from the edge on all sides.
- o Umbrellas and furniture kept clean and safe.
- o Sidewalks in and adjacent to the Outdoor Seating Area cleaned regularly by permit holder.
- o The City will give 24 hours notice, using information on application, of any pressure washing.

What are My/My Staff's Responsibilities?

- o Maintain the posted occupancy limit
- o Maintain a pedestrian clearance of 5 or 7ft at all times
- o Maintain the approved seating layout
- o Keeping control of your customers
- o Be responsive to City requests for capacity and other permit-related information
- o If alcohol is served: Ensuring alcohol does not leave your area



Enforcement

What is a Violation?

- o Operation of an Outdoor Seating Area without a permit;
- o Any violation of the Outdoor Seating Ordinance or PUPS Handbook;
- o Violation of any City of Raleigh Ordinance in the operation of an Outdoor Seating Area; or
- o Fraud, misrepresentation, or knowingly making a false statement with respect to a material fact in the permit application.

Who Gets Notice?

- o The Operator of an Outdoor Seating Area
- o Courtesy copies are sent to Property Owners

What are the Penalties?

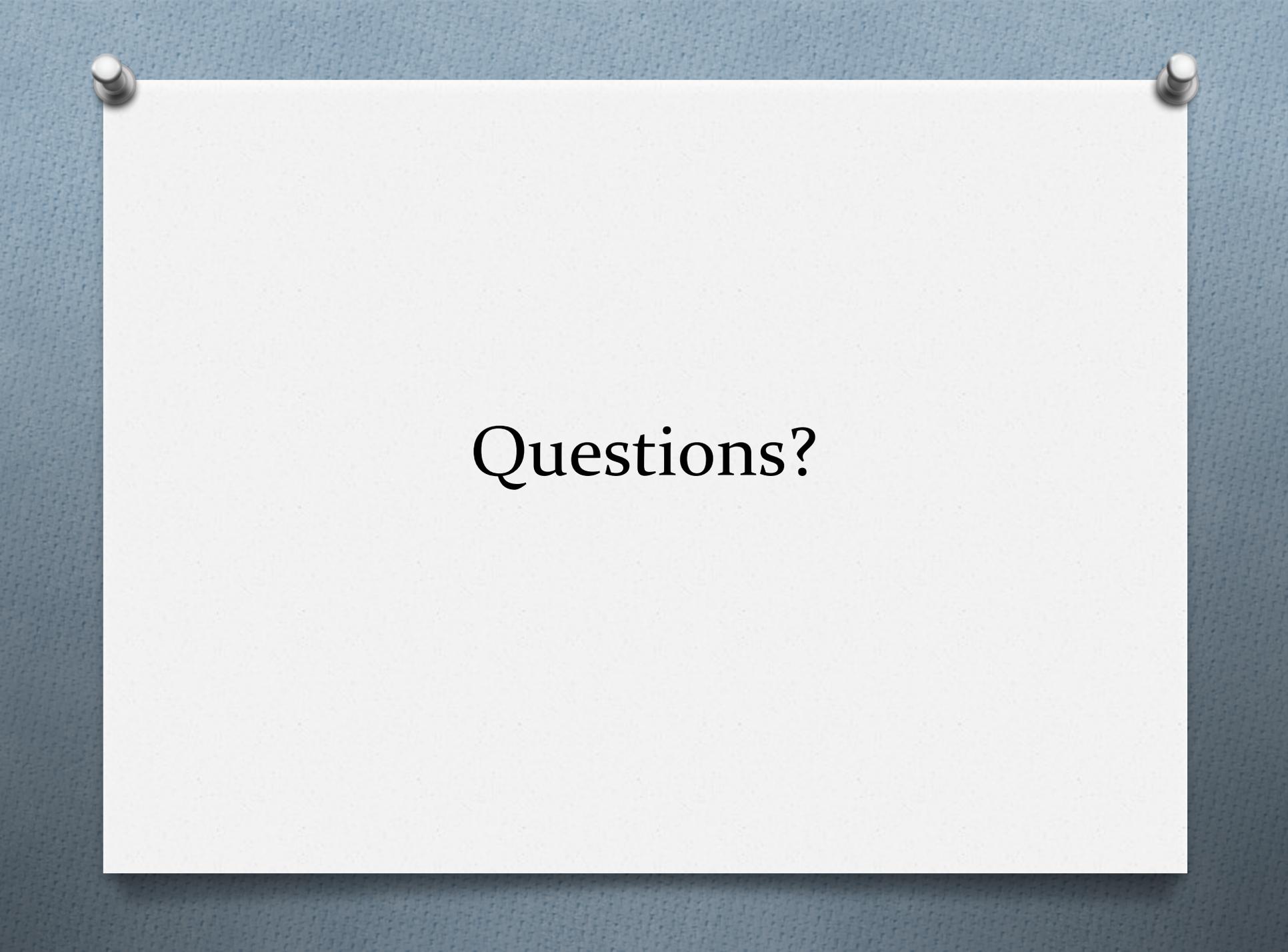
- o First violation:
\$200 (\$100 civil penalty; \$100 admin fee)
- o Second violation:
\$500 civil penalty + 30 day suspension
- o Third violation:
Permit revoked for 12 months

Appeals

- o Right to appeal to the City Council within thirty (30) days of the Notice of Revocation.

Other Enforcement

- o Injunction
- o Criminal Relief
- o Abatement
 - o Failure to correct a violation within 10 days can result in a lien against the property for the cost of removal, storage, and \$175.00 administrative fee.



Questions?