



Building & Development Services

405 Martin Luther King Jr Blvd Chapel Hill, NC
Building/ Zoning 919-968-2718 or 919-969-5066

Email: permits@townofchapelhill.org or zoning@townofchapelhill.org

Chapel Hill Sidewalk Dining Application

Building Approval: _____

Fee Paid: _____

Permit Number:

Only restaurants that want to use the public right of way are required to submit this application and comply with all applicable requirements.

Applicant Information

Owner Name: _____

Email: _____ Phone: _____

Applicant Name (if different from above): _____

Email: _____ Phone: _____

Restaurant Information

Name: _____

Address: _____

Proposed hours for sidewalk dining: _____

Briefly describe the proposed placement of sidewalk dining tables and chairs:

Occupancy and Seating

Sidewalk diners increase the total occupancy of restaurants. The sum of sidewalk and indoor dining patrons cannot exceed a restaurant's total occupancy at any time.

What is the current allowed occupancy? _____ What is the current indoor seating count? _____

How many additional patrons do you propose to seat with sidewalk dining? _____

Requirements

Sidewalk dining at full capacity must meet the below criteria. Town staff will perform a site visit to confirm that the described placement is possible in the proposed space. **Please check each box indicating your understanding and compliance with the following requirements:**

- No furnishings shall be placed within 6 feet of any vehicle travel lane (not including parking spaces).
- Sidewalk dining must permit a 5 feet width of clear passage, measured from any permanent or semi-permanent object, for pedestrians on sidewalks.
- Furnishings shall not obstruct exits, entrances, driveways, alleyways, hydrant, standpipes, ventilation areas, utility access, bus stops, or ramps.
- Furnishings must be non-combustible and cannot be permanently installed.
- Furnishings must not obstruct egress from buildings.
- If not already present, lighting (including emergency battery powered illumination) shall be provided for sidewalk dining at not less than 1 footcandle (11 lux) at the walking surface
- Restaurant must provide at least one (1) ADA-compliant table (34" in height, accessible by a wheelchair and identified with a handicapped sticker).
- No furnishings or other objects may obstruct anything that requires periodic access (including, but not limited to, Duke Energy or OWASA meters, cleanouts, grease traps, FDC and key boxes).



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Other Rules

- NC Alcohol Law Enforcement requirements apply to sidewalk dining. For restaurants that choose to sell alcohol at sidewalk dining tables not attached to their building (ie across sidewalks), applicants must show proof of Town sidewalk dining permit to the ABC Commission to obtain an alcohol sales permit. More information about this process can be found at <http://abc.nc.gov/Legal/LawEnforcement>.
- This permit only applies to the serving of food and beverages on sidewalks. Sale of other items must be sought per Sec 17 of the Chapel Hill Town Ordinance.
- The Town may temporarily suspend sidewalk dining permits to accommodate maintenance, repairs, construction, large events, and/or adverse weather per Sec 17 of the Chapel Hill Town Ordinance.
- Usable area for sidewalk dining is between the curb and building face occupied by the applicant's business. Use of the area in front of adjacent businesses requires concurrence of adjacent properties.
- For guidelines on outdoor heaters, contact the Fire Marshal at firemarshals@townofchapelhill.org.

Application Checklist

The following documentation is required to complete your application for a sidewalk dining permit:

- Application and fee (\$100 initial application fee)
- Pictures (front and both sides) of the area where sidewalk dining is proposed
- Picture of your posted occupancy card
- Description and/or hand drawn picture of proposed chairs, tables and any related barriers with length, width, height and material of each indicated. Websites of specific products are acceptable
- Evidence of general liability insurance policy, which names the Town and NC Department of Transportation when sidewalk dining is to occur within the State right of way as an additional insured, with minimum liability coverage of \$100,000 per person bodily injury, \$300,000 per occurrence bodily injury and \$25,000 per person occurrence property damage
- Letter(s) of approval from adjacent property owners if proposed sidewalk dining furnishings extend beyond the area directly in front of the applicant's restaurant
- A copy of all permits or licenses issued by the State, county or Town necessary for operation or a copy of the application if permit has not been issued.

Certifications

The undersigned property owner hereby authorizes this application for sidewalk dining.

Property Owner's Signature:

Date:

The undersigned applicant hereby certifies that, to the best of his or her knowledge and belief, all information supplied with this application is true and accurate. The undersigned hereby certifies that he or she has read the Sidewalk Dining Requirements and Other Rules above and will ensure compliance.

Applicant's Signature:

Date:

Pursuant to N.C. G.S. 136-27.4, the applicant agrees to indemnify and hold harmless the Town of Chapel Hill and NC Department of Transportation when sidewalk dining is to occur within the State right of way and its officers, agents and employees from all loss, liability, claims or expense (including reasonable attorneys' fees) arising from bodily injury, including death or property damage to any person or persons caused in whole or in part by the negligence or willful misconduct of the applicant except to the extent same are caused by the negligence or misconduct of the Town.

Applicant's Signature:

Date:

Submission:

Complete applications with documentation should be emailed to permits@townofchapelhill.org. Town staff will review the application and send any requests for clarification to the indicated applicant.