

CITY HALL • 801 WEST AVENUE NW • PO BOX 958 • LENOIR, NC 28645

The City of Lenoir allows sidewalk cafes within the downtown Municipal Service District when a permit is approved by City Council, in accordance with Sec. 13-3 of the Lenoir City Code. For questions about this application form or the rules pertaining to sidewalk cafes in the City of Lenoir, please contact the Planning Dept. at 828.610.8442. PERMITS ARE GOOD FOR A PERIOD OF 1 YEAR AND MUST BE RENEWED ANNUALLY.

Submittal Checklist:

Application Form

Site Plan (including dimensions):

- Must show all tables, chairs, walkway areas, and entrances/exits to the restaurant.
- Must show location and materials of temporary barrier to be erected around the cafe.
- Must show 5 ft. clear pedestrian path on sidewalk adjacent to cafe area.

Documentation of Public Liability Insurance

- Must carry \$1,000,000.00 insuring against personal injury, wrongful death and property damage, including the City as a party insured and insuring the City against any liability resulting from the uses permitted pursuant to Section 13-3 of the Lenoir City Code.

Copies of All Permits and Licenses

- County Health Department and any other applicable regulatory agencies
- Current ABC/ALE permits if the sidewalk cafe intends to serve alcoholic beverages on the public sidewalk. NOTE: revised permits may be required to include the expanded areas.

Permit Information:

Property Address: _____ NC PIN: _____

Zoning District: _____ Located within Municipal Service District? Yes No

Business Name: _____

Will ABC permit include sidewalk cafe area? Yes No

Number of seats in Restaurant: _____ Number of seats* proposed for sidewalk cafe: _____

*Note: seating in sidewalk café can not exceed 50% of the seating within the restaurant.)

Contact Information:

 Name of Restaurant Operator

 Street Address

City State Zip

Phone Number: _____

Fax Number: _____

Email: _____

Owner's Signature:

 By signing, I certify that the information presented in this application is true to the best of my knowledge and I consent to enter into a hold-harmless agreement with the City and comply with all provisions of the City ordinances in the establishment and operation of the sidewalk café described in this application.

OFFICIAL USE ONLY: City Council approved on _____ Permit No. _____

The City specifically retains the right to revoke or suspend a sidewalk cafe permit if the permittee fails to comply with the following city requirements, is found to have provided false or misleading information in the permit application, or the City otherwise deems it in the interest of the public health, safety, or welfare. The City shall have the right to suspend or prohibit the operation of a sidewalk cafe at any time and for any necessary period of time because of anticipated or actual problems or conflicts in the use of the sidewalk area. Such problems and conflicts may arise from, but are not limited to, scheduled festivals and similar events, parades or marches, repairs to the street or sidewalks, or from demonstrations or emergencies occurring the area.

General Requirements

- Permit is good for a maximum period of 1 year.
- Sidewalk cafe must be conducted as an accessory or incidental use to a legally established restaurant or other eating and drinking establishment (the “associated restaurant”), located on a contiguous adjacent parcel. The associated restaurant must be under the same management as the sidewalk café and share the same name, food preparation facilities, restroom facilities and other customer conveniences.
- Sidewalk dining may not constitute more than 50 percent of the total seating capacity of the associated restaurant.

Locational and Operational Requirements

- Majority of area in which the sidewalk cafe will be operated shall be on the public sidewalk directly in front of the associated restaurant, or to the side of the building if the associated restaurant is located on a corner lot.
- A 5-ft. wide unobstructed pedestrian path must be maintained at all times within the public sidewalk area and handicapped accessibility shall be provided. A temporary, physical barrier must be erected separating the permitted area from the unobstructed sidewalk.
- All tables, chairs, and other items shall be placed so as not to present a sight hazard to vehicular traffic or a hazard to pedestrians. Use of public amenities such as benches or seats is prohibited. Furniture material must be commercial grade, sturdy, safe, of quality workmanship, and aesthetically complement the permittee’s property and the character of the business district where the furniture will be located.
- All outdoor dining furniture must be movable. Umbrellas must be secured with a minimum base weight of at least 60 lbs. Tables, chairs and other items (excluding planters) must be removed at the end of each day or during the period of the year when the cafe ceases operation. No materials may be stored in the public right-of-way.
- Hours of operation may be the restaurant’s normal operating hours Monday—Saturday and after 12:00 noon on Sunday.
- The cafe area shall be maintained in a clean and sanitary manner, including daily sweeping and immediate cleaning and washing any liquid, food, debris, broken glass and other trash from the right-of-way. Overnight storage of trash is prohibited.

Alcoholic Beverages Sales

- Restaurant must otherwise be able to serve alcoholic beverages for on-premises consumption under state and local law and the sidewalk cafe must be included as part of the premises for which an ABC permit is issued.
- Signs shall be posted that it is unlawful to remove alcoholic beverages from the sidewalk cafe area.
- The restaurant operator shall not have violated any laws relating to intoxicating beverages or controlled substances for three years preceding the commencement of the sale of alcoholic beverages at the sidewalk cafe. No outdoor bar or outdoor preparation of alcoholic beverages is permitted, except that wine may be decanted or beer poured at a table as a part of a meal.
- Alcoholic beverages must be served and consumed in glasses or cups which bear no markings other than the logo or the name of the business operating the sidewalk cafe.
- Alcoholic beverages can only be served to and consumed by a customer while that customer is consuming a meal purchased from the business operating the approved sidewalk cafe.