



## Commercial Sidewalk Café/ Street Furniture Application

**PLEASE SUBMIT ONLY ONE (1) COMPLETE SET OF ALL MATERIALS.**

### **REQUIRED APPLICATION MATERIALS:**

- \_\_\_\_\_ **Application fee** in the amount of **\$50.00**.
- \_\_\_\_\_ **Completed Application** signed by the applicant. Please do not leave anything blank and make sure all of the information provided is correct.
- \_\_\_\_\_ **Appointment of Agent**, if applicable, signed by the property owner(s) and the agent as evidence that the current property owner(s) approve(s) of the proposed work.
- \_\_\_\_\_ **Deed** copy to provide proof of ownership and property boundaries.
- \_\_\_\_\_ **Site plan** illustrating the following:
  - a. business entrance and adjacent building entrances;
  - b. property lines, sidewalk width and all surface obstructions within fifteen (15) feet of occupied area, i.e. fire hydrants, streetlights, trees, tree grates, unimproved surfaces and the like; and
  - c. width and length of occupied area, approximate location of tables and chairs and relative proximity with the 5 ft. pedestrian clearance.
- \_\_\_\_\_ **Proof of personal liability insurance** naming the Town of Southern Pines as an additional insured.
- \_\_\_\_\_ **Electronic copy (PDF) of all application materials** submitted to [plan@southernpines.net](mailto:plan@southernpines.net).

**PLEASE SEE THE ATTACHED  
TOWN OF SOUTHERN PINES CODE OF ORDINANCES §100.42  
FOR USAGE REGULATIONS.**

COMMUNITY DEVELOPMENT DEPARTMENT  
TOWN OF SOUTHERN PINES  
180 SW BROAD STREET  
SOUTHERN PINES, NORTH CAROLINA 28387  
[plan@southernpines.net](mailto:plan@southernpines.net) (910) 692-4003 [www.southernpines.net](http://www.southernpines.net)



# Commercial Sidewalk Café/ Street Furniture Application

Date Received: _____	Fee Paid: _____	Case No.: _____ - _____
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**Project Information:**

Street Address: \_\_\_\_\_

PIN: \_\_\_\_\_

Parcel ID: \_\_\_\_\_

Site Size: \_\_\_\_\_

Zoning: \_\_\_\_\_

**Applicant:**

Name(s): \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

**Authorized Agent, if different from Applicant:**

Name(s): \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

**Legal Property Owner(s), if different from Applicant:**

Name(s): \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

**Description of Project:**

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**Date:** \_\_\_\_\_ Applicant \_\_\_\_\_

**Note: The attached Appointment of Agent form must be submitted if the Applicant is not the property owner.**

**APPOINTMENT OF AGENT**

The undersigned owner(s), \_\_\_\_\_, hereby appoint(s) \_\_\_\_\_ as the exclusive agent for the purpose of making an application to the Town of Southern Pines for commercial sidewalk café/street furniture on the property described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions of approval or recommendations made by the Town of Southern Pines Technical Review Committee for commercial sidewalk café/street furniture on the subject property; and
4. to act on behalf of the owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for commercial sidewalk café/street furniture under the Southern Pines Unified Development Ordinance.

This Appointment of Agent shall remain in effect until final resolution of the attached application.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Agent

## §100.42 SIDEWALK CAFÉ/STREET FURNITURE GUIDELINES

- A. *Overview.* To ensure safety and accessibility, as well as commercial prosperity, the town has created guidelines for downtown restaurants, cafés and businesses that wish to apply for a sidewalk café/street furniture permit to provide tables and chairs on the public portion of any sidewalk. The guidelines aim to facilitate outdoor seating that is functional and desirable, while at the same time ensure public safety and preserve the distinct atmosphere and charm of the downtown.
1. Street furniture shall only be placed on the sidewalk in front of the applicant's place of business and either directly adjacent to the building wall or adjacent to the curb set back at least 2 feet from the curb.
  2. A minimum of 5 feet of pedestrian clearance, up to a height of 8 feet must be maintained on the sidewalk. The 5 feet of clearance shall not include tree grates, benches, trees, streetlights or other sidewalk obstructions or any non-paved surface area.
  3. Placement of street furniture must not interfere with crosswalks, curb ramps, access to buildings, driveways or access to any fire escape, or the free passage of persons using the sidewalk to pass by the business, and the like.
  4. Placement of street furniture on the sidewalk must conform to all federal, state and local laws and regulations.
  5. The sidewalk café/street furniture will not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties.
- B. *Design guidelines.* The following guidelines have been established for the tables and chairs: the table and chairs shall be comprised of metal or wood and the color shall compliment the storefront (refer to the Historic District Standards for color standards). Umbrella style and material shall compliment the storefront and be of a common color used in awnings in the current Historic District and be free of advertisement.
- C. *Application requirements.*
1. Submit an application for a Development Review to:  
Planning & Inspections Department  
180 SW Broad Street  
Southern Pines, NC 28387
  2. Applicants must submit the following with their application:
    - (a) Site Plan Review Application (Technical Review Committee). See checklist for planning/zoning plan specifications.
    - (b) Site plan (see Example A attached) illustrating:
      1. Entrance to business and adjacent building entrances.
      2. Property lines, sidewalk width and all surface obstructions within 15 feet of occupied area (i.e. hydrants, streetlights, trees, tree grates, unimproved surfaces and the like).
      3. Width and length of occupied area, approximate location of tables and chairs and their relative proximity with the 5-foot pedestrian clearance.

(c) Personal liability insurance naming the Town of Southern Pines as an additional insured under the policy.

(d) Application requires a \$35.00 permit fee.

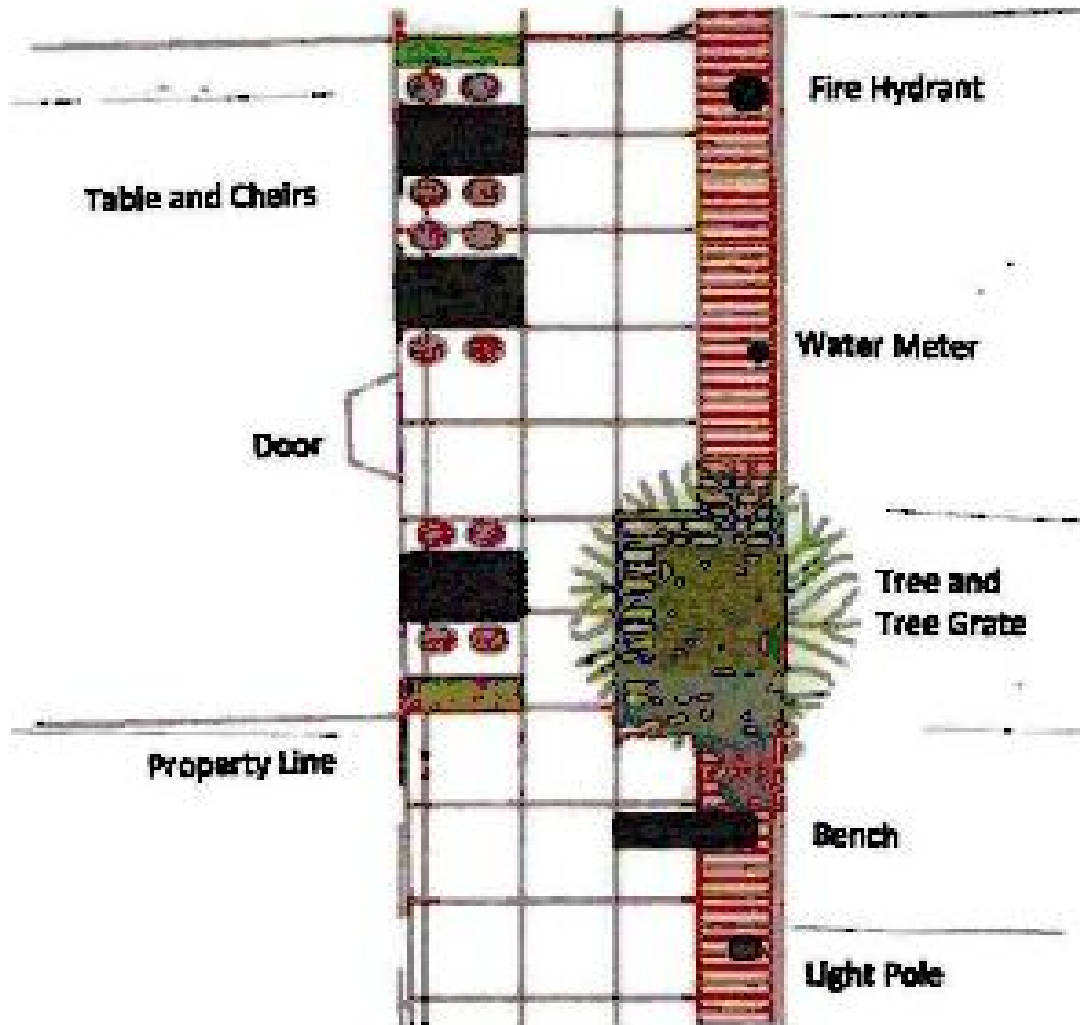
D. *Application approval process.*

1. Once the applicant submits a complete application and meets all the necessary guidelines, the Technical Review Committee will review and take action on the permit.
2. Application decisions may be appealed to the Board of Zoning Adjustment.
3. The Code Enforcement/Streets Departments will inspect all sidewalk café/street furniture after permits have been issued.

E. *Responsibilities of permit holders.* In order to maintain this revocable sidewalk café/street furniture permit, the permit holder must comply with all applicable stipulations and rules and applicable town ordinances, which include the following:

1. Permit holder is responsible for ensuring that all activity stays within the delineated area.
2. Food trays or carts, receptacles for dirty dishes, and the like shall not be stored on any portion of the sidewalk/right-of-way.
3. Tables, chairs and umbrellas in the sidewalk area must be kept free of advertising, litter and other debris at all times.
4. All tables, chairs and the like must be promptly removed from the sidewalk at the end of each business day, unless they are secured overnight by consolidating all pieces of furniture in one location and locking them together by cable or chain. Furniture shall not be affixed to the sidewalk, signpost or trees.
5. Permit holder must keep current liability insurance that the Town of Southern Pines requires.
6. Area must meet applicable health requirements and all applicable town ordinances.
7. The permit is revocable at the discretion of the town; applicable penalties for non-compliance are outlined in the Code of Ordinances.
8. Sidewalk cafés shall not operate outside of normal business hours.
9. Any changes to §100.43 require the permit recipient to bring the property permitted for such activity into compliance with the Town of Southern Pines Code of Ordinances within 90 days of such amendment (see §100.43).

EXAMPLE A



**§100.43 AMENDMENTS TO SIDEWALK CAFÉ/STREET FURNITURE GUIDELINES.**

Any changes to §100.42 require the permit recipient to bring the property permitted for such activity into compliance with the Town of Southern Pines Code of Ordinances within 90 days of such amendment (see §100.42).

(Ord. 1351 passed 12-8-2009)