



**TOWN OF SURFSIDE BEACH**

**Tel: 843-913-6111**

**Fax: 843-839-0057**

**SIDEWALK CAFÉ APPLICATION**

**APPLICANT INFORMATION**

Business Name (DBA): _____	Primary Contact: _____
Business Owners Name: _____	Home Mailing Address: _____
Business Mailing Address: _____	City: _____ State: _____ Zip Code: _____
City: _____ State: _____ Zip Code: _____	Telephone #: _____
Telephone #: _____	Property Owners Name: _____

**GENERAL**

Will the sidewalk café offer alcoholic beverages for consumption?  Yes  No

Approximate Dimensions of sidewalk café: \_\_\_\_\_ ft. x \_\_\_\_\_ ft.

Number of Tables: \_\_\_\_\_ Number of Chairs: \_\_\_\_\_

**SUBMITTAL REQUIREMENTS**

- A copy of a valid Town of Surfside Beach business license to operate the business requesting the sidewalk café permit.
- Proof of current general liability insurance and, if applicable, alcohol liability insurance issued by one or more insurance companies licensed to do business in the state of SC, protecting the licensee and the Town from all claims for damage to property and bodily injury, including death, which arise from operation under or in connection with the encroachment permit. Such insurance shall name to Town as an additional insured, shall include an indemnification policy shall not terminate or be canceled prior to the expiration date without 30 days' advance written notice to the Town. Each policy shall be for a minimum of one million dollars coverage. The indemnification agreement shall include provisions requiring the applicant to indemnify and save harmless the Town from any claim of liability, and associated defense costs, that arise out of the applicant's use of the sidewalk area, and shall preserve the right of the Town to its choice of defense counsel.
- A sketch, to scale, of the proposed location, showing the layout and dimensions of the existing public area and adjacent private property must be attached.
- Proof of any required LOP license, health permits or other state permits for the business involved. Photographs, drawings or manufacturers' brochures fully describing the appearance of all proposed tables, chairs, umbrellas or other objects related to the business.
- A letter of consent from the property owner if other than business owner.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

**As the applicant, I am responsible for conforming with the provisions of the Town of Surfside Beach Ordinances pertaining to Sidewalk Cafés. Additionally, the operation of said sidewalk café shall be in conformity with all applicable town and state laws, ordinances and regulations concerning protection of public health and safety, the dispensing, serving or consumption of alcoholic beverages and sanitation. I further understand the sidewalk café and/or sidewalk fence are temporary right of way encroachments only and not permitted within the Town's right of way until approval of the permit application has been granted. The sidewalk café and fence installation are temporary; the Town can require immediate removal either temporarily or permanently.**

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

## **Town of Surfside Beach Sidewalk Café Application**

To obtain a Town of Surfside Beach Outdoor Café Permit, all applicants must hold a valid Town of Surfside Beach Business License. Accordingly, all Sidewalk Café Permit applicants intending to serve liquor at their sidewalk cafe must have a valid Liquor License. Completed application packages may be submitted via mail, or in person, to Town Hall, 115 US Highway 17 North, Surfside Beach, SC 29575. For information regarding the Outdoor Café regulations, please call: 843-913-6111.

### **PROCESS**

- The Sidewalk Café Program Application Package will need to be completed in its entirety. The Permit Administrator will then review the package to ensure it has been completed accurately and all information required has been received for review.
- The application is then sent to various Town Departments for their approval (Building, Planning & Zoning, and Public Works etc.).
- Upon approval of the application by all applicable departments, the Permit Administrator will notify the applicant of the decision on the issuance or denial of the permit.

### **TIMELINE**

The entire Outdoor Café Permit application process may take up to 15 days after the filing of a completed application for a temporary encroachment permit.

### **PROHIBITED ACTS**

- A.** No merchant, vendor, business or property owner shall:
1. Block or restrict the pedestrian passageway to less than six feet in width, or block ingress or egress to or from any building. In areas of congested pedestrian activity, the Permit Administrator is authorized to require a wider pedestrian path, as circumstances dictate. Also, no items shall be placed so as to block any driveway, crosswalk, bus stop, counter service window or block visibility within an intersection.
  2. Sublicense the encroachment area.
  3. Place objects around the perimeter of an area occupied by tables and chairs which would have the effect of forming a physical or visual barrier, except within a plaza, without the written approval of the Permit Administrator.
  4. Use tables, chairs, umbrellas, awnings and any other objects of such quality, design, materials and workmanship which are not authorized by the Permit Administrator. Objects in a plaza must meet design requirements set forth for that public space.
  5. Use umbrellas or awnings which are not fire-retardant, pressure-treated or manufactured of fire-resistive material if larger than ten feet by ten feet.
  6. Fail to secure permission of the landlord where a building has multiple occupants.
  7. Utilize the area for commercial activity in any way without the insurance coverage specified.
  8. Sound or permit the sounding of any device on the public property which produces a loud noise, use or operate any loudspeaker, public address system, radio, sound amplifier or similar device.
  9. Fail to pick up, remove and dispose of all trash or refuse left by the business or its patrons on the public right-of-way.
- B.** The encroachment permit is a temporary license, which may be denied, suspended or revoked for any conduct which is contrary to the provisions of this Article or for conduct of the business in such a manner as to create a public nuisance or constitute a danger to the operator's or the public's health, safety or welfare. No property right is created by this Article, and the decision of the Town Administrator shall be final.

## **FORM and CONDITIONS of PERMIT**

1. Each permit shall be effective for one year, from July 1- June 30, unless revoked, suspended or retracted prior to expiration.
2. The permit issued shall be personal to the permittee only and shall not be transferable in any manner.
3. The permit may be suspended by the Permit Administrator when necessary to clear the public property for public safety for a community or special event authorized by a permit issued by the Town.
4. The Permit Administrator may require the temporary removal of items within the encroachment area when street, sidewalk, common area or utility repairs necessitate such action.
5. The permit shall be specifically limited to the area shown on the diagram attached to the permit application. As a condition of approval, the Town may reduce and otherwise reconfigure the proposed area and the number of requested chairs, tables, and items within the encroachment area.
6. The encroachment area covered by the permit shall be maintained in a neat and orderly appearance at all times, and all components shall be removed at the close of business each day. The area shall be cleared of all debris on a periodic basis during the day and again at the close of each business day.
7. No advertising is permitted (except for the posting of prices) on any stand or item, except to identify the name of the product.
8. No tables or chairs or any other parts of the business shall be attached, chained or in any manner affixed to any tree, post, sign or other fixtures, curb or sidewalk within or near the permitted area in a manner which causes or threatens to cause injury to any person or damage to public or private properties. No additional outdoor seating authorized under this Article shall be used for calculating seating requirements pertaining to location of, application for or issuance of an LOP license for any establishment, or be used as the basis for computing required seating for restaurants and dining rooms, or as grounds for claiming exemption from such requirements under the provisions of any Town ordinance or state law.
9. The issuance of a permit does not grant or imply vested rights to the use of the area by the permittee. The Town retains the right to deny the issuance of a permit or the renewal of a permit for any reason.
10. Tables, chairs, umbrellas and any other objects provided shall be maintained with a clean and attractive appearance and shall be kept safe and in good repair at all times.
11. The Town may require the posting or placement of the permit and relevant notices to facilitate the administration and enforcement of this Article.
12. A clean and sanitary area shall be maintained at all times. Litter shall be removed promptly.

## **FEES**

An annual fee of \$300.00 (for 150 square feet or less) **or** \$500.00 (for areas greater than 150 square feet) shall be due and payable on or before July 1 of each year for the following year. This fee is in addition to the business license fee required for operation within the Town. Only new permits shall be prorated on a quarterly basis.

# **Town of Surfside Beach**

## **Sidewalk Café Standards and Design Requirements**

These standards apply to all new sidewalk cafés in the right-of-way. The Public Works Director and Permit Administrator have the discretion to approve modifications to these standards or require conditions to the permit given specific site characteristics.

### **ALL SIDEWALK CAFÉ COMPONENTS MUST BE REMOVED FROM THE PUBLIC RIGHT OF WAY DURING NON-BUSINESS HOURS**

#### **A. Compliance with ADA**

The sidewalk café must be accessible and detectable per American with Disabilities Act (ADA) guidelines.

- PB&Z is responsible for reviewing:
  - ADA access in the public place around the sidewalk café;
  - ADA access from the public place into the sidewalk café;
  - Fencing is detectable by cane;
  - Furniture is movable and not permanently affixed.

#### **B. Clear Path of Pedestrian Travel**

1. A minimum of six (6) feet of clear path of travel is required on all sidewalks located in the café area. The clear path of travel is measured from the outside edge of the sidewalk café fencing or fence post base to the nearest obstruction (ie., tree pit, parking meter, bike rack, planting strip, etc.). If no obstruction exists, the clear path of travel is measured to the back of the curb. Sidewalk cafés may not encroach into tree pits. A-frame, portable signs or any other encroachment is not allowed in the pedestrian clear path of travel.

The Director of Public Works may require more than the minimum clear path of travel when needed to facilitate the public's use of the right-of-way. Examples of where the Director may require more than the minimum include, but are not limited to, areas with high peak-period pedestrian volumes, areas where more specific planning and analysis suggests a wider clear path of travel is necessary or areas where approved street design plans call for additional width.

2. The pedestrian path of travel should be straight and not involve sharp or jagged turns that would impair pedestrian circulation.
3. Electrical cords or strings of lights may not be strung over or be placed on the pedestrian path of travel.

#### **C. Setbacks**

Setbacks are required from the following elements. These elements must be clearly identified on the required site plan in the permit application.

1. Five (5) feet from alleys and from handicapped parking and commercial loading zones.
2. Five (5) feet from parking meters or pay stations, traffic signs, utility poles, fire hydrants, bike racks and other street fixtures.
3. Five (5) feet from curb ramps or the beginning of the corner curb radius where curb ramps do not exist.

#### **D. Building Exits**

A clear path of travel must be maintained from any building exit, equal in width to the exit door. This path of travel must be free of obstructions, including gates of any type and connect the building exit to the sidewalk.

## **E. Fencing**

Fencing is required to delineate the sidewalk café from the pedestrian path of travel. The following design standards apply to fencing:

1. Delineating fencing shall be constructed of black galvanized frames of various custom sizes, with stretched colored canvas panels. Permitted colors shall be burgundy or any muted, earth-tone color. Sample color schemes must be submitted at the time of application. Advertising is not permitted on the panels.
2. Fencing must be detectable by cane to warn visually impaired persons of potential hazards in the path of travel. Fencing must include one or more of the following detectable elements:
  - a. A toe rail with its top edge at 6 inches minimum in height and its bottom edge no higher than 1-1/2 inches above the adjacent surface;
  - b. Fencing or other elements detectable by cane spaced no more than 27 inches vertically and no more than 24 inches horizontally; or
  - c. Elements sufficiently detectable by cane to warn visually impaired persons of potential hazards in the path of travel.
3. Fencing must be 42 inches in height.
4. Fencing must be generally transparent. Solid sheet fencing surfaces are not permitted.
5. Fencing should be constructed with railing or other horizontal element; posts with pointed tops are not permitted.
6. Fence posts may not be attached to the sidewalk with bolts, but utilize free-standing bases.
7. Fencing shall not contain electrical or other utility elements.
8. Landscaping planters may be used for decorative purposes provided the above standards are met.
9. All seating and tables must be movable to accommodate wheelchair access.

## **E. Landscaping**

Potted plants, planter boxes or other landscaping must be contained within the footprint of the approved sidewalk café dimensions. Landscaping may be no higher than 42 inches and may not encroach on the clear path of travel required in subsection B of this Rule. Any landscaping elements are subject to the same removal requirements as the rest of the café footprint.

## **F. Heating Elements and Overhead Weather Protection**

Heating elements and free-standing umbrellas are allowed within the footprint of the permitted café, but may not encroach on the clear path of travel required in subsection B of this Rule, except that when opened, an umbrella may encroach on the clear path of travel if the opened portion is more than 8 feet above sidewalk grade and if no part of the umbrella is within 25 feet of a stop sign. Heating elements must be of a type permitted by the Surfside Beach Fire Inspector and must be temporary in nature and easily removable.

## **G. Amplified Sound**

Installation and use of speakers and other amplified sound equipment is not allowed.

## **I. Liquor Control**

Sidewalk café must be in compliance with all South Carolina State and local laws, subject to enforcement.