



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Gloria Abbotts, Sr Planner

**DEPARTMENT:** Planning &  
Development

**MEETING:** Town Council March 12<sup>th</sup>, 2024

**SUBJECT:** Text Amendment to Chapter 34 – Streets, Sidewalks and Rights-of-Way,  
Article III. Obstructions to amend sidewalk café encroachment allowances.

Applicant: Silver Dollar

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### **BACKGROUND:**

The applicant, Silver Dollar, has petitioned the Town to amend the sidewalk café encroachment allowances. The Town amended the sidewalk café regulations in November 2023 with input from business owners. Upon the adoption of the current sidewalk café ordinance, Silver Dollar built a barrier without permits. The Silver Dollar was sent a violation letter on December 20, 2023. The barrier that was installed for the business' sidewalk café was in violation of the following.

1. The base shall be flat footed and squared, no more than ½" in height.
2. The barrier shall be detached from the building.
3. There shall be a minimum of 2 but no more than 3 horizontal rigid connections on each barrier.
4. The bar tops attached to the windows shall be removable, not a permanent encroachment.
5. The sidewalk measures 20'. The barrier shall not extend more than 5' from the building.

### **Proposal:**

The applicant's proposal addresses the area of permitted encroachment. The applicant proposes that sidewalk café encroachments shall be allowed to encroach 1/3<sup>rd</sup> of the sidewalk width. The existing ordinance allows for 1/4<sup>th</sup> of the sidewalk width for encroachments.

This change would allow for a 6' encroachment on Pavilion N, Pavilion S, Carolina Beach Ave N, and Cape Fear Blvd. No changes are proposed for Lake Park Blvd and the oceanfront boardwalk. The expansion of the encroachment area includes all allowable encroachments, not just sidewalk cafes. The existing encroachment area has been in effect since 2007. The existing area has created a balance between business interests and pedestrian safety.

**ACTION REQUESTED:**

Consider recommending approval or denial of the text amendment.

Staff does not recommend approval of the text amendment as proposed. Based on TRC comments, the larger encroachment would reduce the walkable area in an already congested area of the boardwalk during the peak season. The 1/3<sup>rd</sup> encroachment would prevent the town from providing the 2' buffer in between the pedestrian walkway for trash cans, benches, plantings, and other amenities on either side of the right-of-way.

**MOTION:**

Approval – to amend Chapter 34, Article III. Obstructions.

Denial – to amend Chapter 34, Article III. Obstructions.