



## AGENDA ITEM COVERSHEET

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

**DEPARTMENT:** Planning &  
Development

**MEETING:** Town Council November 14<sup>th</sup>, 2023

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

Applicant: Town of Carolina Beach

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### **BACKGROUND:**

Town Council directed staff to amend the ordinance for sidewalk cafes. The concerns included removal of encroachments, size and extent of encroachments, barriers, purpose, and indemnification. A meeting was held with staff, the Pleasure Island Chamber of Commerce and the 13 business owners on November 9<sup>th</sup>. Staff will present any comments, issues, concerns.

### **Proposal:**

The text amendment clarifies the purpose and allowances of sidewalk cafes and other obstructions within the public right-of-way. Ther right-of-way is multimodal and has town utilities. The purpose of sidewalk cafes and other obstructions in the public right-of-way is to increase pedestrian activities, by also balancing uses and insuring they are temporary and do not interfere with safety and accessibility. The permit shall be issued annually. Each year the permittee shall sign an indemnification agreement. The proposed fee will be \$100 plus \$2 per square foot of the encroachment area.

All encroachments utilized for a sidewalk café shall be removed upon 24-hour notice from the town. Removal of encroachments must happen for scheduled maintenance activities, such as cleaning and power washing. Failure to remove encroachments will result in a \$100 fine. For corner lots, encroachments shall not extend beyond the façade of the building. The intent of this regulation for corner lots is to ensure pedestrian accessibility and visibility along the corner. The town will install medallions along the boardwalk to ensure code compliance and provide a visual guide of the maximum allowable encroachments and area for alcoholic beverage consumption.

Barriers are required if patrons are drinking and being served alcohol per state statute. The existing ordinance requires patrons to remain seated while drinking alcoholic beverages. Barrier design standards are proposed and shall be:

1. A minimum of 36" tall and a maximum of 48".
2. Freestanding, stable, and removable.
3. The base shall be flat footed and square, no more than ½" in height.
4. No more than two rigid poles shall be used to connect each barrier.
5. Signage may be attached in accordance with the zoning ordinance.

**ACTION REQUESTED:**

Consider recommending approval or denial of the text amendment.

Staff recommends approval of the text amendment as proposed.

**MOTION:**

Approval – to amend Chapter 34, Article III. Obstructions and the Town Rates and Fee Schedule.

Denial – to amend Chapter 34, Article III. Obstructions and the Town Rates and Fee Schedule.