



## A Quick Overview of Sidewalk Dining Areas

The City of Brevard now allows restaurants to have sidewalk dining. This is an overview of what businesses are allowed to have sidewalk dining, where sidewalk dining areas can be located, the types of furnishings allowed, and the permit application process. **Sidewalk dining permits are issued annually for the period beginning February 1 or thereafter and expiring January 31 of each year.**

### Who can apply for sidewalk dining areas?

Restaurants can apply for sidewalk dining. In Brevard, a restaurant is any retail business selling ready-to-eat food and/or beverages for on or off-premise consumption. The restaurant must physically touch the sidewalk on either the front or side of the building.

### Where can sidewalk dining areas be located?

In general, items can be placed in the brick area or in the space abutting to the wall of the building. At least 5 feet of unobstructed space must remain on the sidewalk. Furnishings and barricades may extend up to eight onto adjacent property frontage in either or both directions with written permission of the occupant of the adjacent property.

### What type of furnishings are allowed?

Tables, chairs, and other furnishing must be constructed of metal (aluminum, steel, wrought iron, etc.). Commercial umbrellas must be made with outdoor fabric and a metal or commercial grade plastic stand. Advertising messages may not be displayed from tables, chairs, umbrellas, or other furnishings. Umbrellas must provide a height clearance of at least 6 ½ feet from the lowest point of their canopy.

### Can restaurants serve alcoholic beverages outside?

Yes, but there are specific requirements.

- The space on the sidewalk that the restaurant abuts must be included as part of the premises for which an ABC permit is issued.
- Signs shall be posted and visible at all exit points that it is unlawful to remove alcoholic beverages from the premises.

- No outdoor bars or outdoor preparation of alcoholic beverages are allowed.
- Barricades must be placed along the perimeter of the sidewalk dining area and must be between 3' and 4'2" tall. Stanchions and posts may be constructed of metal, wood, or commercial grade planters. The vegetation within the planters may not exceed 6' from ground level. Sidewalk dining railings must be steel chain coated with black plastic, heavy duty black plastic chain, heavy duty black rope, or black velour rope.

### What is the permit application process?

Applicants will submit a Sidewalk Usage Application that can be found at [www.cityofbrevard.com/permitting](http://www.cityofbrevard.com/permitting). There is a \$100 application fee, and applicants must submit the following documents with the application (descriptions are on the application form):

- Site plan
- Description and images or other illustrative graphics of all furnishings and objects
- Proof of Liability Insurance
- Copies of all permits and licenses issued by the State, County, or City

Prior to the permit being issued, the applicant must come to the Planning Department to sign a notarized **Hold Harmless Agreement**. This agreement states that the applicant will indemnify and hold harmless the City of Brevard and NCDOT from all damages and claims for damage that may result from the operation of sidewalk activities.

By receiving a permit, restaurants also agree to be responsible for cleanliness of the sidewalk dining area and are subject to all applicable Health Department regulations.

After the application is reviewed and issued, and the business owner has the sidewalk dining area set up, the business owner must call the Planning Department (828-885-5630) to schedule a final inspection.