



## **Zoning Code Section 54-215: The Use of New/Additional Space for Outdoor Dining Services**

This ordinance aims to safely stimulate the recovery of the restaurant industry in the City and to support local restaurants. To do so, City Council has temporarily suspended certain provisions of the City's ordinances prohibiting serving food and drink outdoors on private property and on City sidewalks. The goal is to balance the ability of restaurants to maximize the use of outdoor areas, while preserving the ability of the City to take action to protect against any adverse impacts to livability and safety matters. As a result, the City has retained the ability to modify all approvals or permits if any such adverse impacts should arise.

**This Ordinance shall expire on January 10, 2022**, unless otherwise modified by a subsequent City Ordinance. Businesses with questions regarding this ordinance can contact the city at [covid-19businessinquiry@charleston-sc.gov](mailto:covid-19businessinquiry@charleston-sc.gov). Businesses can apply at <https://www.charleston-sc.gov/outdoordiningapp>.

**Temporary Sidewalk Dining Permit:** Any restaurant desiring a temporary sidewalk dining permit must first apply to the Zoning Division through <https://www.charleston-sc.gov/outdoordiningapp> and provide all information deemed necessary, including a layout sketch or site plan and a minimum of two photographs showing all sidewalk dining elements, utilities, sidewalks, and appropriate measurements with the application. Any decision of the Zoning Administrator under this Ordinance may be appealed to the Board of Zoning Appeals-Zoning.

### *Terms & Conditions:*

1. The temporary sidewalk dining permit must be posted on the premises so as to be visible from the public right-of-way during all times that sidewalk dining is being conducted.
2. The permittee must maintain the sidewalk area in a good and safe condition.
3. Permittee must maintain a general liability insurance. If alcoholic beverages will be served, the permittee must maintain liquor liability insurance. The City must be named as an additional insured on these policies, and proof of insurance must be provided to the City. Permittee agrees to indemnify, defend, and hold harmless the City against any and all claims or suits for damages or injury.
4. In the event that the City determines that the location of sidewalk dining elements constitutes an immediate physical danger, the encroachment may be removed immediately.
5. The Zoning Administrator may perform a site inspection of the area to verify compliance with the requirements.

### *Requirements:*

1. The width of the sidewalk dining area must not exceed the width of the frontage of the restaurant's property.

2. Permittees must maintain a clear pedestrian path on the sidewalk of at least six feet (6') at all times.
3. Sidewalk dining must not interfere with any utilities or other facilities, obstruct any required clearance for entrances or exits, fire and other emergency access, obstruct any areas required for accessibility for disabled persons, or violate the vision clearance requirements.
4. Signs (sandwich boards, banners, etc.) advertising the sale of food, beverages, goods, or services shall be prohibited. No vending machines, carts, or objects for the sale of goods will be permitted. No amplified music, speakers, microphones, televisions, or other audio/visual devices will be permitted within sidewalk dining areas.
5. Sidewalk dining is prohibited between 12:00 AM and 7:00 AM, unless the hours are more restrictive under the existing zoning, in which case the more restrictive hours must control.
6. The sidewalk dining elements must be removed from the public right-of-way except during daily operations. The storage of sidewalk dining elements within the public right-of-way is prohibited.
7. If alcoholic beverages are served within the designated public right-of-way, the permittee must have a valid license under all applicable laws for such sales.

**Temporary Outdoor Dining Approval on Private Property:** Any restaurant desiring to offer outdoor dining services on private property, such as parking lots, must notify the City through <https://www.charleston-sc.gov/outdoordiningapp>.

*Requirements:*

1. The restaurant must comply with all applicable laws relating to litter, noise, and other livability matters. No amplified music must be permitted in outdoor dining areas.
2. Outdoor dining areas must not interfere within any public rights-of-way, handicapped parking spaces, fire and other emergency access, safe pedestrian and vehicular access, or requirements of the Americans with Disabilities Act. Outdoor dining areas must comply with all applicable provisions of the fire code.
3. Any sales and/or consumption of food and/or alcoholic beverages must be in compliance with the provisions of any federal, state, and/or local laws and regulations governing same.

**Additional Approvals & Permits:**

1. Please contact the Fire Marshal Division (843-724-3429 or [CFD@charleston-sc.gov](mailto:CFD@charleston-sc.gov)) regarding **tents, canopies, & heaters** as additional approvals/permits may be required for those elements.
2. The location of outdoor dining services within 150 feet of a residentially zoned property is generally disfavored and shall not be granted except upon a special exception approved by the [Board of Zoning Appeals-Zoning \("BZA-Z"\)](#).

**Previously Approved Outdoor Dining Services:** Outdoor dining services permitted or approved under the previous [emergency ordinance](#) prior to December 1, 2020 may continue in effect until the expiration date. No additional conditional use permit or special exception permit shall be required under these circumstances:

1. The permit or approval for the outdoor dining service remains in effect, under its terms or through an extension thereof, on January 12, 2021;
2. Any physical expansion of an outdoor dining service shall follow the procedures set forth in this Section with respect to such expanded area only;

The permit or approval may be suspended, modified, amended, or extended in accordance with this Section or a subsequent ordinance adopted by City Council.