

Memorandum



To: John Holobinko

From: Travis Morgan

Date: 6/1/2020

Re: **Restaurant parking lot and seating**

It is the Town of Pineville's intent during the continued restrictions on gatherings and the impacts on restaurants located within our incorporated limits to confirm and provide for dining options. Existing parking lots may be used to provide additional social distancing capacity and options for our restaurants similar to provisions passed by the City of Charlotte. See below:

- 1) Permitted Occupancy Per Governor Cooper's three-phased approach: Phase 2 requires restaurants permit no more than 50% of maximum occupancy as stated in fire capacity code. Example: 20-person occupancy x 50% = 10-person occupancy. Parking Lot Outdoor Dining To comply with the Town of Pineville Zoning Ordinance, restaurants may convert up to 25% of the business's dedicated parking spaces into temporary outdoor dining. Total capacity for indoor and outdoor dining may not exceed 100% of fire capacity code. Total outdoor dining may not exceed 49 people. Example: 16 parking spaces x 25% = 4 spaces that may be utilized for temporary outdoor dining.
- 2) Dining groups and seating is at least six feet apart.
- 3) Sidewalk dining is encouraged. No permit needed so long as required six feet separation is provided and a minimum of three feet clear walking path is maintained.
- 4) Businesses can't restrict access to adjacent businesses or their parking.
- 5) Dining location must not interfere or limit vehicular driveway access into a property or movement within parking lot isles.
- 6) Must not be in or restrict access to required handicap parking spaces.
- 7) Must not be in or restrict the function of fire lanes.
- 8) Must not cover or restrict access to fire hydrants.
- 9) Designated curbside pickup locations must to be placed so that there is a safe dedicated pedestrian walkway from the business to the vehicle and that there is no loading within any designated or required driveway or drive isle.

We also require the standard temporary event permit be filled out to let us know where, how many parking spaces, and how long the event is scheduled for. Approved permits are valid for 90 days or the date all COVID restrictions are lifted, whichever is sooner. Any zoning fees are waived. Let us know should you have any questions.



Temporary Event Permit

Event*	✓	Resident or Town Business y/n	Non-Resident or Town Business y/n	Tent y/n	Tent size	Miscellaneous
Yard Sale (Residential)						
Commercial Sales (Merchandise Sales, Sidewalk Sales, etc...)						
Mobile Food Sales						
Holiday Limited Events (Christmas Trees, Pumpkin Sales, Fireworks, etc...)						
Charitable Events (NFP)						
Carnivals						

Applicant(print): _____ Phone# _____

Business Name: _____

Address of Event: _____

Hours of Event: _____

Dates of Event: _____

For Repetitive Days Circle Below (example Friday's and Saturday's)

M T W T F S S

Description of Activities:

TEMPORARY OR ADDITIONAL COMMERCIAL SIGNAGE IS PROHIBITED

*No event may present a public hazard or nuisance and all activities must not be in the right-of-way.

Fee Calculation (OFFICIAL USE ONLY)

Event	Flat Rate	Tent Size	SQFT	Price/SQFT	Subtotal	Total

Signature of Town Official _____ Date _____

Signature of Applicant _____ Date _____

I (the above signed) have read and understand the requirements of this permit and will follow them as directed. Failure to do so will result in the revoking of this permit, fines, and/or other corrective measures.

Applicant shall, at the time the application is made, present any additional information (maps, drawings, statements, certifications, etc.) requested by the Town necessary to determine that the issuance of the Permit will be in the best interest of the Town and will not materially endanger the public health or safety if granted. **The approval of this permit should not be interpreted as the Town of Pineville accepting responsibility for any action or liability resulting from any action related to the establishment and activities related to the issuance of this permit.**

Temporary Event Permit Details

Town of Pineville staff shall issue permits for temporary structures and outdoor activities after review and all local, state and federal requirements have been met. Handicap accessibility must be maintained at all times. Property owner permission must be secured before permit approval. Charitable events must show non-profit or charitable status such as through 501(c)(3) or similar. Each permit shall be for a period of time not to exceed 14 operational days per permit (yard sales limited to 1 day between the hours of 7am and 5pm at a maximum of 1 per quarter yearly). Below is a table explaining the use and the associated costs if applicable. If the use is not listed, staff will determine the appropriate classification. ***Town business license and all other County, State, and Federal laws apply.***

Fees listed below are cumulative and accrue through such items as with or without a tent *in addition* to other fees listed per category where applicable.

Event*	Current Pineville Resident or Business Owner	Non-Resident or Business Owner	With Tent (per square foot)	Per Day without Tent	Miscellaneous
Yard Sale (Residential)	n/a	n/a	No Charge	No Charge	Limit 1 every three months 7am-5pm
Commercial Sales (Merchandise Sales, Sidewalk Sales, or other commercial event.)	\$50 Per Permit	\$100 Per Permit	\$.00/100 SF \$.25/101-1000 SF \$.15/1001+ SF	n/a (base price listed)	See Additional Requirements
Mobile Food Sales	\$5 Per Permit	\$5 Per Permit	n/a	n/a	See Additional Requirements
Holiday Limited Events (Christmas Trees, Pumpkin Sales, Fireworks, etc...)	\$5 Per Day	\$5 Per Day	No Charge	No Charge	Limit 4 per year per property
Charitable Events (NFP) Church Events, Fundraisers, Governmental/Civic Activities	No Charge	No Charge	No Charge	No Charge	See Additional Requirements
Carnivals	\$100 Per Day	\$100 Per Day	n/a	n/a	See Additional Requirements
Outdoor Band/Music**	No Charge	No Charge	No Charge	No Charge	See Additional Requirements

****Outdoor rated decorative home and garden goods for sale such as plants and outdoor seating are exempt from this permit provided items maintain handicap accessibility and do not contain obvious signage visible to drivers on public roads. All businesses except home and garden centers must have approved outdoor rated items located directly adjacent to the building façade and not within any parking lot. Home and garden centers are permitted additional outdoor rated items such as grills and garden sheds provided minimum parking, screening and safety are met.***

*****Outdoor bands or music are permitted without a temporary event permit provided all other permit provisions are met. Music must be for the benefit of customers already visiting an existing establishment such as a restaurant, is not destination event such as a concert, and is not a noise nuisance to surrounding locations.***

ADDITIONAL REQUIREMENTS

- Additional commercial signage prohibited.
- Signage attached to decorative lamps or streetlights are subject to immediate confiscation and fines of \$50 plus painting and repair costs.
- Outdoor music permitted provided a nuisance or noise violation is not created at any time.
- Mobile vendors (*Prepared Food Carts*) must provide a Valid Mecklenburg County Permit, a Health Department Permit and list days of operation. Must provide consent from property owner and must operate during the business hours of the business.
- Temporary Events are limited to a total of 4 events per year per property. Downtown businesses on Main Street are not required to apply for temporary permits so long as the event is on a public sidewalk and a minimum of 5 feet of clear sidewalk passage is maintained for pedestrian and handicap accessibility.
- Alcohol sales must provide ABC Permits and all other required permits.
- Residential yard sales are allowed on a residential lot no more than one (1) time every three months and a maximum of 4 per calendar year at no cost. Parking shall not block emergency vehicles or street traffic.
- Residential yard sales are permitted 1 on site and 3 off site signs at a maximum of 4 square feet each and must be removed no later than 24 hours after the event is over. No signs are allowed on town property.
- Business Licenses are *not* included in the cost of the event.
- Not for Profit Businesses must provide Federal Exemption ID: 501(c)(3).

TEMPORARY PERMIT DEFINITIONS

Alcohol Permit

Staff shall issue permits for alcohol use at temporary events after review and approval from businesses with an existing valid ABC permit. ***All other necessary permits must also be secured by the applicant prior to the issuance of the Town's temporary permit.***

Home and Garden Center

A business that is primarily engaged in the selling of both home and garden goods including plants, garden tools, garden equipment, construction materials, paint, and appliances.

Temporary Permits - Outdoor Activity

Issues considered by staff shall include but not be limited to: Access to public streets, on-site parking, location and safety of structure, hours of operation, public safety concerns. Permits shall last no longer than fourteen (14) operational days, at which time they expire and a new permit is needed. Any permit issued may still be subject to other federal, state, or local ordinances. Permits may be revoked at anytime by the SRC or their designee.

Vendor Carts (Prepared Foods)

Staff shall issue permits for temporary structures and outdoor activities after review and approval. All vendors and related equipment must be located outside of the street right-of-way. All vendors must meet any and all federal, state, and local regulations regarding the sale of prepared food.

Applicant shall, at the time the application is made, present any additional information (maps, drawings, statements, certifications, etc.) requested by the Town necessary to determine that the issuance of the Permit will be in the best interest of the Town and will not materially endanger the public health or safety if granted. **The approval of this permit should not be interpreted as the Town of Pineville accepting responsibility for any action or liability resulting from any action related to the establishment and activities related to the issuance of this permit.**