



**Planning Department
Encroachment Permit Application – Dining Areas**

Mail to:
P.O. Box 1749
Spartanburg, SC 29304

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Section 9-403(a). It shall be unlawful for any person to create, establish, operate, maintain or otherwise be engaged in the business of running an outdoor café, or place any items upon the sidewalks or public property, in the DT-4, DT-5, & DT-6, Downtown Urban Districts, in the City of Spartanburg unless he shall hold a currently valid permit issued under the terms of this article.

I/We hereby request permission to place, operate, and maintain outdoor dining facilities within the City of Spartanburg public right-of-way at the following location:

Address: _____
Street City State Zip

Tax Map Parcel #: _____ Zone: _____

Number of Tables: _____ Number of Chairs: _____

Applicant:

Name (First, Middle, Last) Telephone Number

Home Address (Street, City, State, Zip)

Business:

Name Telephone Number

Physical Address Mailing Address

Ownership: ___ Sole Proprietorship ___ Partnership ___ Corporation: _____

City Business License Number: _____ Business Capacity: _____

Personal history of all owners, partners, or corporate officers: (use additional sheets, if necessary)

Property Owner:

Name (First, Middle, Last) Home Telephone Number

Home Address (Street, City, State, Zip)

Agent:

Name (First, Middle, Last) Home Telephone Number

Home Address (Street, City, State, Zip)

Attach the following items to complete your application. Please note that without all of these items your permit cannot be processed.

- A. A sketch of the proposed location, drawn to scale or with dimensions, showing the existing public area and adjacent private property and the proposed layout of the encroachment. This should include all proposed tables and chairs, and existing sidewalk, edge of street, curb and gutter, and utility facilities including, but not limited to: power poles, street lights, fire hydrants, utility boxes, street signs, street trees, planters, mailboxes, etc.
- B. A Certificate of Insurance, issued by an insurance company licensed to do business in the State of South Carolina, protecting the licensee and the city from all claims for damage to property and providing bodily injury, including death, which may arise from operation under or in connection with the encroachment permit. Such insurance shall name the city as an additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days advance written notice to the city. The policy shall be in an amount not less than \$250,000.00.
- C. A copy of any required city or state permits for the business involved (i.e. ABC License, Health Permit, Business License, Retail License, etc.).
- D. An application fee payable to the City of Spartanburg. Prior to issuing the Encroachment Permit, a permit fee of \$100 must be paid to the City for dining encroachment.

The following standards shall apply for the placement of tables and chairs in the public right-of-way.

- Tables and chairs shall not be permanently affixed or attached within the public right-of-way.
- A minimum of 6'-0" clearance shall be provided as a through paved walkway for pedestrians. This clearance shall be measured from the face of the curb or edge of obstruction to the edge of the seating area.
 - Obstructions within the right of way include, but are not limited to power poles, street lights, fire hydrants, utility boxes, street signs, street trees, planters, mailboxes, etc.
 - The seating area is defined as that area in which tables and chairs are placed, and which patrons are seated including the placement of the person's arms, legs and feet.
- The applicant shall be responsible for ensuring tables are placed and maintained in the approved locations, including untethered and placed appropriately in their allotted locations during business hours. Unsightly and/or unsafe street furniture shall be subject to permit revocation. This shall include but not be limited to maintaining appropriate sidewalk widths at all times and not blocking ADA access on sidewalks or into buildings.
- The permittee shall be responsible for maintaining the outdoor dining area, including sidewalk surface, furniture standards, and adjacent areas in clean and safe conditions. A dining encroachment permit shall not be issued to business that do not have immediate access and clear lines of sight to the outdoor dining area. Exceptions may be made for business without immediate access and clear lines of sight if alternative means of monitoring the area are implemented.
- The permit shall be revocable at any time by City management or their designees.

I certify that all the statements and information provided in this application are true and accurate, to the best of my knowledge. If approved, I understand that the Encroachment Permit is a temporary license which can be denied, suspended or revoked for any conduct which is contrary to the provisions of this section or if business is conducted in such a manner as to create a public nuisance, or to constitute a danger to the operator's or the public's health, safety, or welfare. This permit creates no property right and that any decision of the City Manager related to this permit shall be final.

I understand this application will be returned if it is not fully completely, including all items in section 5 above.

Signature of Applicant

Date

Please return to: City of Spartanburg
Natalia.C Rosario
Planning Department
P. O. Box 1749
Spartanburg, SC 29304

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Diagram Received: _____ Checked by: _____ Date: _____

Fee Received: _____ Amount: \$ _____ Check No. _____ Date: _____

Comments: _____

Supplemental Conditions Required: YES NO Type: _____

Application: Approved Denied Returned for: _____

By: _____, City of Spartanburg Planning Department Date: _____