



Planning & Development Services
Development Center
1136 Washington Street, 1st Floor
Columbia, SC 29201
Office: 803-545-3483
www.columbiasc.gov/planning-development

Outdoor Dining Encroachments Policy

The City of Columbia supports and encourages the public use and enjoyment of sidewalks, tree zones, and other right-of-way areas for outdoor dining in all entertainment districts; however, use of sidewalks and other public areas must be ADA compliant, safe for pedestrian and vehicular traffic, and meet established design guidelines.

Rules and Regulations

Locations

Sidewalk dining encroachments are allowed on any portion of the sidewalk adjacent to a legally licensed eating and drinking establishment. The encroachment area may not extend beyond the frontage of the eating and drinking establishment without the written consent of the adjoining property owner.

Use

Sidewalk dining encroachments shall be used for serving food and drinks to the patrons of the eating or drinking establishment granted the outdoor dining encroachment.

Clearance

A minimum of a 5 feet clear path shall be provided between the dining encroachment area (tables, chairs, umbrellas, planters, etc.) and street amenities such as telephone poles, light poles, parking meters, transformers, street trees, etc. and must provide adequate area for ADA compliance.

Encroachment Areas

Encroachment areas shall be clearly defined and delineated with removable planters, stanchions, bollards or any other removable barrier to mark the limits of the dining encroachment.

Furniture

Tables, chairs, and planters should be made for outdoor use and designed to withstand the elements and should be weighted to withstand strong winds.

Number of Tables and Chairs

The number of tables and chairs for outdoor dining will be included in the count for the maximum number of occupants allowed established by the City of Columbia Fire Department. This maximum number of occupants allowed shall not be exceeded with outdoor dining.

Storage and Maintenance

Tables and chairs should be stored inside the eating and drinking establishment or secured with a locking device whenever the business is closed.

Business owner or outdoor dining operator shall maintain the outdoor dining space clean.

Liability Insurance

Proof of general liability insurance in the name of the eating and drinking establishment and naming the City of Columbia as an additional insured in the amount of not less than \$600,000 per occurrence shall be provided with the application for an Outdoor Dining Encroachment.

Signage

No off-premise signage may be included in the encroachment area with the exception that Non-moveable signage shall be placed on all tables within the designated outdoor dining encroachment area which identifies the tables as belonging to the business and umbrellas may contain the name of the eating and drinking place.

Application

An application for an outdoor dining encroachment shall include the following information.

1. The name, address, and telephone number of the restaurant desiring to operate sidewalk dining.
2. The name, address, telephone number, and email address of the restaurant operator.
3. The type of food and beverage, or food product, to be sold and served for the sidewalk dining.
4. The hours of operation of the restaurant and the proposed hours of operation of sidewalk dining.
5. A scaled drawing or site plan showing the following:
 - a. The section of sidewalk or right-of-way to be used for the dining.
 - b. The section to be kept clear for pedestrian use.
 - c. The existing curblines and right-of-way line.
 - d. The proposed placement of the tables, chairs and other furnishings on the sidewalk.

6. Evidence of adequate insurance, as determined by the city, to hold the city harmless from claims arising out of the operation of the sidewalk dining.
7. An indemnity statement whereby the restaurant operator agrees to indemnify and hold harmless the city and its officers, agents, and employees from any claim arising from the operation of the sidewalk dining.
8. A copy of all permits and licenses issued by the state, county or city, including health and ABC permits, if any, necessary for the operation of the restaurant or business, or a copy of the application for the permit if no permit has been issued. This requirement includes any permits or certificates issued by the city for exterior alterations or improvements to the restaurant.
9. Such additional information as may be requested by the City Manager or designee to determine compliance with this article.

An application for an outdoor dining encroachments that is submitted but does not contain all of the information listed above shall be deemed incomplete and will not be processed.

Permit

An outdoor dining encroachment permit shall be issued upon submittal and approval of a completed application and supplemental information as described in the application section of the Outdoor Dining Encroachments policy.

The permit shall be visibly posted in the eating and drinking establishment with the approved scaled drawing or site plan.

Alcohol

Beer, wine, and liquor drinks purchased with food from the eating and drinking place can be served within the defined and delineated encroachment area if the business is legally licensed to sell such beverages.

Patrons are not permitted to travel with beer, wine, and liquor drinks outside of the encroachment area.

Change of Ownership

Outdoor dining encroachments shall be granted to the business owner and are nontransferable. A change in ownership shall require a new outdoor dining encroachment permit.

Temporary Removal

The City of Columbia may remove or rearrange tables, chairs, planters, etc. to conduct repairs on sidewalks, roads, utilities, parking meters, etc. When feasible, notice shall be provided to the operator of the eating and drinking place prior to the commencement of work.

Revocation

Sidewalk dining encroachments can be revoked at any time by the City Manager or designee. Revocation shall be in writing and shall state the reason for revocation.



Planning & Development Services
Development Center
1136 Washington Street, 1st Floor
Columbia, SC 29201
Office: 803-545-3420
Email: developmentcenter@columbiasc.gov

DINING ENCROACHMENT PERMIT APPLICATION CHECKLIST

- Completed Dining Encroachment Application
- A scaled drawing or site plan showing the following:
 - a. The section of sidewalk or right-of-way to be used for the dining.
 - b. The section to be kept clear for pedestrian use.
 - c. The existing curbline and right-of-way line.
 - d. The proposed placement of the tables, chairs and other furnishings on the sidewalk.
 - e. Adjacent doorways and entrances.
- Pictures or specification sheet of the tables and chairs
- Proof of Liability Insurance - General liability insurance in the name of the eating and drinking establishment and naming the City of Columbia as an additional insured in the amount of not less than 600,000 per occurrence shall be provided with the application for an Outdoor Dining Encroachment.
- Signed Acknowledgement of Permittee to Request For An Outdoor Dining Encroachment
- Signed Indemnification Form



Planning & Development Services
Development Center
1136 Washington Street, 1st Floor
Columbia, SC 29201
Office: 803-545-3483
www.columbiasc.gov/planning-development

ACKNOWLEDGMENT OF PERMITTEE TO REQUEST FOR AN OUTDOOR DINING ENCROACHMENT PERMIT

Permittee understands and agrees that the privilege granted may be modified or terminated by the City of Columbia at any time without notice and that the privilege granted hereby is subject to applicant's compliance with the following conditions, restrictions or limitations:

1. No item shall be placed that creates a visual impediment to persons safely entering or exiting the building, adjoining driveway, parking spaces or walking along the sidewalk. The City reserves the right to remove any item located within the right of way which it deems to be a safety hazard; and,

2. To prohibit the business from overcrowding, the posted capacity allowed within the business at the time of approval of the outdoor dining encroachment permit shall include the total number of patron seating approved for the encroachment area, if not already included in the posted capacity allowable, so that patrons relocating from the inside of the business to the outside, or from the outside of the business to the inside shall not cause the posted capacity to be exceeded; and,

3. Use of the encroachment area is strictly limited to the serving of food and/or beverages to the patrons of the business during the normal business hours reflected in the outdoor dining encroachment permit at the time of approval of the outdoor dining encroachment permit; and,

4. Any changes to the name or ownership of the business or property, hours for use of the outdoor dining encroachment area, items allowed within the outdoor dining encroachment area or allowable patron capacity shall require an amendment to the outdoor dining encroachment permit; and,

5. The location of the tables and chairs shall not impede the path of travel for the assigned exit discharge of the adjoining buildings or parking spaces; shall be placed to allow five (5') feet of passageway along the sidewalk at all times and not obstruct pedestrian movement, vehicle movement and parking, and shall be of durable material and weighted to withstand strong winds; and,

6. The tables and chairs are to be maintained by the property owner and shall be stored inside the eating and drinking establishment or secured with a locking device; the outdoor dining area and general exterior of the building shall be kept clean and orderly at all times; other improvements, interference with pedestrian movement or the parking lane and disturbance of streetscape planters, existing trees and roots shall be prohibited; and,

7. A copy of the approved permit along with a diagram of the encroachment area shall be displayed inside the business alongside their SC Beer/Wine Permit and/or SC Liquor License at all times; and,

8. All outdoor musical performances and use of sound-amplifying devices shall end by 10:00 p.m. due to the proximity of the outdoor dining area to residential properties; and,

9. Permittee shall comply with City Code of Ordinances Chapter 8, Environmental Health and Sanitation, Article IV, Pollution Control, Division 5, Regulations and Requirements Relating to Smoking of Tobacco Products, et. seq. and Grantee shall post signage that smoking is prohibited within the designated outdoor dining encroachment area; and,

10. Sandwich board signs shall not be placed within the five (5') foot pedestrian passageway along the sidewalk; and,

11. Tables and chairs shall be placed in line with the center of the City's planting area and shall not be placed over grates or utility access panels; and,

12. Booths, tables and or food stations used for preparation, staging and or service of food and or beverages are strictly prohibited; and,

13. Non-moveable signage shall be placed on all tables within the designated outdoor dining encroachment area which identifies the tables as belonging to the business.

14. The borders of the outdoor dining encroachment area to be marked by planters or similar objects to clearly define the area of the sidewalk that the business has been authorized to encroach upon for the purpose of using the designated area as an extension of the business for outdoor dining; and,

15. Signage shall be placed at the borders of the outdoor dining encroachment area stating, "No alcohol beyond this point"; and,

16. Any damage to the sidewalk or tree zone shall be repaired to the satisfaction of the City Manager. Improvements within the outdoor dining encroachment area shall be maintained by the business at no cost to the City in a manner approved by the City Manager. Property owned, operated and maintained by SCDOT shall comply with SCDOT encroachment requirements; and,

17. Permittee must comply with all existing City of Columbia and any other state or federal codes, rules and regulations, as applicable including the Americans with Disabilities Act, now in existence or hereafter enacted.

Applicant Signature:		Date:
Applicant's Name (Print):		
Title:		
Business Name:	Business Location:	



Planning & Development Services
Development Center
1136 Washington Street, 1st Floor
Columbia, SC 29201
Office: 803-545-3483
www.columbiasc.gov/planning-development

Outdoor Dining Encroachment Application

For a continuing outdoor dining encroachment permit on any type of property in which the City has an interest (i.e., rights of way, tree zone, sidewalk), the person or entity is required to have an Outdoor Dining Encroachment Permit (ODEP). ODEPs must comply with all existing City of Columbia and any other state or federal codes, rules and regulations, as applicable including the Americans with Disabilities Act, now in existence or hereafter enacted, and are subject to review and approval by City staff.

Please complete and submit this form along with the items listed below to The Development Center by email at developmentcenter@columbiasc.gov; fax at 803-733-8699; or mail to The Development Center, Planning and Development Services, Post Office Box 147 Columbia, SC 29217, for preparation of an ODEP.

DATE:	Business Name:	
Business Address:		Tax Map Number:
Owner of Business:		
Title:		
Applicant's Name if different from Owner:		
Title:		
Mailing Address if different from business location:		
Telephone Number:	Alternate Telephone Number:	
FAX Number:	Email Address:	
Hours of operation for outdoor dining:		
Days of operation for outdoor dining:		

Number of outdoor dining tables:	Number of outdoor dining chairs:	Posted Maximum Capacity Allowance (inside/outside combined)
Do you serve (check all that apply): ___ Wine ___ Beer ___ Liquor		
SCDOR ABL No.:		

ATTACH THE FOLLOWING DOCUMENTS TO THE APPLICATION

Scaled Drawing & Pictures or Spec. Sheet of Tables and Chairs	Must show the section of sidewalk or right-of-way to be used for the dining. The section to be kept clear for pedestrian use. The existing curblineline and right-of-way line. The proposed placement of the tables, chairs and other furnishings on the sidewalk. Adjacent doorways and entrances.
Proof of insurance	General liability insurance in the name of the eating and drinking establishment and naming the City of Columbia as an additional insured in the amount of not less than 600,000 per occurrence shall be provided with the application for an Outdoor Dining Encroachment.
ACKNOWLEDGMENT OF PERMITTEE TO REQUEST FOR AN OUTDOOR DINING ENCROACHMENT PERMIT (Must Be Signed)	

I acknowledge that the adjoining property owners and businesses have been contacted and approve the addition of outdoor dining at this location to include the service of beer, wine and/or liquor if applicable during the business hours noted above, and that any changes made to the business hours, use of the encroachment area or items allowed within the encroachment area will require an amendment to the ODEP.

I acknowledge that any changes made to the business, hours, use of the encroachment area, or items allowed within the encroachment area, to include obtaining a license to sell beer, wine and/or liquor will require an amendment to the ODEP.

I acknowledge that all of the information provided herein is accurate and that this application is not complete and will not be considered unless it is submitted with the following required documents.

Applicant Signature:	Date:
Applicant's Name (Print):	
Title:	