



# REQUEST FOR COUNCIL ACTION

## City of Greenville, South Carolina

Agenda Item No.

11e

**TO:** Honorable Mayor and Members of City Council  
**FROM:** John F. McDonough, City Manager

Ordinance/First Reading  Ordinance/Second & Final Reading  Resolution/First & Final Reading  Information Only

**AGENDA DATE REQUESTED:** July 12, 2021

**ORDINANCE/RESOLUTION CAPTION:**

ORDINANCE TO AMEND SECTION 8-256, OUTDOOR DISPLAYS AND CAFES, PROHIBITED ACTS, OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE TO ALLOW FOR CERTAIN OUTDOOR SEATING ENCROACHMENTS WITHIN UNITY PARK

**SUMMARY BACKGROUND:**

This Ordinance amends Section 8-256 of the City Code to enable the City to consider outdoor seating encroachments for certain businesses within Unity Park. The Ordinance currently prohibits such encroachments within "landscaped" areas and the change is intended to allow consideration of encroachments for outdoor seating areas on grassy areas immediately adjacent to establishments serving food and drink to the public.

**IMPACT IF DENIED:**

The City Code will not be amended.

**FINANCIAL IMPACT:**

None.

### REQUIRED SIGNATURES

Department Director Angela Prosser  
DocuSigned by: A251EDD25B774BE...

City Attorney Michael Pitts  
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OMB Director \_\_\_\_\_

City Manager John McDonough  
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A N O R D I N A N C E

TO AMEND SECTION 8-256, OUTDOOR DISPLAYS AND CAFES, PROHIBITED ACTS, OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE TO ALLOW FOR CERTAIN OUTDOOR SEATING ENCROACHMENTS WITHIN UNITY PARK

WHEREAS, Chapter 8, Article VII, of the Code of Ordinances of the City of Greenville (the “City Code”) contemplates the issuance of encroachment permits for outdoor displays and dining areas upon certain city sidewalks and plazas; and

WHEREAS, the allowance of these encroachments is complementary to the adjacent business, create a vibrant streetscape, and further the activation of public space for the benefit of residents and visitors; and

WHEREAS, encroachments are currently not permitted within landscaped areas; and

WHEREAS, this limitation would otherwise prevent the grant of encroachment permits within Unity Park, which has a commercial core made up, in part, by establishments serving food and drink to the public; and

WHEREAS, City Council believes the allowance of limited outdoor seating immediately adjacent to such commercial establishments would be complimentary to Unity Park and further enhance its draw as a signature destination for residents and visitors alike; and

WHEREAS, in light of the foregoing, City Council desires to amend Section 8-256 of the City Code to allow for limited encroachments within certain landscaped areas of Unity Park;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, Section 8-256, Prohibited Acts, of Article VII, Outdoor Displays and Cafes, of the City Code is hereby amended to conform to the revisions set forth on Exhibit A attached hereto and incorporated herein verbatim. This Ordinance shall be effective upon second and final reading.

DONE, RATIFIED AND PASSED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

REVIEWED:

\_\_\_\_\_  
CITY MANAGER

## EXHIBIT A

**Sec. 8-256. Prohibited acts.**

- (a) No merchant, vendor, business or property owner shall:
- (1) Place any items for sale or other equipment, tables or chairs on any portion of the public property other than that directly ~~in front of his existing~~ adjacent to one active portion of the applicant's place of business (i.e. front, side, or rear) without the written consent of ~~adjacent adjoining~~ adjacent adjoining landowners and businesses. With the sole exception of plazas within Unity Park which are immediately adjacent to commercial establishments serving food or drink to the public, in no event shall ~~no~~ such items shall be placed in ~~the~~ landscaped areas. In no event shall such items ~~or~~ extend beyond the authorized 25 feet from each side of the applicant's business.
  - (2) Block or restrict the pedestrian passageway to less than six feet in width, or block ingress or egress to or from any building. In areas of congested pedestrian activity, the administrator is authorized to require a wider pedestrian path, as circumstances dictate. Also, no items shall be placed so as to block any driveway, crosswalk, bus stop, counter service window or block visibility within an intersection.
  - (3) Sublicense the encroachment area.
  - (4) Place objects around the perimeter of an area occupied by tables and chairs which would have the effect of forming a physical or visual barrier, except within a plaza, without the written approval of the administrator.
  - (5) Use tables, chairs, umbrellas and any other objects of such quality, design, materials and workmanship which are not authorized by the administrator. Objects in a plaza must meet design requirements set forth for that public space.
  - (6) Use umbrellas which are not fire-retardant, pressure-treated or manufactured of fire-resistive material if larger than ten feet by ten feet.
  - (7) Fail to secure permission of the landlord where a building has multiple occupants.
  - (8) Utilize the area for commercial activity in any way without the insurance coverage specified.
  - (9) Sound or permit the sounding of any device on the public property which produces a loud noise, or use or operate any loudspeaker, public address system, radio, sound amplifier or similar device.
  - (10) Fail to pick up, remove and dispose of all trash or refuse left by the business or its patrons on the public right-of-way.
  - (11) Store, park or leave any stand or items of merchandise overnight on any street or sidewalk, except for tables and chairs, which may be kept in the permitted area at the permittee's risk.
  - (12) Store, park or leave any vehicle, truck or trailer within the encroachment area.
- (b) The encroachment permit is a temporary license, which may be denied, suspended or revoked for any conduct which is contrary to the provisions of this article or for conduct of the business in such a manner as to create a public nuisance or constitute a danger to the operator's or the public's health, safety or welfare. No property right is created by this article, and the decision of the city manager shall be final.

(Code 1997, § 8-256; Ord. No. 2012-96, exh. A, 11-26-2012)