THE CITY OF ASHEVILLE

Staff Report

Council Meeting Date: October 24, 2023

Subject: Outdoor Dining Ordinance & Program Updates

Staff Resource(s): Dana Frankel, Downtown Projects Manager
Stephanie Monson Dahl, Director of Planning & Urban Design

Action Requested: Adoption of an ordinance (1) amending the entire Section 16-146 of the Code of Ordinances regarding outdoor dining on public right of way for the purpose of updating existing outdoor dining requirements and creating an annual "streetery" permitting option; and (2) amending the Fees and Charges Manual for outdoor dining on public sidewalks and streets.

Background:

- Outdoor dining and other permitted commercial uses of public space help contribute to a safe and active environment in downtown and other commercial/mixed-use areas.
- The City launched several temporary initiatives known as AVL Shares Space early in the pandemic; these initiatives supported safe business operations and facilitated customer access, including expanded outdoor dining in the public right-of-way and on private properties.
- An initial goal of launching the temporary initiatives was to learn from the experience and consider long-term implementation of successful tools and strategies that support a strong and resilient economy.
- Staff requested feedback at the June 13, 2022 PED meeting on a process to transition elements of the AVL Shares Space program (including the use of on-street parking spaces) to a long-term program and received direction to move forward with the development of a program.
- Staff developed the new program using lessons learned, best practices, and feedback from the Public Space Management Task Force - a group that includes members from several boards and commissions - and other community members that interact with the public realm.
- This proposal for an updated outdoor dining program prioritizes accessibility, maximizes public benefits and improves the City's ability to administer the program.
- An outdoor dining guide provides detailed guidance on the application process, design standards and management practices; it can be updated as needed in order to be responsive to changing needs and best practices.

Council Goal(s):

- Transportation and accessibility
- Well-planned and livable community
- Thriving local economy
- Connected and engaged community

Committee(s):

- Multi-Modal Transportation Commission, 08-23-2023, Unanimous Approval
- Downtown Commission, 08-25-2023, Unanimous Approval
- Planning and Economic Development Committee, 09-11-2023 Unanimous Support
- Policy, Finance and HR Committee, 10-10-2023 - 3-0 approval to move forward to City Council

Pro(s):

- Continues to support safe, active commercial and mixed-use districts.
- Continues to support businesses and the local economy.
- Improves accessibility and overall design standards for outdoor dining in public right of way.
- Updates fees to more appropriately account for commercial use of public space and align with values of the program and encourage multiple public benefits when possible.
- Responds to lessons learned and feedback received from the AVL Shares Space temporary initiatives as well as on-going input on downtown public space management.

- Improves the outdoor dining application process, operations, and design standards making the submission requirements management practices clearer for participants and staff.

Con(s):
- Temporary loss of parking spaces
- Some business may see an increased fee for permitting

Fiscal Impact:
- If approved, the current fees for outdoor dining will be updated as outlined in the attached changes, including the establishment of new fees for steeteries and public space use.
- Fee changes will likely generate additional revenue for the General Fund, which will partially offset the cost of review and enforcement.
- Revenue generated by fees for steeteries will offset loss of on-street parking revenue in the Parking Services Fund.
- The amount of revenue generated will be dependent on the number of businesses that participate in the program, but are unlikely to have a significant impact on either fund.

Staff Recommendation:
- Staff recommends approval of the municipal code amendment to Section 16-146 to amend the city's outdoor dining ordinance along with proposed fee changes and program updates because it is consistent with the *Living Asheville* comprehensive plan to support a downtown that is vibrant, sustainable, livable and accessible to residents and visitors alike, while furthering additional goals of the plan while aligning with Council's Strategic Priorities as well.
- In addition, it aligns with the Downtown Master Plan's goal of nurturing a sustainable and resilient economy through active management of Downtown.

Suggested Motion:
- Motion to approve adopt (1) an ordinance amending the entire Section 16-146 of the Code of Ordinances regarding outdoor dining on public right of way for the purpose of updating existing outdoor dining requirements and creating an annual "streetery" permitting option; and (2) an ordinance amending the Fees and Charges Manual for outdoor dining on public sidewalks and streets.

Attachment(s)
- Ordinance (Outdoor Dining)
- Ordinance (Fees & Charges)
- Fee Changes
- Outdoor Dining Guide

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 16 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO UPDATE REGULATORY AND PERMITTING REQUIREMENTS FOR OUTDOOR DINING ON PUBLIC PROPERTY

WHEREAS, the City of Asheville has the authority pursuant to Article 15 of Chapter 160A of the North Carolina General Statutes, over all public streets, sidewalks, alleys, bridges and other ways of public passage, and may amend said regulations from time to time in the interest of the public health, safety and welfare; and

WHEREAS, the Chapter 16 of City Code of Ordinances) specifies requirements for the use of public streets and sidewalks;

WHEREAS, this amendment supports specific goals for the downtown growth areas as found within the Comprehensive Plan; and,

WHEREAS, this amendment builds a permanent program based upon the success of the temporary outdoor dining programs enacted during the COVID-19 pandemic; and

WHEREAS, this Ordinance is determined to be reasonable, in the public interest, and is consistent with the Comprehensive Plan in that the changes further the goals of a livable built environment by making streets more walkable, comfortable and connected;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Chapter 16 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

a. Amend section 16-141 as follows:

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant shall mean any *person* or entity that has applied for an *outdoor dining area* permit.

Audible performance means any performance, including but not limited to, music, dance, mimes, magicians, clowns, jugglers and/or theatrical presentations which involve

or require the production of sound as an essential element of the performance.

Biltmore Village Historic District means the overlay zoning district designated by that name in Appendix 7-E of this Code, described therein and outlined on the official zoning map of the city.

Central Business District means the general use zoning district defined by that name in chapter 7 of this Code and outlined on the official zoning map of the city.

High impact area means an area identified in Appendix H of the City Code within which only one audible performance may take place within 120 feet of a location marked on the sidewalk at any single time.

Merchandise includes, but is not limited to, plants, flowers, wearing apparel, jewelry, ornaments, art work, household or office supplies, food or beverages of any kind, whether or not for immediate consumption, or other goods or wares.

Office and business uses correspond to the use tables found in Chapter 7, Article VIII of the Unified Development Ordinance.

~~*Outdoor dining area* means an area in front of or adjacent to a restaurant and located on a public sidewalk or square whereon tables, chairs or benches are placed for dining purposes.~~

Outdoor Dining Area means the space permitted for Outdoor Dining on public sidewalks and streets for the purpose of consuming food or beverage by patrons of an adjacent permitted business and/or by the general public.

Outdoor Dining means the use of public sidewalks and streets for the purpose of consuming food or beverage by patrons of an adjacent, permitted business and/or for use by the general public outside of business hours.

Outdoor Dining Guide or *Guide* means the guidelines, standards and rules adopted by the City Manager that contain the requirements that must be met to obtain and maintain an *outdoor dining area* permit.

Outdoor Merchandise area means an area in front of or adjacent to a retail business where merchandise is located on a public sidewalk for the purpose of displaying, exhibiting, selling or offering for sale merchandise.

Permittee means any *person* or entity issued a permit by the City to operate an *outdoor dining area* adjacent to a public sidewalk or street maintained by the City or the North Carolina Department of Transportation.

Permanently Affixed means any element of privately owned property that is attached, bolted or connected in any other way to any public sidewalk, street or other element of the public right-of-way.

Performance means, but is not limited to, engaging in acting, acrobatics, dancing, juggling, magic, pantomime, playing musical instruments, puppetry, and/or recitation on any city sidewalk.

Pushcart means a wheeled cart which may be moved by one person without the assistance of a motor and which is designed and used for displaying, keeping or storing any food, beverages or other articles for sale by a vendor.

Sidewalk means all that area legally open to public use as a pedestrian public way between the curb line and the public right-of-way boundary along the abutting property.

Sidewalk Dining means any outdoor dining elements authorized by the City to be placed on public sidewalks for outdoor dining purposes to be used by patrons of a contiguous and adjacent permitted business, and/or for use by the general public outside of business hours.

Streetery means a structure authorized by the City to be placed on a public street within marked/striped on-street parking spaces for outdoor dining purposes to be used by patrons of an adjacent, permitted business to that area of the street, and/or for use by the general public outside of business hours.

b. Amend section 16-146 as follows:

~~Permit holders for outdoor dining areas and their employees shall meet the following requirements:~~

~~(1) For all outdoor dining areas, a permit and encroachment agreement pursuant to the provisions of article III of chapter 16 of this Code shall be required, or for any condition which a fence, canopy, or other structure will be affixed to or overhang the sidewalk.~~

~~(2) The permit holder shall set up the outdoor dining area, including, but not limited to, the furniture, canopies, fencing and/or other accessories~~

~~used for the outdoor dining area, only in the area designated by the city in the encroachment agreement or on the permit, specifically excluding roadways. The outdoor dining area shall not impede, endanger or interfere with pedestrian or vehicular traffic.~~

~~(3) Furniture, canopies, fencing and/or other accessories used for the outdoor dining area shall be located so that a minimum clearance of six feet of pedestrian passage on sidewalks, or the minimum required by the Asheville Standard Specifications and Details Manual, the North Carolina State Building Code or the Americans with Disabilities Act, whichever is more restrictive, shall be provided at all times.~~

~~(4) The permit holder shall provide proper containers or some other means for the collection of waste and trash within the outdoor dining area permitted. The permit holder shall keep the immediate area around the outdoor dining area and the outdoor dining area clean of garbage, trash, paper, cups, cans or litter associated with the operation of the outdoor dining area. All waste and trash shall be properly disposed of by the permit holder.~~

~~(5) The permit holder shall comply with all county health and other applicable regulatory agency requirements, including, but not limited to, the requirements for food preparation and service. The permit holder shall display in a conspicuous location all such required permits and/or licenses and shall provide copies of those permits and/or licenses to the city prior to issuance of a permit for an outdoor dining area by the city. The permit holder shall continuously maintain the required approvals, permits and/or licenses and provide evidence to the city of the continuous maintenance of them.~~

~~(6) The permit holder shall be responsible for the maintenance, upkeep and security of the furniture and accessories of the outdoor dining area and the city shall not be responsible for the same.~~

~~(7) The permit holder shall not have on the premises any bell, siren, horn, loudspeaker or any similar device to attract the attention of possible customers nor shall the permit holder use any such device to attract attention.~~

~~(8) Signs attached to the outdoor dining area shall comply with the requirements of article XIII of chapter 7 of this Code.~~

~~(9) Employees of the permit holder for the outdoor dining area shall not consume alcoholic beverages while working in the outdoor dining area.~~

~~(10) For any outdoor dining area where alcoholic beverages are served, the permit holder shall comply with all state and local regulations for the sale, possession and/or consumption of alcoholic beverages and shall provide the city with a copy of any and all required permits or licenses for the sale, possession and/or consumption of alcoholic beverages and the diagram and/or plans showing the location of the outdoor dining area which were submitted for the permit or license.~~

~~(11) The permit holder shall comply with the prohibitions on disturbing, annoying and unnecessary noises set forth in section 10-81.~~

~~(12) Design of the furniture and accessories for an outdoor dining area to be located in the Central Business District must be approved by the City's Planning and Development Director or her/his designee, using the city's downtown design review guidelines, prior to a permit being issued for their use in the Central Business District. Design of the furniture and accessories for an outdoor dining area to be located in the Biltmore Village Historic District must be approved by the Historic Resources Commission prior to a permit being issued for their use in the Biltmore Village Historic District. The applicant must provide a photograph, drawing or sketch of the design of the furniture and accessories to be used for the outdoor dining area as part of the application for a permit.~~

(a) Permit required.

Except as may be provided elsewhere within City Code, no *person* may use a public sidewalk or street as an *outdoor dining area*, nor place thereon any platform, tables, chairs, furniture, seating materials or other similar items, unless issued an *outdoor dining area permit* in conformance with this section, and the *Outdoor Dining Guide*, as may be amended.

(b) Eligibility; application review.

Any *person* or entity that operates a legally established business or organization that is adjacent to a City-maintained sidewalk or street may apply to the City for

temporary use of a portion of the sidewalk or street as an *outdoor dining area* in accordance with this section and the *Guide*. The application, and applicable fees, shall be submitted to the City, along with any supporting documentation, which will then be reviewed by the City Manager or designee for compliance with this section and the *Guide*.

(c) Agreement; permit.

(1) An *outdoor dining area* permit is a revocable license issued to an eligible *permittee* to use a portion of a public sidewalk or street for temporary purposes as set out herein and does not convey an interest in property, public sidewalks, streets or related infrastructure. Consistent with NCGS 1-45, the issuance of a permit does not assign ownership or property rights to the permittee. The City Manager or designee is authorized to execute an agreement approving a permit for an *outdoor dining area*, and issue, suspend or revoke such permit for the same based upon any or all of the following factors:

(1) The accuracy and completeness of the application and supporting materials, and the extent to which they comply with the requirements of this section and the *Guide*.

(2) A violation of this section, or failure to comply with requirements of the *Guide*, any outdoor dining area agreements, applicable laws and regulations.

(3) Safety and logistical issues relating to hours of operation, traffic flow, parking, and other aspects of operation.

(4) Such other information the City Manager or designee reasonably believes may or may not be in the public interest, public safety, and general welfare.

(2) Once approved, the permit shall be made available for inspection upon request, and shall state on its face, at minimum, the following:

(5) The legal name, address, phone number, and email address of the permittee and its authorized representative.

(6) The approved *outdoor dining area* location, approved hours of operation, and permit commencement and expiration dates.

(7) Any additional information the City Manager or designee deems necessary.

(d) Denial of Application; reconsideration.

If an application is denied, the City shall notify the *applicant* electronically using the e-mail address provided by the *applicant* stating the reasons for denial. Within thirty (30) days of such notice, the *applicant* may submit a revised application with supplemental information for reconsideration. The payment of a

new application fee is not required if the revised application and material are submitted within thirty (30) days from receipt of the notice of denial.

(e) Operation and use.

A *permittee* of an *outdoor dining area* shall:

(1) Comply with this section, the *Guide*, all rules, regulations, and laws, State and federal, including but not limited to, those related to alcohol service and consumption, and ensure that no alcohol is served or consumed outside the permitted *outdoor dining area* or *sidewalk dining* except as otherwise allowed by law.

(2) Not place any items within the *outdoor dining area* unless they comply with this section and the *Guide*.

(3) Use the *outdoor dining area* only for the seating of its patrons and/or the general public in accordance with the restrictions of the permit and *Guide*.

(4) Ensure that no items are permanently affixed to the street, sidewalk, trees, public or private property. Such items are not allowed as part of an outdoor dining permit; an encroachment agreement must be obtained in order to permanently affix items to public property.

(5) Not operate outside the area designated in the permit.

(6) Remove snow, ice, litter and other debris from the *outdoor dining area* and adjacent sidewalk in a timely manner.

(7) Ensure that any *outdoor dining area* structure and furniture are in good working order, kept clean, well-maintained, made of commercial grade materials, are suitable and safe for commercial and/or public and/or public use and otherwise follow the standards specified in the *Guide*.

(8) Ensure that the *outdoor dining area* provides for adequate access in compliance with the American Disabilities Act, with adequate access determined at the City's sole discretion.

(9) Ensure that any and all permittee patrons using the *outdoor dining area* act in an orderly, safe, and non-disruptive manner so as to not pose a safety risk to traffic or pedestrians; and if such conduct occurs, permittee shall have an affirmative duty to immediately address such conduct and notify applicable authorities.

(10) The applicant shall provide and maintain a certificate of insurance for comprehensive general liability and products and completed operations coverage in a minimum amount of

$1,000,000.00 per occurrence and in the aggregate, provided that those certificates may be furnished as evidence of such coverage purchased for the applicant's principal place of business for serving food, food products and/or beverages, so long as such certificates meet the minimum acceptable requirements established in this section and shall further agree to indemnify the City against any damages related to the u

(g) Design standards exception.

(1) Notwithstanding the provisions of this section and the *Guide*, the City Manager or designee may waive compliance with the design standards stated within this section and the *Guide* for permit approval if the City Manager or designee finds that:

(a) The applicant has submitted a completed *outdoor dining area* application with supporting materials but is unable to unable to comply with the design standards due to conditions that are peculiar to the sidewalk, street, or property, and not from those that are common to the neighborhood or the general public; the permittee can substantially comply with the design standards in this section and the *Guide* and the issuance of a permit is consistent with the spirit, purpose and intent of this section and the *Guide*, such that public safety is adequately protected; and such waiver does not violate State or federal laws or regulations or any other provisions of the City Code.

(b) The City Manager or designee may require conditions associated with the requested waiver.

(h) Exemptions.

(1) Except for design standards stated within the *Guide*, the City shall be exempt from compliance with the application, permit, indemnification and insurance requirements of this section and the *Guide* as they may relate to use of *outdoor dining areas* for City sponsored or co-sponsored parklets, outdoor events, races, festivals, or concerts.

(i) Additional Requirements for NC Department Of Transportation Streets.

(1) An applicant for outdoor dining on a NC Department Of Transportation street shall obtain proper permissions from the NC Department of Transportation prior to making an application with the City.

(j) Duration and fees.

(1) Each *outdoor dining area* permit shall state the hours and days of operation consistent with this section and the *Guide.* No application shall be accepted for review unless accompanied with an application fee payable to the "City of Asheville" in accordance with the City of Asheville Fee Schedule to cover the cost of processing and investigating the application and supporting materials. If an application or supporting materials are revised within thirty (30) days of initial submission, then an additional application fee shall not be required. If a substantial amount of information is required to be submitted for review after the 30-day period, then an additional application fee may be assessed.. Permits are issued on an annual basis concurrent with the calendar year. Once issued, a permit shall be valid from the date of issuance through the subsequent December 30.

(2) A *permittee* may apply to renew its permit as provided for herein and the *Guide*

(k) Notices of violation.

(1) The City Manager or designees may issue a notice of violation assessing civil penalties for the violation of any provision of this section or the *Guide*. The notice shall be issued in writing and shall set forth with reasonable specificity the basis for the violation and civil penalty. The notice shall be served by registered or certified mail, by personal service using the address listed, or by email using the email address listed on the permit. When service is made by registered or certified mail, a copy of the notice may also be sent by first class mail. Service shall be deemed sufficient if the first-class mail is not returned by the Post Office within ten (10) days after the mailing. Refusal to accept the notice shall not relieve the violator of the obligation to pay the penalty.

(2) The notice of violation shall contain a time period by which the violation must be corrected. From and after the date specified in the notice, each subsequent day that the violation continues in existence shall constitute a separate and distinct offense subject to additional civil penalties.

(l) Enforcement; violations; penalties; suspension.

(1) Except as may be provided otherwise herein, non-compliance with this section or the *Guide* shall be considered a violation and may subject the *outdoor dining area* permittee to penalties and the permit to suspension and/or revocation. Violations of any of the provisions of this section or the *Guide shall* result in the following civil penalties:

(a) First offense in any twelve-month period: $250.00.

(b) Subsequent offenses in any twelve-month period: $500.00.

(2) If a violation of this section or the *Guide* occurs twice in any twelve-month period, any *outdoor dining area* permit *shall* be suspended for thirty (30) days. If a violation occurs three (3) or more times in any twelve-month period, then the *outdoor dining area* permit *shall* be suspended for twelve (12) months.

(3) If the any civil penalty assessed herein is not paid within thirty (30) days after the penalty decision becomes final, as provided herein, the City may recover the penalty, together with all costs allowed herein and by law, by filing a civil action in the General Court of Justice in the nature of a suit to collect a debt.

(m) Other Remedies.

(1) In addition to civil penalties, permit suspension and revocation, a violation of this section or the *Guide may* also be enforced through injunctive or other equitable relief, or a combination of remedies up to and including the removal of all outdoor dining, seating and associated structures/elements.

(n) Appeals.

(1) A *permittee* aggrieved under this section may appeal any decision to the City Manager within thirty (30) calendar days after the *permittee* is notified in writing of a violation. An appeal must be made in writing and *shall* contain the reasons supporting the appeal and any evidence that may support. The *person* appealing *may* review the evidence that is the basis of any suspension, revocation, or violation during the City's normal business hours. The City Manager or designee *shall* review the information provided and *shall* issue a *written* decision within thirty (30) calendar days determining whether a violation has occurred.

(2) After receiving a determination from the City Manager or designee, the party aggrieved *may* appeal to the *City Council* within thirty (30) calendar days after the decision of the City Manager or designee was deposited in the U.S. Mail addressed to the party aggrieved at the address on file. The scope of the *City Council's* review *shall* be limited to whether competent evidence supports the *written* decision of the City Manager or designee. If the *City Council* finds that competent evidence supports the decision, then the civil penalty, administrative fee, suspension or revocation *shall* not be disturbed.

(o) Assignment Prohibited; Effect of Ceasing Business Operations.

(1) An *outdoor dining area* permit is not transferable or assignable and is specific to the *permittee's* business or organization as shown on the permit. Any change in the ownership of the *permittee's* business or organization after permit issuance shall cause the permit to be immediately invalid and require the subsequent owner to apply for a new permit. A change in ownership shall mean acquisition of more than ten (10) percent of the stock in a publicly traded corporation; any change in the ownership of shares in a privately held corporation; sale of all or part of a sole proprietorship; any change in the membership of any form of limited liability organization; or any substantial change to the *permittee's* business entity as reflected with the North Carolina Secretary of State's Office.

(2) The *permittee* shall notify the City when its business operations cease or there has been a change in ownership as provided herein. If the permittee's business operations cease, or the *outdoor dining area* is not used for the permitted purpose for thirty (30) calendar days or longer except *during the months between December and March*, then the permit shall automatically terminate and all materials such as platforms, furniture and like items shall be removed from the *outdoor dining area*. If *permittee* fails to cause such items to be so removed, then the City may remove the items as provided herein.

(p) Removal; discontinuance; costs.

(1) Should the City Manager or designee find that:

(a) any and all materials in the outdoor seating area, including but not limited to structures and furniture, should be removed due to violations of this section or the non-compliance with the Guide, then the permittee shall remove such items as directed by the City; should the materials not be removed within thirty (30) calendar days, then the City may remove the items, repair and restore the sidewalk or street to their pre-permit conditions; permittee shall be responsible for any and all costs related to the removal, storage, repair, of the materials; such costs shall be a lien upon permittee's property, collectible in the same manner that taxes are collected, or by civil action;or

(b) for planned maintenance and repair activities of the City, the permit holder shall remove all obstructions from the

needed area within 48 hours of being notified by the City of the need for removal; or

(c) circumstances warrant the immediate removal of any and all materials in the outdoor seating area such as the platform, furniture, and related items due to exigent reasons of public safety or general welfare, then such items shall be immediately removed by the permittee at the direction of the City; if such items are not timely removed as directed, then the City may remove and dispose of such items at no expense or liability to the City.

Sec. 16-161. Penalties.

It shall be unlawful for any person to violate any of the requirements of this article or of the permit issued under this article.

(a) ~~Such violations shall be a misdemeanor and punishable as provided by N. C. Gen. Stat. sec. 14-4.~~ Violations of this section shall not be a misdemeanor and punishable as provided by NC Gen. Stat. sec. 14-4.

(b) Unless otherwise specified within this Chapter, any person who is found to have violated any of the requirements of this article or a permit issued under this article, ~~such violations~~ shall be subject ~~the offender~~ to a civil penalty in the amount of $100.00 per day for each day the violation continues, to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within the prescribed period of time after he or she has been cited for the violation. The procedures set forth in section 1-5 of this Code for violations which constitute a civil penalty are incorporated herein by reference.

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: This ordinance will become effective upon adoption.

Read, approved, and adopted this 24th day of October, 2023.

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City Clerk Mayor

Approved as to form:

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City Attorney

ORDINANCE NO. _____

ORDINANCE AMENDING THE FISCAL YEAR 2023-2024 FEES AND CHARGES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The changes below to the Fiscal Year 2023-2024 fees and charges, are hereby adopted.

Item	**Annual Fee**
Outdoor Dining Permit	$7.00 per square foot
Streetery-One Parking Space	$3,000.00
Streetery-Two Parking Spaces	$4,500.00
Public Space Use Fee	$500

That this ordinance shall be in full force and effective upon adoption.

Read, approved, and adopted this 24th day of October, 2023.

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City Clerk Mayor

Approved as to form:

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City Attorney