

TOWN OF COLLIERVILLE

Frequently Asked Questions about Outdoor Seating/Dinning



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What does the Town consider Outdoor Seating/Dinning? Where is likely to occur? The Zoning Ordinance defines outdoor dining as, “that portion of the exterior of a building...maintained and held out to the public as a place for sidewalk dining, where food, beverages or other refreshments are served for consumption on the premises,” and includes “the placing, locating, or permitting of the placing or locating of furniture on sidewalks or patios adjacent to a business licensed to operate as an eating and/or refreshment establishment.”

Does Collierville regulate Outdoor Seating/Dinning? Yes. § 151.025(D)(10) of the Zoning Ordinance says that outdoor seating areas must be shown on an approved site plan (see also § 151.311). This plan helps the Town Staff look for adequate parking, furniture design, signage, preventing fire hazards, and ensuring ADA accessibility. For new construction, this information is provided when the business is initially constructed through the Final Site Plan process. For changes to an already developed site, the Site Plan Modification/Exterior Alteration process is used to add outdoor seating to a site. Such applications are typically reviewed administratively. Exceptions would include commercial areas in the local Historic Overlay near the Town Square or if waivers or exceptions to Town standards are requested. Applications and checklists can be found at the following location on the Town’s website: <https://www.colliervilletn.gov/government/town-departments/development/planning/regulations-forms-and-deadlines/applications-checklists-and-forms>.

Where can Outdoor Seating/Dinning occur?

Seating typically happens on hard-surface areas such as sidewalks, decks, or patios. When you are locating outdoor seating, please keep in mind the following:

- The outdoor dining activity shall not block or restrict a paved portion of the passageway to less than 48 inches in width or block the ingress/egress to any building. Also, no items shall be placed so as to block any doorway, driveway, crosswalk, or counter service window.
- Except within the CB and MU Districts (i.e. near the Town Square), outdoor seating areas not appropriate on sidewalks within the public right-of-way.

- Outdoor seating areas are not appropriate in required buffers along public roadways or between incompatible uses.

Does the Town regulate furniture design? Yes. Cafe furniture, and any other objects provided in the outdoor dining area are expected to be maintained with a clean and attractive appearance, and shall be kept safe and in good repair at all times. Furniture is expected to have a quality design, materials, and workmanship, and be consistent with the applicable Design Guidelines for the area, and must be approved or otherwise authorized by the Development Department. Details, specifications, and/or product pictures will be required with the application.

The following are examples of prohibited cafe furniture or objects in dining areas:

- Umbrellas or other decorative materials that are not fire retardant, pressure treated, properly secured to withstand strong winds or manufactured of fire resistant material;
- Umbrellas, tablecloths, chairs or tables with advertising, signage or other writing on them; and
- Furniture made of plastic.

What issues frequently arise from Outdoor Seating/Dinning?

- **Parking:** Outdoor seating areas increase the seating capacity of a restaurant, especially during warmer times of the year. The Town applies the same minimum parking requirements for an outdoor seating area as if it was enclosed (heated/cooled) space. See §§ 151.115 to 151.117 of the Zoning Ordinance. When outdoor seating areas are proposed within an existing parking lot, the applicant will need to demonstrate that the minimum parking requirements will still be met after the outdoor seating area is added.
- **Landscaping:** If existing plants, mulch beds, or lawn area will be removed for the seating area, this could cause the site to fall below minimum pervious area requirements or need to replace lost plant material. When sites were developed to barely meet the minimum standards, additional pervious area may need to be created by removing existing pavement or asphalt. Applicants must demonstrate with changes to

existing sites that the minimum requirements are still met.

- **Fire Suppression:** The Fire Marshal may require that covered areas be “sprinkled” or that the furniture used be noncombustible. A “dry” sprinkler system may be the most appropriate.
- **Heating Systems:** The Fire Marshal and Codes Division need to be aware of any proposed outdoor heating systems to determine if they will be appropriate.
- **Signage:** Umbrellas, tablecloths, chairs, and tables are not allowed to have advertising, signage or other writing on them. This may not be an issue early on but could be over time as management changes and site furnishings are replaced.
- **Noise:** If there will be outdoor speakers for music or outdoor live music, they could violate the Anti-Noise Regulations in §130.022 of the Town Code. They will be reviewed on a case-by-case basis. Noise associated with an outdoor seating area will be reviewed by staff on a case-by-case.
- **Awnings and Other Coverings:** Mold- and fire-resistant fabric awnings are encouraged, as are metal awnings. Plastic and vinyl awnings are not permitted. Open-air arbors are also appropriate. These coverings must be shown on the site plan. Depending on the type of covering, they may not be allowed in a required building setback.
- **Alcohol:** Adding/expanding outdoor dining areas may need approval from the Collierville Beer Board. Their regulations could affect the design of the seating area. Contact 901-457-2200 with any questions.
- **Lighting:** If lighting (string lighting, wall-mounted fixtures, recessed lighting, etc.) is to be added, details of the fixtures need to be provided with the application. Light fixtures should not create glare.
- **Temporary Walls:** Outdoor seating areas with temporary walls can increase the usability of outdoor dining, especially during cooler times of the year. Such materials will be reviewed by staff on a case-by-case. The panels are expected to have a quality design, materials, and workmanship. These panels are expected to be maintained with a clean and attractive appearance, and shall be kept safe and in good repair at all times.

What other activities are allowed in approved Outdoor Seating/Dinning areas? Approved outdoor dining areas are not intended to authorize displays by organizations, establishments or businesses for vending goods, for distributing information, or for displaying goods.

How can I view the referenced sections of the Zoning Ordinance or Town Code? Operators

should use the following link to view the sections: <https://codelibrary.amlegal.com/codes/collierville/lates/overview> Questions about the regulations should be directed to the Planning Division at 901-457-2360 or planning@colliervilletn.gov.

Can I get advice from staff before applying? Yes. As a service to the prospective applicant/property owner, staff offers the opportunity for a “Pre-application Conference” with key staff affected by outdoor dining/seating areas. Pre-application Conferences are intended to be a “one-stop shop” for potential applicants to meet with all departments involved in the development process at the same meeting. They can prove to be very beneficial to both the applicant and staff, as the officials responsible directly for the review (Planning, Codes, Fire, Engineering, etc.) can be in attendance if requested. The primary purpose of the meeting is for Staff to explain the applicable development processes, permits, and fees pertinent to the project prior to applicants submitting a Site Plan application. These meetings also provide an opportunity for the developer to discuss his/her proposal with Town officials and get their input. Applicable rules and regulations will be discussed as they relate to the proposal, but the Pre-application Conference does not constitute an application nor are any preliminary staff comments binding. In addition to notes from the meeting taken by the Staff, other relevant information will be made available to the applicant at the end of the meeting (applications, checklists, forms, latest fee schedule, submittal calendar, etc). Formal notes are taken during the meeting by staff and emailed to the potential applicant after the meeting for a record of what was discussed.

Pre-application Conferences are typically scheduled every Tuesday afternoon from 2:00 pm to 5:00 pm at the Development Department located at Town Hall. Each meeting is usually an hour long. A Pre-application Conference can be scheduled by contacting the Planning Division at 901-457-2360 or planning@colliervilletn.gov.