



Planning and Development Department
1055 Rowland Street • Clarkston, Georgia 30021
(404)-296-6489

APPLICATION FOR OUTDOOR/PATIO/SIDEWALK DINING

All restaurants having outdoor/patio/sidewalk dining must apply for and receive an outdoor/patio/sidewalk permit prior to starting any outdoor/patio/sidewalk dining. The permit is subject to reapplication and renewal on an annual basis. Applications shall be filed with the required fees with the Planning and Development Department. Upon review for compliance a permit shall be issued or denied.

Check off each box to indicate that the required items, in the quantities required, have been included in your submittal. Completion of this page does not mean submittal is “sufficient”, it means that the application can be accepted for later sufficiency review by staff. Make sure to include all other items required for your specific project. **Incomplete applications will not be accepted.**

- ☐ Completed and signed Outdoor/Patio/Sidewalk Dining application, including signed acknowledgement of the Outdoor/Patio/Sidewalk Dining Ordinance (page 6)
- ☐ \$100 application fee for a 1-year permit
- ☐ New applications and renewals with changes to their approved furniture layout and/or materials must submit copies of **complete and stapled** plan sets folded print side out to approximate 8 ½ X 11. Plan sets must include the following items:
 - ☐ Scaled site plan depicting existing building lines, entrances, sidewalk widths, the location of all outdoor dining furniture, and the required pedestrian access route.
 - ☐ Colored photos of the outdoor dining area
 - ☐ Furniture specifications (colored photos or manufacturer’s cut sheet)
 - ☐ Certification of liability insurance in the amount of \$150,000 naming the City of Clarkston as an additional insured.
 - ☐ If outdoor dining is located on an adjacent property, written permission of the property owner is required.

This page was completed by:

Signature _____

Print Name _____

Date _____

Phone & Email _____

OUTDOOR/PATIO/SIDEWALK DINING ORDINANCE

APPROVED JUNE 6, 2017

SECTION 16-22. Sidewalk Cafes-Permit and Application

A business licensed to serve food and/or drinks may apply to the City Manager for an annual permit to utilize public sidewalks abutting the business location for outdoor seating and service. Permits grant a privilege for one calendar year, or the remaining portion thereof, and are subject to annual review and renewal. The permit application shall include:

- a. Name of applicant;
- b. A copy of a valid City of Clarkston business license to operate a food and/or beverage service business in front of which the sidewalk café will be located;
- c. A copy of the current certificate of insurance in the amounts and categories required by this chapter;
- d. A diagram identifying the perimeter of the proposed sidewalk café area, the dimensions of the area, the distance from perimeter to curb or nearest obstacle, number and placement of tables, and the design and materials of any requested divider; and
- e. Payment of the annual permit fee of \$100.

SECTION 16-23. Sidewalk Café Permits-Criteria and Conditions of Issuance

- a. In reviewing the application for a sidewalk café, the City Manager or his/her designee will consider the following criteria in determining whether a permit will be issued:
 - i. *Qualifications.* Permits may only be issued incidentally with the operation of a properly licensed business.
 - ii. *Location.* The outdoor seating area of the sidewalk café may only extend the width of the storefront.
 - iii. *Arrangement.* The permit application shall include a diagram showing the location of the sidewalk café in relation to the surrounding buildings, streets, and sidewalks, along with the location of all furnishings to be placed in the sidewalk café.
 - iv. *Barriers.* If approved, applicants may include non-permanent barriers separating the sidewalk café from the remaining sidewalk that can be disassembled and removed if necessary. The design of the barrier if

requested must be included in the permit application and shown on the diagram submitted with the permit application. If requested, the barrier should be of a simple post and chain construction, with posts of 33-36 inches in height above the surface of the sidewalk.

- b. The applicant must acknowledge by signature that compliance with the regulations provided for by this ordinance are a condition of operating a sidewalk café.
- c. The issuance of a permit shall not be construed or interpreted to convey any property rights or any estate in land to any person or business. Sidewalk café permits are a non-transferable privilege that will expire upon change in use of the facility or on December 31 of each year.
- d. *Indemnification.* As a condition of issuance, the approved applicant and any person acting under or pursuant to said approval, agrees to indemnify, hold harmless, release, and defend (even if the allegations are false, fraudulent, or groundless) to the maximum extent allowed by law, the City and its agents, officers, employees and representatives, from and against all liability, loss, suits, claims, damages, costs, judgments, and expenses (including attorneys' fees and costs of litigation) which in whole or in part result from arise out of, or are claimed to result from or arise out of the operation, existence or approval of a sidewalk café or in any matter connected with any acts, operations, privileges authorized, allowed, or undertaken pursuant to the use of city sidewalks pursuant to this ordinance, including, without limitation, any condition of property used as a sidewalk cafe.
- e. *Insurance.* The approved sidewalk café permittee shall be required to have general liability insurance providing for the following limits naming the City as an additional insured in the following minimum amounts: \$50,000 per person; and \$100,000 per occurrence.

SECTION 16-24. Sidewalk Café Regulations

- a. *Limitations on location.* Sidewalk cafés shall allow a minimum four (4) foot wide unobstructed pedestrian corridor at all times. No obstruction may be placed within two (2) feet of a curb or within five (5) feet of a fire hydrant, pedestrian crosswalk, or handicapped corner curb cut.
- b. *Sanitation.* The permittee business shall keep the area covered by the permit clean, neat, and orderly at all times. The business is responsible for removing all debris and trash from the sidewalk café at all times. The permit holder shall keep the sidewalk cafe and the pedestrian corridor surrounding it clean of any solid waste, including, food debris, paper, cups, bottles, cans, and other garbage associated with the operation of the sidewalk cafe space on a daily basis. The

public right of way within and adjacent to the sidewalk café must be washed down with water and detergent when needed and cleaned on a daily basis. Any stains from spills must be removed promptly by the permittee. The permittee must properly dispose of all waste and trash.

- c. *Furnishings.* Furnishings shall not be secured to lamp posts, streetlights, trees, or any public fixtures. All furnishing shall be removed from the sidewalk café from time to time as required by the City. Should a severe storm warning be issued, all outdoor furniture shall be removed from the sidewalk café. Additionally, the following regulations shall apply:
 - i. *Tables and Chairs.* Tables and chairs shall match and be made of safe, sturdy, and durable material. All furniture shall be commercial grade and manufactured for outdoor use. Plastic or PVC furniture shall be prohibited. Where the nearest curb abuts on-street parking, tables shall be oriented parallel to the curb so as to allow ingress and egress between the sidewalk and the on-street parking.
 - ii. *Umbrellas.* Each table may be equipped with one umbrella which shall be maintained in good, clean, and operable condition. Table umbrellas shall have no signs or advertisements on them, and the lowest dimension of the umbrella shall maintain a minimum of seven (7) foot vertical clearance above the sidewalk, when extended, to allow for patron and server circulation.
 - iii. *Signs.* Any signs must be kept within the sidewalk café and are subject to sign permit approval. All such signs must comply with city code.
 - iv. All kitchen equipment and refuse containers used to service the sidewalk café shall be located inside the primary business.
- d. *Alcohol.* Only a properly permitted business which holds a valid alcohol license for consumption on the premises may serve alcohol to customers in the sidewalk café. Such service of alcohol shall be subject to all restrictions set out in Chapter 3 of the Code of Ordinances and the following restrictions:
 - i. Alcohol may only be served in the sidewalk café during the hours allowed under the City's ordinance for service.
 - ii. Patrons may not be in possession of more than one alcoholic beverage.
 - iii. Patrons may not remove alcohol from the premises of the business or sidewalk café. The area set aside for the sidewalk café shall be

considered part of the premises for the purposes of consumption of alcoholic beverages.

- iv. Sidewalk cafes permitted pursuant to this ordinance shall not be considered “open areas,” “decks,” or “patios” as those terms are used in City Code Section 3-22 and shall not be subject to the regulations set forth in Code Section 3-22.
- e. *Smoking.* Patrons shall not be allowed to smoke within the sidewalk café.
- f. *Sound.* Music, live or recorded, or other amplified sound shall be allowed within the sidewalk café, provided it does not violate the City’s ordinances related to noise.
- g. *Hours of Operation.* No sidewalk cafe shall operate after 2:55 a.m. on Saturday or Sunday morning. No sidewalk cafe shall operate after 2:00 a.m. on any other day of the week. Permit holders shall ensure that their sidewalk cafes are not available for use after the hours specified in this subsection.

Section 16-25. Sidewalk Cafes- Permit Revocation or Suspension

Issuance of a sidewalk café permit is conditional. A permit may be suspended or revoked by the City Manager or his designee if it is determined that:

- a. Any necessary business or health permit has been suspended, revoked, or cancelled.
- b. The permit holder is not in compliance with any of the regulations with respect to the sidewalk café.
- c. The permit holder has failed to correct violations of this chapter or any other ordinance within forty-eight (48) hours of receipt of the notice of same delivered in writing to the permit holder.
- d. The permit holder has a history of violations of this chapter of three (3) or more within a two (2) year period, or immediately upon any violation depending upon the severity of the violation.
- e. Permits may be suspended for a period up to twelve (12) months depending upon history and severity of the violation.

Section 16-26. Sidewalk Cafes – Penalties for Violations.

In addition to possible suspension or revocation of the permit, the following minimum fines shall be imposed for violations of this chapter: First citation: \$100.00 fine. Second citation (within one-year period): \$250.00 fine. Third and subsequent citations (within one-year period): \$500.00 fine.

Section 16-27. Sidewalk Cafes – Compliance with Americans with Disabilities Act.

Any person receiving a permit hereunder agrees to fully comply with all requirements of the Americans with Disabilities Act as currently existing or as may be hereafter amended.”

Section 16-28. Permitted Sidewalk Cafes not a Violation of other Provisions.

The installation, operation or maintenance of a permitted sidewalk café shall not be construed as a violation of City Code Sections 16-2 or 16-3 regarding obstructing sidewalks, nor shall a permitted sidewalk café be construed as a violation of Section 16-4.1 regarding keeping or selling merchandise on the sidewalk.

I/WE HAVE READ THE ABOVE ORDINANCE AND WILL COMPLY WITH SUCH.

SIGNATURE

DATE

PRINT NAME

SIGNATURE

DATE

PRINT NAME



**ALL APPLICABLE SECTIONS OF THIS APPLICATION MUST BE COMPLETED,
AND THE APPLICATION MUST BE CONSISTENT WITH SUBMITTED MATERIALS**

(type or print)

Address of Restaurant:

Name of Restaurant:

Parties of Interest

Name of Property

Owner(s):

Complete Address (include zip code):

Phone Number (include area code and email):

Name of Restaurant Owner

Complete Address (include zip code):

Phone Number (include area code and email):

Name of Applicant - if different from above:

Complete Address (include zip code):

Phone Number (include area code and email):

Interest in Property:

Application Type

☐ New Application ☐ Renewal

For renewals only:

☐ Furniture layout and materials are the same as previously approved

☐ Furniture layout and materials are not the same as previously approved

Explain

Current Business License

☐ Yes (attach a copy) ☐ No (explain) _____

Location (check all that apply)

☐ Private Property ☐ Public Property ☐ Both

☐ Sidewalk ☐ Curbside ☐ Other: _____

☐ In front of an adjacent property-*submit property owner approval*

Outdoor Dining Service

☐ Full Service Outdoor Dining-*table service* ☐ Outdoor Seating-*no table service* ☐ Both

Days/Hours of Operation: *May not exceed the approved hours in Section 16-24 of Ordinance*

Outdoor Dining Layout and Furniture

Location(Private or Public Property)	#	Material	Color
Tables			
Chairs			
Umbrellas			
Pedestrian Barrier			
Trash Receptacles*			

**Only permitted on private property*

Pedestrian Access Route

Width (3 foot minimum): _____

Umbrella Height (7 foot minimum): _____

SIGNATURES (FULL LEGAL NAME IS REQUIRED)

Signature of Property Owner (Required): _____

Print name: _____

Date: _____ Title: _____

Signature of Applicant (Required): _____

Print Name: _____

Date: _____ Title: _____

