

MODEL ORDINANCE FOR OUTDOOR RESTAURANT SEATING
SOUTHERN GEORGIA REGIONAL COMMISSION

Introduction

This model ordinance is intended to aid the communities in the Southern Georgia region in regulating outdoor seating at restaurants, cafés, and other similar food service establishments. During the global COVID-19 pandemic, restaurant closures have impacted communities, altered local economies, and eliminated jobs. As society cautiously begins to reopen, outdoor restaurant seating is one of the components of an effort to rekindle the economy while continuing some degree of social distancing.

This model ordinance may also be adapted to regulate areas of operation for food trucks.

Purpose

The outdoor restaurant and café seating regulations, as established in this article, are designed to allow outdoor seating for restaurants and cafés on public property in locations where they are determined to be appropriate by the [_____] City Council/County Commissioners], and to promote and protect the public health, safety, and general welfare of the community.

These general goals include, among others, the following specific purposes:

- 1) To attract residents and non-residents to [Downtown or other area] [_____] City/County];
- 2) To provide an additional way for restaurants or food establishments to expand their operations;
- 3) To promote outdoor seating as useful and properly planned visual amenities;
- 4) To provide adequate space for pedestrians on the sidewalk adjacent to outdoor seating and to insure access to adjacent commercial and retail uses;
- 5) To promote the most desirable use of land and buildings and thereby protect the [_____] City/County] tax revenues;

Definitions

Outdoor seating means an outdoor area operated by an existing restaurant or other food establishment which sells food or beverages for immediate consumption, located on a public sidewalk, or other public property, which is public through dedication or easement or public right-of-way that provides seating outside of an establishment for patrons and other persons, and contains readily removable tables, chairs, railings, or planters.

Outdoor seating permit means a permit issued by the Zoning Administrator based upon approval by the City Manager, which conforms to the procedures and regulations of this article, for outdoor seating operations.

Permit Procedures

The Zoning Administrator is authorized to issue a permit to operate outdoor seating on public property provided that the applicant has complied with the standards set forth in this article, after approval by City Manager.

Outdoor seating permit applications for establishments operating on public sidewalks or public property shall be reviewed by city staff and approved by the Zoning Administrator. The Zoning Administrator reserves the right to forward a permit application to the [City Council/County Commission] for its review and consideration. Establishments serving alcohol must have a valid alcohol permit issued by the Georgia Department of Revenue.

Standards

- a) A minimum of 48 inches clear lateral sidewalk width shall be preserved, exclusive of the area occupied by the outdoor seating, in order to allow adequate space for pedestrian movement. Outdoor seating shall only be permitted where it is determined that the use will not create a hazard, a sight distance obstruction for motor vehicle operators, nor unduly impede pedestrian traffic. The Zoning Administrator or designee shall determine when a hazardous condition exists in the public right-of-way.
- b) Outdoor seating may only be located adjacent to the establishment with which they are associated. Outdoor seating areas must remain clear of litter, food scraps, and soiled dishes at all times.
- c) Employees of the establishment shall continuously supervise outdoor dining areas serving alcoholic beverages.
- d) Setting up a barrier such as planters or a railing to physically separate patrons from pedestrian and vehicular traffic shall delineate the perimeter of an outdoor seating area where alcoholic beverages are served. All areas where alcohol is served must also conform to state regulations.
- e) Furnishings for outdoor seating shall consist solely of readily removable railings, posts, tables, chairs, planters, and table umbrellas. Furnishings may only be attached or secured in a manner approved by the Zoning Administrator. Such anchoring devices, when removed, shall not create a hazard for pedestrian traffic. Objects which are part of the outdoor seating, may be attached or secured to any building or structure on which the outdoor seating area abuts in a manner approved by the Zoning Administrator.
- f) No structure or enclosure to accommodate the storage of accumulated garbage, such as a shed, may be erected or placed adjacent to or near the outdoor seating area located on public property. Each establishment shall be responsible for providing appropriate containers for disposing of garbage or waste and employees shall not use municipal trash containers for disposing of garbage or waste.
- g) Outdoor seating shall not interfere with any public service facility, such as a mailbox, fire hydrant, electrical infrastructure, designated pedestrian crossing, or bench located on a sidewalk or public property.
- h) (h) Operation of outdoor seating shall not adversely impact adjacent or nearby residential, religious, educational, or commercial properties and shall be in accordance with all applicable codes and regulations.

- i) Tables, chairs, table umbrellas, railings, planters, and any other objects provided with the outdoor seating shall be of good quality design, materials, and workmanship both to ensure the safety and convenience of users and to enhance the visual and aesthetic quality of the area. Such equipment shall be routinely cleaned, painted, or replaced and may be inspected by the Zoning Administrator or designee.

Operating Restrictions

- a) All restaurants serving alcoholic beverages in outdoor seating areas shall be allowed to operate during the hours of _____ until _____, [day] through [day].
- b) All alcoholic beverages to be served in outdoor seating areas shall be prepared inside the existing restaurant, and alcoholic beverages shall only be served to patrons seated at tables. The consumption of alcoholic beverages in an outdoor seating area shall not be construed as a violation of any ordinance controlling open containers in a public area. The operator of the outdoor seating area shall take all necessary action to procure the appropriate license or permit from the State of Georgia to serve alcoholic beverages in the outdoor seating area and shall comply with all other laws and regulations concerning the serving of alcoholic beverages in the state.
- c) All food to be served at an outdoor seating area shall be prepared within the existing establishment unless approved by the [City Council/County Commission] as part of a special event application request.
- d) The restaurant shall not serve food or beverages to a patron at an outdoor seating area unless that patron is seated at a table.
- e) When the outdoor seating area is not in regular operation, chairs, railings, posts, planters, table umbrellas, and other related items shall be removed and shall not be stored outside. It shall be the responsibility of the establishment to secure adequate storage of these items.
- f) The maintenance of an outdoor seating area shall be the responsibility of the establishment, including but not limited to surface treatment and cleaning, litter control, sweeping, drainage, and tree debris removal. The sidewalk and public property shall be kept neat and clean at all times and free from any substance that may cause damage to the sidewalk or public property or cause pedestrian injury.
- g) An increase in lighting is prohibited, unless otherwise required through the review process.