

# OUTDOOR DINING AREA PERMIT FAQs

INFORMATION MAY CHANGE; PLEASE CHECK [BIT.LY/OUTDOORDININGPERMITATL](https://bit.ly/outdoordiningpermitatl) FOR UPDATES

## PUBLIC VS. PRIVATE LOCATIONS

If you are interested in permitting an outdoor dining area, you must first determine if the proposed area is on a public right-of-way (the sidewalk or the on-street parking lane) or private property such as a parking lot adjacent to the business.

### Public Right-of-Way:

If the proposed area is on the public right-of-way (sidewalk or on-street parking lane), a Right-of-Way Dining Permit can be obtained from the City of Atlanta Department of Transportation. Information on how this process works is described in the FAQs below. The City of Atlanta code authorizing public right-of-way dining can be found in [Article VII](#) and [Article VIII](#).

### Private Property:

The first step in having outdoor dining permitted on private property is a zoning review, which will determine if the site can be approved for outdoor dining and under what conditions and restrictions. Following zoning approval, a building review is required through the Office of Buildings. Additional information about the process and considerations for receiving required permits for private property outdoor dining are described in the section on pages 3–4 titled “Outdoor Dining Permits on Private Property”.

## HELPFUL LINKS

Right-of-Way Dining Permit Application: [bit.ly/rowdiningpermit](https://bit.ly/rowdiningpermit)

Questions about the Right-of-Way Dining Permit: [rowdining@atlantaga.gov](mailto:rowdining@atlantaga.gov)

Questions about the zoning review required for Outdoor Private Property Dining: [DCPOZD@atlantaga.gov](mailto:DCPOZD@atlantaga.gov) or call 404.330.6145

Questions about the buildings review required for Outdoor Dining Permit on Private Property: call the [Office of Buildings Light Commercial Work Stream](#) at (404) 330-6920

Questions about alcohol license requirements: visit [atlantapd.org/i-want-to/alcohol-licenses](https://atlantapd.org/i-want-to/alcohol-licenses)

## SUMMARY OF PERMIT TYPES

Permit Type	Public or Private?	Fees	Link to application
<b>On-Street</b>	Public	Permit and application fees not required through the end of 2021	<a href="https://bit.ly/rowdiningpermit">bit.ly/rowdiningpermit</a>
<b>Sidewalk</b>	Public	Waived through July 6, 2021	<a href="https://bit.ly/rowdiningpermit">bit.ly/rowdiningpermit</a>
<b>Adjacent Lot</b>	Private	Waived through July 6, 2021	<a href="https://bit.ly/dcppermitsap">bit.ly/dcppermitsap</a>



## SIDEWALK DINING PERMITS IN THE PUBLIC RIGHT-OF-WAY



BULLA GASTROBAR, MIDTOWN

### What is the City of Atlanta's Sidewalk Right-of-Way Outdoor Dining Permit?

This permit authorizes eating and drinking establishments to operate outdoor dining areas on public sidewalks, under certain conditions. This permit is only applicable to outdoor dining operations on public right-of-way sidewalks.

### What types of businesses does the Right-of-Way Outdoor Dining Permit apply to?

To be eligible for this permit, a business must meet the following conditions:

- Must be a licensed eating and drinking establishment
- Must have a public sidewalk in front of the establishment that allows for at least five feet of pedestrian clearance not including the area reserved for the outdoor café. Under certain conditions, a wider pedestrian area may be required. Please refer to the permit application for full details.

### What is the process for obtaining a Right-of-Way Outdoor Dining Permit?

Permits are issued by the City of Atlanta Department of Transportation. The permit application is available at [bit.ly/rowdiningpermit](https://bit.ly/rowdiningpermit). Businesses applying for a permit must include copies of their business licenses, liability insurance certificate and site plan. A full list of required application materials is included in the permit application.

### What are the required fees?

Per a recently adopted ordinance ([20-O-1366](#)), application fees for a Right-of-Way Outdoor Dining Permit are waived for a period of one year, beginning July 6, 2020.

### What is the estimated time to process a permit application?

Once a completed application packet is received, the application should be processed within 14–30 days.

### What are some of the operational restrictions and conditions that I should be aware of with this permit?

A full list of restrictions and conditions is available in the permit application. Notable items include:

- Sidewalk dining cannot contain more than 50 percent of the total seating capacity of the business.
- Outdoor dining operations may take place from 7:00am–11:00pm (Sunday through Thursday) and 7:00am–12:00am (Friday and Saturday).
- Operations are restricted to the public sidewalk directly in front of the eating and drinking establishment named in the permit application; operations cannot spill over onto sidewalks in front of adjacent properties, even if the properties are vacant.
- Live music and entertainment are not allowed within the outdoor dining area.
- Outdoor dining furniture must be placed at least six feet away from any pedestrian crosswalk, ramp, fire hydrant or fire connection and within 15 feet of transit stops or transit shelters.

### Can I place my outdoor dining area along the sidewalk curb in front of my business?

Yes. This is permitted if the street that runs parallel to the sidewalk has a posted speed limit of 35 MPH or less and there is at least five feet of pedestrian clearance between the outdoor dining area and your storefront.

### Can I place decorative fencing or other barriers, such as planters, to delineate the outdoor dining space?

Yes. Decorative barriers, fencing, and planters that are not permanent are permitted if they are less than 36 inches high.



### Can I place signage in the outdoor dining area?

Most signage is not allowed in the outdoor dining area. Incidental signage on items such as umbrellas is allowed under certain conditions described in the permit application.

### How about umbrellas or tents?

Umbrellas are permitted in the outdoor dining area; tents and other temporary enclosures are not.

### Can I create an outdoor dining area in the parking lane in front of my business?

Yes, however this type of outdoor dining area requires an On-Street Right-of-Way Dining Permit issued by the City of Atlanta Department of Transportation. More information on this permit is included in the next section.

### I have a retail business and am interested in placing tables or racks of merchandise for sale on the sidewalk in front of my business. Is there a permit available for this?

There is currently no available permit for outdoor retail operations on public sidewalks. The Right-of-Way Outdoor Dining Permit is only available to licensed eating and drinking establishments.

### Are there any COVID-19 guidelines that I must adhere to with this permit?

The permit holder should follow all relevant guidelines detailed in the [City of Atlanta's phased reopening plan](#).

## ON-STREET DINING PERMIT IN THE PUBLIC RIGHT-OF-WAY



### What is the City of Atlanta's On-Street Right-of-Way Dining Permit?

This permit authorizes eating and drinking establishments to operate outdoor dining areas within the parking lane in front of or adjacent to their business, under certain conditions. The permit program is temporary and designed to respond to the immediate needs of restaurants that are struggling because of the COVID-19 pandemic. As such, once approved, all On-Street Right-of-Way Dining Permits will extend through the end of calendar year 2021, at which point they will expire.

### What types of businesses does the On-Street Right-of-Way Dining Permit apply to?

To be eligible for this permit, a business must meet the following conditions:

- Must be a licensed eating and drinking establishment
- Must have a public parking lane in front of or adjacent to the establishment that meets the requirements set forth

within the administrative regulations established by the Atlanta Department of Transportation. These regulations are included in the permit application, which can be viewed at [bit.ly/rowdiningpermit](https://bit.ly/rowdiningpermit).

### What is the process for obtaining an On-Street Right-of-Way Dining Permit?

Permits are issued by the City of Atlanta Department of Transportation. The permit application is available at [bit.ly/rowdiningpermit](https://bit.ly/rowdiningpermit). Businesses applying for a permit must include copies of their business licenses, liability insurance certificate and site plan. A full list of required application materials is included in the permit application.

### Are there required fees?

Application and annual permit fees are not required for the On-Street Right-of-Way Dining Permit through the end of calendar year 2021, at which point the permit expires. However, dining areas in high demand metered parking areas may require fees for the use of those spaces. If the parking space is not metered, no fees will apply for their usage for this purpose. Read more below under "Can an on-street dining area be established within a metered parking area?".



### What is the estimated time to process a permit application?

Once a completed application packet is received, the application should be processed within 14–30 days.

### What type of street is an on-street dining area permitted within?

A street must have a public parking lane in front of or adjacent to the restaurant that is applying for the permit. The street must also be city-owned and classified as a local or collector street. A city-owned arterial street with a posted speed limit of no higher than 35 MPH may qualify for a permit and will be reviewed on a case-by-case basis.

A map showing street classifications can be viewed [here](#). Dining areas in the on-street right-of-way must meet other criteria, which is described in the permit application.

### Can an on-street dining area be established within a metered parking area?

An on-street dining permit application within a metered parking area will require additional review by City of Atlanta Parking Services. Wherever possible, the City of Atlanta will consider waiving these fees for the purpose of on-street dining spaces to assist businesses participating in the program. However, there may be some locations that are considered high demand and fees may be incurred for the use of those spaces. This matter will be reviewed on a case by case basis per each on-street dining application. These fees will not be incurred for any space that is not metered.

### Who is responsible for the construction and maintenance of the on-street dining area?

The permit holder will be solely responsible for the construction and maintenance – including all associated costs – of the on-street dining area. Restaurants must also maintain liability insurance and agree to hold harmless the City of Atlanta from any claims for damages to property or injury to persons that result from the permitted dining area.

### What design standards and regulations must be adhered to when constructing and operating an on-street dining area?

The on-street dining permit requires that dining areas comply with the design standards outlined in the permit application and be constructed and operated in a safe, accessible, non-disruptive, and clean manner. The design standards and regulations included in the permit application work to assure that these principles are met. View the permit application for more information on the design standards and regulations.

### Are there any COVID-19 guidelines that I must adhere to with this permit?

The permit holder should follow all relevant guidelines detailed in the [City of Atlanta's phased reopening plan](#).

## OUTDOOR DINING PERMITS ON PRIVATE PROPERTY



**I am interested in establishing an outdoor dining area on private property, such as a parking lot, adjacent to my restaurant. What is the process for permitting this operation with the City of Atlanta?**

The first step in having outdoor dining permitted on private property is a zoning review, which will determine if the site can be approved for outdoor dining, which permits may be required, and under what conditions and restrictions.

To initiate the zoning review of your proposed site, please view the digital permit guide at [bit.ly/dcpdigitalpermit-guide](https://bit.ly/dcpdigitalpermit-guide), which explains how to use the [Accela Citizen Access \(ACA\) portal](#) to submit a permit application. You may also contact the Office of Zoning & Development at 404.330.6145 or [DCPOZD@atlantaga.gov](mailto:DCPOZD@atlantaga.gov).

*(continued on next page)*



## OUTDOOR DINING PERMITS ON PRIVATE PROPERTY (CONT'D)

If your proposed site is located within one of the City of Atlanta's Quality of Life (QOL) Zoning Districts, you will need to apply for a [Special Administrative Permit \(SAP\)](#) within the [ACA portal](#). QOL zoning districts have a variety of restrictions and conditions that must be adhered to. QOL districts include SPI, MRC, MR, NC, LW, I-MIX, and those properties located within the BL Overlay. To confirm your property's zoning district classification, please visit [gis.atlantaga.gov/propinfo/](https://gis.atlantaga.gov/propinfo/). For a full list of the requirements for an SAP permit, view the permit application at [bit.ly/dcppermitsap](https://bit.ly/dcppermitsap).

If your proposed site is not within a QOL district, you can still initiate a conventional zoning review using the [Accela Citizen Access \(ACA\) portal](#). Outdoor dining operations are processed within the ACA portal under light commercial under the building review tab. You can view the light commercial building permit application at [bit.ly/buildingpermitatl](https://bit.ly/buildingpermitatl).

### **Is there a fee to apply for an SAP permit?**

Per a recently adopted ordinance ([20-O-1366](#)), application fees for a Special Administrative Permit (SAP) to permit outdoor dining are waived for a period of one year, beginning July 6, 2020.

### **Once I receive zoning approval for my site, are there other steps I must take to permit my outdoor dining area on private property?**

Yes. Upon receiving zoning approval, a building review will occur through the Office of Buildings. For more information on the process, restrictions and considerations related to the building review process for outdoor dining on private property, contact the [Office of Buildings Light Commercial Work Stream](#) at 404.330.6920.

### **Will the minimum number of parking spaces required by my business be impacted if I add an outdoor dining area on adjacent private property?**

Restaurants that apply for outdoor dining permits must maintain their parking requirement. On surface lots or shared lots used by other businesses, that parking requirement must be maintained. However, in many cases, the establishment of a dining area on private property may trigger a requirement for additional parking. This is because the outdoor dining area will increase an establishment's total operational square footage, which may impact the parking requirement.

### **Am I able to construct a tent in my outdoor dining area?**

Tents are generally permitted, but require zoning and building review.

### **Am I able to place signage in my outdoor dining area?**

An additional signage permit is required for most types of signage placed in the outdoor dining area. This signage would also count against a business's total sign allotment. Outdoor signage related to COVID could be considered incidental signage, which would not require a sign permit, unless a logo is on the sign that advertises the restaurant. Furthermore, in many zoning districts, freestanding signs are not allowed in an outdoor dining area.

### **Can I serve alcohol in the outdoor dining area?**

An establishment's current alcohol license does not extend to a newly permitted outdoor dining area on private property. To serve alcohol in a new outdoor dining area, you must apply for an additional license with the City of Atlanta Police Department License and Permit Unit. For more information, visit [atlantapd.org/i-want-to/alcohol-licenses](https://atlantapd.org/i-want-to/alcohol-licenses).

### **Am I able to use amplified music/sound within the outdoor dining area?**

If the dining area is adjacent to a residential zoned area, amplified music/sound may not be allowed under the zoning code. For more information, contact the Office of Zoning & Development at 404.330.6145 or [DCPOZD@atlantaga.gov](mailto:DCPOZD@atlantaga.gov).

### **Are there any COVID guidelines that I must adhere to during the zoning or building review process?**

The permit holder should follow all relevant guidelines detailed in the [City of Atlanta's phased reopening plan](#).

