

OUTDOOR DINING AREA PERMIT FAQs

INFORMATION CHANGES FREQUENTLY; PLEASE CHECK ATLANTAGA.GOV FOR UPDATES AND CURRENT ADVISORIES

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 sidewalk, or on adjacent private property such as a parking lot.

If the proposed area is on a public sidewalk, 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, Section 138](#).

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 Page 3 titled **Outdoor Dining Permits on Private Property**.

HELPFUL LINKS

Sidewalk Right-of-Way Dining Permit Application: bit.ly/rowdining

Questions about the Sidewalk Right-of-Way Dining Permit: ROWdining@atlantaga.gov

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

Questions about the buildings review required for Outdoor Private Property Dining: 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

SIDEWALK DINING PERMITS IN THE PUBLIC RIGHT-OF-WAY

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

This permit authorizes eating and drinking establishments to operate outdoor dining operations 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/rowdining. 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. The annual permit fee ranges between \$500 and \$1,000 depending on the square footage of the outdoor dining area.

What is the estimated time to process a permit application?

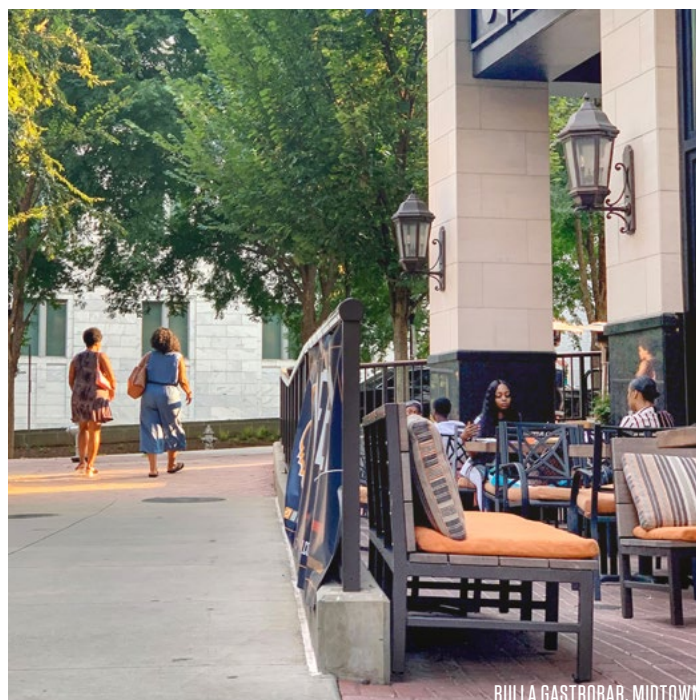
Once a completed application packet is received, the application should be processed within 14–30 days.



What 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 to 11:00pm (Sunday through Thursday) and 7:00am to 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 35MPH or less and there is at least five feet of pedestrian clearance between the outdoor dining area and your storefront.

I am interested in placing decorative fencing or other barriers, such as planters, to delineate the outdoor dining space. Am I able to do that?

Yes. Decorative barriers, fencing and planters 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?

Currently, there are no provisions in the City of Atlanta code to permit on-street, outdoor dining operations in the public right-of-way. The city is launching a Tactical Urbanism Permit in late summer 2020 which will allow permits for parklets, however this seating will be auxiliary and a restaurant cannot provide table service to parklet seating at this time.

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 no currently 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.

Can I serve alcohol in the outdoor dining area?

If your establishment is already licensed to serve alcohol, then this license extends to the sidewalk dining area if granted a right-of-way outdoor dining permit. Please note that this alcohol license extension does not apply to private space that is not part of your establishment's original Liquor Review Board application. It only applies to the newly permitted sidewalk dining area under the Right-of-Way Outdoor Dining Permit.

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 and under what conditions and restrictions.

If your proposed site is located within one of the City of Atlanta's Quality of Life (QOL) Zoning Districts, as part of the zoning review process, you will need to apply for a [Special Administrative Permit \(SAP\)](#). 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/.

To initiate the zoning review of your proposed site, please visit bit.ly/dcpdigitalpermitguide or contact the Office of Zoning & Development at 404.330.6145 or DCPOZD@atlantaga.gov. For a full list of the requirements for an SAP permit for outdoor dining operations, view the permit application at bit.ly/dcppermitsap.

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. Application and permit fees are not currently required if an establishment has an existing indoor alcohol license. For more information, visit 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.

Are there any COVID guidelines that I must adhere to with 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](#).

