



## Temporary Use Policy Public Right-of-Way

### Purpose

Public rights-of-way generally should remain free and unobstructed. However, the City recognizes that outdoor table service by restaurants and menu boards may also benefit the general public, provided such uses:

- A. Are not inconsistent with the dedicated public right-of-way;
- B. Do not impede travel; and
- C. Do not interfere with public safety or the rights of adjoining property owners.

Therefore, temporary use of the public right-of-way may be approved by the Office of Special Events, Film & Tourism consistent with the provisions of this Policy, which is intended to:

- A. Provide for pedestrian and vehicular safety and convenience;
- B. Restrict unreasonable interference with the flow of pedestrian or vehicular traffic, including ingress into or egress from any residence, place of business, other building, or from the street to the sidewalk by persons exiting or entering parked or standing vehicles;
- C. Provide reasonable access for the use and maintenance of poles, posts, handicap ramps, traffic signs or signals, hydrants, mailboxes, and access to locations used for public transportation purposes;
- D. Disallow interference with the operations of adjacent businesses;
- E. Encourage active street-level activity to enhance the urban environment; and
- F. Preserve and enhance the character of the Historic Landmark District.

### Definitions

**Sidewalk Café:** An outdoor dining area on a public sidewalk where patrons may consume food and/or beverages provided by an abutting food service establishment.

**Review Committee:** The Director of Special Events, Film & Tourism and the Principal Zoning Inspector of the City of Savannah.

**Temporary Use:** Situated on, but not attached to, the public right-of-way.

**Approval:** The temporary use approval created by this policy.

**Menu Board:** Also referred to as an A-frame sign, sidewalk signs, or sandwich boards. Menu Boards are classified as signage, on both private and public property.

**Restaurant:** An establishment holding the business tax designation of full-service restaurant (if alcohol is served) or a limited number of other food-based designations if no alcohol is served.



## **Required Approval**

It is unlawful for any person to place items on, or provide outside table service to, the public right-of-way in the City of Savannah without first obtaining a permit. Any person desiring a permit shall file an application as described in this policy, supplying such information in connection with the proposed temporary use as herein specified.

## **Application for Temporary Use**

**Applications:** Applicants annually shall submit a written application for the issuance of a Use of City-Owned Property and/or Public Rights-of-Way for Temporary Use Permit. The application should be submitted to the Office of Special Events, Film & Tourism and shall contain the following information and/or documents:

- A. Full and complete contact information of the applicant, namely the owner and/or principal in charge of the restaurant, business, or property;
- B. Full and complete contact information of a responsible person the City may notify or contact at any time concerning the applicant's requested temporary use;
- C. A certificate showing that the business maintains general liability insurance with a minimum coverage amount of \$100,000 per person and \$200,000 per occurrence. The business's insurance policy must list the "Mayor and Aldermen of the City of Savannah" as a certificate holder; and
- D. Pictures of all furniture and materials proposed for use. Note: Please do not purchase in anticipation of receiving a temporary use permit. Submission of pictures showing proposed items will suffice.
- E. Additional items for Sidewalk Café applications:
  1. Site Plan: A scaled drawing that specifically depicts how the furniture will be arranged, as well as the dimensions of the public right-of-way; the proposed layout of the furniture, including numbers and placement; and the relationship of the proposed usage to the curb, obstacles, planters, tree lawn, fire hydrants, existing buildings, and buildings on either side of the public right-of-way.
  2. A copy of the business tax certificate provided by the City of Savannah's Revenue Department.

**Application Fees:** An annual application fee shall be paid by check or money order and made payable to the City of Savannah. The total fee shall not exceed \$1,000 per year.

- A. Sidewalk Cafes:
  - \$100 per table
  - \$50 per bench
  - \$25 per chair
  - \$25 per other furniture item (i.e. planter or stanchion)
- B. Menu Boards: \$100 annual fee



**Approved Permits:** The City will process applications, consider site sufficiency, and issue permits. The Office of Special Events, Film & Tourism may approve all conforming applications. The Review Committee will meet as needed to make recommendations for approval of any non-conforming applications. The applicant should not materially change or increase the approved furniture, umbrellas, or site plan without prior written authorization from the Office of Special Events, Film & Tourism.

### **Requirements**

No permit may be issued until the application is approved by the Office of Special Events, Film & Tourism and all of the following requirements are met.

- A. The proposed temporary use meets the standards and/or spirit of this policy.
- B. The proposed temporary use does not unduly interfere with the use of the public right-of-way by adjoining property owners and tenants.
- C. The public use of the sidewalk, pedestrian, transit, and business services are not restricted, including but not limited to loading zones, bus stops, and benches.
- D. The proposed temporary use is complementary to and not inconsistent with the underlying dedication of the public right-of-way and is not inconsistent with the City's title or estate in the underlying public right-of-way.
- E. The proposed temporary use is compatible with the use and enjoyment of surrounding uses.
- F. The proposed temporary use does not impede travel on the public walkway or create a hazard to the safety or health of passers-by.
- G. The proposed temporary use does not unlawfully alter the associated use of the abutting property.
- H. The outside furniture, such as tables, chairs, menu board, and/or umbrellas, fit the policy's design standards or have been approved by the Review Committee.
- I. Building entryways are not obstructed.
- J. The proposed temporary use is not inconsistent with applicable provisions of the Americans with Disabilities Act. The burden for determining and maintaining conformity therewith is exclusively with the applicant. The City expressly disclaims responsibility for ensuring ADA compliance.

### **Standards**

All permits issued pursuant to the terms of this policy will conform to these standards, and no permit may be issued which does not so conform.

### **Business Operations**

- A. All Applicants:
  - 1. All objects must fit the stated design standards (see below) or be approved by the Review Committee.



2. All sidewalk cafés and menu boards must be brought inside by close of business.
3. All Fire Department regulations and standards concerning exterior lighting and power must be met.

B. Sidewalk Cafes:

1. No commercial logos or product logos are allowed on umbrellas, tables, chairs, or other furniture.
2. All umbrellas must be a solid color and all umbrellas used by a particular café must be the same color.
3. Approved applicant must be in compliance with the Alcoholic Beverage Ordinance of 2017, as amended. Alcohol service at an outdoor table must conform to the license currently held.
4. Any alcohol served at an outdoor table must be served in a glass or plastic cup. Beer cans or bottles are prohibited and wine bottles must be presented in a sheath or ice bucket.
5. Outside table services are for sit-down food and beverage service only; no stand up service is allowed.
6. Outside tables need to be kept in a good state of repair and maintained in a clean, safe, and sanitary condition in accordance with the Chatham County Health Department regulations.
7. All outside table service must end by midnight or when a full menu is no longer served, whichever is earlier. At this time, all permitted items must be brought inside the business and the public walkway returned to its original condition.
8. All outside table service must comply with the City of Savannah Smoke-Free Air Ordinance of 2010, including the prohibition of smoking in, and within ten feet or a reasonable distance of, outdoor seating or serving areas of restaurants.

C. Menu Boards

1. The proposed applicant's business logo is allowed on the menu board framework. Commercial/product logos are not allowed on the framework of menu boards.
2. Menu boards must include a chalk board writing area. No marker or dry erase boards are allowed. The chalk board area can only contain chalk writing elements, no posters or print materials are allowed.
3. Menu Boards must be kept in a good state of repair and checked daily by the applicant for compliance.
4. Menu Boards may not have any moveable parts connected to them. For example, pinwheels, bubbles, balloons, ribbons, etc. are prohibited.
5. Menu Boards may not have any type of lighting mechanism, attachment, or focus.

**Public Right-of-Way**

A. All Applicants:

1. Encroachment onto the public right-of-way for the purposes of displaying merchandise is not allowed under this policy.
2. A minimum of four (4) feet of unobstructed sidewalk needs to be maintained at all times between permitted items and any tree lawn. A minimum of six (6) feet of



unobstructed pathway needs to be maintained if no tree lawn is present. No portion of any tree lawn may be used under this policy.

3. The permitted items must be located in a manner that will not interfere with visibility, vehicular or pedestrian mobility, or access to City or public utility facilities. The determination of whether the object (or any part thereof) causes interference will be made by the Office of Special Events, Film & Tourism at the time of the application, based on the characteristics of each proposed site. Certain locations may be deemed unfit for approval by the Office of Special Events, Film & Tourism.
4. The permit holder must keep the area between the building and curb clean and clear of trash and cigarette butts. It must be swept when items are removed.

**B. Sidewalk Cafes:**

1. The sidewalk café should directly abut the wall of the restaurant.
2. Outside table service cannot be located immediately adjacent to a ground floor residential use.
3. Permitted items must be placed according to the site plan as approved at the time the application was submitted. It is the permit holder's responsibility to maintain this configuration at all times.
4. Sidewalk café permits are not issued for Drayton Street, Whitaker Street, or Congress Street in the downtown area. Exceptions may apply, contact the Office of Special Events, Film & Tourism before an application is submitted.

**C. Menu Boards:**

1. Only (1) menu board is allowed per business, and must meet all property signage requirements or restrictions under current zoning ordinances.
2. Menu Boards shall not exceed (24) inches in width and (43) inches in height.
3. Menu Boards must be placed within (18) inches of businesses property line.

**Administrative**

**A. All Applicants:**

1. Permits may be issued only to the operator of a business with property abutting the rights-of-way location for which the permit is sought.
2. Permits are deemed temporary and nonpermanent in nature, and the applicant should have neither a property interest in nor any claim for vested entitlement to the granting, or any continuation, of such permit.
3. All temporary use permits approved by the City must be kept in a conspicuous place observable by patrons and City enforcement staff, subject to inspection at all times when the establishment is open for business.
4. Permits are not transferable.
5. Permit fees are non-refundable.
6. Certain areas may be denied any use of menu boards or sidewalk cafes because of pre-existing conditions, residential impacts, or any public safety concerns determined by the Director of Special Events, Film & Tourism.



7. Use and occupation of the public right-of-way contemplated by this policy may be temporarily suspended without prior notice or hearing when, at the discretion of the Office of Special Events, Film & Tourism, the Police Chief, or the Fire Chief, any such use, occupation, or obstruction may interfere with public safety efforts or programs, special events, street improvement activities, construction activities, cleaning efforts, or other similar activities, or with the health, welfare, or safety of the citizens of the City.
- B. Sidewalk Cafes:
1. Only those establishments in the business tax category of “restaurant” may operate a sidewalk café. Establishments serving alcohol must comply with all applicable provisions of the Alcoholic Beverage Ordinance of 2017, as amended.
  2. Temporary, mobile, or free standing food service providers are not eligible under this policy.

### **Design Standards**

Applicants must comply with the following requirements. The Review Committee will assist the business with the selection of appropriate furniture if needed.

#### Sidewalk Cafes:

- A. All furniture must be dark green, black, muted silver, or match the Historic District design guidelines. Most wood grains are acceptable.
- B. Umbrellas must be a solid color and all umbrellas used by a particular business must be the same color.
- C. All items must be durable enough to withstand weather and sidewalk conditions. The preferred material for sidewalk café furniture is metal. However, some plastic or wood may be appropriate.
- D. Both tables and chairs must be constructed of the same material and be of the same aesthetic design.
- E. No commercial logos, product logos, or business names are allowed on umbrellas or tables and chairs.
- F. No glass table tops are permitted.
- G. Any material change in furniture or umbrellas requires prior approval from the Office of Special Events, Film & Tourism.

#### Menu Boards:

- A. Menu boards must contain a chalk board writing area.
- B. The chalk board area can only contain chalk writing elements, no posters or print materials are allowed.
- C. No dry erase menu boards are allowed.
- D. No cardboard or pin-up boards are allowed.
- E. The proposed applicant’s business logo is allowed on the menu board framework.
- F. Commercial/product logos are not allowed on the menu board framework.



### **Indemnification of City**

As a condition of issuance, the approved applicant and any person acting under or pursuant to said permit, 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 Mayor and Aldermen of the City of Savannah and each member thereof, and its officers, employees, advisory board members, and representatives, from and against any and all liability, loss, suits, claims, damages, costs, judgments, and expenses (including attorney's fees and costs of litigation) which in whole or in part result from, or arise out of, or are claimed to result from or to rise out of any acts, negligence, errors, or omissions (including without limitation, professional negligence) of approved applicant, its employees, representatives, contractors, subcontractors, or agents by reason of or arising out of, or in any matter connected with, any and all acts, operations, privileges authorized, allowed, or undertaken pursuant to the temporary use permit including, without limitation, any condition of property used in the operations.

This agreement to indemnify includes, but is not limited to, personal injury (including death at any time) and property or other damage sustained by any person or persons (including, but not limited to, companies, corporations, approved applicant, and its employees or agents, and members of the general public).

As a further condition of issuance of the approval, the approved applicant covenants not to sue the Mayor and Aldermen of the City of Savannah and each member thereof, and its employees, agents, and representatives and needs to cause its insurers to waive subrogation against the same with respect to any action, claim, or demand in any way resulting from or connected with any and all undertakings and operations conducted pursuant to the temporary use approval.

### **Liability Insurance**

The approved applicant is required to have general liability insurance with the following specifications:

- A. \$100,000 per person
- B. \$200,000 per occurrence
- C. Policy should name "The Mayor and Aldermen of the City of Savannah" as a certificate holder.

When renewing insurance annually, the business owner should provide the Office of Special Events, Film & Tourism with an updated copy of the Certification of Liability Insurance. A copy of this document should either be mailed or delivered to:

City of Savannah  
Special Events, Film & Tourism  
Attn: Tourism Division  
P.O. Box 1027  
Savannah, GA 31402



Failure of a business to provide the Office of Special Events, Film & Tourism with an updated Certificate of Liability Insurance by the expiration date of the Certificate currently on file with the Office will result in temporary suspension of said businesses' Temporary Use Permit until a current certificate is provided to and filed by the Office.

### **Termination**

In the event of a default or change in City policy, the Office of Special Events, Film & Tourism may notify the approved applicant in writing of a termination and specify the time in which the termination is to take place or, at the discretion of the Director of Special Events, Film & Tourism, immediately terminate the permit without prior notice. Upon delivery of a notice of termination, the City has the right to require the immediate removal of all obstructions in the public right-of-way, and may perform such removal if the approved applicant fails to do so within such time as specified by the Office of Special Events, Film & Tourism. The approved applicant shall reimburse the City for any expense incurred by the City in removing any obstruction in the event it is not removed by the approved applicant within the time required by the City.

### **Lapse or Revocation and Refusal to Issue**

A person desiring approval for the Temporary Use of the Public Right-of-Way which has been the subject, in part or in whole, of a prior approval which has lapsed, been revoked, or terminated shall file a new application. The Office of Special Events, Film & Tourism may refuse to issue such approval for Temporary Use if any applicant fails to meet any requirements for new approval, or if such person has failed or refused:

- A. To repair public improvements or other property damaged as a result of the occupancy of the public right-of-way; or
- B. To demonstrate readiness and willingness to comply with the terms of this policy, with the standards promulgated pursuant to this policy, or with the terms of the approval.

### **Enforcement**

The Code Compliance Department is the enforcing authority and will assess compliance with this policy under the following terms:

- A. Notice of violation of any standards of operation will be made verbally or in writing to the permit holder. Immediate abatement of such violation will be required by the permit holder. Verbal notices of violation need to be followed by a written notice for purposes of establishing a record of violations at the discretion of the party giving verbal notice.
- B. Violations of the terms of the permit or any provision of these standards will be kept on file by the City. More than two violations within one calendar year of the provisions of this policy will constitute cause to revoke the temporary use permit.





- C. Upon termination of the permit, the applicant shall remove all personal property, furnishings, and equipment from the public right-of-way immediately.

### **Administrative Hearing and Appeal**

All appeals concerning applications or permits should be made in writing to the Director of Special Events, Film & Tourism within ten business days of receiving written notification of denial or revocation of a permit. Such appeal shall be heard by the Director of Special Events, Film & Tourism within ten business days of the receipt of the appeal and a written notification of the decision will be issued within ten business days of that decision.

Decisions of the Director of Special Events, Film & Tourism may, within ten business days of notification, be appealed in writing to the Chief Operating Officer. Such appeal shall be heard by the Chief Operating Officer within ten business days of receipt of the appeal and written notification of decision will be issued within ten days of that decision. Rulings of the Chief Operating Officer are final.

### **Policy to Regulate Temporary Uses of City-Owned Property and Public Rights-of-Way**

This policy supersedes any and all approvals given prior to the implementation of this policy.