

AN ORDINANCE
TO BE ENTITLED

AN ORDINANCE TO AMEND PART 6, LICENSING AND REGULATION, CHAPTER 1, BUSINESS AND OCCUPATIONS, OF THE CODE OF THE CITY OF SAVANNAH, GEORGIA TO ADD A NEW ARTICLE JJ. - PARKLETS; TO PROVIDE FOR EFFECTIVE DATES; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

BE IT ORDAINED by the Mayor and Aldermen of the City of Savannah, Georgia, in regular meeting of Council assembled, and pursuant to the lawful authority thereof:

SECTION 1: That Part 6, Licensing and Regulation, Chapter 1, Business and Occupations, of the Code of the City of Savannah, Georgia be amended by inserting a new Article JJ. - Parklets, as follows:

Art. JJ. – Parklets.

Sec. 6-2725. Definition.

A parklet is a semi-permanent platformed seating area extending from the sidewalk into curbside parking spaces, marked by distinctive design and incorporating seating, greenery, and/or bike racks. Parklets shall be designed for quick and easy removal in cases of emergency or utility work in the right-of-way without damaging the sidewalk, street, or curb.

Sec. 6-2726. Parklet locations.

- (a) Parklets shall only be permitted in locations that satisfy the following criteria:
 - (1) within public on-street parallel or angled parking spaces;
 - (2) in areas with established pedestrian activity due to the presence of retail, mixed use, commercial or high-density residential development;
 - (3) on streets with a posted speed limit of 30 miles per hour or less; and
 - (4) in spaces where parking is permitted at all hours.
- (b) Parklets shall be prohibited at the following locations:
 - (1) upon State owned or maintained routes;
 - (2) along Broughton Street;

- (3) within ten feet of a City stormwater catch basin;
- (4) within thirty feet of a stop sign, yield sign, or traffic signal;
- (5) within twenty feet of a crosswalk;
- (6) within fifteen feet of a driveway or bus stop;
- (7) in parking spaces with a running slope greater than or equal to five percent;
- (8) above utility holes or other utility access points;
- (9) within fifteen feet of a fire hydrant, standpipe, or other fire department connection point;
- (10) where resurfacing or other street improvements are planned or scheduled to occur within one year from the date a parklet application is received by the City;
- (11) in loading zones, freight zones, tour stands, or non-parklet eligible parking spaces; and
- (12) in parking spaces that pose a threat of damage to infrastructure or may be detrimental or otherwise inconsistent with the ambiance of the historic district.

Sec. 6-2727. Dimensional requirements.

- (a) To ensure adequate visibility to moving traffic and parked vehicles, parklets shall be buffered using a wheel stop placed no less than four feet from the end of each parklet.
- (b) Parklets shall have a minimum width of six feet, including all associated buffers and materials; provided, however, no parklet may extend beyond the width of the parking stall.
- (c) Parklets may convert up to two contiguous parallel parking spaces or up to four angled parking spaces.
- (d) Additional shy distance from travel lanes shall be required when the adjacent street has a speed of 25 miles per hour or greater as follows:

- (1) for roadways with a 25 mile per hour speed limit, there shall be a one-foot minimum buffer from adjacent travel lanes;
 - (2) for roadways with a 30 mile per hour speed limit, there shall be a two-foot minimum buffer from adjacent travel lanes.
- (e) Any overhead parklet element shall provide a minimum of 108 inches of vertical clearance and may not obstruct traffic visibility or wayfinding signage.
 - (f) Where a parklet spans the entire length of a curb, sightlines shall be considered and impediments mitigated to the extent possible.

Sec. 6-2728. Design requirements.

- (a) Parklets shall be designed to be visually distinguishable from adjacent cafes and other outdoor seating areas.
- (b) Parklets shall have vertical elements that make them obvious to traffic.
- (c) Parklets shall maintain a visual connection from the street to the sidewalk.
- (d) Required buffers notwithstanding, parklets shall remain visually permeable to allow views into the space from both the sidewalk and roadway. Continuous opaque walls above 36 inches obstructing the view from the street into the parklet are prohibited.
- (e) Parklets shall be buffered from adjacent parking spaces and lanes of vehicular travel. Buffers may take the form of planters, railing, cabling, or other similar such items, subject to City approval consistent herewith.
- (f) Parklets must be capable of complete removal within 48 hours of written notice provided by the City. Such removal shall cause no damage to any curb, sidewalk, street, drainage structure, or other infrastructure. When removal is required, all parklet components shall be securely stored in an area not on the City's right-of-way.
- (g) No portion of the parklet may be glued, nailed, bolted, cemented, or otherwise permanently affixed to the sidewalk, curb, or street; except for a wheel stop.
- (h) Businesses shall remove all personal property, including furnishings and equipment from the parklet at close of business each day.

Sec. 6-2729. Construction requirements.

- (a) Parklets shall be constructed to be load bearing to a minimum of 100 square feet of 100 pounds per square foot and a maximum of 750 pounds per square foot.
- (b) Parklets shall maintain a flush transition from the sidewalk and curb to permit ease of access and avoid tripping hazards.
- (c) Parklet design shall not inhibit adequate drainage of stormwater runoff. Channels between the base street and platform shall allow for the free flow of stormwater to facilitate drainage.
- (d) Sheet flow drainage in street and curb lines shall not be obstructed.
- (e) Stormwater infrastructure, to include catch basins and manholes, shall not be covered, obstructed, or otherwise subjected to limited access due to the parklet's presence.
- (f) Each parklet shall be designed consistent with the applicable provisions of the Americans with Disabilities Act.
- (g) Parklet platforms may not exceed a two percent cross slope
- (h) Adequate reflective elements shall be installed on each parklet corner to ensure visibility.

Sec. 6-2730. Heating appliances; amplified sound; lighting.

- (a) Heating appliances. Outdoor heating appliances shall meet all requirements of the effective International Fire Code and State of Georgia Rules and Regulations for the State Minimum Fire Safety Standards (120-3-3), as amended. No cooking, barbeque, or open flames (*e.g.*, ethanol gel chafing fuel) are permitted in a parklet
- (b) Amplified Sound. Amplified sound is not allowed on either sidewalk or parklet.
- (c) Lighting. Public rights-of-way abutting parklets shall be free of all obstructions related to lighting, including but not limited to cables and wires. Use of flameless votives, battery-operated, or solar powered lights on tables is permissible. Lighting is not permitted to be attached to any element of the Parklet or any other element within the right-of-way.

Sec. 6-2731. Permits.

- (a) Prior to construction or installation of any parklet part or component, any person wishing to install a parklet shall apply for and obtain a permit from the City. All such forms shall be in a style and manner approved by the City Manager or his or her designee.
 - (1) Renewal applications must be submitted by the 31st of January of every calendar year.
 - (2) Applicants shall include adequate documentation demonstrating sufficient outreach to nearby businesses, business associations and/or neighborhood associations.
 - (3) Applicants shall submit an application fee concurrent with their application in the amount specified in the City's annual Revenue Ordinance.
 - (4) Applicants shall submit proof of adequate insurance, affording coverage to the parklet, concurrent with submittal of an application for a parklet permit.

Sec. 6-2732. Protection in favor of the City.

- (a) Each permit holder shall defend, indemnify, and hold the City harmless from and against any and all claims, causes of action, demands for, and actions arising out of the presence of a parklet, including all components thereof, in the City right-of-way. This section shall be construed to the broadest extent possible in the City's favor.
- (b) Nothing in this Article shall be construed to constitute a waiver of the City's sovereign immunity, nor shall this Article be construed in a manner that operates to expand any duty or obligation regarding maintenance of the City's rights-of-way beyond that imposed by state law.

Sec. 6-2733. Enforcement powers and procedures.

These procedures shall be used to initiate enforcement action in cases where parklets are being used, maintained, or allowed to exist in violation of the provisions of this ordinance and/or any conditions required by a permit, certificate, approval, or other authorization.

- (a) Investigation. When a potential violation is discovered, or a complaint is received by the City Manager (to include his/her designee), an investigation shall be conducted by a code or enforcement official to determine whether a violation exists. A determination as to whether a violation exists shall be made following the investigation.

- (1) Inspection. Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, a code compliance officer or designee shall first make a reasonable effort to locate the business owner or other persons having charge or control of such.
- (b) Notice to Correct Conditions. Upon verification of a violation, a Notice to Correct Conditions shall be issued to the responsible party(ies). The Notice to Correct Conditions shall describe the following:
- (1) A description of the violation(s) and citation of applicable provisions;
 - (2) A deadline for correcting the violation(s) in compliance with this section;
 - (3) A statement that the business owner may request and be provided a meeting with the code or enforcement official to discuss methods and a deadline for correction of the violation(s). Such meeting must be held within 5 business days of receipt of the Notice to Correct Conditions, if requested.
 - (4) Time Limit for Correction. The Notice to Correct Conditions shall state that the violation(s) shall be corrected within 5 business days from the date of the notice to avoid further enforcement action by the City. If a violation is not corrected within 5 business days and no extension for correction of a violation is granted, the code enforcement officer may prosecute such violations as provided for in this ordinance.
 - (5) The Notice to Correct Conditions shall also state that the 5 business day limit may be extended by the code enforcement officer upon determining that an extension is appropriate to allow a reasonable time to correct a violation. If an extension is granted, the code enforcement officer shall set a date certain upon which the violation(s) shall be corrected after which enforcement of the violation under this ordinance may proceed.
 - (6) The code enforcement officer may also require through the Notice to Correct Conditions that the correction occur within less than 5 business days if the code enforcement officer determines that the violation(s) constitutes a hazard to public health, safety or welfare.
- (c) Enforcement Action after Time Limit to Correct Violation. If the violation has not been abated as directed by the code enforcement officer by the established deadline, the City may proceed to prosecute the violator(s) in

the Recorder's Court of Chatham County and may enforce any remedy or a combination of remedies described in Sec. 6-2734 below or otherwise available to the City by law.

- (d) Enforcement without Notice. If delay in abating a violation would pose a danger to the public health, safety, or welfare, the immediate removal of the parklet may be permitted, which shall be treated as an automatic revocation of the parklet permit.

Sec. 6-2734. Penalties and remedies.

The City may utilize any, or a combination of the below, penalties or remedies to prevent, correct, or abate a violation of this ordinance. These remedies and penalties are not mutually exclusive.

- (a) Denial of parklet permit or other authorization. Any permit or other authorization provided for in this ordinance may be denied or approval withheld for the business found to be in violation.
- (b) Circumstances which may cause a permit or other authorization to be revoked. Any permit or other authorization granted under this ordinance may be revoked for any of the following:
 - (1) Failure to comply with the provisions of this Ordinance or one or more of the terms or conditions of the permit or authorization;
 - (2) False statements or misrepresentations made in securing the permit or authorization;
 - (3) Mistake in granting the permit or authorization in violation of any applicable county, city, state, or federal regulation or law, which shall render the approval void;
 - (4) Failure by the holder of the permit or other authorization to comply with one or more of the requirements contained in the permit or authorization;
 - (5) Abandonment or discontinuation of use of the parklet for an uninterrupted period of at least 30 days;
 - (6) Operation of a public nuisance, in the event the business or use has become detrimental to public health, safety or welfare;
 - (7) Circumstances under which the parklet was approved have materially changed by the applicant to a degree that one or more of the requirements contained in the original application can no longer be met;

- (8) One or more of the conditions of the ordinance have not been met or have been violated.
- (c) Process for revoking a parklet permit or other authorization.
- (1) Before revoking a parklet permit or other authorization, the business owner shall be given written notice of the City's intent to revoke the permit. The notice shall state the reasons for the intended revocation. The notice shall also give the holder notice of a Show Cause Hearing, at which the business owner will have the opportunity to show cause why the permit should not be revoked, and shall state the time and place of the hearing, which shall be at least 14 days after the date of the notice. The hearing officer shall be a person appointed by the City Manager, other than a code enforcement official. At the hearing, both the code enforcement officer and the business owner shall have the opportunity to be represented by counsel, and to testify, present evidence, and cross-examine witnesses. After hearing the evidence, the hearing officer shall issue written findings of fact and conclusions of law, and if he or she finds that any of the circumstances for revocation listed above exist and have not been corrected, he or she may revoke parklet permit, The effective date of a decision to revoke shall be the date the decision is rendered.
 - (2) The business owner or holder of the permit shall have 14 days from the date of notification to correct violation(s) and/or to request an extension of time to make such correction which shall be granted to a date certain if additional time is reasonable under the circumstances.
 - (3) On determining that the conditions justifying the revocation have been eliminated and that the business fully complies with all applicable requirements of this ordinance, the parklet permit may be reinstated.
- (d) Penalties for violations.
Apart from the City seeking equitable relief, the right to which is hereby preserved, violations of this will be prosecuted in the Recorder's Court of Chatham County and shall be punishable as a misdemeanor. Any person, firm, partnership, corporation or other legal entity who shall do anything prohibited by this ordinance, or which shall fail to do anything required by this ordinance shall be subject to an enforcement action.
- (e) Injunction and abatement order. The City may institute a civil action for mandatory and prohibitory injunctions and order of abatement commanding the violator to correct or cease a violation of this ordinance.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: Article JJ. – Parklets shall become effective when the Mayor affixes his signature below.

ADOPTED AND APPROVED: _____

Van R. Johnson II, Mayor

Clerk of Council