



TEMPORARY LICENSE TO ENCROACH: DOWNTOWN DINING/RETAIL

ABSTRACT

A guide to applying for a temporary license for use of portions of the public right of way for food/drink service seating or retail space

Real Estate Services, Systems
Engineering

City of Georgetown, Texas

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Introduction

The COVID-19 Pandemic has made necessary various restrictions, including social distancing requirements, which have reduced the capacity of businesses. Businesses in the City's Downtown face special difficulty in that the densely developed nature of the Downtown leaves few alternatives for businesses to increase their capacity. Therefore, the City Council of the City of Georgetown has directed the City Staff to develop a temporary license program for the use of on street parking in the Downtown by area businesses.

These licenses will allow businesses to extend their premises into the areas licensed in order to support businesses in their efforts to move forward through this event and comply with the requirements necessary to ensure the public health and safety of Georgetown residents and visitors.

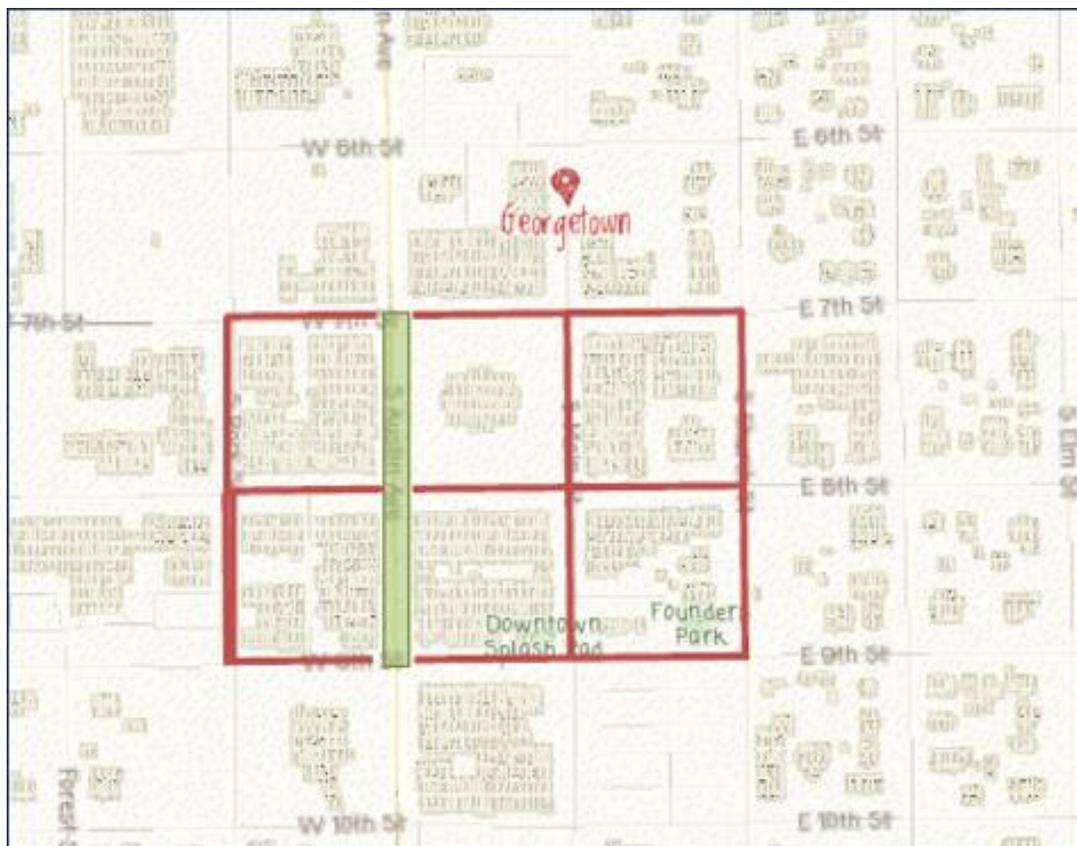
This guide will provide information on the requirements for an application for such a license as well as basic information requirements for operation within a licensed area.

General Information

What Areas Can be Licensed?

On street parking spaces located on the following streets may be licensed:

- 7th, 8th, & 9th Streets, between Rock and Church Streets
- Rock, Main and Church Streets, between 7th and 9th Streets



ADA & Other Posted or Marked Spaces

Marked ADA, Purple Heart, or 15-minute spots may not be licensed and must remain open for their designated use.

Loading Zones, Gores, Etc.

Licenses will only be issued for on-street parking spaces meeting the above requirements at this time. Loading zones, ADA loading areas, or areas of the right of way which are not on street parking will not be eligible for a license.

Distance Restrictions

For the safety of the traveling public and users of the licensed areas, licenses will only be issued for areas that conform to the following standards:

1. The licensed area is no less than 10' from any street intersection as measured from any point of the license area.
2. The licensed area is no less than 10' from the intersection of any driveway or alleyway with a public street as measured from any point of the license area.
3. No area may be licensed which would block or interfere with access to a fire hydrant or fire lane.

Who can obtain a License?

Businesses operating in the Downtown may apply for a license to extend their on-premise activities into those parking spaces on one of the above-mentioned rights of way of abutting the business's premises. Licenses may only be issued for use of parking spaces immediately abutting the business's premises. Businesses may apply for a license to utilize the parking spaces in front of their immediate (i.e.. next door) neighbor(s) only with a written [Business Owner Consent Form](#), executed by the owner of the neighboring business.

What Can Be Done in a Licensed Area?

Businesses may extend their normal on-premise services into the licensed area, including food/drink service or retail sales. These businesses may place such private property as is reasonably necessary to carry out this activity such as tables, chairs, umbrellas (single table, no awnings, pavilions, etc.), sales racks, counters, etc. No permanent improvements may be installed, nor alterations be made to the licensed area. No extension of electrical cords or other personal property across any part of the sidewalk from abutting businesses to the licensed area is permitted.

All sidewalks must remain in compliance with City Code and the required ADA travel path must remain open.

No tables, chairs, or other private property may be placed within 3' of the travel lane (that is 3' from edge of the licensed area closest to the remainder of the street), nor in such a way as to be within 3' of the travel lane while that property is being utilized. See [What is the 3' "No Improvement Zone"?](#)

How Can I Apply?

Applications can be submitted at *any time* to ROW@georgetown.org. Simply follow the instructions on the Application Checklist found [here](#), and supply the requested documentation. Additional information may be found in the "[License Application Process](#)" below, as well. Partial or incomplete applications will not be accepted.

What Rules Should I Know About?

The areas which are available for license are designed and originally intended for other uses. In some cases, those other uses, such as vehicular traffic, drainage, and provision of utilities, must continue. Therefore, there are several rules and regulations for the use of this area designed to protect the City, its citizens, you, and your patrons.

What are the Insurance Requirements?

Proof of the following insurance must be provided at the time of application, and maintained for the duration of the license:

- General Liability \$1,000,000 single event/ \$2,000,000 aggregate
- Alcohol Service (as applicable) \$1,000,000
- Worker's Compensation \$500,000

All insurance certificates must name the City of Georgetown, Texas as an additionally insured. The amounts provided above are minimum coverage required.

Who picks up the Trash?

It is the responsibility of license holder to keep the license area in a clean, useable, and safe condition. All trash, refuse, etc. must be removed from the license area no later than 1 hour after the posted closing time of the premises to which the license has been granted.

What is the 3' "No Improvement Zone"?

While this license area will close many parking spaces in the Downtown to vehicular use, the travel lanes of all streets will remain open. Traffic control devices and barriers will be installed by the City to provide visible separation of the travel lanes and licensed areas. However, for the safety of the public and your patrons, the City requires that no private property be placed within 3' feet of the barriers, nor placed in such a way as to be within 3' of the barriers while in use (ex. When a person sits down in a chair at their table, they should be greater than 3' from the traffic barriers *while seated*).

COVID-19 Pandemic Regulations Compliance

All applicants are required to follow all State and Federal laws in the licensed areas which regulate their business premises. This includes all regulations & orders pertaining to the current COVID-19 Pandemic. Businesses are responsible for placing their property at the correct alignment and at the correct distances to ensure compliance with such regulations. Failure to do so may cause the license to be revoked.

Is there a Fee?

No, there is no fee charged for this application, or for the grant of the license.

Will the License Expire?

Yes. All licenses granted under this program will expire without any further action or notice on January 30, 2020. All private property must be removed from the right of way by that end of that day. Additionally, no licenses will be granted under this program after December 31, 2020. All dates are subject to change by the City Council.

Can I block the water flowing under my tables?

City streets are conduits for stormwater drainage. Property placed in the licensed areas may not interfere with the flow of stormwater runoff.

What Does Revocable Mean?

These licenses provide permission to utilize the public right of way for a specific purpose, over which the City maintains control and ownership. The City is responsible for ensuring public safety and the effective operation of its utility and transportation networks, which are important to your businesses. Therefore, these licenses may be revoked for several reasons including, but not limited to:

- Failure to maintain the license area, including removal of trash;
- Violation of Local or State orders or regulations related to the COVID-19 pandemic;
- Misuse of the licensed area;
- Interference with the operation of the public right of way;
- Interference with a neighboring business or property;
- If the City determines the area is needed for a public use.

A license can be revoked with 10 days notice, except as otherwise provided.

License Application Process

In order to avoid unnecessary costs and prevent delays, it is critical that the applicant work closely with staff. Below is the process that each application will follow, along with required documents and important information and the best methods for coordinating work to ensure a successful outcome.

Required Documents

Letter of Intent

The Letter of Intent shall include:

- Name of the business for whose premises the parking spaces are being licensed.
- Name & title of the party authorized to execute agreements on behalf of the applicant.
- Explanation of the proposed use (i.e., food service/drink service, retail extension, etc.),
- Type of property to be placed in the licensed area (tables/chairs, sales racks/tables)
- Contact information for the applicant:
 - Entity Name
 - Name of Signatory
 - Mailing Address
 - Phone Number
 - Email Address

Diagram of License Area

The Diagram is necessary in order to ensure that the distance and other spatial requirements of this program have been met and to provide a clear and concise understanding of the area to which the rights and responsibilities of the license apply. For your convenience, a basic diagram has been provided from which you can begin the diagram you require for your application. The basic diagram can be found [here](#).

Additionally, the following examples are completed diagrams provided as aids to illustrate different circumstances

1. What does a Successful Exhibit look like? ([click here](#))
2. What happens if parking spaces are in front of two businesses? ([click here](#))
3. How do I show that I am licensing parking spaces in front of a neighboring business? ([click here](#))
4. No partial licensing of parking spaces. ([click here](#))

The Diagram of the Proposed Licensed Area shall include:

- The address of the business premises, and location in relation to the parking spaces to be licensed.
- The particular spaces applicant is seeking to license.
- Notate the distance to all street, driveway, or alleyway intersections within 25 feet of any parking space to be licensed.
- Location of any fire hydrant or fire lane within 10 feet of any parking space to be licensed.
- Location of any ADA, Purple Heart, 15 minute, or other specially marked within 10 feet of parking space to be licensed.
- Diagram and description of the encroachment (type of structure, height, depth, underground dimensions)
- Identify a minimum 3' distance from the nearest travel lane.

NOTE: The Diagram will serve as Exhibit A of the License Agreement that will be created.

A base Diagram is provided [here](#).

Submittal

Once you have the documentation prepared, please submit all required documents to ROW@georgetown.org. Use the **Application Checklist**, located [here](#), to ensure you have captured everything necessary. You will receive the following message to let you know that your submittal has been received and is being processed.

Thank you for your communication. Your item will be assigned to a member of the Real Estate team who will reach out to you soon.

This is a monitored Account. Please do not reply to this email.

Regards,

Real Estate Team
City of Georgetown, Texas
City Website www.realestate.georgetown.org

Please remember, partial submittals will not be accepted. Additionally, all documents must be submitted as pdf for efficient processing.

Review

Once all documents are received our team will begin review. We may have questions, require additional information, or have requested changes of you so please make sure that you provide good contact information. Review is expected to

take 10 business days or less. However, that timeline is contingent on the volume of requests, as well as the quality of submittal documents and applicant responsiveness to questions.

Approval & Notification

You will be notified via email once review has been completed and your application has been approved.

License Execution & Setup

With your notification you will be provided with the following:

1. A location (generally City Hall) and time for you to come and execute your license.
 - a. A copy of the license will be emailed to you.
2. A date and time for traffic control to be put in place, at which point you can move your property into the licensed area and begin use.

The City has retained a contractor and will be responsible for all traffic control installed with this program. The applicant **may not alter, move, or interact with the traffic control barriers.** No private property may be mounted or placed on these barriers. If there are any issues, please contact the Public Works Department Immediately.