

CONDITIONAL USE PERMIT OUTDOOR DINING WITH 25 OR FEWER SEATS

CITY OF CLEVELAND HEIGHTS



Application available at www.clevelandheights.com/forms. Please submit to City of Cleveland Heights City Hall, Department of Planning and Development, 40 Severance Circle, Cleveland Heights, OH 44118. **REVIEW PAGES 2 & 3 PRIOR TO APPLICATION.** Call 216-291-4878 or e-mail planning@clvhts.com with questions.

Applicant (business name & contact person) _____

Phone _____ e-mail _____

Address of subject property _____

Mailing address of applicant _____

Property owner, if different from applicant _____

Phone _____ e-mail _____

I, _____, property owner, affirm by my signature below that the "Applicant" has permission to operate an outdoor dining area as outlined in this application.

Property owner(s) signature _____ Date _____

In addition to this application, you must provide the following supporting documentation:

- ____ Proof of property ownership, option or lease agreement
- ____ Site plan, drawn to scale, in an 8-1/2-by-11 or 11-by-17 format showing the proposed outdoor dining and connections to the indoor portion of your restaurant, location and number of tables and chairs, awnings, fencing, landscaping, paving, and all property lines, including public-right-of-way lines
- ____ Detailed architectural drawing of changes (walls, fencing, bar, building, awning, etc.)
- ____ Detailed description of project, including number of seats, hours and days of operation, how you will comply with Outdoor Dining Regulations and General Standards for Conditional Uses
- ____ \$75 application fee

By signing, I declare that all information I provided is true, correct, and complete, to the best of my knowledge, and that I will comply with the terms of my permit and City Ordinances.

Applicant Signature: _____ Date: _____

OFFICE USE ONLY

Date submitted: _____

- All required supporting documentation received
- Application fee (\$75.00) received by: _____ Date: _____

Administrative Outdoor Dining permit # _____

Date permit issued: _____

This proposal will require:

- Use of public property agreement (City Manager approval or Council legislation per Code Section 110.05)
- Certificate of liability insurance in the amount of \$1 million per occurrence/\$2 million aggregate if on public sidewalk/right-of-way
- Architectural Board of Review approval (may be required for fences, walls or similar)
- Fence permit (required for all fences, except temporary stanchions/ropes)
- Building Permit(s) (structural, plumbing, electrical, walls, paving changes, etc.)
- Ohio Division of Liquor Control approval if serving alcohol (attach)

Zoning Administrator approval:

Date: _____

****APPLICANT--KEEP PAGES 2-3 FOR YOUR REFERENCE****

General Information

In C-2, C2-X and C-3 districts, an outdoor dining facility may be conditionally permitted. An outdoor dining facility located on private property and having 25 or fewer seats may be approved by the Zoning Administrator; a facility with more than 25 seats shall require Planning Commission approval (Planning Commission Conditional Use Permit Application at www.clevelandheights.com/forms). Outdoor dining on the public sidewalks, public right-of-way or on other City-owned property will require a signed lease agreement with the City and may require Council legislation (Code Section 110.05).

Fencing / Masonry walls Code section 1131.08(c)

Generally, fences or walls in the front yard shall be no taller than 4' and not taller than 7' in a rear or interior side yard. All walls/structural changes and many fences require the approval of the Architectural Board of Review (ABR). A fence permit is required for all fences, including those in place only during the outdoor dining season. Less formal fencing arrangements, such as stanchions with ropes, do not require a fence permit. A building permit is required for walls or similar structures.

Fence permit application: www.clevelandheights.com/fence

Building permit: www.clevelandheights.com/buildingpermits or 216-291-4900

Architectural Board of Review (ABR)

ABR approval is required for:

- fences within 25 feet of and approximately parallel to a public right-of-way;
- exterior change to building and/or new building or structure; and
- all masonry or stone walls, regardless of their size or location.

The ABR generally meets at 7 p.m. on the first and third Tuesdays of each month, with some exceptions around holidays. ABR information & application: www.clevelandheights.com/abr

Building permits

Building permits are required for any buildings, walls, structures, plumbing, electrical, or paving changes. Contact the Building Department at 216-291-4900 to verify whether your work requires permits.

Ohio Division of Liquor Control approval may be required.

<http://www.com.ohio.gov/ligr/>

Any outdoor dining facility that will serve alcohol on the public sidewalk or elsewhere in the public right-of-way must obtain the approval of the Ohio Division of Liquor Control. It is the operator's responsibility to obtain this approval, which generally will not be granted unless a conditional use permit has already been obtained. A copy of the Division of Liquor Control's approval must be submitted to the Planning Department and attached to the operator's conditional use permit.

Certificate of Liability Insurance

This is required for any outdoor dining facility that would encroach onto public property. The Certificate must show the City of Cleveland Heights as additional insured for \$1 million per occurrence/\$2 million aggregate.

Outdoor Dining Regulations Code section 1153.05(p)

Outdoor dining is a conditionally permitted use and must comply with the following regulations:

- 1) The facility shall only be used in conjunction with, and under the same management and exclusive control of, a restaurant located on the same or contiguous property.
- 2) The use shall not interfere with the flow of pedestrian traffic. The approving authority shall determine to what extent, if any, such use may encroach upon the public right-of-way, provided that an unobstructed walkway of a width specified in the conditional use approval is reserved for public passage. In no case shall the unobstructed walkway be less than six feet in width.
- 3) Before a conditional use permit is granted for the use, it shall be determined that the facility will not create an undue parking shortage within the district.

- 4) Temporary stanchions with chains or ropes may be approved for the outdoor dining facility, the extent and nature of which shall be set out in the conditional use permit. Architectural Board of Review approval shall be required only for fencing that is temporarily or permanently affixed to the ground or floor of the outdoor dining area.

Code Section 1151.02 General Standards for Conditional Uses

All conditional uses, including outdoor dining, must comply with the following general standards:

- a) That the conditional use will be in general accord with the purpose, intent and basic planning objectives of this Zoning Code, and with the objectives for the district in which located;
- b) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
- c) That the conditional use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area;
- d) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- e) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- f) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
- g) That adequate measures have been or will be taken to provide ingress and egress designed as to minimize traffic congestion in the public streets;
- h) That the establishment of the conditional use should not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities such as police, fire and schools;
- i) That there is minimal potential for future hardship on the conditional use that could result from the proposed use being surrounded by uses permitted by right that are incompatible;
- j) That the conditional use shall address the sustainability guidelines of Section 1165.06.
- k) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located as well as the specific supplemental conditions set forth in Chapter 1153.