

TEMPORARY EXPANSION AREA PERMIT APPLICATION

City of Cleveland Heights

1.15.2021



The application is available at www.clevelandheights.com/forms. Please email to planning@clvhts.com or submit a paper copy 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 _____

Modification of an existing conditional use permit? No: ____ Yes: ____ If yes, permit no.: ____

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 use 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 &/or stage, merchandise location, etc.
- _____ Detailed description of project, including number of seats or attendees, hours and days of operation, how you will comply with Outdoor Dining Regulations and/or General Standards for Temporary Expansion Areas (listed on page 3)
- _____ Additional information based on the proposed temporary use may be requested.
- _____ ~~\$75 application fee~~ **FEE WAIVED**

Please note that depending on use, other department approvals such as Police & Fire may be required.

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

Temporary Expansion Area Permit # _____

Date submitted: _____

Date permit issued: _____

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

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
- ☐ Fence permit (fee waived) (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)

Planning Director approval: _____

Date: _____

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

General Information

Resolution 83-2020 authorizes the establishment of a temporary permit program for the establishment or expansion of outdoor uses in commercial districts and the use of public and private property or right-of-way in response to the COVID-19 emergency and declaring an emergency. **This program is in effect until no later than December 31, 2021.**

This application is for the temporary expansion area. If the plans include any permanent installations of structures, these will be reviewed through the City's normal review procedures.

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

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/liqr/>

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/ temporary expansion area 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.

Use of City-owned property, public right of way, or on-street parking requires the City Manager to enter into a license agreement with the applicant.

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 Entertainment or the use of speakers may be permitted within a Temporary Expansion Area provided that the outdoor entertainment or speakers must not violate the City's noise ordinance, Section 509.03(b) and must be installed, operated and conducted in a manner that will minimize intrusion into neighboring properties or adverse community impacts.

Temporary Expansion Areas shall specify the times they will be in use. The hours permitted shall be specified in the permit, but in no event shall the area be used after 10:00 p.m.

Outdoor Dining Regulations Code section 1153.05(p)

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

- 1) 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.

- 2) 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.

General Standards for Temporary Expansion Areas

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

- a) That the temporary use will be in general accord with the purpose, intent and basic planning objectives of the Zoning Code, and with the objectives for the district in which located;
- b) That the establishment, maintenance or operation of the temporary use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
- c) That the temporary 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 temporary 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 temporary 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 temporary 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 temporary use that could result from the proposed use being surrounded by uses permitted by right that are incompatible;
- j) That the temporary use shall, in all other respects, conform to the applicable regulations of the district in which it is located