

## Information and Checklist for Obtaining a Sidewalk Dining Lease

The application name is "Sidewalk Dining Application". For information and for a complete packet, contact Hank Graham at (614) 645-7894.

### Who is required to obtain a 904 Sidewalk Dining Lease?

In conformance with Chapter 904, Section 904.02, a Sidewalk Dining Lease is required if any company, corporation, persons or individuals wishing to use or occupy public right-of-way or other real property within the public right-of-way for placement of private amenities including but not limited to:

- Sidewalk or shared-use path seating and/or dining
- Placement of removable railing or other barricades in conjunction with said seating and/or dining
- Installation of removable awnings in conjunction with said seating and/or dining
- Installation of bike racks, flower boxes, movable planters, benches
- Placement of temporary signage and any other uses authorized in the rules and regulations associated with chapter 904 must apply for and obtain written consent from the Director of Public Service and/or their designee.

### What items are required when submitting for a Sidewalk Dining Lease?

An application to obtain a Sidewalk Dining Lease must include the following information:

- Application form, a drawing showing the sidewalk dining layout, Certificate of Appropriateness from the Downtown Commission, University Area Review Board or Architectural Review Board and/or Letter of Support from the appropriate Area Commission.

### How much does it cost?

If approved, \$500.00 will be required prior to the issuance of the Sidewalk Dining Lease. Make the check payable to the **Treasurer – City of Columbus.**

### Is there a Renewal Fee?

Yes, the annual renewal fee of fifty dollars (\$50.00) this will be due by March 31<sup>st</sup> each subsequent year.

### Is there a Fee to change my existing Sidewalk Dining Lease area?

Maybe, any significant change in the scope or purpose for which the original lease was issued will require a five hundred dollars (\$500.00) fee to process the modification. Significant change is determined by the City. An example is that the change affects the pedestrian pathway.

### How long will it take for the City to act on my Sidewalk Dining Lease application?

The City will respond to your application within twenty (20) business days. This response time may not coincide with the required Certificate of Appropriateness from the Downtown Commission, University Area Review Board or Architectural Review Board and/or Letter of Support from the appropriate Area Commission. In this case a lease will not be issued until the appropriate agencies have approved your request (for this reason we recommend you work with these commissions prior to submitting to the City). You will receive in writing one of three possible responses:

- Application has been approved and a lease has been created and is awaiting signature, fee of \$500.00, and the certificate of insurance.
- Application must be modified before approval can be granted. If this happens, you will be given the specific concerns and contact information to work through the requirements. There is no additional charge for revisions and, as a courtesy to the applicant; the application is kept open for a period of up to six (6) months.
- Application has been denied.

### Do I need any other Permits to set up the Sidewalk Dining area?

Maybe, if fencing is included and approved, a sidewalk excavation permit will be needed per City Code 903 before installation of the railing within the public right-of-way. For permit fee and information on this permit please contact the Department of Public Service, Permit Section at (614) 645-7497.

### **May the Pedestrian Walkway be Less than six (6) feet?**

Maybe, The City of Columbus may approve sidewalk Dining areas with a Pedestrian Walkway of less than the standard 6 foot when both the Federal ADA requirements (currently not less than four (4) feet) and the City determines that the public health, safety and welfare of the City will not be negatively impacted.

### **May I place my Sidewalk Dining area adjacent to the curb?**

Maybe, dining areas next to street (curbside) will be looked at and evaluated on a case by case basis. If approved a minimum of two (2) foot clear zone from back of curb must be maintained at all times even when tables/chairs are occupied.

### **Is there any additional information I need to be aware of prior to submitting my Sidewalk Dining Lease application?**

- No permanent type items will be approved within the proposed site area that could or will affect the right-of-way or ADA requirements in the restoration of the area back to its original state. These items may include but are not limited to raised concrete, steps, brick patio, walls, etc.
- *To determine which Area Commissions your site is within and who to contact, use the following web site <http://development.columbus.gov/content.aspx?id=16762>*
- *For information on the Downtown Commission, UARB or the Architectural Review Commissions, please go to the following web site <http://development.columbus.gov/bcp.aspx>*
- *You may be required to replace or repair sidewalk beyond your requested lease area, but not beyond the property lines if the sidewalk is in poor shape or non-compliant ADA requirements. This will be determined by the City of Columbus and be based on the effect the proposed lease area has on the pedestrian traffic.*
- *If you are planning to serve/sell liquor within the Sidewalk Dining Lease area you will need to obtain approval from the State of Ohio, Department of Commerce, Division of Liquor Control, you can find information and requirements at the following web site <http://com.ohio.gov/liqr/> or by phone (800) 750-0750.*

### **What requirements must I follow after receiving my Sidewalk Dining lease?**

- At no time will wait staff be allowed to block pedestrian walkway when taking or delivering orders.
- Any removal or relocation of street furniture will be at the applicant's expense and with City of Columbus approval.
- Any sandwich board or menu stand pertaining to the holder of a Sidewalk Dining Lease must be located within the approved Lease area.
- All items within the approved Sidewalk Dining Lease area must not extend beyond the lease area
- Annual lease renewal for all Sidewalk Dining Leases must be submitted on or before March 1, of each year.
- Lease areas may be inspected periodically by City Personnel for compliance with City Code and approved drawings.

### **Is there an Appeals Process if I'm denied a Sidewalk Dining Lease?**

Yes, if an applicant believes that a lease is revoked or refused in error or that the restrictions placed on the lease represents an undue hardship, the applicant has the right to appeal to the Director of Public Service.

The appeal shall include the following information:

1. A copy of the original application
2. A copy of the written denial by City staff and a copy of the drawing with the objectionable restrictions.
3. Written statement of why an appeal should be considered and the hardship placed on the applicant by the denial, revocation or restrictions of the lease.
4. Answers to the appeals shall be given, in writing, within 10 business days.

Please send your request to appeal to:

Timothy A. Bell, Administrator  
Division of Infrastructure Management  
50 West Gay Street  
Columbus, Ohio 43215  
(614) 645-6789

### **What items are required to be included within the scaled detailed drawing?**

To help with your design, please refer to the ADA Guidelines. If you need to obtain a copy, contact Hank Graham at (614) 645-7894

A scaled detailed drawing of the proposed Sidewalk Dining area and existing items must include the following elements:

- All drawings should be on 11"x17" size paper.
- The detailed diagram must cover the entire area between curb and the building, including the curb line and building wall
- The current right-of-way line must be shown and labeled
- Any existing curb ramps
- Geographic North arrow and an architectural or engineers scale designation with bar scale.
- The plan must show all existing and proposed obstructions in this area. A list of items to be shown and located on the plan are as follows:
  - Width of grass area (if any)
  - Indicate all sidewalk dimensions from building face to back of curb
  - Sign posts
  - Traffic signals
  - Trees and grates (grates must be ADA compliant, to be used as part of the Pedestrian Accessible Route)
  - Building entrances/exits
  - Miscellaneous items: fire hydrants, planters, bus shelters, kiosk, mail boxes, newspaper racks, street lights, parking meters, bike racks, trash receptacles, driveways, and any other permanent type fixtures
- The building wall shall identify any building feature requiring emergency access, such as fire connections and/of fire escapes
- Label all streets names running in front of and/or adjacent to the site
- If fencing is requested, then the method of installation and an elevation plan will be required
- Number and size of tables proposed
- Number of chairs and location to the table
- Other amenities to be placed, such as awnings, planters, lights, umbrellas, etc. must be graphically depicted
- All items shall be dimensioned, to scale and clearly legible
- If awnings are included in the proposed dining area, the drawing must include detailed information on the size, type and method of installation
- For information on the possible effects to the buildings occupancy level, customers should meet with a Commercial Plans Examiner at the Department of Building & Zoning Services located at 757 Carolyn Avenue 9 a.m. – 4 p.m. or leave a message on the voicemail line at 614-645-2212 for a return call.
- Within the proposed dining area the Americans with Disabilities Act Architectural Guidelines and must comply. Please refer to web site <http://www.ada.gov/regs2010/2010ADAStandards/2010ADAStandards.pdf> for the detailed requirements.