



***Outdoor On-Street
Dining Pilot
Program
August 2020***

THE CITY OF
COLUMBUS
ANDREW J. GINTHER, MAYOR



Guidelines for Outdoor On-Street Dining Pilot Program

1. Introduction

In an effort to assist local restaurants during the Public Health Emergency Order declared by Mayor Ginther on March 18, 2020, via Executive Order 2020-01, the City of Columbus is implementing a pilot program that would allow restaurants to expand outdoor seating in Columbus. The state of Ohio has issued requirements applicable to the safe, gradual reopening of restaurants to the public (see Exhibit B). The City of Columbus seeks to promote safe operations of restaurants and bars by expanding options for increased social distancing and outdoor dining areas.

Beginning August 31, 2020, the Outdoor On-Street Dining Pilot program will allow restaurants to apply for City approval to use the right-of-way (city streets) for temporary outdoor on-street dining areas through October 31, 2020. Under the authority granted in Chapter 903 of the Columbus City Code, the Director of Public Service may allow the limited use and occupation of public sidewalk, or other real property within the public right-of-way and grant permission for such uses through the execution of a 903 Occupancy Permit. All Outdoor On-Street Dining areas permitted under this pilot program must comply with the requirements in this pilot and with state and local health requirements intended to slow or prevent the transmission of COVID-19, including, but not limited to six-foot separation, barriers (ie. Plexiglas or other material), facial covering requirements and guest seated unless entering and existing facility.

The Outdoor On-Street Dining Pilot program is being instituted at approved locations across the City in coordination with local businesses. The pilot program will enable the City to support local restaurants during the COVID pandemic, but also immediately start to identify traffic and pedestrian safety related issues that may be impacted by expanding outdoor on-street dining activities beyond the normal sidewalk dining permitted activities.

2. Application Required

Any company, corporation, persons or individuals wishing to temporarily use or occupy real property (parking lane) within the public right-of-way for outdoor on-street dining and placement of removable barricades in conjunction with said seating and/or dining must apply for and obtain written consent from the Director of Public Service or their designee.

Each application shall be reviewed by the appropriate Departments and Divisions within the City which may include but are not limited to the Departments of Public Service, Public Health, and Safety.

3. Applicant Eligibility and Review Process

In order to be eligible for a temporary Outdoor On-Street Dining Permit, the applicant must, at a minimum:

- Submit a completed 903 Occupancy Permit Application a minimum of three (3) business days prior to the requested timeframe the outdoor on-street dining will be in the public right-of-way. The completed application must include the following at a minimum: On-Street Dining field must be selected and set to "YES", restaurant name, restaurant address and a twenty-four (24) hour emergency contact who is capable of responding at any time for repairs or removal of the dining area;

- Hold a valid certificate of occupancy for a restaurant operations adjacent to the area proposed for outdoor on-street dining;
- Attach a site plan to the application with the proposed layout of the outdoor on-street dining area in accordance with the requirements set forth in Sections 4 and 5 below;
- Provide proof of liability insurance in accordance with the requirements set forth in Section 6 below;
- Agree to the City's terms and conditions set forth in Section 8 below; and
- Obtain the required State of Ohio liquor approvals; if applicable.
- Be advised, prior to using the area specified in your application for its intended purpose, the applicant may need additional approvals, licenses and/or permits from Columbus Public Health and/or the Ohio Division of Liquor Control. It is the applicant's responsibility to obtain all required approves, licenses and/or permits prior to occupying the space.

All applications and/or questions shall be submitted online at <https://portal.columbus.gov/permits/>. Upon receipt of a completed application, the application shall be reviewed by the appropriate Departments and=Division.

4. Location and Construction Provisions

- A. Certain on-street locations may not be eligible for use as an outdoor on-street dining area due to safety, public health, or traffic reasons. All locations must be in an existing parking lane and will be reviewed on a case-by-case basis.

The following factors will be evaluated by the City when determining location eligibility. City staff may suggest measures to address concerns, however, the City reserves the right to deny an application for one or more of the following reasons:

- Location is unsafe due to traffic speeds greater than 30 mph , poor visibility, narrow street (lack of buffer), or other safety issue(s) related to the proximity of motor vehicle traffic;
- Location is dedicated as one of the following: bus stops, two-wheeled vehicle parking, taxi zones, valet zones, loading zones, car share zones, bicycle corrals, CoGo Bike Share stations, ADA accessible parking spaces, electric vehicle charging station parking spaces, streets with residential permit parking, emergency access parking and parking with peak hour restrictions;
- Parking space limitations:
 - Parallel or angled parking spaces along the curb line only,;
 - Limited to the parking spaces in front of the restaurant and the length must be a minimum of two (2) feet less than the established parking space(s), unless written permission is received by adjacent property owner(s);
 - No more than six (6) foot wide and the width must be a minimum of two (2) feet less than the established parking space(s); and
 - No more than seventy percent (70%), of the parking spaces on a block face may be used for outdoor on-street dining unless approved by the Director of Public Service.

B. The following construction requirements must be met when setting up an outdoor on-street dining area:

- Edge buffer to maintain distance between vehicular traffic and patrons. Buffers shall be crashworthy water-filled barrier or portable concrete barrier with proper end-treatments and delineation. Other crashworthy barriers may be considered pending review and consideration for approval. All barriers are at the expense of the applicant;
- An ADA accessible route must connect the sidewalk to the On-Street Dining area surface, wheelchair turning space, and wheelchair resting space. The path must be a minimum of forty-eight (48) inches wide at the sidewalk. Once on the dining surface, the path must be a minimum of thirty-six (36) inches wide; and
- No bolting, drilling, adhesives, or attachments are permitted in the roadway or sidewalk.

5. Site Plan

As part of the application process, the applicant must submit a hand drawn or digital detailed Site Plan that includes the following general requirements:

- Provide a fully dimensioned site plan showing location, length/width of the proposed area, including poles, driveways and hydrants.
- The width of the outdoor seating area shall not exceed the width of sidewalk frontage of the property owner's or applicant's property.
- The tables, chairs and removable barriers must never restrict the clear path of egress from the main entrance of the restaurant or from egress paths of the adjacent properties to the sidewalk. Curb ramps must not be restricted.
- Include any potential impacts that your proposed outdoor seating would have on the functions of adjacent buildings within the block face, showing any doors, stairs and/or fire escapes.
- Show location and material of ramps to be installed if needed to provide accessible seating at street elevation.

6. Liability and Insurance Requirements

The applicant shall acknowledge acceptance of the premises in "as is" condition with absolutely no warranties, implied or expressed, by the City as to the condition or suitability of the on-street dining location for the intended use. The granting of a permit does not relieve the applicant from liability for any damage that might occur to the public sidewalk or other real property within the public right-of-way as a result of their use or occupancy of said on-street dining location. Additionally the individuals obtaining a permit shall indemnify and hold harmless the City and all of its agents, employees and representatives from and against all claims, damages, losses, suits and actions, including attorney's fees, arising or resulting from the use of the on-street dining location by the them, their agents, representatives, employees, patrons, customers, business invitees and guests or any other person or persons who may use said premises. Further, the applicant shall obtain liability insurance in the amount of \$1,500,000.00 and shall name the City as an additional insured on said policy. A copy of the Certificate of Insurance shall be provided to the City and shall become a part of any permit issued by or on behalf of the City.

7. Removal of Outdoor On-Street Dining

If such permit is revoked or terminated for any reason, other than an emergency, the items installed pursuant to the Pilot program shall be removed at the sole expense of the Applicant within five (5) days of receipt of a written notice to remove. Failure to remove such facilities shall result in the City removing the facilities with the cost of such removal being assessed to the Applicant.

8. Terms and Conditions

GENERAL TERMS AND CONDITIONS. Applicants must comply with these General Terms and Conditions attached as Exhibit A. In addition, applicant must acknowledge that the 903 Permit is a revocable permit authorizing temporary, revocable permissions to operate outdoor on-street dining areas. This program does not create a private right to occupy the public right-of-way or diminish the Director of Public Services' authority to oversee and manage the use public right-of-way in the City's best interests. This temporary revocable permit for outdoor on-street dining is subject to modification or revocation at the City's sole discretion.

OPERATING TERMS AND CONDITIONS. The applicant shall agree to the following specific operating conditions:

- Applicant agrees to comply with and enforce customer compliance with the state's requirements for restaurant and bar operations.
- Applicant acknowledges that the application will be rejected, or the permit withdrawn if the City in its sole discretion, determines that the on-street dining site presents significant safety or traffic circulation concerns.
- Applicant agrees that it will comply with all required liquor laws and be responsible for coordinating compliance with applicable local and state authorities.
- Applicant agrees to remove all amenities and return permitted area to its original condition upon expiration of the permit.

Exhibit A – General Terms and Conditions

Each person receiving permission to establish outdoor on-street dining in the right-of-way ("Permittee") agrees to abide by the following standard terms and conditions of approval:

1. COVID-19 Health Requirements and Other Standard Conditions. The Permittee shall comply and further shall cause its employees, agents, guests, invitees, and contractors to comply with all state and local orders addressing public health and social distancing, including any joint orders issued by the Mayor of the City of Columbus and the City of Columbus Health Department concerning the establishment of outdoor on-street dining in the right-of-way. This shall include requirements governing social distancing, face covering, and other requirements for restaurants from the State of Ohio in conjunction with the reopening of outdoor dining, as amended or supplemented over time. In the event of a conflict between City and state guidance, Permittee shall comply with whichever is more protective of the public health as determined by the City.

In addition, the Permittee shall comply and further shall cause its employees, agents, guests, invitees, and contractors to comply with these terms and conditions and any other rules or regulations established by the City of Columbus ("City") concerning the establishment of outdoor on-street dining in

the right-of-way, which the City may modify or supplement from time to time in order to protect and promote the public health, safety, and welfare.

2. Maintenance of Outdoor On-Street Dining Area. Following the Permittee's establishment and operation of outdoor on-street dining in the right-of-way, Permittee shall maintain the area in good, clean, and safe condition and repair and in accordance with applicable City guidelines, rules and regulations. If the City determines that the outdoor on-street dining poses a hazardous condition, has caused damage to City property, or is otherwise not being properly maintained, the City may require Permittee to immediately take such action as is necessary to rectify the situation to the City's satisfaction. If Permittee fails to correct the identified hazardous condition, improper maintenance, damage, or other problem caused by the outdoor on-street dining, the City may correct it by any means necessary per the guidelines set forth in Section 7.

3. Compliance with all applicable laws. Permittee shall at all times maintain compliance with all applicable federal, state and local laws, regulations, ordinances, or other rules.

4. Adverse impacts on adjacent properties. Permittee shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification, or removal of the on-street dining location.

5. Accessibility. Permittee shall maintain a minimum path of travel along the sidewalk area of at least 48" in width at all points adjacent to the outdoor dining area, which area shall be permitted to be narrowed due to existing sidewalk fixtures (e.g., light posts, fire hydrants, and other fixtures) but in no case shall be narrower than 36" for a length of more than two (2) feet, as shown in the Site Plan.

Exhibit B – Ohio Department of Health Director's Dine safe Ohio Order (in full)

(See <https://coronavirus.ohio.gov/static/publicorders/dao-Reopens-Restaurants-Bars.pdf>)