

Ordinance 704-2023 – Proposed Patio and Parklet Codification Changes

Amend Sections 513 and 505.07

July 2023



CITY OF CLEVELAND

Mayor Justin M. Bibb

MEETING AGENDA

- Brief History of Patios and Parklets
- Review Changes to 513 – Existing Patio Ordinance
- Review Changes to 505.07 – Appeal Process
- Questions



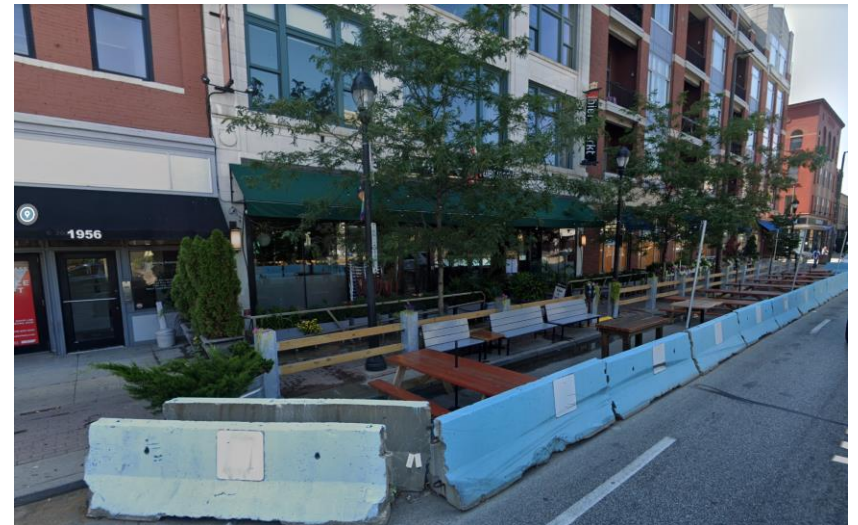
Brief History of Patios and Parklets

- Temporary Occupancy of Outdoor Restaurants (TOOR Permit) – initialized in 2001
 - Currently Sidewalk Patios only
 - Had over 60 applications last year
 - Inspected annually as part of renewal
 - Restaurants only



Brief History of Patios and Parklets

- Temporary Expansion Area (TEA) Permits
 - Established in early 2021 in response to COVID Pandemic
 - Needed to be removed by December 1 of each year
 - Temporary program that includes parklets as outdoor restaurants and/or restaurant seating in the street
 - Ended November 1, 2022



Brief History of Patios and Parklets

- Since TEA (Temporary Expansion Area) has ended, various businesses have requested parklets
 - Parklets are an area within an existing curb lane on a street where parking is permitted that may be used by a business establishment
- Utilizing the existing procedures for the patio permits (TOORs) was most efficient way of permitting parklets
- Permanent program to be established Spring 2023
- Reduce jersey barriers being utilized.



Section 513

- Section will be renamed as **Temporary Right-of-Way Occupancy of Outdoor Patios and Parklets (TROOPs)**
 - Combines TEA (Temporary Expansion Area) into TOORS (Temporary Occupancy of Outdoor Restaurants)
 - Utilized by businesses for patios and / or parklets
 - Will be a 1-year permit
 - Will not have to be removed every year
 - Spaces can be used for Food/Beverage consumption, Public seating, or Bicycle Corals



Section 513

- Public Outdoor Parklets (POPs)
 - Utilized by CDCs
 - CDCs have more resources than many businesses
 - Larger area can be made into a parklet
 - More consistent curb line
 - Part of TROOPs (Temporary Right-of-Way Occupancy of Outdoor Patios and Parklets) permit is that business let CDCs know that they have been approved
 - Pre-approved parklet designs via Cleveland Neighborhood Progress
 - Maintain public accessibility



513 – ISSUANCE OF TEMPORARY PUBLIC RIGHT-OF-WAY OCCUPANCY PERMITS FOR OUTDOOR RESTAURANTS

- Changed name of section to ISSUANCE OF TEMPORARY RIGHT-OF-WAY OCCUPANCY FOR OUTDOOR PATIOS AND PARKLETS (TROOPS)
- Patios and Parklets used for more than just restaurants
 - i.e., a clothing store wants an area for customers to sit and relax outside while other family members are shopping
 - Cannot sell anything in the patio/parklet area without sidewalk sale permit
- Parklets can be utilized for casual seating, dining/drinking, or bike corrals



513.01 Definitions - Changes

(a) “Community Development Corporation” or “CDC” means a non-profit, community-focused entity whose mission is to support its affiliated City neighborhood with a range of programs, services, and activities.

~~(c)(b) —~~“Outdoor Patio Restaurant” means a portion of a public sidewalk, ~~court, alley, street, or other public right-of-way~~ that is used by a business establishment for its current business operations.~~to serve food and/or beverage.~~

(d) “Parklet” means an area within an existing curb lane on a street where parking is permitted that may be used by a business establishment for its current business operations, bicycle parking, or any other purpose deemed appropriate by the Director or by a CDC for food and/or beverage consumption, bicycle parking, or any other purpose deemed appropriate by the Director.

- The biggest change to 513 is the allowance of parklets to be utilized, where before only patios on sidewalks were allowed
- Another major change will be that CDC’s will be allowed to sponsor parklets.
- Outdoor patios / parklets will not only be for restaurants. Any business may have one if they desire



513.02 Temporary Right-of-Way Occupancy for Outdoor Patios and Parklets- Changes

- Parklets will only be allowed on streets, not courts or alleys
- Encroachment permit is not required for parklets
- Will need a permit to occupy and utilize a patio or parklet



513.03 Application for Permits - Changes

- For a parklet, we can request any information needed to determine if the protective barrier is adequate
 - There are many different types of pre-built parklets. It was decided to have businesses submit what they are looking for and have various staff review to approve.
- The application needs a signed statement that the applicant is an officer of the business or CDC applying for permit
- A parklet or patio can be extended beyond frontage of business if they receive a signed statement of approval from adjacent property owner
- Require a \$10,000 bond to remove patio/parklet items if business is no longer in existence.



513.04 Permit Fee, Issuance, and Duration - Changes

- Fees will now be established by Board of Control. This makes it easier to adjust fees every 3-5 years or as needed
- Removed 90 day window where applicant receives refund of fees and automatic approval
 - With the extra reviews needed and possible extra information that we will need for the reviews from the applicants, more time may be required, especially concerning protective barriers
- Permit is now a strict 12 month permit. Previously it was April 1 – March 31st.
 - During the TEA era, parklets had to be removed Nov 1 – March 1.
 - Businesses are more likely to utilize parklet permit and spend money on pre-built parklets if they know they don't have to remove and store for four months
- If permittee sells or leases business, new business owner has 60 days to submit amended application.
- Approval Committee: Director of Public Health, the Director of Public Safety, the Director of Capital Projects, the Director of the City Planning Commission, and, as applicable, the Director of Building and Housing, the Director of Public Works, and the Secretary of the Landmarks Commission



513.05 Permitted Locations - Changes

- Changed term “Outdoor Restaurant” to “Outdoor Patio”
- Parklets cannot be within 50’ of an intersection
- Parklets must have a protective barrier



513.07 Requirements and Conditions of Permit - Changes

- A parklet must have signage stating hours of operation, public or private use, and permittees business name
- When a business permits a parklet, they must inform CDC so that the CDC can create additional parklets to have a more continuous curb line
- Seating for patios / parklets must be accounted for in determining restroom capacity



513.08 Permit Suspension and Revocation - Changes

- Appeals go before Board of Sidewalk Appeals first, then Board of Zoning Appeals
 - Ordinance 505.07 needs to be changed to allow this
- Director of Capital Projects may revoke permit if permittee suspends operations permanently



513.09 Removal of Tables, Chairs and Other Associated Equipment - Changes

- The City may seize or remove outdoor patio / parklet items in the case of an emergency
- The City may seize or remove outdoor patio / parklet items after giving a 30 day notice for an public or private utility work
- Upon termination or revocation of permit, all patio / parklet items must be removed immediately unless new business files for amended permit within 60 days.
- In case of City needing to remove equipment for patio/parklet, the City may enforce an impound fee



513.99 Penalty - Changes

- Penalties of \$100 per day may be enforced by Administrative Manager of Engineering and Construction for non compliance of 513
- Civil penalties does not limit any criminal offense or the ability to suspend or revoke permit



505.07 Board of Sidewalk Appeals - Changes

- Currently, any issues dealing with Patios go directly to BOZA (Board of Zoning Appeals).
- Board of Sidewalk Appeals currently deals with all issues with sidewalks except for Patios.
 - Will reduce impact on Board of Zoning Appeals.
- If an applicant appeals Board of Sidewalk Appeals, they will be heard at Board of Zoning Appeals



Questions & Discussion



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