

Outdoor Dining Guidelines

1. Purpose and Intent

To regulate the private use of a portion of the public right-of-way in the City of Toledo for outdoor dining and other business activity for the economic and aesthetic advantages of businesses and the City of Toledo. In doing so, two important factors must be considered:

1. The safety and flow of pedestrian and vehicular traffic, including accommodations for people with disabilities.
2. The visual appropriateness within the City of Toledo and the respective neighborhood.

These guidelines shall not exempt the Applicant from obtaining any additional permits, licenses, or otherwise that might be required by federal, state, or municipal laws, together with exercising precautions at all times for the protection of all property and persons, including employees. All outdoor dining must be fully in compliance with any and all requirements of the State of Ohio, including the Ohio Department of Commerce, including but not limited to the Division of Liquor Control, as well as the Toledo Lucas County Health Department. This application does not address liquor service. Please contact Ohio Liquor Control to ensure compliance, if applicable.

2. Application Process

A. Permit Required

An Outdoor Dining Permit is required in order to offer any outdoor dining or service in the public right-of-way, and/or to expand dining or service into a previously approved parking/circulation area.

B. Application Procedure

Approval from the district's Architectural Review Commission (ARC), such as the Toledo Warehouse District ARC or the Uptown District ARC, may be required. Applicants are highly encouraged to reach out to the Toledo-Lucas County Plan Commissions prior to submitting for an application.



An Application for an Outdoor Dining Permit shall be submitted to the Division of Transportation. The Outdoor Dining Permit must be approved by other departments within the City, including but not limited to the Toledo Police Department, Fire Prevention, Transportation, Engineering Services, and Plan Commissions. Incomplete applications will not be processed until all required materials have been received.

The Commissioner of Transportation or his/her agent will review each complete application for an Outdoor Dining Permit and, within 45 days, take one of the following actions:

1. Approve the application;
2. Approve the application with conditions;
3. Identify the revisions or modifications which would allow approval of the application;
4. Disapprove the application; or
5. Forward the application to the Toledo City Plan Commission for review and final action.

Appeals of the Commissioner of Transportation's decision may be forwarded to the Toledo City Plan Commission by any person or body via written notice to the Commissioner of Transportation and the Director of the Toledo-Lucas County Plan Commission within 10 days of his/her decision.

An Outdoor Dining Permit is valid from April 1st through November 1st and must be renewed annually. For guaranteed action by April 1st, new and renewing applications and applicable materials and fees shall be submitted by February 15th. Renewal of a previously-approved application requires only the annual renewal fee; additional application materials, including the site plan and supplemental images, are only required if the previously-approved application is to be modified.

C. Fee

An initial Application Fee of one-hundred and fifty dollars (\$150) shall be submitted with the Application, prior to issuance of the Outdoor Dining Permit. This fee covers review of the proposed Outdoor Dining Area, as well as the ability to sell food, beverages and other goods in the Outdoor Dining Area upon approval. An annual renewal fee of fifty dollars (\$50) shall be paid prior to the renewal of a new Outdoor Dining Permit.

D. Criteria for Granting a Outdoor Dining Permit

The City of Toledo may grant or renew an Outdoor Dining in the Right-of-Way Permit upon review and determination that all of the following criteria are satisfied:

- a. The public health, safety, and welfare will be benefitted by the granting or renewal of the Outdoor Dining Permit;
- b. The granting of the Outdoor Dining Permit will comply with all the rules and regulations set forth herein; and
- c. The applicant is not delinquent on any taxes or other obligations to the City.

E. Amendments

The applicant, as a condition of receiving an Outdoor Dining Permit, agrees to comply with all amendments and revisions to these Guidelines as may hereafter be promulgated by the City of Toledo. In the event of amendments to these Guidelines, applicants must comply with all new requirements in order to renew their Outdoor Dining Permit.

F. Revocation – Termination

The City of Toledo shall have the right to immediately revoke, suspend, or terminate any Outdoor Dining Permit when, in the City of Toledo's determination, any of the following occur:

- a. Applicant breaches any of the rules and regulations;
- b. Applicant is in default on taxes or other obligations to the City of Toledo;
- c. Applicant ceases to utilize the Permit for Outdoor Dining;
- d. Circumstances change such that operation of the Outdoor Dining Permit is no longer in the best interest of the community's public health, safety, and welfare; or
- e. The City of Toledo desires to utilize its Public Right-of-Way for any other purpose.

In the event the Outdoor Dining Permit is terminated as provided in (e) above, the Applicant may request that the City return to the Applicant a pro rata portion of the Application Fee. The Outdoor Dining Permit will terminate automatically, without notice, at the expiration of its term. If an Outdoor Dining Permit is revoked or terminated, the applicant may apply again for a new Outdoor Dining Permit at any time.

G. Removal

The City shall have the right to require removal of any, seating, tables, umbrellas, railings, barricades, flower boxes, and/or other appurtenances fifteen (15) days after written notice of revocation or termination of an Outdoor Dining Permit has been sent to the Applicant.

Additionally, the City retains the right to require immediate removal of any facilities located within the public right-of-way in the event any public agency or private utility company or corporation must make emergency repairs to any infrastructure or utility located in, over, under, across, or through the outdoor dining area. Upon completion of any emergency repairs, those facilities removed to allow such repairs may be reinstalled by the Applicant. Failure to remove facilities upon receipt of the notification to remove such facilities may result in the City removing the facilities with the cost of such removal being assessed to the Applicant or Property Owner, and may result in the revocation of the Outdoor Dining Permit.

In the event of a required removal (excluding seasonal removal) as provided in this section, the Applicant may request that the City return to the Applicant a pro rata portion of the Application Fee.

H. Restoration of Original Right-of-Way Condition

Upon completion of use of the Outdoor Dining Area, the right-of-way must be restored to its original condition. Failure to do so may result in fees assessed to the Applicant or Property Owner.

I. Eligibility

Any property with Commercial zoning or a Commercial use is eligible to provide Outdoor Dining in the Right-of-Way. These guidelines are intended for restaurants, however other commercial properties or uses may obtain a Outdoor Dining Permit to utilize portions of the right-of-way for any permitted use which also occurs within the establishment, subject to approval by the Commissioner of Transportation.

J. Form of Application

The Application for an Outdoor Dining Permit shall be complete with all required information and shall be submitted to the Commissioner of Transportation.

K. Required Materials

The Application shall also include a Site Plan and images or renderings of proposed furnishings and fixtures. The Site Plan shall be drawn to scale and shall include all of, but not limited to, the following information:

1. Adjacent Street(s), including widths of right-of-way, location of curb(s), location of traffic lanes, and distance from curb to curb.
2. Location of all structures and their distances from the Right-of-Way, from the curb, and from all property lines.
3. Dimensions of the Outdoor Dining Area and the Pedestrian zone.
4. Type, materials, size, and location of any proposed tables, chairs, fencing, barriers, planters, signage, other furniture, fixtures, or otherwise. Images and/or renderings of proposed furniture and fixtures are required. Any fixtures which are proposed to be permanently attached to the ground must be identified.
5. Location of all existing bus stops, traffic signs, traffic lights, light poles, fire hydrants, Fire Department Connections (FDCs), trees, planters, bike racks, litter receptacles, doorways, pedestrian ramps, and all other items in the public right-of-way.

3. Outdoor Dining Guidelines

A. General Requirements

All Outdoor Dining Areas, including Sidewalk Dining, Parklets, and Parking Lot Extensions, are subject to the following requirements for Operations, Placement, and Furniture and Fixtures:

i. Operations

The Applicant is responsible for ensuring that all of the following requirements are met:

1. Users of the Outdoor Dining Area shall behave in a manner that is respectful to one another and other members of the public.
2. The Outdoor Dining Area and adjacent portions of the right-of-way shall be maintained at all times to ensure cleanliness from litter, snow, ice, and debris.
3. Trash management shall be the responsibility of the applicant. Trash generated from use of the Outdoor Dining Area shall be disposed of within the applicant's facility.
4. The Applicant shall acknowledge acceptance of the portion of the public right-of-way to be used for outdoor dining in "as is" condition with absolutely

no warranties, implied or expressed, by the City of Toledo as to the condition or suitability of the premises for the intended use.

5. The Applicant shall be responsible for the costs of repair to any damage to public property. In the event that the public right-of-way, or property within, is damaged, fees may be assessed to the Applicant or property owner.
6. The Applicant shall apply and receive approval for all building, zoning and other permits required as a result of the proposed use of public right-of-way before any occupation of the public right-of-way may occur.
7. Outdoor Dining Areas shall be operated in conjunction with normal business hours of operation.
8. The Applicant shall provide appropriate lighting at night. Lighting shall be directed to illuminate the outdoor dining area so that it is safe and accessible, and shall be contained so that excess light does not spill towards adjacent properties.
9. Heating, open flames, and outdoor heaters and fire pits shall be approved by Fire Prevention.

ii. Placement

The placement of tables, chairs, barriers, and other fixtures associated with the Outdoor Dining Area shall conform to the following standards:

1. A clear Pedestrian zone of at least 6' shall be maintained, with no minor pinch-point (such as around a utility pole or tree) below 4' wide.
2. Furniture and fixtures may not be placed within 6' of a building entrance, and may not be placed within 4' of an emergency exit. A minimum 4' path must be provided between any means of egress and the Pedestrian Zone.
3. Furniture and fixtures, including parklets, may not be placed to obstruct the flow of water into stormwater management systems.
4. The Applicant shall not erect or permit any obstructions to be located on the public right-of-way outside the approved outdoor dining area.
5. The Applicant shall not locate seating, counters, or queuing in or adjacent to the Pedestrian zone, or other installations that encourage gathering within the Pedestrian zone.
6. Outdoor dining areas shall be located in a position that does not impede access to other adjacent businesses or properties.
7. All sites need to be ADA compliant. Consideration shall be given so that the 6' Pedestrian zone can extend clearly and safely to adjacent rights-of-way, including around adjacent Outdoor Dining.
8. All curb ramps and adjacent landings at street intersections shall be maintained free of obstructions for ADA compliance.

9. Tables, chairs, barriers, and any other fixtures associated with the outdoor dining area (including post bases and fence-top planters) shall be placed completely within the Outdoor Dining Area and outside of the Pedestrian Zone.
10. A clear sight distance between 42" and 84" from grade shall be maintained within 18 feet from the curb. Any variance shall be subject to approval from the Division of Transportation.

iii. Furniture and Fixtures

Furniture and fixtures within the outdoor dining area shall conform to the following standards:

1. All furniture and fixtures must be free standing and movable when the restaurant or business is open, and must be removed between November 1st and April 1st, unless permanent fixtures are approved via the application.
2. All furniture and fixtures must be within the boundary of the outdoor dining area.
3. Furniture shall be made of durable weatherproof material such as metal, composite, or painted/stained wood and tinted with colors complimenting the building and surrounding developments. Molded plastic furniture, untreated wood, and other low-quality materials are not permitted.
4. Umbrellas must be made of a fire-retardant material, subject to the approval of Fire Prevention. Umbrellas must be a minimum of 84 inches above grade. Each umbrella is limited to a maximum of one logo, sign, or advertisement which shall only contain the logo and/or name of the business. Other names, logos, or advertisements are not permitted. No part of any umbrellas shall extend beyond the confines of the outdoor dining area.
5. Patio enclosures such as tents, curtains, and vinyl screens are prohibited.
6. Each outdoor dining area is limited to one sign with a maximum size of six square feet and a maximum height of 42" above grade. Typical signage includes A-frame signs or signage attached to railings/fixtures. This limit excludes signage permitted on umbrellas. Signage shall be made of permanent, high-quality materials including metal or wood and excluding vinyl or paper. A sign permit is not required.
7. All furniture and fixtures must be a minimum of 3' from all Fire Department Connections (FDCs), and a minimum of 6' above an FDC.

B. Outdoor Dining Options

Permitted Outdoor Dining options include Sidewalk Dining, Parklets, and Parking Lot Extensions, subject to the following standards:

i. Sidewalk Dining

Sidewalk dining includes the placement of tables, chairs, and other furniture on the sidewalk. The following requirements must also be met for sidewalk dining:

- a. Sidewalk Dining may extend along all portions of right-of-way that abut the Applicant's property.
- b. Sidewalk dining may be extended to the sidewalk in front of adjacent properties, with written permission from both the adjacent property owner and adjacent tenant. The adjacent property owner or tenant may revoke permission at any time for any reason in writing to the Commissioner of Transportation.

ii. Parklet

A Parklet includes the placement of tables, chairs, and other furniture within the street, either in an on-street parking lane or a wide travel lane, and may or may not be on a raised platform. The following requirements must also be met for a Parklet:

- a. A parklet is only permitted on a street with a speed limit of 25mph or lower.
- b. At the corner closest to oncoming traffic, a parklet shall be protected by jersey barriers (must be wrapped in decorative materials), large planters, a solid wall, or an alternative barrier that will withstand a vehicular impact of at least 15mph.
- c. The perimeter of a Parklet shall be surrounded by consistent walls, fencing, planters, or other partitions with a maximum opening of 4'.
- d. No portion of a Parklet may protrude within 2' from a travel lane or 4' from another parallel parking space.
- e. No required Handicap accessible parking spaces or abutting aisles may be used for a Parklet, unless a new Handicap accessible parking space and/or aisle is created.
- f. ADA access must be provided to the Parklet.
- g. A parklet on a raised platform shall be designed so that the platform can be moved, if necessary. A parklet which is not on a raised platform shall be designed so that all materials are portable.
- h. A parklet on a raised platform must have a floor that is flush with the curb.
- i. No portion of a Parklet may exceed a height of 42" from street level.
- j. A Parklet shall not be placed within 30' of an intersection crosswalk.
- k. A Parklet may be extended to the right-of-way in front of adjacent properties, with written permission from adjacent property owner and tenant. The adjacent property owner or tenant may revoke permission at any time for any reason in writing to the Commissioner of Transportation.

- l. A Parklet shall be constructed of high-quality building materials, including but not limited to materials outlined in TMC 1109.0500, and designed to harmonize with surrounding architecture, subject to Plan Commission review.
- m. A Building Permit is not required for a Parklet.

iii. Parking Lot Extension

A Parking Lot Extension allows businesses to provide outdoor dining or sales within the parking area. Although a parking lot extension may fall partially or entirely on private property, the same guidelines and application process apply.

- a. Any proposed parking reduction below the Minimum Number of Off-Street Parking Spaces per TMC§1107.0300 must be approved by the Toledo-Lucas County Plan Commissions. An Alternative Access and Parking Plan may be considered, per TMC§1107.1400.
- b. Businesses must delineate which portion of the parking lot may be used by which business. This may be accomplished using planters, railings, decorative barriers, or another suitable alternative. The perimeter of a Parking Lot Extension shall be surrounded by consistent fencing, walls, planters, or other partitions with a maximum opening of 4' where abutting drive aisles or parking spaces.
- c. Barricades shall be constructed of high-quality materials to harmonize with surrounding architecture, subject to Plan Commission review.
- d. A Parking Lot Extension may only be used on the applicant's property.
- e. In the case of multiple businesses on one property, such as a commercial strip center, a Parking Lot Extension may only be used directly in front of the applicant's business, or directly in front of adjacent businesses with written permission from the property owner. The property owner may revoke permission at any time for any reason in writing to the Commissioner of Transportation.
- f. In the case of multiple businesses on one property, written permission by the property owner is required prior to issuance of an Outdoor Dining Permit.
- g. ADA access must be provided to the Parking Lot Extension. If the curb does not provide ADA ramps, such ramps must be installed by the applicant.
- h. A handicap parking space may not be used for a Parking Lot Extension without the creation of a new handicap parking space.
- i. Businesses must manage the use of facilities such as bathrooms and host/hostess stands to prevent crowding, including in case of rain.

4. Definitions

City: City of Toledo

Applicant: Owner of property besides the portion of right-of-way in which outdoor dining is requested; or owner of business beside the portion of right-of way in which outdoor dining is requested, with property owner's consent.

Pedestrian Zone: Minimum 6' wide sidewalk in the public right-of-way that remains open to pedestrian traffic. A minimum width of 4' is permitted at choke points, such as around posts, fire hydrants, or street trees.

Outdoor Dining Area: Well-defined business area which may include a portion of the public right-of-way directly adjacent to a commercial business.