

City of Pittsburgh – Department of Mobility and Infrastructure
Outdoor Dining & Retail License
Application Guidelines

DRAFT 3/18/2022

NOTE – This draft is meant to address the demand for the bulk of applicants (sidewalk and cartway use in fair weather). Approved and issued licenses are valid only for the use shown in the approved plan. Items marked as “COMING SOON” tags are tagged for future policy development and are expected to impact a low volume of potential users at this time.

Overview

On February 17, 2022, Mayor Ed Gainey signed Ordinance [2022-0073](#), which creates new standards for Outdoor Retail and Dining in the City of Pittsburgh. This change comes after The City streamlined its review process of outdoor dining and retail to accommodate COVID-19 safety measures under the emergency declaration, in order to support our business community, especially restaurants, during trying economic times.

During this time of the City recognized that outdoor dining and retail activities can be in the interest of economic development, vibrancy, and attractive places and sought to make these changes considering the lessons learned from this temporary permit process.

These new guidelines give authority to the Department of Mobility and Infrastructure (DOMI), through the issuance of licenses, to permits the use of portion(s) of the public right-of-way for food and retail services. The new Outdoor Dining and Retail License streamlines regulations, standards, and procedures for outdoor dining or retail activities to better serve our business community while also putting into place new expectations for license holders to maintain accessibility, appearance, safety and maintenance a part of the privilege for the use of public space.

Pittsburgh’s Code of Ordinances § 425.01 establishes the requirement for a license from the Department of Mobility and Infrastructure (DOMI) for any Outdoor Dining and Retail Activity. As such, **Section 1** of this document provides guidance on the location and design, of Outdoor Dining & Retail activities in the public right-of-way (ROW). **Section 2** outlines a process for ensuring consistency in the review of license submissions.

This guidance applies to the public ROW under the stewardship of DOMI. It does not extend to any public lot, park, other public property, or private property. Other approvals from the City of Pittsburgh Department of Permits, Licenses, and Inspections (PLI), Allegheny County Health Department (ACHD), Pennsylvania Liquor Control Board (PLCB), or others may still be required. Other permits and licenses referenced in this document are not comprehensive.

Individual businesses and business organizations or community groups may apply for Outdoor Dining & Retail licenses. For applications for full street closures, the application should be submitted by or sponsored by the local business organization or community group. In cases where a business or community group is issued a license for Outdoor Dining and Retail for an area that includes multiple businesses utilizing the space, each business serving alcohol will need individual approval from PLCB.

Section 1: Guidelines for all Outdoor Dining & Retail

The Outdoor Dining & Retail License offers businesses four ways to utilize the public right-of-way for their business operations: Outdoor Dining in the Sidewalk, Outdoor Dining in the Cartway, Outdoor Cooking, and Outdoor Retail Display. Outdoor Dining & Retail Licenses must be renewed annually, including an annual site inspection. This document informs applicants about the application process and required documentation and standards for DOMI approval.

Outdoor Dining in the Sidewalk – Use of the sidewalk for additional seating for a food service establishment.

Outdoor Dining in the Cartway – Use of the cartway (parking lane or full lane closure) for additional seating for a food service establishment.

[COMING SOON] Outdoor Retail Display – Use of the sidewalk for retail display and / or queuing for service windows.

[COMING SOON] Outdoor Cooking– Use of the sidewalk for outdoor food preparation.

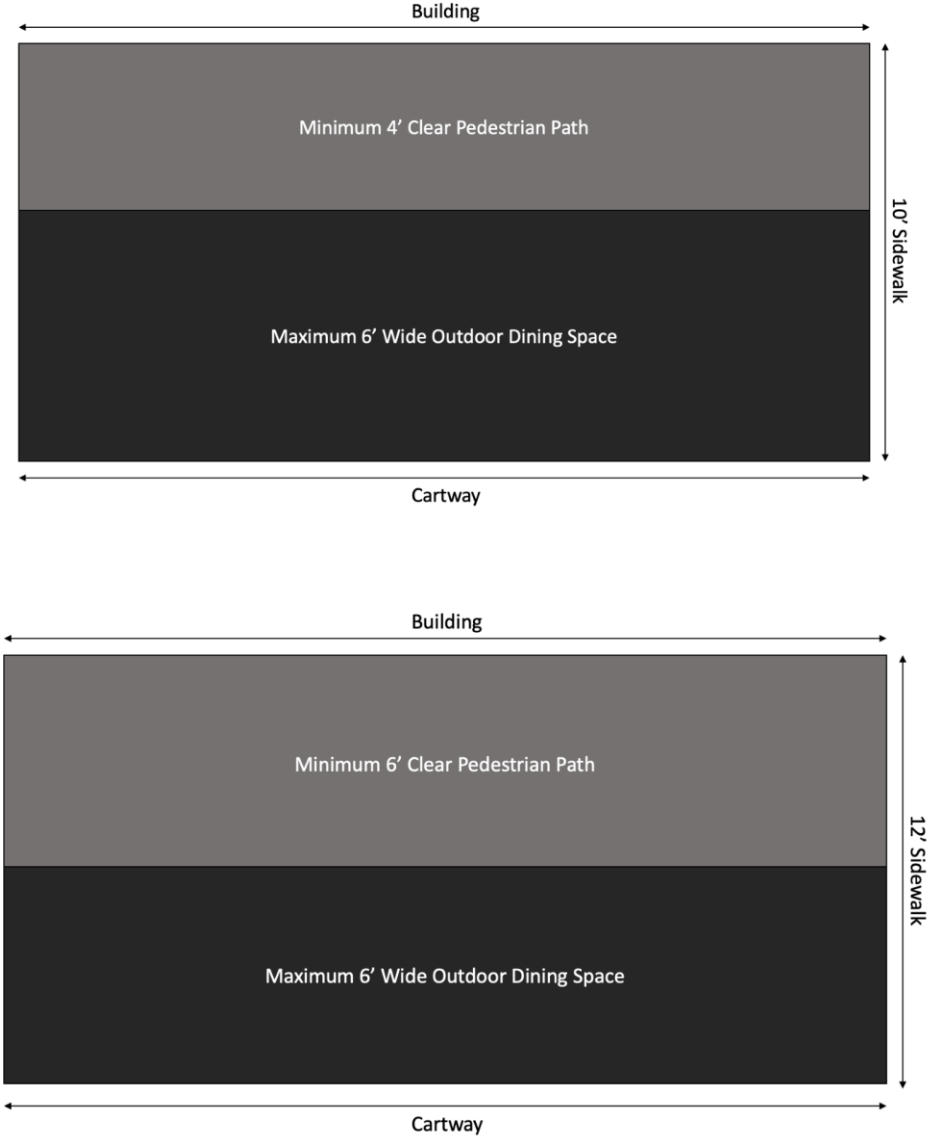
Applications for retail display with four (4) seats or fewer under this subsection shall be exempt from site plan requirements of this chapter as long as they can demonstrate that they meet all requirements in Placement and Design Requirements for Use of Sidewalk in § 425.03.

These guidelines apply to each type of Outdoor Dining & Retail License.

Clear Sidewalk Space Requirements

- For the purposes of these regulations, sidewalk is defined as the portion of the public ROW measured from the face of the curb to the property line.
- Any Outdoor Dining or Retail activity utilizing the sidewalk must comply with the following clear sidewalk space requirements:
 - Sidewalks up to ten (10) feet in width shall leave a minimum of four (4) feet of sidewalk clear of obstructions. Sidewalks over ten (10) feet in width shall leave at least one-half of the sidewalk clear of obstructions.
 - The City shall have the preference for designs that exceed the minimum sidewalk clearance requirements. In most cases, preference is for the clear space of the sidewalk to be on the building side of the sidewalk so that the Outdoor Dining and Retail activity provides a buffer between pedestrians and the traffic or parking lane. However, in cases where there are many obstructions (such as steps or ramps) on the building side of the sidewalk, it may be preferred for the clear space to be provided on the

curb side of the sidewalk.



General Placement and Design Standards

- If located at an intersection, the Outdoor Dining & Retail activity shall provide adequate corner clearance by providing a 10' clear space from the intersection.
- No part of the Outdoor Dining & Retail activity may be within 15' of a transit stop or fire hydrant.
- No part of the Outdoor Dining & Retail Activity or queuing area may encroach into the required clear space or block emergency egress.
- Permitted barrier types can be found [here](#); additional barrier types may be proposed by the applicant. If the proposed barrier is not included in the permitted list, a specification sheet must be submitted as part of the application. The

specification sheet must include the dimensions of the barrier, weight, installation guidelines, and materials of the proposed barrier. Most manufacturers have the specifications available online.

- An emergency access gap with 3' of unobstructed vertical or horizontal space for every 20' of outdoor dining and retail activity frontage may be required.
- Barriers or dividers cannot be taller than 42".
- *COMING SOON: Licenses are valid only for the use shown in the approved plan. Additional guidance regarding platforms, tent walls, roofs and coverings will be provided soon.*

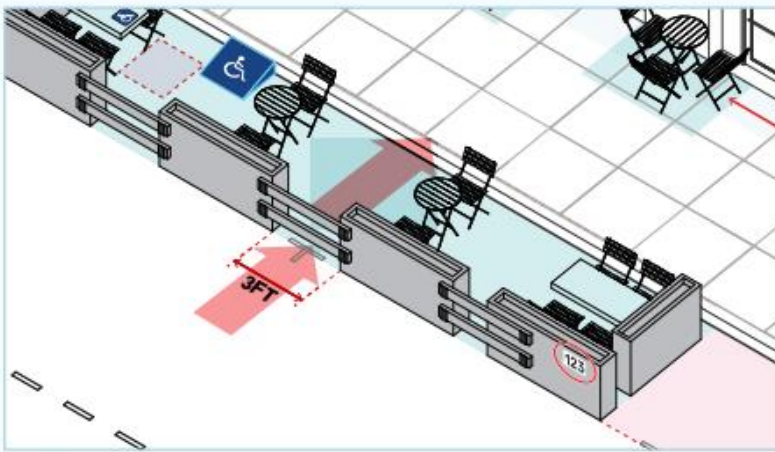


Figure 1

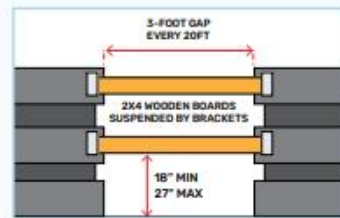


Figure 2

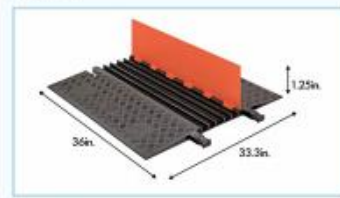
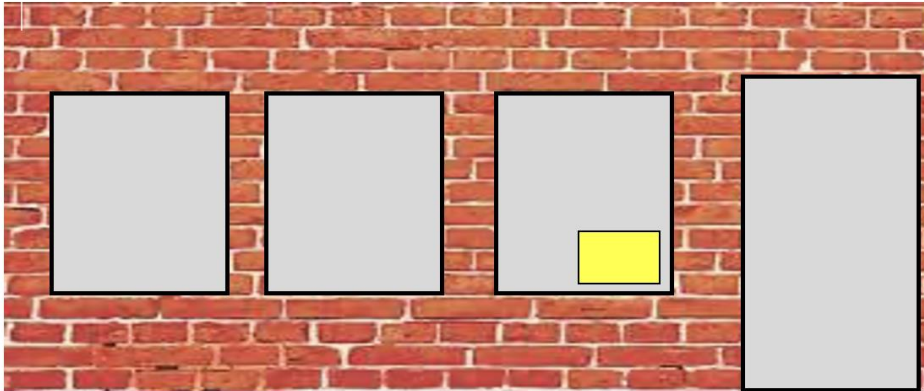


Figure 3

Operations

- Per § 425.03.j, hours of operation shall be the same as the associated business but shall operate no earlier than 7 a.m. and no later than 10:00 p.m. Sunday through Thursday and no earlier than 7 a.m. and no later than 11 p.m. on Friday and Saturday.
- DOMI may require that an outdoor dining permit include seating for every patron allowed in the outdoor dining space at a time (ie: no standing room).
- *COMING SOON: Permits are valid only for the use shown in the approved plan. "Add-ons" such as tents, heaters, and other devices for colder months will require additional approval. Additional guidance for winterization of outdoor dining and retail will be released soon.*
- A copy of the issued license shall be displayed prominently in a location visible from the public right-of-way at all times.
 - DOMI suggests displaying the license on entry door or window close to the entrance between 50" and 65" above grade.



Accessibility

- The clear distance requirements for all sidewalk uses must be maintained at all times.
- DOMI may order a license revoked or revised based on consideration of the failure to maintain accessibility standards.
- Applicants may be required to complete a training on accessibility best practices. This training is to be developed by DOMI in coordination with the City's ADA Coordinator and shall address at minimum:
 - Accessibility requirements for Outdoor Dining and Retail activities, including sidewalk clear space requirements
 - The importance of maintaining accessibility at all times
 - How to train staff to properly maintain the activity so it is compliant with all accessibility requirements
 - Enforcement actions and potential penalties if the licensee is not compliant with accessibility standards
- *COMING SOON: More information regarding accessibility and ROW maintenance training will be provided soon.*

Furnishings

- All furnishings should be easily removable. Bolting structures into the right-of-way required permission from DOMI. Justifications for bolting structures into the ROW must address:
 - Safety of the structure
 - Compliance with ADA standards and clear sidewalk requirements
 - How the structure would be disassembled and removed in case of emergency
 - How the proposed structure is less impactful than an alternative approach

Maintenance of the Right-of-Way

Use of the public right-of-way for a private business is a privilege and licensees are expected to maintain the quality, cleanliness, and accessibility of the right-of-way at all times. This includes:

- Keeping the surrounding 50' area litter free.
- Providing and maintaining access to City and utility infrastructure, including, but not limited to utility poles, gas valves, manhole covers, wastewater systems, and fire hydrants. DOMI reserves the right to require temporary or permanent removal of any structure(s) inhibiting access to these facilities.
- Removal of snow and ice from the licensed area and adjacent sidewalk.
- Licensees may be required to remove furnishings and barriers to allow for proper snow removal.
- Licensees may be required to complete trainings, held by DOMI, relating to ROW maintenance and accessibility standards and best practices for stewardship of the public ROW.

Special Provisions for Outdoor Dining in the Sidewalk

Outdoor Dining in the Sidewalk must meet the following design and placement standards:

- Sidewalks up to ten (10) feet in width shall leave a minimum of four (4) feet of sidewalk clear of obstructions. Sidewalks over ten (10) feet in width shall leave at least one-half of the sidewalk clear of obstructions.
- Furnishing and additions, including but not limited to, tables, chairs, planters, dividers, tents or umbrellas must be a minimum of 18" from the edge of curb and, may not be bolted down or drilled into the roadway, sidewalk, or building façade without the permission of DOMI, and must not block any right-of-way sign or interfere with required clear egress space.
- Vaults, grates, etc. cannot be covered or obstructed by any furnishings or barriers. Example of sidewalk grates:



- The outdoor dining area should be located in such a way that the clearest, most straightforward pedestrian path is provided. In most cases, the outdoor dining activity shall be located on the curbside of the sidewalk. However, in cases where there are a large number of obstructions on the building side of the sidewalk (such as stoops, steps, ramps, etc), DOMI may determine it is more appropriate for the activity to be abutting the building.
- Barriers must be provided between the outdoor dining activity and the street. *Additional guidance for barrier types will be released soon.*

Special Provisions for Outdoor Dining in the Cartway

Outdoor Dining in the Cartway must meet the following design and placement standards:

- Outdoor dining in the cartway is not permitted on streets with a speed limit greater than 25 mph. Exceptions may be made to permit outdoor dining in the cartway on streets with a speed limit greater than 25 mph with approval from the Municipal Traffic Engineer.
- State-owned roads are not eligible for Outdoor Dining in the cartway without prior approval from PennDOT.
- Outdoor dining activities in the cartway shall not be located in a travel lane of any type, including a bicycle lane. DOMI may consider applications for travel lane closures where the applicant has proposed a street reconfiguration plan, stamped by a traffic engineer, and approved by the Department.
- The number of dining seats shall be no more than thirty (30) for an individual establishment.
- Outdoor dining activities in the cartway may only be located in the right-of-way directly abutting the establishment in connection with the approved license. If the

applicant seeks to utilize the right-of-way abutting adjacent properties, proof of permission to utilize the right-of-way of the adjacent property owner must be provided at the time the application is submitted.

- Outdoor dining activities in the cartway must be protected by a physical barrier abutting any portion of the activity alongside of which vehicular traffic passes at any time. Permitted barrier types can be found [here](#); additional barrier types may be considered. If the proposed barrier is not included in the permitted list, a specification sheet must be submitted as part of the application.
- Furnishing and additions, including but not limited to, tables, chairs, planters, dividers, tents or umbrellas may not be bolted down or drilled into the right-of- without explicit permission from DOMI.

[COMING SOON] Special Provisions for Outdoor Retail Display

[COMING SOON] Special Provisions for Outdoor Cooking

Section 2: Application Requirements

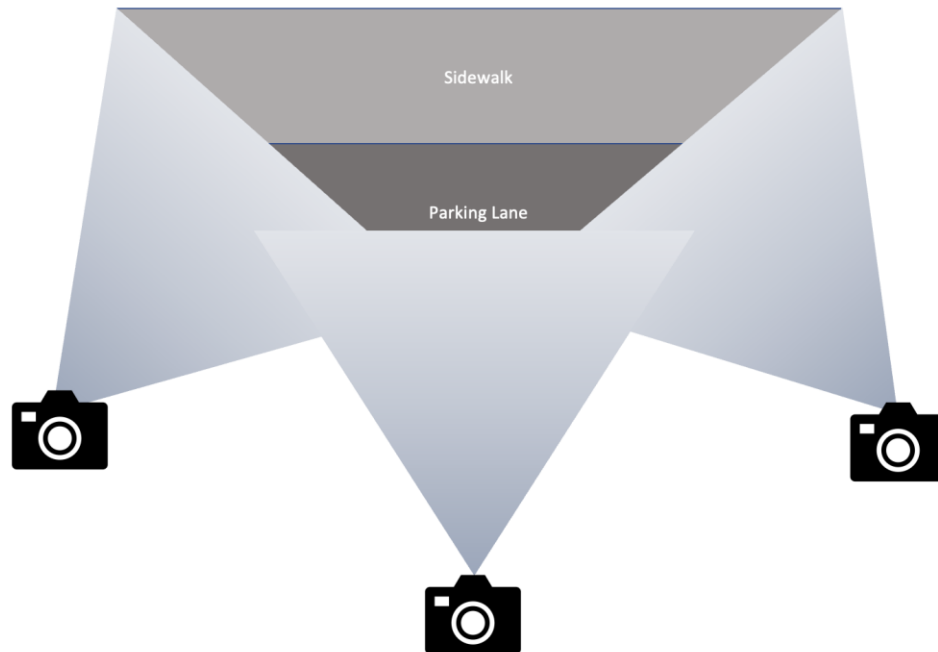
The Outdoor Dining & Retail License is only for use of the public space. Prior to establishing an outdoor dining or retail presence in the Public Right-of-Way (ROW), a license for the obstruction of public space must first be obtained from the Department of Mobility and Infrastructure. This license does not supplant necessary authorizations or approvals as may be required by City, county, or state laws, rules, or regulations of any other entity that has jurisdiction over the activity proposed in the ROW. Outdoor dining and license holders are responsible for obtaining all applicable licenses or approvals needed to operate.

Application Requirements

The following documents are required as part of the DOMI Outdoor Dining & Retail License application:

- Applicant and business name and address.
 - If the applicant is not the property owner, written authorization from the property owner must be submitted as part of the application.
- If the applicant seeks to utilize the right-of-way abutting adjacent properties, proof of permission to utilize the right-of-way of the adjacent property owner must be provided at the time the application is submitted.
- Daily and weekly hours of operation of the business and proposed hours of operations of the outdoor dining or retail activity.
- Site Plan
 - Applicants will be required to submit a site plan with dimensions indicating the location of the installation and placement of materials. Architectural or engineering drawings are encouraged but not required. Hand drawings (to scale) are acceptable when drawn to scale and met all other site plan requirements listed below.
 - Site plans should be scaled to show surroundings located within ten (10) feet of the outer edge of the proposed use:
 - Scale of drawing;
 - Minimum scale of $\frac{1}{4}'' = 1'$
 - Existing storefront location(s), width(s), and location(s) of entry/exit door(s) (including generally unused emergency exits);
 - Dimensions of the Outdoor Dining & Retail activity;
 - Layout and dimensions of tables, barrier system, and/ or other furnishings;
 - Existing sidewalk, parking lane, and travel lane widths as appropriate;
 - Location of any transit stops within 30' of the furthest extent of the outdoor dining or retail activity; and,

- Location of any obstructions such as utility poles (light/power/traffic signal), fire hydrants, parking meters, street signs, street trees, bike racks, etc. Note: no part of the outdoor retail or dining activity may block any of these features.
- Applicant attestation that the outdoor dining or retail activity will comply with terms and conditions of the license and with all applicable accessibility standards, including but not limited to, maintaining sidewalk clearances.
- Three color photos of the proposed outdoor dining and retail area.
 - One photo showing the proposed area face on
 - Two photos from opposite 45-degree angles
 - Google Street View screenshots are acceptable as long as the images were taken within the past year



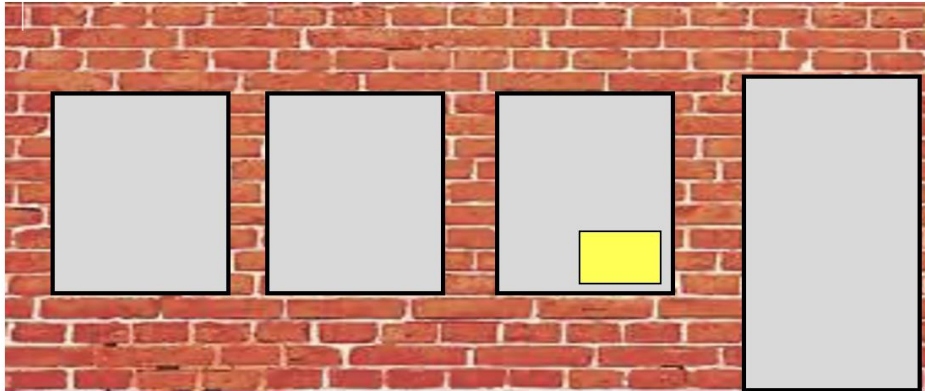
- A certificate of insurance from the proprietor's insurance company, naming the City as additional insured. The certificate of insurance shall be occurrence-based and not claims based.
- Certificate of Occupancy for the associated business. If a Certificate of Occupancy has not been issued yet, a copy of the issued Building Permit / Occupancy Only Permit and Record of Zoning Approval may be accepted.

The following documents may be submitted as supplemental information:

- Letter of support from the local business organization or community group
- Details of proposed furnishings
- Details of proposed barriers if the barriers proposed are not included in the pre-approved list

Application Process

- The first step in the application process is to apply for an Outdoor Dining & Retail License via OneStopPGH. Please have all application materials ready when submitting, or your application will be marked as incomplete.
 - Log into OneStopPGH, or create an account.
 - Video tutorial for creating an account can be found [here](#).
 - Click “Permits”
 - Click “Outdoor Dining & Retail” in the “DOMI Permits” section
 - In the “applicant description” box enter the business name, hours of operation, and description of the proposed activity, then click next
 - Enter the address associated with the establishment seeking a license
 - In the specific location field, indicate if the use will be in the sidewalk or in the cartway, then click next
 - Indicate any areas that could obstruct vehicle or pedestrian traffic in the “Traffic Obstruction” section. Please include:
 - Full or partial closures to the street or sidewalk
 - The number of lanes and/or parking spaces affected
 - Any other relevant details.
 - Leave the “Construction Site Supervisor” section blank if you are simply setting up tables and chairs or merchandise displays.
 - If you are completing construction on your site, list your construction site supervisor in the “Construction Site Supervisor” section.
 - Click “Next”
 - Review the sample forms of the “Insurance Certificate”, “Site Plan”, and “Terms and Conditions” by clicking the “open” button next to each document in the “Documents to Attach” section or by clicking the links above.
 - Upload your “Insurance Certificate” file by clicking the “Upload Files” button and selecting the appropriate file from your computer. Then, click the arrow under “Document Type” and select “DOMI Insurance Certificate” for the file.
 - Please ensure that it lists the “City of Pittsburgh” as “additionally insured” and as the “certificate holder.”
 - Download and sign the "Terms and Conditions" document
- Once the application is submitted and deemed complete, staff will send the applicant a printable notice poster. The notice poster must be printed and posted on the property in a highly visible location for at least ten days. A photo of the notice poster posted on the property should be uploaded to the OneStopPGH application.



- The Department shall review the application within 30 days
- If the application cannot be approved as submitted, comments will be sent via email and OneStopPGH
- If approved, the applicant will receive a notification via email and the license can be downloaded from your OneStopPGH account

When renewing an existing Outdoor Dining & Retail License:

- Log into your OneStopPGH account
- Click renew license
- Upload an updated Certificate of Insurance

Application Checklist

- OneStopPGH registration
- Business name and address
- Hours of operation
- Site Plan (see requirements on page 10)
- Three photos of the proposed Outdoor Dining & Retail area
- Certificate of Occupancy for the business
- Certificate of Insurance
- Applicant attestation that Outdoor Dining & Retail activity will comply with all applicable rules and regulations
- Signed terms and conditions

Supplemental Documents

- Letter of approval from property owner
 - Required if applicant is not property owner
- Letter of support from local business or community organization
 - Required for full street closures
- Details of furnishings, barriers, etc.
 - Details of barriers required if not from list of pre-approved types
- Letter of support from adjacent owners
 - Required if using ROW in front of other properties

Frequently Asked Questions

Q: What if I already have temporary outdoor dining approval (2019-2021)?

A: If you have submitted an updated Certificate of Insurance and your temporary permit has been renewed, you may continue to operate under that license until the end of 2022.

Q: What if I want to make small updates to my existing permit before filing for a new license?

A: Minor amendments to approved permits may be considered on a case-by-case basis. Generally, minor changes to come into compliance with new regulations are encouraged. Expansions of existing uses will not be considered as minor amendments.

Q: Does my site plan need to be stamped by an architect?

A: No. Hand drawn site plans are acceptable as long as they are to scale and meet all the required site plan standards.

Q: What if my business is on a state road?

A: Any application for outdoor dining in the cartway would need PennDOT approval prior to submitting the DOMI ODR license application.

Enforcement

License Revocation and Penalties

- § 425.06 outlines policies for License Revocation and Penalties
- DOMI shall conduct annual site inspections.
- Any violations of any provision of Chapter 425 or these guidelines shall be subject to a fine as outlined in the ROW fee schedule. Each day such a violation continues shall be deemed a separate distinct offense.
- Three or more violations shall result in a license revocation
- DOMI will consider violations of applicable county or state laws, regulations, or policies enforced under the jurisdiction of others in the revocation of license. including outstanding citations issued under Title 8, Title 9 and/or Title 10 related to the operation of the outdoor dining and retail with cooking, or under this Chapter.
- DOMI may order a license revoked or revised based on consideration of the public interest, safety, and convenience, the condition of the right-of-way, the time of year, the protection of existing equipment in the right-of-way, failure to maintain accessibility standards, and future City plans for public improvements and development projects.

License Renewals

- Per § 425.07, if an applicant possesses any outstanding citations related to the premise for which a license renewal is submitted, a renewal will not be issued

Unpermitted Activities

- Any commercial activity or other business activity, including signage, on public space without all valid permits, licenses, and certificates is subject to immediate removal from the public right-of-way by the Department and City of Pittsburgh Police.
- The DOMI has the right to withhold issuing certain licenses for an applicant under the following circumstances:
 - The applicant fails to meet the provisions of this Chapter 425 and / or these regulations
 - The applicant was issued a warning (i.e. request for compliance) or citation more than three times in any six-month period for failure to comply with the terms and conditions of any City ordinance, rule, regulation, or condition of a previously issued permit or license.
 - If the premise for which a license was submitted has any outstanding citations, a license will not be issued.