REVOCABLE STREET PRIVILEGE

A Revocable Street Privilege (RSP) is a contract between the City and an abutting property owner that authorizes the use of part of the public right of way for a private purpose. The Department of Transportation and Engineering (DOTE) will either send a conditional approval letter to the petitioner or send an objection memo to the Real Estate Division within 3 to 4 weeks after receiving the request. Each request will be reviewed for site specific conditions. The RSP contract will be prepared by the Law Department after the conditional approval letter is issued. The RSP contract will be signed by the City Manager and the abutting property owner.

Refer to chapter 718 of the Cincinnati Municipal Code for more information on Revocable Street Privileges.

The form for a Request For a Revocable Street Privilege can be found here.

CONDITIONS AND ADDITIONAL INFORMATION REQUIRED

All Information Sheets for RSP requests must include a sketch, architectural drawing, or engineering drawing that shows the location and details of the encroachment.

Items 2, 3b, 6, 7, 8, 10, 11, and 12 will require a DOTE Street Opening Permit, obtained by a DOTE licensed street contractor. All improvements in the public right-of-way must be built to City standards, policies and guidelines. Application for permits may be made at the Business Development and Permit Center located at 3300 Central Parkway, or at Room 425, City Hall, 801 Plum Street. Please note that plan drawings (2 sets), to be reviewed by DOTE, must be attached to the permit application.

Listed below are general conditions for different types of temporary encroachments that a RSP may be issued to the abutting property owner.

- 1. Removable structure attached to a building such as an awning, canopy, sign, light, banner, flag, fire escape, etc.
 - 1. Awnings, canopies, building mounted signs, fire escapes, platforms, lights, banners, flags, etc. extending into the public right-of-way must be:
 - a. vertically at least eight feet above the sidewalk (ten feet if energized)

- b. horizontally no closer than two feet from the street curb line
- c. fully supported from the building with no supports extending below the bottom of the canopy, awning, or building mounted sign
- d. compliant with clearance requirements for overhead utility lines
- e. horizontally no closer than five feet from a utility pole
- 2. All metal for the proposed structure should be non-rusting so not to stain the sidewalk surface and building surface.
- 3. The construction drawings for any building mounted structures (awnings, canopies, signs, fire escapes, balconies, platforms, lights, banners, flags, etc.) in the public right-of-way or extending into the public right-of-way, must be prepared and sealed by a professional engineer registered in the State of Ohio. The design loads must be in accordance with the appropriate Building Code standards and be stated on the drawings. Drawings must include mounting and framing details and be submitted for review and approval to the Department of Transportation and Engineering (DOTE) before the Revocable Street Permit is finalized.
- 4. The sidewalk must remain open during installation. If installation is to take longer than two hours, a street use permit, obtained from DOTE, is required. Apply for permits at the Business Development and Permit Center located at 3300 Central Parkway, or in Room 425 at City Hall, 80l Plum Street.

2. Fence or other free standing temporary structure

- 1. The fence shall meet the requirements of the zoning code.
- 2. Structures shall not block site distances, vehicular access, or pedestrian access.

3a. Planters

1. Planters must be set back at least two (2) feet from the curb.

- Planters must be placed so as not to interfere with access to bus stops, pull boxes, curb ramps, cross walks, cellar doors, entrances to private property, etc. see attached guidelines.
- 3. Height to top of plant in planter shall not exceed 2.5'
- 4. Locate planters to avoid conflicts with bus stops. No planter shall be placed in the 20 foot distance from the bus front door to side door and enough room needs to be kept for egress from both doors.
- 5. A free street use permit is required. Through the permit, an inspector will meet on-site to facilitate proper placement of planter.

3b. Landscaping

- Keep shrubs and plantings trimmed at least 2 feet from the curb and 6 inches from a public sidewalk. The height of a shrub or planting shall not exceed
 feet. If trees are planted, mature limbs must be maintained at a minimum of 8 feet above the walk and 14' above the roadway pavement.
- 2. No ivy, vines or creeping plants may be planted in the right-of-way.

4. Outdoor Café Seating

- 1. Follow rules and regulations for Section 718-3 Revocable Street Privilege and Section 1419-21 Limited or Full Service Restaurant of the Cincinnati Municipal Code
- 2. No cooking facilities will be permitted in the right-of-way.
- 3a. Outdoor facilities, including railing post supports (feet), must be placed to provide 4 feet of unobstructed (free from poles, fire hydrants, pull boxes, news racks, tree grates, etc.) walking space. If no obstruction exists behind the curb, the outdoor facilities, including railing post supports (feet), shall be placed a minimum of 7'-0" from the face of curb. This would provide a clear 4'-0" wide path for pedestrians and a 3'-0" wide collector strip for a pedestrian buffer zone and an area for future signs, utility poles, fire hydrants, etc.

- 3b. SEATING AREAS ABUTTING BRICK OR COLORED CONCRETE COLLECTOR STRIP. Outdoor facilities must be placed to provide 4 feet of unobstructed (free from poles, fire hydrants, news racks, tree grates, etc.) walking space. Sidewalk pavers in collector strip adjacent to the curb are not considered a walking space. Four foot clearance must be maintained on the concrete walk between the edge of pavers in the collector strip and the café seating barrier.
- 4. The tables and chairs and removable barriers must never restrict the clear path of egress from the main entrance or from egress paths of the adjacent properties.
- 5. In accordance with the attached Street Use Permit, the City Inspector must be notified the morning of the seating and barrier installation.
- 6. If unsafe pedestrian congestion results from the reduced walking space, this privilege will be revoked.
- 7. Furniture, fixtures, and barriers provided for use in an outdoor eating area shall consist only of movable items, such as: tables, chairs, umbrellas, planters, lights, railings, fences, etc. No holes or bolts are permitted in the sidewalk. All furniture and fixtures must be removed during the off-season (January March). Furniture and fixtures may have to be removed during major events as directed by the Police.
- 8. The petitioner is responsible for any damage to the right-of-way due to the existence of the outdoor seating.
- 9. Abide by all other regulations and obtain applicable permits from the Liquor Board, Health Department, Building Department, etc.
- 10. Outdoor eating areas must follow the provisions for noise as outlined in Chapter 909 "Community Noise" of the Cincinnati Municipal Code.

5. Emergency Doors that swing into R/W

1. Doors must be for emergency egress only. The doors may have no hardware on the outside and shall be provided with alarms that sound when the doors are opened to alert pedestrians.

6. Sidewalk pavers or decorative or colored concrete sidewalk

- 1. The property owner is responsible for maintenance of all abutting sidewalk. The property owner is forewarned that utilities or other City agencies that disturb the walk will not match colored or decorative concrete or pavers set in mortar, but will instead install plain concrete. The owner will be responsible for replacement with colored or decorative concrete or mortared pavers if so desired. Where pavers are set on a sand base and can be easily removed, Utilities and City agencies will be instructed to carefully remove and reset these pavers.
- 2. Pavers must be placed per City specifications and approved by the City Architect's office. Call 513-352-3303 for requirements.

7. Monitoring Wells

- 1. All existing utilities must be field located prior to installation. Call Ohio Utility Protection Service. Monitoring wells must be placed a minimum of 3' from any existing utility.
- 2. When monitoring wells are no longer needed, they must be removed to a depth of 6' below surface, and pavement or walk must be restored in accordance with City standards, policies and guidelines. Monitoring wells shall be properly abandoned per Ohio EPA guidelines.

8. Community Sign, Historical Marker, or Bus Stop Shelter (Structures with poles and/ or foundations)

- 1. Historical Marker must be approved by the City of Cincinnati Historic Conservation Board before a RSP can be issued.
- 2. The sign must not contain any text or symbols that purports to be or is an imitation of or resembles a traffic control device, along with all other requirements and limitations in Cincinnati Municipal Code Section 502-22.
- 3. Exact location of pole shall be laid out in field and approved by DOTE. Edge of sign shall be placed a minimum of 2 feet from the face of curb. Bottom of sign shall be a minimum of 7 feet above the sidewalk. If placed in a landscaped area, this vertical clearance may not apply.

- 4. If sign is to be placed on a structure (bridge or structural slab), design for attachment to structure to be signed and sealed by a structural engineer.
- 5. In addition to satisfying all building code requirements all structure (poles, signs, markers or bus shelters) installed in the ground in the public right-of-way must be designed in accordance with American Association of State Highway and Transportation Officials' "Standard Specifications for Structural Supports for Highway Signs, Luminaries, and Traffic signals" for a fifty-year mean recurrence interval for wind loads.
- 6. If City standard traffic poles construction drawings are not used, a plan prepared and sealed by a professional engineer registered in the State of Ohio indicating that the design loads are in compliance with the standards must be submitted for review and approvable to the Department of Transportation and Engineering (DOTE) before the Revocable Street Permit is finalized.
- 7. Field investigation may be necessary to avoid underground encroachments such as basements, utility vaults, etc.

9. Attachments to City owned utility poles in the R/W. (cigarette ash receptacles, sensors, monitors, etc.)

- Care shall be exercised if the attachments are placed on any poles supporting a traffic signal or pedestrian signal. These poles have limited space available and there may be possible equipment conflicts. Contact Traffic Engineering to schedule a field meeting to determine the acceptable poles for the attachments and/or the acceptable location to mount the attachments.
- 2. No advertising shall be placed on any attachment.
- 3. Permission will be revoked if condition of any attachment deteriorates or becomes a nuisance.
- 4. Ash receptacles must be cleaned at least once daily.
- 5. The City does not own, nor can it give permission to place attachments on any wood poles. Duke Energy or Cincinnati Bell Telephone owns these poles and permission must be granted from the appropriate utility.

10. Park Bench

Conditions are based on Cincinnati Municipal Code Section 723—7. - Park Benches

- 1. Donated Benches. The city manager or his designee is authorized to accept donations of park benches from individuals or organizations. Donated park benches shall become the property of the city and shall be placed and maintained solely at the city's discretion.
- 2. Privately Owned Benches. The city manager or his designee may grant a revocable street privilege to any person desiring to place and maintain a park bench in the public rights-of-way for use by the general public.
- 3. All park benches shall adhere to the following regulations:
 - A. Park benches may be placed only at bus stops or in recognized Neighborhood Business Districts at locations where seating would serve the convenience of the public as determined by the city manager or his designee.
 - B. Park benches shall be permanently secured to the sidewalk in accordance with a properly obtained sidewalk construction permit issued pursuant to Chapter 721 of the Cincinnati Municipal Code.
 - C. No advertising may be displayed upon park benches; provided, however, that the name of the donor or sponsor may be displayed on the bench in letters not more than two (2) inches high or shown on a plaque no larger than eight (8) by three and one-half (3 ½) inches affixed to the bench.
 - D. Park benches must either conform to the design standards promulgated by the department of city planning, or must be approved by the Urban Design Review Board. The department of city planning is hereby authorized to promulgate design standards for park benches.
 - E. Park benches shall be placed:
 - a. Only on paved surfaces;
 - b. In a location that is not directly in front of an entrance to a building;

- c. At least six (6) feet from any alley, pedestrian crosswalk, driveway curb cut, curb ramp, fire hydrant or sidewalk café and at least four (4) feet from any bicycle rack;
- d. Either with the back of the bench set six (6) inches away from the adjacent building (only with prior permission from the property owner) or with the front edge of the bench located two (2) feet from the curb line and in alignment with other authorized street furniture;
- e. In a manner such that the open area available for pedestrian traffic is not less than six (6) feet in front of or behind the bench in those areas established as business districts as shown on the building zone map ("Neighborhood Business Area"), or in any area designated by the department of transportation and engineering as having a high volume of pedestrian traffic ("High Pedestrian Area"), or less than four (4) feet in all other areas of the city;
- f. In a way that does not block access to buses at bus stops, fire escapes, sidewalk access doors, traffic or street lighting equipment, utility valve boxes or other utility equipment;
- g. In a way that does not obstruct permanent building signage or building display windows (unless prior permission from the property owner has been obtained);
- h. In a way that does not obstruct curb control signage or traffic signal equipment, including pedestrian crosswalk signs.

11. Private Utilities

- 1. The petitioner is advised that the City is reviewing its policies for the private use of the public rights-of-way and dependent upon future legislation, petitioner may be required to compensate the City financially for its use of the right-of-way.
- 2. The petitioner/property owner must become a member and maintain membership of OUPS (Ohio Utility Protection Service), by calling 1-800-362-2764, if not already a member. Membership is required before a permit will

- be issued. Failure to maintain membership will result in the property owner being responsible for repairs due to damage caused by excavations preformed by utility companies, the city, or a permitted contractor.
- 3. Petitioner must provide a name and phone number of a 24-hour contact for emergency repair and /or maintenance work.
- 4. If the City cannot reach the 24 hour contact and must perform work of an emergency nature on the privately owned utility, the City reserves the right to bill the Petitioner for all associated costs with this repair work.

11a. PRIVATE UTILITIES (ABUTTING PROPERTY OWNER)

1. This type of RSP will be issued to property owners where utility facilities will be placed in the Right of Way. The facility must be the type that can be removed without affecting the use of the private property.

11b. PRIVATE UTILITIES (FRANCHISE)

1. This type of RSP will be issued to utility companies, not individual property owners.

11c. IRRIGATION SYSTEM

- 1. Place sprinkler heads at least one inch below grade level so as not to create a tripping hazard. Use only "pop-up" type heads. Place sprinkler heads no closer than one foot from the public walk and point spray away from pedestrian paths.
- 2. Petitioner is responsible for maintenance of entire privately owned water system.
- 3. Water system plan must be approved by Greater Cincinnati Water Works (GCWW).

11d. PRIVATE STREET LIGHTS

1. Coordinate design with the City Architect and City Traffic Engineer.

12. Driveway in a Paper Street

1. Paper Street is defined as dedicated City right of way without a City accepted roadway.

- 2. A site plan must be included that shows the proposed dimensions and elevations of the driveway. Driveway width will be dependent on the number of residents it serves and fire access. Proposed driveway must not cause drainage problems that will impact the surrounding properties.
- 3. Driveway apron within the portion of the adjacent improved roadway Right of Way must be 7" thick concrete in accordance with City Standard Drawing Acc. No. 21436. Remainder of driveway in the paper street must be constructed with a hard surface such as concrete, asphalt or pavers.
- 4. The property owner will be responsible for maintenance of the driveway.
- 5. Access must be granted to all existing and future users that abut the paper street. Maintenance agreements must be negotiated with future driveway users.

13. Other encroachments

1. Provide detailed description and/or drawings.