

City of Cambridge

Sidewalk Patio Permit Guidelines

1.0 DEFINITIONS:

1.1 In this schedule:

“AGCO” means The Alcohol and Gaming Commission Ontario;

“AODA” means The Accessibility for Ontarians with Disabilities Act;

“Applicant” means Owner or Occupant or Operator of the Restaurant;

“Clear Path of Travel” means the public outdoor sidewalks (or walkways) designed and constructed for pedestrian travel and are intended to serve a functional purpose and not to provide a recreational experience (described in Section 80.21(1) of O.Reg. 413/12: Integrated Accessibility Standards).

“Issuer of Permits” means an employee of the City of Cambridge with the authority to grant permits under this By-Law;

“Outdoor Patio” means an outdoor area for patron seating and tables operated in conjunction with the adjoining Premises;

“Owner” includes the Owner or Occupant or Operator of the Restaurant;

“Patio Seating” means;

- Single Table Seating: A patio with single table seating that can accommodate 1-3 chairs.
- Double Table Seating: A patio with double table seating that can accommodate 4 chairs.
- Double Loaded Patio: A patio layout involving a curb side patio and a façade patio separated by a public sidewalk (Sidewalk Clearance Zone/Clear Path of Travel).

“Permit” means a written authorization issued by the Director to permit the location of a Patio on a sidewalk and/or boulevard;

“Premises” shall mean ground floor premises, owned or occupied by the applicant for a license, abutting a Regional Road that is used by the applicant as a victualling house, restaurant, café, refreshment establishment or lunch counter, licensed by the Area

Municipality and subject to inspection by the medical officer of health or other appropriate municipal officials and in which washroom facilities are located;

“Restaurant” means a service commercial establishment in which food and/or beverages are served to the public and, without limiting the generality of the foregoing, includes such establishments the principal business of which is the operation of a restaurant, dining room, cafe, cafeteria, lunch counter, snack bar, dining lounge, cocktail lounge, tavern, beverage room, public house, doughnut shop or ice cream parlour.

Sidewalk Zone: The area of sidewalk located between property line (and/or building façade) and back side of curb. The Sidewalk Zone is divided into three sections:

- 1) Street Furniture and Landscaping Furnishing Zone (the area between the curb line and the Sidewalk Clearance Zone reserved for landscaping and Street Furniture);
- 2) Sidewalk Clearance Zone (Clear Path of Travel);
- 3) Building Frontage Zone (where façade patios are located).

2.0 GENERAL PROVISIONS:

Where the Owner of a property which abuts a sidewalk or boulevard lawfully operates a Restaurant, the Owner shall apply to establish, maintain and operate an Outdoor Patio in conjunction with the operation of the Restaurant on a portion of the boulevard and/or sidewalk.

2.1 Application

- a) An application for a Permit shall be filed with the Issuer of Permits in advance of the installation of the Outdoor Patio. When applying for a Permit, the Applicant shall:
 - i. Complete and submit the prescribed application form;
 - ii. Provide an Outdoor Patio plan with metric measurements showing the following information:
 - Location of the patio on the sidewalk and building
 - Building information including façade length, building entrance (door location), Siamese connections and exits from building, if applicable.
 - Entrance to building/restaurant
 - Location and number of all seats and tables

- Location of all fencing and access points
- Curb Line and Landscape Furnishing Zone
- Minimum Clear Path of Travel

b) Insurance

- i. Every Applicant for an Outdoor Patio, during the term of the permit, shall provide and maintain Comprehensive/Commercial General Liability insurance acceptable to the City and subject to limits of not less than two million dollars (\$2,000,000), five million dollars (\$5,000,000) for licensed Outdoor Patios for bodily injury, death and damage to property including loss of use thereof. Such Comprehensive/Commercial General Liability insurance policy shall be in the name of the Applicant and shall name the City of Cambridge as an 'additional insured'.
 - ii. The insurance policy referred to in subsection 2.1 (b) hereof shall contain an endorsement to provide the City with thirty (30) days written notice of cancellation.
- c) When filing the completed application, the Applicant shall pay a non-refundable permit fee as set out in the City of Cambridge's Municipal Fees and Charges By-law, as amended from time to time.

2.2 Permit

a) The Director may:

- i. issue a Permit
- ii. refuse to issue, suspend, revoke, or cancel a Permit, and
- iii. impose conditions on the issuance of the Permit.

b) In deciding whether to issue a Permit, the Director may consider:

- i. any negative effects or any benefits that the granting of the Permit may have for the neighbouring properties and the City,
- ii. whether the Permit will interfere with the movement and safety of vehicles and pedestrians any public utility or other factors deemed relevant in the circumstances,
- iii. any previous violation of the By-law or violations of the conditions imposed through previous Permits by the applicant,

- iv. any other matter that the Director reasonably considers to be relevant to the application.
- c) The decision of the Director in regard to the Permit shall be final.
- d) The Applicant shall comply with the terms and conditions of the Permit issued by the Director.
- e) It shall be a condition of any Permit issued by the Director that the City, and any person, agency or body authorized in writing by the City, may enter the Outdoor Patio lands and may remove any and all patio furniture.
 - i. for the purpose of constructing, maintaining, repairing, moving or otherwise dealing with any services or utilities located or to be located in, under or above the patio lands including but not limited to hydro, gas, telephone, cable television, water storm drainage, water main and sewer service facilities, and
 - ii. for the purpose of responding to an emergency.
- f) Failure by the Applicant to comply with the terms and conditions of the Permit shall render the Permit void.
- g) The Permit issued by the Director shall be valid from the 15th day of March to the 31st day of October in each calendar year.
- h) Notwithstanding the term of the Permit, a Permit shall terminate on the day that the Applicant or Owner has ceased to carry on the Restaurant business.
- i) The permit is not transferable by the Owner of the property
- j) The Owner and the Application shall at all times comply with all statutory requirements, rules, regulations, laws and by-laws of the municipality or other authority which may affect the operation of the Outdoor Patio and the use of the boulevard and sidewalk.

3.0 Outdoor Patio Use

- 3.1 The Owner shall use the Outdoor Patio solely for Restaurant purposes of serving food and/or beverages.
- 3.2 The Owner shall not install portable food appliances such as barbeques, portable propane heaters, decks, outdoor carpeting, artificial turf or utilities.
- 3.2 Patio Location Criteria:

- a) All patios must demonstrate (through an Outdoor Patio Plan) that they maintain minimum AODA accessibility requirements that include providing an unobstructed sidewalk clearance zone (called Clear Path of Travel). The onus is on the Applicant to ensure a Clear Path of Travel is maintained. Specific criteria are highlighted below:
- Minimum 1.8 metre Clear Path of Travel.
 - Ensure no obstructions are located within the Clear Path of Travel such as street furniture, tree, signage, bus shelter, garbage receptacle and other physical obstructions.
 - A patio cannot block pedestrian access along a street, walkway connection or entrance.
 - As part of maintaining a clear path of travel, ensure all patio signage is located close to the building façade and does not cross into the public sidewalk area. Clearly show the patio signage on the Patio Plan and ensure it is maintained in this location.
- b) Outdoor Patios are encouraged to be located along the associated business building frontage and not extend past the business frontage shown on an Outdoor Patio Plan. If additional patio space is requested, permission from the adjacent property owner/business will be required.
- c) Outdoor Patio space will be determined by road width, sidewalk space, setback requirement(s) and location context:
- Clear Path of Travel: In all cases, a Clear Path of Travel shall be maintained.
 - Non-fenced patio: approximately 1.0 metre space suitable for select Street Furnishing Zones and Building Frontage Zones.
 - Fenced patios (single and double table seating): a fenced patio will typically range from 1.8 - 2.5 metres in width and will likely be located in the Building Frontage Zone (façade patio). A standard depth of 2.0 metres is required for single table seating and 2.2-2.5 metres for double table seating that includes a 1 metre aisle for server access. Fencing is required for a licensed patio subject to AGCO criteria.
 - Double Loaded Patios: In some instances, there may be opportunity to accommodate a double loaded patio (Building Façade Zone and Street

Furnishing Zone) provided Clear Path of Travel and other performance standards are met.

- d) Patios are not to be located within a driveway or roadway daylight corner measured 3.0 metre by 3.0 metres from the sidewalk intersection.

3.3 Licensed Patios (Outdoor Licensed Areas):

- a) Licensed Patios are regulated by AGCO as well as, the Ontario Building Code and subject to the Ontario Fire Code. In all cases, a licensed patio must demonstrate that they have sufficient occupant load and safe access. Prior to any Permit being issued, an Applicant is required to submit proof of a proper liquor license.
- b) Fencing: A well-defined sturdy barrier is required for any patio intending to serve alcohol under the AGCO and must operate in accordance with the Liquor License Act. A well-defined barrier may include traditional fence, removable fencing and other types. Fence height should be a minimum of 36" inches (1.0 metre). A business may not serve patrons beyond the barriers of the outdoor dining space. Patrons are not permitted to leave the fenced patio area with alcohol and the business may be subject to a fire inspection as part of AGCO approval.
- c) Licensed patios are encouraged within the Building Frontage Zone.

3.4 Patio Accessibility:

- a) All patios are to be located on the sidewalk surface and be level with this surface. Grade changes are to be avoided. The ground surface leading to and under tables is to be level, firm and stable. A fenced patio is required to have a minimum 1.5 metre access into the patio area.
- b) Accessible seating and accessibility are encouraged. Barrier free access is encouraged directly from the sidewalk. Internal building access to patio may be considered as an alternative or supplemental access.
- c) Accessible seating is encouraged. Tables should be accessible using mobility aids by having a knee and toe clearance under the table.
- d) For safety and accessibility reasons, a patio must not block any access to a fire department connection, city sewer, gas valve or meter, building entrance (or exit), city or street furniture (such as garbage container, public bench, bus shelter, bike rack) or other sidewalk access. Patio tables, chairs and other amenities shall not obstruct or protrude onto the Sidewalk Clearance Zone or access to building entrances.

3.5 Patio Design Expectations and Amenities:

- a) All patio furniture (including fencing, railings, chairs and tables) are to be located within the patio area and be made out of sturdy and weather resistant materials.
- b) Applicant shall keep and maintain the boulevard and sidewalk clean and, free of rubbish and debris of all kinds.
- c) Applicant shall keep the Outdoor Patio, including the perimeter and the furniture, clean, and free of rubbish and debris of all kinds.
- d) Decorative (and artistic) fencing details are encouraged and provide opportunity to enhance/support district theme opportunities. Decorative fencing may include decorative metal designs, glass panels and other considerations.
- e) Landscaping of sidewalk patios is encouraged and must be of a temporary design. Plant material may include planters, hanging baskets (over railings but must be contained with the patio area and shall not extend into the Sidewalk Clearance Zone. A range of options can be considered including planter designs internal to the patio area.

4.0 Outdoor Patio Removal

- a) Upon termination of the Permit to use the boulevard and sidewalk, the Owner shall, at their sole expense, remove all equipment, furnishings, and personal property from the boulevard and sidewalk within five (5) business days' notice in writing from the Director to do so and shall replace and restore, at their sole expense, the boulevard and sidewalk to a safe condition satisfactory to the Director.
- b) If the owner and the occupant fail to perform the work required upon termination of the permit, the Director may remove all the installations from the boulevard and sidewalk and restore the boulevard and sidewalk to a safe condition at the sole cost of the owner and the occupant.