

Outdoor Commercial Patio Policy



Section	Date	By-Law Number	Page	Of
Development Services	June 16, 2020	101-2020	1	4
Subsection	Repeals By-Law Number		Policy Number	
Outdoor Commercial Patio Policy	78-2012		DS-6-2	

Background

The City of Kenora recognizes that the development of commercial outdoor patios can create spaces that are interesting and stimulating, and accessible for residents and visitors. The City of Kenora Official Plan, the Downtown Revitalization Plan (2004) and the Economic Development Plan all contain policies and recommendations in support of this type of development. In order to promote private investment, the City has developed a system that includes minimum standards for all outdoor patios and establishes an application system that streamlines the process and creates an efficient and consistent method of doing so.

The use of municipal property for sidewalk retail sales is not part of this policy.

The use of municipal parking stalls, to a maximum of four spots, for development of outdoor commercial patios will be considered through this policy.

Definition of Outdoor Commercial Patio

Unlicensed Outdoor Patio - Refers to a less formal outdoor area where seating and tables are provided; with refreshments and meals being served in close proximity to a restaurant. The serving and consumption of alcohol would not be permitted on these types of patios.

Licensed Outdoor Patio - Refers to an outdoor area where tables and seating is provided together with serving meals and refreshments in proximity to a restaurant or bar. The serving and consumption of alcohol will be permitted on the outdoor patio as the establishment will be licensed by the Alcohol and Gaming Commission of Ontario (AGCO). Fencing or some type of wall or partition is required by the AGCO for patio areas that will be associated with liquor.

Sidewalk Cafe

Intended but not limited to use by Coffee Shops, Bakeries, Delis, and confectionary stores. Sidewalk Café Licences of Occupation will be restricted to establishments located on the ground floor, with the use of single row, tables, chairs and/or benches up against the building face

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Small Sidewalk Patio

With occupancy of twenty (20) people or less

Large Sidewalk Patio

With occupancy of twenty-one (21) people or more.

Criteria for Approval of Application

Outdoor Patio Minimum Standards:

- a) The outdoor patio must be associated with the Tenant's contiguous indoor restaurant.
- b) Patio setup must be removable and sturdy enough to withstand actions such as patrons leaning on fencing or movement by wind.
- c) No structures shall be erected within the licensed area with the exception of a non-permanent barrier or railing to meet the requirements of the Alcohol and Gaming Commission of Ontario;
- d) Notwithstanding c) above, approved outdoor patio heaters may be located in accordance with comments by the City of Kenora Fire and Emergency Services Department;
- e) The patio setup must not create any visibility or sightline issues. Corner lot applications must not present any sight line/visibility issues or traffic issues.
- f) Applicant must submit a waste management plan
- g) It is the responsibility of the applicant for maintenance and upkeep of the patio.
- h) Applications may be subject to site plan control.
- i) All applications must indicate that proper width (a minimum of 1.5 metres) for pedestrian traffic is maintained between the patio and the curb or utility strip.
- j) All applicants must provide a certificate of insurance (\$5,000,000 per occurrence) to save the City of Kenora from liability relating to the use of municipal property for an outdoor commercial patio - exceptions for \$2,000,000 per occurrence may be considered subject to approval from the Risk Management and Loss Prevention Officer
- k) The property owner or business may not use any part of the outdoor patio area for any other use (eg. parking).
- l) That all outdoor patios be accessible.
- m) All applications must comply with the Sign By-law, if signage is to be part of the patio design.
- n) All patios must be connected to an existing business and shall not be stand alone businesses.
- o) All applicants must obtain, or possess a current City of Kenora Business License through the City of Kenora licensing.
- p) That the queuing of patrons be contained within the patio area (or the interior of the restaurant establishment) and be shown on the site plan.
- q) All applicants must submit a site plan elevations of proposed patio.

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- r) Patios may not be used for storage or food preparation, with the exception of table-side food preparation.
- s) Signs, advertisements, promotional banner or the like, are prohibited in or around the outdoor patio or on the non-permanent barrier or railing enclosing the outdoor patio
- t) Bicycles or any other items shall not be affixed, or otherwise leaning against the outdoor patio railings or barriers
- u) All patios must comply with the current Provincial smoking legislation as well as any existing municipal bylaw which pertains to smoking.
- v) Use of the patio must comply with all other Federal, Provincial and Municipal laws.

- w) Planters/decorations used as part of a patio design must be moveable and not negatively affect pedestrian traffic (see (f)).
- x) The applicant, by signing the application, acknowledges that the City of Kenora, Synergy North and other utilities such as Enbridge and cable companies reserve the right to conduct maintenance on services at any time and will not be responsible for any disturbance and/or loss of business that they may incur, as well any rehabilitation work to the patio area after.

Term of Use

Outdoor commercial patios are only permitted to operate between April 15th and October 15th, annually.

The City of Kenora reserves the right to cancel the lease, at any time, if the agreed-upon terms are not met.

The landlord's property shall be returned to its original condition at the termination of the license period.

Approval of Applications

Applications are to be made, in the appropriate form to the City of Kenora Development Services Department.

Applications will include two copies of a site plan (maximum size of 11 x 17, minimum size of 8 ½ x 11) site plans in the appropriate format. Plans should be to scale and show dimensions and indicate the following:

- Proposed licensed area, if applicable, on the outdoor patio
- Proposed locations and dimensions, including area of the outdoor patio in relation to the contiguous building and the outdoor patio's proposed entrances and exits
- The location and dimensions of barriers or railing and gates that enclosed parts of the outdoor patio, if applicable

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- The location of any City infrastructure within the outdoor patio area or the distance of the outdoor patio to curbs, light standards, parking meters, trees, etc., including dimension of sidewalk

Applications will be circulated to the following for comment:

- Fire & Emergency Services
- Roads Division Lead
- Municipal Engineer
- Manager of Operations & Infrastructure
- City Clerk
- City Planner
- Planning Analyst
- Chief Building Official
- Synergy North
- Risk Management & Loss Prevention Officer

The Planning Analyst and/or City Planner will be authorized to issue approval of the application by signing the completed application form. The signed application, including conditions if any, will form the license to operate an outdoor commercial patio on municipal property.

Processing times may vary between 3 and 10 business days.

Fees/Leases

In order to be eligible for a patio licence, the applicant shall have purchased a bona fide City of Kenora business licence for its applicable business.

In addition, seasonal rates will apply based on a term of 183 days (April 15th – October 15th); payable on or before April 15th of the calendar year and in accordance with appropriate patio definition and By-Law Number 68 - 2020 - General Tariff of Fees and Charges for the City of Kenora