



Property and Planning  
Committee

13 March 2012



## Outdoor Commercial Patios on City Property

# Background



- This presentation addresses the use of City lands for commercial outdoor patios.
- The City of Kenora has several of these currently and expects that more will come in the future
- The objective is to develop a system that outlines minimum standards for all outdoor patios on commercial property and establishes an application system that streamlines the process and creates an efficient and consistent method of doing so

# Noise



- City of Kenora Noise By-Law No. 27-2007 stipulates that operation of any electronic devices involving speakers, amps. etc. is prohibited. As well that all general noise such as yelling, whistling, shouting etc. is prohibited from 9:00pm -7:00am.
- Options to consider:
- Amend the current noise by-law specifically for outdoor commercial patios through zoning
- Provide opportunity to apply for an exception to the noise by-law as part of the application

# Smoking



- The City of Kenora Smoking By-Law No. 145-2007 stipulates that smoking shall be prohibited in City buildings and within 9 metres from the entrance or exit of any facility owned by the City of Kenora
- Provincially, the Smoke-Free Ontario Act enacted on May 31, 2006 prohibits smoking in all public places that are enclosed and in all workplaces across the Province
- Options to consider:
  - Require no smoking on Municipal Property
  - Permit smoking per Ontario Legislation (leave it up to business owners' discretion)

# Leasing



- Options to consider :
- Outdoor commercial patios may improve existing City infrastructure, in which case the City would not require any funds or deposits from the business owner; or
- The City of Kenora may deem it necessary to require funds or a deposit from an applicant if there patio if deemed a detriment to existing City infrastructure
- Lease the City property at an established value
- Charge a minimal amount(\$1 annually) so long as all required conditions are met
- The City of Kenora may stipulate that patios may only be in operation on a seasonal basis, such as April 1<sup>st</sup> to August 31<sup>st</sup> of the calendar year

# Insurance & Liability



- **The City of Kenora would require an approximately \$5 million dollar certificate of insurance to save the City of Kenora from any claims resulting from the use of City Property**

# Liquor



- Liquor licenses are administered by the Provincial legislation of the Ontario Alcohol and Gaming Commission. The AGCO has jurisdiction over establishments that they have licensed and are not subject to Municipal conditions.
- A patio license would be an effective method for the City to regulate the hours that liquor could be served
- Another tool would be to use the noise by-law to regulate the hours of operation for commercial outdoor patios

# Waste



- Another potential issue arising from outdoor patios would be the potential increased amount of waste generated on City property
- Applicants may be required as part of the application to submit a plan/waste management strategy for there patio
- Outdoor patios will not be allowed to be used for storage purposes
- No waste bins allows on patios
- Patio area to be maintained by business owner



# Economic Development & Tourism



- **Outdoor patios are a strong fit with the goals and objectives outlined in the City of Kenora's Economic Development Plan and Tourism Strategy**
- **Outdoor patios provide an opportunity for local business growth and development and new business**
- **Outdoor patios provide local residents and visitors with more things to see and do**

# Recommendation



- That a draft policy and application form be produced by staff for consideration
- That there be public consultation, the outcome of which will help to draft a new by-law regarding commercial patios on City property and that a manual or guidelines policy be created that establishes minimum standards for commercial outdoor patios on City lands

# Questions or Comments?

