

SIDEWALK PATIOS

REQUIREMENTS & GUIDELINES



SAULT STE. MARIE
March 2023

TABLE OF CONTENTS

PATIO TYPES	3
REQUIREMENTS	7
LIQUOR SALES	9
APPLYING FOR A PATIO <i>(application form and checklist)</i>	10

Sidewalk patios foster an inviting, thriving and vibrant downtown neighbourhood. They not only enhance the attractiveness and ambiance of the downtown, but they also create accessible community spaces and contribute to safe walking environments. As part of the ongoing revitalization efforts, the City is encouraging the use of sidewalks, boulevard spaces and on-street parking bays for patios.

The purpose of this booklet is to provide information on the design, operation and approval process for sidewalk patios. Patios must not impact the safety, accessibility and enjoyment of public space by others.

Questions? Please Contact:

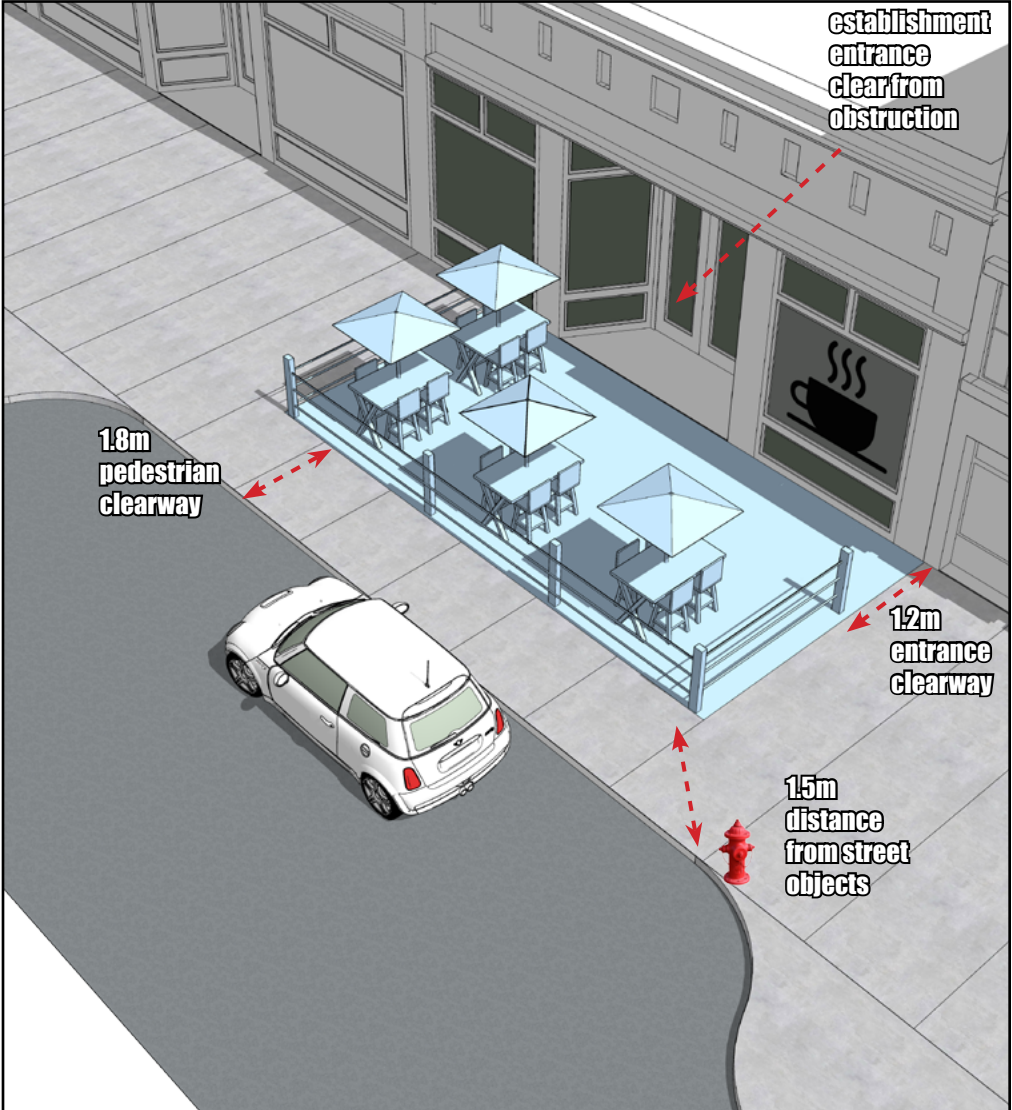
Jonathan Kircal, Planner: 705-759-6227 - j.kircal@cityssm.on.ca

PATIO TYPES

Frontage Patio

The patio is located along the face of the building and maintains sufficient pedestrian clearance between the edge of the patio and the curb.

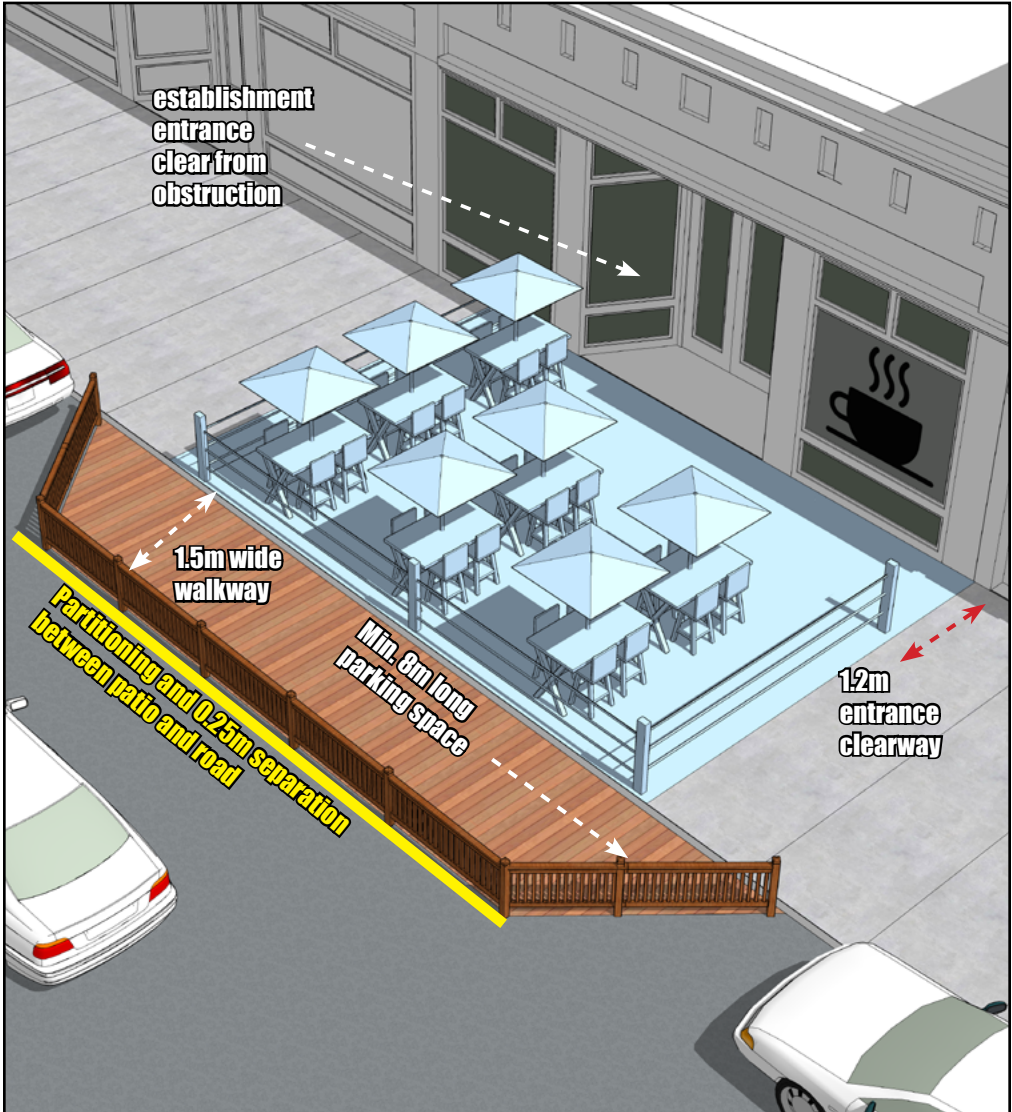
Patio applications are not required when only the front 0.75 metres of the building is used for chairs and tables for decorative purposes.



PATIO TYPES

Frontage Patio with Pedestrian Walkway

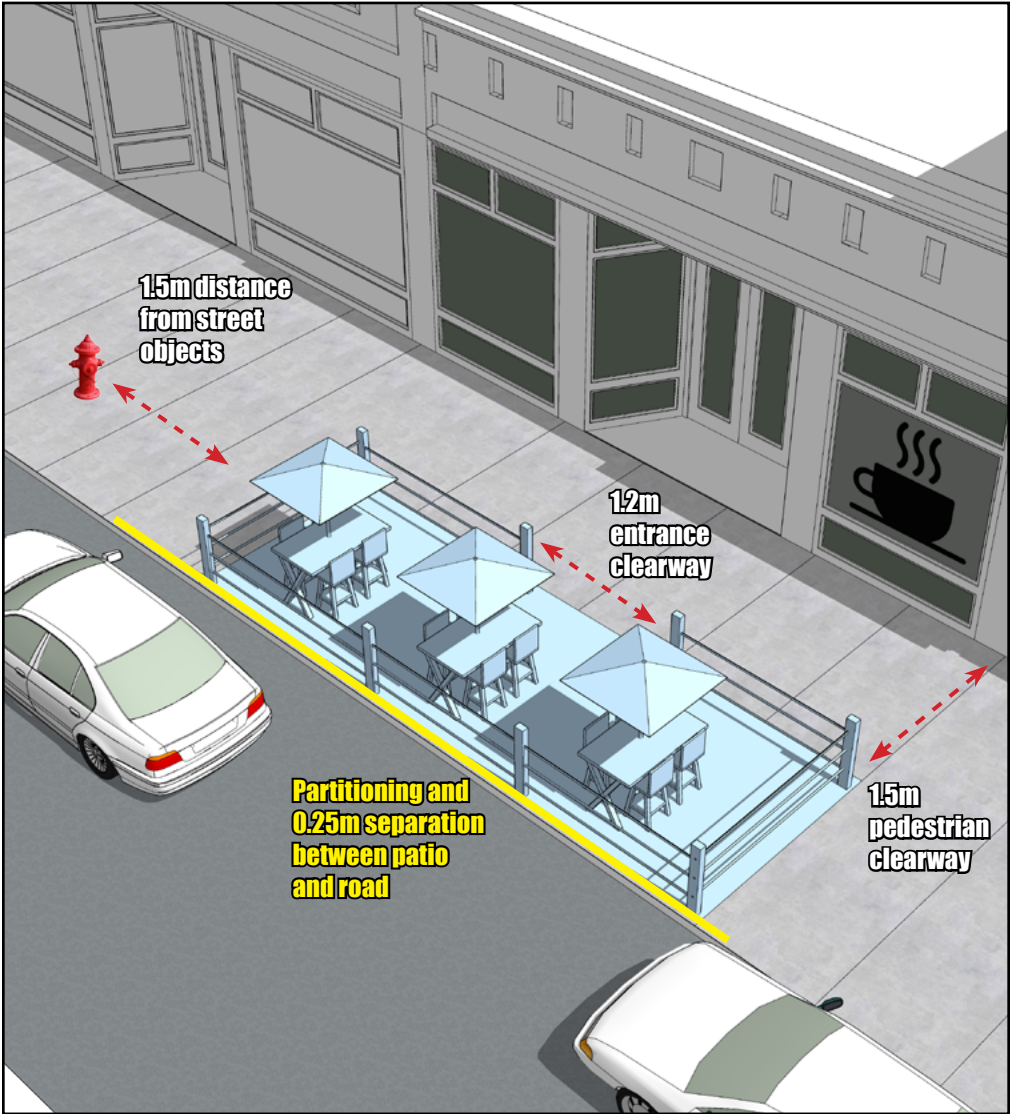
The patio is located along the face of the building and occupies the entire width of the sidewalk. A pedestrian walkway, located in an adjacent parking space, bypasses the patio.



PATIO TYPES

Curbside Patio

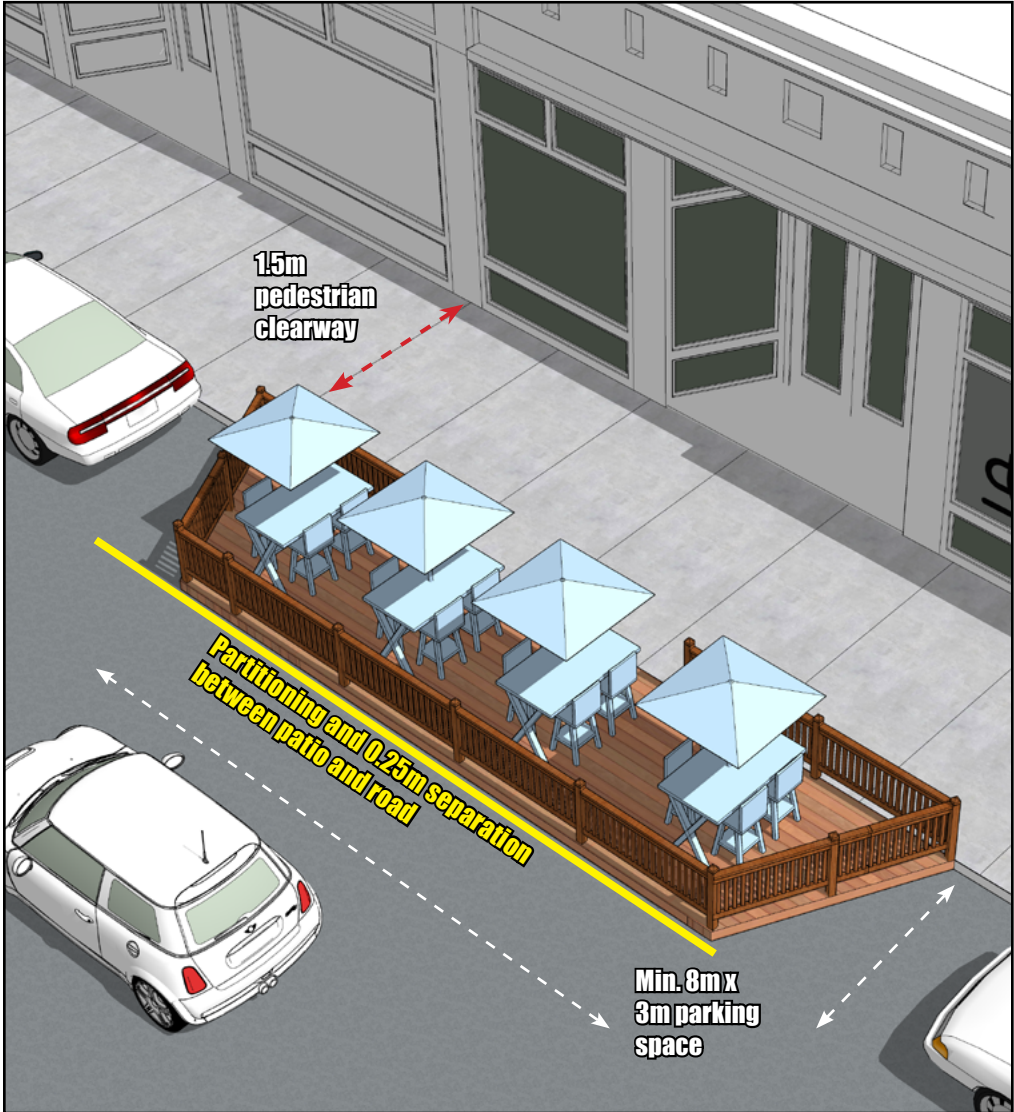
The patio is located along the curb and maintains sufficient pedestrian clearance between the edge of the patio and the building.



PATIO TYPES

Parklet Patio

The patio is located within a parking space. A sufficient pedestrian clearance between the edge of the patio and the building is maintained.



REQUIREMENTS

Patio Delineation

- Frontage patios can be delineated with objects and horizontal features (e.g. planters and decorative ropes), unless alcohol is to be served (see below).
- Curbside and parklet patios, and any patio where alcohol is to be served must be enclosed by a partition between 1m to 1.2 metres high.
 - A partition must take the form of an attractive fence or rail system, be easily removable, be free of jagged edges, and pose no trip hazard. They must be structurally strong and secure to support the weight of people leaning against them.
- Picket spacing must be at least 0.23m (9") apart to prevent head entrapment of a small child. For structural stability, post spacing must be no greater than 1.2m (48") apart when abutting a roadway.
- Patios, including pedestrian walkways, must not extend in front of other businesses without their written support.

Minimum Distances and Pedestrian Safety

- An unobstructed 1.5 metre wide pedestrian path must be maintained and be of the same elevation as the sidewalk. If the path is adjacent to a road, the width must then be 1.8 metres.
- Patio entrances must be at least 1.2 metres wide and be kept unobstructed.
- A 1.5 metre separation between the patio and street objects (e.g. benches, trees, bus stops, fire hydrants, lamp posts, and parking metres) is required. Consult with a Planner to determine if objects can be relocated, or if separation distances can be reduced.

Converting a Parking Space

- A parking space is 8 metres long by 3 metres wide. A fee will be applied to each space used.
- Patios and pedestrian walkways located within a parking space must feature reflectors for night safety.
- Patios and walkways must be setback at least 0.25 metres from the curb.

REQUIREMENTS

Patio Equipment

- Patio furniture, including umbrellas, must not obstruct vehicular or pedestrian visibility or movement.
- Outdoor heating devices must be CSA Group certified, and must be installed, operated and maintained according to the Technical Standards & Safety Authority (TSSA).
- Light fixtures should direct illumination into the patio area, rather than out towards the street.
- Patio furniture should be secured in place and be made out of durable and weather resistant materials (e.g. wrought iron, aluminum, steel and weatherproof fabrics). Plastic/vinyl furnishings are not permitted.

Patio Operation

- Patio season is between May 15 and October 1. Patios are not permitted outside of this timeframe, unless stated otherwise by the City. Sidewalks and parking spaces must be returned to their original condition at the end of the season.
- Patios must be equipped with fire-extinguishers in the presence of outdoor cooking appliances.
- Smoking, vaping and the use of cannabis are prohibited on patios on City property.
- Patios should be maintained in good working order and must comply with municipal noise, sidewalk and signage by-laws.
- At least one wheelchair accessible table that can be easily traveled to from the entrance must be provided.

Additional Approvals

- Consult the “Applying for a Patio” section for additional requirements.
- Lead time and unexpected issues can delay an application. Apply early to take full advantage of patio season.

LIQUOR SALES

If alcohol is to be served on the patio, the main premise (e.g. restaurant or bar) must have a liquor license from the Alcohol and Gaming Commission of Ontario (AGCO) . A copy of this license must be submitted to the City.

For more information, please consult with the following:

Contact a local AGCO representative directly:

Daniel McKee - AGCO Inspector

705-254-8417

daniel.mckee@agco.ca

Contact AGCO customer service:

Submit your questions online at www.agco.ca/iAGCO

or contact the AGCO's Customer Service at **416-326-8700**

or toll-free in Ontario **1-800-522-2876**

Patrons are strictly prohibited from carrying alcohol outside of a licensed patio area. In the case of a curbside or parklet patio, only employees of the licensed establishment may carry alcohol on the sidewalk between the patio and the business establishment.

APPLYING FOR A PATIO (Application Process)

- 1. Pre-application consultation:** before submitting an application to the City, meet with a Planner to discuss your proposal. This step can help explain the application process and requirements.
- 2. Starting the application:** determine if any liquor licenses or food permits are required from the Alcohol and Gaming Commission of Ontario (AGCO) and/or from Algoma Public Health (APH). Discuss the patio proposal with any adjacent businesses that could be impacted.
- 3. Submitting the application:** submit a completed application form to the Planner.
- 4. Application decision:** if the application and supporting documents (e.g. proof of insurance, AGCO license, APH permit) are approved, Planning staff will contact the applicant to sign a **License of Occupation Agreement**. Patio installation and operation can occur during the dates specified in the Agreement.

APPLYING FOR A PATIO (Application Form)

1. Applicant Information

Applicant is the:

Landowner.

Tenant who has been given permission from the landowner to make an application for a patio.

Other:

Name:

Mailing address:

Email:

Phone:

2. Business and Proposed Sidewalk Patio Information

Legal business name:

Business address:

Type of patio proposed:

Frontage: Curbside: Parklet*: Frontage w/ walkway*:

*# of parking spaces to be used:

Number of proposed patio seats:

Patio dimensions:

3. Applicant Information

Will liquor be served on the patio premise:

Yes No

If Yes to the above, is the main premise (e.g. restaurant or bar) licensed by the AGCO provided a license to serve alcohol on the patio premise?

Yes No

Will food be prepared outside the main kitchen?

Yes No

If Yes to the above, has the Algoma Public Health (APH) provided a temporary food permit?

Yes No

4. Signature

I, _____ (print name) hereby declare that the information provided in this application is, to the best of my knowledge, a true and complete representation of the purpose and intent of this application. I submit this application with the acknowledgment that the information contained in this application will be on file in the City of Sault Ste. Marie Legal Department, will be circulated to various departments and agencies for comments, and will be made available to the public upon request.

Signature:

Date:

Please do not write below. Office use only.

Planning: _____

Building: _____

Public Works: _____

Accessibility Cmte: _____

Police Services: _____

Fire Services: _____

Algoma Public Health: _____

Date

Payment

Lic. duration

APPLYING FOR A PATIO (Application Checklist)

- **1. APPLICATION FORM AND FEE** including any fees for using on-street parking space for a patio or pedestrian walkway. Consult with staff to determine fees, duration of license agreement and required annual renewals.
- **2. PROOF OF LIABILITY INSURANCE COVERAGE** for property damage and personal injury insurance against claims for bodily injury, death or property damage occurring on the City Property in an amount of at least \$2 million.
 - City of Sault Ste. Marie must be named as an Additional Insured.
 - Restaurant name and address must be referenced.
 - A 30 day cancellation notice period is required.
- **3. COLOUR PHOTOGRAPHS** of the business street frontage (showing adjacent businesses).

4. FULLY DIMENSIONED SITE PLAN

- Dimensions of the sidewalk patio area and measurements from the curb.

Identify any municipal fire connections, infrastructure, within or nearby the proposed sidewalk patio area such as parking meters, utility poles, bus stops, trees/landscaping, tree planters or other notable obstructions.
- Setback measurements between any of these obstructions and the edge of the proposed sidewalk patio are required.
- Table and seating plan layout and any patio entrances/exits.
- **5. BCIN CERTIFIED** (Building Code Identification Number) drawing for walkways or patios within a parking space. A Building Permit from the City must be obtained annually for such structures. Other patio structures (e.g. pergola, shade structures) may also need a building permit.
- **6. NEIGHBOUR CONSULTATION** and written proof of support from affected businesses if the patio proposal will extend in front of other businesses.
- **7. FURNITURE AND APPLIANCE DETAILS**, including measurements of tables, chairs, umbrellas, fencing, partitions, signs, lighting and heating elements, and their materials. Include photos of comparable products.

8. OTHER AGENCY REQUIREMENTS (if applicable).

- Permit from Algoma Public Health.
- License from the AGCO.