Purpose:

The following document outlines the requirements for sidewalk patios within the public right-of-way within the City centre/downtown. A sidewalk patio (patio) refers to a group of tables and chairs and other accessories situated and maintained upon the public boulevard or the flexible parking zone for the use and consumption of food and beverages sold to the public from an adjoining or adjacent indoor food and beverage establishment. A patio may be located curbside or against the building façade.

Downtown restaurants can take advantage of warmer weather by offering outdoor dining experiences amidst the pleasurable downtown and in proximity to the waterfront. Business establishments can extend outdoor patios using the streetscape in front of their business. The duration of patio season runs from April 15 to October 15.

The Downtown Barrie Business Association (BIA) and the City share the role of reviewing sidewalk patio applications and design concepts from businesses to ensure universal accessibility, public safety and the streetscape experience are enhanced and not negatively impacted by the introduction of a patio.

City Bylaw 2006-266 as amended (license, regulate and govern businesses) shall take precedence over this document.

All applications are required to comply with the Accessibility for Ontarians with Disabilities Act (AODA).

Application Process

The process to establish a sidewalk patio consists of five steps, to ensure the use of City property complies with the standards and requirements and protects the public. The City has the right to reject an application if it is determined that the patio does not meet the guidelines.

Applications typically are required to be submitted by March 15th.

1. Consult with the BIA representative and City of Barrie representative to discuss your desire to develop a sidewalk patio within the public right-of-way. The BIA will outline the general design concept and materials that are acceptable. The City representative will assist with the requirements for your application submission.

2. In consultation with the BIA and City representative, determine if a patio is possible, the location and dimensions i.e. building side or curb side. Use this design detail section of this document to determine which patio location is best suited for your situation. The application shall include documented consent from adjacent property owners, if utilizing an area in front of an adjacent property.

3. Complete a right-of-way activity application including accompanying drawing (plan view) that shows the design and layout for your patio, and compliance with the classification and design detail requirements. Provide an elevation (street level view) drawing of your proposed patio that shows all proposed features such as furniture.
4. Comply with design details to ensure the patio complies to the minimum standards.

5. Construct & Operate - A current right-of-way activity permit is required to operate a sidewalk patio and is valid for one season. Once your patio has been approved, you can construct and operate your sidewalk patio in compliance with your approved submission package.

The following documents are required for the review and approval of a sidewalk patio. Other than specifically identified, 1 copy of each is required. Certain documents will require original signature. If all items listed below are not submitted, the processing of the application may be delayed or considered incomplete.

6. Application Form – Completed Right-of-Way Activity Application:
   • To be completed in full with signature.
   • Fees as per Fees By-law, payable to City of Barrie (fees not applicable for 2020 and 2021 patio season).

7. Patio Site Plan:
   • 4 copies required.

8. Approval from the Downtown Barrie Business Improvement Association (BIA):
   • Signed copy by both the applicant and the BIA of the “Sidewalk Patio Terms and Conditions” which authorizes the BIA’s endorsement of the design and use of construction material for the patio and temporary sidewalk (if applicable), and provides agreement by the applicant on the terms and conditions. Please contact Stacey Zubczyk of the BIA at 705-734-1414, prior to making application to the City.

9. Extension of a Temporary Sidewalk - Professional Engineer’s Certification (if necessary):
   • An extension of a temporary sidewalk may be necessary if your proposed patio is not within the limits of Dunlop Streetscape (Dunlop Street from west of Poyntz to Toronto Street). If the extension of the Temporary Sidewalk around the patio enclosure is necessary the applicant shall provide a supporting document certified by a Professional Engineer including the Engineers seal and signature that the Temporary Sidewalk is design and installed for safety and load bearing according to applicable legislation including the Ontario Building Code. (Note: The applicant must certify that the at-grade patio or sidewalk by-pass walkway is constructed in accordance with the standard drawings, approved by the Barrie Business Improvement Area, as provided in the sidewalk patio package.)

10. Health Unit Certificate

11. Liquor License Questionnaire:
   • This can be obtained from the City of Barrie website, www.barrie.ca which is included as a download on the main page.
• This questionnaire is a separate process from the Sidewalk Patio Application.

12. Liquor License for Patio Area, if applicable.

13. Copy of Current Liability Insurance

General Liability Insurance from an insurer licensed in the Province of Ontario for $2,000,000 per occurrence with an aggregate limit of no less than $5,000,000 to the Corporation of the City of Barrie against any liability for property damage or personal injury, negligence including death which may arise from the applicants operations under this agreement. The Corporation of the City of Barrie and the Downtown Barrie Business Association must be included as an “Additional Named Insured”. The Commercial General Liability shall contain Cross Liability and Severability Clauses and Products & Completed Operations coverage including a standard contractual liability endorsement.

14. Applicable Fees (Annual Fees By-law)

15. Letter of permission signed by the property owner (with their contact information) if not your property and/or letter of permission signed by your neighbouring property owner (with their contact information) if you propose an extended permit area across a neighbouring frontage area or curbside area.

Patio Classifications

There are two potential sidewalk patio locations within the public right-of-way. Selecting the right location for the specific context will ensure the streetscape is enhanced and the safety of patrons and the public is secured. When choosing the location of a patio, consideration should be given to the existing streetscape, surrounding uses, and availability of space. Patios are to respect adjacent businesses and not impede the flow of pedestrians or pedestrian traffic movements. Sidewalk patios fit into two categories:

Curb Side

Curb side patios are located within the flexible parking zone. A patio in this zone shall not encroach into primary walkway to accommodate the patio footprint. The setback between the exterior perimeter of the patio and the curb face shall maintain a minimum buffer of 0.5 m. A minimum 1.75 m walkway shall be maintained between the building and the exterior of the patio. Curb side patios must be in front of the business and not extending to your neighbouring boulevard frontage unless you submit signed letters of permission from the adjacent property owner.
Building Side

The patio is located immediately adjacent to the building façade but extending beyond the front property line into the amenity zone between the primary walkway and the parking pad. A secondary walkway shall be used in lieu of the primary walkway. The secondary walkway is located in the parking pad zone and shall be a minimum of 1.75 m in width from any obstacles including bollards, edge of tree grates, light posts and other fixed elements. If this is not possible, this location should not be considered.

Patio Location Considerations

Intersections

A patio at an intersection requires special treatment to ensure the increased pedestrian volumes and general activity can be accommodated without interference. Where a patio is in close proximity to an intersection, an addition to the clearway is required. From the corner of the intersection, a minimum clearway of 3 m is required. To ensure adequate traffic sightline visibility, an unobstructed 6 m x 6 m sightline triangle should be maintained between the exterior of the patio to the crossing point of the intersection. This unobstructed sightline area is required for patios located along the building at an intersection corner.

On Street Parking:

A full parking space length should be used for curb side patios. The parking area that remains available on either side of the patio must provide one or more full parking spaces of 6.7 m in length. Adjacent patios may warrant a different approach and shall be examined during application process. The outside edge of the patio must be at least 0.5 m from the travel lane creating a 0.5 m clear zone.

Obstructions (Waste/Recycle Bins, Parking Pay & Display, Planters, Light poles etc.)

City staff, contractors and utility companies need space to service, access, repair or maintain trees/plants, fire hydrants and connections, electricity elements, natural gas connections, permanent public space waste receptacles, curbside waste and other street assets for residents, businesses and visitors.

Permanent public space waste receptacles must be directly accessible from the travel lane to be serviced for collection and maintenance. Waste set out for curbside collection must be directly accessible from the travel lane. City street must serve everyone including key services such as emergency services and public transit. Street features must be able to be used for their intended purpose, accessed and maintained.

The City and all public utility agencies retain the right of access to the approved sidewalk patio area for the installation, maintenance and repair of pipes, cables, wires, poles, hydrants, etc., as necessary. In case of emergency, no notice will be given. For scheduled work, a minimum notice of forty-eight (48) hours will normally be given.

The City retains a right of access over, to and upon a sidewalk patio for emergency vehicle access.
Waste and Storage: Sidewalk patio operators shall maintain the sidewalk patio area, and the immediately adjacent area, in a clean and safe condition at all times. Refuse containers are not permitted within the sidewalk patio area but portable service carts may be used for collection and transport to the associated restaurant. The storage of waste is not permitted.

**Patio Design Details**

Sidewalk patios shall be comprised of structural, functional, and decorative features. To ensure public safety and general aesthetic continuity, the following design details provide the minimum requirements for various features within a sidewalk patio. The City encourages creativity and the development of unique outdoor dining spaces within the requirements provided.

The patio shall be constructed and maintained by the applicant as per the construction guidelines and must be compliant with the Accessibility for Ontarians with Disabilities Act (AODA).

Temporary Bollards that are required to be relocated to accommodate the patio will be completed by City Roads, Parks and Fleet staff.

An unobstructed pedestrian walkway of at least 1.75 m must be maintained at all times. The location of the clearway relative to the patio will depend on the location of the patio. Patios located at an intersection corner will require a clearway of 3 m from the corner curb to the patio enclosure. The secondary pedestrian walkway width in the flexible zone must be along the full length of the permit area, and not change in direction more than 20 degrees horizontally for accessibility for people with visual and mobility issues.

An entryway of at least 1.75 m must be provided to the patio, and where possible, should be aligned with the entrance to the corresponding establishment. When entrances cannot be aligned, they should be provided in close proximity to each other to ensure ease of movement and service between the establishment and the patio.

Sidewalk patio furnishings, fences and other sidewalk patio improvements must be removable and not permanently fixed in place. All objects must be contained within the approved sidewalk patio area and removed during the off-season or after the sidewalk patio ceases operation. The street, sidewalk and municipal property must be restored to its original condition to the satisfaction of the City.

The design of the patio structure should not inhibit the adequate positive drainage of storm water runoff to the street.

**Patio Enclosure Fencing**

Fencing of a sidewalk patio must form a fully enclosed perimeter. The fencing should appear ‘open’ and be designed in keeping with the heritage character. Fencing shall meet the requirements of the Alcohol and Gaming Commission of Ontario (AGCO). Fencing material must be approved by the BIA. Wrought iron style is the most desirable. Patio fencing must be not less than 1.07 m in height high as per AGCO regulations. The fencing cannot be anchored into the paving stoves or sidewalk. The fencing must be weighted either footplates...
or stable mass planter boxes. Patio fencing shall be supported by metal foot plates and shall not be designed to penetrate the surface of the sidewalks (i.e. no bolts/brackets). Alternative supports must be used such as planters, weights, etc.

Open guardrails are encouraged to reduce the risk of high winds using the guardrail to move the patio structure. Self-supporting plates shall have no parts of the fence create a trip hazard and do not project beyond the limits of the permit area.

Fencing at the patio corners shall have cane-detectable planters or a lower rail height between 75 mm and 150 mm above the sidewalk surface with a contrasting colour to the sidewalk to aid visually disabled person using the sidewalk. Retro-reflective marking tape and materials must minimize glare for drivers and cyclists.

Fencing shall not extend past the permit area, or attached to heritage properties, trees, street elements or utilities. Fencing shall be curved or angled at street corners for unimpeded pedestrian movement and vehicle sightlines.

**Minimum Clearance requirements from Patio Enclosure Limits**

- All hydrants offset 1.5 metres
- Gas assets or meters 0.6 metres
- All parking pay-display units 1.0 metres
- All bollards defining secondary walkway 1.75 metres
- All waste receptacles 3.0 metres
- Mid-block pedestrian crossings 5.0 metres centered
- Utility vaults 1.5 metres

Electrical power cords or any device that cross the travelled portion of the boulevard (sidewalk) are not permitted.

Signs and Advertising: No signs or advertising within a sidewalk patio shall be permitted with the exception of a menu and no smoking sign(s) without the consent of the BIA. A single menu can be posted on the fencing but must be no larger than 40 cm (16 inches) by 50 cm (20 inches) in size.

Permit holders shall ensure that all umbrellas are at least 0.8 m from the curb face. All shade umbrellas may project into the pedestrian walkway to the lesser of half the umbrella’s width or 1.5 m. The lowest edge of any umbrella must be at least 2.1 m above the sidewalk surface. No sidewalk patio permit holder shall place umbrellas such that they overhang the pedestrian walkway at a height of less than 2.2 m, and such umbrellas must be closed during rain events and not cause water to drip onto the pedestrian walkway.

Authorization is required prior to installation of an awning. Awnings require City approval from the Legal and Real Estate Services Branch of the Legal Department.
Patio Site Plan Minimum Information Requirements

Sidewalk Patio Site Plan – Required Information

To assist with the Sidewalk Patio Site Plan design, the applicant is requested to provide a site plan, preferably on 11 X 17 ledger size paper to scale and properly labelled with the following minimum information:

- a) The location and dimension of the building establishment, the entrances & exits and washrooms.
- b) The location and use of the adjacent buildings, the entrances and exits.
- c) The location and dimension of the patio, the entrances & exits.
- d) The area of the patio (in square meters).
- e) Location and dimension of any enclosures, umbrellas/tents, awnings, etc.
- f) The location, height and construction material to be used for the boundary fence, gate location and width of gate(s).
- g) Location of fire extinguishers.
- h) Location of table, chairs, bars, stages, etc.
- i) Expected occupant load; if applicable.
- j) Temporary sidewalk design, location and dimensions, construction material and Engineers Certificate for safety and load bearing, if required; number of on-street parking spaces required.
- k) Location of ALL municipal services and/or assets within the patio or close proximity (e.g. location of curbs, municipal parking spaces to be utilized, parking meters, public space waste receptacles, sidewalk, hydrants, storm sewer grates, manholes, trees and diameter of trees etc.), all below grade and above grade utilities including below grade chambers/vaults and hydro poles fire hydrants, along with distances between the patio and services/fixtures.
- l) The construction and design shall consider the following matters to be addressed on the site plan:
  - i. Location of services such as hydro, water and gas;
  - ii. Railing installation, height, construction;
  - iii. Effect on public sidewalk;
  - iv. Accessibility;
  - v. Installation of any other fixtures to premises or lands;
  - vi. Maintenance of City improvements, such as trees and shrubs;
  - vii. Liquor License requirements;
  - viii. Road Right-of-Way requirements.
- m) Proposed elements and their location and dimensions (e.g., tables, chairs, umbrellas, fencing/railings, hanging fence planters, standing planters, to be located in the permit area.
- n) Pedestrian sidewalk measurements: distance between outer edge of proposed permit area to nearest object or back of the curb.
Minimum Information Requirements for Outdoor Patios

This information is included for applicant’s consideration in order that information requirements and responsibility are fully understood.

Proposed patios at-grade or ones that are not structurally supported are not subject to the Building Code. However, proposed outdoor patios that are elevated and require structural support are subject to the Building and Zoning Department review and applicable fees.

Building-side Patio Design

Attached to the building (with the owner’s consent). Patio enclosure shall be weighted and not anchored into paving stones.

Curb Side Patio Design

Secondary walkways required around patio to be 1.75 m in width minimum.

Installation of patios on corner lots where sight lines may be impacted due to impaired vehicle and pedestrian sightlines may not be permitted.

Obstruction of underground utilities, drainage flows or fire department connections. Applications must be accompanied with a site plan that describes and depicts all underground and above grade utilities, drainage flows and municipal fixtures such as fire hydrants, parking meters, public space waste receptacles, trees and grates, catch basins, manholes etc. Due to the circumstances, certain proposed patios may not be permitted due to required access to the utilities or their proximity. Applicants will be required to demonstrate that no municipal fixture or utility is being impacted and how the drainage flow is maintained. In the event that a fixture or utility appears to be impacted, written approval is required from the agency or department responsible for the fixture.

Maintenance of a 1.75 m sidewalk (municipal or by temporary construction) for pedestrian movement. The minimum width for the City sidewalk sweeper to maneuver is approximately 1.5 m. Therefore, all outdoor patios must maintain a sidewalk width of a minimum 1.75 m. Pedestrian movement should be considered first and foremost in all designs and in order to maintain maximum widths for pedestrians in the downtown area in order to support visitor use.

Waste Pick Up - Garbage is collected Tuesdays and Fridays and recycling is collected on Tuesdays in the Downtown Barrie Business Area. If outdoor patios are supported with an on-street temporary sidewalk, garbage and recycling is to be placed to the side of the patio on the sidewalk directly accessible from the travel lane and not in front of the patio on the street. This could result in more than one business placing their waste in the same location in order to be accessible for curbside collection. Alternatively, arrangements can be made by BIA for rear garbage pickup or drop off at a centralized facility.

Design of the Temporary Sidewalk (if applicable) - All temporary sidewalks extending onto the on-street parking area must be 1.8 m in width, be structurally designed and certified and be preapproved by the BIA. They must include reflectors for night safety. No bicycles,
strollers, etc. are permitted to be chained or locked onto a temporary sidewalk or outdoor patio fencing.

If a liquor license is desired by the business owner, it is administered through the Alcohol and Gaming Commission of Ontario (AGCO), and not the City of Barrie. Through the AGCO approval process, the City is circulated in the review of the application. The City requires a minimum of 2.5 weeks for the City’s review in the process for a license. The application and issuance of a liquor license is a separate process from the application for a sidewalk patio. However, an approved liquor license for the outdoor patio is required to be submitted at the time of application for the sidewalk patio.

There are a few accessible parking spaces in the downtown core located at Dunlop Street and Owen Street, and Dunlop Street and Clapperton Street. Given their location, and whether a patio proposes to temporarily remove these parking spaces will be reviewed on an individual basis. Individuals with accessible parking permit placards issued through Service Ontario are able to park anywhere downtown without paying. In accordance with City of Barrie Traffic By-law 80-138, as amended January 16, 2012, Section 5(20) Ontario Disabled Person Parking Permit states, “Motorists displaying an Ontario Disabled Person Parking Permit shall be exempt from paying parking rates for parking at any permitted parking location”.

A Professional Engineer must certify the design of the extension of the temporary sidewalk for safety and load bearing design. (Note: The applicant must certify that the at-grade patio or sidewalk by-pass walkway is constructed in accordance with the standard drawings, approved by the Barrie Business Improvement Area, as provided in the sidewalk patio package.)