



# Sidewalk Patio and Café Guidelines

Temporary guidelines to support expanded seating for COVID-19 business recovery

## Pandemic Response

As small businesses adjust to a 'new normal' and re-opening with continued physical distancing and other health protocols due to COVID-19, many restaurant and pub establishments will need additional space for their operations. With the arrival of summer, sidewalk cafés and patios can provide businesses with expanded space to accommodate patrons safely, while also contributing to vibrant and active downtown commercial core. The Municipality has recently temporarily amended its bylaws to enable more flexibility to support the installation of temporary patio space on public and private property.

**This program is valid until October 15, 2020 and may be re-evaluated as Provincial Health Orders or COVID-19 protocols change.**

## Patio/Café Principles

### Safety First

Patios and Cafés cannot obstruct foot traffic on sidewalks and must enable pedestrians and those using mobility devices to easily and safely pass through the space. A minimum of 1.5m or 5 ft of clear sidewalk width is required.

### Accessible

All patios must provide barrier-free access from the sidewalk. No elevated platforms or outdoor carpets are permitted.

### Emergency Access

Patios and seating cannot interfere with access to:

- ◆ Public utilities and service connections
- ◆ Emergency service or delivery vehicles
- ◆ Fire hydrants, fire connections or other services associated with fire protection

### Consider your neighbours

Patios must not negatively impact neighbouring residents or businesses and consideration should be paid to noise mitigation and patron behavior.

## Approval Process

All sidewalk patios require a Sidewalk Café Permit. To ensure your application can be processed quickly, make sure you review these guidelines to ensure you provide all of the requested information, and that you meet the requirements.

Submit your application and necessary drawings to Building Department via email ([bylawenforcement@westperth.com](mailto:bylawenforcement@westperth.com)) including the following:

- 1** Digital (preferred) or hard copy of the site plan (hand-drawn to scale) that includes 6m (19.7 ft) on either side of the storefront with streetlights, street furniture, poles, trees, and any other physical, utility or drainage feature on the street/sidewalk.
- 2** Copy of your insurance showing a minimum \$5 Million Comprehensive General Liability with the Municipality added as Additional Insured. If you are serving liquor please also show evidence of \$5 Million Host Liability insurance.
- 3** Work with staff to complete a Patio Agreement, which provides you permission to use the Municipal sidewalk for this purpose.
- 4** Businesses are responsible for the safety, protection and prevention of theft for any and all furnishings, fences and other improvements in the Sidewalk Patio area and must be removeable and not permanently fixed in place (i.e no bolts or brackets).
- 5** Final inspection by Municipal staff, which may include staff from Building, Fire, Operations and/or Planning divisions.

## Fees, Deposit, and Insurance

There is no annual fee charged for temporary patios that will be dismantled when the temporary patio program ends on October 15, 2020.

- If you decide to keep your patio beyond October 15, 2020, the Municipality may extend your encroachment agreement to December 31, 2020, to provide time for a permanent sidewalk patio application and review process, and any installation adjustments that you may need to make. At that time the Administration Deposit of \$800 and \$2,000 Security Deposit will be applied.

No security deposit will be charged for temporary patios. However, the encroachment agreement will include a clause that any damages to Municipal property will be invoiced to the applicant and any unpaid invoices will be applied to the property's taxes.

You will be required to provide a certificate of insurance evidencing a minimum of \$5 Million Comprehensive General Liability Insurance with the Municipality added as Additional Insured as per the patio encroachment agreement. If you will be serving liquor you will need to provide evidence of a minimum of \$5 Million Host Liquor Liability insurance.

# Design Guidelines

## Accessibility

All exits/entrances must be a minimum of 1.2m (4ft) wide to accommodate wheelchairs, strollers, etc. All patios must provide barrier-free access from the sidewalk. No elevated platforms or outdoor carpets are permitted.

## Sidewalk Clearance

To ensure pedestrian traffic can freely move around your patio, you must maintain a minimum of 1.5m (5ft) clear passage from any obstructions (such as street lights, signs, hydrants, etc.) on the sidewalk. Where the patio is on the sidewalk, it should be set back at least 1.8m (6ft) from the face of the adjacent curb.

Where these distances cannot be achieved, please consult with Building Department staff.

## Fences / Delineation

Some form of delineation should be provided to define the area of your patio (e.g. moveable planters, rope, temporary posts, wooden fence, etc.). The height should be between 1.1 metres (42 inches) to a maximum of 1.2 metres (48 inches), the width must accommodate wheelchairs and strollers, and openings must be provided for safe exiting.

## Other Considerations

### Good Neighbour

Outdoor patios can cause disturbances to nearby residences. Staff are required to monitor and manage the patio to ensure patrons are not negatively impacting neighbouring properties. No amplified music or speakers are permitted, and service must end at 9:00pm with all patios cleared by 11:00pm.

### Access to Fire Hydrants & Connections

A clear path from the street and 1m (3ft) clearance around fire protection equipment, including fire hydrants and Fire Department Connections must be maintained. Fire Department access and fire lanes must be maintained at all times.

## Exits

Exits from existing buildings to sidewalks must be maintained and their width must not be reduced. Exits from temporary patios must have a minimum width of 1.2m (4ft) with maximum occupant load of 60 people.

## Accessory Structures & Lighting

Accessory structures (overhead canopies, enclosures, tents, heaters, etc.) are not permitted. If you are using outdoor lighting, it must be the lightening on the façade of the associated establishment.

## Size of Café

The area of an outdoor café shall be located immediately against the building façade and may extend no more than 2.0 metres (6.6 feet) from the building and minimum 2.0 metre (6.5) walkway for pedestrians. Barrier free access to the outdoor café area shall be maintained at all times.

## Size of Patio

The area of an outdoor patio shall be located immediately against the building façade and may extend no more than 2.5 metres (8.2 feet) from the building and minimum 1.5 metre (5) walkway for pedestrians. The area of an outdoor patio may not exceed the interior floor area of your business.

## Landscaping

Adding plants and landscaping to your patio is not necessary, but it is beneficial in creating an inviting and colourful space for your guests.

## Serving Alcohol

For temporary patios, alcohol is permitted for your expanded area if you currently have a licence to sell liquor from the Province's Alcohol and Gaming Commission of Ontario. Please note that the Province's temporary expansion area program is valid only until January 2, 2021.

For temporary cafés, alcoholic beverages are not permitted.

The capacity of any new patio, or extended patio space where the licensee has an existing licensed patio, does not exceed 1.11 square metres per person.

# Plan Your Patio

You can use this graph paper to plan out your patio and then attach it to the application. Remember to allow for 6m (19.7 ft) on either side of the storefront with street lights, street furniture, poles and trees marked out.

