

Appendix C

Commercial Patios in the Public Right of Way – summary of other municipal practice

Town/ City	Category / Criteria
	Dimensions / Setbacks
Kingston	30 metre separation distance from residential zone Clear width of sidewalk to be maintained abutting the patio and may range from 1.5m to 2.5m Minimum clear height from grade to any overhead canopy frame should be 2.4 metres or 2.0 metres should an awning have a skirt Deck or Platforms – where a patio is elevated above grade the height of the surface of the deck should be no greater than 2 metres. Terraced decks should be setback at a ratio of 2.1 with a height at sidewalk level of 0.45 metres Where patios are between the curb and the sidewalk the patio shall be set back a minimum of 1 metre from the curb Surface area may not exceed the interior licensed floor area of the restaurant (LLBO Licensed premises) Width – Patio shall not extend beyond the frontage of the restaurant and shall be minimum of 1 metre from the door of any adjacent property
Collingwood	Length – patio shall not extend beyond the frontage of adjacent uses unless written permission is obtained from the abutting property owners and patios shall not extend longer than 2 business frontages or 9 metres. Where two restaurant uses that are side by side have patios then each shall provide a 0.6m setback from the other in order that an aisle between the two is maintained.

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	Maximum extension of patio from building facade 10 feet Minimum 2 metre unobstructed pedestrian corridor (sidewalk) shall be maintained
Hamilton	A patio shall be limited to a seated capacity of a minimum of 1.10 square metres of patio area per person Clear way (unobstructed sidewalk) of 1.5m wide shall be maintained Patio to be setback 0.45 metres from edge of public sidewalk Awnings a minimum of 2.13 metres above cafe floor and minimum of 2.36 metres above grade Minimum 1.2 metre setback from fire hydrant Entrances must be open and unobstructed and fully accessible for people with disabilities An unobstructed aisle of 1.2 metres wide should be provided to allow access to the main door of the restaurant/ premises
Cobourg	Pedestrians passing width of 2.4 metres maintained at all times 2 metre setback from any tree, light pole, fire hydrant shall be maintained Overhead clearance of 2.0 metres shall be maintained
Ottawa	30 metre separation distance from residential zone

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	In mixed use buildings with residential on second floor than patio shall have an awning Clear width of public sidewalk abutting an outdoor patio shall be 2.4 metres. May be reduced to a minimum of 1.8 metres where site constraints prevent the 2.4, width Alignment of the sidewalk should remain straight For patios within the boulevard between the curb and sidewalk a minimum setback of 1 metre from the curb is required Surface area of outdoor patio may not exceed the interior area of the restaurant Minimum 1 metre wide clear path to the door of the restaurant to be maintained Patio not to extend beyond the frontage of the property Where patio has a elevated deck base a ramp to the patio and building entrance shall be provided to all access for people with disabilities Where patio is elevated above grade the height to the deck surface above grade must be no higher than 2 metres Elevated decks setback at a ratio of 2.1 with a maximum height at the sidewalk of 0.45 metres and a minimum height of 0.15 metres
Windsor	30 metre separation distance from residential zone Public sidewalk must be at least 3.7 metres wide in front of a building before a location will be considered for a sidewalk cafe

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	Unobstructed sidewalk width of 2.4 metres shall be provided and up to 3.7 metres near intersections Minimum entrance width of 1.5 metres unobstructed path to the door of the restaurant provided Sidewalk cafes without enclosures and no licensed can project a maximum of 1.8 metres from the face of the building and be a single row of small tables and chairs Overhead clearance of 2.4 metres shall be maintained
Fences	
Kingston	Required fence facing the street is 1.06 metres. Aide screens up to 2.0 metres in height permitted Fences shall be removable at all timed and stored off-site outside of permit period Design of fences to be compatible with the streetscape Top rail shall be painted white and the remainder painted in a contrasting color
Collingwood	Fences constructed from ornamental iron or aluminum and painted black Minimum height 1.1 metres, maximum height 1.2 metres Fences prohibited for sidewalk cafes
Hamilton	All boulevard cafes (between sidewalk and curb) must have perimeter fencing

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	Fences to be setback 0.45m from sidewalk and 2.0m from curb, whichever is less 1.2m setback from fire hydrant and 0.45m from other street furnishings, such as trees, bus shelters, light poles, benches, bins Wood fencing not permitted in downtown areas Fences shall be minimum 0.9m high and maximum 1.2m high Fences to be removed for off-season and must not penetrate the surface of the sidewalk, although bolt attachments are acceptable
Cobourg	All fences shall be minimum height of 9.0 metres and minimum of 1.06 metres from licensed premises
Ottawa	Fences must be provided for licensed premises with openings to the sidewalk no greater than 2 metres wide Licensed premises to have fences minimum 1.06 metres high and side screens up to 2.0 metres high above grade or platform level Fences to be removable at all times Fences to be stored off-site outside permit period Design and finish to be compatible with the streetscape All finishes shall be clean and free of exposed screws/ fasteners and should not obstruct sight lines of pedestrians or drivers

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Windsor	Fences mandatory for patios licensed to serve liquor, but are discouraged for small cafes which are not licensed Minimum height 0.92m and maximum height 1.02m Access opening within fence will be no less than 1.5m and no greater than 2.0m Dark painted iron, steel or aluminum preferred. Wood, plastic, PVC not permitted Year-round railings may be given consideration where these are of exceptional quality, originality and complexity of design; otherwise storage off-site is required
Season / Duration of Permit	
Kingston	April 1 st to October 31 st
Collingwood	Sidewalk Patios – April 1st – October 31st Sidewalk Cafes – May be year round with removal of furnishings required for snow removal
Hamilton	Not Available
Cobourg	April 1 st to October 15 th with removal of furnishings by October 31 st

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Ottawa	Permit commences on the first day the encroachment is used in the current year and expires on April 14 th of the following year with fees calculated from the first day to September 30 th .
Windsor	Agreement terms – 1 year for first time applicant, 3 years within city centre and 5 years outside city centre subject to no past incidents / issues
Other design related issues relate to planters, illumination, signage, outside heating devices, garbage receptacles, and means of attaching fences.	