



Live+Outside

DOWNTOWN

PATIOS

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INTRODUCTION

Sidewalk patios foster an inviting, thriving and vibrant downtown community. Patios not only enhance the attractiveness and ambiance of the downtown core, but also create accessible community spaces and contribute to safe walking environments. As part of ongoing revitalization efforts, the BIA & city is encouraging the use of sidewalks, boulevard spaces and on-street parking bays/lanes of travel for patios and retail activities.

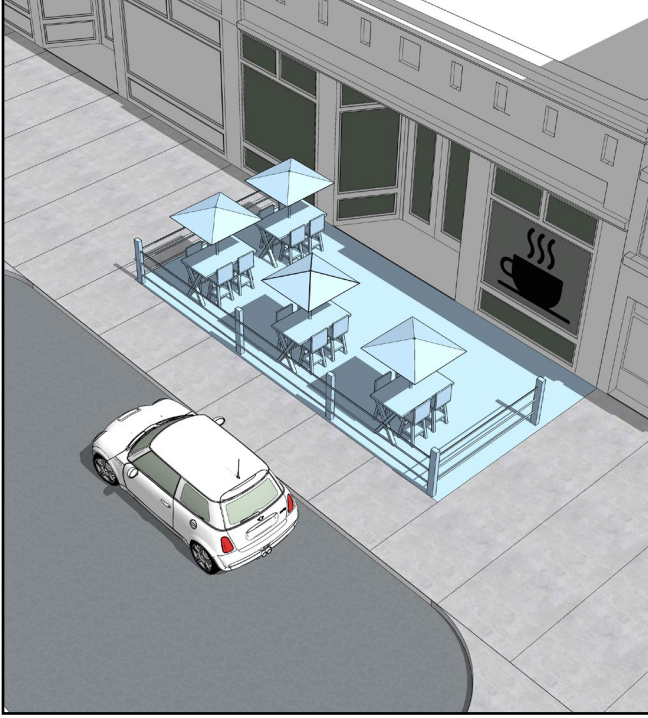
The purpose of this booklet is to provide general guidance on the design, operation and approval process for a sidewalk patio. Sidewalk patios occupy public space and as such, there are a number of considerations to ensure that these spaces are safe and accessible.



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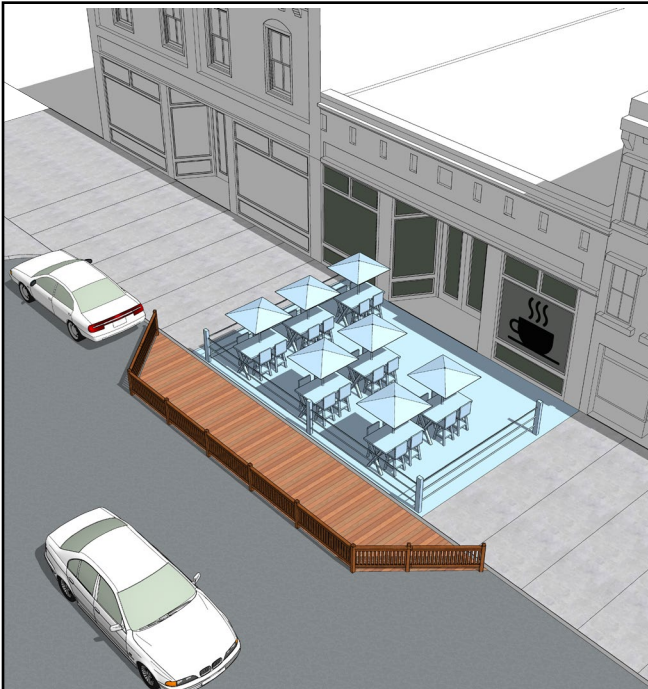
DOWNTOWN

TYPES OF PATIOS



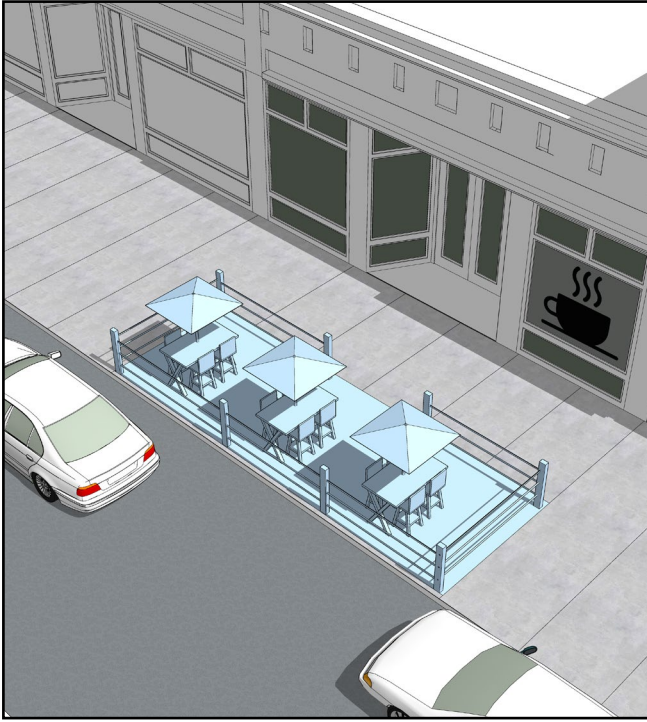
Frontage Patio

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



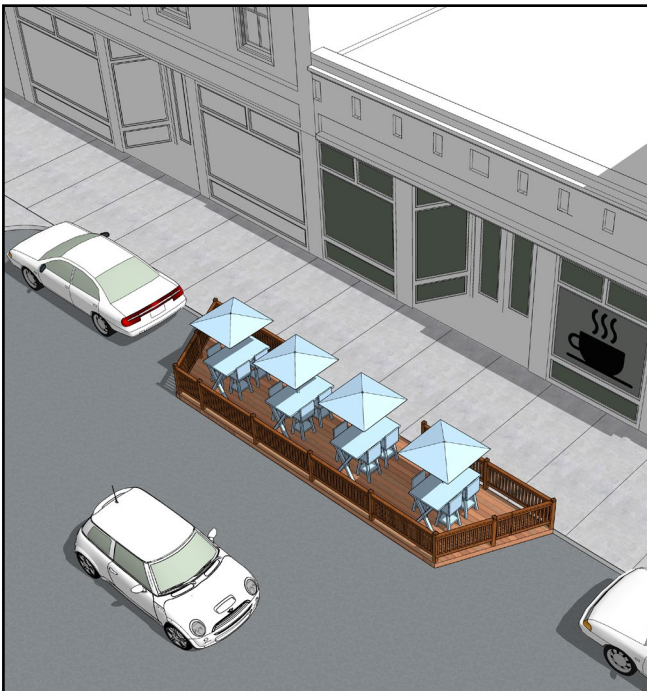
Frontage Patio With Pedestrian Pathway

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



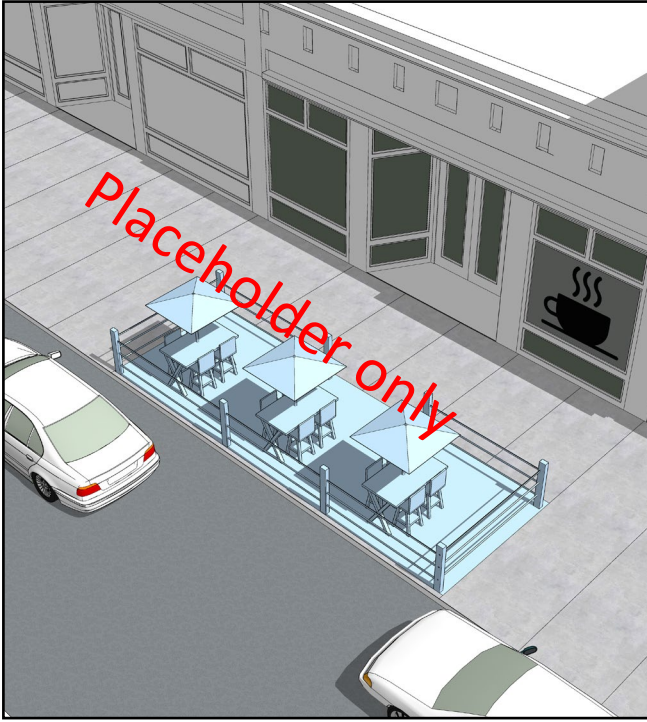
Curbside Patio

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



Parklet Patio

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



In Lane Patio

The patio is located along the curb and into a lane of traffic. It must maintain sufficient pedestrian clearance between the edge of the patio and moving traffic.

GENERAL GUIDELINES

- **Pedestrian clearway:** a minimum 1.5 metre pedestrian clearway must be maintained to allow pedestrians to continue to travel along the boulevard. Pathway can be between the patio and building, or around patio.
- **Street objects:** patios must maintain a minimum 1.5 metre clearance from any streetscape objects (e.g. benches, trees, bus stops, fire hydrants, lamp posts, etc.).
- **Entrance from the sidewalk:** should the applicant choose to have direct entrance into the patio from the sidewalk, the entrance must be a minimum of 1.2 metres wide and clear from any obstruction.
- **Partitioning:** Patios should be delineated by a vertical element (e.g. decorative ropes and planters). A Partitions, including fencing or railing systems, shall be decorative, free of jagged edges, easily removable, and pose no trip hazard. These partitions must not be anchored in any way into municipal infrastructure.
- **Setback:** curbside patios, walkways and patios using on-street parking stalls shall be setback 0.5 metres(8 inches) from the traveled portion of the road.
- **Required drawings:** for constructed pedestrian walkways or patios , drawings prepared and signed by a P.Eng are required. The same designer must certify that the structure is constructed as per the approved design. Applicants may be required to apply for a building permit.
- **To build/expand into the road, the following protocols must be followed:**
 - If you **HAVE A PARKING SPOT** in front of your business you may occupy that spot through the GCS process and if agreed upon with adjoining businesses within a one(1) parking spot radius, can extend in a linear fashion into neighbouring parking spaces.
 - Please note, the CGS charges a fee for occupying on-street parking spaces. The fee is \$10.40/day per occupied parking space however for patios only 50% of the cost will be charged.

- If you **DO NOT** have a parking spot in front of your business you are allowed to extend your patio into the road up to 18 inches(0.5m) from the centerline and if agreed upon with adjoining and neighbouring businesses, can extend in a linear fashion down the road. To build anything on the road you must provide a comprehensive traffic control plan that must be reviewed by both The City of Greater Sudbury & The DSBIA. This traffic control plan must be prepared in accordance with OTM Book 7 and be prepared by a competent person (trained on how to use OTM Book 7)
- **Any other variations must be approved by both The City of Greater Sudbury & The DSBIA**
- **Noise:**
 - Music/Noise should be kept to your vicinity and not encroach on neighbouring patios or disrupt neighbouring businesses or residential tenants. There is a noise ByLaw. Fines may be issued for non-compliance.
- **Legal Infractions:**
 - Should you receive 2 or more legal(By-Law, AGCO, GSPS, Etc) infractions due to lack of customer control, inappropriate behaviors, noise complaints or any other violations, We reserve the right to **REVOKE** your current permit and to **DENY** future patio applications.

- **Accessibility:** patios shall provide at least one barrier free table with appropriate knee and toe height clearance to allow individuals using wheelchairs to comfortably sit at the table. An accessible path of travel to this table must be maintained.

*Things to consider:
use tables that already offer
appropriate height and knee
space underneath to avoid the
need for specially designated
“accessible” tables.*

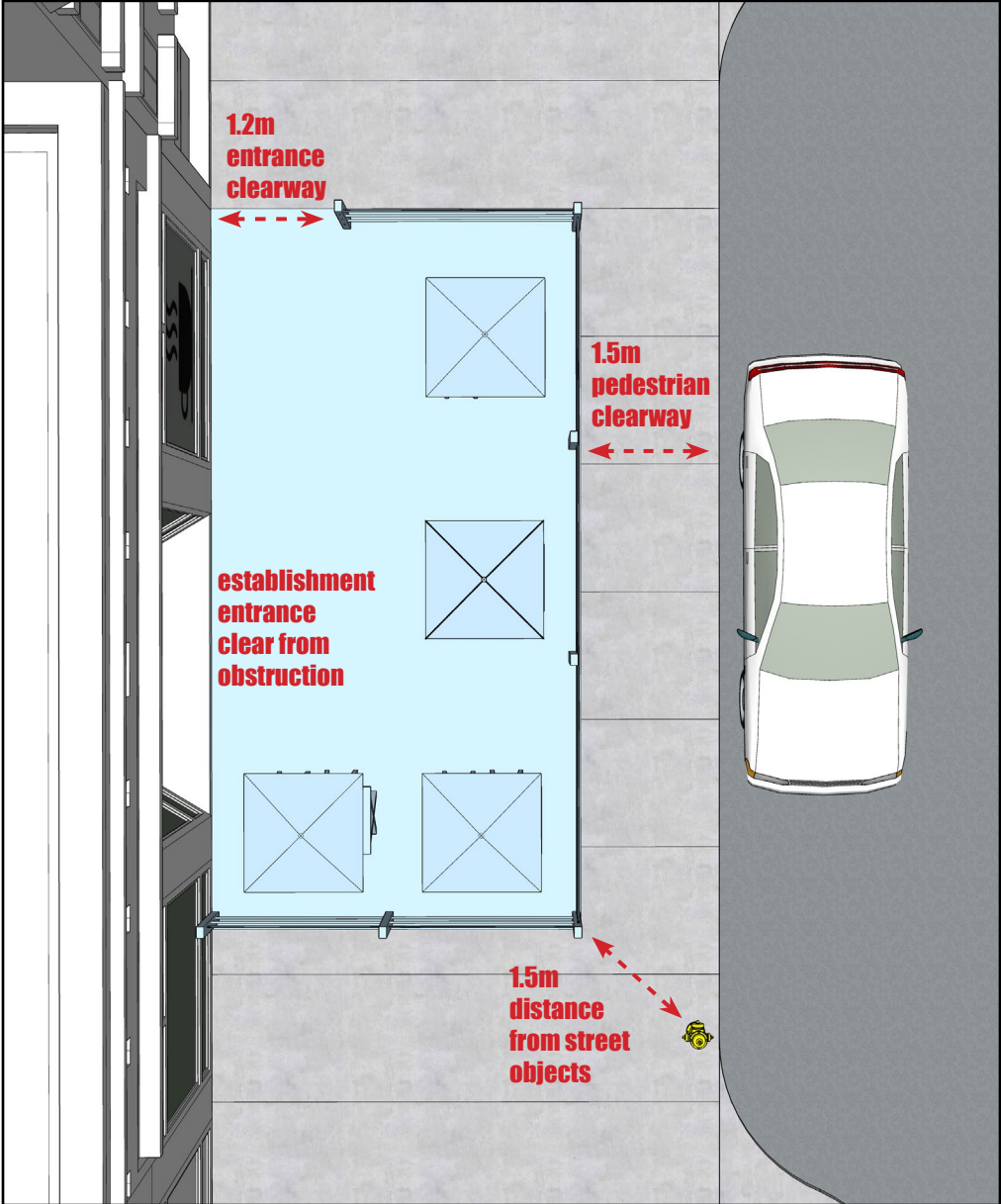


DSBIA Rebate Program

- Your DSBIA will again be offering our rebate program to anyone looking to build a patio or outdoor retail space. We will reimburse you up to 75% of your total qualifying expenses to a maximum outlined below for each corporation operating a patio.
 - **1st Year Applicants - Eligible for up to \$7500.**
 - **2nd Year Applicants - Eligible for up to \$5000.**
 - **3rd Year Applicants and beyond - Eligible for up to \$2500.**
- The rebate can be applied to any costs associated with: Heating, Lighting, Furniture, Construction or the procurement of a rental “Pop Up Patio.
- Receipts dated from March 1st to September 30 (of the given year) will be accepted.
- Please submit a copy of your receipts all together, with a summary first page before Oct 1st, to kyle@downtownsudbury.com

DESIGN GUIDELINES

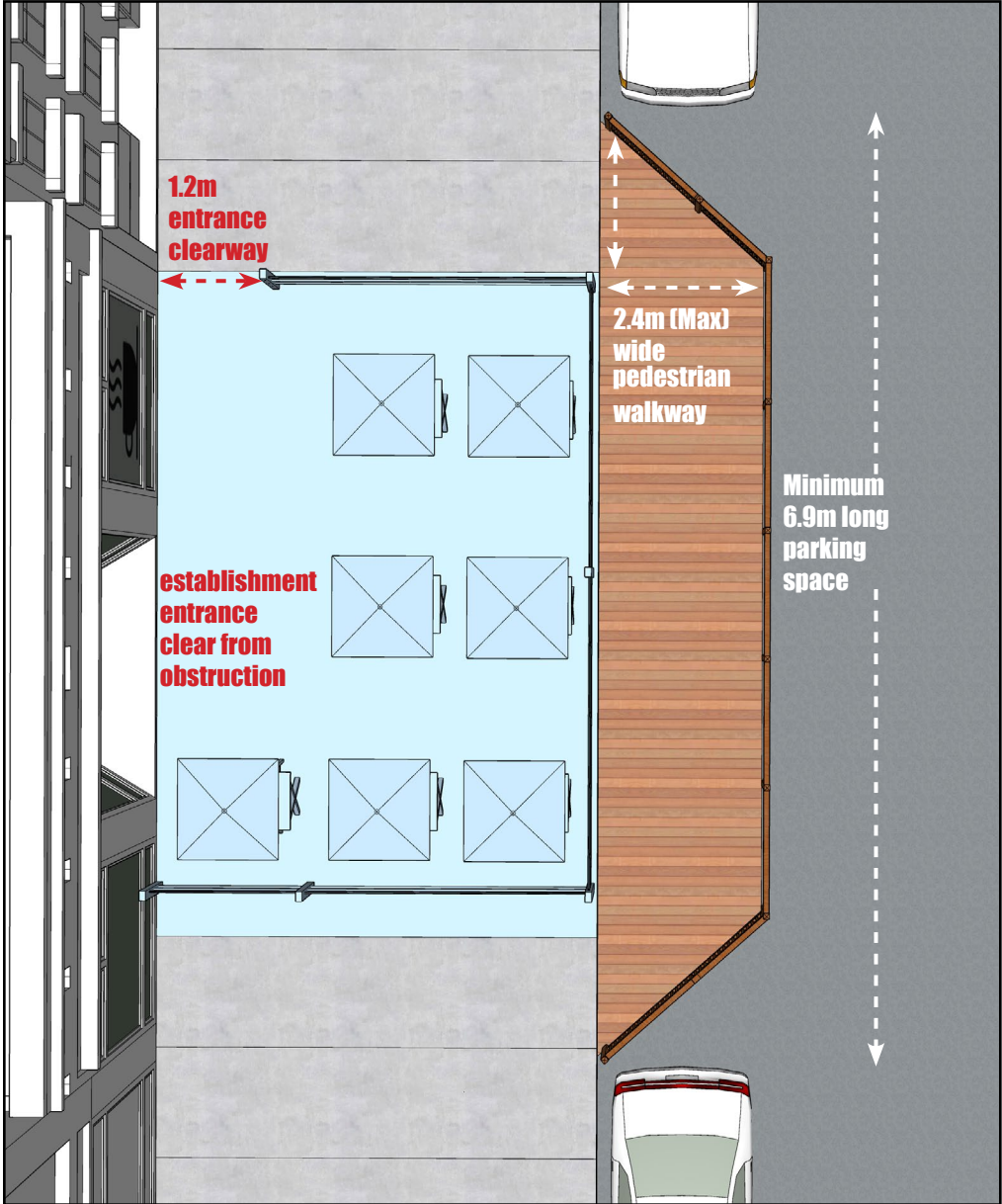
FRONT AGE PATIO





DESIGN GUIDELINES

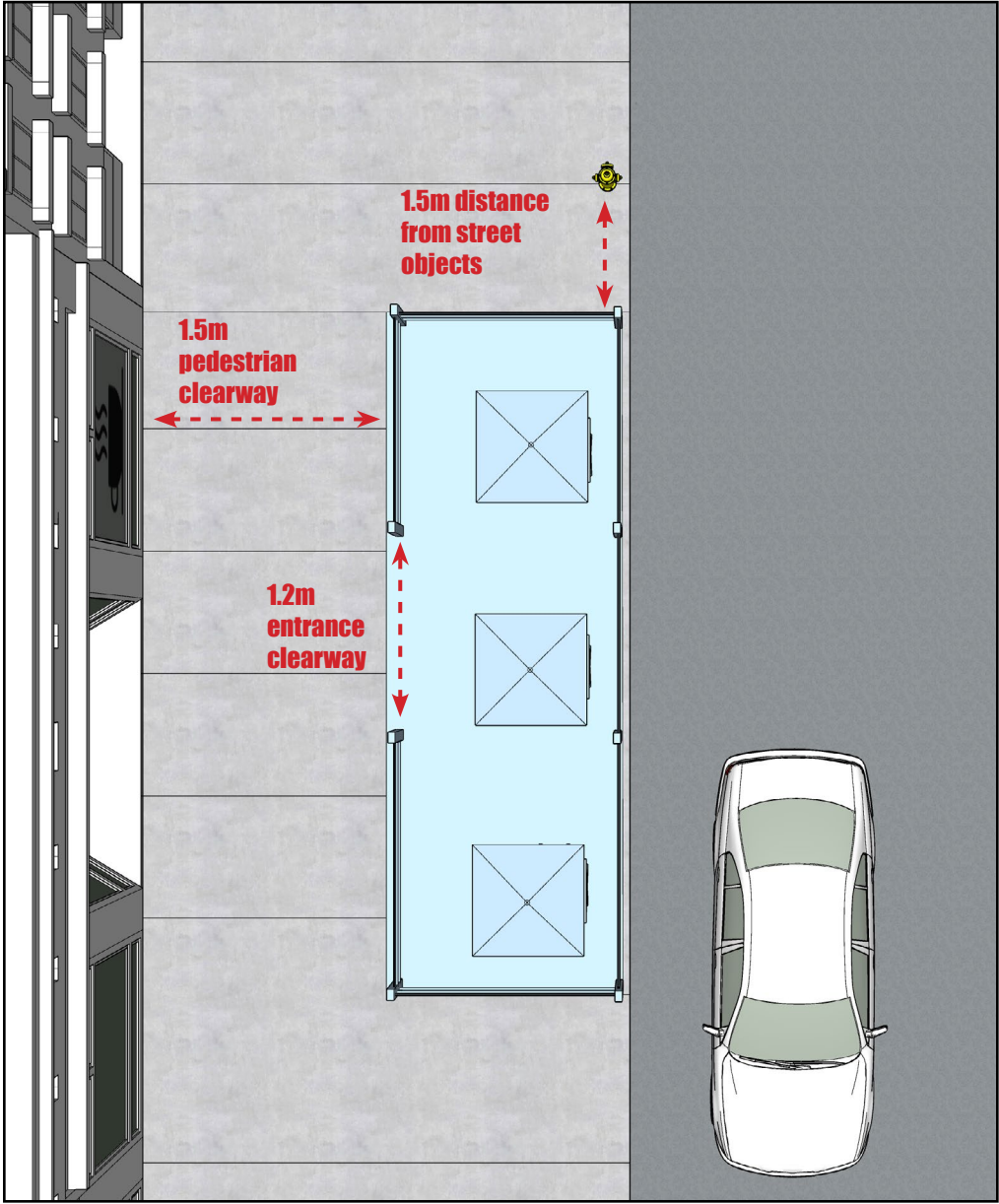
FRONT AGE PATIO WITH WALKWAY





DESIGN GUIDELINES

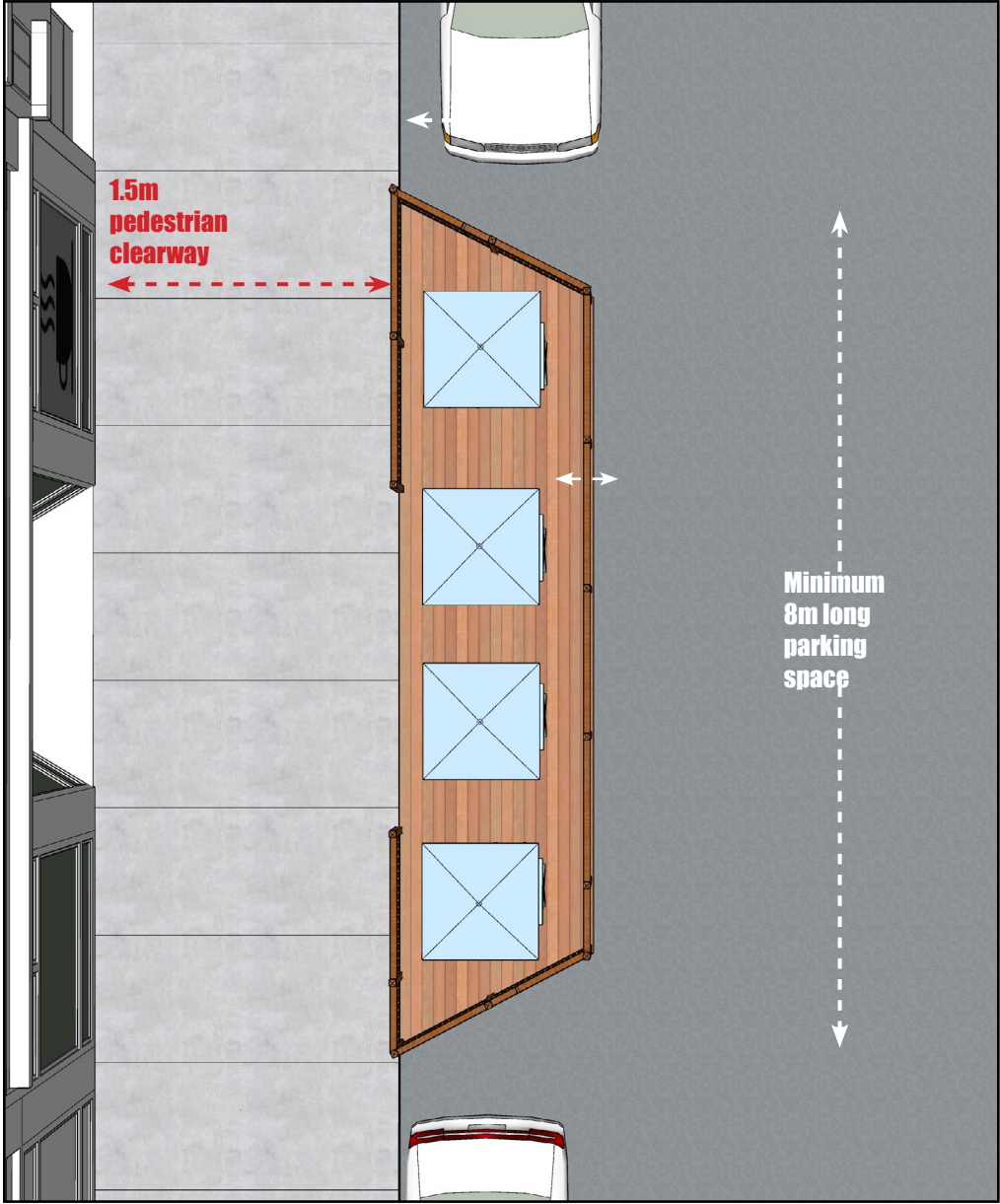
CURBSIDE PATIO





DESIGN GUIDELINES

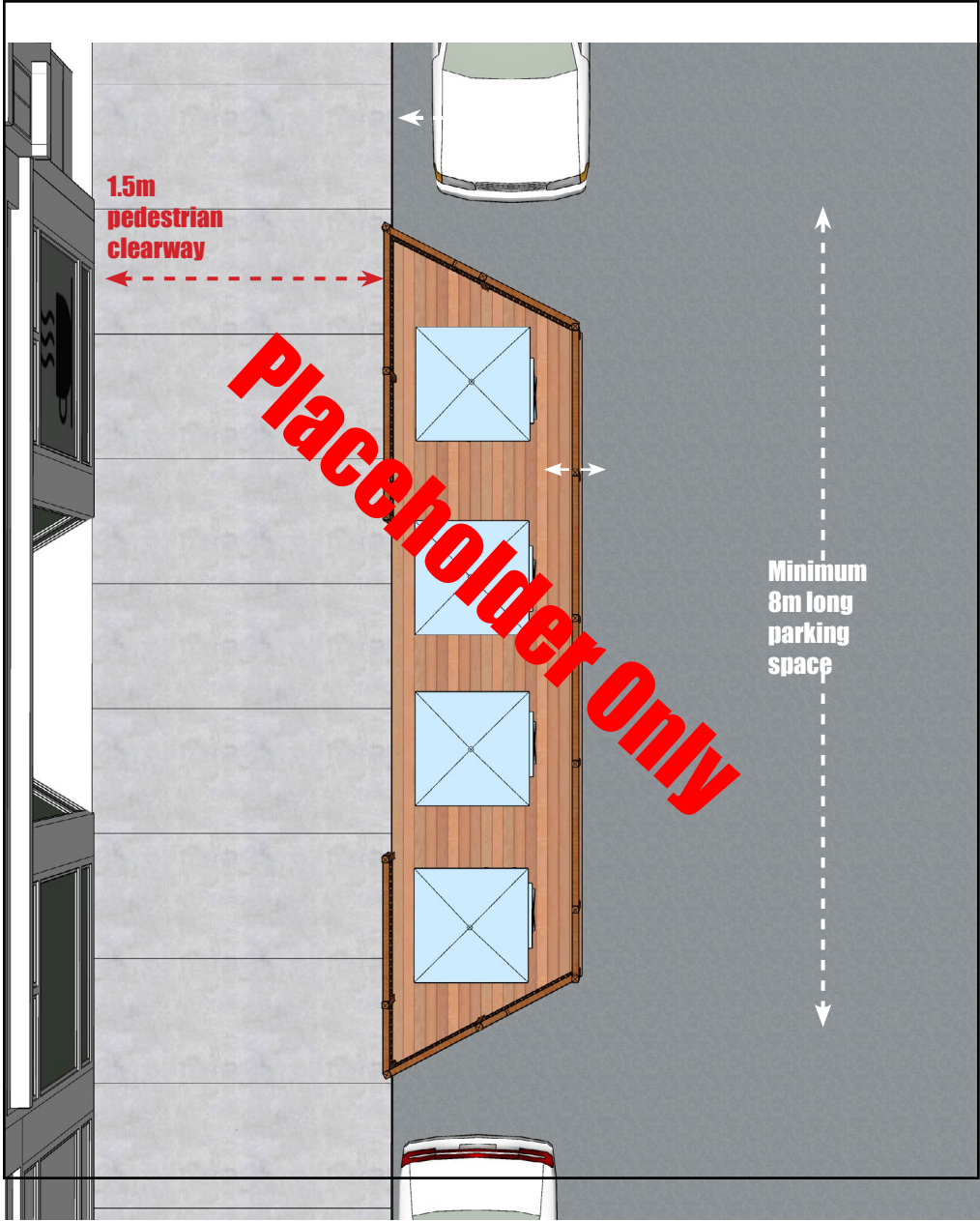
PARKLET PATIO





DESIGN GUIDELINES

In Lane patio





OPERATIONAL REQUIREMENTS

- Have a valid business license to operate as a restaurant/tavern/bar or retail establishment.
- Maintain a safe, clear and unobstructed pedestrian clearway for all, including those with mobility devices (e.g. wheelchairs).
- The surface of the patio, sidewalk and pedestrian clearway must all be level with each other. Furniture shall not protrude into the pedestrian clearway.
- Sidewalk patios shall not extend past the side property lines of the applicant's business without written consultation with affected businesses and authorization from appropriate agencies.
- Patios and pedestrian walkways located within a parking space must feature reflectors for night safety.
- Pedestrian-scale lighting is permitted in the patio area, subject to approval by Public Works.
- Patio furniture, including umbrellas, shall not obstruct vehicular or pedestrian sightlines, visibility or movement.
 - The minimum clearance from a canopy overhang shall be 2.45m above the sidewalk.
- CSA approved outdoor heating devices are permitted on patios.
- Establishments must ensure that the patio area and furnishings are kept in order and in good condition at all times. Furniture must be secured.

- When utilizing an on-street parking space, that parking space is considered to be a minimum 6.9 metres long by 2.4 metres wide. Additional fees for utilizing parking spaces may be required.
- Applicants must maintain a minimum liability insurance of \$2,000,000. The Downtown Sudbury BIA **AND** the City of Greater Sudbury need to be named as 3rd party insured.
- Patios may not be installed earlier than May 1 and must be removed by October 15(or first snowfall). Start date will be dependent on street and sidewalk operations being completed.
- Sidewalks and parking spaces must be returned to their original condition after patio season.
- If cooking facilities are provided outside, the outdoor patio shall be equipped with a fire extinguisher. Please ensure all SDPH, GSFS and city protocols and requirements are met.
- Smoking, vaping and the use of cannabis are prohibited on all sidewalk patios.
- Patios must operate in accordance with the City of Greater Sudbury by-laws, particularly those dealing with noise, sidewalks and signage.
 - **Please Note:** Two(2) infractions in one year(including AGCO, By Law, GSPS or any other infractions/Charges) will result in the immediate forfeiture of your patio permit and will exclude you from applying for a minimum of one(1) year from the last infraction date
- Garbage Pick Up:
 - Garbage is picked up Tuesday and Friday in the Downtown Core.
 - If outdoor patios are supported with an on-street temporary sidewalk, garbage is to be placed to the side of the patio on the sidewalk and not in front of the patio on the street.
- Be a good neighbour.

LICENSED PATIOS

Premises that serve alcohol must be licensed by the Alcohol and Gaming Commission of Ontario (AGCO). To be licensed, a liquor license application must be submitted to the AGCO for review, along with required fees.

Patrons are strictly prohibited from carrying alcohol outside of a licensed patio area. In the case of a curbside, parklet patio or in lane patios, only employees of the licensed establishment may carry alcohol across the pedestrian clearway between the business and the patio.

Submit your AGCO application early as the decision process takes at least 30 days.

It is recommended to consult with an AGCO representative to ensure you are applying for the liquor license that is right for your intended patio use.

Contact a local AGCO representative directly:

Darrell Sargent - AGCO Compliance Officer

705-919-3487

Darrell.Sargent@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**

ROAD OCCUPANCY APPLICATION PROCESS

1. **Two stage process for patios road occupancy permit:**
 1. **Approved applications will be issued a Road Occupancy Permit for construction of the patio and certification (1 to 2 weeks will be allotted to complete this work).**
 2. **Certification submitted to CGS and then a second road occupancy permit will be issued to operate the patio for the season.**
2. **Pre-application consultation:** before submitting an a final application to the City through the BIA office, you can meet with a BIA representative to discuss your proposal. This step can help explain the application process and requirements.
3. **Starting the application:** before submitting an application, contact neighbours who could be affected by a sidewalk patio or use of parking space. This is also a good opportunity to determine if any liquor licenses or food permits are required from the Alcohol and Gaming Commission of Ontario (AGCO) and/or from Sudbury District Public Health(SDPH).
4. **Submitting the application:** submit the completed application to the DS.BIA. We invite and encourage you to stay up-to-date with other required approvals from the AGCO and Sudbury and District Public health. In order to process your application faster, it must be complete and well organized.
5. **Application decision:** if your application is approved, a license of occupation must be signed before setting using a patio. This letter of occupation will trigger and inspection stage if needed to obtain our final approval letter from the municipality once your patio is constructed.
6. **Patio installation:** after the installation, contact your engineer to confirm you have built to spec. This will need to be submitted for your Seasonal Road Occupancy Permit.
 - **Sidewalk patio agreements are valid from May 1 to October 15 (or first snow fall) in a given year. Patio agreements must be renewed annually.**
 - **Please do your best to send EVERYTHING together in a single package.**

LIQUOR LICENCE APPLICATION PROCESS

1. Once your patio is constructed and Road occupancy Permit is in hand, **YOU MUST** send this to the AGCO for final approval. Only they can give you your liquor license. This can be done through your iAGCO portal.

Attention: Your patio is not licensed without this step or following up with the AGCO!!!!

ROAD OCCUPANCY APPLICATION FORM

1. Applicant Information

Applicant is the:

- Landowner
- Authorized agent of the owner
- Tenant who has been given permission from the registered landowner(s) of the below noted property to make the attached application for a patio

Name

Mailing address

Email

Phone

2. Business and Proposed Sidewalk Patio Information

Legal business name

Business address

Type of patio proposed

- Frontage
- Frontage with walkway
- Curbside
- Parklet
- In Lane

Is your patio exactly identical to last years

Yes No

Number of proposed patio seats

Will alcohol be served on the proposed patio?

- Yes No

Will you be attaching a traffic plan to your permit request?

- Yes No

Do you understand your responsibilities and requirements?

- Yes No

Signature

I, _____ (**print name**) hereby declare that the information provided in this application are, 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 DSBIA Office and within the City of Greater Sudbury, will be circulated to various departments and agencies for comments, and will be made available to the public upon request.

Signature

Date

CHECKLIST

1. APPLICATION FEE. An administration fee of \$400 is due upon receipt of your application. Proposals utilizing on-street parking for either a patio or pedestrian walkway are subject to an additional fee of \$608.40 per space for the season(may 1 to Oct 15) .**(No fees until 2025)**

2. PROOF OF LIABILITY INSURANCE. A minimum of \$2,000,000 is required.

3. SITE PLAN(Must be done on "As built Drawings" Provided by city Planning)

Dimensions of the 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. Any underground infrastructure that is covered (ex. manhole, valve chamber, catch basin) must have a hatch installed above it for access .

Setback measurements between any of these obstructions and the edge of the proposed sidewalk patio are required.

Table and seating plan layout, location of fire extinguishers, expected occupancy load, and any patio entrances/exits.

5. BCIN CERTIFIED DRAWING. If a temporary pedestrian walkway or a parklet patio is proposed in a parking space, a drawing by a BCIN certified designer is required.

6. NEIGHBOUR CONSULTATION. If the patio requires the use of on-street parking spaces or extends beyond the side property lines, written consent from adjacent property owners is required.

7. INFORMATION ON MATERIALS USED. Description/details and measurements regarding tables, chairs, umbrellas, fencing, partitions, signs, lighting and heating elements.

8. OTHER AGENCY REQUIREMENTS (if applicable).

Approval from Public Health Sudbury & district.

Liquor license from the Alcohol and Gaming Commission of Ontario.

For a quick evaluation and decision, all materials submitted must be clear, legible and precise. Rough sketches are not acceptable.

Only complete applications will be accepted.

**Questions?
Please Contact:**

**Kyle Marcus
Managing Director, DSBIA
Kyle@downtownsudbury.com
705-674-5115**

**Joe Rocca, P.Eng.
Acting Director, Infrastructure
Capital Planning
705-759-5279
Joe.Rocca@greatersudbury.ca**



DOWNTOWN

S U D B U R Y

A PLACE FOR YOU

