

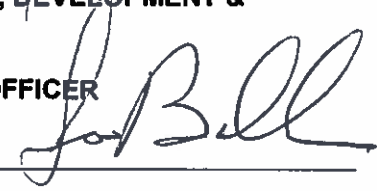

TO: GENERAL COMMITTEE

SUBJECT: DELEGATED APPROVAL FOR BLADE SIGNS AND AWNINGS ON
STORE FRONT FACADES AND USE OF CITY RIGHT-OF-WAYS TO
FACILITATE OUTDOOR PATIO USES IN THE CITY CENTRE

PREPARED BY AND KEY CONTACT: J. FOSTER, MCIP, RPP
SENIOR DEVELOPMENT PLANNER, EXTENSION # 4517 

SUBMITTED BY: R. FORWARD, MBA, M.Sc., P. ENG.
GENERAL MANAGER OF INFRASTRUCTURE, DEVELOPMENT &
CULTURE

GENERAL MANAGER APPROVAL: R. FORWARD, MBA, M.Sc., P. ENG.
GENERAL MANAGER OF INFRASTRUCTURE, DEVELOPMENT &
CULTURE 

CHIEF ADMINISTRATIVE OFFICER APPROVAL: JON M. BABULIC, CHIEF ADMINISTRATIVE OFFICER 

RECOMMENDED MOTION

1. That the City Clerk be authorized to execute Annual Encroachment Agreements for the purpose of temporary sidewalks occupying the on-street public parking spaces on the City owned right-of-ways in order to facilitate outdoor patios on City sidewalks in the City Centre Planning Area.
2. That the Barrie Business Improvement Area (BIA) be required to retain a Structural Engineer to assist business owners with the structural design of temporary sidewalks for pedestrian safety and load bearing for the passage of the City sidewalk sweeper.
3. That the design and use of materials for outdoor patios and temporary sidewalks, be pre-approved by the BIA, with signature or stamp from the Chair or Managing Director of the BIA, prior to application made to the City for approval of the outdoor patio.
4. That the City Clerk be authorized to execute Encroachment Agreements for Blade Signage on store fronts within the City Centre Planning Area provided the signage satisfies the standards as set out in Appendix B.
5. That the design and use of materials for Blade Signs be pre-approved by the BIA, with signature or stamp from the Chair or Managing Director of the BIA, prior to application made to the City for Encroachment Agreements.
6. That the City Clerk be authorized to execute Encroachment Agreements for awnings on store fronts within the City Centre Planning Area provided the awnings satisfy the following standards:
 - a) Awnings to be mounted on the building structure with 0.076m x 0.076m steel posts to be anchored into the concrete of the building. The awnings will be attached at a height of 3.05 m high from the base of the building. The awnings will be mounted at a minimum height of 3.2m above the sidewalk, with a clearance of no less than 2.7m in height above the existing grade in the lowered position.

7. That the design and use of materials for awnings be pre-approved by the BIA, with signature or stamp from the Chair or Managing Director of the BIA, prior to application made to the City for Encroachment Agreements.
8. That this staff report be forwarded to the BIA for their information and action as it relates to the pre-approval of Outdoor Patio and temporary sidewalk designs, Blade Signs and Awnings.
9. That the parking rate fee of \$1040 per on-street parking space (calculated at \$1/hour, 9am-5pm Monday to Friday, between April 15 and October 15), if utilized for a temporary sidewalk to facilitate an outdoor patio on the City sidewalk in the City Centre Planning Area, be waived for the 2011 seasonal period.
10. That the encroachment application fee of \$277.00 plus legal expenditures (estimated at \$200) be waived for agreements concerning Outdoor Patios, Blade Signs and Awnings in the City Centre.
11. That any additional administrative fees associated with staff review of outdoor patio applications in the City Centre to encroach on city property be waived or considered covered by the application fee of \$147.50 as set out in the Fees Bylaw.
12. That the City's Fees Bylaw be amended to include the following fees under the Operations Section:
 - a) Removal or relocation of a "Pay and Display" machine - \$750
 - b) Relocation of a "Garbage Receptacle or Planter Box" - \$100
 - c) Removal and/or replacement of a "Parking Meter Head" – single head @ \$150, double head @ \$650.
13. That costs for removal or relocation of City owned street furniture as described in 12 above shall be at cost, paid by the Owner/Applicant.
14. That the current Policy for Outdoor Patios on City Right-of-Ways be amended to include:
 - a) That the Planning Services Department shall receive, circulate and recommend approvals for applications for Outdoor Patios;
 - b) That the Engineering and Operations Departments be included in the review and approval of Outdoor Patios;
 - c) That any form of amplified musical entertainment be excluded from locating on the City Right-of-Ways and therefore limit entertainment to acoustical sound only; and
 - d) That the BIA be identified as having to Pre-approve the design and materials for Outdoor Patios with the signature or stamp from the Chair or Managing Director, prior to application being made to the City.
15. That staff report back to General Committee in the Fall/Winter on the process, success and financials associated with outdoor patios and temporary sidewalks with comments and recommendations following the 2011 seasonal period of April 15 – October 15.

PURPOSE & BACKGROUND

16. Roger Brooks from Destination Development International has assisted more than 800 communities over the past 25 years with their marketing and branding efforts. The BIA and City Staff have attended presentations, met with Mr. Brooks and have formed a Downtown Working Committee to facilitate and implement revitalization improvement measures for the City Centre/Downtown area. A number of action items have been suggested that will improve building facades and attract a greater number of patrons to the Downtown. Items that have been suggested is the introduction of Blade Signage and Awnings on store front walls and facilitation of seasonal Outdoor Patios.
17. On June 1, 2009, City Council adopted Motion 09-G-248 regarding the Policy for Outdoor Patios on City Right-of-Ways within the City Centre Planning Area as follows:

"That the Policy regarding "Outdoor Patios on Public Lands within the City Centre Planning Area" attached as "Appendix A" to Staff Report LGL016-09 be adopted.

That the City Clerk be authorized to execute Annual Licence Agreements for the purpose of regulating and approving outdoor patios on the City owned right-of-ways in the City Centre Planning Area, subject to the terms and conditions as set out in the attached policy."
18. The Policy allowing Outdoor Patios on public right-of ways as contained in Staff Report LGL016-09 is attached as Appendix A.
19. Although Staff Report LGL016-09 gave authority to enter into annual agreements for patios on City owned right-of-ways, the City Clerk is not in a position to authorize the utilization of City on-street parking spaces in order to maintain pedestrian movement around the outdoor patios that will occupy the sidewalk areas.
20. This staff report therefore seeks delegated authority to the City Clerk to enter into annual encroachment agreements with business owners for outdoor patios that may include the use of on-street parking spaces on City streets.
21. This staff report also seeks delegated authority to the City Clerk for Blade Signage and Awnings to be affixed to store fronts that would encroach onto the City right-of-way as they would overhang the public sidewalk area.
22. Currently all Encroachment Agreements individually must be considered and approved by Council. In order to expedite the approval process, staff are recommending that standards be approved for both temporary sidewalks to facilitate Outdoor Patios, Blade Signs and Awnings such that approval be delegated to the Clerk rather than staff reporting to Council on individual applications.

ANALYSIS

Blade Signage

23. The BIA has requested a process to facilitate the erection of Blade Signs which would protrude from the face of the building, providing higher visibility and advertising to on-coming vehicular and pedestrian traffic. The signage proposed would be affixed to the face of the storefront at a minimum height above the sidewalk of 2.4m (7.9 feet), to a maximum sign height of 1m with a 1m sign width. The proposed sign material could be metal, wood or vinyl. An example as provided by the BIA is attached as Appendix B.

24. Staff are in support of Blade Signs in order to enhance the street presence and promote the business with extended signage visibility rather than only flush with the building face and not highly visible to on-coming traffic. The signs however, will overhang the public sidewalk area and therefore will require that the owner enter into an Encroachment Agreement with the City. In order to expedite the approval process and enter into the required agreements, staff are recommending that the execution of the Encroachment Agreement be delegated to the City Clerk upon their approval by the Director of Legal Services, provided the proposed signage is in keeping with the standards as set out above. The BIA is required to pre-approve or sign-off on the visual aspects and aesthetics of the signage.

Awnings

25. In order to facilitate the use or erection of store front awnings in the City Centre, business owners are required to enter into Encroachment Agreements with the City to encroach over city sidewalks.
26. Section 10.2.(a) of the City's Building By-law 82-45 controls the limit to which any part of a building, structure or sign may project over the City road allowance or other public property. Any awning container, awning cover or any cornice may project not more than 40cm over road allowances provided that in each case such projection be not less than 2.75m in height over the established grade. Any moveable awning, when in the lowered position, shall not be less than 2.4m in height above the existing grade.
27. Proposed Awnings may exceed the projection limit of 40cm therefore requiring the business owner to enter into an encroachment agreement with the City. The BIA is required to pre-approve or sign-off on the visual aspects and aesthetics of the store front awnings.
28. In order to expedite the approval process and enter into the required agreements, staff are recommending that the execution of the Encroachment Agreement be delegated to the City Clerk upon their approval by the Director of Legal Services, provided the proposed awning is in keeping with the following standards:
- a) Awnings will be mounted on the building structure with 0.076m x 0.076m steel posts to be anchored into the concrete the building. The awnings will be attached at a height of 3.05 m high from the base of the building. The awnings will be mounted at a minimum height of 3.2m above the sidewalk, with a clearance of no less than 2.7m in height above the existing grade in the lowered position.

Temporary Sidewalks and Outdoor Patios

29. City staff since 2009 has been working with the Barrie Business Improvement Area (BIA) to facilitate outdoor patios on the city sidewalks during the months from April 15 to October 15. This use is being requested primarily along the city sidewalks in the Downtown area. A few outdoor patios have been approved and utilized in 2009 and in 2010. However, the BIA is now requesting consideration of occupying the on-street public parking spaces as additional lands to maintain pedestrian movement around the outdoor patios as the sidewalk area does not provide enough width for a patio and pedestrian movement as well as sidewalk cleaning machinery.

Occupancy of On-Street Parking Spaces

30. The width of the sidewalk on Dunlop Street between the 5-Points and Mulcaster Street is generally 2.4m in width. In order to permit an outdoor patio to occupy the entire sidewalk area, access must be maintained around the patio. In order to expand the sidewalk area, it is suggested that the on-street parking spaces, where required, be temporarily eliminated from

public parking use and seasonally utilized to maintain pedestrian flow and access for sidewalk cleaning. Pedestrian safety, accessibility and passage for cleaning machinery are items that need to be maintained and secured if on-street parking spaces will be used in the outdoor patio design.

31. Fencing around the perimeter at the interface of vehicular travel will be a requirement of patio approvals. Fencing must be substantial, such as wood or wrought iron framing to ensure pedestrian safety and also must be of a quality material and design that maintains an attractive presence in the downtown. The design, materials and colour should complement the architectural style and colours of the building façade and street furniture.
32. Variety is good and welcome; however, must be suitable for safety and design. It is recommended that the BIA also institute a Downtown Design Review Committee who must approve the patio and on-street fencing designs prior to individual business owners applying to the city for approvals. In this way businesses can choose materials and designs but have to come before a jury of their own peers. All applications made to the City will require an approval from the Chair or Managing Director of the BIA prior to consideration by City staff in accordance with the Policy for Outdoor Patios. Examples of outdoor patios and fencing designs are included in Appendix C.
33. The outdoor patio Owner shall maintain the sidewalk and the temporary sidewalk area and the immediately adjacent area in a clean and safe condition, free of hazards at all times. The Owner will be responsible for garbage originating from the patio and that it is removed from the road right-of-way.

Utility and Maintenance Access

34. A City on-street parking space ranges from 6.7m X 2.4m in the mid-block and 5.5m X 2.4m at the end or beginning of a block of parking spaces. In order to provide for pedestrian movement on sidewalks, the Building Code identifies a minimum width of 1.1m free from all obstructions. This figure will allow for a double children's stroller and provide for wheelchair access. Operations staff have identified that sidewalk sweeping is undertaken daily. A sidewalk sweeper requires 1.7m in width and is 3m in length. To allow the sidewalk sweeper to function properly, a minimum clear width of 1.8m is required. This width is measured between the fencing and any on-street structures such as parking meter posts, street light standards, planters, etc. The sidewalk sweeper is articulated and cannot turn a 90 degree corner; therefore a transition area of 3-6m with a 45 degree angle will be required for alignment leading up to the patio area. The Ontario Provincial Standards, Drawing OPSD 310.00 states that a sidewalk of 2.4m should be provided in high pedestrian areas, such as Downtowns.
35. Temporary sidewalks must be designed and stamped by an Engineer and should not be restricted to a wood base, however, must ensure pedestrian safety. It is recommended that the BIA retain a Structural Engineer to assist Business owners with design of the temporary sidewalks in order to ensure pedestrian safety and load bearing provisions for the passage of sidewalk cleaning machinery, and in accordance with the Building Code. The base of the temporary sidewalk must provide a smooth, level transition between the existing sidewalk and the temporary sidewalk surface. When wooden decks are used to create the temporary sidewalk, a non-slip surface must be applied. The temporary sidewalks cannot impede drainage and must withstand the weight of the sidewalk sweeper to 2 tonnes/4000lbs. Proposed temporary sidewalks that would impede drainage and/or be located over a manhole, storm drain or catch basin that would impede drainage will not be approved.
36. Temporary sidewalks must be constructed at the same grade as the sidewalk or flush with the sidewalk in order to ensure uninterrupted flow at the same level or grade. A ramp down and up the other side will not be acceptable. Uninterrupted accessibility should be maintained both for

pedestrian movement as well as for the street cleaning machinery which requires even grade for maneuvering.

37. The seasonal Encroachment Agreement shall include text that all sidewalk fencing, furnishing, landscaping and other accessories/improvements must be of a temporary nature and to be removed during the off season. In addition, no part of the temporary sidewalk shall be affixed to City property.
38. The City of Barrie and Public Utility agencies will retain the right of entry to approved outdoor patios and temporary sidewalks for installation, maintenance and repair of pipes, cables, wires, poles, hydrants and other elements as necessary. When such access is required, the Owner will be required to remove and reinstall the use at the Owner's expense.

Policy for Outdoor Patios on City Right-of-ways

39. The process, application and circulation for review of Outdoor Patios is included in the Policy, attached as Appendix A. Staff are recommending certain amendments to the Policy that result from the recommendations of this staff report.
40. Currently applications for Licensing of Outdoor Patios are submitted to the Municipal Law and Enforcement Office or through the Manager of Real Estate Services for renewal. Staff are recommending that applications be submitted and circulated through the Planning Services Department similar to the Site Plan Approval Process. Planning staff will coordinate the circulation to the various departments for review and approval and make the final recommendations.
41. Given that the Outdoor Patio designs may include the installation of temporary sidewalks, staff are recommending that the Engineering Department and the Operations Department also be circulated as it relates to structural stability, drainage and city sidewalk and street cleaning machinery as well as impact on street fixtures or furnishings.
42. Staff are recommending that the Policy exclude any form of amplified musical entertainment and therefore limit entertainment to acoustical sound only. Hours of operation and noise are restricted under the Business Licensing Bylaw 2006-266 and the Noise Bylaw 2006-140.
43. In addition, staff have recommended that the BIA pre-approve the design and use of materials prior to submission to the City for approval. The policy therefore requires revisions to include the BIA's pre-approval.

ENVIRONMENTAL MATTERS

44. There are no environmental matters related to the recommendation.

ALTERNATIVES

45. There are 2 alternatives available for consideration by General Committee:

Alternative #1

General Committee could maintain status quo and not allow the delegation of approval for Encroachment Agreements for either the expansion of the outdoor patios onto the City right of ways, by way of temporary sidewalks, or blade signs and awnings.

This alternative is not recommended as it does not expedite the approval process. Also in order to facilitate the outdoor patio initiative, the sidewalk area alone is too narrow. One of Council's Strategic Priorities is to create a vibrant and healthy Downtown. Outdoor patios enhance Downtown ambiance, attract people which will increase the potential for higher spending, spur other business opportunities and attract more visitors to the Downtown and waterfront.

Alternative #2

General Committee could alter the proposed recommendation by recommending full cost recovery to facilitate temporary sidewalks. The City of Orillia, as an example, charges for the utilization of public parking spaces to facilitate outdoor patios at a cost of \$1,384 per space. Full cost recovery would include:

- charging or leasing public parking spaces at a rate of \$1040 per space for the April 15 to October 15 season,
- establishing full cost recover by Department involved in the review of applications,
- cost recovery for removal or relocation of street furniture,
- cost recovery for entering into Encroachment Agreements,
- the application fee of \$147.50.

This alternative is not recommended as it will increase the cost to the business owners to the point where the initiative may not be feasible. In order to create a vibrant and healthy Downtown, Roger Brooks and the BIA have recommended Blade Signage, Awnings and Outdoor Patios. In addition to the design and construction of the outdoor patios and temporary sidewalks, the use of 2 parking spaces for a temporary sidewalk as an example, would cost the business owner \$2080. In addition to the \$147.50 application fee, staff review costs that will need to be estimated/calculated would require the increase of the application fee. An analysis of costs would need to be undertaken and the Fees Bylaw amended. In order to facilitate outdoor patios in the 2011 season, and expedite the approval process through delegated approval, it is being recommended that the City only charge costs if street furniture is to be relocated or removed; that staff review costs not be charged and that the costs associated with the temporary removal of parking spaces be considered as perceived costs where alternative parking is available elsewhere in the Downtown.

FINANCIAL

Liability/Insurance

46. A store owner is required to enter into an Encroachment Agreement with the City. The standard Agreement requires that the owner hold public liability insurance of \$2,000,000. Although the store owner will be building and maintaining the temporary sidewalk and outdoor patio area, these areas are on City owned property and there is risk associated with trip hazards and pedestrian safety. However, these risks are not considered as increased liability to the City as pedestrians generally occupy the public sidewalk areas, and the temporary sidewalks extending

onto the roadway is required to be designed and stamped by an Engineer for load bearing and pedestrian safety.

Waiving Fees

47. Notwithstanding the City's objective to increase reliance on non-tax revenues and to establish fees that approach full cost recovery, staff are recommending that the on-street parking fee of \$1040 seasonally, be waived. Also, staff are recommending the waiving of the Encroachment fees and costs, as well as maintaining the application fee for outdoor patios at \$147.50 without increase for staff time cost recovery.
48. The seasonal timeframe for outdoor patios as identified in the current policy is from April 15 to October 15. Business owners who propose to utilize on-street parking spaces will therefore remove a certain number of parking spaces from public use and revenue. It is estimated that the revenue from one parking space utilized as a "Pay and Display" spot or by use of a parking meter, over the seasonal period of time is approximately \$1040 if that one parking space was utilized Monday to Friday from 9am-5pm, charged at \$1.00 per hour. As an example, if 2 parking spaces were utilized by a business and there were 5 business establishments that applied for outdoor patios, the perceived lost revenue would be \$10,400 over the seasonal period.
49. Public parking lots on average, annually, in the Downtown area currently operate at 45% capacity Monday to Friday. If one on-street parking space is not available due to a temporary sidewalk extending into the parking space, people will find an alternative space. In order to facilitate, attract more people to the Downtown daily and promote Downtown business and shopping, staff are recommending that the use of on-street parking spaces for temporary sidewalks not be leased or charged to the owner, but that the City accept that those parking spaces will not be used during the seasonal timeframe and that the public will find an alternative parking location and therefore revenue is not lost but utilized elsewhere.
50. The request for occupying on-street parking spaces was made by the BIA. The supply, installation and maintenance of the outdoor patios and temporary sidewalks is the responsibility of the business owner. Staff have identified that in order to facilitate outdoor patios certain parking spaces in front of adjacent business may be utilized and therefore, immediate on-street parking to the adjacent business may not be available year round. The BIA has identified that their membership accepts this proposal. The BIA has also advised that they are prepared to retain the services of a Structural Engineer to assist with the design of outdoor patios and temporary sidewalks in order to subsidize the costs to the business owners in order to realize this initiative more fully in the City Centre.
51. Street furniture may impact certain locations and restrict outdoor patio use. These include parking meters, pay and display machines, garbage receptacles and planter boxes, street lights, etc. Either the Owner is restricted from having an outdoor patio or these items would require removal or relocation. It is highly unlikely that an Owner would pay the cost to relocate a street light post; however should this be entertained, the owner will need to assess the matter of maintaining appropriate lighting levels and relocation in the City Centre. Hydro poles and other utility obstructions would need to be addressed on an individual basis.
52. With regard to parking meters, staff are not recommending the relocation of a meter as the post is secured under the pavement; however, if a meter head is to be removed with the post remaining, the cost is \$150. If a double headed meter is required to be replaced with a single meter (as only one of the parking spaces remains in use), the cost to replace a double head with a single head is \$650 (as a new one must be ordered). However, if the meter heads can be bagged when not in use, this is an acceptable alternative measure. A pay and display machine can be relocated at a cost of \$750. Garbage receptacles and planter boxes can be relocated at a cost of \$100 each. Staff are recommending that these costs be included in the Fees Bylaw. These fees represent

full cost recovery. Staff from the Operations Department have advised that this work would be undertaken by staff and not contractors. It is estimated that the work involved will be minimal and can be undertaken in the current work program.

53. Staff are recommending that should the Owner request the removal or relocation of such items, that the Owner be charged the relocation fees as identified above. In addition, these fees are not currently included in the Fees Bylaw. As such staff are recommending that the Fees Bylaw be amended to include these fees.
54. The Municipal Act allows a municipality to charge application fees equal to full cost recovery which is supported by the City's financial policy framework. The review of applications for outdoor patios will require staff review time from a number of departments. The current application fee for an outdoor patio as set out in the City's Fee Bylaw is \$147.50. Staff are recommending that the application review originate within the Planning Services Department and will include other departments such as Engineering, Building, Municipal Law Enforcement and Operation staff review. Staff have not undertaken a detailed analysis of staff time that would be spent on the review of outdoor patio applications. In order to facilitate the implementation of outdoor patios and assist in Downtown renewal and revitalization, staff are recommending that the review of such applications be undertaken through the established fee of \$147.50.
55. The cost to apply for an Encroachment and enter into an agreement with the City is \$277.00, plus recovery for Legal expenses as established in the Fees Bylaw. Staff are recommending that these fees be waived to make the proposal more cost effective for downtown business. Application for Encroachment is made through an annual application process.
56. Staff are recommending that the process, its success and any financial implications be reviewed following the 2011 season. Staff will report back to General Committee in the Fall/Winter with comments and further recommendations if required.

Attachments – Appendix A, Policy for Outdoor Patios on City Right-of-Ways

Appendix B, Blade Sign Standard and Example

Appendix C, Outdoor Patio and Temporary Sidewalk Design Examples

LINKAGE TO COUNCIL STRATEGIC PRIORITIES

57. The recommendation included in this Staff Report support the following goals identified in the 2010-2014 City Council Strategic Plan:
 - ☒ Create a Vibrant and Healthy City Centre
58. The facilitation of outdoor patios, blade signs and awnings will actively promote the Downtown and attract a greater number of residents and visitors to the Downtown for shopping, dining, business activity and to the waterfront for recreational enjoyment. It will encourage a mix of land uses by allowing food and beverage establishments to expand their offering onto the sidewalk for an outdoor dining experience. These initiatives are being promoted by the BIA and supported by staff which will assist in Downtown promotion and revitalization.

APPENDIX "A"

POLICY FOR OUTDOOR PATIOS ON CITY RIGHT-OF-WAYS

POLICY STATEMENT

1. The City of Barrie having jurisdiction over public Rights of Ways and other public lands, supports the establishment of outdoor patios in the City Centre Planning Area, and is guided by the following principle:
 - a) That the City Clerk be authorized to execute Annual Licence Agreements for the purpose of regulating and approving outdoor patios on the City owned right-of-ways in the City Centre Planning Area, subject to the terms and conditions as set out in the Annual Licence Agreement.

PURPOSE

2. The City considers the establishment of outdoor patios on public lands in the City Centre Planning Area to be advantageous between April 15th and October 15th. Where such patios need a license to occupy public space such as on City Right of Ways, regulation of the occupation is necessary to protect the public interest.
3. Current licensing for patios on City property is limited in numbers. City staff have reviewed the context of licensing of patios in general, including issues such as safety, operation and regulation as may be integrated into current by-laws and how they would apply to the licensing and enforcement of patios on City right-of-ways.

DEFINITIONS

4. **Annual Licence Agreement** means the licence agreement prepared by the City of Barrie setting out the terms by which occupation of City owned Rights-of-Way or other public lands over which the City has jurisdiction, can occur.
5. **City** means The Corporation of the City of Barrie.
6. **Outdoor Patio** means an area within the City Centre Planning Area, which is contiguous to an indoor restaurant which is not enclosed by a roof or walls other than the exterior walls of the restaurant or an adjoining building or structure, where food is served, seating accommodation is provided and where beverages and alcoholic beverages may be served to the public on a Annual basis for consumption on the premises and which is located wholly or partially on the City's property as owner, or having jurisdiction over, public sidewalks or other public lands pursuant to a valid and subsisting licence as the City shall deem appropriate.

EXCLUSIONS

7. This policy is not intended to address planning issues such as zoning provisions, parking, and setback requirements. This policy applies to the licence of occupation, enforcement, safety and noise regulations as currently set out in the applicable by-laws are addressed.
8. This policy does not apply to the issuance of the temporary (short term) special occasion permits.

APPLICATION OF POLICY

9. As the owner or having jurisdiction over public lands and Right of Ways, the City has several means by which it currently supports and enforces the establishment and operation of patios on public lands.
 - a) Licensing for outdoor patios on municipal property is included in the City's Business Licensing By-Law 2006-266 (as amended) and was created to address short term special occasion permits for events such as Promenade Days. Any alteration of the current by-law could potentially affect the City's ability to enforce special occasion licences, such as permitting extended hours of operation past 11:15 pm. For the purpose of this policy, no changes are being recommended to the current by-law.
 - b) Outdoor patios on private property are not subject to restricted hours of operation and entertainment matters are subject to Barrie's noise by-law (2006-140). The business licence for an outdoor patio on City property (as set out by By-law 2006-266, as amended) limits its operation until 11:15 pm. and no entertainment is permitted on the Patio after 11:00 pm. The same hours of operation will apply under this policy as may be amended by 2006-140 from time to time.

IMPLEMENTATION OF POLICY

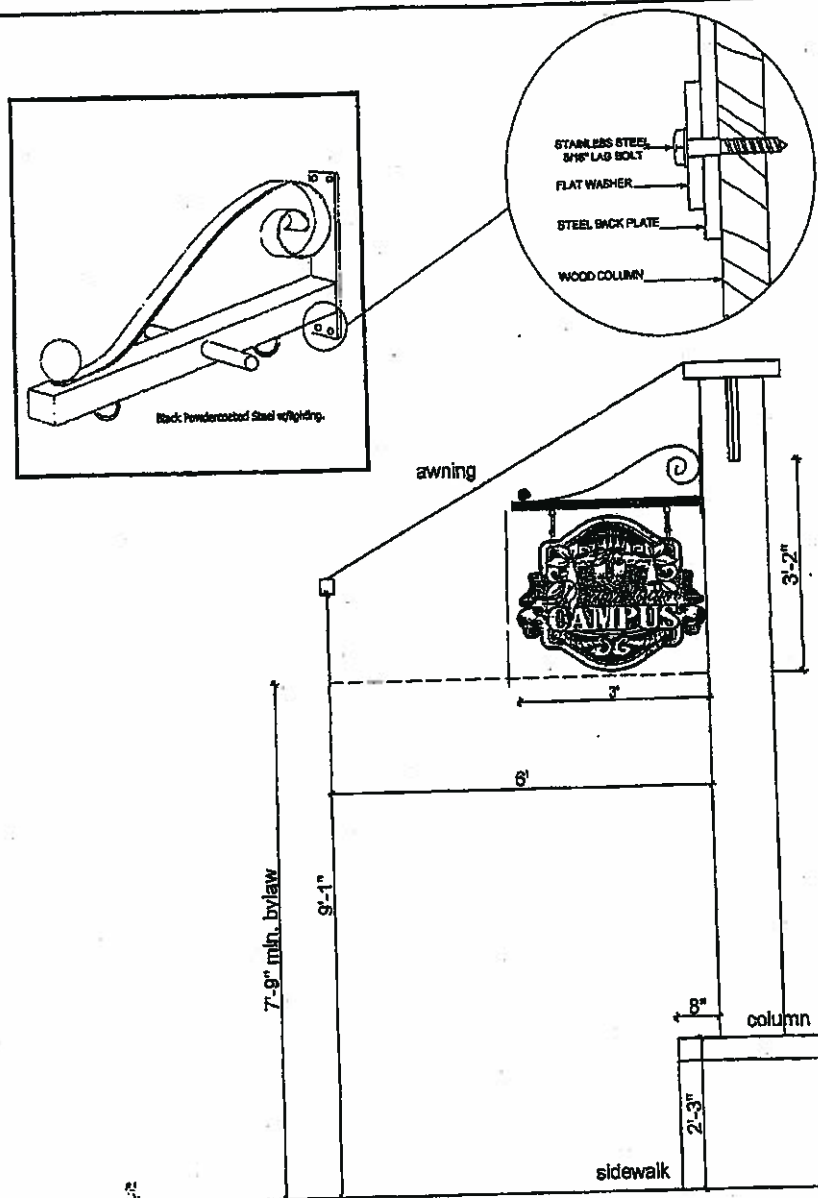
10. The Annual Licence Agreement for patios on City property forms part of a business licensing procedure as set out by Municipal Law and Enforcement Office (MLEO). The applicant must obtain and complete the existing application form: "Restaurant/Restaurant Tavern Patio Extension (Municipal Property) Licence", which is valid for the season. The fee for this is currently \$147.50.
11. The business licence requires the applicant to obtain the following inspections, approvals and documents:
 - i) Zoning Approval;
 - ii) Health Unit Certificate of Inspection;
 - iii) Police Services check;
 - iv) Copy of liquor license for patio area;
 - v) Site Plan of patio also including accessibility information;
 - vi) Copy of current liability Insurance;
 - vii) Municipal Law enforcement inspection;
 - viii) Legal & Real Estate Annual License Agreement.
12. The Annual Licence Agreement is intended to provide a licence for a specified period during the spring, summer and fall months only (April 15th to October 15th), and must be renewed by the applicant each year. Each year the applicant must obtain the permits, approvals and inspection as stipulated in the business licence application as noted above.
13. The City Clerk shall be responsible for the administration and execution of the Annual Licence Agreement contemplated by this policy.
14. Outdoor patios that have previously executed an Annual Licence Agreement may upon the expiry of the term enter into a new agreement as long as they are able to meet the terms of the application as noted below.

15. The adoption of this policy will require a formal Annual Licence Agreement between the City of Barrie (as "Landlord"), and the owner of a business (the "Tenant") which applies to all patios in the City Centre Planning Area that are to be erected on lands the City has jurisdiction over including public sidewalks or other public lands.
16. The applicant shall submit an application for the Annual License Agreement to the Manager of Real Estate Services, not less than fifteen (15) business days prior to the date the Annual Licence Agreement is to be drafted for signature and acceptance.
17. The application for the Annual Licence Agreement shall indicate the following:
 - a) In the event the applicant is not the owner of the property, the applicant shall provide proof of authorization from the owner of the building containing the contiguous indoor restaurant that is requesting the outdoor patio.
 - b) Contact information for registered owner of the property, if different than the owner of the business. The information shall include the owner's name, mailing address, postal code telephone number, fax number and email address;
 - c) To serve as an appendix to the Annual Licence Agreement, the applicant shall provide two copies of a scaled and properly labelled Site Plan of the Patio with at minimum, the following information:
 - (1) The location and dimensions of the adjacent building (the restaurant), the entrances & exits and washrooms;
 - (2) The location and dimensions of the patio, the entrances & exits;
 - (3) The area of the patio (sq. ft. or sq. m);
 - (4) Location and dimension of any enclosures, tents, awnings, etc;
 - (5) The location and height of the fence, gate location and width of gate(s);
 - (6) Location of fire extinguishers;
 - (7) Location of any municipal services and/or assets within the Patio or close proximity (eg. Location of curbs, sidewalk, hydrants, trees and diameter of trees etc.), along with distances between the Patio and services/assets;
 - (8) Location of table, chairs, bars, stages, etc;
 - (9) Expected occupant load.
18. The safety and day to day guidelines for uses on the Patio shall be addressed within the Annual Licence Agreement, including but not limited to the following:
 - a) No appliances shall be kept or stored on the Patio;
 - b) No machine dispensing snacks, soft drinks or food or drink of any kind may be kept or stored on the Patio;
 - c) The Patio is not to be used as a storage area of any kind, at any time;
 - d) The Patio is not to be used for the cooking of food;
 - e) All tenant fixtures, site furniture and possessions to be removed at the termination of the licensed period;
 - f) The Occupant covenants and agrees to maintain the Patio in a wholesome condition, and not to allow the accumulation of refuse or debris.

-
19. The construction and design of the Patio is to be addressed within the Annual Licence Agreement, including but not limited to the following:
 - a) Railing installation, height, construction;
 - b) Affect on public sidewalk;
 - c) Accessibility;
 - d) Installation of any other fixtures to premises or lands;
 - e) Maintenance of City improvements, such as trees and shrubs;
 - f) Location of services such as hydro, water and gas.
 20. Other elements such as fire and safety concerns, notice provisions, etc. may be added or deleted from the Annual Licence Agreement as deemed appropriate.
 21. Either party may terminate the Annual Licence Agreement at any time upon giving the other party not less than 30 days written notice. Notice by either party shall indicate the date upon which the Agreement is terminated. Should the City require the Occupant to remove furnishings and barriers, and the Occupant fails to do so, the City has the right to remove the furnishings and barriers.
 22. The fee recommended and charged is based on a conservative approach which attempts to charge based on the amount of City property utilized as opposed to a flat fee. The \$0.40 per square foot per month translates to an overall Annual rate of \$4.80 per square foot. For every 100 sq. ft. of space, the rate would be \$40 per month. Typical retail/restaurant rates in the downtown range from \$8 to \$16 per sq. foot but this is for interior fully serviced space that can be used regardless of weather conditions year-round. The fee structure can be amended on an annual basis by the City Clerk as determined by market conditions on the recommendation of the Real Estate Manager. The fee may also be prorated to the date of approval of the licence.
 23. Notwithstanding anything contained in this policy, any person may make application to Council to be granted an exemption from any of the provisions of this policy.
 24. This policy shall become effective immediately upon approval by Council.
 25. Council shall direct staff to review this policy if so requested.

APPENDIX "B"

The Queen's Hotel – Blade Signage Section



BLADE SIGNAGE SECTION

Bd
BAILEY
DESIGNS
architectura + design

172 Dunlop St. W., Suite A
Barrie, Ontario, L4N 1S3
(705) 725-0229
info@baileydesigns.ca
BAILEY DESIGNS BCIN # 31232

DATE JAN 18- 11
SCALE 1/2" = 1'-0"
DRAWN BY LKDT

THE QUEENS HOTEL
BLADE SIGNAGE SECTION
BARRIE ON
DRAWING NO. **B1.0**

APPENDIX "C"

Photos







