



Application for New Outdoor Patio

Address of area to be leased: _____

Applicant's Name: _____

Business Name: _____

Business Address: _____

Telephone Number: _____

Contact Name: _____

Mailing Address: _____

Purpose of which leased area is to be used: _____

Number of tables and chairs: _____

Alcohol and Gaming Commission of Ontario Approval Received: Yes No

License Term: _____

Type: _____

Note:

Attach to the application

- a. photograph of the area;
- b. site plan proposal;
- c. elevation of proposal;
- d. Return to:

Engineering Department,
City of Kingston,
216 Ontario Street,
Kingston Ontario K7L 2Z3

Agreement:

I would agree with the following twenty-seven conditions being embodied in a lease with the City of Kingston.

1. The leased area shall be used on a seasonal basis during the period commencing April first to October thirty-first, inclusive.
2. At all times when the patio is not in operation during the period of November first to March thirty-first, inclusive, the sidewalk is required to be cleared so that snow removal operations are not impeded in any way.
3. The fullest possible free and clear pedestrian movement shall be provided and must ensure that a minimum one point one meter aisle is maintained up to and around the tables and chairs; a "cane detectable" horizontal railing is provided at the bottom of the patio fence and painted white.
4. No tables or chairs shall be placed in any manner that will interfere with access by wheelchairs.
5. The established shall not be conducted in a noisy manner such as to interfere with other businesses or obstruct pedestrians.
6. The lessee agrees to advise patrons that smoking is not permitted on the sidewalk patio and the lessee agrees to ensure that signs appear, on the sidewalk patio indicating that the patio is a non-smoking area. The signs shall be clearly visible to patrons of the sidewalk patio and shall be of a size, design and number satisfactory to the Commissioner of the Department of Engineering of the Corporation of the City of Kingston, or the designate.

7. Where the proposed use of the leased sidewalk is for a licensed patio café, the regulations prescribed by the Alcohol and Gaming Commission of Ontario shall be adhered to unless otherwise stipulated by Council. The revocation of any sidewalk patio lease agreement shall be enforced after any breach of the liquor laws of Ontario.
8. The lessee shall carry public liability insurance to indemnify and save harmless the City of Kingston from any and all claims as a result of the use of any City property.
9. Any construction work that is undertaken shall be in accordance with the Ontario Building Code and a Building Permit shall be obtained when required.
10. The City shall be granted the power to terminate the lease within fifteen days' notice should the property be required for municipal purposes upon reasonable grounds or if the lessee fails to comply with the terms of the lease.
11. Current standards of Engineering requirements for public services shall be maintained, for example, drainage and fire hydrants.
12. The lessee agrees to pay rent for the leased space in accordance with Schedule "A" to By-Law 87-136.
13. The annual rental charge for lease space, if the area is not being used for active selling of food or merchandise, is one hundred dollars. Tables, chairs and decorative accessories on patios that are not used for the active selling of food or merchandise shall be placed on patios a minimum distance of one meter from the curb line and ten centimeters from abutting properties.
14. All areas of street patios, other than that space which formerly housed a parking meter, shall be charged a rental fee per square meter according to the specific zone in which it is located. In any case, where it is necessary to remove a parking meter or meters, the City of Kingston shall be compensated at a base maximum rate for 2020 of one hundred and ninety-nine dollars and 30 cents (\$199.30) per month per meter to be adjusted annually by the Consumer Price Index. That compensation for the loss of parking spaces shall be the responsibility of the applicant. Any labor or material costs incurred by the City in terms of either removal or reinstallation of the meters shall be billed to the applicant.
15. The use of rain screens or curtains shall be in accordance with the following five conditions:
 - a. The material shall be clear plastic or mesh screening only; no rigid materials shall be permitted.
 - b. Rain screens or curtains shall only be permitted during rainy periods.
 - c. An addition per square meter rental base of ten dollars and thirty cents (\$10.30) per square meter shall be charged.
 - d. The period of operation shall be April first to October thirty-first of each year.
 - e. In the case of designated or listed buildings, the design and guidelines of the front rain screens or curtains shall be subject to final approval by the Local Architectural Conservation Advisory Committee.
16. The patio will be subject to an annual inspection by a representative of the Engineering Department of the City of Kingston, prior to the opening of the sidewalk patio. Following this inspection, and approval that such sidewalk patio conforms to the provisions of By-Law number 87-136, a "Certificate of Compliance" shall be issued to the sidewalk patio operator.
17. The lessee agrees not to encumber the sidewalk surrounding the leased area in any way and specifically not to permit the placement of "sandwich board" signs, planters or extraneous advertising objects on the sidewalk or to allow bicycles to be affixed to or leaned against the sidewalk patio fence.
18. The planting of annuals, vines and container growth is encouraged, subject to the conditions contained in By-Law number 87-136.
19. The use of rain screens or curtains is permitted subject to the conditions in By-Law number 87-136.

20. The lessee agrees to maintain the patio in the manner of the approved plan and shall, in particular, maintain the patio fence, especially the top rail, as well as the top surface of the curb along the widened sidewalk around the patio so as to provide greater visibility. This is all to be done in a manner satisfactory to the City's Engineering Department. The top rail of the fence shall be painted white and the remainder of the fence shall be painted in a contrasting color for the benefit of visually impaired people.
21. All plans submitted for sidewalk patios must adhere to the diagrams included in the Design Guidelines for Outdoor Patios contained in By-Law number 87-136.
22. The lessee agrees not to place their posters on public hydro poles in contravention of City of Kingston By-Law number 87-136.
23. During the period of sidewalk patio operations, the owners of the patios in the area of Clarence and Ontario Streets shall collectively hire a person to clean and maintain the area on a daily basis in a manner acceptable to the City of Kingston.
24. During the period of sidewalk patio operations, the owners of patios in the area of Clarence and Ontario Streets shall collectively pay for an increased cost associated with the two By-Law Enforcement Officers being assigned to issue tickets for breach of any of the City's by-law in the area of Clarence and Ontario Streets during the evening and late night hours.
25. No patio operator shall fail to maintain the sidewalk leased as a patio and it shall be an offence to fail to clean the sidewalk required for the patio.
26. No person shall deviate from the approved plans for the patio.
27. These are standard lease agreement conditions; however, the Director of Engineering may recommend other requirement, depending on the individual proposals.

Please Note:

This application will be assessed by the City of Kingston Engineering Department in order to determine if it meets City standards and will be circulated to City Council in the form of a communication.

In examining the application, Engineering is responsible for considering the appropriateness of the design in terms of both convenience and safety of patron and general pedestrians; in terms of safety for vehicular traffic in the vicinity, especially at corners; in terms of general standards of appearance; and in terms of access for the physically disabled.

All owners and tenants within a sixty meter radius of the business will be notified of your application. A public notice will also be issued with a request for any concerned parties to address their concerns to the Engineering Department within fifteen days, such public notice to be done at the expense of the applicant. The Director of Engineering will prepare a report on the summary of the public comments received, which will be submitted to City Council along with the comments from Engineering. Approval of an application by Council shall take the form of a by-law, passed pursuant to Section 309, Subsection 3 of the Municipal Act, authorizing the agreement.

This application shall be accompanied by a non-refundable deposit in the amount of **Four Hundred and Sixty-One Dollars and Fifty cents** (\$461.50). This amount shall be adjusted annually by the same percentage charged as the Consumer Price Index of Statistics Canada during the preceding twelve months. If an applicant does not proceed with a patio in the calendar year in which it is approved, the applicant shall be required to reapply the following year with another non-refundable deposit. If an applicant does proceed with a patio in the calendar year in which it is approved, the applicant's deposit shall be applied toward his lease costs.

This application shall also be accompanied by an administrative fee of **One Hundred and Twenty-three Dollars and Ten Cents** (\$123.10) for the processing of sidewalk patio applications, their preparation of reports and for the time involved in inspections and re-inspections by staff in the City of Kingston Engineering Department.

Applicant Signature: _____ Date: _____

Patio Applicant Check List

Applicant:_____

Date: _____

Municipal Address:_____

Complete Official Application Form (above)

Provide color photographs of the area, showing adjacent properties as well, in order to provide a feel for the existing streetscape.

Provide an overall site plan extending twenty meters beyond the limits affected be the proposed patio at an appropriate scale showing the following.

Existing topography such as the following list of twelve items:

- 1. Buildings
- 2. Sidewalks
- 3. Sign Posts
- 4. Parking Meters
- 5. Light Standards
- 6. Utility Poles
- 7. Fire Hydrants
- 8. Manholes
- 9. Catch Basins
- 10. Utility Valves
- 11. Area Openings
- 12. Other

Existing dimensions for the following three items:

- 1. Width of existing sidewalk
- 2. Width of existing asphalt
- 3. Applicant’s legal property frontage

Distance

In all directions, from Residential or Public Use Zones as designated in the Zoning By-Law, thirty meters minimum.

Existing elevations

Extended thirty meters beyond the limits of proposed patio; please provide the following seven elevations.

- 1. Existing crown of road
- 2. Edge of existing pavement
- 3. Existing gutter
- 4. Top of front of sidewalk
- 5. Back of sidewalk
- 6. Top of existing curb, if any
- 7. Any manholes or catch basins

Proposed patio area

This should show all of the proposed construction with dimensions for the following fourteen areas, if applicable.

1. Distance

- Within frontage of restaurant
- One meter from building corner at intersection
- One meter minimum from adjacent corner

2. Sidewalk

- Proposed walk widening
- Widening equal to existing width of sidewalk
- Add zero point five meter widths within nine meters of an intersection

3. Drainage

- Proposed grades
- Proposed catch basin, if required

4. Deck

- Deck height point forty-five meter maximum at back of sidewalk
- Terraced decks setback at ratio of 2:1
- Type of skirting
- Exposed surfaces, painted or stained

5. Fence

- Proposed fence location
- Type
- Color
- White painted top rail
- Height, one point zero six meters minimum
- One meter clearance for hydrant, if any

6. Entrance

- Proposed entrances to patio area, location and size
- Barrier free access, one meter minimum, 2 meter maximum
- Ramp at 1:12 slope maximum

7. Awnings

- Proposed awning, if any
- Type of material
- Size and is eaves trough required
- Visual separation / overhead apartment
- Awning clearance two point four meter minimum
- Within frontage of restaurant

8. Area

- Surface area of patio
- Licensed interior floor area

9. Lighting

- Proposed lighting
- Task oriented

10. Plants

- Proposed planters

11. Signage

- Nothing on City property
- Non-illuminated menu card
- A-frames, sandwich boards not permitted

12. Curbing

- Top of street curb painted yellow

13. Refuse

- Only portable service carts

14. Provide an elevation plan of the proposal at an appropriate scale showing the following six items:

1. Existing building, such as entrances, windows etc.
2. Proposed surface elevation of existing sidewalk and proposed patio, if different
3. Proposed fencing
4. Proposed entrances to patio and building
5. Proposed awnings, if any: type, color, height, etc.
6. Structural detail of any proposed platforms and ramps.

Several of these items must be checked in the field, following construction, in advance of permission being granted to commence use of the new patio. However, we ask that they be shown on the submitted plans to ensure that the applicant understands the requirements and to verify their compatibility with the existing streetscape. Subject to final inspection, a Certificate of Compliance” will be issued.