

## **SIDEWALK CAFE AND PARKING PATIO GUIDELINES**

The following guidelines establish requirements for the licensing and operation of Sidewalk Cafes and Parking Patios located on City of Saskatoon right-of-way (ROW). Applications must be submitted to the Community Services Division and must be approved prior to issuance of a Sidewalk Cafe or Parking Patio Licence. The Sidewalk Cafe and Parking Patio Guidelines are intended to be used as a companion document to Bylaw No. 8770 (Zoning Bylaw) and Policy C09-013 (Use of Sidewalks, Boulevards and Parking Stalls – Vending). All laws and regulations, bylaws and resolutions governing right-of-way activity must be abided by, including Bylaw No. 2954 (Street Use Bylaw) and Bylaw No. 7200 (Traffic Bylaw).

### **1.0 Definitions:**

Boulevard – that portion of the right-of-way that extends from the edge of the street to the property line of the adjacent property not including the sidewalk.

Parking Patio – a sidewalk cafe which has been extended to include the temporary conversion of designated parking stall (s) located on public streets.

Parking Stall – any portion of a parking area marked by one or more painted lines, number, meter, pole, sign or other device to indicate that it is intended for the parking of a vehicle.

Sidewalk – portion of the right-of-way designed and intended for or used by pedestrians.

Sidewalk Cafe - a group of tables and chairs and other accessories situated and maintained upon a public sidewalk or boulevard for the consumption of food and beverages sold to the public from, or in, an adjoining indoor restaurant, lounge or tavern.

Street – a road, alley or other place designed and intended for or used by the general public for the passage of vehicles and pedestrians, but does include a parking lot, which is either privately or publicly owned.

### **2.0 General Guidelines:**

2.1 Licence Required: The operator of a Sidewalk Cafe or Parking Patio must apply for and obtain, annually, a Sidewalk Cafe or Parking Patio Licence prior to commencement of operations.

2.2 Existing Sidewalk Cafes: Businesses which are renewing their existing Sidewalk Cafe Licence will not be required to have their application reviewed by the agencies listed below in Section 2.7, provided the business has not changed ownership or the design of their Sidewalk Cafe has not changed from the previous year.

- 2.3 Licence Fee: No additional fee is charged for the operation of a Sidewalk Cafe or Parking Patio; the Licence is considered an extension of the business' existing Commercial Business Licence.
- 2.4 Parking Fee: Parking Patios must pay all required parking fees prior to the issuance of a Licence.
- 2.5 Licence Conditions: The operator shall agree to abide by the terms and conditions set forth in these guidelines, in addition to the regulations outlined in Policy C09-013 (Use of Sidewalks, Boulevards and Parking Stalls - Vending) and Bylaw No. 8770 (Zoning Bylaw). The General Manager of Community Services (or designate) reserves the right to cancel a Sidewalk Cafe or Parking Patio Licence upon 24 hours' notice if the terms and conditions are violated.
- 2.6 Information Requirements: The applicant shall submit a site plan, drawn accurately to scale, which shows the delineated area of the proposed Sidewalk Cafe or Parking Patio and proposed location and placement of planters, awnings, tables, chairs, fences and all other accessories in relation to the public sidewalk and/or public street and to the indoor business associated with it. The plan must indicate the location of utility poles, hydrants, bus shelters, parking pay stations, and any other utility or infrastructure related installations. The site plan must also clearly delineate pedestrian passageways and dimensions as described in Section 3.8 of these guidelines. Plans which are not drawn accurately and to scale, or do not include all information required, will not be accepted.
- 2.7 Approval: New Sidewalk Cafe applications (or those with changes from a previous year) and all new and pre-existing Parking Patios, will be referred to relevant agencies for review and approval. The applicant will be required to submit any missing or additional information required by the approving agencies. Once approval has been confirmed, the Sidewalk Cafe or Parking Patio licence can be issued. All applications will be referred to the following agencies:
- a) Saskatchewan Health Authority;
  - b) Saskatoon Police Services;
  - c) Saskatoon Fire Department;
  - d) Saskatoon Light and Power;
  - e) City of Saskatoon – Right-of-way Approval (Transportation and Construction Division);
  - f) City of Saskatoon – Neighbourhood Planning, Urban Design, Building Standards (Community Services Division);
  - g) Business Improvement Districts (BIDs) - If the proposed Sidewalk Cafe or Parking Patio is located in a BID;
  - h) Saskatchewan Liquor and Gaming Authority - If the proposed Sidewalk Cafe or Parking Patio is to serve alcoholic beverages.

### **3.0 General Conditions of Approval:**

- 3.1 Commercial Business Licence: The business must hold a valid City of Saskatoon Commercial Business licence.
- 3.2 Insurance: The operator of a Sidewalk Cafe must carry a minimum of \$2,000,000 liability insurance for the operation of the Sidewalk Cafe. A minimum of \$2,000,000 liability insurance is required for the operation of a Parking Patio. This liability insurance must indemnify the City of Saskatoon safe and harmless from any and all claims of injury to persons or damage to property attributable, in whole or in part, to the existence, location and operation of a Sidewalk Cafe or Parking Patio in the public right-of-way.
- 3.3 Performance: Sidewalk Cafes and Parking Patios shall contribute positively to the street activity and perception of the surrounding area. Inappropriate patron or staff behaviour or management practises or increases in calls for service from Police, Fire, or any other agency shall be grounds for immediate termination of the licence.
- 3.4 Accessory Use: Sidewalk Cafes and Parking Patios shall be located adjacent to an existing restaurant, lounge or tavern and shall be considered an accessory use. Where Sidewalk Cafes or Parking Patios are proposed to extend across the frontage of adjacent uses (neighbouring businesses) and/or temporarily convert on-street parking stall(s) adjacent to neighbouring businesses, written approval from the adjacent business owner must be provided. Proposed extensions beyond the frontage of the restaurant, lounge or tavern are subject to approval from all approving authorities.
- 3.5 Alcoholic Beverages: Alcoholic beverages may be served with food provided the adjacent restaurant to which it is an accessory use is Licensed to serve alcohol and the operator has received the approval of the Saskatchewan Liquor and Gaming Authority.
- 3.6 Hours of Operation: A Sidewalk Cafe or Parking Patio shall be operated for no longer than the operating hours of the principle use to which it is an accessory.
- 3.7 Waste & Storage: The Sidewalk Cafe or Parking Patio operator shall maintain the Sidewalk Cafe or Parking Patio area and the immediately adjacent area in a clean and safe condition at all times and be kept clear of ice and snow. Waste receptacles and work stations should be located along the building wall of the adjoining restaurant.
- 3.8 Pedestrian Pathway: A minimum clear passageway of not less than 2.0 metres for pedestrians shall be maintained and free of any physical obstruction such as utility poles, fire hydrants, bus shelters, parking pay stations, trees, temporary signs, sandwich boards, benches or garbage receptacles. Tree grates must be in good condition and flush to the sidewalk surface if they are located within the 2.0 metre passageway. When the pedestrian pathway is redirected away from a sidewalk into the curb lane, a boardwalk flush with the curb must be provided for the length of the pathway in the curb lane.

- 3.9 Screening: Visual screening may be allowed at the discretion of the Transportation and Construction Division.
- 3.10 Umbrellas: Any umbrellas shall be located entirely within the approved Sidewalk Cafe or Parking Patio area.
- 3.11 Lighting: Any lighting of the Sidewalk Cafe or Parking Patio shall be of a temporary nature and shall not project onto adjacent properties.
- 3.12 Signs & Advertising: Any permanent signs or advertising within the Sidewalk Cafe or Parking Patio area require a Sign Permit and shall conform to the Zoning Bylaw and its Sign Regulations.
- 3.13 Furnishings: All tables, chairs and decorative accessories in the Sidewalk Cafe or Parking Patio should be constructed using weather resistant materials, and must be arranged neatly and fully contained within the approved Sidewalk Cafe or Parking Patio area at all times.
- 3.14 Removal of Improvements: Sidewalk Cafe or Parking Patio furnishings, fences, awnings, screens, signs, lighting and other Sidewalk Cafe or Parking Patio improvements must be removable and not permanently fixed in place. All objects must be contained within the approved Sidewalk Cafe or Parking Patio area and removed when the Sidewalk Cafe or Parking Patio ceases operation or is no longer licensed.
- 3.15 Utility Access and Infrastructure Improvements: The City of Saskatoon and public utility agencies retain the right of access to the approved Sidewalk Cafe or Parking Patio area for the installation, maintenance and repair of pipes, cables, wires, poles, hydrants, sidewalks, streets or any other utility or infrastructure installation as necessary. In case of emergency, no notice may be given. For scheduled work, a minimum notice of one week will normally be given. Sidewalk Cafe or Parking Patio improvements shall be removed and reinstalled at the Sidewalk Cafe or Parking Patio operator's expense. Sidewalk Cafe and Parking Patio operators shall ensure that drainage to catch basins remains unrestricted and that catch basins are kept clear of debris and refuse at all times.
- 3.16 Electrical Vaults: A Sidewalk Cafe or Parking Patio or any portion of a Sidewalk Cafe or Parking Patio shall not be located above an underground electrical vault.

#### **4.0 Additional Conditions of Approval – Sidewalk Cafes:**

- 4.1 Operating Season: A Sidewalk Cafe is permitted to operate year-round from April 1<sup>st</sup> to March 31<sup>st</sup>, or any portion thereof.
- 4.2 Fencing: Sidewalk Cafes may be fenced around the perimeter, but fences shall not exceed 1 metre in height. Open fencing is preferred to solid fencing, but fabric insert panels may be used. Fence extensions above the 1 metre height limit may be considered, provided the extension material is transparent and sturdy. Any fencing located within 6 metres of an intersection shall not obstruct the vehicular view angles as determined by

the Transportation and Construction Division. In some cases, fencing may be required at the discretion of the approving authorities.

- 4.3 Awnings: The installation of awnings requires a Building Permit and shall conform to the requirements of Bylaw No. 9455, *The Building Bylaw*.
- 4.4 Surface Treatment: All ground surface area within the approved Sidewalk Cafe area shall be hard surfaced with unit pavers, concrete or asphalt, whichever is consistent with the immediately adjacent areas. Indoor/outdoor carpeting may be used at the discretion of the Transportation and Construction Division.
- 4.5 Landscaping: Landscaping of the Sidewalk Cafe is encouraged and must be of a temporary nature. Plant material must be contained within the approved Sidewalk Cafe area.
- 4.6 Access: The operator shall maintain an unobstructed walkway at a minimum width of 1.5 metres to the entrance of the building and entrance of the Sidewalk Café if relevant. The Sidewalk Cafe shall be wheelchair accessible.
- 4.7 Additional Regulations: The Community Services Division and Transportation and Construction Division reserve the right to require additional regulations to ensure that safety regulations are met.
- 4.8 Denial: Not all sidewalks or locations are suitable for a Sidewalk Cafe. The Community Services Division maintains the right to refuse issuance of a Sidewalk Café licence in instances where it is felt that a Sidewalk Cafe may impact public welfare or safety and/or constitute a nuisance.

## **5.0 Additional Conditions of Approval – Parking Patios:**

- 5.1 Operating Season: A Parking Patio is permitted to operate from April 1<sup>st</sup> to March 31<sup>st</sup>, or any portion thereof. The parking patio must be used at least periodically throughout the licence term.
  - a. A Parking Patio shall be licensed for a minimum of two months. The licence may be extended in increments of at least one month.
- 5.2 Building Permits:
  - a. A building permit for a year-round parking patio may be required if:
    - i. The deck surface is greater than 200mm from grade; or
    - ii. More than 10 seats will be provided, to address additional washrooms for the principal use.
  - b. A building permit for a seasonal parking patio may be required if:
    - i. The deck surface is greater than 200mm from grade; or

- ii. More than 50 seats will be provided, to address additional washrooms for the principal use.

### 5.3 Protective Barriers

- a. When a deck, boardwalk, or similar platform is provided, curb stops are required to be placed at the ends of the parking patio abutting a curb lane.
- b. If a deck or platform is not provided, jersey barriers or similar material must be placed at the ends of the parking patio abutting the driving lane and curb lane.

### 5.4 Designated Space: A Parking Patio must operate solely within the confines of the designated parking space(s). The use of nose-in or angled parking spaces for Parking Patios may be permitted, subject to review and approval.

- a. Up to four parking spaces per block face may be approved for the use of parking patios or reserved through the Temporary Reserved Parking Program. An additional four parking spaces for parking patios may be approved at the discretion of the General Manager of Community Services or designate.

### 5.5 Separation: 6 metres must be maintained between the nearest edge of the Parking Patio and the nearest edge of any intersection, bus shelter or bus stop.

### 5.6 Barriers: Barriers shall be approved by the Transportation and Construction Division. The barrier that faces oncoming traffic must be angled in such a way that any potential impact will divert vehicular traffic onto the roadway and away from pedestrians.

### 5.7 Fencing: Fencing, no greater than 1 metre in height, is required around the perimeter of the Parking Patio. Fencing material shall be robust in nature as determined by the Transportation and Construction Division. Fence extensions above the 1 metre height limit may be considered, provided the extension material is transparent and sturdy.

### 5.8 Traffic Posts: Traffic glow posts must be placed along the length of the Parking Patio to alert traffic and to serve as a traffic calming measure. All traffic control devices (including fencing, concrete barriers and traffic glow posts) must be contained within the approved Parking Patio area. All costs for traffic control devices are borne by the Parking Patio operator.

### 5.9 Surface Treatment: Any Parking Patio platform or decking must not be attached to the street, must be flush with the curb, and must allow proper drainage. On wood or other combustible surfaces, electric powered heaters are permitted; gas and propane heaters are prohibited.

### 5.10 Landscaping: Landscaping of the Parking Patio is required and must be of a temporary nature. Plant material must be contained within the approved Parking Patio area.

### 5.11 Access: Access to the parking patio must be restricted to the sidewalk or boulevard. Parking Patios must be wheelchair accessible.

- 5.12 Additional Regulations: The Community Services Division and Transportation and Construction Division reserve the right to require additional regulations to ensure that safety regulations are met.
- 5.13 Denial: Not all streets or locations are suitable for a Parking Patio. The Community Services Division maintains the right to refuse issuance of a Parking Patio licence in instances where it is felt that a Parking Patio may impact public welfare or safety, result in a negative impact on the provision of on-street parking, and/or constitute a nuisance. The issuance of a Parking Patio licence one year does not guarantee the issuance of a Parking Patio licence in subsequent years.