

2025 PATIO APPLICATION

Street (Parking Lane) Patio (No Structure)

For 2025, in cases where the following criteria are met, tables may be placed directly on the street surface:

- a) the curb height is 150mm (from street surface to sidewalk surface);
- b) the speed limit is 50kph or less;
- c) there is one driving lane in the applicable direction;
- d) able to provide perimeter protection and/or traffic barriers;
- e) able to provide an accessibility ramp (see ramp detail on website);
- f) occupant load will not be surpassed; and
- g) able to provide acceptable liability insurance

If your situation meets these criteria, please complete this application as instructed.

Application Administration Fee \$388.00 plus HST = \$438.44

For Patios that were previously approved and with no planned changes for 2025 the fee is reduced to \$208.00 plus HST = \$235.04.

Additional "Land Use Fees" are set out on Schedule B attached.

Please return the completed application form and attachments to Realty Services by email to lisa.zawadzki@thunderbay.ca or by fax to (807) 623-9344 – Please include the business address with your cheque and mail it to above address. Questions regarding completion of the application can be directed to (807) 625-2527.

(PLEASE PRINT CLEARLY)

APPLICANT: _____ DATE: _____ 2025

TELEPHONE # _____ FAX# _____ EMAIL: _____

NAME OF PROPERTY OWNER: _____
(If different from Applicant)

BUSINESS NAME: _____

ADDRESS OF BUSINESS: _____

MAILING ADDRESS (If different from above): _____

CITY: _____ POSTAL CODE: _____

EATING EST. LICENCE NUMBER: _____ Expiry Date: _____

LIQUOR LICENCE NUMBER: _____ Expiry Date: _____

BRIEF DESCRIPTION OF STREET SURFACE/PARKING LANE PATIO: _____

The Term of the Licence Agreement shall be for 3 years unless otherwise specified.

This Application and all prerequisites **must** be submitted to Realty Services for approval. Upon the application and submissions being approved, the applicant will be required to enter into a licence agreement.

PREREQUISITES – by checking the boxes below you confirm that you have or will meet the prerequisites.

- ☐ A site plan of the proposed temporary parking lane patio must illustrate the dimensions of the sidewalk, size and number of parking spaces, height of the curb location of any curb cuts, business width, location of the entrance to the business, location of City planters, distance to hydrants, boulevard trees, parking meters, distance from nearest intersection(s), and any other pertinent features (see Criteria Guidelines & Checklist attached).
- ☐ By checking this box, you confirm that the occupant load (establishment and patio) will not exceed the posted occupancy at any time during the applicable term of the patio licence agreement.
- ☐ By checking this box, you confirm that you have consulted with and received approval from the appropriate BIA or BA confirming its support of this application.
- ☐ By checking this box, you confirm that you have consulted with Fire on the patio design and confirmed with Fire if a final inspection will be required prior to opening.
- ☐ Insurance Certificate is to be provided with liability insurance of not less than 5 million. City is to be named as a third party insured.
- ☐ A Certificate issued by the Workplace Safety and Insurance Board is to be provided and will be valid during the entire term of the patio licence agreement.
- ☐ I acknowledge that the patio may not open for business until the licence agreement has been signed, all prerequisites have been met and Realty Services has completed a final inspection of the Patio.
- ☐ I acknowledge that the applicant is responsible for delineating the patio and providing proper perimeter protection including traffic barriers as set out in the Guidelines, to the satisfaction of the City.

If approved, a Licence Agreement will be prepared and forwarded to the Applicant for execution. Upon receipt of the executed Agreement and a completed Certificate of Insurance, the Agreement will then be executed by the Director, Development and Emergency Services Department, and a fully executed copy will be forwarded to the Applicant.

Signature of Business Owner/ Applicant

Signature of Property Owner

STREET SURFACE/PARKING LANE PATIO GUIDELINES

Eligibility

This program is available to owners of licensed food establishments/restaurants and retailers.

That insufficient area is available for a sidewalk patio, parking lane/street surface patios require a curb height of 150mm (from street surface to sidewalk surface); that the speed limit is 50kph or less; and that the driving lane in the applicable direction will not be obstructed.

Applications are to be submitted by the business owner (with the consent of the owner of the building if not the same). Patios within BIA and BA areas must have the support of the BIA or BA. Patios located outside those areas will require the written support of abutting property owners abutting the proposed patio location.

Patio Details

- The Patio size may extend the length of the Restaurant/Business and width of the **parking space** Written permission may be granted for the Patio to project beyond the parking lane where a 3.2 m minimum width driving lane can be maintained without obstruction.
- A maximum of 4 (full or partial) parking spots may be impacted.
- The patio must be delineated from the publicly travelled street and sidewalk. Line of demarcation can be by a self-supported railing/fence, stanchions or posts with rope, temporary pavement marking or other vertical barrier system. (provided that the patio and patrons are protected from traffic) Details are to be provided by Applicant.
- A minimum 1.1 m path of egress must be maintained within the patio.
- Any patio end railings must include reflectors for night safety.
- **Railings/stanchions/posts/planters MAY NOT be anchored to the surface. Any penetration of the City's sidewalk, curb or street surface without authority could result in the licence being cancelled and the applicant being responsible for repair costs.**
- The patio must be removed on or before September 30, 2025.
- Patio furniture must be movable, but sturdy and heavy enough to withstand expected winds without becoming a hazard.
- The patio shall have no permanent electrical power.
- Patios may not be used to increase the maximum occupant load of the relevant building.
- Concrete or water-filled jersey barriers are to be provided on either side of the Patio facing oncoming traffic but located **within the designated patio space**. Perimeter protection including barriers, concrete curb stops, heavy planters (no less than 300lb) must be placed along its length at a max 1m spacing. Barriers are encouraged to be screened by incorporated planters or similar. (No

advertising is permitted on the barriers.) All barriers and delineation materials must be located within the designated patio boundaries and not within adjacent parking spaces or the driving lane. The City has a limited supply of barriers available and may agree to provide a certain number of barriers to the Applicant depending on availability and projected demand at the time of request (at full cost recovery to the City). Traffic barriers will require night reflectors.

- Umbrellas must stand at least 2.1m (7ft) above the walking surface and cannot interfere with traffic or traffic visibility.
- A fire extinguisher (minimum 2A-10BC) must be available within 15.2 m (50ft) of any part of the patio.
- CSA-certified electric or propane patio heaters (with max 20lb tank) are permitted where located at least 3m (10ft) away from tree branches, operated per the manufacturer's directions and not stored on the road right-of-way/sidewalk when not in use. Solid-, gel- or liquid-fuel fire features are not permitted.
- The Chief Building Official is authorized to inspect all temporary patios and require adjustments to the patio in order to address compliance with these Guidelines.
- Final inspections (Realty and Fire) will be required prior to the opening and operation of the patio.
- Patio may not be used for cooking or preparing food.
- Music shall not be played on the Patio without consent from the City.
- Tents/shelter structures prohibited without consent from the City.

Location

- Patios cannot obstruct fire hydrants, fire connections, or Fire Rescue access to the building. Patios cannot obstruct drainage, specifically gutter and catch basins must remain unobstructed.
- Patios generally cannot obstruct Transit stops. However, the City may consider moving transit stops.
- Patios cannot be located at the end of a merge lane.
- Patios may **not** be located in accessible parking spaces or loading zones or where access to those spaces may be impacted without an exemption from the City.
- Patios must be a minimum of 9 m from an intersection and 15 m from a signalized intersection **unless** within an existing metered parking space.
- Patios must not obstruct sightlines for traffic entering the street.
- Generally, Patios must not obstruct bike lanes. Where there is sufficient width, the City may consider permitting patios to obstruct a portion of a bike lane.

General

- The Applicant must enter into an agreement with the City and provide the necessary insurance.
- Any public complaints will be logged and forwarded to the Applicant to rectify. Responsibility for the Patio shall be wholly with the Applicant and at the Applicants expense.

- The City will not be required to pay for any work or supply any equipment to make public lands more suitable for the proposed Patio.
- The Applicant shall be responsible for maintaining the appearance of the Patio and any furniture or fixtures. Applicant shall ensure that no litter, garbage or similar accumulates on or around the Patio.
- The City of Thunder Bay shall maintain the right to enter the licensed lands to carry out repairs or maintenance to municipal infrastructure and for the purposes of inspection. The Licencee shall be responsible for removing its improvements to allow for such repairs and maintenance.
- To be considered eligible, no outstanding taxes and fines shall remain unpaid at the application due date.
- The Applicant shall meet all requirements of the Thunder Bay District Health Unit, Alcohol and Gaming Commission of Ontario, and other regulatory agencies as applicable.
- The Applicant shall obtain and maintain all licences, permits and certificates that may be required for or in connection with the business including but not limited to the Alcohol and Gaming Commission of Ontario, if applicable.
- The Applicant shall provide their liquor license and/or landlord consent, if requested by the City.
- The Applicant shall comply with the requirements of every applicable statute, law, and ordinance, and with every applicable lawful regulation and order including the requirements of the City's Noise By-law, the Smoke-Free Ontario Act and Municipal Smoking Prohibition By-law.
- The Applicant shall comply with and shall ensure its staff, volunteers and invitees comply, with all applicable federal, provincial, municipal and Thunder Bay District Health Unit laws, regulations, policies, directions, and recommendations.

Accessibility

- A minimum of 20 per cent of the tables that are provided must be accessible to persons using mobility aids by having knee and toe clearance underneath the table and in no case shall there be fewer than one table in an outdoor public use eating area that meets this requirement.
- The ground surface leading to and under tables that are accessible to persons using mobility aids must be level, firm and stable.
- Tables that are accessible to persons using mobility aids must have clear ground space around them that allows for a forward approach to the tables. O. Reg. 413/12, s. 6

The above referenced Guidelines, as well as additional information, resources and links are available on the City's website at: www.thunderbay.ca/patio

Schedule “A” Checklist for Site Plan Parking Lane Patio

Please Check all that apply.

- ☐ **SITE PLAN** to show & dimension the following:
 - ☐ Patio area, delineation detail, signage, and night reflectors
 - ☐ Number of tables and chair and list of any other furniture /fixtures.
 - ☐ Width of existing business/building, depth of existing sidewalk and parking lanes
 - ☐ Number and location of barriers (end barriers must include reflectors for night safety)
 - ☐ Ramp per provided detail (available on City’s website)
 - ☐ Unobstructed sidewalk walkway (Minimum 1.5 m wide) against the building
 - ☐ Path of patio egress (Minimum 1.1 m)
 - ☐ Accessibility details and percentage of accessible seating
 - ☐ Boulevard trees, guards, and shrubs
 - ☐ Parking meters
 - ☐ Distance to closest intersections
 - ☐ Parking spots impacted by patio (max 4)
 - ☐ Any barrier free parking stalls within proposed patio area
 - ☐ Bike lanes
 - ☐ Identify any nearby transit-stops.
 - ☐ Any loading spaces.
 - ☐ Fire connections & hydrants
 - ☐ Drainage facilities (i.e., gutters, manholes & catch basins)
 - ☐ Curb height at gutter and height difference between the top of the curb and asphalt at the end of the ramp.

Schedule “B” Land Use Fees

For the first year of the (3) three year term, the initial rate will be \$164.00 plus HST, totaling \$185.32 for the 2025 season.

Land use fees for subsequent year(s) beyond 2025 may be subject to change.