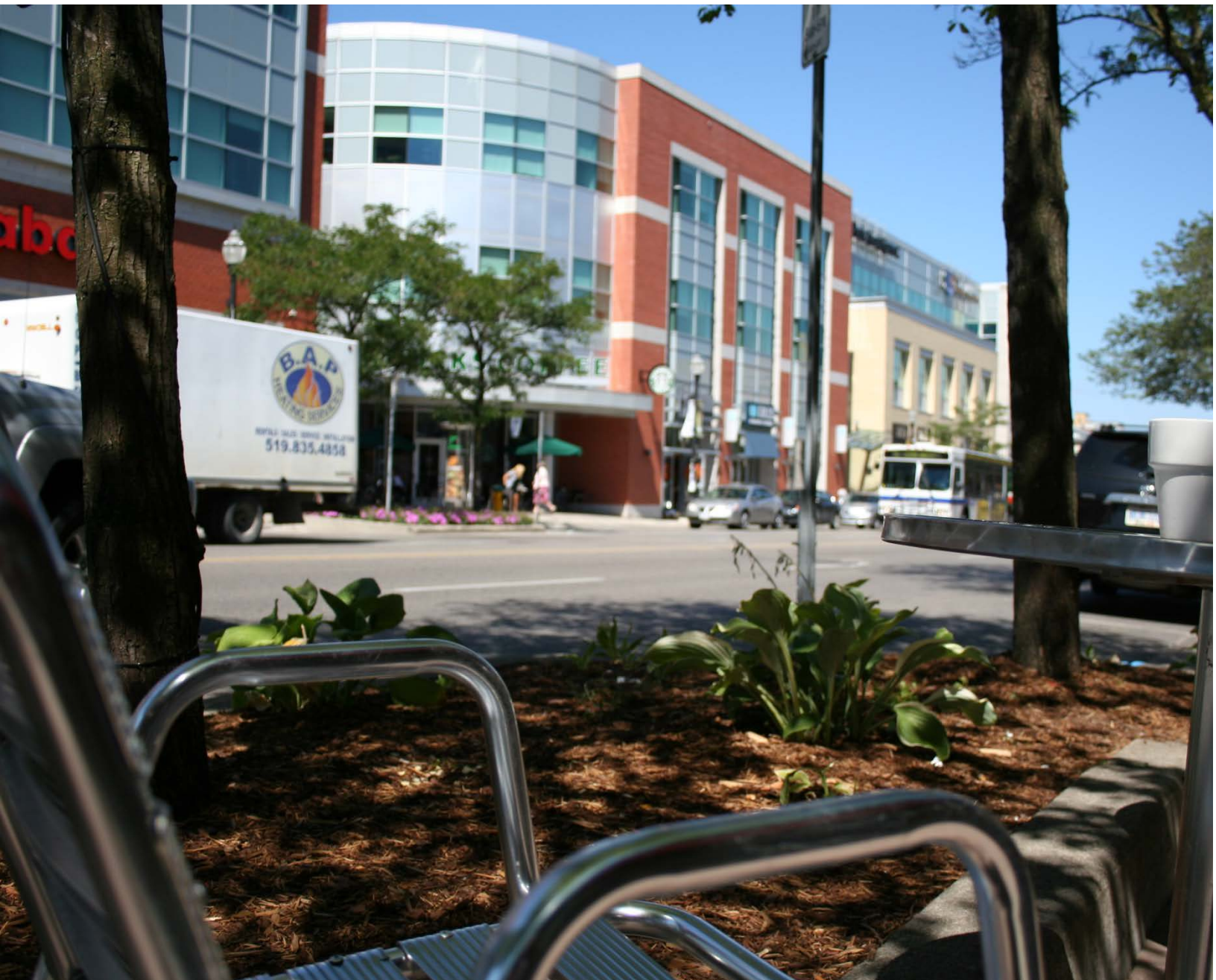


# **CITY OF WATERLOO AMENDED UPTOWN**

## **SIDEWALK PATIO GUIDELINES**

March 2024



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## 1.0 INTRODUCTION

The City of Waterloo has a vibrant Uptown core that is anchored by a flourishing restaurant and food industry. This industry has 70 restaurants and eateries in The Uptown with a growing number of businesses adding outdoor patios in the public realm (city and regional sidewalks).

Cities are often remembered by their patio culture. As this culture grows The City of Waterloo is taking a proactive approach (with their partners including The Uptown BIA, The Region of Waterloo, Grandin, Keolis) to develop a set of patio guidelines called the “*Uptown Sidewalk Patio Guidelines*”.

The Uptown Sidewalk Patio Guidelines set the framework for a *Patio Encroachment Agreement* that must be entered into with the applicable city and regional governments. These guidelines apply to sidewalk patios only.

In all cases new patios must meet AODA (“The Accessibility for Ontarians with Disabilities Act”) rules with priority on safe and unobstructed *Clear Path of Travel*, meeting applicable law (including *Occupant Load* for licensed patios) and addressing specific setbacks related to the transportation system (eg. bike lanes and the ION Light Rail Transit). The Uptown Sidewalk Patio Guidelines incorporate these requirements and establish performance standards that relate to specific patio districts defined by road type, activity (licensed or not), aesthetics and context. The Uptown Sidewalk Patio Guidelines apply to patios located in The Uptown (defined as the Urban Growth Centre) and *only* on publicly owned property (city or regional sidewalks).

## 2.0 PURPOSE

The Uptown Sidewalk Patio Guidelines have been prepared to:

- Promote a strong patio culture in Uptown Waterloo.
- Promote vibrant streets that attract patrons and visitors to The Uptown.
- Promote a memorable Uptown experience supported by distinctive patio districts.
- Strategically integrate patios along the King Street North Streetscape Project.
- Establish coordinated setbacks along the LRT route, bike lanes and parking spaces.
- Support and clarify AODA rules that apply to the public realm (city and regional streets).
- Ensure sidewalk areas (Sidewalk Zone) are open and accessible.
- Establish a user-friendly process to facilitate a Patio Encroachment Agreement.





## The Sidewalk Zone

Street Furnishing Zone  
Curb Side Patios (±1 metre)

Sidewalk Clearance Zone (Clear Path of Travel)  
(minimum 1.8 metres)

Building Frontage Zone  
Façade Patios (0 – 3 metres)

Photo: Example showing a Sidewalk Zone defined by a “Street Furnishing Zone” (location for public benches and curb side patios), an unobstructed Sidewalk Clearance Zone (called Clear Path of Travel) and a “Building Frontage Zone” (location for a facade patio)

### 3.0 UPTOWN PATIO DESIGN GUIDELINES

This section of The Uptown Sidewalk Patio Guidelines establishes general guidelines that apply to new patios located in The Uptown on city and regional sidewalks. In some cases, there may be slight variation between the criteria for patios located on city and regional roads.

#### *Technical Criteria*

1. **Encroachment / Licensing Agreement.** A sidewalk patio will require a *Patio Encroachment / Licensing Agreement* (Patio Agreement) approved by The City of Waterloo. A *Patio Plan* will be required showing the location of a proposed patio with The Uptown Sidewalk Patio Guidelines used to evaluate the patio proposal. The Patio Agreement will be approved by the City of Waterloo subject to any requirements of the Master Licensing Agreement between the City and Region of Waterloo.
2. **Installation.** In all cases, patios (including fencing, seats and tables) are intended to be temporary features and be removable (portable). Screw anchors will not be permitted to secure patio fencing (railings or posts) to the sidewalk surface. Alternative fencing such as stanchions, planter boxes and fence base plates are encouraged. A technical fencing detail will be required for review and approval and careful attention to storage (after hours / season) and installation is recommended.
3. **Duration.** For maintenance reasons, patios will only be permitted on a seasonal basis between April 1 to October 31 subject to weather conditions. During the off season the public right of way shall be returned to its original condition with no patio furniture or fencing in the right of way.

#### *Patio Location Criteria*

1. **Clear Path of Travel.** All patios must demonstrate (through a *Patio Plan*) that they maintain minimum AODA accessibility requirements that include providing an unobstructed sidewalk clearance zone (called Clear Path of Travel). The onus is on the *Patio Applicant* to ensure a *Clear Path of Travel* is maintained. Specific criteria are highlighted below:
  - Regional Roads and City streets: Minimum 1.8 metre *Clear Path of Travel*.

- Unobstructed access: ensure no obstructions are located within the *Clear Path of Travel* such as street furniture, tree, signage, bus shelter, garbage receptacle and other physical obstructions.
- Pedestrian access / trails. A patio cannot block pedestrian access along a street, walkway connection or entrance.

The minimum *Clear Path of Travel* may be further amended during the season should the Province of Ontario alter its recommendations, and the City of Waterloo reserves the right to cancel the patio agreement for any location that is unable to meet the recommendations of the Province of Ontario as may be amended from time to time.

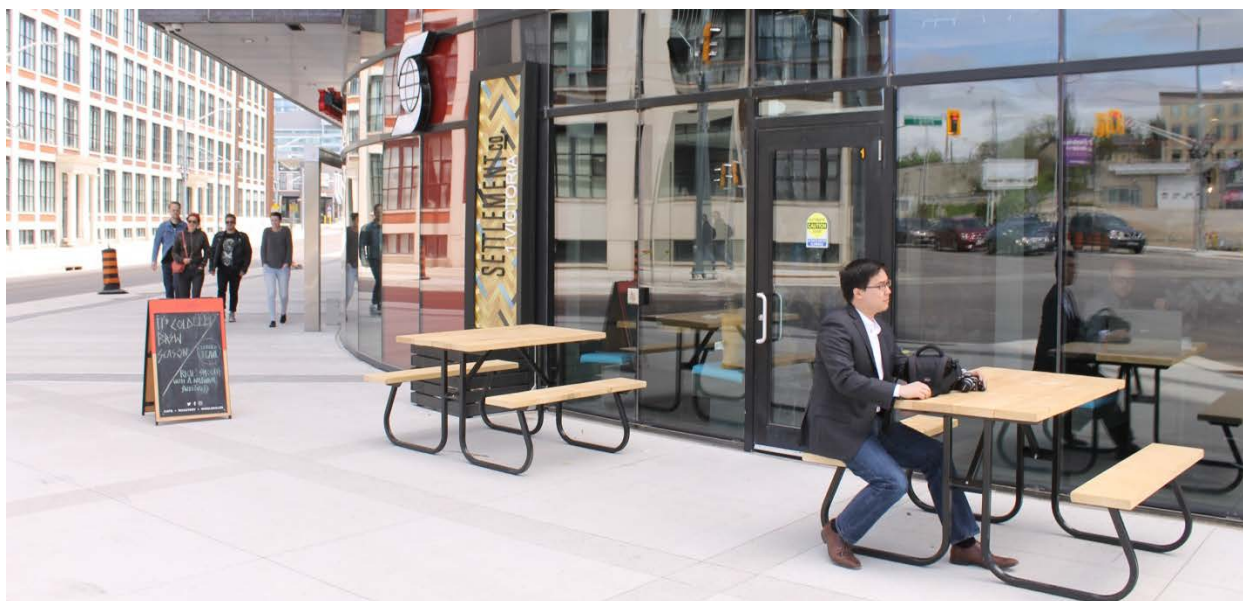
2. Location: Patios are encouraged to locate along the associated business building frontage and not extend past the business frontage shown on a *Patio Plan*. If additional patio space is requested, permission from the adjacent property owner / business will be required.



*Diagram: This diagram illustrates preferred patio to be located along the associated building façade frontage. This is a guide and some flexibility may occur along the street.*

On corner sites, consider opportunities to incorporate patio seating near the entrance of the building leaving ample room to enter the building.





*Photo: Example showing bench seating at entrance of building.*

3. The Sidewalk Zone: Patios are encouraged to be located in The Building Frontage Zone (façade patio), and if there is sufficient sidewalk width, the Street Furnishing Zone (curb side patios on select streets). In all cases a patio is not permitted to encroach in the minimum Path of Travel or block access to infrastructure and amenities such as bus shelters, bike racks, fire hydrants, drains, siamese connection or entrances. For safety reasons, a curb side patio is not permitted along the ION LRT curb side route.



*Photo: Example showing Façade Patio located in the Building Frontage Zone enhanced with decorative fencing, landscape planters and complementary metal chairs and tables.*



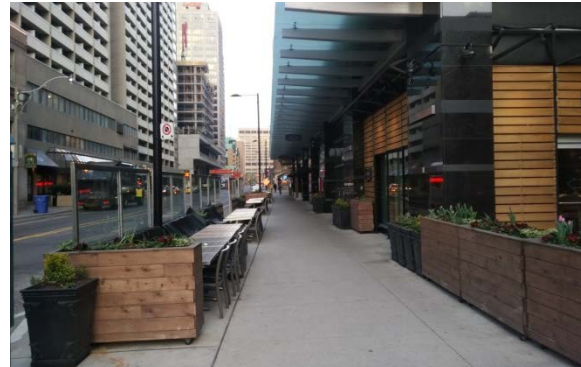
4. Setbacks. In some instances a setback may be required including:

- A 0.5 meter setback from on-street parking space to allow access.
- Setback from curb-side LRT route where Regional standards apply.

5. Patio Dimensions: In most cases, patio space will be determined by road width, sidewalk space, setback requirement(s) and location context. It is the business owner's responsibility to ensure patio set up and spacing meets the safe re-opening requirements of the Province of Ontario and Waterloo Region Public Health.



*Photo: Illustrative patio showing a portable patio design located in the "Building Zone" with an unobstructed sidewalk zone. In this instance, the umbrella is located within the patio area and does not encroach over the sidewalk.*



*Photo: example showing a "double-loaded" patio with seating located along the Street Furnishing Zone and along the Building Façade Zone separated by an unobstructed Sidewalk Clearance Zone (Clear Path of Travel)*

6. Sight Lines. Patios are not to be located within a driveway or roadway daylight corner measured 3.0 meter by 3.0 meters from the sidewalk intersection.

#### *Licensed Patios (Outdoor Licensed Areas)*

1. Occupant Load. Licensed Patios are regulated by The Alcohol And Gaming Commission (AGCO), as well as, The Ontario Building Code and subject to the Ontario Fire Code. In all cases, a licensed patio must demonstrate that they have sufficient Occupant Load and safe access. Prior to any *Patio Agreement*, a *Patio Applicant* is encouraged to consult with the City of Waterloo Building Division to confirm sufficient capacity is available and with the AGCO to determine submission requirements. The total number of guests including the patio cannot be greater than what is approved by Occupant Load capacity.
2. Compliance Letters. A licensed patio may require an Agency Letter of Approval (compliance letters) from the Building Division, Fire Protection Officer (Waterloo Fire Prevention Division) and Public Health Department. Ensure compliance letters are coordinated with the City of Waterloo's Patio Application Form.

3. Fencing: A well-defined sturdy barrier is required for any patio intending to serve alcohol under the AGCO and must operate in accordance with the Liquor License Act. A well defined barrier may include traditional fence, removable fencing and other types. Fence height should be 42" inches / 1.0 meter recognizing the minimum fence height is 36" inches / 0.9 meter. A business may not serve patrons beyond the barriers of the outdoor dining space. Patrons are not permitted to leave the fenced patio area with alcohol and the business may be subject to a fire inspection as part of AGCO approval.
4. Preferred Location: Licensed patios are encouraged within the Building Frontage Zone (Facade Patios). Opportunities may exist for select Street Furnishing Zone locations.



*Photo: Example of a fenced patio located in the Building Frontage Zone (Façade Patio).*

#### *Patio Accessibility*

1. AODA Access. All patios are to be located on the sidewalk surface and be level with this surface. Grade changes are to be avoided. The ground surface leading to and under tables are to be level, firm and stable. A fenced patio is required to have a minimum 1.2 meter access into the patio area. Additional performance standards may apply on Regional roads subject to applicable agreements between The Region and City.
  - Regional Roads and City Streets: A 1.8 meter Clear Path of Travel is maintained.



- Accessible seating and accessibility is encouraged. Barrier free access is encouraged directly from the sidewalk. Internal building access to patio may be considered as an alternative or supplemental access.
2. Seating. Accessible seating is encouraged. Tables should be accessible using mobility aids by having a knee and toe clearance under the table.
  3. Obstructions: For safety and accessibility reasons, a patio must not block any access to a fire department connection, city sewer, gas value or meter, building entrance (or exit), city or regional street furniture (such as garbage container, public bench, bus shelter, bike rack) or other sidewalk access. Patio tables, chairs and other amenities shall not obstruct or protrude onto the *Sidewalk Clearance Zone* or access to building entrances.

### *Patio Design Expectations and Amenities*

1. Materials: All patio furniture (including fencing, railings, chairs and tables) are to be located within the patio area and be made out of sturdy and weather resistant materials such as wrought iron, aluminum, steel, wood. Plastic and vinyl furniture is not permitted. The Region of Waterloo will review materials along the ION LRT Route.



*Photo: Example showing high quality patio seating and tables facing public sidewalk (single table, non-fenced seating).*

2. Patio Culture. Provide careful attention to patio design features, design, colour and landscaping to promote a coordinated patio theme / district.



*Photo: Example showing a strong patio culture defined by decorative metal fencing (with hanging baskets), landscaping and signage (Toronto).*

3. Signage. For consistency, A-frame /sandwich board signs are to be located within the Building Zone. There may be opportunities to integrate menu signage on the patio fence. In all cases, this type of signage should not obstruct Clear Path of Travel and access to building or patio entrances. Sign bylaw requirements may apply and signage is not permitted on patio fencing. Do not locate signage within the Sidewalk Clearance Zone.



*Photo: Example showing A frame sign located within Building Zone.*

4. Serving Station: Mobile / removable serving stations are supported subject to accessibility standards. These should not block patio entrance.



5. Overhead Trellis Structure: Overhead trellis structures may be considered in specific patio districts subject to performance criteria and may include a Building Permit.



*Photo: Example showing a removable patio trellis structure located behind the public sidewalk in the Building Zone with high quality fence material and at-grade access into the patio from the public sidewalk.*

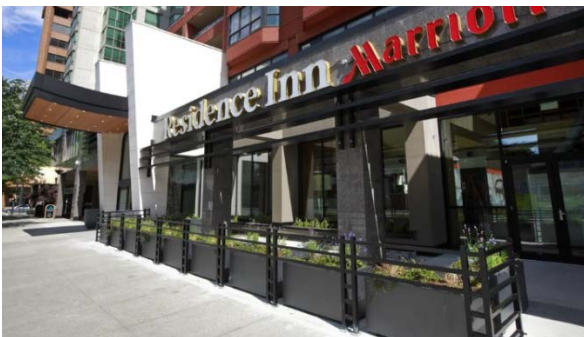
6. Umbrellas. Umbrellas are encouraged within the patio area to provide shade, weather protection, vibrancy, district theme opportunities and subject to following criteria:
- Location: within patio area and avoid encroachment into any vehicular transportation lane.
  - LRT Curb Side Route. The following construction criteria apply to umbrellas located along the LRT Curb Side route:
    - Must be located within the patio area.
    - Not permitted along street furnishing zone.
    - Must be a wood construction (avoid metal as a conductive material).
    - Umbrella must be secured to a substantial anchor / umbrella base.
  - Sidewalks. As a general principle, umbrellas should be located within the patio area. In limited instances, a minor encroachment may be considered over a public sidewalk (sidewalk clearance zone) subject to city approval (2.2 metre height clearance above the sidewalk).
  - Colour: support umbrella colour choices that may be tied to the business branding colour palette and to facilitate a distinctive streetscape character.
  - Advertising. If considered, advertisements on umbrellas should be minimal.
7. Maintenance: Patios are to be well maintained and kept in good and safe condition. Patios are to be operated and maintained in accordance with Provincial and Public Health requirements.

8. Patio Surface: The patio area should be a non-slip, all weather surface.
9. Fencing and railings. Sidewalk patios may be fenced around the perimeter but fences (including railings) should be at least 0.9 meters in height and generally not exceed 1.2 meters for sit-down patios. In select instances, fence height may be increased for standing patios when the fence acts as a serving or stanchion surface. Patio fencing shall be shown on the *Patio Plan*. Fence posts shall be free-standing (base plate).
10. Decorative Fencing. Decorative (and artistic) fencing details are encouraged and provide opportunity to enhance / support district theme opportunities. Decorative fencing may include decorative metal designs, glass panels and other considerations.



Photos: Illustrative examples showing decorative metal fencing and creative seating.

11. Landscaping. Landscaping of sidewalk patios is encouraged and must be of a temporary design. Plant material may include planters, hanging baskets (over railings but must be contained within the patio area) and shall not extend into the Sidewalk Clearance Zone or into a designated bike lane. A range of options can be considered including planter designs internal to the patio area.



Photos: Illustrative examples showing landscaping fence treatment.





*Photo showing landscape feature within patio area.*

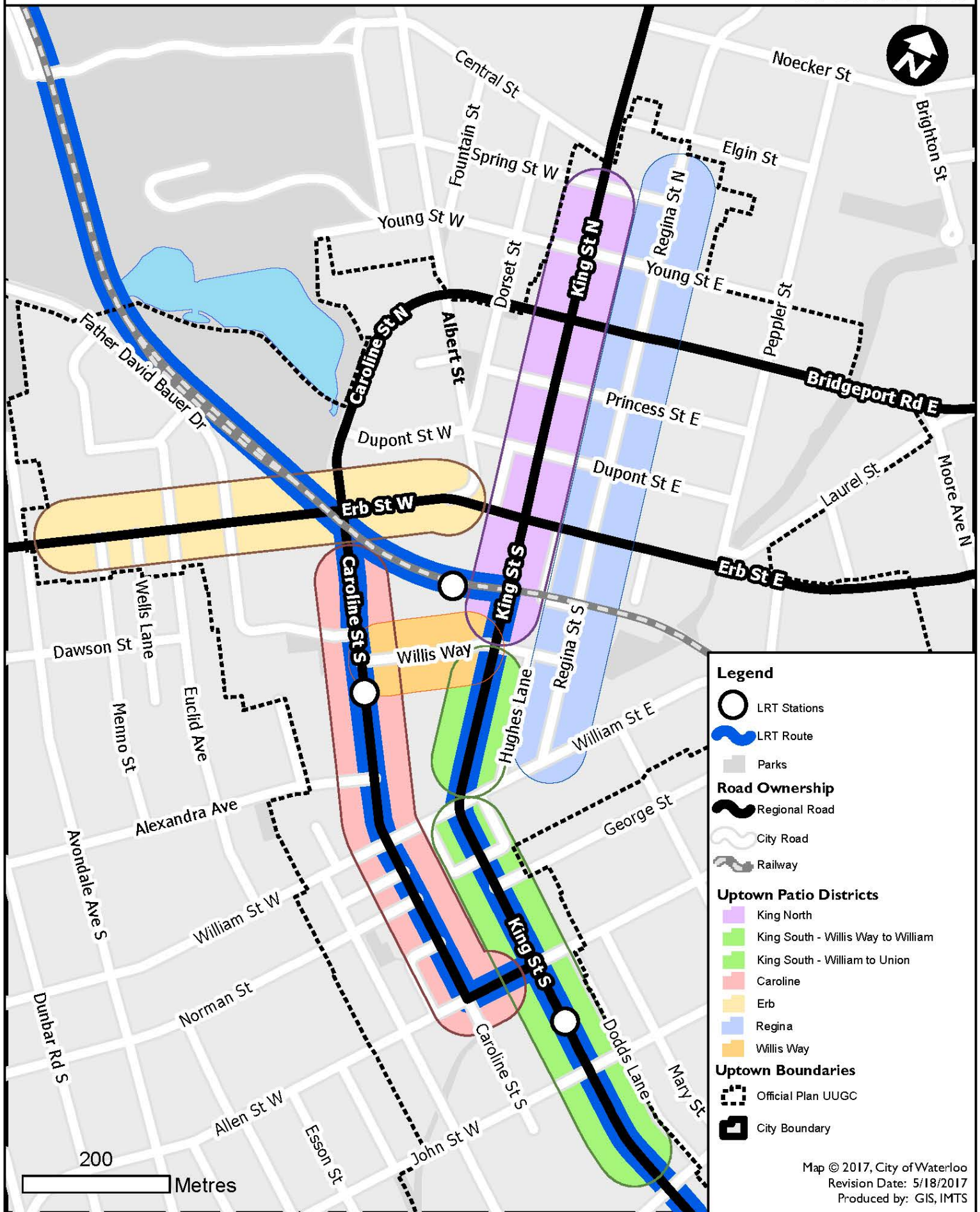
12. Other. Sidewalk patios are intended for outdoor seating and dining. These guidelines do not contemplate outdoor grilling, outdoor heat lamps or amplified music.
13. Alternative Patio Designs and Locations. Other cities are experiencing demand for street patios and pop-up cafes in on-street parking spaces. These patios are often designed with a solid wood base to provide level access to the sidewalk and often involve an inspection process. New type of patios can be discussed through the Pilot Program. In some cases, sidewalk patios may be able to overlap into the public realm or may have internal building access subject to meeting performance criteria on a case by case basis.

#### **4.0 UPTOWN PATIO DISTRICTS**

The Patio Design Guidelines establish performance standards for sidewalk patios. The City of Waterloo promotes patios in The Uptown and has developed Patio District guidelines to enhance patio culture in The Uptown. A range of decorative fence details, fence colours, umbrella colours, can be used to enhance this theme and patio culture.

Patio layout and design will be largely determined by the sidewalk dimensions, transportation system, setback requirements and site context.

# Uptown Patio Districts





## 5.0 PROCESS & ADMINISTRATION

A new sidewalk patio on a city or regional road shall require a *Patio Encroachment Agreement* that is initiated through a complete Patio Application Form submitted to The City of Waterloo. The design and function of a proposed patio must meet the Uptown Sidewalk Patio Guidelines that forms part of the Patio Application Form. If a patio straddles both public and private property, a Patio Encroachment Agreement will be required and patios on private property would be subject to site plan review. A business can prepare and complete a Patio Encroachment application form however, The Patio Applicant must be authorized by The Property Owner. A Patio Plan is required to ensure patio criteria are being met as illustrated in Appendix 2. In some cases, there may not be an ability to accommodate a patio in the public realm. The following steps and information is required to initiate a Patio Application:

### *Complete Sidewalk Patio Application Submissions:*

- ✓ Complete Patio Application Form with consent from property owner.
- ✓ Patio Plan showing location and dimensions of patio and surrounding features.
- ✓ Certificate of Liability with City (and Region if on a Regional road) named as co-insured. Please see insurance requirements below.
- ✓ Application Fee (subject to Fees Bylaw).

### *Patio Application Process:*

1. Review Patio Checklist with important criteria highlighted below (Appendix 2):
  - Review and ensure the proposed location is suitable for a patio.
  - Ensure the patio meets minimum AODA and Clear Path of Travel requirements.
2. If a licensed patio is proposed consult the AGCO. The AGCO that may require an approval letter from Waterloo Fire and Waterloo Region Health Department confirming outdoor area was inspected. Consult AGCO early in the process.
3. Consult City of Waterloo Building Standards. The Building Standards Division may require a building permit.
4. Prepare and submit a complete Patio Application Form based on The Uptown Sidewalk Patio Guidelines submitted to the City's Economic Development Division:
  - Ensure Property Owner is involved and can sign the Patio Agreement.
  - Ensure business has current business license.
  - Provide proof of insurance by submitting the City's Sidewalk Patio Certificate of Insurance completed by an insurer or insurance broker which includes,
    - i. A minimum of \$4 million in Commercial General Liability with a Liquor Liability endorsement.
    - ii. The City of Waterloo / Region of Waterloo named as additional insured with a cross liability endorsement and severability of interests provision.
5. Internal Patio Application circulation and review.
6. Enter into Patio Agreement with City.
7. Compliance. A patio license may be revoked if Patio Agreement conditions are not met.

*Patio Agreement:* A Patio Encroachment / Licensing Agreement is required to permit business activity in the public realm (on city or regional sidewalks). The Patio Agreement addresses issues such as patio duration (April 1 to October 31 subject to weather conditions), liability, and general responsibility (eg. maintenance, meeting other legal and applicable law requirements). Consult City of Waterloo for more information.

## **APPENDIX 1: DEFINITIONS**

**AODA:** means The Accessibility for Ontarians with Disabilities Act.

**Clear Path of Travel:** Includes public outdoor sidewalks (or walkways) designed and constructed for pedestrian travel and are intended to serve a functional purpose and not to provide a recreational experience (described in Section 80.21(1) of O.Reg. 413/12: Integrated Accessibility Standards).

**Hazard Zone.** Refers to a defined zone surrounding the ION LRT Route as established by The Region of Waterloo and GrandInq.

**Patio Applicant:** Business owner who is proposing a sidewalk patio in Uptown Waterloo.

**Patio Application:** Patio Application Form to request a sidewalk patio in Uptown Waterloo.

**Patio Encroachment Agreement:** A legal agreement required to permit a sidewalk patio. This agreement is prepared by The City of Waterloo, administered by the City's Economic Development Division and approved by The City's Director of Legal Services.

**Patio Seating:**

- **Single Table Seating:** A patio with single table seating that can accommodate 1-3 chairs.
- **Double Table Seating:** A patio with double table seating that can accommodate 4 chairs.
- **Double Loaded Patio:** A patio layout involving a curb side patio and a façade patio separated by a public sidewalk (Sidewalk Clearance Zone / Clear Path of Travel).

**Occupant Load:** means the number of persons for which a building or part of a building is designed and is referred to as the "design occupant load" in this standard practice.

**Removable Fence:** A temporary fence that is not physically secured / affixed to sidewalk.

**Sidewalk Zone:** The area of sidewalk located between property line (and / or building façade) and back side of curb. The Sidewalk Zone is divided into three sections: (1) The Street Furnishing Zone (where curb side patios are located); (2) The Sidewalk Clearance Zone (Clear Path of Travel); and (3) Building Frontage Zone (where façade patios are located).



Uptown Patio Districts: Proposed patio districts located in Uptown Waterloo subject to area-specific performance standards. Proposed Districts include: King North, King South (two sections), Caroline, Erb, Regina, Willis Way.

Uptown Sidewalk Patio Guidelines: City approved guidelines applied to sidewalk patios located in Uptown Waterloo (Urban Growth Centre).

## **APPENDIX 2: PATIO CHECKLIST**

The following patio checklist has been prepared to facilitate a Patio Application request. The following criteria will be used as part of the evaluation process:

1. **Property Owner Authorization:** Does the business owner have the consent / approval of the property owner to submit a Patio Application. Property owner authorization is required.
2. **Road Authority:** Is the proposed patio located on a city street or regional road? Specific standards and approvals will apply based on road classification and authority.
3. **Clear Path of Travel (unobstructed sidewalk):** Does the proposed patio maintain the required “Clear Path of Travel” requirement? Review patio location and show on the Patio Drawing.
4. **Setbacks:** Are there any setbacks that may impact the proposed patio location? These may include on-street parking spaces (0.5m setback), bike lanes or shared use paths (no encroachment) and ION LRT Route (curb side).
5. **Fencing:** Is the proposed patio fencing removable, does it meet installation criteria and design goals?
6. **Licensed Patios:** Does the proposed patio meet AGCO requirements and Occupant Load requirements? Consult with City’s Building Division for more information prior to AGCO and Patio Application submissions.
7. **Patio Application:** Do you have the following information for submission:
  - a. Scaled Patio Plan showing patio dimensions, Clear Path of Travel, setback information (to surrounding features and building facade), building entrance, sidewalk dimensions, curb line.
  - b. Do you have the necessary liability insurance for a patio? Can you provide a copy of the City’s Sidewalk Patio Certificate of Insurance completed by an insurer or insurance broker?