

City of North Bay Report to Council

Report No: CSBU-2022-011

Date: February 17, 2022

Originator: Beverley Hillier

Business Unit:

Community Services

Department:

Planning & Building Department

Subject: Supporting Outdoor Dining

Closed Session: yes ☐ no ☒

Recommendation

That:

1. All fees associated with the creation of a new or expanded outdoor patio be waived for the 2022 patio season (up to and including Thanksgiving weekend ending Tuesday, October 11, 2022), including:
 - a) Building permit fees;
 - b) In Downtown North Bay, parking fees applicable under the existing Sidewalk Patio Program; and
 - c) Municipal Alcohol License approvals and extensions issued through the City Clerk's Office.
2. That the Guidelines "Supporting Outdoor Dining", attached as Appendix A to Report to Council CSBU 2022-11, be used to regulate the establishment of outdoor patios.
3. The existing Sidewalk Patio Program in Downtown North Bay be expanded to support the use of sidewalks for outdoor retail space.
4. That the Manager, Planning & Building Services be delegated approval authority for outdoor patio extensions.

Background

Council approved the temporary expansion of outdoor patios in both 2020 and 2021 in line with the Alcohol Gaming Commission of Ontario's patio policy which was set to expire on January 1, 2022. This regulation has been

amended which allows for temporary patio extensions, subject to the City's Guidelines & the Alcohol Gaming Commission of Ontario's patio policy, until January 1, 2023.

One of the criteria of the AGCO is that the municipality does not object to the extension.

City Council passed a motion in 2020 and in 2021 to support outdoor dining during COVID-19 that was in line with the provincial government's temporary patio extension policy. In 2020, this motion also supported the waiving of various fees under By-law 2020-31. This By-law has since expired. As a result a resolution from Council is required to continue waiving these fees in 2022 as it relates to outdoor patios.

In 2020, eight (8) patio extensions were approved under this policy. In 2021, seven (7) patio extensions were approved under this policy. There is currently one request pending for 2022.

Financial/Legal Implications

The potential financial implications as a result of this decision include:

- 1) Unrealized parking revenue should a patio be extended into on-street parking spaces in Downtown North Bay; and
- 2) Unrealized revenue in the Clerk's Department related to Liquor license extension approvals.

Based on 2020 and 2021 approvals the financial implications would be approximately \$2,000.

Corporate Strategic Plan

- | | |
|--|---|
| <input type="checkbox"/> Natural North and Near | <input checked="" type="checkbox"/> Economic Prosperity |
| <input type="checkbox"/> Affordable Balanced Growth | <input type="checkbox"/> Spirited Safe Community |
| <input type="checkbox"/> Responsible and Responsive Government | |

Specific Objectives

- Promote and support public and private sector investment
- Cultivate the growth and expansion of existing businesses in North Bay and in surrounding communities

Options Analysis

Option 1:

That:

1. All fees associated with the creation of a new or expanded outdoor patio be waived for the 2022 patio season (up to and including Thanksgiving weekend ending Tuesday, October 11, 2022), including:
 - a) Building permit fees;

- b) In Downtown North Bay, parking fees applicable under the existing Sidewalk Patio Program; and
 - c) Municipal Alcohol License approvals and extensions issued through the City Clerk's Office.
2. That the Guidelines "Supporting Outdoor Dining", attached as Appendix A to Report to Council CSBU 2022-11, be used to regulate the establishment of outdoor patios.
 3. The existing Sidewalk Patio Program in Downtown North Bay be expanded to support the use of sidewalks for outdoor retail space.
 4. That the Manager, Planning & Building Services be delegated approval authority for outdoor patio extensions.

Option 2:

That Council not support the temporary patio extension user fee exemption and that staff not be delegated the approval authority.

Recommended Option

Option 1 is the recommended option.

Respectfully submitted,

Name: Beverley Hillier, MCIP, RPP

Title: Manager, Planning & Building Services

I concur with this report and recommendation

Name Ian Kilgour, MCIP, RPP

Title: Director, Community Development and Growth

Personnel designated for continuance:

David Euler, P.Eng., PMP

Chief Administrative Officer

Appendix A

Supporting Outdoor Dining During COVID-19

(under Regulation 719 under the *Liquor Licence Act* (LLA))

In order to support the creation of new or the expansion of existing patios, the City of North Bay has developed the following guidelines:

Site Plans:

All new and expanded patios are required to prepare a site plan for the review and approval of the City of North Bay. The site plan must include the following:

- The location and size of the proposed patio or patio expansion on the property, including the location of any buildings or existing patios on site
- If the patio will be located in an existing parking lot, the number of parking spaces that will be used for the patio & the number of parking spaces that will be available for use of the patrons
- The location of existing and proposed new pedestrian and vehicular paths of travel

In Private Parking Lots:

- Outdoor patios are permitted
- If you are proposing to install or expand your outdoor patio **within the parking lot area**, you must:
 - o maintain available parking spaces at a ratio of 1 parking space per 15 square metres of patio space (this does not need to include your interior dining room area)
 - o Accessible parking spaces must be maintained or new accessible parking spaces must be provided & signed accordingly

In Downtown North Bay:

- Patios are supported through the City's Sidewalk Patio program. Support for the creation of the sidewalk patio is available through the Growth Community Improvement Plan. To learn more about this program visit: <https://www.northbay.ca/services-payments/building-development/growth-community-improvement-plan/>
- You are required to enter into a Sidewalk Patio License Agreement with the City of North Bay, including the provision of insurance. A template of this agreement is available here: <https://www.northbay.ca/services-payments/building-development/downtown-sidewalk-patios/>
- If you require a public, on-street parking space to accommodate your sidewalk patio or to maintain a path of travel the fee of \$100/space/month has been waived for the 2022 patio season.

Requirements for all locations:

- Patios are not permitted to expand into yards adjacent to residential zones
- You must have washrooms available for the use of your patrons and staff
- You must meet and maintain all required accessibility standards
- An amendment to any existing Site Plan Control Agreement will not be required.
- No enclosed tents or shelters are permitted at this time. Only open sided roof structures and umbrellas are permitted at this time.
- No smoking is permitted on patios or expanded patio areas. All requirements of the *Smoke Free Ontario Act* are required to be maintained.

When is a Building Permit Required?

- When your patio is constructed more than 12 inches off the ground a building permit is required
- If you're patio requires a building permit the design of your patio **must** be completed by a Professional Engineer or Architect or other qualified professional.
- Any tent that is 225m² (2,420 ft²) or larger requires a building permit and has to be engineered; most of the tents from rental agencies do come with engineered drawings for erection and anchorage. This will need to be provided with your permit application. Regardless of their size, the canopies for all tents need to be fire retardant material.
- All tents also have to be setup a minimum of 10 feet from any other structure and property lines.
- If you require a permit for your patio, the associated building permit fee of \$190 is waived for 2022, however, you are required to apply for and obtain a permit from the City of North Bay.
- If you are erecting a tent on your patio, the associated building permit fee of \$109 is waived for 2022, however, you are required to apply for and obtain a permit from the City of North Bay.

Alcohol Licenses

- Each request for a liquor license, whether permanent or temporary, requires approval from the City prior to the AGCO granting the license. The Municipal Clerk must provide approval, and the Fire and Building Departments must review the application.
- The Municipal Fee of \$40 has been waived for 2022.