
Infrastructure Services

June 11, 2021

Xel Campbell
286403 10 Sideroad
Mono, ON L9W 6P7

Dear Xel Campbell:

**RE: Pia's – 177 Broadway
Boulevard Café Permit**


This letter constitutes a Boulevard Café Permit issued in accordance with Town of Orangeville By-laws 41-2003 and 2021-023, and Guidelines for Temporary Outdoor Patios. Approval of this Permit is subject to the conditions contained in the By-laws and Guidelines, attached hereto, as well as the following conditions:

1. The area to which the permit applies is that portion of the Broadway road allowance that is located south of the property at 177 Broadway and measuring 6.85 m x 3.5 m (22.5 ft x 11.5 ft) as shown on the submitted drawing.
2. A railing will be used to enclose the boulevard café on all sides, except for an entrance on the north side only.
3. The railing to be used is illustrated in the photo submitted with the application.

This permit is valid until November 30, 2021. At the end of the season, the railings and all furnishings must be removed from the road allowance. You must apply for a new permit next season.

The Town appreciates your interest in establishing a boulevard café which will enhance the vitality of our downtown.

Yours truly,



Brandon Ward, MCIP, RPP
Manager, Planning
Infrastructure Services

cc: John Lackey, Manager, Transportation and Development
Bruce Ewald, Manager, Building – Chief Building Official
Heritage Orangeville c/o Alexandra Graham, Secretary
Ruth Phillips, Manager, Economic Development
Doug Jones, General Manager, Infrastructure Services
David McLagan, Ontario Provincial Police

attach.



Guidelines for Temporary Outdoor Patios

Outdoor boulevard cafés have been permitted in the Town's Central Business District under the Town's Outdoor Café By-law (41-2003) and (2021-023). In addition to these By-laws, the following provides greater clarity regarding the criteria for outdoor boulevard café's or patio areas (patios):

1. **Locations:** Patios may be permitted partially or entirely within the sidewalk and boulevard area adjacent to the business that they are intended to serve and must meet the following criteria:
 - a. **Same area as the building they serve:** Patios may not encroach into the frontage of a neighbouring establishment unless they have consent from the establishment(s) being encroached upon or approval from the Town to do so.
 - b. **Pedestrian path must be maintained:** Patios are to be situated so that a 1.5 metre wide unobstructed and barrier-free public pathway for pedestrians must be maintained at all times. If there are any braces supporting the railing, they will not encroach onto the 1.5 metre wide clearance pathway and are not to be fastened to the surface of the ground. Patios are encouraged to be situated so that the public pathway weaves as little as possible and maintaining a straight corridor alignment abutting the building faces is maximized. Patios should not obstruct accessibility ramps adjacent to the building.
 - c. **Patios to be physically delineated:** Patios are to be surrounded as follows:
 - i. using a fence or railing with a height of at least 0.9m but not exceeding 1.2m and/or planter boxes or pots so that the patio area is appropriately and tastefully delineated or physically enclosed.
 - ii. Enclosure requirements will be subject to the AGCO requirements, which shall prevail in the event of any conflict with these criteria.
 - iii. Patio enclosures must include a barrier-free access opening of at least 1.2m wide. No access opening is to be provided on the street-facing side of the patio unless the patio directly abuts the building. No gates are permitted.
 - d. **Patios or walkways may be in the on-street parking area:** Patios may be situated to occupy up to two parking spaces in front of the establishment, provided that:
 - i. Any public pathway circumventing a patio area within the parking space area must be delineated and separated from vehicular traffic to the satisfaction of Town staff. Jersey Barriers may be installed by the Town at certain locations at the discretion of the General Manager of Infrastructure Services.
 - ii. Any patio and/or public pathway situated within the parking space area of the roadway must be situated on a suitable platform constructed to match



the grade of the abutting sidewalk/boulevard area. Such platforms must be constructed in a manner that does not negatively impact the drainage. It is the applicant's responsibility to ensure the removal of any waste or debris that may accumulate in this area.

- iii. When the café and accessories are being placed on Municipal Property, you are required to complete the work in accordance with Ontario Traffic Manual Book 7 to ensure proper traffic protection is being administered and maintained during the work.
 - iv. Traffic signals and other traffic control devices must not be impacted by the boulevard café.
2. **Alterations on municipal property:** The Town of Orangeville will not allow any alterations to pavement, curb, boulevard, sidewalk, etc. including the permanent fastening of railings or other parts of the café enclosure to the hard surfaces. Any damage deemed to have been caused by the installation, removal and use of the café shall be rectified at the Applicant's expense.
3. **Maintenance by municipality:** The Town will retain the right to have the applicant make modifications, including removal of the enclosure system, as it deems necessary should there be maintenance, access or other boulevard related issues associated with the location of the enclosed café. The Town is not responsible for damages and/or inconvenience to patrons as a result of regular maintenance on the sidewalks and/or abutting roadway.
4. **Capital Project – Removal and replacement of boulevard bricks, sidewalk and other surface areas and amenities:** The Town of Orangeville will be undertaking a capital project that involves the removal and replacement of the boulevard bricks, sidewalk and other surface areas and amenities on both sides of Broadway between third Street and John Street. The work is expected to commence on or about June 1 and be completed by September 30. Interruptions to the café are likely. The applicant may be required to remove and or relocate the approved café should the Town make that request. The applicant will be given further direction by the Town should the approved café be in conflict with the scheduled construction.
5. **Snow removal:** All outdoor patio furniture, equipment and other items be removed as required by the Town for snow removal.
6. **Conflicts:** The Town accepts no responsibility and/or liability in the event that there is conflict between pedestrians, patrons and/or staff persons.
7. **Insurance:** A valid liability insurance policy naming the Town as an additional insured party in the amount of no less than \$2,000,000 must be maintained throughout the duration of the boulevard café.
8. **COVID-19 Emergency Measures By-law and Public Health Guidelines:** All patron seating areas must comply with the Town of Orangeville COVID-19 Emergency Measures By-law, as applicable. In addition, all Public Health and Safety guidelines must be complied with.



9. **Season:**

- a) For patios located on the **sidewalk/boulevard**, the duration of the patio season is from April 1 to November 30, 2021.
- b) For patios located within the **on-street parking area**, the patio may exist from May 1 to November 30, 2021.

Notwithstanding the permitted seasonal patio durations described above, the Town may at its discretion, require the proponent to remove all patio implements and furnishings to accommodate winter maintenance activities, subject to weather conditions.

10. **Application process:** Applicants are to submit the Boulevard Café Application form with accompanying checklist items identified on the form by email to planning@orangeville.ca. There is no fee for boulevard café applications.

Application submissions received will be processed as quickly as possible within 5 business days.



THE CORPORATION OF THE TOWN OF ORANGEVILLE

BY-LAW NUMBER 41 - 2003

A BY-LAW TO PERMIT THE CREATION OF BOULEVARD CAFÉS IN THE CENTRAL BUSINESS DISTRICT

WHEREAS the *Municipal Act, 2001*, S.O. 2001, c.25, S.8 provides a Municipality natural person powers for the purposes of exercising capacity, rights and powers of the *Act*;

AND WHEREAS the *Municipal Act, 2001*, S.O. 2001, c.25, S.130 authorizes a municipality to regulate matters for purposes related to the health, safety and well-being of its inhabitants;

AND WHEREAS the Council of the Town of Orangeville wishes to permit the establishment of boulevard cafés in the Central Business District while ensuring the safe and accessible passage over sidewalks;

NOW THEREFORE the council of The Corporation of the Town of Orangeville hereby enacts as follows:

1 DEFINITIONS

In this by-law:

- 1.1 "boulevard café" means a designated outdoor area on the sidewalk associated with an adjoining commercial premises, no wider than the width of the premises' storefront, excluding the width of the entrance.
- 1.2 "Central Business District" means the area that is zoned Central Business District (CBD) by By-law 22-90, as amended.
- 1.3 "Officer" means a municipal by-law enforcement officer, provincial offences officer, police officer or a public health inspector.
- 1.4 "sidewalk" means the hard surface provided for use of pedestrians on the municipal road allowance and situated between any building and the curb of the street.
- 1.5 "summer season" means the period of time between May 1 and September 30 of any given year.
- 1.6 "Town" means The Corporation of the Town of Orangeville.

2 REQUIREMENT FOR PERMIT

- 2.1 No person shall create a boulevard café in the Central Business District unless a permit has been obtained in accordance with the requirements of this by-law.

3 EXCEPTION

- 3.1 The regulations in this by-law do not apply to events organized by the Orangeville Business Improvement Area or authorized by the Town, which events involve the closing of Broadway to vehicular traffic.

4 APPLICATION

- 4.1 Every person applying for a permit, as required by this by-law, shall file with the Director of Planning, or his designate, a completed application in the form prescribed by the Director of Planning. The application will be accompanied by a scaled plan showing the extent of the boulevard café on the sidewalk and illustrations of all associated structures and the required insurance certificate. The application will also indicate how the proposal complies with the conditions of this by-law. The Director of Planning will circulate the application to the Building and Public Works Departments and designated members of Heritage Orangeville for comment prior to approval.
- 4.2 There will be no fee for a permit required by this by-law.

5 COMMENCEMENT AND EXPIRY

- 5.1 Any permit issued under the provisions of this by-law shall be limited to the summer season only of the year in which it is issued.

6 GENERAL CONDITIONS

- 6.1 A boulevard café must be associated with and accessory to an adjoining eating establishment, restaurant or food store use that is permitted by the Town's Zoning By-law and all other applicable Town by-laws.
- 6.2 The playing of music is prohibited in a boulevard café.
- 6.3 The right of access for the Town will be maintained should repairs or maintenance be required on the boulevard on which the boulevard café is located.
- 6.4 Any and all emergency accesses and exits as marked on the approved plan will be maintained.
- 6.5 A liability insurance policy in an amount of no less than \$2,000,000, with a cross liability clause naming the Town as an additional insured will be obtained.
- 6.6 A boulevard café shall not impede the flow of pedestrian traffic. A minimum 1.5 metre wide free and clear pathway must be maintained on the sidewalk at all times.
- 6.7 A boulevard café must be enclosed by a fence or railing that is at least 0.9 metres high, but no more than 1.2 metres high. If alcoholic beverages are to be served, the fencing requirements of the Alcohol and Gaming Commission of Ontario will supersede this requirement.
- 6.8 Where possible, a fence associated with a boulevard café shall not obstruct the sight lines at the intersection of two streets.
- 6.9 No permanent structures are permitted.
- 6.10 All elements of a boulevard café (i.e. fencing, tables, chairs, heaters, etc.) must be removed from the sidewalk at the termination of the permit.
- 6.11 Any and all lighting associated with a boulevard café must be directed away from residential areas, other properties and streets.

7 INSPECTION

- 7.1 Any person to whom a permit has been issued pursuant to this by-law shall permit any Officer to inspect the premises for which the permit was issued at any time.

8 HERITAGE PERMITS

- 8.1 Issuance of a permit for a boulevard café by the Town will constitute approval of a Heritage Permit for the alteration of the exterior of a building within the Downtown Orangeville Heritage Conservation District, as designated under Part V of the *Ontario Heritage Act*.

9 REVOCATION, SUSPENSION

- 9.1 The Town reserves the right to terminate permission at any time for any or no reason upon fourteen (14) days written notice, mailed or delivered to the applicant's last known address.

10 OFFENCE AND PENALTY

- 10.1 Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine and/or penalty as provided for in the *Provincial Offences Act, R.S.O. 1990, Chapter P.33 as amended*, for each offence and such penalty and/or fine shall be recoverable under the *Provincial Offences Act*

11 WORD USAGE

- 11.1 As used in this by-law, words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; and the singular number includes the plural and the plural the singular.
- 11.2 The headings and subheadings used in this by-law shall not form part of the by-law, but shall be deemed to be inserted for convenience of reference only.

12 SEVERABILITY

- 12.1 Should any section or subsection of this by-law or any part or parts thereof be found by law to be illegal or beyond the power of Council to enact, such section or subsection or part or parts thereof shall be deemed to be severable so that the remainder of this by-law is separate and therefore enacted as such.

13 CONFLICT WITH ANY OTHER BY-LAW

- 13.1 In the event of any conflict between any provisions of this by-law and any other by-law previously passed, the provisions of this by-law shall prevail.

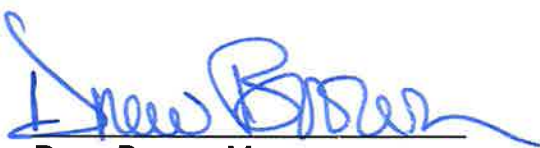
14 SHORT TITLE

- 14.1 This by-law shall be known as the "Boulevard Café By-law."

15 EFFECTIVE DATE

- 15.1 This by-law shall come into force and take effect on the date of passing.

READ THREE TIMES AND FINALLY PASSED IN OPEN COUNCIL THIS 5TH DAY OF MAY, 2003.


Drew Brown, Mayor


Cheryl Johns, Clerk



The Corporation of the Town of Orangeville

By-law Number 2021-023

A by-law to amend By-law 2003-041 being a By-law to permit Boulevard Cafes in the Central Business District

Whereas the Town wishes to amend By-law 2003-041 to implement measures to provide flexibility for local food and beverage establishments in response to the COVID-19 pandemic;

Now therefore be it resolved that the Council for The Corporation of the Town of Orangeville hereby enacts as follows:

1. That By-law 2003-041 be amended for the 2021 Calendar year by amending the definition of "boulevard café" and "summer season" as follows:

"boulevard café" means a designated outdoor area on the sidewalk associated with an adjoining commercial premises, no wider than the width of the premises' storefront, excluding the width of the entrance and may include up to two parking spaces in front of the subject commercial premises."

"summer season" for the purpose of a boulevard café located:

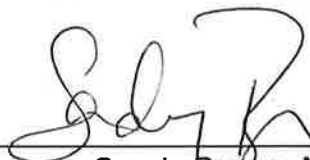
- (a) on a sidewalk means the period of time between April 1, 2021 and November 30, 2021;
- (b) on a parking space means the period of time between May 1, 2021 and November 30, 2021.

2. That By-law 2003-041 be amended for the 2021 Calendar year by adding the following:

6.12 That a 2021 permit be subject to the following terms and conditions:

- (a) all Public Health and Safety guidelines be complied with;
- (b) that all outdoor patio furniture, equipment and other items be removed as required by the Town for snow removal or property maintenance;
- (c) any safety measures applied by the Town as part of the approval of an application be adhered to.

Read three times and finally passed this 8th day of March, 2021.



Sandy Brown, Mayor

Karen Landry, Clerk