

Subject: Outdoor Patio/Display of Merchandise By-laws

Department: Community Services

Division: Economic Development

Report #: CMS-2023-001

Meeting Date: 2023-01-09

Recommendations

That report CMS-2023-01, dated January 9, 2023 be received;

And that Council pass a by-law amending the Outdoor Boulevard Café by-law as outlined within this report for the period of April 1 to October 31 on an annual basis with a maximum of six parking spaces permitted for extended outdoor cafes, issued on a first-come, first-served basis;

And that Council pass a by-law amending the Display of Merchandise by-law as outlined within this report for the period of April 1 to October 31 on an annual basis;

And that Planning staff be directed to amend Outdoor Boulevard Café and Display of Merchandise by-laws, guidelines, applications, and permits accordingly.

Background and Analysis

In the spring of 2020, Council moved quickly to adapt the Town's Outdoor Boulevard Café and Display of Merchandise by-laws in response to the COVID-19 pandemic and the impact that the virus was having on Orangeville's retailers and food establishments.

The Outdoor Boulevard Café amendments enabled establishments to open temporary patios and to apply for new outdoor boulevard café permits that permitted extending into a maximum of two parking spaces in front of their restaurants, provided that adequate sidewalk accessibility was maintained for patrons and the public.

Under the Display of Merchandise by-law, amendments permitted retail stores, while maintaining a sidewalk/walking area of no less than 1.5 m (5 ft), to maintain their existing outdoor display space of .75 m (2.5 ft) from their facades or to erect a tent on the street side of the boulevard, but not on the roadway.

These measures allowed the public to safely enjoy services, meet social distancing requirements and other public health guidelines while also supporting the Town's retail and food sector businesses by expanding their capacity levels. The amendments were very well received by both the business community and the public and were re-introduced in 2021 and again in 2022 with Council's approval.

At the March 21, 2022 Council meeting, staff were directed to report back to Council with respect to permanently extending the Outdoor Boulevard Café and Display of Merchandise by-laws effective April 1 to October 31 on an annual basis.

Outdoor Boulevard Cafes on municipal property

Measures implemented to support business owners as they worked to re-establish their pre-COVID revenue levels were successful and the amendments to the by-laws appear to have been well received by business owners in the downtown core. The expanded spaces have been well patronized throughout the season.

Staff also consulted with the BIA Board of Management and staff regarding their interest in making the seasonal expansions permanent. Based on feedback from their customers and other BIA members, some members of the Board were concerned about the impact of extended cafes on parking once pre-pandemic parking demand returns, particularly during peak periods, and should additional restaurants wish to expand their spaces. Other Board members felt that the patios added to the attraction of downtown, loved the by-law and wanted to encourage more parking lot patios. As such, the BIA Board made the following resolution at its November 17, 2022 meeting:

Moved by M. Beattie, R. Hough

Carried.

Motion to request that the temporary Boulevard Café bylaw be extended for one more year so it can be tested in a year when parking demand is back to pre-pandemic levels;

And that the number of street parking spaces allotted for extended restaurant patios be capped at a maximum of 6 for the extended trial period;

And that these parking space patio permits should be allotted on a first come, first serve basis.

As outlined in Attachment 1 to this report, over the past three years (2020-2022 inclusive), an average of 10 Boulevard Café permits have been issued annually. Of these, only two businesses have utilized adjacent on-street parking areas for extended patios each year, resulting in a loss of three parking spaces per year - one located on Broadway (Son of a Chef), and two on First Street (Rustik). In the three years that the

program has been operating on a temporary basis, staff have received no complaints or been made aware of any problems.

Based on the limited uptake of parking spaces for outdoor cafes to date, staff do not identify the need for another temporary, trial year. However, given the BIA's concern for future demand, it may be reasonable to cap the total number of allotted parking spaces available to the program at six, with the allotments issued successively.

Therefore, it is recommended that the outdoor boulevard café expansions be approved annually from April 1 to October 31 with a total maximum of six parking spaces permitted and issued on a first-come, first-served basis. Should issues arise in the future, the by-law can be revisited as needed.

Display of Merchandise

No concerns have been expressed to staff with respect to measures taken to expand the outdoor display space for downtown retailers. The BIA Board also had no concerns with respect to the temporary amendments made to the Display of Merchandise by-law and submitted the following resolution:

Moved by R. Hough

Carried.

Motion to support the permanent adoption of the temporary merchandise display by-law.

Recommendations

It is recommended that amendments to the Outdoor Boulevard Café and Display of Merchandise by-laws be made as outlined below:

i) Outdoor Boulevard Cafés on municipal property:

That the temporary patio license season be extended from April 1 – October 31 annually with the following stipulations:

- That a maximum of six parking spaces be approved annually to accommodate extended patios and that the allotment of parking spaces for outdoor cafes be issued on a first-come, first-served basis.

- That parking spaces allotted for extended restaurant patios not exceed two parking spaces directly in front of the food establishment.

- That a 1.5 metre wide unobstructed and barrier-free pedestrian pathway be maintained as described within the bylaw.

- That all Public health and safety guidelines be complied with.

- That, throughout the season, adequate sidewalk accessibility be maintained and that all required safety measures applied by the Town as part of the permit application process be adhered to.
- That permits issued to businesses include clauses that ensure the removal of all outdoor patio furniture, equipment and other items as required for snow removal/property maintenance by the Town.
- That all other elements of the existing Outdoor Boulevard Café by-law remain in place (Attachment 2 - Outdoor Café By-law 2003-41).

Businesses interested in obtaining an Outdoor Boulevard Café license will be able to apply by submitting a completed application to the Planning Division.

ii) Display of Merchandise

- That expanded outdoor display space as outlined below be permitted on an annual basis between April 1 and October 31.
 - That, while maintaining a sidewalk/walking area of no less than 1.5 m, businesses may utilize outdoor display space of .75 m (2.5 ft) from their façades; OR,
- Businesses may erect a tent on the street side of the boulevard, but not on the roadway, to display merchandise. Tents must be anchored/secured but not attached/embedded to the sidewalk and weights must be used. Tents cannot be positioned adjacent to the façade.
- That retailers interested in expanding their space by erecting a tent on the street side of the sidewalk will be required to:

- Submit sketches and description of proposed display area, including an outline of tent location/size/anchors.

- Submit a Certificate of Insurance with proof of a liability insurance policy in an amount of no less than \$2,000,000, with a cross liability clause naming the 'Corporation of the Town of Orangeville' as an additionally insured.

Sketches and Certificates of Insurance will be submitted to the Planning Division for review and approval.

Amending the by-laws as outlined above enlivens the downtown area during the busy tourism period and provides the business community with opportunities to expand revenue generation.

Orangeville Forward – Strategic Plan

Priority Area: Economic Vitality

Objective: Attract, retain and expand businesses

Sustainable Neighbourhood Action Plan

Theme: Economic Development and Culture

Strategy: Implement initiatives that further Orangeville's identity as a cultural hub in the region

Notice Provisions

N/A

Financial Impact

None at this time

Respectfully submitted

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Attachment(s): 1. Boulevard Café Permits 2020-2022
2. Outdoor Café By-law 2003-41