



1.0 INTRODUCTION

Sidewalk Café Culture/Significance to Urban Streetscape

Windsor is located in the most southern part of Canada and is blessed with an extended temperate season from which many business owners benefit. A healthy border city attracts tourism and creates economic benefits for café owners who are given the privilege of using City-Owned property.

Sidewalk Cafes allow people the opportunity to dine al fresco (in open air) while taking in the vitality of the street. Windsor's multi-cultural diversity is expressed in the dining establishments throughout the city, which adds interest to the city. When designed creatively, Sidewalk Cafes contribute to the life of Windsor's individual neighbourhoods and in turn enhance Windsor's Civic Image.

Definition of a Sidewalk Café

A Sidewalk Cafe is an outdoor seating area located within a public right-of-way pursuant to a valid Sidewalk Cafe Permit, which functions as an outdoor seasonal extension of the primary business of food and/or beverage service.

In order to operate a sidewalk cafe, one must obtain a valid Sidewalk Cafe Permit.



2.0 PURPOSE

Streets and sidewalks are public property. Streetscape elements and accessories such as light standards, benches, planters, and trash receptacles are also public property and shall be respected as such in the planning of a Sidewalk Café. Sidewalk Cafes must not interfere with the use of the public right-of-way and threaten public safety at any time.

In accordance with Windsor SEEN Urban Design Agenda, this handbook improves upon the 1998 Sidewalk Café Guidelines. The updated standards will be applied in the review of each Sidewalk Café application to ensure safe, attractive and visually coordinated streetscapes within Windsor.

A monitoring program has been established to assess the successes and/or failures of the implementation of these guidelines. Every five years, the guidelines will be reviewed and updated.



3.0 APPLICATION PROCEDURE

To begin the application process, determine which classification your café falls under.

Licensed Cafe - refers to a café that is licensed to serve alcohol.

Non-licensed Café - refers to a café that is not licensed to serve alcohol.

3.1 Application Options:

All applicants have five design enclosure options. Please **note all five options are subject to and must follow the standard application process and subject to compliance with the Sidewalk Cafe Handbook**. Select one of the following options for your sidewalk café design enclosure:



OPTION-A and B



OPTION-C



OPTION-E

Option A - Enclosure Only (City of Windsor Standard Enclosure)

This option is advised for applicants who are satisfied with the City of Windsor Standard enclosure detail (see Appendices B-1 & B-2) and want to fast-track their application. The plan & other details must be attached to the application.

Option B – Enclosure Only (Non-Standard Enclosure)

This option is advised for applicants who request a special/ unique design for their enclosure that is not met by the City of Windsor Standard enclosure detailed in **Appendices B-1 and B-2**. The applicant must provide proposed scaled plans along with details for the sidewalk café enclosure and specify all materials, colours, & post connection details in order for the City to review and determine conformance with standards based on the Sidewalk Café Handbook. (Refer to Appendices)Option

C – No Enclosure

This option is for very small, non-licensed sidewalk cafe establishments. The café will not have an enclosure; however, the sidewalk café area will be strictly defined by appropriate means (e.g. reflective tape marks firmly affixed to the sidewalk) with a maximum distance of 1.8 m (6') into the Right-Of-Way and Maximum area of 5 square meters (55 sq feet).

(Refer to Appendix D)

Option D – Year-Round Enclosure

This option is available for applicants wishing to install railings year round. Determination of whether this option is available will be based on sufficient width of right-of-way available to accommodate pedestrian movements and winter control operations and will be at the discretion of the Planning and Engineering Departments. The applicant shall enter into an encroachment agreement for the railings and any other encroachments associated with the sidewalk cafe.

The application may include either the City of Windsor Standard enclosure or a Non-Standard enclosure.

Option E - Mini- Cafe

This option is for very small, non-licensed sidewalk cafe establishments as in Option C above; however with a maximum of 2 small tables, up to 8 chairs a maximum of 1.8 m (6') into the public right-of-way.

3.2 Application Process Step-By-Step:

Regardless of the option selected above every sidewalk café must follow the process as outlined below in order to complete The Sidewalk Café application.

Step 1 – Each applicant must submit the **Application for Sidewalk Café Privileges (Refer to Appendix E)**, certificate of insurance to be approved by the Risk Management Department and any drawings or site plans showing the proposed sidewalk cafe layout and railing design (if option B is chosen) to the City of Windsor Engineering Department. The applicant may be responsible for providing any fees outlined in the most current Fee Schedule.

Step 2 – The Engineering Department will circulate all applications to: Planning, Parks, Police, Operations, Licensing Departments, Windsor Accessibility Officer, Ward Councillors and BIAs for comments.

Step 3 – Once the application has undergone intensive review within each of the service areas, comments and concerns are collected. If there is no opposition or concern by any of the parties, a permit will be issued. If there is opposition or concern, the report will proceed to the CAO or City Council as required.

Step 4 – Where the recommendation is for denial of the application, The CAO or City Council will review the report, at which time they will decide if the application will be approved or denied. If the application is approved it will continue through the standard process as stated below. If the application is rejected, a notification will be sent to the applicant.

Step 5 –If the application for a sidewalk café privilege is approved by the City, the applicant will be required to obtain a permit from Engineering Department, upon payment of permit fees and indemnity deposit. If the application is for a year-round Sidewalk Cafe or has an awning or other encroachment the applicant must also enter into an Encroachment Agreement with the City, including associated fees.

Step 6 – Where applicable, the applicant may be required to obtain a Permit for other works in the right-of-way (i.e. construction of an awning and/or a Sign) from the Engineering and/or Building Departments, and subject to all applicable fees.

***Mini-Cafe** is subject to a similar process except automatically qualified for an expedited review. The process is as outlined below:

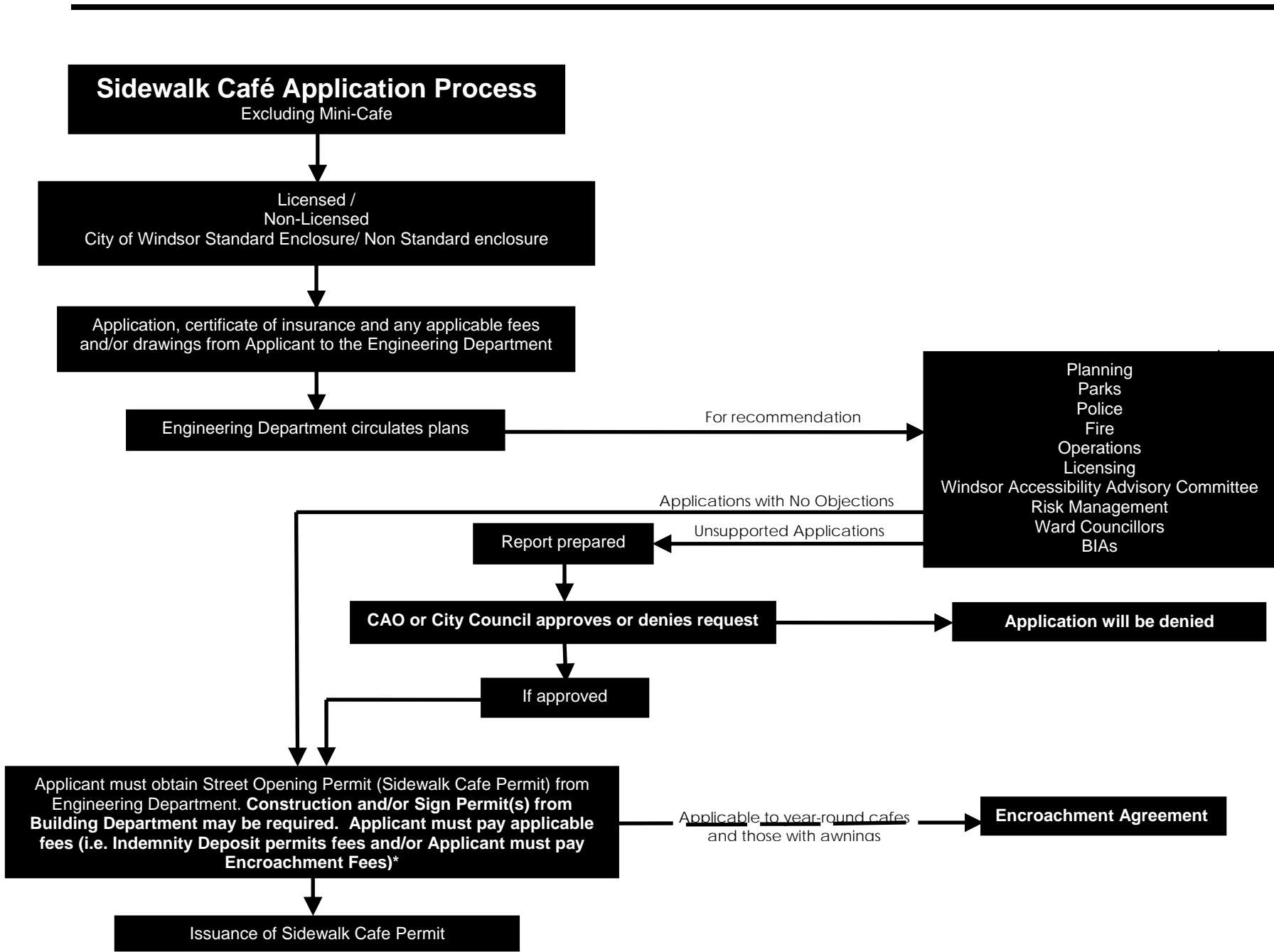
- The application and certificate of insurance for approval by the Risk Management Department would be submitted with no fees.
- Drawings to verify proposed location is required.
- Compliance with all Sidewalk Cafe Handbook is required.

Permit for Mini-Cafe would be issued subject to payment of applicable fees.

3.3 Encroachment Agreement

An Encroachment Agreement is *required* if:

- Year-round Sidewalk Cafe with permanent enclosure. The Owner is responsible for snow removal and salting within the café enclosure and its immediate surroundings.
- The Sidewalk Café has an awning or other permanent encroachment.





3.4 Administrative Jurisdiction

Due to the various components and interests affected by setting up a sidewalk café in the public right-of-way, they are subject to the following jurisdiction:

- Liquor Licence Act
- City of Windsor Official Plan
- Windsor Corporate Strategic Plan
- Ontario Building Code
- Ontario Fire Code
- Ontario Health and Safety Act and Regulations
- City of Windsor Sidewalk Café Handbook
- Downtown Windsor Streetscape Standards Manual
- City of Windsor Noise By-Law 6716-1980
- City of Windsor Sign By-Law 250-2004
- City of Windsor Lighting Intensity Standards and Study
- The Accessibility for Ontarians with Disabilities Act (AODA) 2005 - ONTARIO REGULATION 191/11 INTEGRATED ACCESSIBILITY STANDARDS (January 2013)
- CAN/CSA-B651-04 Accessible Design for Built Environment
- Alcohol and Gaming Commission of Ontario
- Ontario Smoke-Free Act Smoking in the Workplace Act (R.S.O 1990)
- Business Licensing By-law 395-2004

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- All infrastructure and utility requirements i.e. fire hydrant, lighting, Bell Canada phone booths, mail boxes, street trees, bollards, parking, parking meters, etc.
 - Protection of Highways in Windsor, By-law 25-2010

3.5 **Application Requirements Check List**

The following is a checklist of things to be mindful of when planning a sidewalk café. The following items should be taken into consideration and shown where applicable when submitting an application for a Sidewalk Café.

3.5.1 **Application for Sidewalk Café Privileges (Refer to Appendix E)**

3.5.2. **Sidewalk Café Design Checklist**

A. *Existing Structures/ Elements:*

- Buildings
- Sidewalks
- Sign posts
- Parking meters
- Light Standards
- Utility valves
- Fire Hydrants/Siamese Connections
- Area openings

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- Street Trees/Planters
 - Other

Existing Dimensions:

- Width of existing sidewalk
- Width of existing paving treatment
- Applicant's legal property frontage
- Existing crown of road
- Edge of existing pavement
- Existing gutter
- Top of front of sidewalk
- Back of sidewalk
- Top of existing curb, if any
- Any manholes or catch basins

B. *Proposed Patio Plan Dimensions:*

Distance

- From frontage or flankage of restaurant
- Edge of existing pavement
- Existing gutter
- front of sidewalk
- Back of sidewalk
- Top of existing curb, if any

Drainage

- Proposed grades if at different level compare with the clear pedestrian path

Café Fence Enclosure

- Enclosure location and connections' details to the sidewalk surface pavement
- Material
- Colour
- Height, 0.91m (36") minimum and 1.00m (40") maximum
- 1.0m (40") clearance for Fire Hydrant and Siamese Connections, if any

Entrance to Café Enclosure

- Proposed entrances to patio area, location, width, and its connection to the existing business entrance(s)
- Barrier-free access, 1.5m (5') minimum, 2.0m (6.6') maximum

Awnings (if applicable)

- Type of material, colour
- Fabrics used as part of awnings shall comply with the Ontario Building Code and Ontario Fire Code
- Size and whether eavestrough is required
- Visual separation from overhead apartment
- Awning clearance 2.4m (7.9') minimum above grade

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- Within frontage or flankage of restaurant

Umbrella

- Type of material, colour
- Material to be flame-resistant canvas or similar lightweight material
- If using any heating device within the cafe area, material used as part of umbrellas shall comply with the Ontario Building Code and Ontario Fire Code.
- No advertising permitted on the umbrellas except for a small logo or name of the establishment. (Refer to 8.7 Signage section for detail)

Area

- Surface area of patio
- Licensed (to serve alcohol)

Lighting

- Location of proposed lighting. Lighting to be compliant with the Full Cut-off requirement of CR228-2005

Outdoor Heaters (Propane or Electric)

- Locations and type of proposed propane heaters

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- Commercial General Liability Insurance indicates the use of heater
 - Copy of the approval issued by the Electrical Safety Authority (for electric heaters) or a Propane Handler's Certificate (for propane heaters)

Furniture

- Location of proposed tables, chairs, umbrellas, work stations

Plants

- Location of proposed planters

Signage

- Non-illuminated temporary sidewalk sign

C. Enclosure Details/ Elevations

Enclosure Details/Elevations are to be drawn at an appropriate scale and dimensions provided for:

- Proposed fence enclosure detail specifying, materials, colour and anchor/Connection detail
- Submit photos of the subject street right-of-way where the proposed café is proposed.

Registered Deed/ Owner's Endorsement



3.6 Deadline for Applications

Upon application approval, once the applicant has paid all necessary fees and Certificate of Insurance is approved, Street Opening Permit can be issued for the café.

Once the railings have been removed and inspected by an Engineering Department Inspector, the City can return the Indemnity Deposit. Any damage to the right-of-way by the applicant shall be repaired prior to the indemnity deposit being returned or the indemnity deposit may be used by the City to make the necessary repair.

Should the classification of the café change at any time to licensed to serve alcohol or non-licensed, the Occupant must inform the City in writing, revise the Sidewalk Cafe Permit, and conform with applicable stipulations outlined in the Handbook and Agreement.

3.7 Sidewalk Cafe Permit Requirements

If an application for a sidewalk café privilege is approved by the City, the applicant will be required to obtain a permit from Engineering Department. The terms and conditions of the Permit will be outlined in the General Condition document attached to the Permit. The applicant is required to comply with the following standard requirements. Other conditions may be imposed depending on individual circumstances. The applicant must agree to:

Permit Requirements

1. Only use the allowable Sidewalk Cafe encroachment area indicated in the approved drawings for the purposes of a sidewalk café.
2. Install the Sidewalk Café in the manner shown on the approved plan and maintain the fence enclosing the area in its original condition.
3. Sidewalk Cafe must not be utilized for any purpose other than eating or drinking (e.g. storage, queuing and smoking area are not permitted).
4. Post no advertising boards or plaques on the enclosure or fencing except for a temporary menu display board, which must not extend over or obstruct the sidewalk or café entrances. Refer to Section 8.7 Signage.
5. Do not encumber the pedestrian path zone surrounding the Sidewalk Cafe encroachment area in any way by the placement of 'A-frame signs/sandwich board' signs, planters, extraneous advertising objects, or bicycles affixed or leaned against the café enclosure.
6. Observe all by-laws, regulations or orders of the Corporation.
7. Adhere to guidelines and details noted in the **Sidewalk Café Handbook**. In the handbook, where the guidelines use "must" or "shall", this means it is imperative; where "should" is used, this means it is highly recommended.
8. Additional information may be required for reviewing Sidewalk Cafe with more than 30 patrons capacity including furniture layout plan, staff attendance plan

during the Cafe operation/pick time and entrance separation between main establishment and the Sidewalk Cafe area.

9. For approved year-round cafe with permanent enclosure, submit two copies of a plan prepared by a licensed Architect, Professional Engineer, or trained professional showing all detailed information including exact location and dimensions of the café.
10. Provide an Indemnity fee and obtain a Street Opening Permit from the Engineering Department as part of the Permit process.

Insurance Requirements

11. Provide and maintain during the term of the Permit a Certificate of Insurance. It is preferred that the Standard Certificate of Insurance be filled in by the insurance provider (Refer to Appendix G). The Certificate must have proof of the following insurance requirements:

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- i. The insurance certificate must be in the business's full legal name and must match the name in the Sidewalk Cafe Permit.
 - ii. Commercial General Liability Insurance in the amount of Two Million Dollars (\$2,000,000) per occurrence. Sidewalk Cafe with an outdoor heating device may be required to have a higher amount of Commercial General Liability coverage.
 - iii. Sidewalk cafes that have outdoor heating devices must state on their insurance certificate that outdoor heating devices and any damages arising there from are included under the policy coverage.
 - iv. Contain a cross liability/severability of interest clause.
 - v. Contain a 30-day notice of cancellation clause.
 - vi. The Corporation of the City of Windsor must be listed as Additional insured. For insurance purposes only, the mailing address should be:

The Corporation of the City of Windsor,
400 City Hall Square E., Suite 403
Windsor, ON N9A 7K6
 - vii. Liquor Liability insurance with a minimum per-occurrence limit of Two Million Dollars (\$2,000,000) only if the business is a licensed cafe (A.G.C.O licensed).

Operating / Maintenance Requirements

12. Do not use wine glasses, beer mugs, glasses, glass bottles or pitchers within the Sidewalk Café area after 9 pm (Unless you have been designated by the City Council as a fine dining establishment.)
13. Remove all chairs, tables, awnings, railings, planters and furnishings used for the Sidewalk Café from the public sidewalk after the season ends by November 30th of each year and restore the surface to its original condition. This is to be done by and at the expense of the applicant, and enforced by the City Administrative Inspector.
14. Upgraded railing and furniture to the satisfaction of the Planning Department are required for all year-round cafes. If winter operated cafe, all materials should be appropriate for operation within the cold seasons. Only non- flammable materials are allowed within 3m (10') from any heating device (e.g. no fabric umbrella are allowed within the boundary). This will be reviewed and enforced by the City Administrative and Fire Department inspectors.
15. Ensure that no queuing will occur in the required pedestrian aisle width of the Sidewalk Café or any portion of the abutting public sidewalk.
16. No queuing within Sidewalk Cafe area is permitted unless reviewed and approved. The approved queuing area must be designated and secured by appropriate dividers during the pick time operation.

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17. Operate the sidewalk café only during the period of March 1st to November 30th, of each year. The exception to this regulation is if the Café Owner has obtained an Encroachment Agreement or Permit to operate as a year--round cafe.
 18. Maintain a regular maintenance (including cleaning, re-painting, touch-ups, and replacing) of the enclosure and site furnishings within the Sidewalk Café.
 19. Provide and maintain entirely at the applicant's expense all plants and flowers located within the café area.
 20. Preserve and protect all existing trees and plantings in the public right-of-way to the satisfaction of Parks and Facilities Department and replace, entirely at the applicant's expense, any damaged trees.
 21. Assume the cost of removing portable planters, raised tree surrounds, and City street furniture, once necessary approvals from Parks, Planning and Engineering Departments have been received.
 22. Do not use trees to support wires and do not place any signs, screw, nails, staple, ropes, brackets, banding or other hardware in or on a tree.
 23. Maintain and keep the Sidewalk Cafe encroachment area in a clean, sanitary, attractive condition and keep the adjacent sidewalk free from litter and debris of all kinds.
 24. Assume the responsibility of preventing litter collecting in and around the sidewalk café area.

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25. Regularly sweep the sidewalk café area as well as the adjacent sidewalk.

Inspection Requirements

26. Inspections will be conducted when the railings are installed at the beginning of the season, when the railings are removed at the end of the season, and any other time during the café operating season as may be required to ensure that the conditions of the agreement are being met. Inspections shall be conducted by Engineering Department Administrative Inspectors.
27. On year-round cafe additional inspections by both Engineering Department Administrative and Fire Department Inspectors may be conducted to ensure the compliance with the Permit, General Condition and Sidewalk Cafe Handbook.
28. Non-operated Sidewalk Cafes (refer to the Glossary of Terms section for more detail) are not permitted and the Sidewalk Cafe permit may be revoked and all railing and cafe furniture or planter must be removed immediately. In the event the Permit Holder fails to take appropriate action, the City of Windsor may take action to remove all items from the public right-of-way, at the Permit Holders expense.

Term of Sidewalk Cafe Permit

29. Sidewalk cafe permits are to be renewed annually. The renewal process includes the review of the Cafe's past operations. Those applications with more than three written complaints from Police, Fire or City inspectors may be denied. The Sidewalk Cafe must be active and the non-operated Cafes' Permit maybe terminated. New applications must be submitted to the Engineering Department prior to operation of the sidewalk cafe in any given year. Refer to 3.8 Sidewalk Café Permit Terms.

Terms of Termination

30. Terminate the Permit upon 30 days written notice by either party.
31. Failing to comply with any condition of the Sidewalk Cafe Permit maybe grounds to rescind the Permit.

3.8 Sidewalk Café Permit Terms

Establishment/Sidewalk Café Status	DENIED For 1- Year	First Time Cafe Review	General Annual Review	3-Year Comprehensive Design Review	5-Year Comprehensive Design Review
Non-Compliance with one or more of the following: Sidewalk Café Handbook, General Conditions, City of Windsor By-Law 25 - 2010, obstruction of justice resulting in a Police Record (an excessively high number or serious nature of incidents requiring police response as determined by the Windsor Police Service), Late/Non-Payment of Permit Fees	•				
New Sidewalk Café Permit, First-time Sidewalk Café Owner(Probationary Period) and Mini-Cafe*		•	•		
Permit Renewal without past incidents/issues (within City Centre)**			•	•	
Permit Renewal without past incidents/issues (outside City Centre)**			•		•

* Mini-Cafe renewal only without past incident/issues.

** For more information refer to page 52, the Renewal and Termination sections.



Structures around trees



Lack of landscape treatment



Banners create visual clutter



Banner and advertising create visual clutter



Sandwich Boards create circulation obstacles on sidewalk



General lack of maintenance

4.0 ANALYSIS OF SIDEWALK CAFÉS IN WINDSOR

A review of sidewalk cafes in Windsor previously revealed the following.

Curbside Sidewalk Cafes:

There was a lack of consistency in the location of existing sidewalk cafes; some were at the curbside, while others abutted the building face. The pedestrian zone was compromised with encroachments from curbside cafes and the curbside zone was obstructed by enclosures that present problems in access for servicing utilities. **Refer to Appendix A** for Public Right-of-Way Zones, which are also defined in the Downtown Streetscape Manual.

The following are observations on the sidewalk café elements or furnishings that must be addressed:

Enclosures:

- The usual 1.06m (42") high enclosures were too high, distorting sight lines and creating the image of a livestock corral.

Landscape:

- There was a general lack of landscape treatment, such as flower boxes and baskets.
- Tables and stools were built around trees; this was not acceptable.

Advertising Banners/Umbrellas:

- Banners hung along fence enclosures and umbrellas with advertising create visual clutter.



Zigzag navigation pattern



Enclosure too high



Zigzag navigation pattern



Curbside patio is a distraction to motorists



Curbside patio deters an orderly streetscape

Café Signs/Sandwich Boards:

- The location of sandwich boards within the right-of-way is hazardous to pedestrians, and creates additional visual clutter.

Maintenance:

- There is a general lack of maintenance such as damaged enclosures, unpainted finishes etc.

Curbside patios must be phased out for the following reasons:

- A distraction to motorists.
- A potentially unsafe and unpleasant dining experience for patrons.
- Dangerous when pedestrians are forced to walk between the patio and curb.
- Creates zigzag pedestrian navigation, which is difficult and hazardous for those who are visually impaired and physically challenged.
- Wait staff are forced to cross pedestrian traffic with food and beverages creating potential for accidents.
- Less useable space for chairs/tables due to the street trees/planters proposed along the curb zone.
- Creates a cluttered streetscape.
- Access to right-of-way services located adjacent to the curb is obstructed.

5.0 SIDEWALK CAFÉ LOCATION LAYOUT

5.1 Location

- A restaurant may use the area of the public right-of-way immediately abutting the restaurant frontage, for the purposes of a sidewalk cafe. Portions of the public right-of-way abutting other uses shall not be used for a Sidewalk Cafe, regardless of the ownership of the abutting lands.
- Sidewalk cafés shall be located at grade and abut the building face.
- The public sidewalk in front of the building must be at least 3.8m (12') wide before the location will be considered for a sidewalk café.
- Sidewalk Cafes should maintain a separation distance of at least 30m (100') from properties zoned Residential or used for residential purposes.
- Sidewalk Cafes are permitted on corner lots where the Main street sidewalk/boulevard is a minimum of 3.8m (12') wide with the side street sidewalk minimum 1.9m (6') wide.
- Small Sidewalk Cafes without enclosures, including mini-cafes are permitted where the cafe is not licensed for alcohol.
- Cafes should not be located in areas designated for handicap and passenger drop-off or commercial loading zones.

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- Cafés must not interfere with pedestrian crossing areas.
 - The size and capacity of the café is set out by the Building Department, Fire and Rescue Services and the Liquor License Act, which is administered by the Alcohol and Gaming Commission of Ontario (AGCO). The determined figures cannot be exceeded.

5.2 Layout for Safety

- Ensure sufficient unobstructed sidewalk width for comfortable pedestrian passage is provided. In commercial areas, a minimum of 2.4m (8') is required and up to 3.7m (12') in areas near intersections.
- A minimum 2.4m (8') clear pedestrian aisle sidewalk clearance must be maintained with little variation in alignment from streetscape furniture, utilities, etc. Minimum 1.8m (6'0) clear pedestrian aisle must be maintained with no variation in alignment from streetscape furniture, etc. for Sidewalk Cafes located on the flankage (residential) side of corner lots.
- Entrance into the café must be a minimum of 1.5m (5') and up to 2.0m (6.5') unobstructed path to the door of the restaurant for universal access. No line up during peak periods is permitted within the Sidewalk Cafe area.

Sidewalk Cafes without enclosures and non licensed will be a maximum of 1.8m (6') from the face of the building or property line and be a singular row of small tables and chairs.

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- Fence enclosures shall be curved or chamfered to provide a minimum 3.7m (12') radius from the curb radius at the intersection, if the café is located at a street intersection; square layout will not be permitted for reasons of visibility, pedestrian flow, and safety.
 - The minimum clear height from grade level to any overhead obstruction shall be 2.4m (8').

Refer to Appendix C and D for sidewalk café layout requirements.



6.0 SIDEWALK CAFÉ ARCHITECTURAL DESIGN

Construction materials and the enclosures should complement the character of the existing establishment as well as the surrounding neighbourhood. User safety is the most important consideration when selecting materials.

There are long-term economic benefits of investing in design and high quality materials resulting in a much lower replacement rate and significantly elevating the establishment's image and in turn, the neighbourhood.

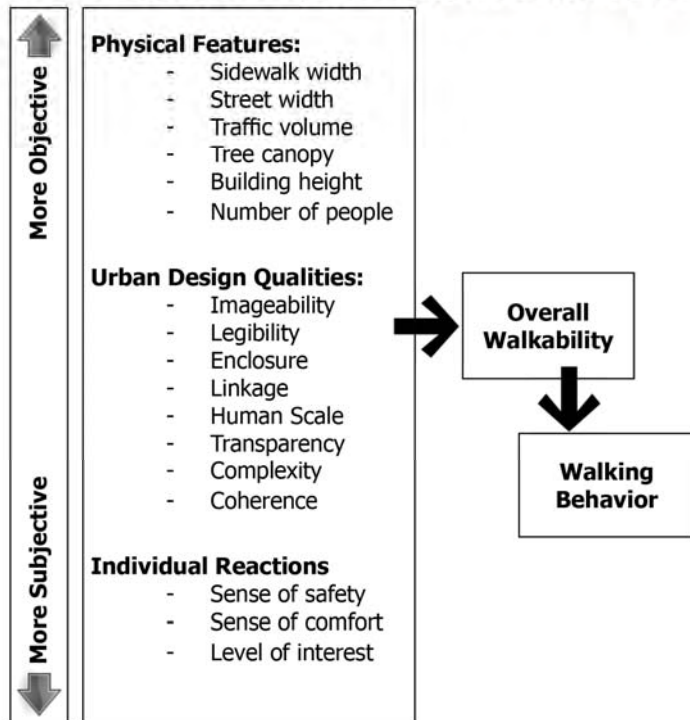
7.0 SIDEWALK CAFÉ DESIGN PRINCIPLES

Guiding principles were established to direct the preparation of the design guidelines contained in this document. The principles will be used to evaluate the design and functional aspects of a sidewalk café.

- A sidewalk cafe should enhance the vitality of Civic and commercial precincts while contribute to the street environment.
- The primary function of sidewalks is for pedestrian movement. Locations and design of sidewalk cafe should maintain primacy of the public right of way for pedestrian and vehicular movement.
- A Sidewalk Cafe can be allowed only if its location and construction will maintain a safe, secure and comfortable environment for pedestrians using the public right-of-way.



Urban Realm Attraction, Walkability & Effective Factors



- A sidewalk café shall not adversely affect adjacent land uses and will not interfere with the ease of flow of pedestrian window shoppers.
- Sidewalk cafes should be accessible to persons with disabilities and shall conform with City of Windsor Facility Accessibility Design Standards and the Accessibility for Ontarians with Disabilities Act (AODA) and its regulations.
- Sidewalk cafe may be built only in locations where they do not obstruct required access to public utilities, service connections and access for emergency vehicles and must be removable at all times if emergency access is required.
- A sidewalk cafe shall not obstruct delivery access to private and public buildings.
- Residents living in proximity to a Sidewalk Cafe should be ensured a measure of privacy and sense of separation.
- Although the railing colours should complement the restaurant’s marketing image/logo, dark colours are preferred for visibility and integration with the landscape.
- Construction materials and the enclosures shall complement the character of the neighbourhood, surrounding area and be compatible with adjacent streetscape elements in terms of design, quality and colour schemes.



Enclosure not necessary for a singular row of tables and chairs in a sidewalk café not licensed to serve liquor.



Fence enclosure required for sidewalk café licensed to serve liquor.

8.0 SIDEWALK CAFÉ DESIGN ELEMENTS

8.1 Fence Enclosure Design/Connections

General

- Fence enclosures are mandatory for patios those greater than 5 square meters (55 square feet) and licensed to serve liquor.
- Encourage the elimination of a fence enclosure for cafes with area smaller than 5 square meters (55 sq feet), which are not licensed to serve liquor: the elimination of a fence enclosure on cafes will aid in reducing visual clutter. The café area will be defined (e.g. firmly secured reflective tape marks).
- Fences with a height greater than 0.9m (36") cannot be located within 30m (98.4') of an intersection for driver visibility.

Enclosure Dimensions

- Enclosures will be a minimum height of 0.92m (36") and a maximum height of 1m (40") to allow visibility to the street patrons.
- The width of any access opening in the perimeter fence will be no less than 1.5m (5') and no greater than 2.0m (6.5').



Enclosure with top, mid and bottom rail.



Discreet and relatively transparent enclosure reduces visual clutter.

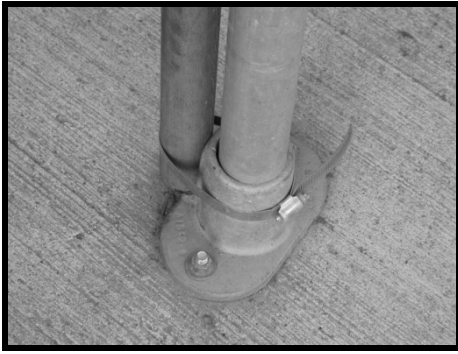


Creative enclosure design which compliments the establishment's theme.

Enclosure Design

- The enclosures to be dark in colour, design, materials and finishes to reduce visual clutter.
- Pickets must not extend above a top railing since it may catch clothing or a purse.
- Picket spacing will be less than 0.1m (4") and greater than 0.23m (9") to prevent head entrapment of a small child.
- Post spacing will be a maximum of 1.2m (48") to 1.5m (60") to provide structural stability.
- A top rail shall allow planter boxes to be mounted on the enclosure to create a level of privacy for diners/patrons.
- A kick rail positioned minimum 0.15m (6") and maximum 0.68m (26") off the finished grade of the sidewalk must be installed to be cane detectable and guide the visually impaired.
- Fencing shall be of sturdy material (e.g. aluminum, ornamental iron) with no jagged edges and should be constructed for easy removal during the off-season. Plastic railings will not be permitted.
- Consideration will be given to "year-round railings" where warranted by the exceptional quality, originality, and complexity of fence design subject to the operator agreeing to maintain the fencing in its original condition and to store furnishings etc. in another location in the off-season.

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- Dark painted, ornamental iron, steel, stainless steel, or aluminum fencing is required. Wood and plastic including PVC (poly vinyl chloride) fencing will not be permitted.
 - Chain rails may be considered if they are in keeping with the character of the establishment, however, they must be heavy gauge galvanized or stainless steel for visibility and be suspended from galvanized or stainless steel metal posts: minimum 75mm x 75mm (3"x3") or 75mm (3") diameter.
 - Rope rails may be considered on streets other than Theme Streets, if they are in keeping with the character of the establishment, however, they must be a minimum 0.4m Ø1.5", twisted rope in a visible colour and set at a minimum of 0.6m (2.0') off the finished grade of the sidewalk for visibility.



Unacceptable attachment to sidewalk (double-braced)



Poor lag-bolt post connections (trip – hazard base bracket)



Alternative post attachment with no direct anchoring

Connections

- Posts with footings underneath the surface of the sidewalk and core drilling are not permitted means of connections.
- All connections must be galvanized or stainless steel. No nails permitted. Refer to City of Windsor Standard Drawing AS-539 for permitted anchor details.
- Posts should be anchored to generate significant strength yet allow easy removal. The preferred attachment method is to employ connectors, which retain a stable shape when anchored to base, railing and/or buildings. The second preferred option is to bolt the post to a stable mass such as a privately placed planter; however no part of any railing shall be attached by any means to a streetscape feature such as poles, garbage receptacles, benches or City planters.
- During the trial period (first year), for potential removal or necessary adjustments to the Café configuration without any permanent damage to the sidewalk, non-trip- hazard weighted base posts with no direct anchoring to the sidewalk surface maybe approved.
- For the year-round railings and long-term Sidewalk Café Permit, more sustainable connections to the pavement should be considered. Installations cannot be permanent as City of Windsor reserves the right to request the removal of any sidewalk café, for emergency.



Bolt the post to a stable mass such as a planter



Threaded bolt attachment to granite



Upgraded surface treatment within Sidewalk Café.

- For enclosure post connections, a stainless lag bolt with plastic buttons snapped over stainless steel washers is suitable.
- Cutting off the screws in order to remove the Café enclosure and re-drilling the sidewalk surface every year is not permitted. Plastic or metal sleeves/inserts with screws and/or anchors are preferred.
- The use of Tapcon or similar screws directly into the concrete sidewalk is not acceptable
- At the time of removing railings at the end of a Sidewalk Café season, all remaining holes in the Sidewalk Cafe must be filled with removable grout, caulking or similar material, flush with the sidewalk.
- Where a reconfiguration of a sidewalk cafe is permitted by the City, any previous anchor holes in the sidewalk shall be repaired to the satisfaction of the City Engineer. Examples of acceptable repair methods are full removal of any sleeves from the concrete, resulting voids to be filled with MG Krete or approved alternate or full concrete panel or brick paver replacement.

8.2 Surface Treatment/Paving

- In certain BIA's within the City where streetscape enhancements have been installed changes are not permitted to the sidewalk paving and existing pavement must not be damaged by enclosure, planters, etc.
- All alterations to the sidewalk grade are subject to approval by the City Engineer. Curb containments and elevated decks are not acceptable.
- Acceptable paving materials: natural stone, unit pavers, concrete (textured/coloured), granite, brick, or material to match accent pavers on the sidewalk.
- Paving materials must not affect barrier-free movement.
- Slip resistant coatings or warning strips are recommended to prevent accidental falls.
- Maintain existing drainage patterns and storm water runoff volumes.



Greeting station construction is complementary to the establishment's French bistro theme.

8.3 Work Station/Greeting Station

- Café furnishings and fixtures, including any required bar unit or servers' work station, shall be portable and shall not be permanently attached to the wall of the abutting building or perimeter fence.
- A greeting station can be located closer to the sidewalk, however, it is to remain within the confines of the sidewalk café zone and a clear path maintained for an unobstructed access to the main entrance.
- The greeting station shall be designed in a complementary style to the establishment's theme/décor, and should be no higher than 1.06m (42") to maintain proper visibility."
- Workstations should be located within the building/establishment or close to the building façade so that it will not obstruct the sidewalk or the patron circulation within the sidewalk café.
- No bar counters permitted within the sidewalk café area.

8.4 Refuse Receptacles

- Refuse receptacles are not permitted within the sidewalk cafe area.

8.5 Lighting

- Lighting is an optional item depending on the hours of operation of the subject establishment.
- Lighting levels should be low and directed into the café rather than out towards the street. Light posts to be located within the limits of the café.
- All light fixtures shall be shielded to ensure full cut-off lighting. Full cut-off lighting is defined as 0% peak intensity radiating above 90° and no more than 10% peak intensity above 80 °.
- Light fixtures to complement style of the establishment.
- All lights to be exterior wall mounts directed downwards and/or temporary light fixtures with no exposed cables. Lighting must comply with all applicable Provincial hydro safety codes.
- All lighting fixtures must be removed during the off-season.
- Power for lighting shall be obtained from a private sector source.



8.6 Outdoor Heating Devices

The installation of radiant heating devices/ systems may be permitted within sidewalk cafes, for the purpose of maintaining a comfortable temperature for café patrons during the permitted café season only. Café operators will be required to take recommended precautions to minimize personal and property risks and enter into a separate Natural Gas Radiant Heaters Agreement 22319/21496. The installation of heating devices must be consistent with the following:

Radiant heating devices/systems approved by City Council for the public right-of-way shall meet all code and regulation requirements by a separate Natural Gas and Radiant Heaters Agreement 23219/21496. Therefore, in addition to the standard information to be submitted with a café application, the applicant must provide the following supplemental information:

- Technical data indicating performance features and safety standards of all equipment associated with the heating devices/systems.
- A layout plan indicating the proposed arrangement of the seating area, heating devices and their energy sources as well as all items located in their close proximity (within 3m).
- Technical data pertaining to any ventilation devices/systems to be used to ensure that health standards for air quality are maintained in the event that heating devices are installed in cafes with awnings or canopies.



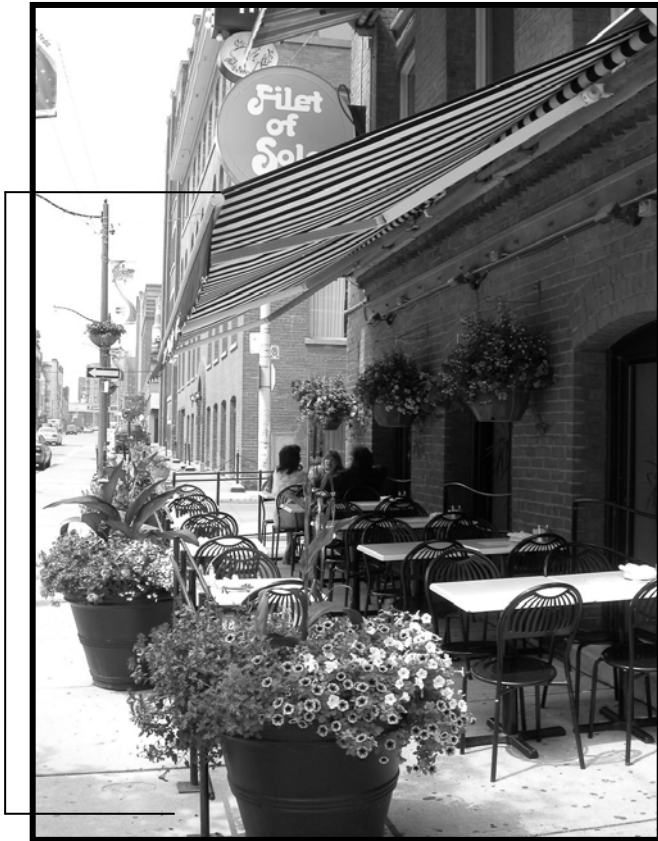
- The presence of heating devices/systems may present additional risk factors. Café operators may be required to carry Liability Insurance higher than the minimum \$2-million, which is standard for unheated cafes. The additional coverage amount will be determined on a case-by-case basis that takes into account the nature of the café's proposed heating devices/systems and its proposed location. The insurance certificate must also state that outdoor heating devices and any damages arising there from are included under the policy coverage.
- Heaters must be located away from the canopies and root system of adjacent street trees at a distance satisfactory to the Parks Department. This measure protects against potential tree damage associated with the unseasonable air temperatures created by the heaters.
- The visual impact of heating devices/systems is important. Therefore, they should be arranged to be as unobtrusive as possible.
- Heating device(s) must be placed on an appropriate levelled surface and stay secured and stable during normal conditions and be removed from the cafe area during any severe weather condition. Heating device(s)/system(s) are not permitted to be anchored to the ground or the cafe railing and shall be stored inside the establishment when Sidewalk Café is not in operation. Propane tanks are **not** permitted to be stored inside the establishment or the Sidewalk Cafe area. Propane tanks and all

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- Flammable elements shall be stored off site or at designated area following the related code and Health and Safety regulations.
 - All outdoor heating devices must be appropriate for being used in a Sidewalk Cafe with high design quality and match the cafe design and materials.
 - All outdoor heating devices must conform to safety standards established by the Canadian Standards Association (CSA) and certified by Underwriters' Laboratories of Canada (ULC).

8.7 Signage

- All signage must be consistent with the City of Windsor Sign By-law 250-2004. Awning signs shall comply with Subsection 6.2, A-frame signs shall comply with Subsection 8.3.3.
- All signs require Sign Permits (except awning signs projecting 0.3m or less onto public property.) Encroachment agreements must be obtained prior to issuance of sign permits.
- Sandwich board/A-frame signs are permitted only in the 'Building Side' zone of the boulevard. One sign only with maximum 1.0 square meter sign face and 1.2 m height, displayed only during hours of operation (Shall be removed at all other times.)
- Sandwich board/ A-frame sign shall not block the pedestrian aisle or any entrance/exit aisle.
- Endorsements/advertising is not permitted along fence enclosures, on umbrellas, tableware and covers.
- Installation of any sign, standalone or affixed, with a length of 15cm (6") or more in any direction is not allowed in or at Sidewalk Cafe unless otherwise approved by the City and an appropriate sign permit has been issued.
- No billboard or third party sign is permitted within the SWC area.

2.4M min



Retractable awning over a sidewalk café area.

8.8 Awnings

- Awnings are permitted within the Sidewalk Café, however, they require an Encroachment Agreement.
- A Construction Permit for an awning is required from the Building Department.
- The name of the restaurant may appear on the awning.
- A sign permit is required from the Building Department.
- Material to be flame-resistant canvas or similar lightweight material secured over a metal framework and shall comply with Ontario Building Code.
- The underside of the awning above the sidewalk grade to be a minimum of 2.4m (7.9') (if there is a skirt, the dimensions relates to the base of the skirt).
- Awnings to be mounted on a removable wall bracket and to be retractable. Post supports are not permitted as a method of support.
- If an awning is wider than 3.5m (11.5'), an eaves trough system and a temporary pipe connection to the storm drain must be provided (piping to be a discrete colour to match the awning). Any pipe connection to the storm drain cannot impede the sidewalk.



Lightweight aluminum chairs are durable and easy to stack.



Aluminum and rattan give the chairs warmth and style.



Metal chairs are attractive and fold for ease in storage.

8.9 Umbrellas

- Umbrellas to be constructed of flame-resistant and fade-resistant canvas.
- No advertising permitted on umbrellas.
- No part of any umbrella shall extend beyond the boundary of the Sidewalk Cafe area.
- No part of any umbrella shall be attached to railing /fence enclosures.

8.10 Site Furniture

- Furnishings should be moveable of solid weight for stability and not be easily thrown to accommodate various user needs in dining and social scenarios.
- Furnishings shall be commercial grade, safe, sturdy, durable material manufactured for outdoor use.
- Plastic/resin chairs are not permitted since they are hard to clean and maintain in the long run. Their design is generally unattractive and proportions are restrictive for larger patrons.
- All furnishings and accessories shall be contained within the perimeter of the sidewalk café area.
- Furnishings shall be limited to tables and chairs for dining purposes only and shall not obstruct the entrance to the café.



Planters are used to mark the entrance to the sidewalk cafe and to the establishment.

- The number of chairs and tables will be limited in order to leave adequate space for access. Accessibility for wheelchairs shall be provided.
- Small round tables are preferred with a maximum 0.75m (30") diameter and square tables are preferred with a maximum 0.9m (35") wide and seat no more than four people unless otherwise approved by the City.
- Prohibited site furnishings/elements include: hot tubs, audio visual equipment, speakers, televisions, barbecues, ovens, picnic tables, swing sets, beach volleyball, streamers, flags, lighting on exposed cable, live music/dancers.
- Café furnishings/ accessories shall not be secured to light posts, streetlights, trees or enclosure.

8.11 Planters

- Planters add colour, texture and visual interest to a café.
- Planters can be used to manipulate pedestrian traffic and attract patrons.
- Planter boxes may be mounted on the fence enclosure and could face the sidewalk locate within the accepted sidewalk café zone preferably with minimum 0.4m (1.3') setback from sidewalk. This applies to standalone planters as well.

Refer to Appendix C for Planter/ Planter Box Setbacks



A combination of planter boxes and hanging baskets enhance the establishment and streetscape

Hanging baskets flank the establishment's signage to define the entrance to the establishment.

8.11 Planters

- It is the responsibility of the Sidewalk Café Permit Holder to maintain the planter boxes by prompt removal of dead blooms. Ensure that all boxes are planted and properly maintained.
- Planters and boxes must be planted with live seasonal blooming or ornamental evergreen plants for the duration of the season (Minimum one box per 6' of railing are required).
- Planter boxes shall not exceed 1.2m (4') above sidewalk grade to avoid blocking patrons' vision while seated.
- Generous sized containers may be used to define the entrance into the sidewalk café.
- Drainage from planters must be provided and not stain the sidewalk surface.

8.12 Street Trees

- No lights, fences, signs, banners, torches, bar-height tables may be attached or surround City-owned trees. (Tree By-Law 7545)
- With the exception of City-owned street trees, permanent installation of plant material is not permitted within the public right-of-way including the sidewalk café.



Vibrant and contrasting colours attract the eye.



Foliage, colour and texture create visual interest.

8.13 Recommended Plant Material

- Colour, texture, fragrance attract patrons to establishments and beautify the streetscape/ neighbourhood.
- Consideration should be given for winter show. Recommended plant material includes Red Osier Dogwood twigs, Curly Willow twigs, Holly twigs, Boxwood, Yew, Dwarf Alberta Spruce, Balsam Fir, White Pine cuttings and Pinecones.
- A maintenance program should be established to ensure health of display.
- Refer to Appendix F for a comprehensive list of recommended plant material.



Duct tape and cable ties are unacceptable means of repair.



Poorly maintained planter boxes.



Inverted buckets are not an acceptable means of anchorage/ connection to the sidewalk.

9.0 MAINTENANCE

- On-going maintenance will be crucial in preserving this investment and to maintain a positive image.
- The City reserves the right to access to the café area for the installation, maintenance, or repair of pipes, cables, poles, and other utilities.
- The Permit Holder is responsible to remove and replace the enclosure if it is required to allow access for infrastructure repairs.

9.1 General Maintenance:

Repair Methods:

- Unacceptable methods of repair include duct tape, cable ties, or any other solution that is only temporary or of poor quality.
- Year-round Sidewalk Café installations must provide adequate space for snow storage and removal. (Min. 2.1 m clear distance with no intrusion from snow banks).

Connections:

- Posts that are not properly connected to the sidewalk must be secured. Any weighted base posts for the trial period (first year) of a sidewalk café are to be approved by the City of Windsor.
- Applicants are financially responsible to maintain the integrity of the concrete sidewalk during the café operation period and immediately upon removing the railing. All holes and damaged areas should be patched properly to match the



urniture will not to be stored within the sidewalk café area.



ment of bicycles to the fence enclosure impedes pedestrian movement and safety. Planter boxes may help discourage this activity.

existing surface. The use of corrosion - free materials is required. Applicants are responsible for sidewalk surface rust and/or stain removal.

Painting:

- Railings that have chipped paint must be repainted or touched up.

Cleaning:

- Furniture and cafe surface area should be cleaned daily.
- Any rust on railing, its anchoring system or surrounding pavement should be removed, cleaned and sealed or painted as needed.
- Sidewalks should be cleaned on a regular basis and non-toxic (water-based) cleaning agents should be used.
- Water runoff should be swept off the sidewalks or directed towards the edge of the curb and into the gutter. Do not block storm drain with any solid debris.

Hazards:

- Any form of trip hazard and or protruding elements should be eliminated.
- Café owners are to ensure that appurtenances and/or bicycles are not attached to the enclosure, as this will impede pedestrian movement and safety.

Storage:

- A sidewalk café must not be used as an outdoor storage and smoking area or other unapproved use at any time of the year.
- All café fencing, furnishings, and accessories shall be removed from the public right-of-way if the café is not being used or during the off-season and stored in another location.

Disassembly/ Winter Control:

- Upon the expiration of the sidewalk café season, as set out in the Sidewalk Café Permit, all enclosures must be dismantled and stored neatly off site to ensure a clear path for proper snow removal.
- Upon removal of the enclosure the sidewalk must be restored to level condition. There shall be no trip hazards created from bolts, holes, or fastening devices on sidewalks.
- Plastic plugs are recommended to be inserted into the bolt holes in the sidewalk to prevent damage from snowplows and water during the off-season.
- The City (at the Permit Holder's expense) will remove any enclosures that are not disassembled by the date specified in the Permit. The City will charge the Owner for the cost of removal and all associated storage costs.
- The City will not be responsible for any damage to the enclosure fence if it is not dismantled upon the expiration of the Sidewalk Café approved season.



Landscape Maintenance:

- Landscape maintenance must be done on a regular basis to ensure the health of plant material
- Fertilizer should be applied at least once every two weeks.
- Watering and cleaning should be done during the early morning to minimize conflicts with pedestrians and patrons.
- Deadheading and pruning is recommended to keep the plants healthy looking and also to encourage new growth.



10.0 Enforcement

To ensure the successful implementation of these guidelines and to improve the streetscapes in Windsor, Engineering Department Administrative Inspectors will inspect sidewalk café installations and perform periodic inspections thereafter (Refer to Appendix G.)

A Sidewalk café will be inspected for:

General:

- Compliance with terms of a current Sidewalk Cafe Permit. Where a sidewalk cafe is operating without a valid permit, an order to comply will be issued to the owner to remove the railings.
- Sidewalk Cafe Assessment Checklist.
(See Appendix I).
- Compliance with the Sidewalk Café Handbook.

Installation:

- The Engineering Department Administrative Inspectors will ensure construction complies with the approved patio drawing referenced in the Permit.
- This will include compliance with the agreed patio size and location.

Business Licensing:

- Engineering Department will check with the Licensing Department to ensure that the applicant has been issued a business license prior to issuance of a permit.

10.1 Termination

Based on conditions of permits issued under the authority of By-Law 25-2010 passed on February 1, 2010, should the Permit Holder breach conditions of the permit, the City reserves the right revoke the permit. It should be noted that Council may amend By-Law No. 25-2010 from time to time.

Upon termination of the permit or Agreement, the Permit Holder has 2 weeks to remove the Sidewalk Café and restore the right-of-way (boulevard and sidewalk) to its former condition. Failure to do so will result in the City undertaking the work and costs being charged to the Permit Holder.

11.0 Glossary of Terms

Note: All terms below apply only to this document and shall not be used or applied to any other documents for any purpose. **AWNING:** Refers to “canopy” or shelter from the elements attached to the building by brackets or extending from part or all of a building face in which all parts are stationary or removable.

BARRIER-FREE ACCESS: Refers to access to any activity, building, structure or complex complying with the specific design requirements which provide approach and entry of a facility by persons with disabilities (e.g. grade level entry).

BOTTOM RAIL: Refers to the bottom horizontal member on an enclosure.

BUILDING SIDE ZONE: Refers to the area of the public right-of-way that is directly adjacent to the property line and/or building face.

CAO: Chief Administrative Officer for the City of Windsor

CITY ENGINEER: Is the City Engineer for the City of Windsor or his designate, as determined by City Council.

COMBUSTIBLE: Means capable of igniting and burning.

COMMERCIAL GENERAL LIABILITY INSURANCE: liability coverage for bodily injury and/or property damage claims brought against the insured by a third party or member of the public.

CURBSIDE ZONE: Refers to the area of the public right-of-way that is closest to the street between the street and the clear pedestrian aisle.

ENCROACHMENT AGREEMENT: Refers to an agreement between a municipal corporation (“City of Windsor”) and

a property owner whose property adjoins municipal property. The agreement allows an encroachment, such as an awning, onto the right-of-way.

FULL CUT-OFF LIGHTING: Refers to any light that shines no light above the horizon.

GALVANIZED: Refers to any steel product coated with a thin layer of zinc to provide corrosion resistance to outdoor elements.

SIDEWALK CAFE GENERAL CONDITIONS: A document which forms part of a sidewalk cafe permit.

INDEMNITY DEPOSIT: Refers to a financial security, which is deposited with the Engineering Department at the time of the issuance of a Street Opening Permit (Sidewalk Cafe Permit) to pay for any damages that may occur to the public right-of-way during the course of the construction or removal of the Sidewalk Cafe should the Permit Holder be unwilling to repair these damages.

Sidewalk Cafe AREA: That portion of the municipal right-of-way, intended to be used for the purposes of a sidewalk cafe.

LICENSED CAFÉ: Refers to a café that is licensed to serve alcohol.

LIQUOR LIABILITY INSURANCE: Liability coverage for claims arising out of the sale, manufacture or serving of alcoholic beverages. Under standard Commercial General Liability policies, coverage is excluded if the insured is in the business of serving alcohol. If selling, serving or making alcohol, liquor liability coverage needs to be ADDED to the existing general liability policy or purchased on its own.

MID-RAIL: Refers to the second highest horizontal member on an enclosure.

MINI-CAFE: A Sidewalk Cafe on the public right-of-way, which encroaches a maximum of 6 feet, with no railings, a maximum of 2 small tables and 8 chairs. It is not licensed by the AGCO.

NON-Flammable: Means not flammable materials that when subjected to fire not readily ignited and not rapidly burned (Ref. CAN/ULC-S109, Flame Tests of Flame-Resistant Fabrics and Films”).

NON-LICENSED CAFE: Refers to a café that is not licensed to serve alcohol.

NON-OPERATED SIDEWALK CAFES: Refers to those cafes which have no seating area arrangement for the patrons as indicated in the Permit drawings or utilized for any purpose other than eating or drinking (e.g. smoking, storage and queuing) during the main establishment’s operation period.

ONTARIO BUILDING CODE: Means Regulations made under Section 34 of Building Code Act.

ONTARIO FIRE CODE: Means Regulations made under the Fire Protection and Prevention Act and serves as a maintenance document to the Ontario Building Code.

OPERATOR: See Permit Holder below.

OWNER: Refers to a person who owns the lands adjacent to a Sidewalk Café.

PEDESTRIAN PATH ZONE: Refers to the area of the public right-of-way between the curbside zone and the building side zone.

PERMIT FEE: Refers to an annual fee approved by the City Council for a Sidewalk Café Permit. A licensed restaurant that expands its operation onto a part of the public right-of-way or sidewalk immediately adjoins the licensed premises.

PERMIT Holder: Refers to a person or persons that have a right to use any part of the sidewalk/right-of- way for a sidewalk cafe by authority of a permit issued by the City Engineer.

PICKET: Refers to the individual vertical or elements that attach to the post to form an enclosure.

POST: Refers to the supporting element of the sidewalk café enclosure that in most cases mounts to the sidewalk.

RIGHT-OF-WAY: The Right-of-Way is the property owned by the City for the use of the public for pedestrian and vehicular movements. The right-of-way includes, but is not limited to the street, sidewalk, curb and gutter, and/or alley; note that the right-of-way is not just the paved portion but also the boulevard or unpaved portion.

SCHEDULE ‘A’ – A set of general conditions to operate a sidewalk cafe which are appended to the street opening permit for the cafe and form part of the PERMIT document.

SCHEDULE ‘B’ – A set of special conditions* to operate a sidewalk cafe, to deal with additional requirements specific to a property.

*Should there be conflicts between Schedule ‘A’ and the Schedule ‘B’, items in schedule ‘B’ will govern.

SEASON: The period of time each year that approved Sidewalk Cafe is allowed to operate.

- **REGULAR SEASON PATIO-** A patio approved by permit issued by the City Engineer, which may operate during the period from March 1 to November 30 of each year.
- **FOUR SEASON PATIO-** The patio approved by permit issued by the City Engineer, which may operate annually during the 12 month period from January 1 to December 31 of each year.

SIDEWALK CAFE: A Sidewalk Cafe is an outdoor seating area located within a public right-of-way pursuant to a valid Sidewalk Cafe Permit which functions as an outdoor seasonal extension of the primary business of food and/or beverage service. In order to operate a Sidewalk Cafe, one must obtain a valid Sidewalk Cafe Permit. Types of establishments that might qualify to enhance their business in this manner include entertainment lounges, hospitality food/liquor service and coffee shops.

SIDEWALK CAFE PERMIT: Refers to a permit issued by the City Engineer under authority of bylaw 25-2010 which authorizes the use of the public right-of-way for the purposes of a sidewalk cafe.

SIGN BY-LAW: Refers to the Corporation of the City of Windsor Sign By-Law 250-2004.

STREET OPENING PERMIT: Refers to a permit issued by the City to install the sidewalk café within the public right-of-way.

TOP RAIL: Refers to the highest horizontal member on an enclosure.

TREE BY-LAW: Refers to the Corporation of the City of Windsor Tree By-Law 7545.

ZONING BY-LAW: The Zoning By-law is the legal document that implements the policies and objectives described in the Official Plan. The Zoning By-law regulates the use and development of buildings and land by stating exactly what types of land uses are permitted in various geographic areas and by establishing precise development standards for lot size, frontage, building setbacks, the height and built form of structures, the number and dimensions of parking and loading spaces, requirements for open space, etc. The Ontario Planning Act grants the City the authority to implement land use controls through Zoning By-laws.