

TOWN OF PETROLIA BY-LAW # 33-2011 - SCHEDULE "A"
APPLICATION FOR AN OUTDOOR PATIO



The Cradle that Rocked the Oil Industry

Phone: 519-882-2350
Fax: 519-882-3373

General Inquiries: petrolia@town.petrolia.on.ca
Website: www.town.petrolia.on.ca

1. Date of Application: _____
2. Name of Business: _____
3. Name of Applicant(s): _____
4. Mailing Address: _____
5. Type of Business: _____
6. Proposed Hours of Operation: _____
7. Is Proposed Patio on Public Property? ☐ yes ☐ no
(Note: If any of the patio is to be located on a public sidewalk or other public property an encroachment agreement must be entered into with the Town.)
8. Is the required site plan attached? ☐ yes ☐ no
(Note: The site plan must include, where applicable, the proposed location and placement of planters, tables, chairs, fences, lighting, signs, outdoor heaters and all other accessories to be included within the defined patio space which includes the patio area's dimensions and any utility poles, hydrants, manholes, traffic signs, catch basins, awnings and any other physical or drainage feature of the street within 6 metres (19.7 feet) of the proposed patio.
9. Is the design of the Patio consistent with the character of the building? ☐ yes ☐ no
10. Is the patio enclosed by ornamental iron or aluminum fencing that is black in colour? ☐ yes ☐ no
(Note: A colour other than black must be approved by the Town of Petrolia Heritage Committee.)
11. Height of fence: _____ metres
12. Will music or other entertainment be provided? ☐ yes ☐ no
13. Is patio to be licensed for the sale and consumption of alcohol? ☐ yes ☐ no

For Office Use Only

Permit # Issued: _____
Date Issued: _____
Expiry Date: _____
Fee Paid: _____
Roll #: _____

Issuer: _____

Applicant Signature _____

Address _____

If you have any questions regarding the application or if you need to speak to municipal staff, please contact the Town of Petrolia at: Phone (519) 882-2350
Correspondence should be addressed to:

Town of Petrolia
411 Greenfield Street
Box 1270
Petrolia, ON N0N 1R0

THE CORPORATION OF THE TOWN OF PETROLIA

BY-LAW No. 33 OF 2011

Being a By-law to Regulate Outdoor Dining Patios in the Town of Petrolia

WHEREAS section 11 of the Municipal Act authorizes a municipality to pass by-laws respecting structures, noise and other operational aspects of a use; and

WHEREAS the Council of the Corporation of the Town of Petrolia has received requests to establish outdoor patios as an accessory use to a food and beverage establishment; and

WHEREAS Council deems it desirable to establish regulations for outdoor patios;

NOW THEREFORE, the Council of the Corporation of the Town of Petrolia enacts as follows:

Definitions “Patio” means a group of tables and chairs and other accessories situated and maintained for the use and consumption of food and beverages sold to the public from, or in, an adjoining or adjacent indoor food and beverage establishment located immediately against the facade of the building.

“Sidewalk Patio” means a group of tables and chairs and other accessories situated and maintained upon a public sidewalk for the use and consumption of food and beverages sold to the public from, or in, an adjoining or adjacent indoor food and beverage establishment located adjacent to the business. A patio may be located curbside or against the building facade, in accordance with the provisions identified.

Application Circulated to

1. Town of Petrolia Fire Department
2. Lambton County Planning & Building Services Department
3. Town of Petrolia Public Works
4. Town of Petrolia Heritage Committee
5. Lambton County Health Unit

Approval Required. All Patios, including Sidewalk Patios, must be approved by the Town of Petrolia prior to their establishment.

Special Conditions In addition to the General Regulations of this By-law, the following special conditions apply to every sidewalk patio:

1. Sidewalk patios are permitted, upon the condition that a 1.8 metre (5.90 feet) pedestrian walkway is maintained.
2. No person shall establish a Sidewalk Patio unless an encroachment agreement has been entered into with the Town.
3. The operator of a Sidewalk Patio shall apply for and obtain permission through the execution of an encroachment agreement prior to the installation of fencing and/or furnishings
4. Sidewalk Patios shall be smoke-free at all times - smoking on Sidewalk Patios is strictly prohibited.
5. Sidewalk Patio furnishings, fences and other Sidewalk Patio improvements must be removable and not permanently fixed in place. All objects must be contained within the approved Sidewalk Patio area and removed during the off-season or after the Sidewalk Patio ceases operation. The street, sidewalk and municipal property must be restored to its original condition to the satisfaction of the Town Public Works Department.

6. The Town and all public utility agencies retain the right of access to the approved Sidewalk Patio area for the installation, maintenance and repair of pipes, cables, wires, poles, hydrants, etc., as necessary. In case of emergency, no notice will be given. For scheduled work, a minimum notice of forty-eight (48) hours will normally be given.

General Regulations

1. Information Requirements: The applicant shall submit an application, including a site plan illustrating the proposed location and placement of planters, tables, chairs, fences and all other accessories to be included within the defined patio space which includes the patio area's dimensions and any utility poles, hydrants, manholes, traffic signs, catch basins, awnings and any other physical or drainage feature of the street within 6 metres (19.7 feet) of the proposed patio.
2. Design: The design of a Patio shall be consistent with the character of the building for which it serves as an accessory use.
3. Accessory use: A Patio shall be located adjacent to or abutting the existing food and beverage establishment and shall be considered an accessory use.
4. Fencing: Fencing of a Patio must form a fully enclosed perimeter. The fencing should appear 'open' and be designed in keeping with the heritage character of Petrolia.

The fencing requirements are as follows:

- fencing is to be constructed of ornamental iron or aluminum and painted black or a colour that is approved by the Petrolia Heritage Committee;
- the minimum height for fencing is 1.1 metres (42 inches) to a maximum of 1.2 metres (48 inches);
- fencing should be of solid construction and be designed for easy removal from the site ;
- fencing located within 6 metres (20 feet) of the intersection shall not obstruct the vehicular view angles as determined by the Public Works Department;
- Patios that extend from the building facade shall not encroach more than 10 feet from the building or the lesser to ensure that a minimum 2 meter unobstructed pedestrian corridor is maintained.

5. Noise: Music or other entertainment provided for patrons of a Patio shall not create a nuisance to abutting property owners. The Town reserves the right to revoke permits, without reimbursement of fees, where this nuisance occurs. Nuisance may include, but shall not be limited to, police reports of loud, boisterous, or unreasonable noise, offensive language or other disruptive behaviour.
6. Liquor Regulations: All LCBO rules and regulations and all conditions of the premise's liquor license must be adhered to for Patios where alcoholic beverages are served or consumed.
7. Umbrellas and Outdoor Heaters: Umbrellas and outdoor patio heaters shall be located entirely within the approved Patio fence area.
8. Waste and Storage: Patio operators shall maintain the Patio area, and the immediately adjacent area, in a clean and safe condition at all times. Refuse containers are permitted within the Patio area and all containers must be emptied at the end of each day the patio is open.
9. Landscaping: Landscaping of the Patio is encouraged but should be of a temporary nature unless otherwise approved. Plant material must be contained within the approved Patio area.
10. Lighting: Lighting shall be directed to the Patio only.
11. Signs and Advertising: No signs or advertising within a Patio shall be permitted with the exception of a menu, umbrellas and no smoking sign(s). A single menu can be posted on the fencing but must be no larger than 40cm (16 inches) by 50 cm (20 inches) in size.

12. Patio Furnishings: All tables, chairs and decorative accessories in a Patio should be constructed using weather resistant materials. Any bar unit, service cart or server's work station shall be portable and shall not be permanently attached to the wall of the facing building or the fencing. Any electric or gas powered bar unit/service cart shall be approved and regulated by Fire Services. All furnishings, equipment, etc., shall not exceed the height of the fence.

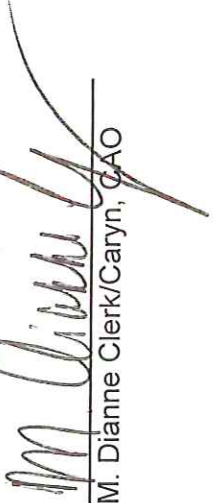
13. Season: The months of operation shall be April 1st through October 30th unless otherwise approved.

This By-law shall come into full force and effect on the final passing thereof.

By-Law Read a First, Second and Third Time and Finally Passed this 16th day of May, 2011.



John McCharles, Mayor



M. Dianne Clerk/Caryn, CAO