

# SIDEWALK CAFÉ GUIDELINES

Planning & Development  
Council Approval September 12, 1994  
Revised March 2023

# Sidewalk Café Guidelines

## Introduction:

The information contained in the Sidewalk Café Guidelines is intended to serve as a general guide to those wishing to establish a sidewalk café on municipal property and to assist staff in the review of applications for a sidewalk café. The Guidelines establish general provisions which are to be considered to ensure safety, aesthetics and compatibility with adjacent land uses. The Guidelines do not replace any requirements of any other agency, including the Alcohol & Gaming Commission of Ontario (AGCO).

Each application will be reviewed on its individual merit, particular conditions and considerations based on location and municipal needs. The Council of the Corporation of the City of Niagara Falls, its officers and employees are not bound by the information contained in the Guidelines, nor are they liable for any reliance placed upon the contents of the Guidelines by any person.

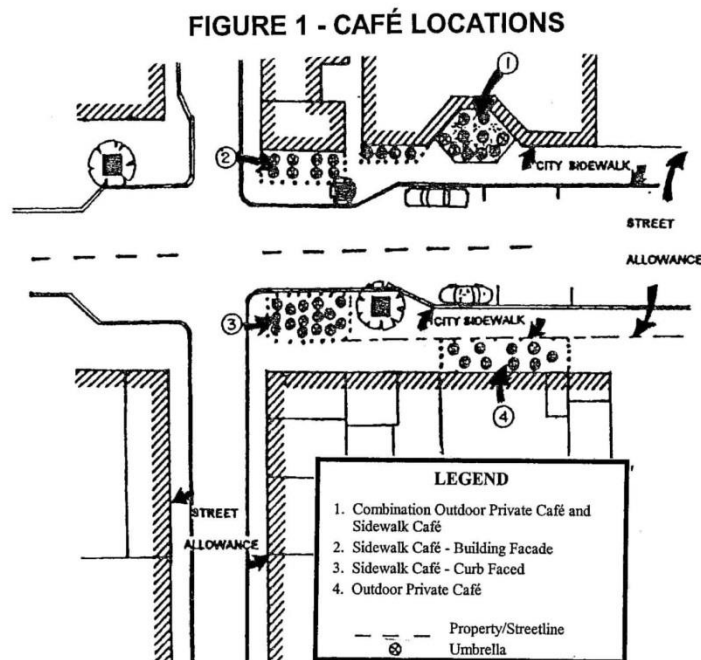
The sidewalk café shall conform to any applicable provisions of the Zoning By-law, the Ontario building code, the Fire Code and Site Plan Control.

## Definitions:

**Outdoor Private Café** means an outdoor area located entirely within the limits of private property used on a seasonal basis only for tables and /or seating where meals and/or refreshments are served and consumed in conjunction with a restaurant on the same property.

**Sidewalk Café** means that portion of municipal property between the property line and the travelled portion of a road used on a seasonal basis for tables and/or seating where meals and/or refreshments are served and consumed in conjunction with a restaurant.

**Seasonal** means the seven month period from April 1 to October 31, both inclusive.



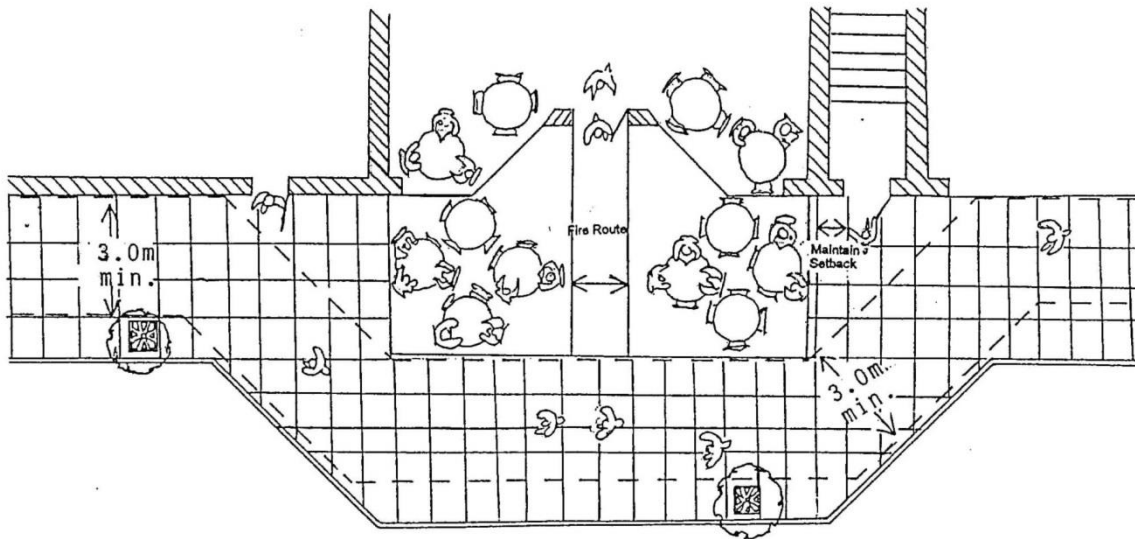
## Zoning:

A sidewalk café shall be located in a commercial zone where a restaurant is permitted use. A sidewalk café must be part of a restaurant use established in an existing building as defined in the Zoning By-law and have a restaurant licence issued by the Corporation of the City of Niagara Falls. Occupancy and parking requirements of the sidewalk café and the related restaurants will be calculated on the requirements of the Ontario Building Code, fire regulations and zoning by-laws where applicable.

## Criteria:

**Pedestrian Movement** – The area required for safe pedestrian movement will be assessed on a site specific basis. In most cases, an unobstructed sidewalk width of 3.0 metres (10.0 feet) shall be maintained for the clear movement of pedestrians. At the City's discretion, the unobstructed sidewalk width may be reduced to 2.4 metres (8 feet) if the sidewalk café is located on a sidewalk that does not have heavy pedestrian traffic, or increased above 3.0 metres (10 feet) where pedestrian volumes are excessive. Sidewalk cafés shall not normally be considered where the total sidewalk width is 3.9 metres (13.0 feet) or less.

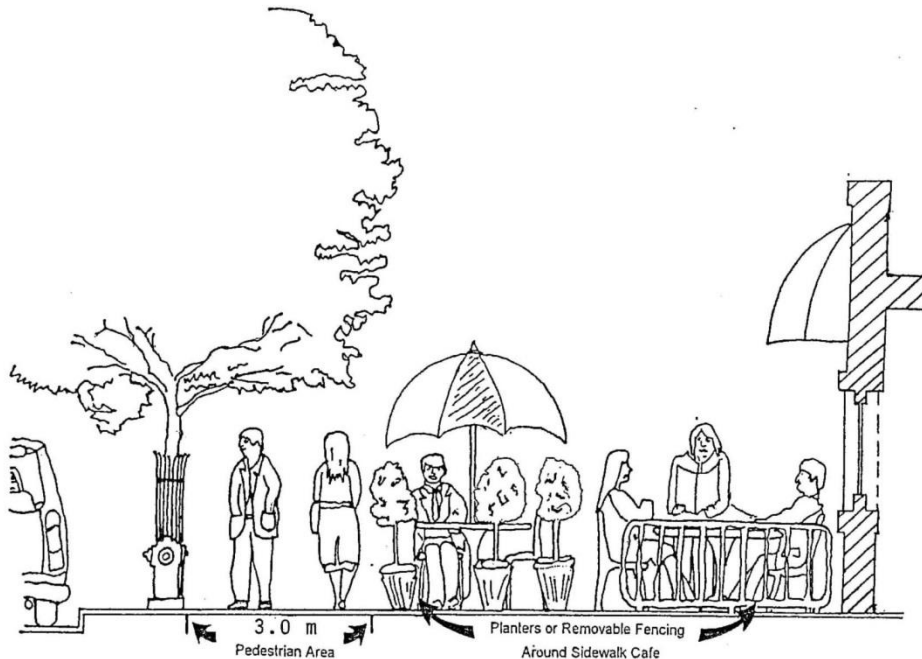
**FIGURE 2 – PEDESTRIAN MOVEMENT**



**Placement** – The placement of a sidewalk café will abut the property where the related restaurant use is located. Alternatively, the sidewalk café may be placed within 0.9 metres (3 feet) of the curb face parallel to the restaurant with which it is associated; in either case, the sidewalk café must satisfy the City's pedestrian movement criteria. Where a sidewalk café is to extend into the area in front of an abutting property/business, written consent of the affected property/business owner must be provided at the time of application. The sidewalk café may be located at the front or exterior side of a restaurant use.

## Design:

**Enclosure** – the outdoor sidewalk café shall be separated from the area of the sidewalk reserved for pedestrian movement through use of decorative fencing planter boxes/containers or similar barriers. Such barriers should be free standing, structurally sound and finely fabricated. The height and placement of the barriers should ensure that sight lines are not impeded so that safety is ensured. The barrier would be subject to the requirement of the AGCO if the sidewalk cafe is licensed.



**Access** – The sidewalk café shall be designed to ensure a minimum emergency evacuation route, in accordance with standards of the Ontario Building Code and/or fire regulations, is available at all times to and from the restaurant. In no case shall this route be less than 1.0 metres (3.2 feet). The sidewalk café shall not impede any existing barrier-free access to the restaurant. The design and placement of a sidewalk café should not obstruct public access, access to another use in the same building, or adversely impact on any adjacent building.

**Seating Capacity** – a minimum of 1.1 square metres (11.8 square feet) per person shall be used to determine the maximum seating capacity of the sidewalk café.

**Service Areas** – Busing stations, service bars, electrical service, illuminated signs and lighting fixtures are not permitted on the public portion of the sidewalk café. Decorative garbage containers may be strategically provided within the limits of the sidewalk café. Umbrellas, fixed awnings and enclosures, together with any support mechanisms, shall not extend beyond the sidewalk café area or encroach into the pedestrian movement area. Fixed or retractable awnings shall be permitted only where an encroachment agreement with the City has been obtained. All permitted accessories shall be appropriately maintained at all times by the sidewalk café licensee.

## **Approvals:**

**Application** – An application to establish a sidewalk café on any portion of municipal property shall be submitted to Planning and Development Services, together with the necessary fees and drawings and supporting materials. The completed application shall be circulated to City Staff for review and comment before entering into an agreement. The application must be approved, and the license issued prior to using any municipal lands.

**Agreement** – Where an application for an outdoor sidewalk café is approved, the owner and/or operator shall enter into an agreement with the Corporation of the City of Niagara Falls concerning, among other things, the lands involved, period of operation, liability insurance, maintenance and restoration and payment of fees for use of space. The sidewalk café owner/operator shall agree to save harmless the City for any matter arising as a result of the sidewalk café and its operation by way of an original certificate of insurance in a form acceptable to the City Solicitor. The operator shall be responsible for securing furniture, fixtures, etc., after hours.

**Fees** – Application fees, preparation of agreement fees and licence fees shall be paid in accordance with the City of Niagara Falls By-law regarding schedule of fees for service as established from time to time.

**Utilities** – It will be responsibility of the operator to secure any necessary approvals and payment fees as may be required by the gas, telephone, hydro, cable companies or similar utility prior to establishing or operating an outdoor sidewalk café.

**Maintenance** – The operator will be responsible for all maintenance of the sidewalk café including, but not limited to, the cleaning of tables and café surface and the pick-up of litter. The operator of the outdoor sidewalk café shall maintain the sidewalk in a like condition to that at the time of entering into an agreement with the municipality.

**Seasonal Closure** – All furniture, fixtures and fittings shall be removed from City property at the end of the season in accordance with the terms of the agreement with the City. Any hooks, bolts, brackets, etc., installed in the sidewalk shall be removed when the table and fixtures are not in place or by November 1, (whichever is first) in order to ensure pedestrian movement or snow cleaning operations are not impeded.

**Hours** – the outdoor sidewalk café shall remain closed during the period of 11:00 p.m. and 8:00 a.m. the following day.

**Taxes** – The operator shall be responsible for payment of all realty and business taxes assessed against the sidewalk café.

**Other Regulations** – The operator of an outdoor café shall meet the regulations and by-laws of the City of Niagara Falls, Niagara Falls Fire Department, Regional Municipality of Niagara, Regional Health Department and Regional Police Force at all times.