



**CITY OF KINGSTON**  
**REPORT TO COUNCIL**

**Report No.: 12-116**

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**TO:** Mayor and Members of Council  
**FROM:** Jim Keech, President & CEO, Utilities Kingston  
**RESOURCE STAFF:** Mark Van Buren, Director of Engineering  
**DATE OF MEETING:** April 3, 2012  
**SUBJECT:** Application for License of a Serving Sidewalk Patio  
On the Princess Street Flankage for “Windmills  
Restaurant” Located at 184 Princess Street

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**EXECUTIVE SUMMARY:**

An application has been made to the Engineering Department by “Windmills Restaurant” operating at 184 Princess Street for the purpose of operating a sidewalk patio. The patio will be utilized as an extension of their business for their customers as defined in the regulations established in By-Law No. 87-136, “A By-Law to Authorize the Adoption of Regulations Established for the Purpose of Dealing with Applications for the Extended Use of Sidewalks.”

**RECOMMENDATION:**

**THAT** Council authorize the Mayor and the Clerk to enter into a license agreement with the owner of “Windmills Restaurant” located at 184 Princess Street, for the lease of city property adjacent to their store frontage on Princess Street for the purpose of operating a serving sidewalk patio. Such license is to be conditional on approval of the application by Council and the license agreement is to be in a form satisfactory to the Director of Legal Services.

**AUTHORIZING SIGNATURES:**

ORIGINAL SIGNED BY PRESIDENT & CEO, UTILITIES KINGSTON Jim Keech, President & CEO Utilities Kingston
ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER Gerard Hunt, Chief Administrative Officer

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**CONSULTATION WITH THE FOLLOWING COMMISSIONERS:**

Cynthia Beach, <i>Sustainability &amp; Growth</i>	N/R
Lanie Hurdle, <i>Community Services</i>	N/R
Denis Leger, <i>Transportation, Properties &amp; Emergency Services</i>	N/R

***(N/R indicates consultation not required)***

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**OPTIONS/DISCUSSION:**

The owner of “Windmills Restaurant” located at 184 Princess Street has made formal application to the Engineering Department to construct a sidewalk patio as an extension of their business into the public right-of-way for the purpose of serving food and alcoholic beverages. The requirements for the operation of a serving patio are outlined in the By-Law No. 87-136, “A By-Law to Authorize the Adoption of Regulations Established for the Purpose of Dealing with Applications for the Extended Use of Sidewalks”.

The applicant supplied the Engineering Department with a formal application and the required site plan drawings. The patio area will be 19.9 square meters with 8 tables and 16 chairs.

The drawings and application were circulated to Departments within the City as well as the required City Agencies and comments were received as follows:

Health Unit	No objection to the application.
Accessibility Compliance Department	See comments in the Accessibility Considerations Section.
Taxation and Revenue Division	No objection to the application.
Public Works Department	No objection to the application.
Utilities Kingston Technical Services	No objection to the application.
Recreation & Leisure Services Department	No objection to the application.
Licensing Enforcement Division	No objection to the application.
Building Department	No objection to the application.
Kingston Fire & Rescue	No objection to the application.
Transportation – Transit	No objection to the application.

Parking Services have no objection to the application and confirmed that this patio would impact two (2) parking spaces and the applicant is required to compensate for the loss of these spaces. The application is in compliance with the amendments approved for Princess Street in item 2 of Report No. 61, Council meeting held June 7, 2011. “Amendment To By-Law No. 87-136, “A By-Law To Authorize The Adoption Of Regulations Established For The Purpose Of Dealing With Applications For The Extended Use Of Sidewalk.”

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In addition to the technical circulation, the required advertisement was placed in the February 28, 2012 edition of the Whig Standard. Individual notices were also sent to all property owners within a 60 meter radius of the site advising of the patio application requesting comments to be addressed to William Cartwright of Engineering within 15 days. No communications were received.

**EXISTING POLICY/BY LAW:**

By-Law No. 87-136, "A By-Law to Authorize the Adoption of Regulations Established for the Purpose of Dealing with Application for the Extended Use of Sidewalks."

**NOTICE PROVISIONS:**

As per By-Law No. 87-136 advertising was placed in the February 28, 2012 Whig Standard.

**ACCESSIBILITY CONSIDERATIONS:**

The application was circulated to the Accessibility Compliance Project Manager for review. The patio has been designed to address requirements such as accessible tactile ramp, and cane detectable rail around the perimeter. As well the sidewalk has been widened to provide accessible route on the City sidewalk.

**FINANCIAL CONSIDERATIONS:**

The applicant has met the requirements for application as outline in By-Law No. 87-136. The applicant agrees to enter into a license agreement with an annual license fee to be paid to the City. The patio will be located in Zone B, as described in Schedule "A" of By-Law No. 87-136. The license fee is adjusted annually in accordance with the C.P.I. The 2012 season license fee will be three thousand seven hundred and eighty three dollars and sixty cents (\$3,783.60).

**CONTACTS:**

- Mark Van Buren, P.Eng  
Director Engineering Department 613-546-4291, Ext. 3218
- Kimberley Brown, P.Eng  
Infrastructure Engineer, Engineering Department 613-546-4291, Ext. 3132
- William Cartwright  
Engineering Technologist Engineering Department 613-546-4291, Ext. 3113

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**OTHER CITY OF KINGSTON STAFF CONSULTED:**

The application has been circulated to the required internal departments and external agencies for review and comment. The responses to the technical circulation were addressed in the content of the report.

**EXHIBITS ATTACHED:**

Exhibit "A" – Site Location Plan

Exhibit "B" – Patio Plan



