

HALDIMAND COUNTY SEASONAL SIDEWALK AND ON-STREET PILOT PATIO PROGRAM

Haldimand County is growing the local economy and contributing to ongoing community vibrancy with the establishment of a pilot program to issue permits for the use of sidewalks, or on-street parking spaces as seasonal patios.

This pilot program is intended to be flexible in granting permission to commercial establishments for the use of County Property for seasonal patios. The program will consider various types of patios that make use of sidewalks (or other municipal property that isn't the traveled portion of a roadway including alleyways) as well the use of parking spots. It is intended that seasonal patios on municipal property will be granted for establishments located in the defined downtown areas and community improvement project areas. Commercial areas and hamlets can also be considered. Eligible establishments include restaurants, taverns and other eating and drinking establishments, as well as micro-breweries.

Application Process

The application process will be administered by the Haldimand County Economic Development and Tourism (EDT) Division. Prior to submission, applicants are encouraged to contact EDT staff to review their application. Once the proponent has submitted a complete application and required application fee, the Economic Development and Tourism Division will proceed to circulate the request through a staff review committee. The internal review committee will include Support Services, Engineering Services, Roads Operations, Emergency Services, Building Controls and By-law Enforcement and Water & Wastewater Divisions. Applications will also be reviewed by the Haldimand County Accessibility for Ontarians with Disabilities Act (AODA) committee or internally by staff depending on time sensitivity.

Once the application has been reviewed by staff and if all requirements have been met, the staff review committee will recommend approval of the application. Once approval has been recommended, a Permit will be authorized by the General Manager of Planning and Economic Development. After a patio is erected, staff will perform an inspection to ensure compliance with program requirements.



First Time Application or Renewal

Approval/renewal will only be issued to an establishment that is in conformity with all County/Provincial/Federal by-laws and legislation (i.e. property standards, zoning by-laws, noise by-law, official plan, etc.). It is the responsibility of the Applicant to meet all licensing requirements that would normally be required to operate the establishment (Health Unit, Alcohol and Gaming Commission of Ontario) and provide confirmation of same upon request. The applicant must also meet all other program requirements in order for a permit to be approved (i.e. insurance).

Seasonal Sidewalk and On-Street Patio Pilot Program Applicant Information:

Applicants will be required to complete an application form provided by Haldimand County. The application will include a minimum of the following information:

- Name of Applicant.
- Contact Information for Applicant (mailing address, phone number, email).
- Name of Property Owner (if different from Applicant).
- Contact Information for Property Owner (mailing address, phone number, email).
- Establishment Address to which patio will be associated.
- Legal Description & Roll Number.
- Proposed Installation Date.
- Description of Patio (On-street, Sidewalk, etc.).
- Occupant Load of Establishment (according to the Ontario Building Code).
- Occupant Load of Proposed Patio (according to the Ontario Building Code).
- Describe washrooms for use in Establishment (i.e. number, accessibility, etc.).
- Will alcohol be available/served on the patio?
- Signatures.

Seasonal Sidewalk and On-Street Patio Site Plan – Additional Required Information

Applicants are required to provide a Patio concept, preferably on 11" X 17" ledger size paper to scale and properly labelled with the following minimum information:

- The location and dimension of the building establishment, the entrances, exits and washrooms.
- The location and use of the adjacent buildings, the entrances and exits.
- The location and dimension of the patio, the entrances and exits.
- The area of the patio (in square meters).
- Location and dimension of any enclosures umbrellas/tents, awnings, etc.
- The location, height and construction material to be used for the boundary fence, gate location and width of gate(s).
- Location of table, chairs, etc.
- Expected occupant load.
- If On-Street, patio location and dimensions, construction material and Engineers Certificate for safety and load bearing, if required; identification of the parking spaces required.
- Location of ALL municipal services and/or assets within the Patio or in close proximity (e.g. location of curbs, municipal parking spaces to be utilized, sidewalk, hydrants, storm sewer grates, manholes, trees and diameter of trees, etc.). Also identify whether any public street fixtures/furniture is required to be removed or relocated to accommodate the design. Additional fees may apply for removal or relocation. Staff may determine that such fixture may not be relocated and applicant will need to update the design.

Upon approval of the application, and prior to issuance of the Permit, the applicant must provide the following:

- Copy of Certificate of Insurance.
- Application Fee.

General Requirements for all Seasonal Sidewalk and On-Street Patios

The Permit Holder shall adhere to the following requirements:

- Patios on municipal property shall only be permitted from May 1st to October 31st.
- Patios will operate only during normal business hours and must cease operation by 11:00 p.m.
- At the end of each business day, the commercial establishment is required to clean the sidewalk in and around the outdoor patio area and remove debris to a covered refuse receptacle. Garbage cannot be placed in County waste receptacles.
- Haldimand County will have the right to maintain the municipal property in order to carry out repairs or maintenance to the municipal property. Where possible Haldimand County will provide written notice five (5) days prior to entering. The County has the right to suspend the permit and undertake removal of the patio at the applicant's expense.
- Access to Fire Department connections or exits from adjacent buildings must be maintained.
- It is the responsibility of the applicant to meet all licensing requirements that would normally be required to operate the establishment (Health Unit, Alcohol and Gaming Commission of Ontario) and provide confirmation of same upon request.

- A minimum 1.5 metres clearance of the sidewalk must be maintained and any other requirements to satisfy the Accessibility for Ontarians with Disabilities Act.
- Smoking will not be allowed on any patios or sidewalk patios as per provincial regulations.
- Maintenance of the patios will be the responsibility of the applicant (including removal if required by the County).
- Applicants are responsible for all costs associated with the application, construction, maintenance, storage and removal of the patio.
- Any costs to repair damage to municipal property resulting from the patio is the responsibility of the applicant.
- Establishment must have required washroom capacity per the Ontario Building Code to accommodate additional patrons.
- Proposals must not obstruct underground utility access, electrical transformer vaults, utility boxes, loading zones, hydrants, signage, street furniture and other infrastructure.
- Materials for patios should be of high quality and complement existing facades per the County's Downtown Urban Design Guidelines.
- If located within a BIA, applicant must notify the BIA of their application to the County.
- Railings and vertical elements should be a minimum of 0.91 metres (36") and no higher than 1.07 metres (42") in height.
- A copy of the permit shall be posted onsite at all times.
- Applicant will be responsible for any costs associated with the movement of street furniture, street trees or other fixtures.
- All patios will be reviewed in accordance The Fire Protection and Prevention Act and may be required to be added to the Fire Safety Plan.
- Applications will be refused if the requested municipal property is deemed not in an acceptable standard for a patio and would require repair or is scheduled for repairs.
- No trip hazards can occur with the installation of patio such as the running of extension cords.
- Permits are valid for one calendar year.

Insurance Requirements

The Permit Holder shall adhere to the following requirements:

- Commercial General Liability Insurance with coverage for bodily injury and property damage on an occurrence basis with a limit of not less than two million dollars (\$2,000,000) and providing coverage, including but not limited to, bodily injury including death, property damage, contractual liability, tenants' legal liability and liquor liability. Such policy shall name Haldimand County as additional insured, contain cross liability and severability of interest clauses and provide for 30 days' notice of cancellation.
- Coverage must be written by an insurer licensed to do business in the province of Ontario.
- A Certificate of Insurance meeting the requirements must be provided by the applicant after the application has been approved but before the permit will be issued.

Additional Requirements of the Permit Holder for Sidewalk Patios

The Permit Holder shall adhere to the following requirements:

- No sidewalk patio shall be within 9 metres of the sight triangle where a property is located at a street intersection or at the County's discretion.
- A removable fence, shall be erected to clearly delineate the area on the sidewalk being used for the patio.

- Structures such as decks may be permitted and may require a building permit, at the expense of the applicant.
- Sidewalk Patios are permitted adjacent to and abutting the restaurant's frontage and/or flankage and cannot impact the neighbouring property's frontage. Patios not adjacent to existing frontage may also be considered provided they satisfy the all other requirements of the program.
- Entrance and Patio space must adhere to AODA requirements and must not restrict the ability for the remainder of the sidewalk to meet AODA requirements.
- Any gates must swing into the patio space and not obstruct the sidewalk.

Additional Requirements of the Permit Holder for On-street Patios

The Permit Holder shall adhere to the following requirements:

- Permitted only where the pop-up installation can be located directly in front of the associated establishment. Limited to one parking space per establishment. One additional parking space maybe permitted based on written consent of neighbouring property owner.
- On-Street patios cannot be placed in barrier free parking spaces.
- No outdoor food preparation shall be permitted.
- On-Street patios will only be permitted in areas with existing on-street parking. Haldimand County may refuse applications based on traffic counts or other grounds where the County considers the patio a risk to public safety.
- The deck (floor structure) must have a flush transition at the sidewalk and curb to permit easy access and avoid tripping hazards.
- The deck must be constructed of a slip-resistant surface.
- The deck and patio, including entrances, must meet AODA requirements.
- All gates must swing into the patio space and not obstruct the sidewalk.
- Proposals must have vertical elements that make them visible to traffic.
- Railings and vertical elements should be a minimum of 0.91 metres (36") and no higher than 1.07 metres (42") in height.
- No umbrellas or other treatments can extend into the sidewalk or travelled portion of the roadway.
- Vertical elements, including but not limited to umbrellas, must be securely installed to prevent them from leaving the patio area.
- Reflective strips will be required along the outside of on-street patio.
- The pop-up installations must provide a minimum of 0.3 metres (12") from the travelled portion of the roadway.
- On-Street patios must be located at least 10 meters from an intersection.
- On-Street patios shall not obstruct stormwater flows or block stormwater drains.
- The on-street patio shall not have advertising, banners or signage, other than reflective or traffic safety related signage.
- Any setup or takedown of any structure or materials on the roadway can only be completed by contractors trained and qualified in the Ontario Traffic Manual (OTM) Book 7 Signing Requirements for Temporary Conditions.
- Any temporary occupancy of the roadway for the installation or removal of the patio must conform with the OTM Book 7 Signing Requirements for Temporary Conditions. This includes the closure of any live lanes downstream from an occupied parking space. Appropriate cones/signs may be required as per OTM Book 7.

- To ensure visibility to moving traffic and parking cars, pop-up installations must be buffered using a wheel stop at each end.
- Seasonal patios proposed in on-street parking will require approval of the Director of Engineering in terms of adequacy of location relative to road function (speed, safety, traffic movement, sight lines) as well as adequacy of parking available in the general area.

Fee Structure

First time applicants will be required to complete a full application form and pay a one-time application fee per Schedule P of the County's User Fee By-law. If the application is approved, a permit fee will be required prior to issuance of the permit.

All permits are valid for one calendar year if all requirements of the program are adhered to throughout the validity period.

Application for renewal will require a renewal form to be completed, noting any changes from the previous year. If there are no substantial changes, the renewal fee will be applicable.

If a patio design or circumstances related to the previously approved patio substantially change such as an increase in seating capacity, relocation of the patio in relation to municipal fixtures or there are substantial changes to the design/construction of the patio. The full application fee will apply.

Building permit fees may also be required and will be determined on a case by case basis.

Fee Type	Amount
First Time/Full Application Fee	\$280
Renewal Fee	\$100

Proposed Permit to be Issued:



ECONOMIC DEVELOPMENT AND TOURISM DIVISION

2018 HALDIMAND COUNTY PATIO PERMIT

Permit Number: _____

Permit Holder: _____

Permit Fee: _____

Address of Establishment Associated with Permit:

Haldimand County hereby grants permission for a seasonal patio at the above address, provided that the Permit Holder conforms to the requirements of the Haldimand County Seasonal On-Street/Sidewalk Patio Program and the terms and conditions of the application on file of the Permit Holder.

The permit holder acknowledges that this permit is only valid for the named Permit Holder who has signed the application on file. Any change in the Applicant or Owner of the property will void the permit and require a new application. Failure to do so will require removal of the outdoor commercial patio within 10 days of written notice from Haldimand County.

This permit is valid only during the calendar year in which it is issued, and only during the months of May – October.

**THIS PERMIT MUST BE DISPLAYED IN A CONSPICUOUS PLACE ON
THE PATIO PREMISES.**

Permit Issued By: _____