
HALDIMAND COUNTY

Report EDT-02-2020 Seasonal Sidewalk and On-Street Patio Program For Consideration by Council on May 19, 2020



OBJECTIVE:

To present a permanent program to permit commercial patios on municipal property seasonally.

RECOMMENDATIONS:

1. THAT Report EDT-02-2020 Seasonal Sidewalk and On-Street Patio Program be received;
2. AND THAT the Seasonal Sidewalk and On-Street Patio Program as outlined in Attachment #1 to Report EDT-02-2020 be approved;
3. AND THAT authority be delegated to the General Manager of Community and Development Services to approve applications and required permits to allow the use of Municipal property for seasonal patios, and also the authority to revoke a permit based on non-compliance with parameters of the Seasonal Sidewalk and On-Street Patio Program or on the basis of emergency construction that requires removal of the patio;
4. AND THAT where a permit to allow an establishment to use municipal property for seasonal patios has been issued, the Clerk be authorized to provide a letter of non-objection for related applications for Temporary Extension of a Liquor Sales Licence through the Alcohol and Gaming Commission of Ontario;
5. AND THAT the revenues associated with this change be approved, and incorporated into the 2020 Tax Supported Operating Budget as a Council Approved Initiative.

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Respectfully submitted: Mike Evers, MCIP, RPP, BES, General Manager of Community & Development Services

Approved: Craig Manley, MCIP, RPP, Chief Administrative Officer

EXECUTIVE SUMMARY:

In 2017 and 2018 the Economic Development and Tourism Division received several inquiries for use of municipal property for seasonal patios across the County. In June 2018, a Seasonal Sidewalk and On-Street Patio Pilot Program was approved by Council and implemented by staff. Overall, the pilot program was well received and a benefit to business owners that participated. The purpose of this report is to recommend that Council approve a permanent seasonal patio program.

BACKGROUND:

In 2017 and 2018 the Economic Development and Tourism Division received inquiries from several business owners in Haldimand County regarding the feasibility of opening a seasonal patio on municipal

property in front of their business. From these requests, staff identified an opportunity for the municipality to assist in business development by establishing a program to permit seasonal patios.

In 2018, Council received and approved the Seasonal Sidewalk and On-Street Patio Pilot Program, which granted permission to commercial establishments to use County Property for seasonal patios during the summer months of 2018 and 2019 (May 1st to October 31st). The program considered various patio types to be eligible including sidewalk patios which are located immediately adjacent to the business on the sidewalk; on street patios that are established in an on street parking area in front of the business; and also, patios located on other municipal property that is not the traveled portion of a roadway including alleyways. The program permitted the establishment of these patios in defined downtown areas and in community improvement project areas, however, other commercial areas and hamlets are also eligible to participate in the program.

In 2018 and 2019 the Economic Development and Tourism Division oversaw the Seasonal Sidewalk and On-Street Patio Pilot Program and received consistent uptake in both years. In 2018, four seasonal patios opened in the communities of Jarvis, Cayuga and Dunnville. In 2019, three of the four patios renewed their patio permits (in the communities of Jarvis and Dunnville).

In November of 2019 after the Seasonal Sidewalk and On-Street Patio Pilot Program term concluded, staff began a formal review of the program, which included surveying past program participants and community stakeholders; reviewing the program with staff across several divisions; and, collecting public comments that were provided to business owners and also local business organizations such as Business Improvement Areas and Chambers of Commerce. Feedback from previous permit holders and community stakeholders suggested there was a demand for a permanent patio program to be established and support was widespread (i.e. across all interest groups).

The program received positive reviews from all permit holders. Comments from program participants suggested that there was a direct correlation between their seasonal patio opening and an increase in patrons and revenue. Permit holders also provided feedback on potential improvements to the program including recommendations to streamline the internal review process, and also, the possibility of an additional design option to permit Sidewalk Patios Requiring On-Street Sidewalk Extensions. Examples of patio options can be found in Attachment 2.

Surveys collected from community stakeholders which included Business Improvement Area and Chamber of Commerce representatives suggested that the program was positively received throughout the community. One comment received from a community stakeholder did note the program's on-street patios negatively impacted available parking in Haldimand County's downtown areas specifically in Dunnville. In 2008, a parking study for each urban area was undertaken. Through this study it was identified that there was sufficient parking to accommodate the needs of the downtown commercial areas. While the study is 12 years old, circumstances and business mix in the downtown have remained relatively stable and thus conclusions of the study can still be relied upon.

During the formal review process, municipal staff across several divisions including Legal & Support Services, Engineering Services, Planning and Development, Roads Operations, Emergency Services, Building & Municipal Enforcement Services, and Water & Wastewater Engineering & Compliance were asked to provide feedback on this program. Staff had only minor comments during the review process mostly relating to document language and insurance requirements. In addition, Haldimand County's Accessibility Advisory Committee reviewed the original pilot program as well as the proposed addition to the permanent program, and had no comments as it relates to the patio program and their mandate of ensuring a barrier-free environment for all persons regardless of needs. As an aside, the committee also expressed a concern of the loss of parking access, specifically if the program continues to grow. Staff will continue to monitor the number of applications per community and consider implementing alternative measures if required in the future.

ANALYSIS:

Staff are recommending that Council approve a permanent Seasonal Sidewalk and On-Street Patio Program, as there is an identified benefit based on the comments received from past program participants and local stakeholders. Based on staff reviews, no substantial changes have been made to the existing program guidelines or application process that was initially identified in the Seasonal Sidewalk and On-Street Patio Pilot Program. However, staff are recommending a third design option as described below be included in the program.

Seasonal Sidewalk and On-Street Program Overview

As with the pilot project, a business that wishes to install a patio on municipal property must ensure it 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.). Further, it is the responsibility of the Applicant to meet all licensing requirements that would normally be required to operate the establishment, including the Health Unit and Alcohol and Gaming Commission of Ontario, and provide confirmation upon request.

Applicants wishing to install a patio on municipal property are required to submit an application form (Attachment 1) with additional supplementary information that addresses the above requirements. Further, all applications are required to include; a Certificate of Insurance; a patio concept drawing; and the application fee. Once staff have received a full application it is then reviewed internally by staff from Legal & Support Services, Engineering Services, Planning and Development, Roads Operations, Emergency Services, Building & Municipal Enforcement Services, Water & Wastewater Engineering & Compliance, and Economic Development & Tourism. Following the staff review, the applicant will be advised if any further documentation (for example a building permit for certain structures) is required.

New Patio Design Recommendation

While there are no substantial changes to the program guidelines being put forward for consideration at this time, staff are recommending that the Seasonal Sidewalk and On-Street Patio Program Guidelines expand its permitted patio designs to add a third patio option which would allow Sidewalk Patios Requiring On-Street Sidewalk Extensions (see example in Attachment 2). The recommendation of a third design option is based on the feedback received from a previous patio permit holder.

The new recommended design option will permit establishments to place their patios on the sidewalk, and create an alternate pedestrian walkway (which would take the form of a platform structure) in parking spaces in front of the applicants' establishment to permit pedestrian access. This patio option will allow establishments to participate in the sidewalk patio program who could not provide a minimum clear path width of 1.5 meters to provide unobstructed pedestrian access on the sidewalk alone. All patio design concepts will be reviewed internally by staff to ensure the proposal design criteria, meets requirements and is AODA compliant.

Sidewalk Patios Requiring On-Street Sidewalk Extensions will have similar program requirements to the Seasonal Sidewalk Patio and On-Street Patio. For this patio type, owners will be responsible for maintaining their sidewalk extension as well as paying for any costs associated with erecting and dismantling these structures.

In cases where all patio design options are feasible, staff will encourage applicants to choose the sidewalk patio design option so that ample parking is still available in downtowns.

Parking Concerns

Following Council's approval of a permanent program and to address the parking concerns that were raised by the AODA committee and a community member, staff commit to monitoring complaints received related to this program and parking availability. If an increase in complaints is noted, staff will investigate alternative options. One such option could potentially be increasing signage that identifies

nearby municipal parking lots. As previously noted though, overall parking is considered adequate in downtown areas based on an inventory taken during a parking study conducted by Haldimand County's Planning and Development Division in 2008 and which still has relevancy today.

FINANCIAL/LEGAL IMPLICATIONS:

Staff established an application fee for use of municipal property during the pilot phase, which is included in 'Schedule P' of the County's User Fees and Services Charges by-law. Those fees are recommended to be established for the permanent program with the annual indexing. Based on this, the 2020 fees are as follows:

- Initial application fee of \$287 for a first time application; and
- A \$102 renewal application fee for returning applicants that are not making substantive changes to their patio design, size or location.

All fees and charges in this report were developed in coordination with the County's Finance Division. Costs are calculated utilizing the approved methodology within 'Schedule R' in the Council approved User Fees and Service Charges by-law, and are indexed annually as part of the annual user fees and charges update.

This program is anticipated to generate approximately \$300 in annual permit revenues. The revenues associated with this initiative will be included in the 2020 Tax Supported Operating Budget as a Council Approved Initiative.

There is an assumed risk with permitting these features on municipal property. Staff's research into best practices is anticipated to help to mitigate risks. Additionally, all participating businesses will be required to annually submit a Certificate of Insurance demonstrating Commercial General Liability coverage in the amount of two million dollars (\$2,000,000) with the County named as an additional insured.

Economic Development and Tourism staff, local businesses, and community stakeholders such as Business Improvement Area and Chamber of Commerce representatives are of the opinion that permitting seasonal patios will assist in drawing more residents and visitors to our downtown areas and provide an economic spinoff to the entire area. Staff believe that the opportunities for tourist and residential attraction to downtown businesses outweigh the potential risks; which will continue to be monitored if the program is approved.

STAKEHOLDER IMPACTS:

Several Haldimand County divisions including Legal & Support Services, Engineering Services, Planning and Development, Roads Operations, Emergency Services, Building & Municipal Enforcement Services, Water & Wastewater Engineering & Compliance, and Economic Development & Tourism are responsible for the implementation, review and monitoring of the program, and this support will be required to move forward with a permanent program. Local business organizations and businesses that have previously installed patios were also consulted to provide feedback on the pilot program and overall feedback received was positive. One of the previous permit holders did suggest to add a third design option which permitted Seasonal Sidewalks Requiring Sidewalk Extensions which has been incorporated into the permanent program recommendations. These organizations will continue to be consulted to monitor the permanent program. The only concern raised through the entire 2 year pilot was from a member of the public and related to the loss of an on street parking stall in downtown Dunnville. Staff acknowledge the concern but note that even with the loss of one (or more)

stall(s), there remain many on street and off street parking options in proximity of the downtown core. The impact of the program on overall parking availability and access remains very minimal.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: Yes

Policy: No

ATTACHMENTS:

1. Haldimand County Seasonal Sidewalk and On-Street Patio Pilot Program.
2. Photos of a sample sidewalk and on-street patio.