



2024 APPLICATION FOR HALDIMAND COUNTY SEASONAL SIDEWALK AND ON-STREET PATIO PROGRAM

PROGRAM REQUIREMENTS

Haldimand County is growing the local economy and contributing to ongoing community vibrancy with the public patio program and issues permits for seasonal sidewalk patios, seasonal sidewalk patios requiring on-street sidewalk extensions and on-street parking spaces as seasonal patios.

This 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 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.

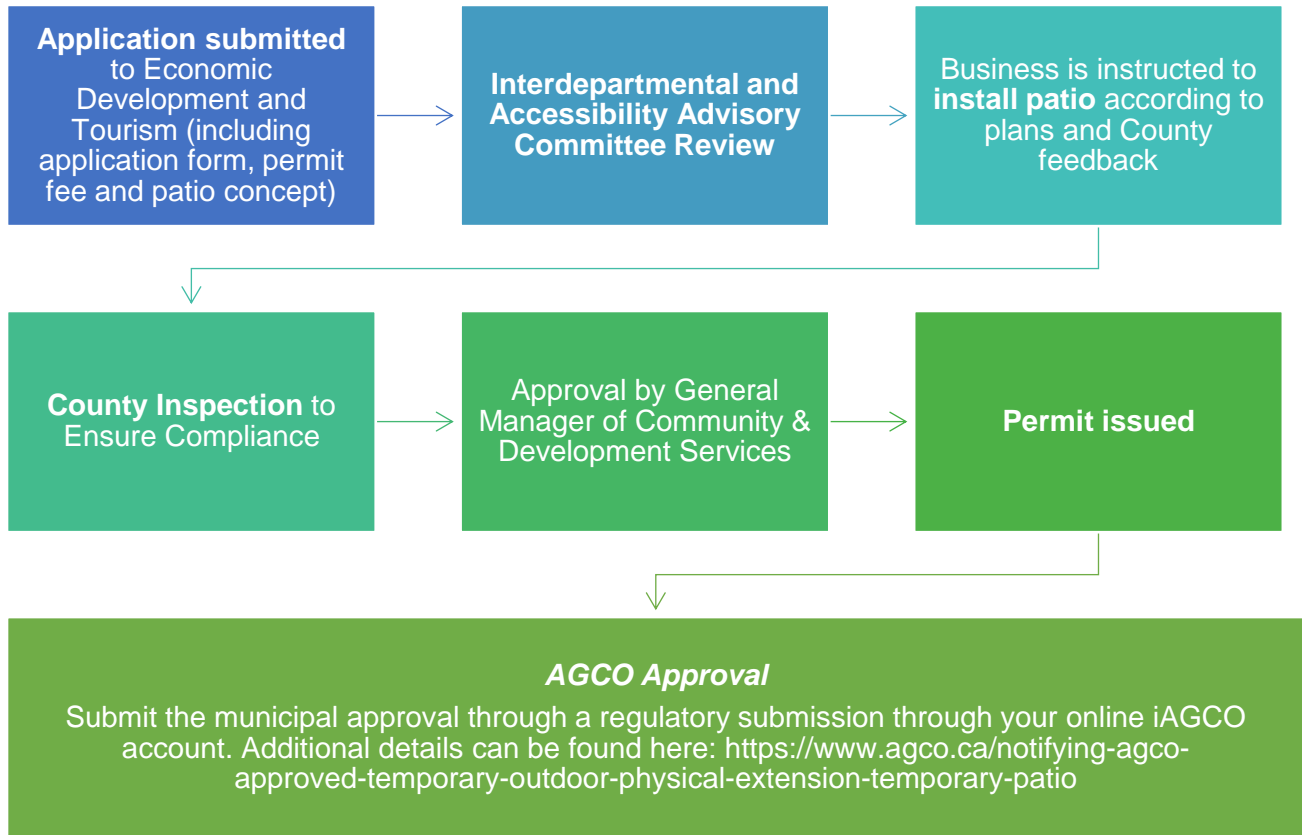
Where feasible, it is preferable to install a patio within the existing sidewalk/boulevard area to avoid using a parking lane or a curb lane on a roadway.

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 Clerks, Legal & Support Services, Engineering Services, Planning and Development, Roads Operations, Emergency Services, Building & Municipal Enforcement Services, Water & Wastewater, Engineering, Facilities and Capital, Facilities, Parks, Cemeteries & Forestry Operations, and Economic Development & Tourism Divisions. Applications will also be reviewed by the Haldimand County Accessibility Advisory Committee.

Once the application has been reviewed by staff and if all requirements on the application have been met, proponents may install the patio. After a patio is erected, staff (including EMS and Fire) will perform an inspection to ensure compliance with program requirements prior to recommending approval. Once EMS/Fire recommend approval, a permit will be authorized by the General Manager of Community and Development Services.

Internal Review Process – Public Patios



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 (ex. 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 Site Plan – Additional Required Information:

For the purposes of the seasonal sidewalk and on-street patio program the following patio design options will be permitted:

“Sidewalk Patio” means an area outside of an eating or drinking establishment used or designed to be used for patrons that is located on the municipal sidewalk adjacent to and abutting the establishments frontage.

“Sidewalk Patios Requiring On-Street Sidewalk Extensions” means an area outside of an eating or drinking establishment used or designed to be used for patrons that is located on the municipal sidewalk adjacent to and abutting the establishments frontage. This design type will be used in cases where there is not 1.5 meters of clearance to permit pedestrian access along the sidewalk, therefore,

a platform structure called the **“On-Street Sidewalk Extension”** will be created as an alternate pedestrian walkway in parking spaces out-front of the applicants establishment.

“On-Street Patio” means an area outside of an eating or drinking establishment used or designed to be used for patrons that is located in an on-street parking space adjacent to or abutting the establishments frontage.

Patio Concept:

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 and adjacent buildings, the entrances, exits and washrooms.
- The location and dimension of the patio, the patio entrances and exits.
Note: if the patio is proposed to be on-street or raised off the ground the following is also required: the construction material being used and an engineer's certificate for safety and load bearing.
- All proposed parking spaces to be used shall be identified within the concept plan.
- The area of the patio (in square meters).
- Location and dimension of any enclosures umbrellas/tents, awnings, etc.
- The location, height, construction material and fence design to be used for the boundary fence, gate location and width of gate(s).
- Location of table, chairs, etc.
- Expected occupant load.
- Location of ALL municipal services and/or assets within the identified patio location 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 a valid certificate of insurance for approval by Haldimand County (please see insurance requirements below).
- Application fee
- Complete physical extension of licensed premises (through municipality)
- Notify AGCO of license issued through municipality
- Additional requirements may be requested including but not limited to engineering certificates, ESA licenses, etc.

General Requirements for all Seasonal Sidewalk and On-Street Patios

The permit holder shall adhere to the following requirements:

Administrative Requirements

- Patios on municipal property shall only be permitted from April 1st to November 30th annually. Please note Haldimand County's Winter Control program is typically in place between November 15 and April 15 of the following year. Winter control may include snowplowing, salting, sanding, etc.
- Permits are valid from April 1st to November 30th annually (pending annual approval).
- Patios are permitted to operate only during normal business hours and must cease operation by 11:00 p.m.
- A copy of the permit shall be posted onsite at all times.
- All patios must be completely removed between December 1 and March 31 and any displaced or damaged County assets (i.e. road signs) must be restored. Failure to comply may result in the business and/or property being in-eligible to obtain a patio permit in the following year.
- An application may be refused if the past conduct of the applicant gives the County reason to believe that they will not operate in accordance with the guidelines.

Agreement Requirements

- 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.
- As part of the extension of the patio program the applicant is required to hire a contractor for snow removal around and adjacent to the existing patio. Failure to comply will result in removal of patio at the business owners expense.
- As of Jan 1, 2023, the AGCO has implemented new requirements that must be met by all establishments with a patio. Details included on AGCO requirements can be found at <https://www.agco.ca/notifying-agco-approved-temporary-outdoor-physical-extension-temporary-patio>
- Smoking will not be allowed on any patios or sidewalk patios as per provincial regulations.
- Maintenance of the patios and on-street sidewalk extensions 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 and any items associated with the installation of the patio.

- Any costs to repair damage to municipal property resulting from the patio or the on-street patio extension is the responsibility of the applicant.
- 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.
- No changes can be made to the structural integrity of the patio or barriers without consultation with Haldimand County staff.
- If located within a BIA, applicant must notify the BIA of their application to the County.
- 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.

Physical Requirements

- Access to fire department connections or exits from the establishment and adjacent buildings must be maintained.
- If heaters are to be installed on patios, they will be required to meet Fire Code standards. Applicants will be advised of Fire Code regulations for patio heaters and will be required to reach out to Haldimand County's Fire Prevention Officers to discuss their plans to install heat and any type of tent structure.
- 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*.
- The applicant must permit pedestrian access around a seasonal sidewalk patio and in cases where there is not 1.5 meters of clearance to permit pedestrian access the applicant will be required to build an on-street sidewalk extension or place the patio within the parking space located in front of their establishment.
- An on-street sidewalk extension requires the applicant to create a platform structure as an alternate pedestrian walkway in parking spaces in front of the applicants establishment. An on-street sidewalk extension is subject to all contextual design and safety considerations established by Haldimand County through the Haldimand County seasonal sidewalk and on-street patio program requirements.
- Railings and vertical elements should be a minimum of 0.91 metres (36") and no higher than 1.07 metres (42") in height.
- No trip hazards can occur with the installation of patio such as extension cords.
- Between the boundary of the patio and the curb, a minimum buffer of 0.5 metres must be provided (i.e. to allow for car doors to open).

- Patios with supporting posts i.e. wooden deck or roof structure may require a building permit.
- None of the patio fencing, fixtures, enclosures, furniture or any other object shall be attached to any County trees.
- Any pruning (trimming) of County-owned trees to facilitate the patio installation shall be done by the County.

Road Side Safety Barrier Requirements

Please note, on street sidewalk extensions and patios occupying a portion of the road or parking space(s) may require roadside safety barriers **subject to Roads Operations Review** with respect to the *Ontario Traffic Council (OTC) Restaurant Patio Guidelines within the Right of Way*. As such, previously approved on street sidewalk extensions and patios may now or in the future require roadside safety barriers following Roads Operations review of a patio application. New patio applications shall consider the following:

- Patios shall be reviewed in accordance with *Ontario Traffic Council Restaurant Patio Guidelines within the Right of Way* and may be required to include safety barriers. Haldimand County Staff will confirm if and which barriers are required at time of application review.
- If there is sufficient room to have a patio in the existing sidewalk/boulevard area and a pedestrian clearway (1.5 m) can also be accommodated within the existing sidewalk/boulevard area, there is no need for any traffic protection for the patio. If there is insufficient room for both the patio and a pedestrian clearway off the roadway, it is preferable to divert pedestrians onto the roadway around the patio rather than keeping the pedestrian clearway on the existing sidewalk (Ontario Traffic Council Restaurant Patio Guidelines within the Right of Way, Page 6).
- To ensure the safety of pedestrians, roadside safety barriers may be required for patios and/or sidewalk extensions occupying a portion of the road or parking space(s). The cost of the barriers and installation by Haldimand County Staff will be at the expense of the applicant and be considered in the layout of the patio.
- The specific barriers, if required, will be determined by Haldimand County giving consideration to the *Ontario Traffic Council Restaurant Patio Guidelines within the Right of Way* on a case-by-case basis.
- Prior to erecting a patio, road safety barriers (if required) must be installed.
- Internal staff review timelines may be extended for on-street patios and extensions to assess requirements for roadside safety barriers.

Insurance Requirements

The Applicant and Contractors working on municipal property 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 with a limit of not less than two million dollars.

- 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.
- The certificate of insurance shall clearly indicate the applicant/business, the property address, the date and name of the event (i.e. seasonal patio from April 1 to November 30).
- Applicants will indemnify, defend and hold harmless the Corporation of Haldimand County, its officers, employees and agents from all claims, demands, actions or other proceedings initiated by others arising out of, or attributable to anything and against all liability resulting from any and all operations and activities associated with a seasonal patio.
- A certificate of insurance meeting the requirements must be provided to the County by the applicant after the application has been approved but before the permit will be issued.

The noted insurance coverage must remain in place and valid from April 1st to November 30th or for the period that the on-street patio is in place.

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 Sidewalk Patios Requiring On-Street Sidewalk Extensions

- 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 and sidewalk extensions.

- Structures such as decks associated with the on-street sidewalk extensions may be permitted and may require a building permit, at the expense of the applicant.
- Sidewalk patios requiring on-street sidewalk extensions 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 all other requirements of the program.
- Permitted only where the sidewalk patio requiring on-street sidewalk extensions can be located directly in front of the associated establishment. **Limited to one parking space per establishment.** One additional parking space may be permitted based on written consent of the neighbouring property owner.
- Sidewalk patios requiring on-street sidewalk extensions 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.
- Sidewalk patios requiring on-street sidewalk extensions cannot be placed in barrier free parking spaces.
- The on-street sidewalk extension deck (floor structure) must have a flush transition at the sidewalk and curb to permit easy access and avoid tripping hazards.
- The on-street sidewalk extension deck must be constructed of a slip-resistant surface.
- The proposed concept 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.
- Reflective strips will be required along the outside of the on-street sidewalk extension.
- The on-street sidewalk extensions must be located at least 10 meters from an intersection.
- The on-street sidewalk extension shall not obstruct stormwater flows or block stormwater drains.
- The on-street sidewalk extension shall not have advertising, banners or signage, other than reflective or traffic safety related signage.
- Entrance and the on-street sidewalk extension must adhere to AODA requirements and must not restrict the ability for the remainder of the sidewalk to meet AODA requirements.
- If during the process of setup or takedown of the on-street sidewalk extensions if any live traffic lanes are impacted then qualified staff or contractors need to be notified and present in the field for temporary control of traffic.
- To ensure visibility to moving traffic and parking cars, pop-up installations must be buffered using a wheel stop at each end.
- 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.

- Seasonal sidewalk patios requiring on-street sidewalk extensions will require approval of the Manager of Engineering Services in terms of adequacy of location relative to road function (speed, safety, traffic movement, sight line, unobstructed pedestrian travel) as well as adequacy of parking available in the general area.

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 all AODA requirements.
- All gates must swing into the patio space and not obstruct the sidewalk.
- The proposed concept 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.
- If during the process of setup or takedown of the on-street sidewalk extensions any live traffic lanes are impacted, then qualified staff or contractors need to be notified and present in the field for temporary control of traffic.

- 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 Manager of Engineering Services in terms of adequacy of location relative to road function (speed, safety, traffic movement, sight line, unobstructed pedestrian travel), as well as adequacy of parking available in the general area.