

CITY OF HAMILTON ON-STREET PATIO PROGRAM (OSP) – 2017

1. An application can be obtained from the **One Stop Business Services** counter (City Hall, 71 Main Street West, Hamilton, ON, First Floor) or the City of Hamilton website; www.hamilton.ca/starting-small-business/one-stop-business/street-patios-pilot-program. As part of the application process, OSP's will require a Road Occupancy Permit (ROP) from Hamilton Municipal Parking System (HMPS) in order to be established. Completed applications are to be submitted to the **One Stop Business Service** counter. A new OSP application will need to be submitted each year for approval, along with a \$400.00 fee.
2. OSP's will only be permitted within Business Improvement Areas (BIA) and Community Improvement Project Areas (CIPA) as per By-law 16-125. The deadline for complete application submission is April 1 of each year at 4:30 pm. After the deadline, applications will continue to be accepted on a first come first serve basis.
3. OSP's will be permitted in any legal on-street parking space (i.e, unrestricted, metered, or time-limited parking), but shall not be permitted in through traffic lanes, rush hour routes or lanes marked as no parking/no stopping/accessible parking.
4. Any request made for an OSP within a BIA must be endorsed in writing through the respective BIA and will be reviewed and approved by staff. Any request made for an OSP within a CIPA will be reviewed and approved by staff in consultation with the Ward Councillor.
5. BIA's participating in the OSP reserve the right to limit the number of OSP within their designated area.
6. On-street patio locations will be limited to occupying one parking space.
7. In the event that applications for on-street patio locations exceed the number of legal parking spaces in a block or exceed the number of patios allowed in a BIA where the number of locations has been capped by the BIA, a lottery will be held annually to determine approval of a Road Occupancy Permit.
8. The OSP are permitted from May 1 to October 31. The applicant is responsible for removal of the patio no later than November 1.
9. In accordance with standard City practice, all OSP operators must provide proof of commercial general liability insurance (\$5 million) coverage endorsed to include the City as additional insured.
10. The OSP must comply with all applicable City By-laws.

11. Alcohol service/consumption of alcohol may be permitted with AGCO approval.
12. The OSP shall not have advertising, banners or signage on them, including patio umbrellas, other than reflective or traffic safety related signage. No elements of the OSP shall obstruct or overhang on any travelled portions of roadway or sidewalk.
13. Smoking is not permitted on any OSP, pursuant to the Smoke-Free Act, and ‘no smoking’ signage must be posted at the entrance/exit.
14. No outdoor food preparation shall be permitted on an OSP.
15. The OSP shall be compliant with the Accessibility for Ontarians with Disabilities Act (AODA).
16. Electrical power cords or any other devices that cross the travelled portion of the boulevard (sidewalk) are not permitted.
17. Setup or takedown of any structure or materials on the roadway can only be completed by those trained and qualified in the Ontario Traffic Manual (OTM) Book 7 Signing Requirements for Temporary Conditions.
18. OSP’s shall not obstruct stormwater flows or block stormwater drains. The applicant shall be responsible for clearance of any debris and overall maintenance to ensure free flow.
19. Any occupancy of the roadway must conform to 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.
20. OSP’s shall be designed and constructed as per the construction requirements outlined in this document or as approved under a building permit. All OSP’s shall be fenced with a guard as per the construction requirements outlined in this document and in compliance with the Ontario Building Code Supplementary Guideline, SB-7. Copies of SB-7 can be obtained at City Hall 3rd Floor, Building Division.
21. Construction and Maintenance of the OSP shall be the responsibility of the applicant.

APPLYING FOR AN ON-STREET PATIO

- STEP 1. Select a preferred location based on criteria.
- STEP 2. If within a BIA, obtain written endorsement from the BIA.

- STEP 3. Prepare a construction drawing of the proposed patio in accordance with sketches SK-1 and SK-2 and the on-street patio construction requirements below.
- STEP 4. All patios shall have a minimum of 4.5 metres clearance between the street centreline (on a street with a single lane in each direction) and the edge of the patio, if adjacent to a marked bike lane, the traffic clearance will be 0.25 metres from the edge of the bike lane.
- STEP 5. Submit Road Occupancy Permit Application by dropping it off at the One Stop Business Services (City Hall, First Floor).
- STEP 6. If approved, construction of the patio may commence May 1. Staff will attend after construction has been completed and will follow-up with the owner/operator if all requirements are not met.

ON-STREET PATIO CONSTRUCTION REQUIREMENTS

A Building Permit is required for all on-street patio platform structures except for any platform structure of any area that meets the following minimum requirements:

1. the floor structure shall be constructed of standard dimension lumber floor joists (ex. 35mm x 190mm (2x8), (35mm x 240mm (2x10) etc.) spaced not more than 406mm on-centre (16" o/c) and bearing **directly** on *suitable ground* such that no portion of the floor structure is suspended more than 38mm (1.5") above grade and the finished floor elevation shall not exceed 355.6mm (14") from adjacent ground elevation;
2. solid blocking shall be provided between floor joists at a spacing of not more than 5 feet on-centre with a minimum of 1 row of blocking for any joist spans that exceed 5 feet;
3. the floor joists shall be fastened to rim joists around the perimeter of the floor structure with a minimum of four (4) 89mm (3-1/2") inch-long common spiral nails per joist;
4. the floor structure shall be unenclosed, except that a *guard* with a height of not less than 914mm (36") but not greater than 1070mm (42") shall be installed around the perimeter of the floor structure in accordance with the requirements states elsewhere in this document;
5. where there is a difference in height between the platform and the adjacent sidewalk a 1500mm (59") wide ramp with a maximum slope of 1:8 shall be constructed anywhere along the platform adjacent to the sidewalk as shown on sketch SK-1;

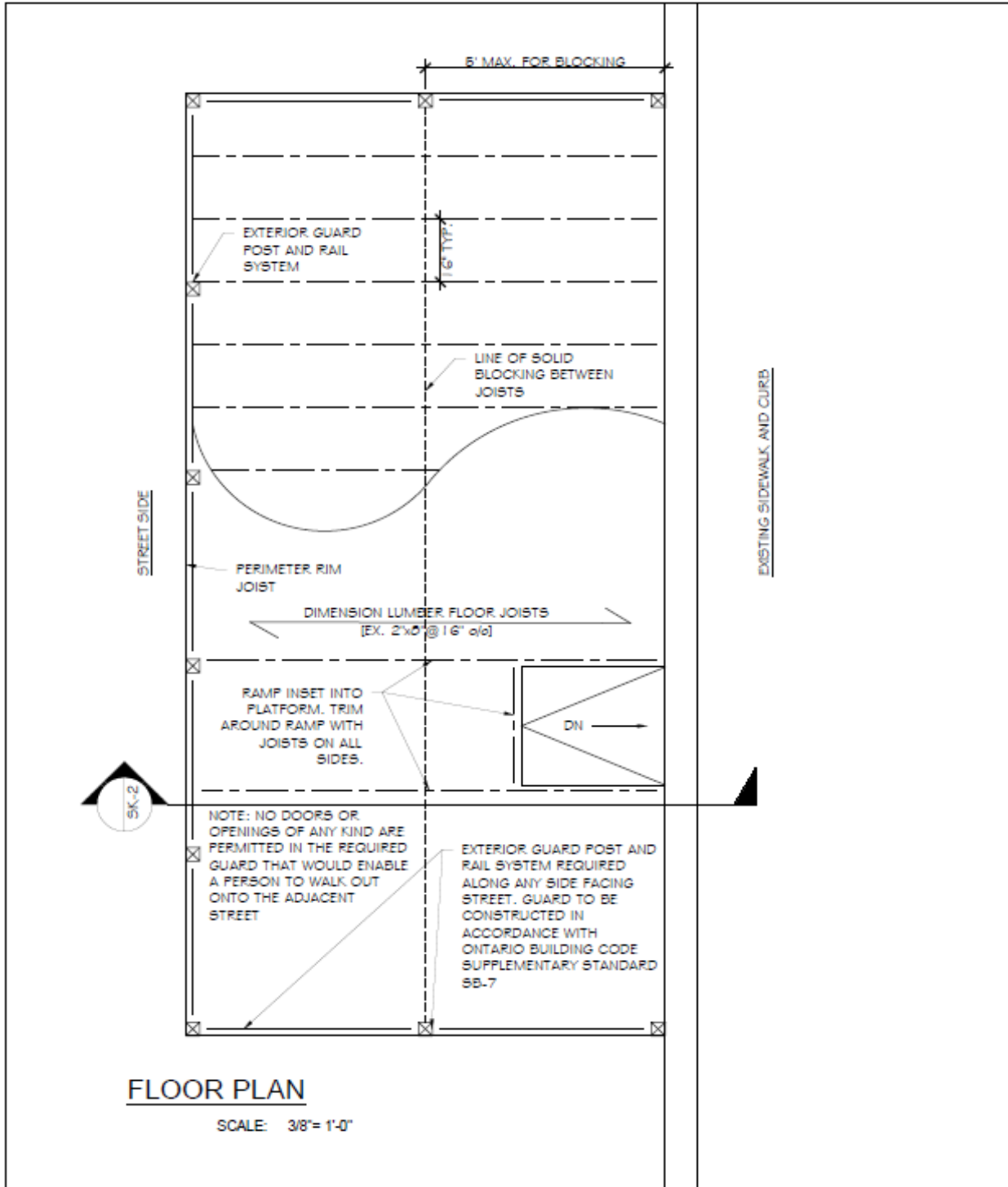
6. except for patio umbrellas, no overhead structures of any kind are permitted including but not limited to any fabric roof coverings, or trellis-type shade structures; and,
7. the owner/operator of the on-street patio is responsible to examine on an annual basis any materials that are proposed to be reused in the construction of the on-street patio for deterioration such as rotting, cracking, splitting, or any other deterioration that may affect the structural integrity and/or performance of the platform or any portion thereof.

Definitions

Suitable ground shall mean asphalt or concrete road surfaces or pavements and concrete sidewalks (subject to the approval of the City of Hamilton).

Guard shall mean a protective barrier, with or without openings through it, that is constructed in accordance with the requirements above.

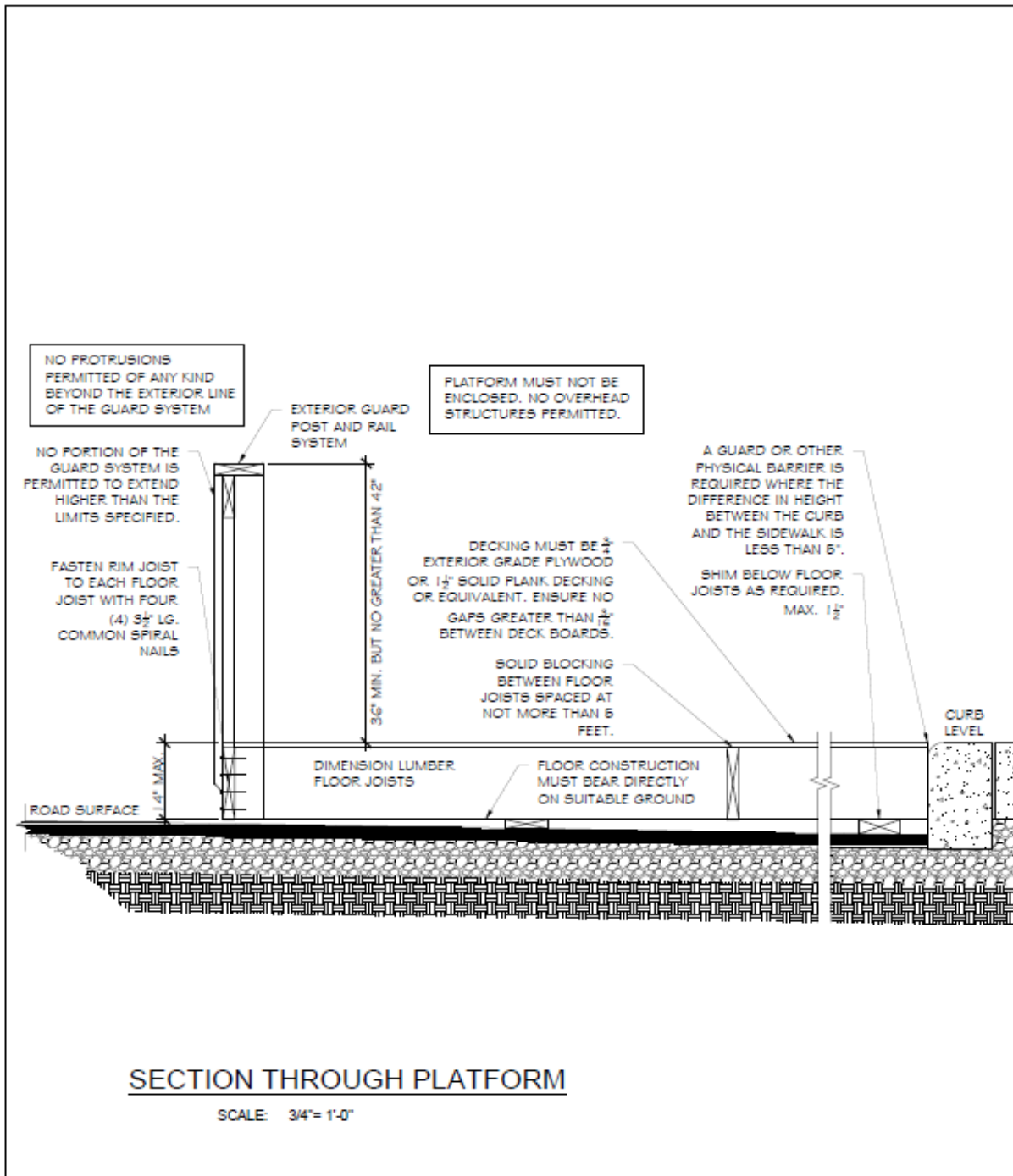
Patio, shall be defined as the use of an on-street parking space for a passive seating area for the public or patrons of a business or Business Improvement Area, and they can include landscaping materials in conjunction with the minimum construction requirements provided above.



CITY OF HAMILTON
 STREETSIDE PATIOS

DRAWN BY:
 DATE:
 PROJECT NO:

CHECKED BY:
 DRAWING:
 SK-1



	CITY OF HAMILTON STREETSIDE PATIOS	DRAWN BY:	CHECKED BY:
		DATE:	DRAWING:
		PROJECT NO:	SK-2