



Hamilton

# Temporary Patio Programs Information

Advisory Committee for Persons with  
Disabilities

September 24, 2021

# Staff

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# Program Background

2 separate programs provided for bars, restaurants, cafes, to extend their service area into the outdoor space

## **On-Street Patio Pilot Program**

- On-Street Patio or Pedestrian By-Pass Structures in municipally owned metered parking spaces

## **Outdoor Dining Districts Program**

- temporary patio extensions on both municipal and private property with no permanent fixtures installed – intended as support during COVID-19

# On-Street Patio Program

- Includes wooden structures that utilize metered parking spaces on municipal roadways
- Approved by City Council in June 2016 (Report PED16119) and runs annually
- Patios located in Business Improvement Areas and Community Improvement Plan Areas

# On-Street Patio Program

- Applicant must submit engineer stamped drawings with application
  - Applicants source their own engineers
  - Sample drawings available on program website which outline Construction Requirements and Platform Guidelines (including but not limited to: flat, flush entrance, mobility device turn space of 1.5m)
- Approved structures are permitted annually from May 1<sup>st</sup> through October 31<sup>st</sup>

# On-Street Patio Program

- Designs can be one of 2 forms:
  - On-Street Patio which is a wooden patio structure in the parking space on the road leaving the sidewalk access unimpeded
  - Pedestrian By-Pass Structure which puts the patio on the sidewalk with a walkway structure around it into the parking space on the roadway

# On-Street Patio Program

- Safety Devices installed on the roadway at all On-Street Patios (Road Occupancy Permits are issued):
  - Rubber Parking Stop Blocks (black and yellow)
  - Yellow Delineator Posts
  - Temporary Knock down Bollards
  - Planters

# On-Street Patio Program



Image of an On-Street Patio at hambgr on King William Street. The wooden structure is located in the parking space with the sidewalk completely unobstructed. On the structure are tables (with patrons and umbrellas).



# On-Street Patio Program



Image of a Pedestrian By-Pass Structure at The Argyle on Ottawa Street. The Patio area is on the sidewalk with the pedestrian by-pass structure in the parking space diverting traffic flow around the patio. The safety measures: Temporary Knock Down Bollard, Rubber Parking Stop Block, Yellow Delineator and Planter are shown.

# Outdoor Dining Districts Program

- New COVID-19 Relief program
- Approved by City Council in May 2020 and extended to October 31, 2021 (Report PED20169)
- Permits temporary patio extensions on both municipal and private property

# Outdoor Dining Districts Program

- Patios are intended to be temporary only, can have no permanent fixtures and no elements implemented that would require a building permit
- All patios (municipal or private property) must have an unencumbered accessible route measuring at a minimum 1.5m that remains open for access and space for a mobility device to turn

# Outdoor Dining Districts Program

- A survey of program participants conducted in September 2020 found that the program was vital, with 90% of respondents stating that it was Extremely Important to their business.
- Respondents also reported that business on their temporary outdoor patios accounted for an average of 63% of all revenue

# Outdoor Dining Districts Program



Image of the Caro alleyway patio just off James Street North. Tables are aligned along one side with an unencumbered walkway the entire length of the alleyway

# Council Direction for Outdoor Dining Districts Program

- i. All public health requirements, including COVID-related health requirements, as well as all applicable Provincial Orders be followed;
- ii. that applications be accepted through the Economic Development Division and that staff ensure, through the SEAT circulation process, that there will be no negative impacts with respect to pedestrian safety, accessibility, emergency services, public transit, private accesses and other issues that are normally addressed through the SEAT review process;

# Council Direction for Outdoor Dining Districts Program

- iii. that patios generally not be permitted between November 1, 2020 and April 30, 2021 on-street, except where done as part of a full street closure that does not allow for vehicular access, or where otherwise approved by the Transportation Operations and Maintenance Division of the Public Works Department;

# Council Direction for Outdoor Dining Districts Program

- iv. that no application fee be charged and that costs related to any necessary road closure permits or parking charges be waived and/or refunded, utilizing funds from the City's Economic Development Reserve, with all other costs to be borne by the applicants;
- v. that any temporary outdoor patios that occupy streets or public parking spaces include written support from the BIA or, if not within a BIA, have at least two-thirds buy-in from all businesses on the affected block(s) through petition;



# Council Direction for Outdoor Dining Districts Program

- vi. that the Ward Councillor be notified of each case of any outdoor patio application in advance of any approval or implementation;
- vii. that any patio not impede delivery and pick up vehicles or pedestrian access to any business who is not party to the arrangements;
- viii. that winter maintenance surrounding patios on public property be undertaken by the applicant and the patio not impede sidewalk maintenance equipment; and

# Council Direction for Outdoor Dining Districts Program

- x. that the City waive any requirement for site plan review and waive enforcement of any zoning provisions related to parking supply, provided the patios are created as temporary uses with no permanent fixtures and having no alterations that require a Building Permit.

# Review Process

When applications are received for municipal property the following Divisions have 5 days to provide comment:

- Corridor Management & Roadway Permits
- Parking
- Police Services
- Paramedics
- Fire
- Public Health
- Traffic Operations and Maintenance
- Building
- Transit (HSR)
- Licensing
- Parks
- Encroachment

## Some Accessibility Requirements For All Program Participants

- Outdoor patio shall be barrier-free accessible where the existing establishment is barrier free accessible
- On private property, clearly marked, reserved accessible parking spaces that are within closest proximity to Outdoor Dining District location, entrance and exits
- Water closets and lavatories available for patrons and include barrier-free accessible facilities where the existing establishment is barrier-free accessible.
- Accessible, prominently displayed directional and information signage
- Unencumbered access path measuring at a minimum 1.6m must remain open for to pass by the patio at all times and enable a mobility device to turn
- Sufficient lighting provided at hallways, pathways and stairs for persons with low vision

## Contact Information

For any questions or concerns regarding patios:

Outdoor Dining Districts Team  
Phone Number: 905-546-2424 ext. 2632  
Email: [outdoor.dining@hamilton.ca](mailto:outdoor.dining@hamilton.ca)

To lodge a By-Law complaint

Municipal Law Enforcement  
Phone Number: 905-546-2782  
Email: [mle@hamilton.ca](mailto:mle@hamilton.ca)

# Questions?