



Report to Council

Department: Infrastructure Services

Division: Operations

Date: April 15, 2024

Prepared by: David McBeth, C.E.T., Manager, Capital Works & Asset Management & Norm Nussio C.E.T., CRS-I, Manager, Operations and Drainage

Report Number: Operations-2024-05

Subject: Sidewalk Patio Policy

Number of Pages: 4 + 2 attachments

Recommendation(s)

That Operations - 2024-05 entitled, "**Sidewalk Patio Policy**" prepared by David McBeth, Manager of Capital Works & Asset Management & Norm Nussio, Manager of Operations & Drainage, dated April 15, 2024, be received;

That Council adopt Infrastructure Services Policy #069 titled, "**Sidewalk Patio Policy**".

That Council direct Administration to adopt the fees and charges proposed herein, effective May 1st, 2024, and direct Administration to amend by-law 2040 (fees and charges) to include a charge for the Setup/Takedown of Sidewalk Patios in the amount of \$1,000.00 for standard patios and \$2,000.00 for patios requiring traffic control measures, to be increased annually on January 1 by Consumer Price Index (CPI).

Purpose

This report has been developed to provide recommendations and a policy for creating sidewalk patio spaces in the Town of Essex in conjunction with the existing “Sidewalk Patio By-Law 2160”.

Background and Discussion

On June 20th, 2022, Council approved the passing of By-Law 2160 to regulate the use of sidewalk patios within the Town of Essex.

With the near completion of the Harrow Centre and Essex Centre Streetscape projects, including the integrated flex-space in the Essex Centre, there is a need to develop a policy for sidewalk patios. Therefore, Administration is undertaking to implement a policy for all future patio permit applications to ensure that there is proper traffic control, accessibility for pedestrians, and that all sidewalk patios have a consistent aesthetic to match the new streetscape designs.

In 2022, the Ontario Traffic Council (OTC) published *Restaurant Patio Guidelines within the Right-of-Way*. After review of the guideline, Administration has included this guideline as a part of the proposed policy, as it identifies province-wide best practices for sidewalk patios. In addition, the policy as drafted sets out rules and procedures for sidewalk patio installations, namely, that only the Town of Essex will be authorized to install and remove a patio within the right-of-way. This is to ensure that no responsibility falls onto the applicant as a result of the patio construction if damage occurs to Town infrastructure.

Requests for patio will still be made in accordance with By-Law 2160 as administered by the Legal and Legislative Services Department. Following an application submission, the Manager of Operations and Drainage or their designate will then meet with the applicant to discuss layout and barrier options with them. After that meeting, a final layout plan will be created by Administration for the applicant to review and approve.

Administration is planning to allow building materials that can be used for multiple years and will no longer allow the use of concrete 4x4 blocks, wood and rope as they do not produce the proper look and feel of the streetscape projects that were constructed.

Upon approval, the applicant would purchase the required materials at their expense and the Town would arrange for installation. Each year, Applicants would still be required pay a patio application fee, which includes the patio setup and take-down costs.

Financial Impact

There are no financial impacts to the Town of Essex as the permit application covers the cost of staff time to create the proposed layout and to complete the setup and take down of the patio each year.

Consultations

Kevin Girard, Director of Infrastructure Services

Kate Giurissevich, CPA, CA, Director, Corporate Services/Treasurer

Joe Malandruccolo, Director, Legal and Legislative Services/Clerk

Maja Bakalic, Assistant Manager, Legal & Licensing

Link to Strategic Priorities

- ☒ Embrace asset management best practices to build, maintain, and continuously improve our municipally owned infrastructure.
- ☐ **Leverage our Town's competitive advantages to promote jobs and economic investment.**
- ☒ Take care of our natural environment and strengthen the sense of belonging to everyone **who makes Essex "home"**.
- ☒ Deliver friendly customer service in an efficient, effective, and transparent manner while providing an exceptional working environment for our employees.
- ☐ Build corporate-level and community-level climate resilience through community engagement and partnership and corporate objectives.

Report Approval Details

Document Title:	Sidewalk Patio Policy - Operations-2024-05.docx
Attachments:	- Sidewalk Patios Policy_Final Draft.docx - OTC Patio Guidelines.pdf
Final Approval Date:	Apr 10, 2024

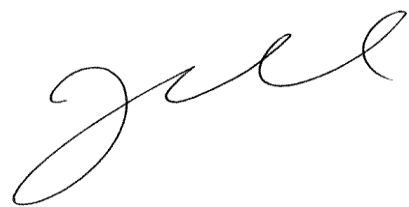
This report and all of its attachments were approved and signed as outlined below:

No Signature - Task assigned to Kevin Girard, Director, Infrastructure Services was completed by workflow administrator Cassandra Lauzon, Legislative Clerk

Kevin Girard, Director, Infrastructure Services - Apr 10, 2024 - 9:33 AM

A handwritten signature in black ink, appearing to read "Kate Giurissevich". The script is cursive and fluid.

Kate Giurissevich, Director, Corporate Services - Apr 10, 2024 - 9:47 AM

A handwritten signature in black ink, appearing to read "Joe". The script is cursive and stylized.

Joseph Malandrucolo, Director, Legal and Legislative Services/Clerk - Apr 10, 2024 - 2:31 PM

A handwritten signature in black ink, appearing to read "Doug Sweet". The script is cursive and somewhat stylized.

Doug Sweet, Chief Administrative Officer - Apr 10, 2024 - 2:32 PM