

Policy Manual

Section:	Infrastructure Services
Subject:	Sidewalk Patios
Policy Number:	TBD
Approval Date:	TBD
Approved By:	Council Resolution No. TBD
Prepared By:	Kevin Girard, Director, Infrastructure Services

1. Objective

Sidewalk patios and other pop-ups can help create a lively urban environment. The objective of this policy is to ensure that these patios uphold and enhance universal accessibility, public safety, the desired vision for streetscapes in the Town of Essex.

The Town of Essex wants to encourage **inclusive use and enjoyment** of our local businesses and community spaces.

2. Definitions

Applicant – means any business owner or property owner applying for a permit to operate a patio.

Approval Manager – means the Assistant Manager, Legal and Licensing of the Corporation of the Town of Essex.

Boulevard – the portion of the Highway which is not a Roadway, and includes landscaped areas and any Entrance.

Encroachment – any personal property of any description that is placed, occupied or maintained upon any municipal right-of-way including but not limited to signs, fences, sheds, porches, footings, canopies, parking areas, decorative or landscape rocks or boulders, logs, curbing, vaults, structures (in whole or part) and private sewers.

Director – the Director of Infrastructure Services at the Town of Essex, or their designate.

Highway – includes all road allowances, highways, streets, roads, right of ways, parkways, avenues, lanes, Boulevards, squares, roundabouts, trails, paths, walkways, bridges, viaducts, trestles, or other

structure forming part of the highway, used by or intended for use by the general public for the passage of persons and vehicles.

Right-of-Way – refers to Town owned lands that includes highways (defined above), sidewalks, shoulders, and boulevard lands use for utility services.

3. Scope

The standards in this policy apply to all businesses and property owners in the Town of Essex who wish to place a seasonal patio or other pop-up within the public right-of-way, in on-street parking spaces, or a combination of both.

4. Sidewalk Patios

4.1 General Provisions

- 4.1.1 The Ontario **Traffic Council's** (OTC) *Restaurant Patio Guidelines within the Right of Way* (appendix A) shall be used as a guideline when assessing patio applications.
- 4.1.2 Where necessary, traffic control shall be installed in accordance with Ontario Traffic Council's *Restaurant Patio Guidelines within the Right of Way*.
- 4.1.3 Only the Town of Essex is authorized to install patio infrastructure in the right of way.

4.2 Applying for a Sidewalk Patio

- 4.2.1 Patio applications shall be submitted in accordance with By-law 2160: Being a By-Law to permit Sidewalk Patios in the Town of Essex, as amended from time to time.
- 4.2.2 Patio applicants must pay all necessary permit fees in accordance with the Fees and Charges By-Law 2040.

4.3 Patio Design

- 4.3.1 When located within a commercial district, the design of the patio should be consistent with the age and character of the building for which it serves as an accessory use. Patios should be designed to contribute and integrate into the streetscape.
- 4.3.2 Materials for the patio shall be approved by the Director, including any posts, railings, planters, signage, etc. that make up the sidewalk patio.
- 4.3.3 The Town shall use the *OTC Restaurant Patio Guidelines within the Right of Way* as a guideline for the design of patios located in the right of way. This will be completed in consultation with Applicant.

- 4.3.4 The following process will occur when Infrastructure Services is circulated on a sidewalk patio application by the Approval Manager:
- a. The Applicant will be provided a copy of this policy.
 - b. A meeting will be held between the Town and the Applicant to review the design of the patio in accordance with this policy.
 - c. Upon agreement in the sole discretion of the Town of the design from the Applicant, the Director will notify the Approval Manager that the design is approved.

4.4 Patio Installation

- 4.4.1 Only after the patio application is approved by the Approval Manager (in accordance with By-Law 2160) and the materials purchased by the Applicant shall the Town install the sidewalk patio.
- 4.4.2 For new patio applications, the Town will endeavor to install the patio within 4 weeks of approval of the application, or where the approval occurs before April 1st, by May 1st.
- 4.4.3 For re-applications made on an annual basis, where the application approval occurs before April 15th, the Town will endeavor to install the patio by May 1st.

4.5 Patio Costs & Maintenance

- 4.5.1 When establishing a new sidewalk patio, all costs associated with the initial purchase of materials and the labour **to construct or install the patio will be the Applicant's** responsibility.
- 4.5.2 For subsequent years, the cost of labour and equipment for annual set-up and take-down of a sidewalk patio shall be paid by the Applicant as established in the Fees and Charges By-Law, as amended from time to time. No patio construction may begin until payment has been received.
- 4.5.3 Any material and labour costs associated with the maintenance, repair, replacement, and/or storing the patio infrastructure **will be the Applicant's responsibility.**
- 4.5.4 Following the installation of the patio infrastructure, the Town may be required to assist, at the discretion of the Director, with the maintenance, repair, or replacement of the patio. Any labour fees for Town forces are covered under the yearly sidewalk patio application fee.

5. Responsibilities

The Director of Infrastructure Services has the authority and responsibility to ensure compliance with the Landscaping on a Highway Policy.



The Manager of Operations and Drainage has the authority and responsibility to administer and recommend changes to the policy.

The Approval Manager shall prepare the encroachment agreement.

Employees of the Town of Essex have the responsibility to ensure that the procedures are set forth in this policy are adhered to.

6. References

Ontario Traffic Council (OTC): Restaurant Patio Guidelines within the Right of Way (April 21, 2022)

Ontario Traffic Manual (OTM) Book 7: Temporary Conditions

Revision Log

Revision No.	Approval Date	Prepared By: (Position Title)	Approved By: (Position Title)	Description of Change
1	TBD	Kevin Girard Director, Infrastructure Services	-	Creation of policy



Appendix A

Ontario Traffic Council's (OTC) *Restaurant Patio Guidelines within the Right of Way*