



# Outdoor Patios/Encroachment on Municipal Property

## Guidelines

The Town of Tillsonburg allows downtown eating establishments or coffee shops to establish temporary seasonal patios by using on-street parking spaces along municipal streets which have curb side on street parking as well as in municipal parking lots.

The outdoor patio season is established between April 15<sup>th</sup> to November 1<sup>st</sup> \*.

(\*May be permitted earlier at the Town's discretion depending on weather and completion of required maintenance)

All outdoor patios must be designed and constructed to the satisfaction of the Town of Tillsonburg.

The patio structure must be maintained at all time to be safe and in good condition, periodic inspections by Town staff may be conducted and any required corrections or modifications will be made by the Patio owner.

## LOCATION

- Permitted only on streets with existing on-street parking or in municipal parking lots.
- Curb side patios shall be permitted only where the outdoor patio installation can be located directly in front of the associated business; however, the Town may, in their sole and absolute discretion, consider other locations in proximity to the business should there be extenuating circumstances.
- Parking lot outdoor patios will be permitted only where a municipal parking lot is located adjacent to the associated business.
- Curb side patios should be located at least one (1) parking stall away from an intersection unless approved with alternative solutions.
- Proposals will be assessed and approved in accordance with vehicle volumes, sightlines and visibility including but not limited to appendix B attached and also to the satisfaction of Town staff.

- Proposals must not obstruct underground utility access, electrical transformer vaults, utility boxes, loading zones, transit stops and other infrastructure
- Proposals must avoid conflicts with existing pedestrian crossings.
- Jersey barriers may be requested to assist with delineation of the patio area and also to support with separation between the patio and vehicular traffic.

## **DESIGN STANDARDS**

- All parts of the outdoor patio must adhere to Ontario Regulation 191/11 Integrated Accessibility Standards Part IV.1 Design of Public Spaces Standards.
- Where there are residential dwellings in the same building the outdoor patio should not interfere with the ability of first responders to access the building.
- Any outdoor patio deck or sidewalk by-pass design will vary depending on the slope of the street and the overall design of the structure. The sub-structure must accommodate the crown of the road and provide a level surface for the patio.
- Any gates must swing into the patio space and not obstruct the sidewalk
- Tables shall not exceed a height of 0.865 metres (34") above the finished floor of an outdoor patio.
- No umbrellas or other treatments can extend into the sidewalk or travelled portion of the roadway.
- Any lighting will be subject to review and shall be designed and installed in such a way as to not create a visual or physical distraction to the travelling public on the sidewalk or roadway.
- The outside edge of the outdoor patio must be at least 0.5m (20") from the travelled portion of the roadway, creating a 0.5m (20") clear zone.
- At each end of the parking space, wheel stops must be placed 1.2m (48") from the edge of patio to provide a buffer from the next parking stall.
- Proposals must have vertical elements that that are at least 1.2m (48") high that make them visible to traffic, such as flexible posts or bollards or landscape planters and include reflective elements so as to be visible by traffic at night. These elements should be placed 0.5m (20") from both corners of the outdoor patio and be in line with the edge of the patio that is parallel to the travelled portion of the roadway.
- The patio surface must be designed for easy removal and to prevent damage to the underlying infrastructure. The applicant's plan for affixing wheel stops and flexible reflective posts must be included as part of the application package and requires acceptance by the Town.
- Guardrails or Railings must be present on at least the three sides of an outdoor patio located within an on-street parking area and shall be constructed to the following specifications:
  - must be a minimum of 0.91m (36") and no higher than 1.07m (42") in height.

- must be designed and attached in a manner to resist a concentrated load at any point of not less than 1 kN, and,
- must be designed and attached in a manner to resist a uniformly distributed load of 0.75 kN/m.
- The outdoor patio must not interfere with proper drainage of the roadway (curbs/catch basins in the immediate area must be free of obstructions)
- Any necessary maintenance completed by the Town will be at cost of staff time plus administration.

## **COPY OF CURRENT LIABILITY INSURANCE**

- General Liability Insurance from an insurer licensed in the Province of Ontario for \$2 million per occurrence with an aggregate limit of no less than \$5 million to the Town of Tillsonburg against any liability for property damage or personal injury, negligence including death which may arise from the applicant's operations under this agreement. The Town of Tillsonburg must be included as an "Additional Named Insured". In addition, the Commercial General Liability shall contain Cross Liability and Severability Clauses and Products & Completed Operations coverage including a standard contractual liability endorsement.

## **ADDITIONAL CRITERIA**

- Any outdoor patio arrangement must accommodate 2m physical distancing (if required) within the proposed layout.
- Smoking shall be prohibited on any outdoor patio, pursuant to the Smoke-Free Act with 'no smoking' signage posted at the entrance/exit.
- Applicants must provide notice to adjacent business neighbours of their proposals.
- Applicants accept responsibility for any and all damages that occur to the platform or patio and associated fixtures and chattels.
- Electrical power cords or any device that crosses the travelled portion of the sidewalk will not be permitted.
- All eating establishment or coffee shop must provide a minimum of 6 non-alcoholic menu items.
- Outdoor food preparation will not be permitted
- Business owners interested in obtaining a liquor license for the outdoor patio will require license approval from the AGCO. This is a separate process to be undertaken by the applicant.
- Businesses are required to maintain the occupied space free of litter and debris during occupancy and immediately after the structure is removed.
- The Applicant agrees to comply with the hours of operation established in any subsequent lease agreement.

- Upon completion of any work, the Applicant agrees to restore the property at its expense to the satisfaction of the Town of Tillsonburg and to remove all debris and rubbish.
- Outdoor patios shall comply with all applicable Town By-laws.
- The Town of Tillsonburg reserves the right to cancel the lease of any municipal space at any time for failure to comply with the conditions described above.

## **APPLICATION REQUIREMENTS**

Please follow the steps below to submit an application;

- Prepare plans and drawings of the proposed outdoor patio installation(s) with dimensions in accordance with the criteria outlined above.
- Complete the on-line Encroachment Permit Application <https://governmentevolved.com/encroachment.html>

## **APPROVAL PROCESS**

\*\*\*\*It is recommended that each restaurant/café book a consultation with the Town – please contact the Chief Building Official Geno Vanhaelewyn at [gvanhaelewn@tillsonburg.ca](mailto:gvanhaelewn@tillsonburg.ca) or 519-688-3009 Ext. 4601\*\*\*\*\*

Step 1 – Submit your Encroachment Permit application, as noted above.

Step 2 – Revise application in response to staff comments, as necessary.

Step 3 – Clear conditions of approval.

Step 4 – Construct outdoor patio installation(s).

Step 5 – Contact Town staff re: inspection prior to use.

Step 6 – Obtain final approval.

All applications submitted will be reviewed/approved by Town staff.