

# Sidewalk Patio

Requirements and Application Process



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## Purpose

The following document will outline the design requirements for patios within the public right of way. These standards apply to the establishment of patios throughout the entire Municipality.

The intention in reviewing sidewalk patio design is to ensure that universal accessibility, public safety and streetscape experience is enhanced and not negatively impacted by the introduction of a patio.

Sidewalk patios can activate the street and create a more vibrant urban environment. By providing opportunities for outdoor dining, the Municipality, and the businesses within it, can encourage the use and enjoyment of the public realm.

To establish a sidewalk patio, an applicant must first consult with Municipal staff and follow this guide to determine the location and design details of the patio.

## Patio Principles

### Safety First

Patios cannot obstruct foot traffic on sidewalks and must enable pedestrians and those using mobility devices to easily and safely pass through the space. A minimum of 5 feet of clear sidewalk width is required. Where patios are on the street, traffic control measurements are required. Depending on the situation, barriers of varying types and signage may be required to mitigate risk of vehicle traffic.

### Accessible

All patios must provide barrier-free access from the sidewalk.

### Emergency Access

Patios and seating cannot interfere with access to:

- Public utilities and service connections
- Emergency, service or delivery vehicles
- Fire hydrants, fire connections or other services associated with fire protection

### Consider your Neighbours

Patios must not negatively impact neighbouring residents or businesses and consideration should be paid to noise mitigation and patron behaviour.

### Insurance

Due to the use of public property, a copy of your insurance showing a minimum \$2 million Comprehensive General Liability with the Municipality of Brockton and the County of Bruce (as required)

## To Submit your Application

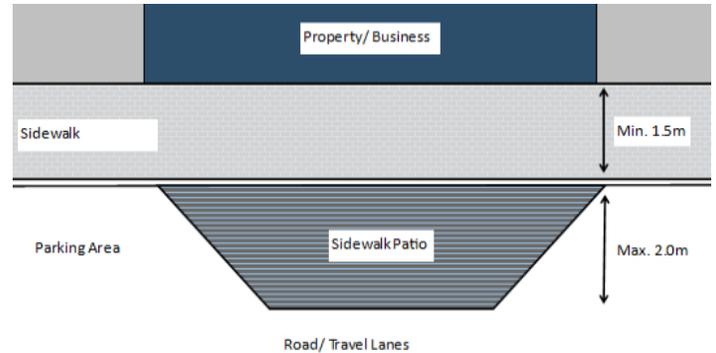
Once the application is filled out, the necessary drawings and insurance is completed, please send the application to the Municipality of Brockton, either by email to [gfurtney@brockton.ca](mailto:gfurtney@brockton.ca) or by mail to 100 Scott Street, Walkerton, ON, N0G 2V0, attn. Greg Furtney, Director of Operations.

## Patio Location

Selecting the right location helps ensure the streetscape is enhanced and the safety of patrons and the public is secured. When choosing the location of the patio, consideration should be given to the existing streetscape, surrounding uses and availability of space.

Patios are to respect adjacent businesses and not impede the flow of pedestrians or pedestrian traffic movements.

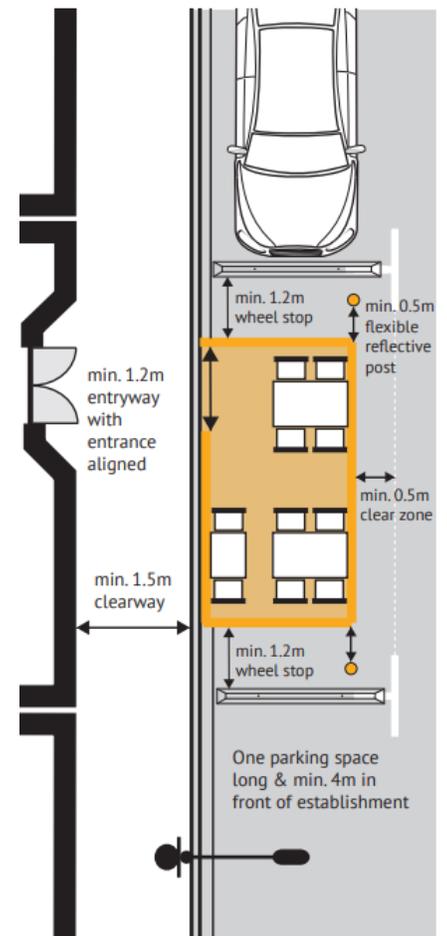
Sidewalk patios that have the patio part in the parking space are allowed, however patios that are attached to the building with a temporary sidewalk built around the patio for the purpose of this application are not permitted.



## On-Street Parking

1. Do to public right of ways not being large enough to support a patio on the sidewalk, patios may be located within an on-street parking space subject to an encroachment agreement with the Municipality and/or the County pending on the location.
2. The clearway shall be located between the curb and the associated building.
3. Patios located within an on-street parking space must be brought to the same height as the sidewalk
4. Patios in on-street parking spaced may only occupy complete spaces and shall have a minimum of 13 feet of the parking space located directly in front of the associated establishment.
5. This location is also preferred for its minimal effect on the flow of pedestrian traffic within the public right of way
6. If at a corner, a minimum clearway of 10 feet is required

Clearway	5 feet (min)
Length	22 feet (min or 1 parking space)
Entrance	4 feet (min)
Distance from Streetscape Objects	5 feet (min)



## On Street Parking Considerations

1. A full parking space length must be used. The parking area that remains available on either side of the patio must provide one or more full parking spaced of 22 feet length.
2. The outside edge of the patio must be at least 1.5 feet from the travel lane, creating a 1.5 foot clear zone.
3. At each end of the parking space, wheel stops must be placed 4 feet from the edge of the patio to provide a buffer from the next parking stall.
4. Patios must have flexible reflective posts, at least 4 feet high, placed 1.5 feet from both corners of the patio which are in the roadway. The reflective elements should be in line with the edge of the patio that is parallel to the travel lane.
5. The applicant is responsible for the additional costs associated with the removal of any Municipal infrastructure such as parking signage, waste receptacles, etc. to accommodate this type of patio. The business owner shall arrange with the Roads and Operations department to reinstall Municipal infrastructure that was removed as part of the patio installation.
6. The applicant is responsible to pay a fee to permit the patio in accordance with the Fees and Charges By-law
7. The patio surface must be designed for easy removal and to prevent damage to the underlying roadbed. The applicant's plan for affixing wheel stops and flexible posts must be included as part of the application package and requires acceptance by the Municipality.
8. The substructure design of a patio will vary and depends on the slope of the street and overall design of the structure. The substructure must accommodate the crown of the road and provide a level surface for the patio. Adjustable deck supports pedestals which can be spaced under the surface and of different heights are a common application. Another method is to provide steel sub-structure and angled beams.
9. The design of the patio structure should not inhibit the adequate drainage of storm water runoff. Small channels between the base and the platform should facilitate drainage.
10. Guardrails must be present on at least the three sides of the patio within the roadway and be constructed to the following specifications:
  - a. Must not be less than 3.5 feet high
11. Open guardrails are encouraged to reduce the risk of high winds using the guardrail to move the patio structure. The openings through the guardrail shall be of a size that will prevent the passage of a spherical object of having a diameter of 100mm.
12. A letter of support is required by the building owner. In the event that the building owner is the applicant, no letter is required.

## Design Details

Sidewalk patios will be comprised of structural, functional and decorative features. To ensure public safety and general aesthetic continuity, the following design details provide the minimum requirements for various features within a sidewalk patio.

These design details include dimensions, locations and materials for features such as furniture, barriers, lights and plant materials. The Municipality encourages creativity and development of unique outdoor dining spaces within the requirements provided.

### Functionality

#### Clearway

An unobstructed pedestrian pathway of at least 5 feet must be maintained at all times. The location of the clearway relative to the patio will depend on the location of the patio. Patios located at a corner will require a clearway of 10 feet from the corner of the intersection.

#### Entryway

An entryway of at least 3 feet must be provided to the patio, and where possible, should be aligned with the entrance to the corresponding establishment. When entrances cannot be aligned, they should be provided in close proximity to each other to ensure ease of movement and service between the establishment and the patio.

#### Streetscape Elements

Streetscape elements shall not be located in the clearway. These include garbage receptacles, tree grates, fire hydrants, street furniture, and any other item that poses an obstruction within the clearway. Fire hydrants require a 5 foot buffer at all times. All other streetscape elements, outside of the clearway do not require a buffer. Street trees may be incorporated into the patio as long as they are not within the clearway.

#### Seasonal Use

Sidewalk patios, in their entirety, may only operate as seasonal features. All elements must be removable and disassembled by October 31<sup>st</sup> in any given year.

#### Consistency

Tables and chairs should be made of matching sets and should be consistent throughout the patio.

#### Materials

All furniture, including fencing, should be made of durable, weather resistant materials that are easily cleaned. Composite, metal, or painted & stained wood is preferred.

#### Signage

It will be up to the business to provide and maintain signage. All signage must include:

- Yield to on coming pedestrian traffic
- Be respectful of restaurant patrons
- COVID restriction guidelines
  - o 6 foot distance
  - o Location of hand sanitizer / hand washing stations

## Furniture

### Host Stands

Host stands are permitted within the patio provided they are consistent with the furniture in the patio and do not enter the clearway.

### Garbage Receptacles

Garbage receptacles are permitted within the patio provided they are located with host stands and cannot be seen as a prominent feature within the space.

### Menu and Sandwich Boards

Menus and sandwich boards are permitted, provided they compliment the furniture within the patio and they do not enter the clearway. Menus and sandwich boards may not obstruct views within or into a sidewalk patio. Therefore, menus and sandwich boards may not extend beyond 3.5 feet from the ground.

## Barriers and Plantings

### Barriers

Barriers are required regardless if the patio is licensed to serve alcohol or not. Patio barriers must be 2.5 -3.5 feet in height and have a low barrier bar 0.5-1 foot high. In the event that translucent plastic shields are added to the barrier – the height of the barrier can exceed 3.5 feet.

### Plant Materials

Plants must be healthy, living and maintained throughout the season.

### Planter Barrier

Planters can be used in lieu of a barrier, but must be adequately sized to define the patio space. The planter, with plants, must be 2.5 -3.5 feet in height and must be a continuous length to delineate the patio space. A 0.5-1 foot low barrier bar is required. Planters must maintain a 1.5 foot buffer from the curb.

### Decorative Planters

Ground planters may be used within the patio for decoration. The planters may not exceed 1.5 feet in width and 3.5 feet in height. Planters with plant material, may not exceed 5 feet in height or interfere with sight lines. Hanging planters may also be used. Plant material may extend a maximum of 1.5 feet from the hanging planter box.

## Additional Features

### Awnings & Umbrellas

Awnings and umbrellas must have a minimum height of 8 feet. When fabric is being used for awnings and umbrellas, flame and fade resistant materials are recommended. Umbrellas and awnings must be maintained within the patio area.

### Heaters

Heaters are permitted within the patio provided they do not exceed 10 feet in height.

## Lights

Lighting for the patio is permitted, provided it is located within the boundaries of the patio and does not infringe upon the clearway. Lights may not exceed 10 feet in height. The brightness of the lights should be sensitive to the uses surrounding the patio and should be directed onto the patio and away from neighbouring properties and the street. Lighting must be restricted to low voltage (12V system), 120VAC is not permitted.

## Paving

Site specific paving or surface treatment is not permitted in the public right-of-way. Where paving surface is required, such as to level an on street parking space to the sidewalk, the material should be strong, durable, complimentary to the existing paving materials, and removable at the end of the season.

## Third Party Advertisements

No third party advertisements shall be permitted on umbrellas, awnings, furniture or any element in the public right-of-way. All other signage is subject to approval by the Municipality of Brockton.

## Maintenance and Enforcement

1. The business owner is expected to maintain the sidewalk patio area and furniture in a clean and hygienic manner, and secure or store the patio furniture when not in use outside the hours of business operation.
2. The business is responsible for disposal of all garbage generated by their business
3. At the termination of the sidewalk patio permit, the application must return the patio area to its pre-approved condition
4. Businesses which default in the performance of any of the obligations of the sidewalk patio permit will be cited and given time to rectify the problem. If the problem persists, the permit may be terminated and enforcement measures initiated by the Municipality to rectify the problem at the owner's expense.
5. The Municipality reserves authority over the road right-of-way and, when required, will exercise the right to request removal of sidewalk patio area due to safety, construction, or community needs.
6. If the Municipality has safety objections, the sidewalk patio will not be installed or will issue notice of removal within 24 hours when conflicts are identified. Emergencies may necessitate faster removal times as required by the Municipality or Emergency Services. Under these situations, care will be taken for removal of infrastructure, but the Municipality will not be held liable for damages to sidewalk patio infrastructure added to the road right-of-way by the proprietor.
7. The permit holder is required to remove (at their own expense) their patio during public works projects such as repaving and sidewalk widening.
8. After receiving a permit, the permit holder has 30 days to install it on site. If the installation is not completed within 30 days, this may result in revocation of the permit.

## Schedule A - Application

Name of Restaurant	Name of Business Owner
Address of Restaurant	Phone Number
	Email
Check if a copy of the businesses insurance with the required indicators is attached <input type="checkbox"/>	
<b>Patio Information</b>	
Diagram of Patio Location – Ensure all measurements are accurate as it may affect permit approval I have the following attached as additional documents: <input type="checkbox"/> Side view (Right and Left) <input type="checkbox"/> Top view <input type="checkbox"/> Streetscape view	
Materials Used	
Signature of Applicant	Date

\*Application Subject to Change as Required