

Downtown Bolton Temporary Patio in Right of Way Guide

Purpose:

The Downtown Bolton Temporary Patio in Right of Way Guide has been prepared to:

- Promote a strong patio culture in downtown Bolton
- Promote vibrant streets that attract patrons and visitors to the downtown
- Promote a memorable downtown experience
- Strategically integrate patios within the Bolton Business Improvement Area (BIA)
- Support and clarify AODA rules that apply to the public realm (regional roads)
- Ensure sidewalk areas are open and accessible
- Establish a user-friendly process to facilitate a Patio Encroachment Agreement

The Downtown Bolton Temporary Patio in Right of Way Guide (“Patio Guide”) establishes a Guide to enable temporary outdoor patios, in accordance with all applicable laws.

The patio guide applies on The Regional Municipality of Peel (the “Region”) owned land (roads) within the Bolton Business Improvement Area (BIA) in the Town of Caledon (the “Town”), and, will form a basis for patio approvals as follows:

1. Patios solely on Regional roadway sidewalks (a “Sidewalk Patio”); and
2. Pedestrian bypass on the Region’s roadway parking spaces to facilitate an adjacent patio.

The Patio Guide (and processes) may be reviewed and updated from time to time. It should be recognized that not all locations are suitable for a patio, or, can only be supported in specific locations.

Patio Guide and Process

The Town has established two process streams for temporary patios located on Regional roads: 1) Sidewalk Patios, and (2) Pedestrian By-pass

The Patio Guide is organized into the following sections:

- A. All Patios within the Region of Peel Right of Way in the Bolton Business Improvement Area (BIA)
 - B. Sidewalk Patio and Pedestrian Bypass Guide
 - B1. Sidewalk Patios Guideline
 - B2. Pedestrian By-Pass / Sidewalk Rail System
 - B3. Patio Process
 - C. Encroachment Agreement and General Liability Insurance
 - D. Illustrative Examples
- A. All Patios within the Region of Peel Right of Way in the Bolton Business Improvement Area (BIA)**
1. Applicable Law. It is the operating business responsibility to ensure compliance with all applicable federal, provincial and municipal laws, rules, orders, regulations, and by-laws

in respect of the operating the outdoor patio applicable laws to operate (the “Applicable Laws”).

2. Access. Any proposed patio must not obstruct any vehicular travel lane or an existing pedestrian crossing.
3. Buffer. Patios or Pedestrian Bypass to have a 1.2 m buffer setback from the travel lane.
4. Location. Temporary Patios to be located only on two-lane traffic roads with a speed limit of 50km/h or less a with existing on-street parking. Patios and/or any required pedestrian by-pass and/or traffic control must be exclusively on the sidewalk and within the existing on-street parking and adjacent buffer area.
5. Utilities. A patio must not block or obstruct any underground utility access, electrical transformer vaults, utility boxes, drains, storm water runoff, and other infrastructure.
6. Transit. A patio must not block or obstruct any transit stop or related amenities, or any space required for transit vehicle access. Locations of proximate transit stops and amenities should be identified on any plan submitted for approval.
7. Duration. During the patio season (May 1 to October 31) as per any Patio Encroachment Agreement with the Town, as applicable and as established by any Applicable Laws.
8. Operating Business Owner Notification and Consent:
 - Notification. Operating business owner to provide written notification of the proposed patio plan to the adjacent property owner(s) and tenant(s) prior to patio operation.
 - Consent. Operating business owner to receive written consent from adjacent property owner(s), and provide such written proof of consent to the Town , and any other documentation required by the Town acting reasonably, to support proposed patio plan if the patio extends beyond the operating business façade frontage onto the adjacent property frontage.
9. Site/Patio Plan. The detailed patio plan is to be approved through the Town of Caledon Patio Licensing process.
10. Interpretation. For select patio applications and locations, some flexibility may be required to address unique site conditions to the satisfaction of the Town and Region.
11. Updates. Patio Guide may be updated from time-to-time to the satisfaction of the Town and Region and shall provide direction for patio review and approvals.
12. Construction. Any patio or pedestrian by-pass feature shall be constructed to Ontario Building Code Act, standards, Applicable Laws and to be maintained in good condition and to be installed by a licensed professional.
13. Additions/Modifications Patios. Any changes and/or additions to an existing patio approved pursuant to this Patio Guide shall require approval by the Region or Area Municipality, as applicable, and if approved, shall require an amendment to the Patio Encroachment Agreement for the existing patio.
14. Design. Patios, Pedestrian by-pass and traffic control must also conform to the Ontario Traffic Council’s (OTC) Restaurant Patio Guidelines within the Right of Way, published April 2022. Option 1B is the only plan that will be acceptable. Any conflict between this guide and the OTC guide, this guide will take precedence.

B. Sidewalk Patio and Pedestrian Bypass Guide

B1. Sidewalk Patios

1. A Sidewalk Patio is located on the sidewalk and maintains at least 1.8 metres sidewalk clearance zone for unobstructed pedestrian mobility.
2. Encourage patios to locate close to building frontage.
3. Fencing / delineation around licensed patios areas as per Alcohol and Gaming Commission of Ontario (AGCO) requirements.
4. Ensure umbrellas are located within patio area and do not extend into the sidewalk clearance zone.
5. Locate signage to avoid conflict with the sidewalk clearance zone.
6. Intersection Setbacks:
 - a. Intersection setback (general). Patio's must not be within or obstruct intersection sight lines.
 - b. Patios must be at least 3m setback from a driveway intersection.
 - c. Adjustment may be considered on a site-by-site basis based on sight lines, road geometry, road design, proximity to transit stops and related amenities, and other considerations to the satisfaction of the Region.
7. Fire hydrant separation. Minimum 5.0 metres from patio to fire hydrants or to the middle of fire department connections.

B2. Pedestrian By-Pass / Sidewalk Rail System

1. Area Municipal Staff will consult Regional staff if a pedestrian bypass / sidewalk rail system is proposed to accommodate a sidewalk.
2. In some instances, a pedestrian by-pass / sidewalk rail system may be supported/required along a regional road in the on-parking subject to meeting appropriate accessibility, sightline, drainage and other performance standards to accommodate greater patio space along the public sidewalk subject to Region of Peel approval.
3. Travel Lanes. A pedestrian bypass shall not be located in through traffic lanes or lanes as marked as no parking, accessible parking, or delivery space).
4. Pedestrian access to be at least 1.8 metres wide, avoid blockage of street utilities and storm water drainage impacts along the roadway to Corridor Management satisfaction.
5. Ensure a 0.6 metre buffer is provided between sidewalk by-pass and traffic lane.
6. Ensure the pedestrian by-pass is fenced (range 0.9m to 1.2m in height).
7. A barrier between the pedestrian by-pass and travel lane must be installed and be a minimum MASH (Manual for Assessing Safety Hardware) test level TL-1 or equivalent (see Figure 1).
8. A pedestrian by-pass may be a raised platform deck (sidewalk rail system), or, at grade with ramp by-pass access.
9. A pedestrian by-pass / sidewalk rail system must be designed to be AODA compliant and meet all applicable law.

10. Pedestrian by-pass signage recommended per example provided in Figure 1 (option 1B from Ontario Traffic Council (OTC) Restaurant Patio Guidelines within Right of Way).
11. Any pedestrian bypass to be installed by a licensed contractor.
12. Public safety is of utmost importance, as such traffic control and safety barriers must at minimum meet or exceed OTC Restaurant Patio Guidelines within Right of Way, option 1B as shown in Figure 1. Additional safety measures and/or traffic control (barriers/barrels/cones/signs, etc.) may be required depending on the location/size of the patio. Costs for any potential additional safety measures may be paid for by the applicant, the Town, the Region or shared, which is to be determined upon review of the application and any adjacent applications.

B3. Patio Process

1. Sidewalk patios and Pedestrian by-pass systems will be administered through a Town of Caledon Licensing process.
2. Pedestrian by-pass systems will be reviewed and approved by the Region of Peel.
3. A patio plan will be required to show the patio location, seating, pedestrian circulation, access and egress, general dimensions, fencing location, property lines and, general notations to ensure the Patio is functional and addresses the applicable performance standards and law to the satisfaction of the Region and Town. Such Patio Plan shall be appended to the Patio Encroachment Agreement as a Schedule.
4. The Sidewalk Patio and any associated Pedestrian by-pass system will require the Business Owner to enter into a Patio Encroachment Agreement with the Town.
5. Any construction fencing and ramp drawings to be included with the request.

C. Encroachment Agreement and General Liability Insurance

If a business receives approval through the Town's licensing process for a sidewalk patio (and associated pedestrian bypass if required) they will be required to enter into a Patio Encroachment Agreement with the Town.

The Encroachment Agreement addresses issues such as patio duration (May 1 to October 31), liability (five million (\$5,000,000) in insurance liability for establishments with a liquor license and two million (\$2,000,000) in insurance liability for establishments that do not have a liquor license with Town and Region named as co-insured), modifications (process to allow some adjustments) and general responsibility (eg. maintenance, meeting other legal and applicable law requirements).

D. Illustrative Example

The Ontario Traffic Council Restaurant Patio Guidelines within Right of Way provides guidance with regard to Pedestrian bypass, as per Figure 1 and 2 below.

Figure 1

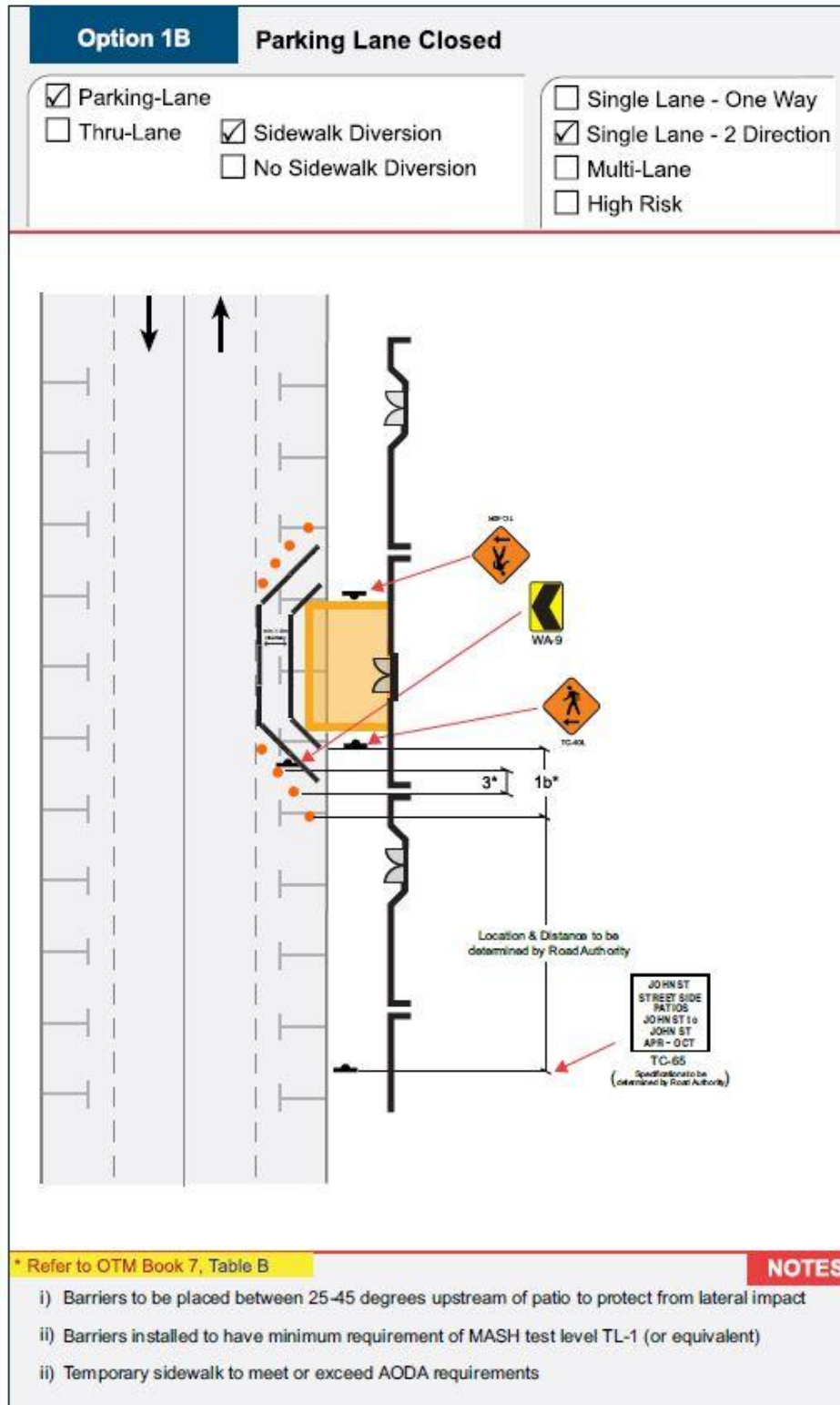


Figure 2 shows the use of decking for the pedestrian diversion which may be used if appropriate accessibility, sight line, drainage, traffic control and other performance standards are met. Appropriate barriers and signs to be used as shown in Figure 1.

Figure 2

