

Retail and Dining Use of Downtown Road Allowance Policy

Policy Statement

The Town of St. Marys is committed to encouraging economic development and tourism within the Downtown Core. The primary objective of this policy is to provide the parameters and guidelines for the seasonal installation of patios, bistro tables and retail displays placed on the municipal road allowance in Downtown St. Marys. By allowing the installation of street patios, bistro tables and retail displays the Town is fostering economic development opportunities and a unique Downtown experience.

Scope

The Policy shall only apply to the installation of street patios, bistro tables and retail displays, to be known collectively as “installations”, located on the municipal road allowance in the Downtown.

Purpose

The purpose of this policy is to outline a set of standards regarding the installation of street patios, bistro tables and retail displays in the Downtown, the policy will cover the following items, placement and design considerations, ownership and maintenance, term of installation and the application process.

Guidelines

The occupancy of the municipal road allowance will not be used to reserve on-street parking for employees or to facilitate delivery services. Any construction or special event activities that require the use of the right of way shall be directed to the Right of Way Occupancy Process. The primary purpose of this policy is to address the installation of street patios, bistro tables and retail displays.

Occupancy Placement and Design Considerations

Frontage

Placement will need to consider the surrounding businesses, and how the placement of the Patio, Bistro tables and Retail display may impact access to those businesses. The intent is to support downtown establishments, while deterring any negative impacts to neighbouring business. Therefore, the following restrictions will be in place:

- Street patios shall be installed along the frontage of the proponent’s establishment, or in close proximity;

- If an installation wishes to extend beyond their frontage, they will require written approvals from the abutting tenants and owners.

Placement of Installation

In all cases, due consideration must be given to the physical limitations of the Downtown, including the right of way (corner space, width of the sidewalks and boulevards). There is a need to balance the economic and social benefit of these elements, and the safe movement of vehicles and people along roads and sidewalks within the Downtown. To achieve this balance, staff will consider the following when reviewing a street patio request:

(1) Street Patios:

- Street patios shall not be installed within parking stalls abutting intersections to ensure adequate space for truck maneuvering and turning;
- Street patios and boardwalks shall not impede access to accessible parking, fire hydrants, fire routes, utilities, access ramps and entrances of any kind;
- Street patios shall not impede sight lines for vehicles entering and exiting on-street parking;
- Street patios shall not block drainage catchment areas, inclusive of gutters and catch basins.
- Total space consumed for all patios not to exceed 5% of the total downtown on-street parking.

(2) Bistro Tables:

- Bistro tables shall not impair vehicular sight lines & access to on street parking,
- Bistro tables shall not encroach on the pedestrian walking path. The 1.5 metre walking path must be maintained and clearly delineated
- The bistro table shall be of significant weight and have temporary anchoring to prevent displacement during high winds
- Applicant shall monitor current weather conditions and remove the installation before significant weather events.

(3) Retail Displays

- The placement of a retail display shall not impede the 1.5 metres walking path to ensure the path of travel for pedestrians
- Retail displays shall not interfere with patrons accessing on-street parking facilities or pedestrian crossovers;

Street Patio Design

The street patio shall not damage existing Downtown infrastructure and shall ensure the safety of its patrons, and those utilizing the roads and sidewalks. Therefore,

- All street patios will be of the boardwalk sidewalk by-pass design and locate seating on the existing sidewalk, no seating will be allowed in on-street parking lane.
- All street patio features will be removable from the street, and will not have anchoring penetration into either the sidewalks or asphalt surfaces;
- The street patio shall include a guiderail separation from the vehicular lane of travel; and
- Street patios and boardwalks that require permanent mounting will not be permitted.

Accessibility

The street patios must comply with the Accessibility for Ontarians with Disabilities Act and the Ontario Fire Code. The Provincial legislation shall be the guiding principle for accessibility. The following criteria will be the primary focus for downtown core installations:

- A 1.5-meter walking path shall be maintained at all times, with no surface elevation changes, no ramping will be allowed;
- The Town will permit the placement of tables on the sidewalk, as long as the eatery maintains a 1.5-meter walking path; and
- Patio or Retail installations will not be allowed to encroach on any pre-designated accessible on-street parking spaces
- Eateries may be able to transform parking areas into boardwalks:
 - Parking stalls used primarily for a walking path will require a railing to delineate the walking path from the vehicular lane of travel and the patio or retail area.

Ownership and Maintenance of Installation

- The boardwalks and patios shall be the property of the Applicant; and
- The installation, removal and repairs shall be the responsibility of the applicant.

Installation Term

- The installation and use of on street seasonal patios shall be permitted between May 15 and October 15 of each calendar year. The Town's winter maintenance period occurs between November 1 and May 1 of each year, the 15- day period will act as a buffer period for seasonal switch overs.
- Bistro tables and Retail displays shall be removed when the business is not in operation.

Application Process

Submission of Application

The Applicant shall submit a “Temporary Road/Lane/Sidewalk Occupancy Application and Permit Form”. The Occupancy Application shall include all details related to the proposed occupancy, and the provision of indemnification and a Certificate of Insurance with the Town listed as an additional insured.

The Public Works Department shall distribute the Occupancy Application to relevant Town Departments prior to any authorization to proceed.

Inspection

Prior to installation, the Public Works Department, Building and Development Department, and Fire Department reserve the right to inspect the proposed location of the Occupancy.

Approval

Should the Occupancy Application be deemed complete and found to be in comply with the conditions detailed in this Policy, the Town will issue an Occupancy Request Letter. In addition, the above-mentioned Departments shall inspect the installation when installed to ensure it complies with the items listed above.

The above-mentioned Departments shall also inspect the installation to ensure it complies with the items listed below.

References

End of Document

Rev #	Date	Reason	Initiated	Reviewed	Approved