

## **DESIGN AND OPERATIONAL STANDARDS FOR POP-UP PATIO SPACES**

The Applicant or Owner is required to submit detailed plans of the proposed Pop-Up Patio to Economic Development and Tourism Services, which demonstrate compliance with these Design Standards. The applicant will be required to enter into a licensing agreement with the City of Port Colborne, which will set out his/her obligations and conditions of operation.

Pop-up Patio Season will run from **April 1<sup>st</sup> to November 15<sup>th</sup>**. First time Pop-up Patio applications must be received by Economic Development and Tourism Services a minimum of 30 business days prior to the anticipated start date. Renewal applications must be submitted a minimum of 20 business days prior to the anticipated start date. Exact start dates are not to be guaranteed and will be based on staff availability, scheduling, and weather.

If the application is approved, the sponsoring business will enter into a licensing agreement with the Corporation of the City of Port Colborne for no more than five (5) years.

### **DESIGN STANDARDS**

#### **1. Location:**

- a. To be located on Downtown City streets in locations where there is existing on-street parking. For the purpose of this program, Downtown shall be considered the Downtown District as identified in the Zoning By-law.
- b. Sites should be located at least one parking space away from an intersection or driveway, except where “bump-outs” are found.
- c. Pop-up Patio cannot occupy more than two (2) on-street parking stalls. The City can approve up to two (2) on-street parking stalls and any size there within and the City reserves the right to determine what on-street parking stalls can be used and placement within.
- d. One (1) Pop-up Patio per street per side per block. With the exception of West Street where up to three (3) Pop-up Patio per street per block will be allowed.
- e. Pop-up Patios are not permitted in front of a fire hydrant, in designated loading zones, designated accessible parking spaces, and should not obstruct access to public utilities.
- f. Streets with higher pedestrian volumes and lower average vehicle speeds are preferred. The City will evaluate any candidate site for potential traffic and safety impacts and required site improvements.
- g. Regional roads (includes Highway 58, Highway 3, Main Street, Mellanby Avenue, Killaly Street West) are not eligible under the City’s Pop-up Patio spaces program.
- h. A Pop-up Patio must leave enough space for pedestrians to move around it and any other obstacles such as trees. The minimum distance is 2.43 metres (8 feet) to the nearest pedestrian obstruction (a tree, bike rack, and/or bench).

#### **2. Dimensions:**

- a. To have a maximum width of 3.66 metres (12 feet).

- b. There must be an existing 1.53 metre (5 feet) minimum clearance for pedestrian passage between the frontage of the sponsor business and the perimeter parking stall.
- c. There must be a minimum 1.8 metre (6 feet) clearance between the Pop-up Patio and the front of the building if pedestrians are passing on the building side of the Pop-up Patio, unless the existing clearance between the building and the road is less than 1.8 metres (6 feet).
- d. There must be a minimum 2.0 metre (6.5 feet) clearance between the Pop-up Patio and the road if pedestrians are passing on the roadside of the Pop-up Patio.
- e. Shall not extend beyond the frontage of the sponsor business, without the approval of the City and neighbours must be notified in writing during the application process that a patio will extend into front of their business. Recognizing that parking stalls do not always line-up with sponsor businesses and frontage care will be taken to minimize impacts on encroached businesses. The City, will approve the placement and choice of the stalls. Multiple neighbouring businesses may sponsor a shared platform that spans multiple storefronts.

### 3. Perimeter Barriers:

- a) The platform should be closed on all sides facing the street.
  - i) The platform should be as flush with the walking surface as much is possible.
  - ii) The platform may also be enclosed on the side facing the sidewalk, so long as there is 2.0 metre (6.5 feet) access on the side completely flush to the walking surface.
- b) Perimeter barriers to be a minimum 1.06 m (3.5 feet) to a maximum 1.2 m (4 feet) in height.
- c) Shall generally be open-type construction and maintain clear visual sight lines to the street. Acceptable barriers include planters, railings and cabling which are sturdy and securely anchored to the platform.
- d) Any gates that are installed must open inward onto the patio.

### 4. Construction:

- a. To be modular construction, to allow for easy installation and removal. To be stored off-site when not in use.
- b. Platforms shall be designed by a licensed architect or engineer, who will confirm that the platform will be sturdy and able to bear a load of at least 100 pounds per square foot (4.8 kilopascals).
- c. The designer shall utilize only high quality, durable and attractive materials, which will substantially enhance the quality and attractiveness of the street.
- d. The platform should be adequately lit to promote safety of pedestrians on sidewalk and Pop-up Patio.
- e. The platform shall be designed so as not to obstruct surface drainage and cannot be installed over catch basins, manholes, or water valves.

- f. Platform to be hard-surfaced.
- g. Platform surface to be level with the adjacent sidewalk.
- h. Platform must be compliant with the Accessibility for Ontarians with Disabilities Act (AODA).

#### **5. Landscaping:**

- a. Each platform shall include substantial landscaping. This landscaping will most commonly be provided through wood or metal perimeter planters, but alternative approaches may be considered.
- b. Landscape maximum height shall be 1.2 metres (4 feet).

#### **6. Patio Furniture:**

- a. To be contained within the patio area and be easily movable. Benches may, however, be permanently built into the platform.
- b. To be constructed of weather resistant materials. Aerial awnings and umbrellas to be constructed of a flame retardant material.
- c. Aerial awnings and umbrellas shall not project beyond perimeter of patio and shall maintain a vertical clearance of at least 2.1 metres (7 feet) above patio floor.
- d. Except for patio umbrellas and aerial awnings, no overhead structures of any kind are permitted.
- e. Electrical power cords or any other devices that cross the travelled portion of the boulevard (sidewalk) are not permitted.

#### **7. Signage and Advertising:**

- a. To be limited to a temporary menu display and on awnings or umbrellas.

### **OPERATIONAL STANDARDS**

#### **1. Usage:**

- a) The Pop-up Patio shall appear and be maintained as an open and welcoming public amenity space.
- b) The Pop-up Patio may be installed and operated between April 1<sup>st</sup> and November 15<sup>th</sup> each calendar year during the term of the agreement.
  - (i) The City of Port Colborne, at any time, may require the applicant or act itself to remove all or part of the patio, at the applicant's expense.
- c) The space may not be operated later than the hours of operation of the sponsoring business.
- d) Alcohol service or consumption of alcohol is permitted with Alcohol and Gaming Commission of Ontario (AGCO) approval.

e) Smoking is not permitted on any Pop-up Patio, pursuant to the Smoke-Free Ontario Act, and 'no smoking' signage must be posted at the entrance or exit.

f) No outdoor food preparation shall be permitted on a Pop-up Patio.

## **2. Storage:**

a) Seating platforms shall be removed and stored by the sponsoring business when not in use over the winter or during road works.

## **3. Maintenance:**

a) The sponsor business will be responsible for the construction and ongoing maintenance of the seating platform.

b) The sponsoring business will remove or secure all furnishings after business hours and place them out again each morning.

c) The sponsor business will be responsible for washing/sweeping the platform daily, watering all plants, and promptly removing any garbage or graffiti.

d) The sponsor will provide and maintain evidence of at least Five Million Dollars (\$5,000,000.00) in comprehensive liability insurance for property damage, personal injury and public liability on the lands, naming the Corporation of the City of Port Colborne as an additional insured.

e) The sponsor agrees that the City, will not be responsible for any damage caused due to plowing or sanding operations and that the sponsor will be responsible for all snow within the sidewalk and the boulevard area being utilized through the encroachment permit.

## **4. Pop-Up Patio Agreement:**

a) The sponsoring business is required to enter into a license agreement for a term not to exceed five (5) years and may be terminated by the City of Port Colborne upon thirty (30) days written notice.

b) The license agreement with the City of Port Colborne will reflect the Design and Operational Standards, and requires payment of applicable fees (agreement, administrative, and lease costs) as per the City's Consolidated Fees & Charges By-law, provision of necessary liability insurance, maintenance of the premises, and any other matters which the Corporation deems necessary. Failure to comply with these conditions will result in termination of the agreement.