



# Municipality of Meaford Corporate Policy

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**Policy: Commercial Patio on Municipal Lands**

**Department: CAO's Office**

**Last Revision:**

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## Policy Statement

The Municipality of Meaford is committed to permitting commercial patios on Municipal Lands, primarily within the commercial core area, as it adds vibrancy to the downtown area with the introduction of human activity. Further it enhances the economic growth of our downtown area supporting all businesses irrespective of the fact whether they have a patio.

## Purpose

This policy provides guidance on the establishment of patios to ensure universal accessibility, public safety (including fire and separation from



traffic) and the streetscape experience are enhanced and not negatively impacted by the introduction of a patio.

## Definitions

“Jersey Barrier” means a concrete barrier placed between an outdoor patio and vehicle movement areas.

“Municipal Lands” includes all public road allowances that fall within the jurisdiction of the Municipality of Meaford including Sykes Street within the Connecting Link of Highway 26.

“Patio”, means a temporary outdoor commercial space located on Municipal Land adjacent to the establishment or within on-street parking that is programmed for outdoor dining as an extension to an eating establishment or the display of goods and merchandise.

## Policy Requirements

### General Considerations

The Municipality has a responsibility to maintain its publicly traveled roadways and road allowances in a safe condition to ensure the safety of all users.

This Policy allows businesses to set up Patios from May 1 to October 15 each year on Municipal Lands:

- In an on-street parking space (in-front or beside the property where the related commercial use is located)
- On a sidewalk, boulevard or other part of the road allowance (in-front or beside the property where the related commercial use is located)

Patios for outdoor eating or retail sales are permitted in accordance with the criteria set out in the policy.

### Accessibility

All outdoor patio designs and layouts shall be compliant with Accessibility for Ontarians with Disabilities Act (AODA). Patios shall not obstruct an



accessible path of travel on adjacent sidewalks. Accessibility will be evaluated at the time of application to ensure compliance with AODA.

### Alcohol and Gaming Commission (AGCO)

Applicants wishing to have a licenced Patio will be subject to any additional requirements set out by the AGCO.

### Approval Process

The Municipality will advertise the Patio program in March of each year for application submissions being received by April 1. Submissions will be evaluated on a first come first served basis. Patios will only be approved where space permits, compliance to the policy can be achieved and the Patio does not negatively impact the safe use and operations of the public roadway.

Staff will develop an application, together with design standards and an agreement that will be required for each Patio requested.

The Mayor and Clerk have delegated approval to execute the Patio agreement upon recommendation from the CAO that all conditions have been met.

### Capacity

Capacity and operations within the Patio area shall conform to the Alcohol Gaming Commission of Ontario (AGCO), Building Code and Public Health Unit requirements.

### Fees

A yearly application fee shall be charged in accordance with the current Municipality of Meaford Fees and Charges By-law. A monthly lease fee based on the area of public land utilized for said Patio shall also be charged in accordance with the current Municipality of Meaford Fees and Charges By-law.



## Insurance

Every Patio owner will require Commercial General Liability Insurance from an insurer licensed in the Province of Ontario for no less than \$5,000,000, naming the Municipality of Meaford as additional insured against any liability for property damage or personal injury, negligence including death which may arise from the applicant's operations under this program. The Municipality of Meaford must be included as an "Additional Named Insured."

The Commercial General Liability shall contain Cross Liability and Severability of Interest Clauses, non-owned automobile liability, premises and completed operations liability and standard contractual liability endorsement.

## Patio Construction

Any construction work that is required to establish a Patio shall be in accordance with the design standards included in the application, the Ontario Building Code and a Building Permit shall be obtained, where required.

## Locational Criteria

A Patio is permitted either directly in front of the property of the associated with or adjacent thereto. Pedestrian movement should be considered in all designs and in order to maintain maximum widths for pedestrians to move along the sidewalks. An unobstructed sidewalk or access path width of a minimum of 1.52 metres (5 feet) shall be maintained at all times between the perimeter of the patio area fence and any site features such as a hydro pole/light, parking meter, vegetation, fire hydrant or curb for clear movement of pedestrians.

The placement of the Patio on Municipal Land will generally abut the property where the related commercial use is located or in an adjacent on-street parking space as approved by the Municipality. The area shall generally be located at the front or exterior side of a commercial use. Patios shall adhere to the design criteria set out in the application which ensure that they do not obstruct views from the travelling public to the adjacent businesses.

## Patios within Municipal Parking Spaces



Patios will be located within existing on-street parking spaces and not within other areas of the travelled right-of-way such as driving lanes, turning lanes and sight triangles. Patios will be located at least one parking space away from an intersection or driveway. Patios will not be permitted in front of a fire hydrant, or in a designated accessible or loading parking space.

A minimum Patio size shall cover the area of one parking space. Patio sizes larger than one and a half parking spaces will only be considered when there is space available (ie. no other patio requests for the same area).

#### Patios on a Municipal Sidewalk, Boulevard or other Municipal Land

Patios shall be located directly in front of the property of the associated establishment. Extensions in front of adjacent properties may be permitted with the written consent of the adjacent property owner. Patios shall not obstruct a fire hydrant, fire route, a building entrance or exit or pose safety risks. If a temporary sidewalk is required, a Professional Engineer must certify the design of the extension of the temporary sidewalk for safety and load bearing capacity, as well as meet AODA requirements.

#### Patio Programming, Operations and Timing

Patios can be in place from May 1 to October 15 each year. Patios cannot extend beyond these dates because of Municipal policies, standards and agreements that require standard maintenance practices to be achieved within the road right-of-way from October 16 to April 30 each year.

For the benefit of the local businesses and placemaking, patios must be programmed, kept up in a tidy and clean state and utilized the duration of May 1 to October 15. If patios are not being used, left empty, unkempt or the Municipality receives formal complaints, the Municipality reserves the right to revoke patio approvals and ask for their immediate removal from Municipal land at any time.

Patio areas shall be operated in accordance with Municipal approval, any AGCO requirements, Grey Bruce Health Unit requirements and any other applicable requirements. The hours of operation of the outdoor patio shall be limited to that of the adjacent use to which the outdoor patio is accessory. Music may be played at a volume that does not disturb adjacent property



owners or persons utilizing the adjacent right-of-way. The Municipality reserves the right to require that the use of music cease at any time. The Municipal Noise By-law shall be adhered to.

### Safety Barriers

Where Patios or temporary sidewalks will be located within on-street parking spaces or directly adjacent to vehicle movement areas, the Municipality will install Jersey Barriers with appropriate traffic markers on the end of the barrier facing traffic. The barriers are required as a safety measure for users on the patio. The barriers must be in-place before outdoor patios can be installed and must be in place until the patios are removed. The location of Barriers shall be at the sole discretion of the Manager of Transportation Services or their delegate.

### Permitted Location

The Policy applies to the Municipality of Meaford in its entirety, however Patios are only permitted where the Zoning By-law would permit a commercial use and there is area on Municipal Land that can meet the requirements of the Policy and design standards.

Patios will not be permitted in road allowances that fall within the jurisdiction of the Ministry of Transportation, outside of the Connecting Link and the County of Grey, unless separate approval is obtained from those jurisdictions.

A maximum number of 15 patios may be approved in the downtown Core Commercial Zone as noted in the Zoning By-law, the majority of which would occupy approximately 15 to 20 parking spaces from May 1 until October 15 each year.

## Monitoring

The Chief Administrative Officer shall be responsible for receiving complaints and/or concerns related to this policy.



## Authority

The Municipal Act, 2001 allows Municipalities to govern the use of lands with under its jurisdiction.

## Contact

Rob Armstrong  
Chief Administrative Officer  
Telephone: 519-538-1060 extension 1121  
Email: rarmstrong@meaford.ca

## Change History

Policy Name	Effective Date	Significant Changes	By-law No.
Commercial Patio on Municipal Lands Policy	May 2022	New Policy	2022-28