



Infrastructure Services

Prepared for	Council-in-Committee	Report No.	IS-18-2021
Agenda Date	May 10, 2021	File No.	360509

Subject

ERIE ROAD ON-STREET PARKING CHANGES TO ACCOMMODATE ECONOMIC DEVELOPMENT

Recommendations

- THAT** Council approves the changes to the on-street parking and road line painting regime on Erie Road between Ashwood and Cambridge Road West; and further
- THAT** Council directs that businesses wishing to occupy an on-street parking space reimburse the Town for the cost of providing concrete barriers for patron safety through the Temporary Outdoor Patio Regulations; and further
- THAT** Council directs that By-law No. 2000-89 be amended to accommodate the following changes to the parking regime along Erie Road:
- a) Remove all on-street parking on the south side of Erie Road from Cherrywood Avenue to Oxford Avenue and update Schedule C;
 - b) Install on-street parking on the north side of Erie Road from Cambridge Road West to Oakwood Avenue and update Schedule C;
 - c) Designate the first parking space on Ashwood, Oakwood, Elmwood, Maplewood and Oxford Avenues and Cambridge Road West at the corner Erie Rd as 15-minute limit parking spaces to accommodate take-out restaurant opportunities in Schedule E; and further
- THAT** Council directs that the crosswalk on Erie Road and Maplewood at the south-east corner be eliminated.

Relation to Council's 2018-2022 Corporate Strategic Plan

Priority: 4: Promoting Business, Economic Growth and Employment Opportunities

Objective: Implementing an effective Economic Development strategy that promotes and improves Fort Erie's competitive advantage, invests in strategic infrastructure and ultimately supports business development, job growth, talent attraction and the local labour market

Initiative: 4.1 Review Economic Development service delivery models (options) to identify the best model that meets the Town's economic development objectives

- Economic Development strategy development
- Business resources/supports for existing businesses

List of Stakeholders

1. Crystal Beach Business Improvement Area
2. Users of Erie Road
3. Planning and Development Services
4. Economic Development and Tourism Services
5. Other BIA's and Businesses

Prepared Jointly by:

Submitted by:

Approved by:

Original Signed:

Original Signed:

Original Signed:

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Officer

Original Signed:

Kelly M. Walsh, P. Eng.
Director, Infrastructure Service

Purpose of Report

The purpose of this report is to outline changes required to the on-street parking and road line painting regimes to suit a request from the Crystal Beach Business Improvement Area (CBBIA) for accommodation of use of the public areas for business expansion.

Analysis

Through the month of April, Infrastructure and Economic Development and Tourism Services Departments have had discussions with the CBBIA on how to enhance business opportunities through the use of Erie Road.

The BIA had presented a number of wishes to the Town on improving business during the summer. They mainly focused on creating a 'promenade' type atmosphere such as closing Erie Road entirely on the weekends or converting Erie Road to a one-way street to allow for additional walkway space and social distancing. Primarily due to traffic flow requirements (Erie is the only collector type road to the beach) these were not feasible.

An outcome of the request for Erie Road is that Infrastructure Services can support a weekend closure such as occurs on Ridge Road for Ridge Fest.

The other outcome and agreement of the discussions is to change the on-street parking and line painting regimes to switch the parking to the north side of the street between Ashwood and Cambridge Road West. The switch will also require a shift in the centre line marking southerly. This change will allow eating establishments to temporarily add or increase the size of their patios once they are permitted to open. In 2020, the Town of Fort Erie Temporary Outdoor Patio Program was established in response to the Covid-19 pandemic. The program is intended to support local eating establishments by providing flexibility while at the same time ensuring health and safety standards remain in place.

There are currently 14 on-street parking spaces between Ashwood and Oxford. The flip to the north will result directly in the loss of 5 spaces as result of clearances required to three side streets and five cross walks. The elimination of the south-east cross walk at Erie/Maplewood will reduce the loss to 3 spaces, resulting in 11 over all.

There are currently two driveway drops in which the driveways have been converted to permanent patios; parking stalls will be painted in front of the driveways with the owners' permission. A change of future use may necessitate the removal of the parking stall.

Once the switch occurs, eating establishments can apply through EDTS to assume a parking space or spaces to expand into a patio-like atmosphere through the Town of Fort Erie Temporary Outdoor Patio Program. A platform is required for temporary patios within municipal parking spaces.

Staff are recommending that there is no cost to a business for the occupancy of the parking space itself, but any costs incurred by the Town be reimbursed by the business owner. The cost for setup, rental and teardown of the concrete 'jersey' barriers is approximately \$700 per unit for the season. It will take 4 units to provide safety on one parking spot.

If the event proves successful, IS will budget for the purchase of barriers that can be used for not only this purpose but also for better and safer temporary closures of roads for weekend festivals, etc. in the coming years.

In addition to switching the parking locations, the CBBIA has requested that the first on-street parking location on each north-south street north of Erie Road be designated as a 15-minute parking area to facilitate take-out pickups throughout the day when parking is at a premium. This request will be reflected in the updated by-law.

This request would typically go through Traffic Coordinating Committee but due to the urgent nature was performed outside of it. Most members of TCC were however involved in the process in some form or another.

Financial/Staffing and Accessibility (AODA) Implications

The conversion and semi-permanent occupancy of parking spaces is not expected to create any accessibility impediments.

The cost to scrub the existing and repaint the pavement markings is estimated to be an unbudgeted \$10,000 and will be accommodated with the current IS budget (account 32500-2195 RLINEP) through a negative variance.

Costs for the program (specifically the barriers) will be completed as part of the Temporary Patio application intake process.

Depending on the discussion of alternative cost allocations, the Town may be responsible for up to an estimated \$10,000 unbudgeted cost for the rental of concrete barriers on Erie Road. Although there were no other restaurants in other areas taking advantage of this opportunity, there may be more that come forward seeking the same benefits.

The Town has received funding from the Province of Ontario for the purpose of Covid-19 operating costs and pressures. Should Council decide for the Town to absorb the barrier rental costs, it is expected that the costs would meet eligibility requirements of this funding. There is a risk that choosing to fund this initiative would reduce funds available for other purposes, however, as the Province has provided a set-amount of funding.

It is expected that any staff time requirements will be absorbed within current budgets.

Policies Affecting Proposal

By-law No. 124-2019 adopted Council's 2018-2022 Corporate Strategic Plan. This report supports Council's Strategic Plan, Strategic Priority 4: Promoting Business, Economic Growth and Employment Opportunities. Implementing an effective Economic Development strategy that promotes and improves Fort Erie's competitive advantage, invests in strategic infrastructure and ultimately supports business development, job

growth, talent attraction and the local labour market. Along with 4.1 Review Economic Development service delivery models (options) to identify the best model that meets the Town's economic development objectives:

- Economic Development strategy development
- Business resources/supports for existing businesses

By-law 2000-89 being a By-law to regulate traffic and parking on the highways of the Town of Fort Erie.

Comments from Relevant Departments/Community and Corporate Partners

This project and report has been developed jointly between IS and EDTs.

The president and secretary of the CBBIA have been collaborative in the development of the program and have provided positive feedback on the project and report.

Very late in the process an email was received from four business owners requesting that the crosswalk on the southwest corner of Oxford/Erie be removed to provide more parking. The Director of Infrastructure Services does not support this request. With the removal of the Maplewood crosswalk, there is a consistent pattern of formal crossing locations along Erie that provide a safer environment for pedestrians as the regular motoring public will be familiar with the pattern; the change request provides for only one more space.

Planning and Development Services

The Crystal Beach Parking Study prepared by Paradigm Transportation Solutions Limited in November of 2019 assessed the current and future parking needs to 2041. The review looked at three areas of Crystal Beach: Area A which consists of the beach area; Area B which is the commercial core area; and Area C which is the remainder of the Crystal Beach area. The on-street parking spaces to be removed/relocated through this initiative are located in Area A.

Area A currently has 431 on-street parking spaces and 806 total parking spaces. The study did identify that Ashwood to Oakwood did contain 35 parking spots which had been reduced to 14 spaces with the addition of cross walks on Erie Road during the Bay Beach improvements in 2019. This reduction resulted in a revised surplus of 38 spaces to the year 2041. Using the surplus and subtracting the possible loss of all the on-street parking from Ashwood to Oakwood would still result in a parking surplus of 24 spots.

Planning and Development Services staff have no objection to the relocation and reduction of the parking spots or the possible temporary removal of the spots to accommodate patios during the summer months.

Communicating Results

If approved, the CBBIA will be notified along with the Bridgeburg and Ridgeway BIA's. In addition, this program will be available to any eating establishment in Fort Erie that wishes to occupy an on-street parking space.

This initiative, along with the Town of Fort Erie Temporary Patio Program will be communicated through a press release, Community News updates, social media channels and website.

Alternatives

Council has the opportunity to deny the recommendations in this report in its entirety, leaving the traffic and parking regime as-is.

Council has the opportunity to amend the charges to the business owner, such as to a 50-50 split, or absorbing the costs entirely. This may be viewed by some as providing preferential service to one business over another.

Conclusion

The recommendations within this report have been a collaborative effort between many groups and it is hoped that it will be successful in improving business in the Crystal Beach area.

Attachments

Appendix '1' – Town of Fort Erie – Temporary Outdoor Patio Regulations as of January 27, 2021

Appendix '2' – Erie Road Line Painting – Parking Stalls



Temporary Outdoor Patio Regulations

Introduction

The Town of Fort Erie (the “Town”) has developed a temporary outdoor patio program in response to the COVID-19 pandemic. The program is intended to support local eating establishments by providing flexibility while at the same time ensuring health and safety standards remain in place.

Background and Purpose

On June 8, 2020, the Province of Ontario notified municipalities of regulatory changes that gives the Alcohol and Gaming Commission of Ontario (AGCO) the discretion to allow licensed establishments to temporarily add or increase the size of their patios once they are permitted to open. These opportunities will be available to all licensed establishments whether or not they currently have a patio, and will be subject to any additional requirements set out by the AGCO and municipality (such as by-laws or other restrictions).

The Town of Fort Erie recognizes that not all eating establishments are licensed. This does not prevent those eating establishments from expanding their existing patios or creating a new patio.

The temporary outdoor patio regulations address existing and new outdoor patios associated with eating establishments. The regulations contained herein may be modified as determined necessary.

Definitions

“Eating Establishment” shall mean a building or part of a building where food is offered for sale or sold to the public for immediate consumption and includes such uses as an eat-in restaurant, take-out restaurant, drive-in restaurant, drivethru restaurant, cafe, cafeteria, ice cream parlour, tea or lunch room, dairy bar, coffee shop, snack bar or refreshment room or stand, but does not include a boarding or lodging house.

“Outdoor Patio” shall mean an outdoor area adjacent to or in any way associated with any eating establishment and/or tavern in any zone where such use is permitted in accordance with the Town’s Comprehensive Zoning [By-law No. 129-90](#), as amended, from time to time.

“Person” shall mean any human being, association, firm, partnership, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person at law.

“Tent” shall mean a portable shelter open on all sides made of fabric or other material stretched over a supporting framework of poles usually stabilized or secured.

Delegated Authority

Pursuant to the regulations and direction of the Province of Ontario Emergency Management and Civil Protection Act, the delegated authority to the Chief Administrative Officer (the “CAO”) of the Town of Fort Erie, and the delegated authority to the Director of Planning and Development Services, the provisions of By-law Nos. 46-2014 and 129-90, as amended from time to time, are temporarily suspended for the purposes set out herein.

All Temporary Patio Regulations

1. **General:** Temporary patios permitted under this guideline shall be extended to no later than January 1, 2022 at 3:00 a.m. unless extended in accordance with any future provincial extension through the AGCO. All materials and furniture must be temporary in nature so that they can be removed easily, and the area can be restored to its original condition.

If a patio is expanded onto or created on Regional property or Niagara Parks Commission property, authorization from these agencies will be required. For further information, please contact Daniel Turner via email at dturner@forterie.ca.

2. **Location:** Permitted either directly in front of the property of the associated eating establishment or adjacent thereto. Extensions in front of adjacent properties may be permitted with the written consent of the adjacent property owner.
3. **Obstructions:** Patios may not obstruct a fire hydrant, fire route, fire department connection, exit facility or pose other safety risks.
4. **Demarcation:** Limits of licensed patios are to be readily distinguishable. Optional patio perimeter fencing, planters, guards, barriers or similar of no more than 1.2m (4ft) high shall be permitted, provided they are secured without endangering any underground utilities and/or municipal surfaces. Where a patio is adjacent to any vehicle movement areas a barrier shall be installed. The height of the barrier shall be measured from the surface of the patio.
5. **Accessibility:** The patio area shall be compliant with Accessibility for Ontarians with Disabilities Act (AODA) standards and shall not obstruct an accessible path of travel. Accessibility must be maintained to, and throughout, the temporary patio.
6. **Umbrellas:** Umbrellas shall stand at least 2.1m (7ft) above the walking surface. Umbrellas shall not extend beyond the perimeter of the patio.
7. **Hay/Straw Bales:** Not permitted in temporary outdoor patios.

8. **Open Air:** Patios shall be open to the air.
9. **Tents:** A tent or group of tents is exempt from the requirement to obtain a Building Permit under Section 8 of the Building Code Act and is exempt from compliance with the Code provided that the tent is, or, group of tents are:
 - a. Not more than 60 m² in aggregate ground area;
 - b. Not attached to a building, and
 - c. Construction more than 3m from other structures.

As per Town of Fort Erie policy, tents shall not be enclosed with sidewalls. If a permit application for a tent, or, group of tents, for winter use were to be received, documentation demonstrating the tent's ability to support a snow load will need to be provided.

10. **Heaters:** Owners and operators are responsible for the safe installation, operation, and maintenance of their portable patio heating units. Heating units must:
 - a. Be designed for outdoor use only,
 - b. Meet all the requirements laid out in Ontario's building and fire code and TSSA guidelines,
 - c. Abide by all safety instructions outlined in the operating manual for their heating appliances, and
 - d. Ensure that staff understand how to safely operate the heating units and handle propane cylinders.

Portable heating units shall NOT be:

- a. Placed under or inside a tent,
- b. Under fire escapes,
- c. Next to, or in the path of, an exit,
- d. Adjacent to or otherwise obstructing firefighting equipment such as fire hydrants or Siamese connections,
- e. Near utilities, trees, or other street components, and
- f. If any electrical wires are placed on the pedestrian clearway.

Owners and operators are required to follow and consult with the [TSSA's Patio Heater Safety Guidelines](#).

11. **Fire:** Compliance with the Ontario Fire Code is required. A minimum 1.5m (5ft) clearance from fire department connections and hydrants must be maintained on a patio. A fire extinguisher must be available within 15.2m (50ft) of any part of the patio.
12. **Physical Distancing:** Placement of tables and chairs shall provide a minimum 2 metres distance between seating at separate tables in accordance with

Provincial COVID-19 orders including from tables on any neighbouring patios.

13. **Capacity:** For licensed establishments that do not have an existing licensed patio, the capacity of the temporary patio shall not exceed the posted occupancy of the indoor area indicated on the liquor license or 1.11 sq.m. (12.0 sq.ft.) per person, whichever is the lesser.

For licensed establishments that have an existing licensed patio, the capacity of the combined area of the existing and temporary patio shall not exceed the posted occupancy of the indoor area indicated on the liquor license or 1.11 sq.m. (12.0 sq.ft.) per person, whichever is the lesser.

14. **Business License:** A valid business license from the Town is required prior to approval of a temporary patio expansion.
15. **Other:** Cooking of food and drink preparation is not permitted on temporary patios. Decks, stages and portable toilets shall not be permitted.
16. **Operation:** All Applicants shall operate the patio only in accordance with Town approval, any AGCO requirements and Provincial Guidelines.
17. **Administrative Penalty:** Any person who expands an existing patio or creates a new patio without municipal approval, or is in contravention of these Regulations shall be liable to pay an administrative penalty in the amount of \$300.

Temporary Patios on Private Property

1. **Use of Parking Spaces:** Onsite parking spaces may be used for a temporary patio. The required number of designated accessible spaces shall remain available for parking use. Any designated fire routes and sightlines shall be maintained. Any remaining designated parking spaces shall be sufficiently separated from the patio to ensure safety.
2. **Parking:** If a patio is located within any private parking area, the need for staff and patrons to cross drive aisles between the business and patio area should be avoided.
3. **Parking Lots for a Multi-Unit Commercial Building:** Where an eating establishment is located in a building occupied by multiple businesses, the temporary patio shall not occupy more parking spaces than the sum total of the parking spaces allotted to their establishment.

Temporary Patios on a Municipal Sidewalk

1. **Clearance:** An unobstructed pedestrian clearance of 1.8m (5.9ft) shall be maintained between the patio and any physical obstructions, unless otherwise approved by the Town.
2. **Curbside Patio Barriers:** Where a temporary patio is located adjacent to a traffic lane, a perimeter barrier of 1.06m to 1.2m in height shall be provided, with a minimum setback of 0.5m from the curb. Additional physical barriers may also be required to protect the patio space.
3. **Construction:** Patio construction/demarcation shall be portable, to ensure for easy removal. Perimeter fence posts are to be free-standing. Fence posts may be supported on removable plates, which shall not extend beyond the perimeter of the fence and pose no trip hazard to pedestrians. Posts, signs and other features cannot be secured to the municipal sidewalk by use of screws, nails or other fasteners that pierce or otherwise damage the surface of the concrete.
4. **Signage:** Signage shall be kept to a minimum, shall be temporary and shall be contained within the perimeter of the patio.

Signs cannot be secured to the municipal sidewalk by use of screws, nails or other fasteners that pierce or otherwise damage the surface of the concrete.

5. **Insurance:** The Applicant shall provide public liability insurance in the amount of \$5 million naming the Town of Fort Erie as additional insured.

Temporary Patios within Municipal Parking Spaces

1. **Location:** To be located on streets in locations where there is existing on-street parking or surplus pavement width. Patios should be located at least one parking space away from an intersection or driveway. Patios are not permitted in front of a fire hydrant, or in designated accessible parking spaces, and shall not obstruct surface drainage or access to public utilities.
2. **Dimensions:** Patio to be inset at least 0.3m from outside edge of parking space.
3. **Platforms:** Platforms shall be constructed for all patios on municipal spaces.
4. **Perimeter Barriers:** Platform to be enclosed on all sides facing the street or adjacent parking stalls. Barrier shall be open-type construction. Road safety measures shall include a Wa-33R 'hazard' marker on the end of the barrier facing traffic.

5. **Platform Construction:** A Building Permit is required for all on-street patio platform structures except for any platform structure of any area that meets the following minimum requirements:
- a. The floor structure shall be constructed of standard dimension lumber floor joists (ex. 35mm x 190mm (2x8), (35mm x 240mm (2x10) etc.) spaced not more than 406mm on-centre (16" o/c) and bearing directly on suitable ground such that no portion of the floor structure is suspended more than 38mm (1.5") above grade and the finished floor elevation shall not exceed 355.6mm (14") from adjacent ground elevation.
 - b. Solid blocking shall be provided between floor joists at a spacing of not more than 5 feet on-centre with a minimum of 1 row of blocking for any joist spans that exceed 5 feet.
 - c. The floor joists shall be fastened to rim joists around the perimeter of the floor structure with a minimum of four (4) 89mm (3-1/2") inch-long common spiral nails per joist.
 - d. The floor structure shall be unenclosed, except that a guard with a height of not less than 914mm (36") but not greater than 1070mm (42") shall be installed around the perimeter of the floor structure in accordance with the requirements states elsewhere in this document.
 - e. Where there is a difference in height between the platform and the adjacent sidewalk a 1500mm (59") wide ramp with a maximum slope of 1:8 shall be constructed anywhere along the platform adjacent to the sidewalk as shown in sketch 1 and 2.
 - f. Except for patio umbrellas, no overhead structures of any kind are permitted including, but not limited to, any fabric roof coverings, or trellis-type shade structures.

Posts and other features cannot be secured to the municipal sidewalk by use of screws, nails or other fasteners that pierce or otherwise damage the surface of the concrete.

Patios shall not interrupt surface drainage along the gutter. Deck supports and/or ramp supports should be located such that they provide for a minimum separation of 0.3m from the curb face.

Platform shall form one surface from sidewalk and curb for barrier free access.

Except for patio umbrellas, no overhead structures of any kind are permitted including but not limited to any fabric roof coverings, or trellis-type shade structures.

All submissions must include a sketch of the proposed construction.

6. **Signage:** Signage shall be kept to a minimum, shall be temporary and shall be contained within the perimeter of the patio with the exception of the road warning sign.

Signs cannot be secured to the municipal sidewalk by use of screws, nails or other fasteners that pierce or otherwise damage the surface of the concrete.

7. **Insurance:** The applicant shall provide public liability insurance in the amount of \$5 million naming the Town of Fort Erie as additional insured.

Temporary Outdoor Patio Application Process

1. Determine the size, location, layout and capacity of the proposed patio in accordance with the Town's Regulations.
2. Complete and submit the application/ and the following applicable supporting documentation:
 - ☐ Complete the Temporary Outdoor Patio Application.
 - ☐ Sketch of Proposal – identifies proposed size and dimensions of patio and detail of fencing, barriers and materials to be used.
 - ☐ For leased, private-property premises, provide the landowner's written authorization.
 - ☐ For temporary patios on public property, provide Certificate of Insurance
 - ☐ Submit all materials online or via email to Daniel Turner at dturner@forterie.ca
3. Approval:
 - Once staff confirm the submission satisfies all requirements, approval will be granted.
 - Approvals will be issued via email and considered effective on the date of approval.

DATED at Fort Erie, Ontario, this 27th day of January, 2021.

Tom Kuchyt,
Chief Administrative Officer

Kira Dolch,
Director, Planning & Development
Services

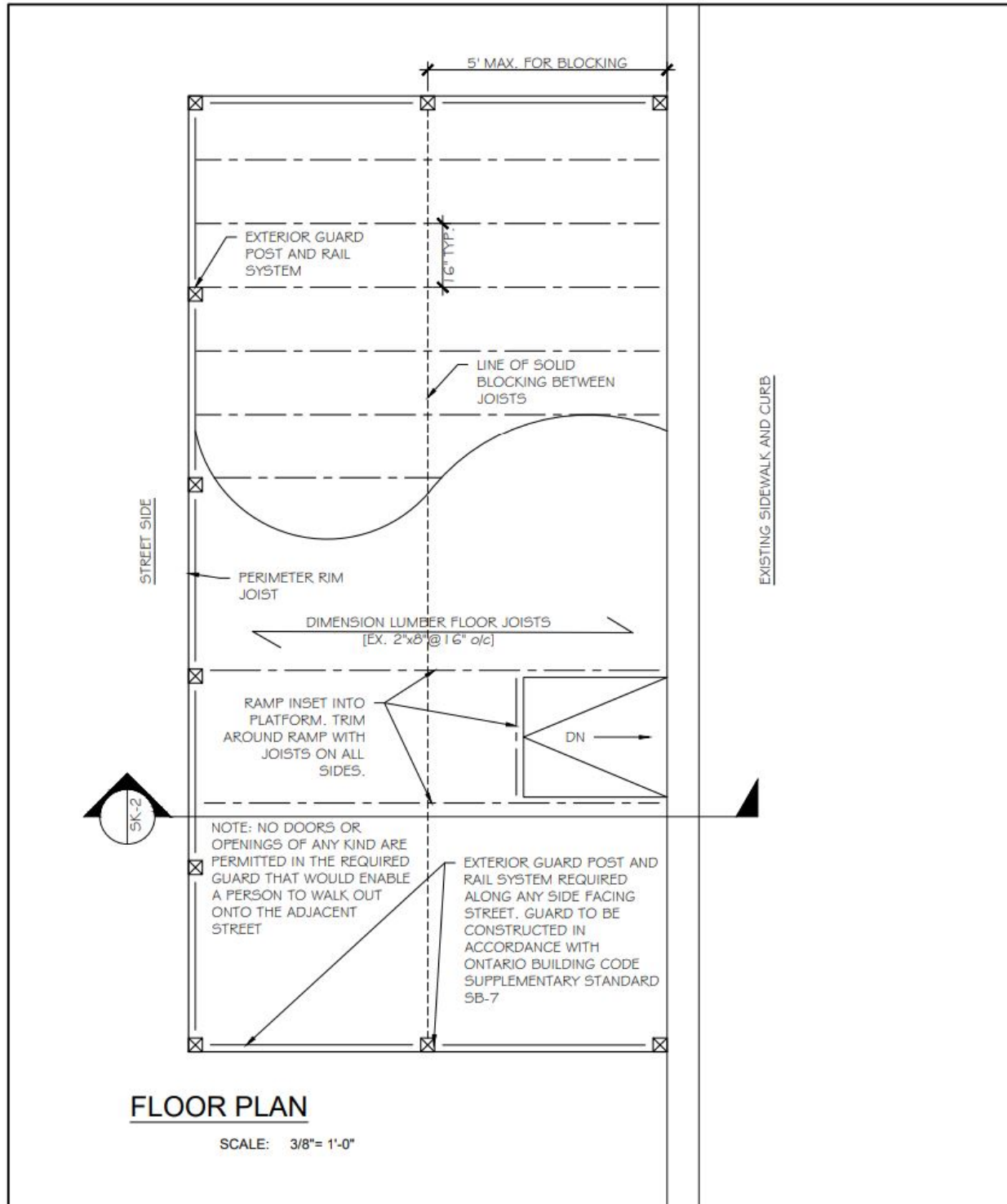
Additional Resources

[AGCO Update to Existing Licenced Areas](#)

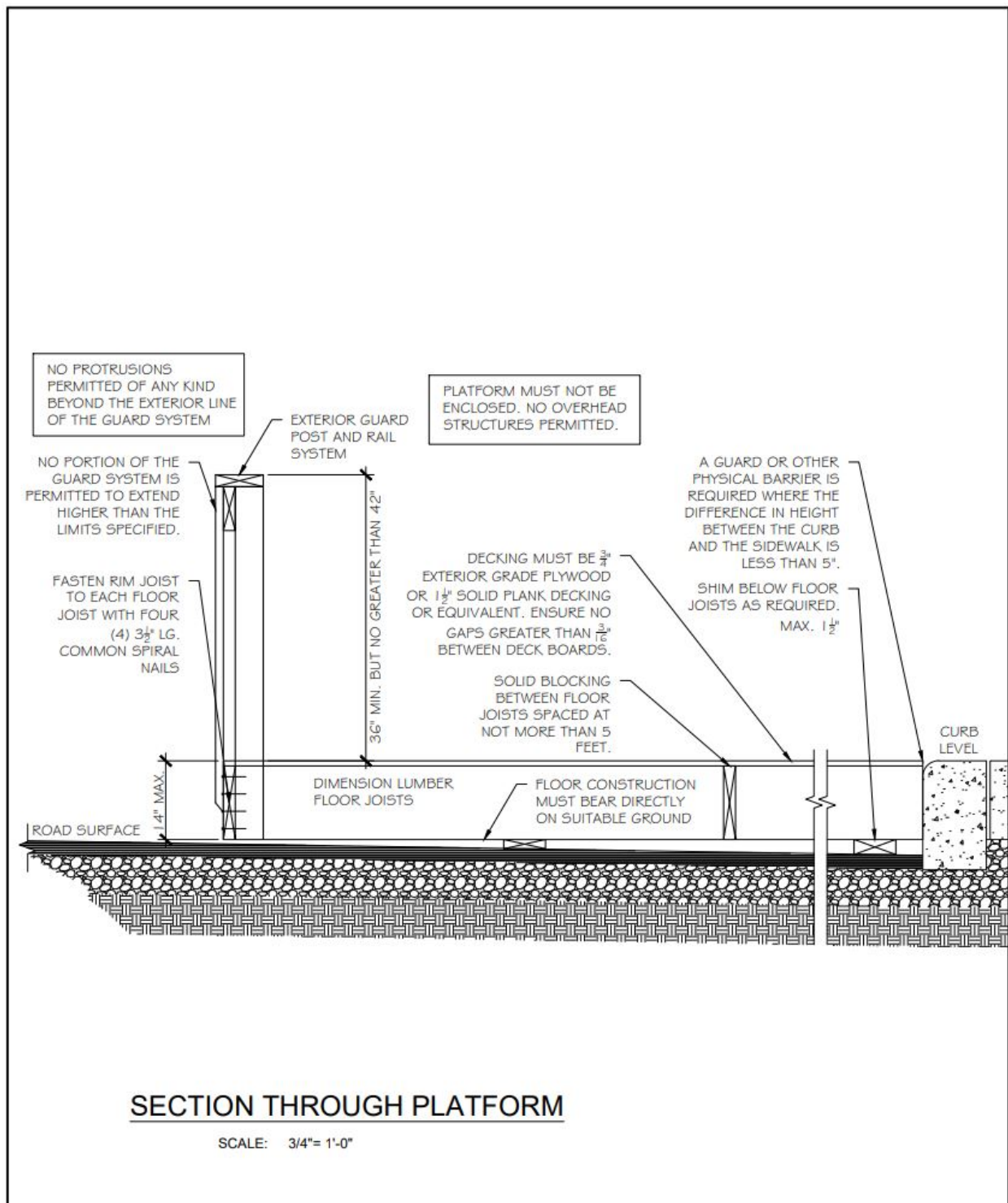
[Niagara Region Public Health Sector Specific Guidelines](#)

[AGCO Information Bulletin](#)

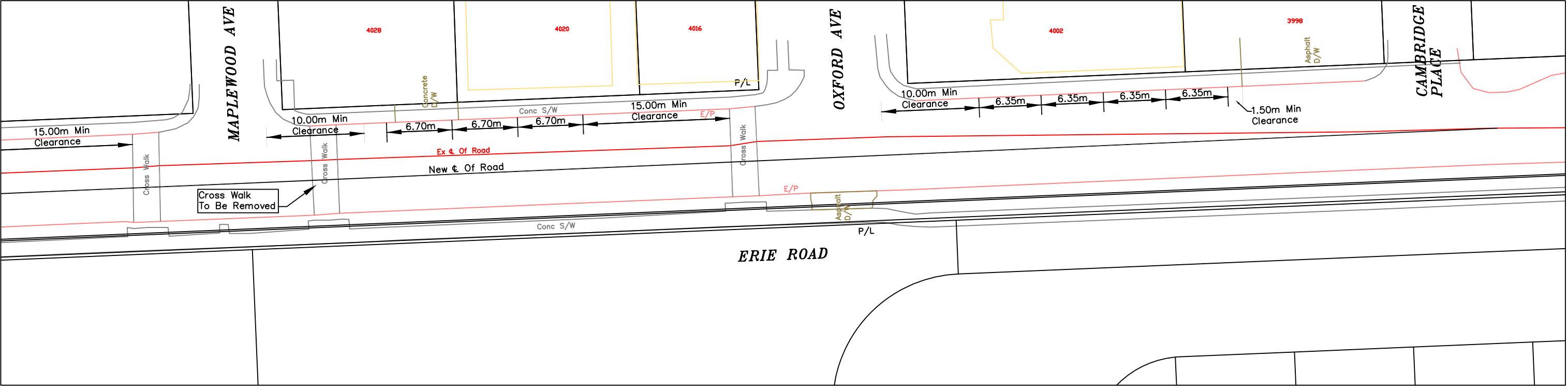
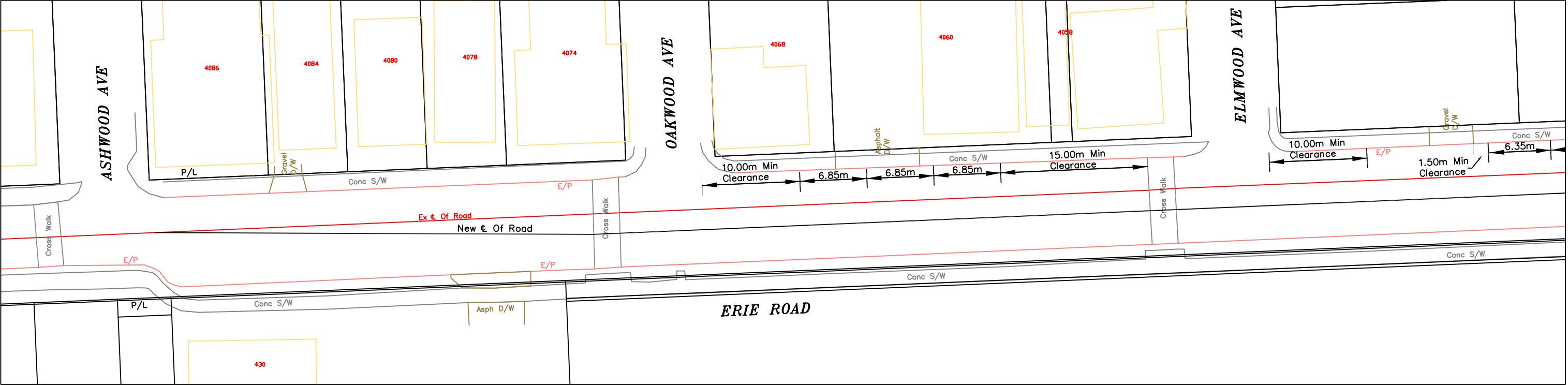
Sketch 1 – Floor Plan Example



Sketch 2 – Platform Construction Example



Appendix '2' to Administrative Report IS-18-2021



REV.	ISSUE	DATE	BY
1	ISSUE FOR REVIEW	APR 27-2021	LJS



ERIE ROAD LINE PAINTING – PARKING STALLS			
DSN.	DSN. CKD.	DWG.	DWG. CKD.
SCALE	HORIZONTAL 1:400		PROJECT NO.
DATE	APRIL, 2021		SHEET
		17	REV. 1