



Municipality of Port Hope

Staff Report

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Report Title: Sidewalk Patio Program By-Law Amendments

Report to: Planning & Development Committee

Date of meeting: March 15, 2022

Report Author:

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Department responsible:

Planning & Development

Report Number: PD-09-22

Recommendation:

1. That a resolution be presented to Council to provide an exemption, as per their authority, to change the operating season for the Sidewalk Patio Extension licensing program from starting May 1, 2022 to April 6, 2022; and
2. That staff be directed to prepare the amendments to the Delegation of Authority By-law 75/2019 in order to delegate authority to staff for providing exemptions to the Sidewalk Patio Program moving forward.

Highlights:

- Current Sidewalk Patio Extension Program operates on a timeframe from May 1 to October 31 in any given year.
- Staff are seeking direction to change the operating season in 2022 to allow for the program to open earlier for 'Float Your Fanny Down the Ganny' weekend in early April and to extend later than October 31.

Background:

In 2015 Council passed By-Law 90/2015 for dealing with applications for Outdoor Restaurants and Sidewalk Restaurant patios including requirements for Sidewalk Patio Extensions. Currently there are 3 businesses that have traditionally benefitted from this by-law and operate Sidewalk Patio Extensions and staff anticipate that for the 2022 season these businesses will once again seek to renew their licenses.

In Section 2.3.a of the by-law, applications for obtaining or renewing annual licenses are required 60 days prior to the operational season. Further, section 2.7 establishes May 1 – October 31 as a traditional operating season. Finally, Section 4 of the By-Law allows Council the opportunity to grant exemptions to the provisions as previously established.

Discussion:

On March 1, 2022, the Province of Ontario lifted several COVID related public health restrictions and in anticipation of this, it was announced that on April 9th the Float Your Fanny Down the Ganny event would return to Port Hope. With the events return and the expectation that it will be well attended by the public, staff are seeking an exemption in By-Law 90/2015 to permit the early opening of Sidewalk Patio Extensions. This early season opening would support businesses that have been significantly impacted over the past two years with changing COVID restrictions, including an inability to offer indoor dining for much of this past winter. It would also allow for and encourage people to remain outdoors while patronizing local businesses which is still considered a stronger method of stopping the spread of COVID-19 than gathering in confined spaces.

To support an early opening or extended Sidewalk Patio season, Council direction is required to allow for an exemption to Section 2 Clause 7 to extend the season from May 1 to April 6 for this year. Staff would further ask for discretion from Council to extend the season from October 31 to as late as November 15 should it be deemed appropriate by staff. Further, as per Section 2 Clause 3a, all applications require a sixty (60) application period to obtain a license. For renewals, staff are proposing that this period be waived so that businesses can have their Sidewalk Patio Extensions reinstalled on or near April 6th (subject to weather conditions). Should any new applicants come forward there is the potential to have the patio installed staff would like to waive the 60-application period as well at their discretion.

In consultation with the Chief Building Official and the Director of Fire and Emergency Services both have indicated support for the proposed exemptions.

Financial Considerations:

There is a small financial consideration that would result in a very marginal loss to potential parking revenue that would currently impact 3 parking municipal parking spaces. Staff are not advocating for a change of fees to account for potential lost revenues as the impact to the paid parking program would be minor.

Communication and Public Engagement:

Staff have communicated the potential for changing the operating season to the previous Sidewalk Patio Extension license holders prior to bringing forward this report. Should Council consent to the proposed exemptions, communications have been prepared for local media, and municipal social media to reflect the changing timeframe. Further, the earlier patio season will also be incorporated into the marketing for Float Your Fanny Down the Ganny where appropriate. Staff also intend to do outreach with the local BIA and Port Hope Chamber of Commerce.

Conclusion:

This recommendation allows Port Hope to offer the Sidewalk Patio Extension program in time for the first significant public event of the visitor season, support an industry hard

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hit from the last two years of pandemic and help to support on going public safety best practices from a COVID perspective.

Attachments:

None