
REPORT TITLE: Master Patio Agreement on Regional Roads, Town of Caledon

FROM: Kealy Dedman, Commissioner of Public Works

RECOMMENDATION

- 1. That the Commissioner of Public Works be delegated the authority to enter into and execute a Master Patio Agreement between The Regional Municipality of Peel (the “Region”) and The Corporation of the Town of Caledon (the “Town”) to allow the licensing of patios on Regional Roads, together with any extensions, amendments and ancillary documents, on business terms satisfactory to the Commissioner of Public Works and on legal terms satisfactory to the Regional Solicitor; and**
- 2. That the encroachment of patios within Regional Roads be approved, in accordance with the terms and conditions set out in the aforementioned Master Patio Agreement between the Region and the Town; and**
- 3. That the Traffic By-law (15-2013) be amended to permit the sale of goods within a portion of Regional Roads with a patio license from the Town of Caledon; and**
- 4. That the necessary by-law be presented for enactment; and**
- 5. That the Ontario Provincial Police – Caledon Detachment and the Town of Caledon be notified.**

REPORT HIGHLIGHTS

- The Town’s “Bolton Downtown Revitalization Plan, 2021” and “Bolton Community Improvement Plan, 2023” call for the implementation of patios in Downtown Bolton.
 - The Town would like to enter into a Master Patio Agreement with the Region to license encroachments into portions of the Region’s right of way along Regional Roads to provide patios for restaurants and their patrons.
 - Regional Council approval is required to enter into encroachment agreements.
 - The Region’s Traffic By-law (15-2013) must be amended to allow sale of goods via patios on Regional Roads.
 - The Region is willing to working with both the City of Brampton and the City of Mississauga to enter into similar agreements.
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DISCUSSION

1. Background

The Region is responsible for regional roads in The Regional Municipality of Peel, including the Town of Caledon. The Region is the owner of and has jurisdiction over Regional Road 50, locally called Queen Street, through the community of Bolton in the Town of Caledon. In Caledon, major arterial Regional roads often pass through smaller communities such as Bolton, Caledon East, Alton, or Palgrave, where they function as a local main street. To that end, the Region endeavours to support the Town with economic growth efforts.

Over the last several years the Region has implemented many traffic and safety improvements throughout Downtown Bolton. These include reducing speed limits to 40km/h, implementing new Community Safety Zones, and permitting all-day on-street parking, among several others. These improvements provide the residents and businesses of Bolton with improved safety and a more community-friendly environment in the downtown core as well as supporting the Town's strategic vision outlined in the following plans:

- **Bolton Downtown Revitalization Plan**

The Town undertook the Bolton Downtown Revitalization Plan to help guide its Council and staff on future actions and investment to improve the historic downtown area for residents, business owners and visitors. A key action item from the plan was to implement patios in Bolton. The Town's staff engaged with Bolton residents, businesses, property owners and service groups. The Plan was adopted by Town Council on March 30, 2021.

- **Bolton Community Improvement Plan**

The Bolton Community Improvement Plan adopted by the Town earlier this year introduces a new Patio and Outdoor Café program which will provide financial incentive to support the addition of patios on private and public property. The program meaningfully contributes to the vitality of the Bolton Core by facilitating greater streetscape activity and programming, while offering eligible applicants an opportunity to realize heightened economic return to enhance the resiliency of the Town's businesses.

2. Proposed Direction - Master Patio Agreement

Following the Region's recent improvements to Downtown Bolton and the Town's adoption of its Revitalization and Community Improvement Plans the Region was approached to consider entering into a Master Patio Agreement (see Appendix I) to allow the Town to issue patio licenses to business owners in Downtown Bolton.

The Region has an existing Encroachment Agreement (ENC-07019) with the Town, dated June 10, 2008, and an existing encroachment approval process which allows for Town signs, landscaping, etc. to encroach within the Regional Roads in the Town of Caledon. The Master Patio Agreement will function similar to the Encroachment Agreement, however, will incorporate several operational efficiencies to simplify the process for business owners to apply to the Town of Caledon for a Patio License and expedite the internal review and approval process.

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a) The Patio License Process

The Town will be the facilitator of the process and will issue Patio Licenses to business owners. The process will leverage the Town's existing resources for other permits, simplifying the process for applicants. The Town and Region have worked together to pre-approve areas on Regional Roads which are suitable for patios (see Appendix II).

b) The Patio Guideline

The Region and Town have collaborated on a Patio Guideline (see Appendix III) which is based on the Ontario Traffic Council's (OTC's) Patio Guideline (2022) while incorporating Region and Town specific requirements so that traffic control and patios are designed and built appropriately to ensure high safety and accessibility standards for patrons, pedestrians, and traffic. Each new Patio License application will be reviewed to ensure it meets the Patio Guideline.

c) Future Program Expansion

The Master Patio Agreement is structured so that if patios are successful in Downtown Bolton, the program may be expanded to other appropriate areas of the Town. The initial duration of the Master Patio Agreement is for one year and shall automatically renew every year unless otherwise terminated by either party. Delegated authority will allow the agreement to be amended as needed if the process is successful and/or improved.

The Region is open to working with both the City of Brampton and the City of Mississauga to enter into similar agreements. Should a request come forward from the public or from City staff, the Region and the City will work together collaboratively to identify appropriate locations for patios on Region Roads within the City's boundaries and to develop a similar Master Patio Agreement.

3. Traffic By-law Revision

The Region's Traffic By-law (15-2013) must be amended to permit the sale of goods on a Region Road where a valid Patio License is issued by the Town to ensure patios along the Region's right of way are not in contravention of Regional by-laws.

This amendment will allow the existing prohibition of the sale of goods on a Region Road to remain while providing exceptions for businesses who obtain a Patio License from the Town of Caledon.

RISK CONSIDERATIONS

If the Agreement is not approved, the Town's revitalization and community improvement efforts in Downtown Bolton will be limited.

The Agreement and licensing process have been reviewed by the Region's and Town's respective Legal and Risk Management sections to ensure reasonable measures that mitigate risks associated with such licensed operations have been implemented in order to protect the Region and Town.

FINANCIAL IMPLICATIONS

There are no financial implications anticipated as a result of this report.

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CONCLUSION

Regional Staff endorse the introduction of patios into portions of the Region's right-of-way along Regional Roads as an appropriate next step in supporting the Town of Caledon's Bolton Downtown Revitalization Plan and Bolton Community Improvement Plan. The recent traffic improvements in Downtown Bolton create an appropriate environment for outdoor dining. Staff recommend that Council delegate the Commissioner of Public works the authority to enter into and execute a Master Patio Agreement between the Region and the Town to allow the Town to license patios into portions of the Region's right of way along Regional Roads, and to amend the agreement periodically, as required. To facilitate these changes the Region's Traffic By-law should be amended to allow for the sale of goods on Region Roads where permitted.

APPENDICES

Appendix I – Master Patio Agreement

Appendix II – Patio Program Area

Appendix III – Patio Guideline



Kealy Dedman, Commissioner of Public Works

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