

CITY OF HAMILTON
APPLICATION FOR OUTDOOR BOULEVARD CAFE
ENCROACHMENT AGREEMENT
CORRIDOR MANAGEMENT, ENGINEERING SERVICES DIVISION

The following items must be submitted with your application:

- Details of any other existing encroachments affecting the subject property for which there are agreements
- Details of any applications for minor variances affecting the subject property considered by the Committee of Adjustment or before the Local Planning Appeal Tribunal (LPAT)
- Application Fee payable with application in accordance with the City of Hamilton's User Fees & Charges By-law

APPLICANT INFORMATION

Applicant Name:

Mailing Address:

Primary Phone: **Secondary Phone:**

Email: **Fax:**

Are you the registered owner of the property? Yes No

If you answered No, please fill in the "OWNER INFORMATION" section below:

OWNER INFORMATION

Owner Name(s)
(As stated on title):

Mailing Address:

Primary Phone: **Email:**

LAWYER INFORMATION

**Lawyer Name/
Firm Name:**

Mailing Address:

Primary Phone:

Secondary Phone:

Email:

Fax:

PROPERTY INFORMATION

Municipal Address:

Property Legal Description:

Property Identification Number (PIN):

Municipal Roll Number:

Contact Name in City Planning or Building Department (if applicable):

ENCROACHMENT INFORMATION

Minor Site Plan Approval:

Has the Outdoor Boulevard Café been exempt from Minor Site Plan Approval? (ie. does not require a building permit) Yes No

If No, has Minor Site Plan Approval been obtained from the Planning Department? Yes No

Please provide the Minor Site Plan Approval Number:

Encroachment Description:

Please complete the following chart (one line per encroachment type):

#	Date Encroachment Will Be Established	Encroachment Type (eg. Boulevard Café)	Encroachment Measurement (onto Road Allowance)	Meters (m) or Feet (ft)	Material	Road Allowance (Street Name)
1			_____ x _____			
2			_____ x _____			
3			_____ x _____			

Additional Information: Please attach any photos and/or drawings to support the above information.

Please identify any existing encroachments affecting the subject property for which there are agreements:

Please describe why this portion of the Outdoor Boulevard Café must be located on City property:

ACKNOWLEDGEMENT

I acknowledge and agree that the owner of the property in the event this application is approved, will be required to adhere to the conditions and requirements set out in Schedule "A" to this application and to enter into an Encroachment Agreement with the City and that I will be required to retain a solicitor to complete three (3) original encroachment agreements and register the encroachment agreement against the title to the owner's property, all of which will be at the owner's/applicant's expense.

I further agree and acknowledge that the information contained in this application and any documentation, including agreements, reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to allow the City of Hamilton to make this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

Signature of Owner/Applicant: Dated:

Signature of Owner/Applicant: Dated:

PAYMENT

PAYMENT OPTION : VISA or MASTERCARD

Upon receipt of application staff will contact you to process payment

Please submit your completed application along with all necessary attachments to the following:

By Email: **encroachment@hamilton.ca**

If you have any questions or require any assistance in completing this application please contact our department by phone at 905-546-2424 ex. 5803 or by email to encroachment@hamilton.ca.

SCHEDULE "A"

OUTDOOR BOULEVARD CAFÉ ENCROACHMENT APPLICATION CONDITIONS AND REQUIREMENTS

- A. Live or amplified music is not permitted within the Outdoor Boulevard Café. Café operations must conform to the City of Hamilton Noise By-law No. 03-020.
- B. The applicant must permit the representatives of the General Manager, Public Works or any public utility to enter the Outdoor Boulevard Café area for the purpose of installation, maintenance, and repair of pipes, cables, wires, poles and other installations. The cost of restoration is to be the responsibility of Café property owner.
- C. The property owner cannot use any part of the Outdoor Boulevard Café for any other use at any time (e.g., parking, advertising, signs, etc.) other than what has been specified in the Encroachment Agreement.
- D. Only food and beverages prepared and served from the abutting eating establishment are permitted. No outdoor food preparation or service facilities are permitted within the Outdoor Boulevard Café area.
- E. The facilities of the abutting restaurant must provide food preparation, garbage storage and washrooms satisfactory to the Public Health Department.
- F. Maximum seating capacity of Outdoor Boulevard Café to be determined by the Planning and Economic Development Department.
- G. An annual fee will be charged to cover any encroachments such as decks, planters, canopies which occupy the road allowance and the owner(s) will be required to enter into an encroachment agreement for these items.
- H. An annual fee will be charged for the Outdoor Boulevard Café encroachment at such time as the current moratorium is lifted.
- I. Applicants must provide details and drawings on the colour, architectural finishes and arrangement of the various elements such as chairs, tables, umbrellas, plantings, refuse containers and floor mounted menus as part of their site plan approval application submitted to the Planning and Economic Development Department.
- J. Lands intended for Outdoor Boulevard Cafés must conform to the Zoning By-laws of the abutting lands.
- K. Outdoor Boulevard Café design specifications must adhere to the Barrier Free Design Guidelines adopted by Council on May 24, 2006 as well as Accessibility for Ontarians with Disabilities Act (AODA) standards.