



For Office Use Only

Fee + HST Enclosed (Café): \$2,099.45 Yes No
 Annual Fee may be applied to Property Taxes: \$83.25 HST inc.
 Date Application Received: _____

CITY OF HAMILTON

APPLICATION FOR OUTDOOR BOULEVARD CAFÉ ENCROACHMENT AGREEMENT

PUBLIC WORKS | ENGINEERING SERVICES | GEOMATICS & CORRIDOR MANAGEMENT

The following application items must be submitted along with your **fully completed application form**:

- ✓ A clear drawing or plan illustrating all existing and proposed outdoor boulevard café encroaching features, with measurements of all encroaching features marked on the drawing
- ✓ Drawing must identify the property line (in red) and café encroachment areas should be highlighted
- ✓ Include Owner’s current Parcel Register (PIN) and Property Index Map obtained through Solicitor and/or purchased online at www.onland.ca
- ✓ Include a copy of any existing café encroachment agreements registered on Title to the property
- ✓ 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 the application, in accordance with the City of Hamilton’s User Fees & Charges By-law

OWNER INFORMATION			
Legal Name of Property Owner: <i>(as indicated on Title per Parcel Register)</i>			
If a Company,	Name of Authorized:	Title:	
Mailing Address for Service:			
Primary Phone:		Fax Number:	
Email Address:		Application Date:	
If applying on behalf of the Legal Property Owner, please complete AGENT INFORMATION section on Pg 2.			
PROPERTY INFORMATION			
Municipal Address:			
Property Legal Description: <i>(as per Parcel Register)</i>			
Property Identification Number:		Municipal Roll Number:	
Property Type:	<input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Other <i>(specify):</i>		
Contact Name in City Planning or Building Department (if applicable): <i>(for any permits requiring an encroachment agreement as a condition)</i>			

AGENT INFORMATION

(if applying on behalf of the Property Owner)

Agent's Name:			
Company Name:			
Mailing Address:			
Primary Phone:		Alternate Phone:	
Email Address:		Fax Number:	

LAWYER INFORMATION

Lawyer's Name:			
Firm Name:			
Mailing Address:			
Primary Phone:		Alternate Phone:	
Email Address:		Fax Number:	

ENCROACHMENT INFORMATION

MINOR SITE PLAN APPROVAL

Has the Outdoor Boulevard Café been exempt from Minor Site Plan Approval? (i.e. Does not require a Building permit)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If No, has Minor Site Plan Approval been obtained from the Planning Department?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Please provide the Minor Site Plan Approval Number:	MDA-	

ENCROACHMENT DESCRIPTION

Please complete the following chart (only one feature per line)

#	Date To Be Established	Encroaching Features <i>(patio area, fencing, steps, planters, etc.)</i>	Encroachment Measurements (LxW) <i>(onto Road Allowance)</i>	(m) or (ft)	Materials of Feature <i>(wood, concrete, etc.)</i>	Encroach onto Road (Street Name)
1			X			
2			X			
3			X			
4			X			
5			X			
6			X			
7			X			
8			X			

**** Please attach drawings and/or photos to support the above information ****

Please identify any existing encroachments affecting the subject property for which there are agreements. Indicate the instrument number for the existing agreement, and include a copy of the agreement with the application.

Please describe which alternatives have been considered to avoid the encroachment and why such alternatives have been deemed unreasonable.

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/Agent:		Dated:	
Signature of Owner/Agent:		Dated:	

PAYMENT

PAYMENT OPTION: VISA or MASTERCARD

Upon receipt of application, staff will contact you via email to process payment.

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

EncroachmentApplications@hamilton.ca

This form can be signed and submitted electronically when opened in Adobe Acrobat.

Click SEND FORM to automatically compose a new email with this form attached.

SEND FORM

ERASE FORM

If you have any questions or require any assistance in completing this application, please contact our office by email to EncroachmentApplications@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.