



Town of Niagara-on-the-Lake

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REPORT #: CDS-23-136 **COMMITTEE DATE:** 2023-06-28
REPORT TO: Urban Design Committee **DUE IN COUNCIL:** N/A
SUBJECT: Request for Comments – Temporary Patio Program Review

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The Urban Design Committee provide feedback on the existing parameters of the Temporary Patio Program (attached as **Appendix III**) respecting urban design-related components.

2. EXECUTIVE SUMMARY

- The Town's Temporary Patio Program was established in 2020 to support local restaurants, bars and other food and drink establishments in their efforts to provide safe outdoor dining experiences during the COVID-19 pandemic.
- At the time, the Town created general guidelines for design and requirements for a Temporary Patio Program, intending to do a fulsome review later.
- Council has extended the Temporary Patio Program on an annual basis in 2021, 2022 and 2023.
- Staff has reviewed the existing Program and advise that a number of considerations and updates to the Temporary Patio Program will be required to support the continuation of Seasonal Patios.
- Staff are seeking input on the existing patio program parameters from the Urban Design Committee as it relates to urban design matters and streetscape considerations.

3. PURPOSE

The purpose of this report is to gather input from the Urban Design Committee (the “UDC”) on the existing Temporary Patio Program parameters to advise on future requirements for Seasonal Patios, if the Town continues the Program. Input from the UDC will assist in mitigating potential impacts to the streetscape and advise on urban design-related requirements.

Council is considering the creation of a permanent Seasonal Patio Program, to commence in 2024. Staff have been tasked with a review to determine any changes required, as well as engaging with staff departments, committees of Council (Municipal Heritage Committee and Urban Design Committee) and the public.

Staff will return to UDC for consultation on the details for a proposed permanent Seasonal Patio Program in Fall 2023, following an interim report to Council.

4. BACKGROUND

4.1 Temporary Patio Program History

In response to Alcohol and Gaming Commission of Ontario (AGCO) legislation introduced in June 2020, the Town established the Temporary Patio Program to support local restaurants, bars and other food and drink establishments in their efforts to provide safe outdoor dining experiences during the pandemic. Throughout the COVID-19 pandemic, the Town's Temporary Patio Program provided flexibility for the business community to attract customers and allowed space for physical distancing in accordance with the Province's Regulations.

Since its introduction, Town Council has approved the continuation of the Temporary Patio Program on an annual basis, currently until the end of 2023. However, since the Temporary Patio Program began, its operational function has changed (i.e. the lifting of Provincial COVID-19 Regulations).

In accordance with Town Council direction as approved at the January 31, 2023 Council Meeting (Staff Report CDS-23-005, **Appendix I**), Staff have been asked to conduct a detailed review of the existing Temporary Patio Program to advise of requirements and/or guidance for the creation of a potential permanent Seasonal Patio Program. Staff are consulting with the Urban Design Committee as part of the detailed review of the existing Temporary Patio Program in a preliminary manner.

4.2 Existing Temporary Patio Program Process

The Temporary Patio Program permit process involves review and approval from all Town departments prior to permit issuance. Applicants are required to complete an application form, which also includes:

- Site plan and elevation plans, to scale, of the proposed expansion areas. The plan must indicate the construction materials to be used, structural details, minimum distances to hydrants, boulevard trees, parking meters, intersections, and any other pertinent features.
- A summary of the proposed patio, its use, whether occupancy will be increased, a description of the furniture, how any safety concerns are being addressed, and expected benefits for the owner and the general public.
- A signed letter of endorsement from the owner, if applicable.
- Certificate of Insurance, for the duration of the temporary expansion, in the amount of \$5 million listing the Town of Niagara-on-the-Lake as additionally insured for patios proposed on municipal property.

Applicants are also required to meet patio design requirements as detailed within the various previous reports in **Appendix I**. In accordance with Temporary Use By-laws passed by Council under the *Planning Act* in 2022, and extended in 2023, temporary patios currently do not need to comply with Zoning By-law provisions.

5. DISCUSSION / ANALYSIS

5.1 Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) provides the following policy guidance regarding public spaces in Section 1.5:

1.5.1 Healthy, active communities should be promoted by:

a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity...

5.2 Town Official Plan, 2017 Consolidation

The Town's Official Plan includes guidance to create vibrant, healthy and safe community spaces for all residents and visitors of the Town. Specific policies regarding urban design components for lands within the urban area boundary are provided in each individual Secondary Plan for the applicable communities (Old Town & Dock Area Secondary Plan, St. Davids Urban Design, Village of Queenston Secondary Plan, Glendale Secondary Plan). For lands outside of the urban area boundary, Town policies direct for the protection of agricultural and environmental lands and therefore recommend for the careful planning and placement of non-agricultural uses which may occupy active agricultural lands.

Some key policies of the Official Plan and applicable Secondary Plans are provided in **Appendix II** to this report, to guide the Committee's feedback on the existing Patio Program parameters.

The existing Patio Program parameters related to urban design for which staff are seeking specific input from UDC are attached in **Appendix III**.

5.3 Adopted Town Official Plan, 2019

Council adopted a proposed new Official Plan in November 2019. The proposed Official Plan has not been approved and is therefore not in effect but represents Council's intent. Policies relevant to the Temporary Patio Program review are provided in **Appendix II**.

5.4 Locations of Temporary Patio Approvals

The Town is currently accepting intake of and continues to process Temporary Patio Permit requests. Between 2020 and 2022, the Town approved and issued Temporary Patio Permits for 33 businesses. Permits have been issued for 18 businesses in Old Town, 3 businesses in Virgil, and 3 businesses in St. Davids. Temporary Patio Permits have been issued for 9 businesses outside of the urban area boundary.

The Town's Temporary Patio Permit application intake for the 2023 season opened on March 13, 2023; since that date, the Town has issued Temporary Patio permits for 19 businesses:

- St. Davids: 1 business;
- Old Town: 12 businesses;
- Virgil: 3 businesses;
- Outside of the urban area boundary: 3 businesses

Appendix IV illustrates the locations where Temporary Patio Permits have been issued from 2020 to June 2023.

6. STRATEGIC PLAN

The content of this report supports the following Strategic Plan initiatives:

Pillar(s)

1. Protect Distinctive Community Assets

Objective(s)

- 1.1 Preserve unique community elements
- 1.3 Recognize the importance of tourism in Niagara-on-the-Lake

Tactic(s)

- 1.3 a) Actively steward heritage, agricultural, wine and cultural assets for the benefit of residents and tourists

7. OPTIONS

Not applicable.

8. FINANCIAL IMPLICATIONS

Not applicable. Currently, there are no fees collected for a temporary patio permit.

9. ENVIRONMENTAL IMPLICATIONS

Not applicable.

10. COMMUNICATIONS

The recommendations of the UDC will be forwarded to Council for consideration of a potential permanent Seasonal Patio Program.

11. CONCLUSION

The preliminary input of the Urban Design Committee is requested to provide feedback on the existing parameters of the Temporary Patio Program as provided in **Appendix III**.

The Urban Design Committee will be consulted again in Fall 2023 regarding proposed parameters of a permanent Seasonal Patio Program based on the feedback provided.

12. PREVIOUS REPORTS

There have been no previous reports to UDC on the Temporary Patio Program.

13. APPENDICES

- Appendix I – Previous Staff Reports
- Appendix II – Applicable Official Plan Policies
- Appendix III – Temporary Patio Design Minimum Standards
- Appendix IV – Issued Temporary Patio Permit Locations

Respectfully submitted:

Prepared by:



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