



Temporary Patio Program Review

Committee of the Whole – General Meeting, November 14, 2023
Aimee Alderman, MCIP, RPP, Senior Planner

Agenda

- **Background**
 - Timeline
 - Issued Permits
- **Consultation**
 - Public Engagement
 - Town Department & Committee Review
 - Fee Review
- **Recommendation**
- **Next Steps**



Background



Background: Timeline

AGCO allows restaurants and bars to extend outdoor patio spaces

Town Establishes Temporary Patio until January 1, 2021

June 2020

Temporary Patio Program extended until January 1, 2023
Staff directed to provide a recommendation regarding the continuation of the program

November 2021

April 2021

Temporary Patio Program extended until January 1, 2022

April 2022

Council passes Temporary Use By-laws to permit the Temporary Patio Program until January 1, 2023

AGCO establishes permanent permissions to approve outdoor extensions of licensed premises for 8 months annually

Background: Timeline

Temporary Patio Program extended until January 1, 2024
Staff directed to provide recommendation regarding continuation of the program, and review current program and requirements

January 2023

Town Staff commence engagement with internal departments

Spring 2023

Town Staff engage with Joint Accessibility Committee, Municipal Heritage Committee, Urban Design Committee

June-July 2023

Town Staff conduct public engagement (media release and posts, survey, Public Information Centre, etc.)

August 2023

COTW-General Meeting to receive direction on next steps

November 2023

Background: Issued Permits

Permits issued for 37 individual businesses

30 Permits within the urban area

7 Permits within the agricultural area

22 businesses in Old Town

5 businesses in Virgil

3 businesses in St. Davids

Consultation



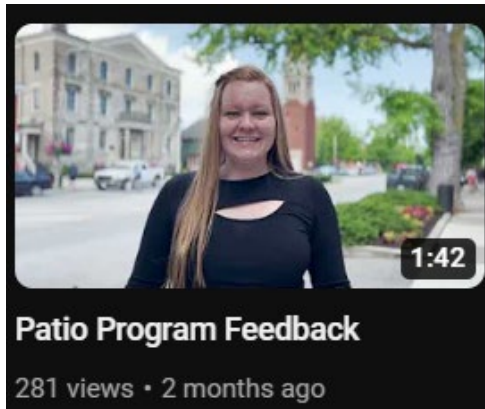
Consultation

- **Public Consultation**
- **Internal Consultation**
 - By-law
 - Community and Development Services (Planning, Heritage, Building)
 - Corporate Services (Clerks, Finance)
 - Operations (Roads, Transportation, Engineering, Parks)
 - Fire and Emergency Services
 - Economic Development
- **Committee Consultation**
 - Joint Accessibility Committee
 - Municipal Heritage Committee
 - Urban Design Committee

Public Engagement: Media Release & Survey

Media Release - Niagara-on-the-Lake Invites Feedback on the Temporary Patio Program

August 14, 2023



Patio Program Feedback Opportunities

Share your opinion about the Town's Temporary Patio Program to help determine if the Town should implement a permanent Seasonal Patio Program.

Visit jointheconversationnotl.org/patio-program for details.

-  **Take the online survey** at jointheconversationnotl.org/patio-program until September 8.
-  **Drop in to an in-person Public Information Centre** on August 28 from 12:00 to 3:00 p.m. at the Courthouse (26 Queen Street).
-  **Participate in a focus group.** At the end of the online survey, respondents can sign up to be randomly selected for this focus group.

1593 Four Mile Creek Road, Virgil ON, L0S 1T0
905-468-3266 | www.notl.com



Public Engagement: Public Information Centre




**Complete a survey about
Niagara-on-the-Lake patios.**

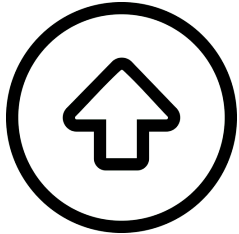


- **Approx. 85 residents and visitors**
- Support for patios
- Comments focused on parking, consistent design, material requirements, landscaping/planting

Public Engagement: Response Summary

144%

increase in response rate



394

survey responses received

76%

of respondents are
Town residents



7.4%

of respondents are
business owners

93%

of respondents support the
Temporary Patio Program



Public Engagement: Response Summary

91% think patios enhance the public realm and streetscape

86% think patios contribute to the character of the area

91% think patios are comfortable

93% find patios safe

88% support temporary patios in municipal parking stalls and on sidewalks

89% are very likely to recommend a patio experience in NOTL

90% have not experienced accessibility concerns specific to temporary patios

Public Engagement: Summary

Strengths	Areas for Improvement	Suggestions & Opportunities
<p>Users</p> <ul style="list-style-type: none">• Outdoor dining opportunities• Vibrant atmosphere <p>Business Owners</p> <ul style="list-style-type: none">• Increased customer space and seating• Increased revenue• Outdoor space	<p>Users</p> <ul style="list-style-type: none">• No removal of parking spaces• Traffic and congestion• Unattractive patios <p>Business Owners</p> <ul style="list-style-type: none">• Expand to year round• Limitations on patio size	<ul style="list-style-type: none">• Make the patio program permanent• Standardized rules for design

Town Department & Committee Review

Feedback	Recommendations
Economic Development	
<ul style="list-style-type: none">• Offer support to local food and drink establishments• Enhance patron experience• Increase revenue, increase capacity• Remain competitive with other local area municipalities• Well-received by business owners, residents, visitors	<ul style="list-style-type: none">• Continue permissions for temporary patios, subject to revised requirements and processes to ensure good patio design

Town Department & Committee Review

Areas for Improvement	Recommendations
Enforcement and Inspection	
<ul style="list-style-type: none">• Enforcement needed• Inspection process• Maintenance component	<ul style="list-style-type: none">• Create enforcement component• Additional staff for enforcement and inspection• Establish regular maintenance requirements
Application Requirements	
<ul style="list-style-type: none">• Inconsistent application materials provided• Rolling intake date and inconsistent timing for permit issuance• Permitted patio size is not based on indoor occupancy	<ul style="list-style-type: none">• Create an Applicant Guide• Standardize intake and timelines for Permit issuance• Provisions to limit the size and capacity

Town Department & Committee Review

Areas for Improvement	Recommendations
Zoning and Policy Requirements	
<ul style="list-style-type: none">• Temporary patios permitted in agricultural areas, policy limitations on hospitality space• Existing patio zoning provisions	<ul style="list-style-type: none">• Require Town-initiated Zoning By-law Amendment• Review Town Official Plan policies
Insurance	
<ul style="list-style-type: none">• Insurance required for patios fully or partially on Town property	<ul style="list-style-type: none">• Maintain existing insurance requirements• Implement additional requirements for patios on private property

Town Department & Committee Review

Areas for Improvement	Recommendations
Fees	
<ul style="list-style-type: none">• No fees for Permit issuance, Staff review, or the occupancy of municipal parking stalls• Loss of parking revenue	<ul style="list-style-type: none">• Establish annual Permit fee• Require encroachment permit• Establish fee for removal of parking stalls
Location of Patios	
<ul style="list-style-type: none">• Patios may be permitted wholly or partially in front of adjacent property• No established setbacks from intersections• Occupying parking stalls within Old Town, whereas there is a parking deficit	<ul style="list-style-type: none">• Create template agreement for patios encroaching on adjacent lands• Establish maximum encroachment permissions• Establish setbacks and heights• Consider impacts to parking• Restrict patios in certain locations

Town Department & Committee Review

Areas for Improvement	Recommendations
Landscaping	
<ul style="list-style-type: none">• Current Program may displace landscape features and encroach on Town-owned trees• Features such as planters, barrels, hanging baskets, floral displays, may be moved as a result of a temporary patio	<ul style="list-style-type: none">• Relocation of landscaping and features will be at the cost of the applicant
Design and Materials	
<ul style="list-style-type: none">• Flexible design standards, inconsistent materials, landscaping, lighting	<ul style="list-style-type: none">• Revise minimum design standards• Engage with the Municipal Heritage Committee and Urban Design Committee

Town Department & Committee Review

Areas for Improvement	Recommendations
Accessibility	
<ul style="list-style-type: none">• Provision related to menu signage	<ul style="list-style-type: none">• Provide guidance on minimum font size and braille requirements for menus, accessible seating• Patios not to impede normal pedestrian traffic on the sidewalk, require ramps if not flush with street or sidewalk
Monitoring	
<ul style="list-style-type: none">• Process for annual monitoring to understand impacts of temporary patios, or ways that the Program can be enhanced	<ul style="list-style-type: none">• Establish internal monitoring program subject to regular review

Fee Review

Since the introduction of the Program in 2020, no application fees, permit fees, or encroachment fees have been collected from patio operators

Fee Review: Internal Costs

Staff review

- \$300 to \$450 (cost recovery, depending on the area and number of staff to review)

Encroachment Permit

- \$100 (2023 fee)

Occupancy of municipal parking stalls

- \$65,988 per parking stall based on 2023 cash-in-lieu of parking rates
- \$12,250 per parking stall on Queen Street (seasonal)
- \$10,120 per parking stall in all other areas (seasonal)

Fee Review: Municipal Scan

17

Municipalities reviewed in southwestern Ontario (*3 in Niagara*)

\$340

Average application fee

\$80

Average application renewal fee (if applicable)

\$

Varying fees for encroachment permits and patios on municipal-owned lands

Recommendation



Recommendation

Council **support** the creation of a permanent **Seasonal Patio Program** for the urban area, in principle, and **direct** Staff to prepare the requirements of a **Seasonal Patio Program** as outlined in the report.

- Ensure **user-friendly** experiences, from application process to patio installation and operation
- Continue to provide **modernized services** to residents
- **Educate** and **promote** the Program
- **Transparent** and **standardized**

Next Steps

1. **Conduct** Focus Groups (residents, business owners/patio operators)
2. **Engage** internal Departments to create the Applicant Guide
3. **Consult** with Joint Accessibility Committee, Municipal Heritage Committee, and Urban Design Committee regarding the proposed design standards
4. **Commence** Town-initiated Zoning By-law Amendment process for Zoning By-law 4316-09, as amended, regarding patio provisions for the Seasonal Patio Program
5. **Provide** a recommendation report to Council on the Seasonal Patio Program, Applicant Guide and associated fees
6. **Prepare** a recommendation report to Council regarding the Zoning By-law Amendment necessary to implement the Seasonal Patio Program



**Thank you.
Questions?**