



## Town of Niagara-on-the-Lake

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**REPORT #:** CDS-23-205

**COMMITTEE DATE:** 2023-11-14

**DUE IN COUNCIL:** 2023-11-21

**REPORT TO:** COTW-General

**SUBJECT:** Temporary Patio Program Review

### 1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Council support the Seasonal Patio Program for the urban area, in principle; and
- 1.2 Staff be directed to prepare a permanent program for Seasonal Patios for food and drink establishments within the urban area, including all necessary documentation and application requirements, based on the information and direction contained in this report.

### 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 extended the Temporary Patio Program in 2021, 2022 and 2023.
- As part the recommendations of Report No. CDS-23-005 (Seasonal Patio Program), Town Staff were directed to review and provide a recommendation report regarding the Minimum Design Standards and processing of a permanent program for Seasonal Patios.
- Staff has undertaken a comprehensive review of 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 on a long-term basis.
- Staff has conducted significant public engagement, through which residents, visitors and business owners have collectively indicated strong support for the continuation of seasonal patios in the Town.
- Staff recommend that Council direct the preparation of a permanent program for Seasonal Patios for food and drink establishments within the urban area, including all necessary documentation, application requirements and amendments, based on the information and direction contained in this report.

### 3. PURPOSE

The purpose of this report is to provide information to Council regarding the review of the current Temporary Patio Program and seek Council direction concerning the establishment of

a Seasonal Patio Program, to permit the operation of temporary outdoor patios on a long-term basis.

Planning Staff have reviewed the existing Temporary Patio Program, consulted with Town Staff in various departments, sought input from the Town's Urban Design Committee, Municipal Heritage Committee and Joint Accessibility Committee, and undertook public engagement. This report summarizes that consultation and highlights areas that require consideration for a permanent program for Seasonal Patios. Staff are seeking Council's endorsement and direction to return with a recommendation on a permanent Seasonal Patio Program.

#### **4. BACKGROUND**

In June 2020, the Alcohol and Gaming Commission of Ontario (AGCO) introduced legislation to allow restaurants and bars to temporarily extend outdoor patio spaces to accommodate patrons safely until January 1, 2021. The Program allowed businesses the opportunity to operate through COVID-19 restrictions and stimulate the local economy while maintaining public safety. In November 2021, the AGCO extended the legislation to allow for the temporary physical extension of food and/or drink premises (i.e., temporary patios) until January 1, 2023. In April 2022, the AGCO established permanent permissions for local area municipalities to approve temporary outdoor extensions of licensed premises, including patios, starting January 1, 2023 for eight (8) months per calendar year.

In line with the AGCO permissions, the Town established the Temporary Patio Program in June 2020 (Staff Report CS-20-013) to support local restaurants, bars and other food and drink establishments in their efforts to provide safe outdoor dining experiences during the pandemic. These measures provided flexibility for the business community to attract customers and allowed space for physical distancing in accordance with the Province's COVID-19 Regulations.

Since its introduction, the Temporary Patio Program has continued to be extended on an annual basis and is currently approved until February 2024, by way of Temporary Use By-laws.

In January 2023, Council directed Town Staff to review and provide a recommendation report regarding the Minimum Design Standards and processing of a permanent program for Seasonal Patios based on an initial internal review of the Program (Staff Report CDS-23-005, attached as **Appendix I** to this report).

#### **5. DISCUSSION / ANALYSIS**

The Temporary Patio Program has been well received by the business community, residents, and visitors. Since 2020, the Town has approved and issued Temporary Patio Permits for 37 businesses. Permits have been issued for 22 businesses in Old Town, five businesses in Virgil, and three businesses in St. Davids. Seven Temporary Patio Permits have been issued for businesses outside the urban area boundary. Eight of the Temporary Patio Permits issued in Old Town were for businesses located along Queen Street.

Based on changing public health regulations and COVID-19 recovery efforts, the Town is now considering the implications of establishing a permanent Seasonal Patio Program that will meet the goals and objectives of the Town post-pandemic. In line with the requirements of the AGCO, a Seasonal Patio Program would permit temporary patios for eight (8) months per calendar year.

#### 5.1 Town Department Review

Planning staff has engaged in comprehensive consultation with internal departments as part of this review, including Community and Development Services (Planning and Building), Corporate Services (Clerks and Finance), Operations (Roads, Transportation, Engineering and Parks), By-law, Administration, and Fire and Emergency Services. These internal departments were consulted regarding requirements for a future permanent program for Seasonal Patios.

Staff have also consulted with the Town's Urban Design Committee, Municipal Heritage Committee, and Joint Accessibility Committee to obtain feedback on the current Temporary Patio Program Minimum Design Standards. Detailed feedback and preliminary recommendations and requirements from Town Departments and Committees for a future permanent Seasonal Patio Program are included below:

<b>Feedback Received on Current Program</b>	<b>Preliminary Recommendations, Improvements and Requirements</b>
<p><b>Tourism and Economic Development</b></p> <ul style="list-style-type: none"> <li>• Temporary patios offer support to local food and drink establishments to enhance patron experience, increase revenue, and remain competitive with other local area municipalities.</li> <li>• The continuation of temporary patios has allowed food and drink establishments to increase capacity, and has been well-received by business owners, residents and visitors.</li> </ul>	<ul style="list-style-type: none"> <li>• Continuation of permissions for temporary patios, subject to revised requirements and processes to ensure good patio design.</li> </ul>
<p><b>Zoning and Policy Requirements</b></p> <ul style="list-style-type: none"> <li>• Staff reviewed the Town's Official Plan and both Zoning By-law 4316-09 and 500A-74 related to patio permissions. The current Temporary Patio Program permits patios both inside and outside of the urban area boundary.</li> <li>• For patios in the rural area, permitting a patio can result in an increase in hospitality space. The Town's Official Plan and Zoning By-law limits the amount of land that can be occupied by a hospitality use through a site-specific Zoning By-law.</li> </ul>	<ul style="list-style-type: none"> <li>• Remove permissions for temporary patios outside of the urban area boundary. Town Staff do not recommend that temporary seasonal patios outside of the urban area boundary continue.</li> <li>• Require Town-initiated amendment to Zoning By-law 4316-09, as amended, to amend the requirements for patios for food and drink establishments (or other hospitality area provisions) in urban areas to allow for seasonal patios per the requirements of the program. This process</li> </ul>

Feedback Received on Current Program	Preliminary Recommendations, Improvements and Requirements
<p>Permitting temporary patios on lands outside of the urban area boundary will conflict with site-specific established policies for each property. Outside of the urban area boundary, only Estate Wineries are permitted to have hospitality space. Farm wineries are not eligible for hospitality space. A review of the hospitality space and area is completed at the time of a Zoning By-law Amendment and Site Plan approval.</p> <ul style="list-style-type: none"> <li>For patios in the urban area, Zoning By-law 4316-09, as amended, contains provisions in Section 6.36 related to Outdoor Patio Restaurants, including limiting the capacity of the area, location of the patio, height, and parking requirements. The provisions of Section 6.36 will require updating to reflect the minimum design standards and associated operating requirements, should Council implement a Seasonal Patio Program.</li> </ul>	<p>will require an Open House and Public Meeting.</p> <ul style="list-style-type: none"> <li>Review Town Official Plan policies regarding for lands within the urban area, to determine any revisions required for patios for food and drink establishments (or other hospitality area provisions).</li> </ul>
<p><b>Enforcement and Inspection</b></p> <ul style="list-style-type: none"> <li>The current Temporary Patio Program does not include an enforcement component. Town staff are unable to enforce the adjustment or removal of patios to be in compliance with the issued Permit and requirements of the Program.</li> <li>Patios are not inspected upon installation or removal.</li> <li>The current Temporary Patio Program does not include a maintenance component. There are no Town requirements to maintain storm maintenance holes, and/or clear debris below or around the patios, which may result in impacts to the stormwater management system and unsightly debris.</li> </ul>	<ul style="list-style-type: none"> <li>Require the creation of an enforcement component, to inspect patios upon set-up and removal, and on a complaint basis.</li> <li>Require additional staff complement in By-law to ensure enforcement and inspections can be completed.</li> <li>Establish regular maintenance requirements, to be implemented throughout the duration of the Patio Permit and by way of an enforcement component. The Town is a participant in the “Ontario Clean Waters” and “Yellowfish” programs which ensure that nothing but storm water enters the Town’s storm sewer system; need to control how patio floors are cleaned, ensure that no slops or other liquids are discharged onto the road via the patio, and ensure that the space under patios is regularly cleaned.</li> </ul>

Feedback Received on Current Program	Preliminary Recommendations, Improvements and Requirements
<p><b>Application Requirements</b></p> <ul style="list-style-type: none"> <li>• The current Temporary Patio Program application requires the submission of a site plan, floor plan and interior layout. The applications received consistently do not provide adequate information/detail; including information regarding occupancy, washroom facilities, accurate drawings/plans (to scale) of the property to understand the location of the patio, and proposed tents. Additional site information would be required for inclusion in the application submission (e.g., requirements for parking, signage, landscaping, stormwater management).</li> <li>• The current Program has a rolling intake date for applications. Applications for an 8-month Patio Permit can be made at any time throughout the year.</li> <li>• The current Program does not have a standard timeline to issue a Permit, which results in different timelines for the issuance of Patio Permits.</li> <li>• The current Temporary Patio Program is open to all food and drink establishments throughout the Town and has resulted in increased occupancy for businesses. As restrictions for indoor dining lifted, the Program was not adjusted to reflect a requirement for a maximum amount of seating on a patio in comparison to the indoor occupancy of the business.</li> </ul>	<ul style="list-style-type: none"> <li>• Require the creation of an Applicant Guide, available on the Town's website, which includes information to inform application submission.</li> <li>• Require the provision of a Site Plan process (details to be included in Applicant Guide), to be included in Planning files and Patio Permit records to ensure compliance with applicable requirements.</li> <li>• Require the establishment of intake date(s), to provide greater consistency in patio set-up and removal, ensure removal for the winter months, and allow for Staff prioritization and shifting of job duties.</li> <li>• Require the establishment of a standard timeline to issue Temporary Patio Permits. The timeline to issue Patio Permits may require up to 6 weeks for review, and a minimum of 4 weeks.</li> <li>• Implement provisions to limit the size and capacity of the temporary patios based on the occupancy of the food and/or drink establishment (e.g. 25% of the indoor capacity).</li> </ul>
<p><b>Insurance</b></p> <ul style="list-style-type: none"> <li>• The Town's current Temporary Patio Program requires that patios fully or partially on Town property provide a Certificate of Insurance, for the duration of the Permit, in the amount of \$5 million listing the Town as an additional insurer. There are no insurance requirements for patios fully on private property.</li> </ul>	<ul style="list-style-type: none"> <li>• Maintain existing insurance requirements for patios fully or partially on Town property.</li> <li>• Implement additional insurance requirements for patios located wholly on private property.</li> </ul>

Feedback Received on Current Program	Preliminary Recommendations, Improvements and Requirements
<p><b>Fees</b></p> <ul style="list-style-type: none"> <li>• The Town's current Temporary Patio Program does not require fees for Permit issuance, Staff review, or the occupancy of municipal parking stalls. The Temporary Patio Program does not provide a source of revenue or cost recovery for the Town. Town Staff spend an average of four (4) hours reviewing and issuing Temporary Patio Permits.</li> <li>• In previous years, a single patio may occupy as many as two (2) municipal parking stalls. If applying the Town's 2023 cash-in-lieu of parking fee, the Town loses \$65,988 per parking stall occupied by a patio. If applying the hourly parking rate, for 10 hours per day for the duration of eight (8) months, the Town loses \$12,250 per parking stall on Queen Street, and \$10,120 for all other areas.</li> </ul>	<ul style="list-style-type: none"> <li>• Establish an annual fee requirement to review and process Permits. For 2023, staff time has been tracked for permit review to determine a fee based on cost recovery. This fee may range from \$300 to \$450 depending on the area and number of staff to review (i.e., inclusion of Heritage review). Consideration for reduced fees may be given when reviewing Patio Permit renewals.</li> <li>• Require that temporary patios apply for an encroachment permit, with a current fee of \$100.</li> <li>• Establish fee requirements for temporary patios occupying municipal parking stalls based on the cash-in-lieu rate, the hourly parking rate, or a portion of the hourly parking rate. Council will need to provide direction.</li> </ul>
<p><b>Location of Patios</b></p> <ul style="list-style-type: none"> <li>• The current Temporary Patio Program permits patios to encroach in front of an adjacent building or property wholly or partially if the patio operator cannot accommodate the patio on their property or frontage. This encroachment has been permitted provided that authorization of the adjacent landowner is submitted. No standard form has been created to permit the encroachment. Changes in ownership could impact historic permissions.</li> <li>• The current Temporary Patio Program does not have established setbacks for patios from intersections, or provisions related to sight lines. This has resulted in concerns regarding the location of some patios in proximity to intersections and impacts to sight lines for vehicles and pedestrians.</li> <li>• Consideration needs to be given to temporary patios which have occupied parking spaces, and the impact on the</li> </ul>	<ul style="list-style-type: none"> <li>• Create a template agreement for adjacent property owners to sign if they will permit a patio along their frontage.</li> <li>• Establish maximum encroachment permissions for adjacent businesses, and minimum portion of the temporary patio to be located within the frontage/side or rear yard of the patio operator.</li> <li>• Establish a requirement for businesses to apply for an annual temporary encroachment permit for the patio wholly or partially on Town lands. This would ensure that insurance is up-to-date, and any site-specific conditions on the placement of the patio are applied. An encroachment permit would also ensure that the Town boulevard impacted by the temporary patio is reinstated annually.</li> <li>• Establish minimum setbacks and maximum heights for patios from</li> </ul>

Feedback Received on Current Program	Preliminary Recommendations, Improvements and Requirements
<p>reduction of parking spaces in total in Old Town.</p>	<p>intersections and driveways and include this information in an Applicant Guide. Patios that are not able to meet a minimum setback from an intersection will not be permitted.</p> <ul style="list-style-type: none"> <li>• Consider limiting temporary patios on Queen Street occupying parking spaces.</li> <li>• Restrict patios adjacent to accessible parking spaces, loading zones, cab stands or bus stops, or within the pavement or shoulder of identified “No Parking,” “No Standing” or “No Stopping” zones.</li> </ul>
<p><b>Landscaping</b></p> <ul style="list-style-type: none"> <li>• Under the current Temporary Patio Program, temporary patios may displace landscape features and encroach on Town-owned trees. Landscape design and streetscape components specifically along Queen Street may be impacted as a result of temporary patios.</li> <li>• Features that may be moved as a result of a temporary patio may include planters, barrels, hanging baskets, benches, floral displays, shrub and perennial gardens, and flower bed surrounds.</li> </ul>	<ul style="list-style-type: none"> <li>• Provide information in an Applicant Guide to advise that the relocation of landscaping and in-ground landscape features will be at the cost of the applicant, and subject to the approval of the Town Parks Supervisor.</li> <li>• Establish a standard intake date for Permit applications to ensure that landscaping and landscape features will not be altered between Victoria Day and Thanksgiving.</li> </ul>
<p><b>Design and Materials</b></p> <ul style="list-style-type: none"> <li>• The minimum design standards for the current Temporary Patio Program permit for some flexibility in the design of patios, materials, landscaping, and lighting. There is a desire to have more consistency in the design of the patios, to reduce impacts to the streetscape and enhance the public realm.</li> </ul>	<ul style="list-style-type: none"> <li>• Comprehensively review and revise the minimum design standards, including consistent and more stringent requirements for patio operators. Examples of standards could include a requirement for plantings on all patios, consistent umbrella colours, lighting specifications, signage requirements, similar materials for patios. All temporary patios would be subject to these requirements.</li> <li>• Engage the Municipal Heritage Committee and Urban Design Committee on revised design standards.</li> <li>• Provide design standards in the Applicant Guide.</li> </ul>

Feedback Received on Current Program	Preliminary Recommendations, Improvements and Requirements
<p><b>Accessibility</b></p> <ul style="list-style-type: none"> <li>• Current minimum design standards include a provision related to menu signage on patios, limiting the size of the sign to 0.2 metres squared.</li> </ul>	<ul style="list-style-type: none"> <li>• Provide guidance in the Applicant Guide on minimum font size (i.e. large print) and braille requirements for menu signage, requirements for accessible seating areas/tables, including designating tables with an accessible sign with braille.</li> <li>• Incorporate requirements for pedestrian traffic and impacts; patios are not to impede normal pedestrian traffic on the sidewalk passing the establishment.</li> <li>• Establish requirements for a ramp for mobility devices if the patio is not flush with the street or sidewalk.</li> </ul>
<p><b>Monitoring</b></p> <ul style="list-style-type: none"> <li>• The current Temporary Patio Program has not been subject to annual monitoring to understand impacts of permitting temporary patios, their impacts to the streetscape, and/or ways in which the Program may be enhanced.</li> </ul>	<ul style="list-style-type: none"> <li>• Establish an internal monitoring program which regular review of the Program to determine if any adjustments are needed. The monitoring may result in requirements to update and refine the Program and minimum design standards. Staff will report back to Council annually on the results of the monitoring program.</li> </ul>

In addition to the information provided in the above table, Town Staff has provided further context to a few key areas which will require consideration, including agricultural policies and directions, fees, and timelines, as noted below:

#### 5.1.1 Agricultural Policies and Directions

Since 2020, the Town has issued Temporary Patio Permits for seven (7) wineries outside of the urban area boundary. Provincial, Regional and Town Planning policies permit limited on-farm diversification uses within the agricultural area. Diversification uses include hospitality uses, which would include a patio to service the existing drink establishment. Typical hospitality uses within the Town's agricultural area include restaurants, outdoor eating spaces and structures, and hospitality rooms (i.e., meeting space, banquet hall, conference area). Per the guidance at the Provincial and Regional level, diversification uses are to be limited to a maximum of 2% of the area of the subject property. The Town's Official Plan and Zoning By-law permit hospitality uses associated with Estate Wineries only, limited to a maximum total floor area of 139.3 square metres per use. A maximum floor area of 400 square metres may be occupied by all hospitality uses for a site, including hospitality patios. Estate Wineries are subject to site-specific Zoning By-law Amendment applications to regulate and delineate the size of a hospitality use; each Estate Winery in the Town may have its own specific set of provisions and requirements.



Permitting additional patio space within the agricultural area would result in an increase to the hospitality area, and may conflict with existing site-specific provisions reflecting Provincial, Regional and Town Planning policy direction and objectives. The location of patios also requires careful consideration to ensure appropriate setbacks are met from the agricultural use to avoid trespass or destruction of the crop, or impact agricultural production.

Further, lands outside of the urban area boundary are serviced by way of a private septic system, which has capacity for a specific use and occupancy load. Permitting increased occupancy may result in repercussions related to private servicing systems.

For these reasons, Town Staff recommend that a future Seasonal Patio Program only permit for temporary patios within the urban area boundary. It is recommended that businesses outside of the urban area, wanting a temporary patio, be subject to a Zoning By-law Amendment and associated Site Plan Approval process.

#### 5.1.2 Fees

Currently, patio operators do not pay an application fee, permit fee, or encroachment fee. No fee has been charged for the Temporary Patio Program since its introduction in 2020.

Town Staff from all departments review the permit requests relative to their applicable requirements; this results in an average of 4.0 hours, total, of Staff time spent reviewing each application. Additional time is taken to review applications within the Queen-Picton Heritage Conservation District. For applications outside of the Heritage Conservation District, a fee of approximately \$300 would be required to cover Staff time for review. For applications within the Heritage Conservation District, a fee of approximately \$450 would be required to cover Staff time for review.

Currently, patio operators are not required to apply for an encroachment permit when using Town-owned lands. As provided in the table above, Town Staff recommend that applicants be required to apply for an encroachment permit, should a Seasonal Patio Program be approved. An encroachment permit is \$100 in the Town's current fee schedule.

The current Temporary Patio Program permits for patios to occupy municipal parking stalls. Patios have previously occupied 1 to 2 parking spaces total, resulting in a maximum of 4 parking spaces along Queen Street currently being occupied by temporary patios. If applying hourly parking rates, for 10 hours per day, along Queen Street, the Town loses approximately \$12,250 in parking revenue per space per season (April 1 to October 31). If applying hourly parking rates, for 10 hours per day, outside of Queen Street, the Town loses approximately \$10,120 in parking revenue per space per season (April 1 to October 31). Should Council wish to apply a cash-in-lieu of parking rate to temporary patios occupying municipal parking stalls, the 2023 rate is \$65,988 per space.

It is anticipated that more detailed information may be required as part of the application process through a formal site plan. The current Program permits for business owners and operators to provide a site plan drawn to scale; however, there are instances in which this information is inaccurate or provides too little detail to understand the location of the patio.

Staff recommend that site plans be submitted with applications for a future Seasonal Patio Program.

Minimum Design Standards may become more stringent for a Seasonal Patio Program. Feedback received from Town Staff, Committee Members, as well as members of the public, reiterated the need for stricter design standards and guidelines to create a cohesive street presence and to ensure that the streetscape is upheld in terms of design and heritage conservation practices. Enhanced Minimum Design Standards may require patio operators to invest more money in their patios, including changing materials that have already been used, providing additional landscaping, or replacing umbrellas, as examples.

Town Staff has conducted a review of applicable fees of other municipal temporary patio programs. The fee structure varies by municipality, and may be applied on an application basis, renewal basis, or per square metre/square foot basis. Based on a review of 17 municipalities, the average application fee is \$340. Some municipalities apply the application fee on a one-time basis and apply a renewal fee of approximately \$80. For patios located on municipal lands, most municipalities apply an additional fee based on size (i.e., amount per square metre per month) or location (i.e., one fee for a sidewalk, a higher fee for occupying a parking stall).

Specific to Niagara region, the following local area municipalities charge fees for temporary patios.

- Niagara Falls has an application fee of \$525, and applies a \$35 per square metre fee for patios occupying municipal property.
- St. Catharines has an application fee of \$393.15 for patios on City property, no cost is applied for patios on private property, and a fee of \$43.60 per square metre is applied for patios occupying municipal property.
- Welland patios occupying municipal property are subject to a \$150 occupancy permit fee, and no application fee is applied.
- Port Colborne has a lease agreement fee for occupying municipal land in the amount of \$300 annually is applied for patios occupying municipal property.
- Pelham applies a \$150 application fee for temporary patios on Town property, and no fee is applied for temporary patios on private property.

It is important to note that numerous municipalities are also currently conducting a review of their temporary patio programs, and fees to be implemented for such programs under review are unknown at this time.

### 5.1.3 Timelines

Should the Seasonal Patio Program operate commencing April 1, it is recommended that the intake date for applications occur by February 15, with Permit issuance to occur mid-March to allow patio operators time to set-up their spaces to start operating the patio on April 1. The 2023 Temporary Patio Program opened for applications on March 13, 2023. The current timeline for Permit issuance may range from 2 weeks to 6 weeks. The review time can be inconsistent based on information received and time required to review and request

revisions/resubmissions. It is recommended that a permit issuance timeline of four (4) weeks be established, subject to the implementation of an intake date.

## 5.2 Public Engagement

Community and Development Services and Customer Experience and Communications Staff worked closely together to roll out a comprehensive public engagement strategy to collect input on the review of the current Temporary Patio Program. The strategy included the following:

- Media Release
- Notices in local newspapers
- Instagram, Facebook, and Twitter Posts
- YouTube video
- Table Cards (restaurants)
- Town Ambassadors
- Circulation to ShopNOTL
- A Public Information Centre
- Join The Conversation webpage
- Public survey

The survey was established to assess public perspective and experiences related to the current Temporary Patio Program. Staff created an intuitive survey, which provided unique questions based on the respondent classification (e.g., if a resident, business owner or visitor). The survey required respondent registration on the Join the Conversation platform, and a total of 394 individual surveys were completed. The response for this survey is significant, as it is 144% greater of a response received than most other surveys conducted by the Town. An average of 161 surveys are completed for other Town initiatives.

The detailed results of the public engagement strategy can be found in **Appendix II** to this report and is summarized below. Survey respondents provided overwhelming support and positive responses to the Town's current Temporary Program, with a strong majority supporting the continuation of temporary patios.

- 76% of respondents are residents of Niagara-on-the-Lake
- 93% of respondents support the current Temporary Patio Program
- 63% of respondents have visited a patio at least six (6) times in Niagara-on-the-Lake in the last year
- Positive aspects of the Program including outdoor dining opportunities, vibrant atmosphere, and additional business revenue
- Concerns related to patios occupying parking spaces, traffic congestion, and the need for improved and cohesive patio design
- 93% of respondents are likely to recommend a patio in Niagara-on-the-Lake to others
- 100% of respondents that have businesses with patios reported positive impacts and revenue increases
- 78% of patio operators have hired additional staff as a result of the temporary expansion of their business

Respondents also indicated that they felt the patios strongly enhance the public realm and surrounding streetscape and contribute to the character of the surrounding area. A strong majority of respondents feel safe and comfortable on temporary patios and have not experienced accessibility concerns specific to the patio, under the current Temporary Patio Program.

From a patio operator perspective, 40% of respondents indicated they would be willing to pay an annual fee of \$201 to \$500 if the Town were to implement a Permit fee. Most patio operators (80%) also prefer the application of an annual fee, versus a fee per area structure. Should changes or enhancements to the minimum design standards be proposed, 65% of patio operators indicated this would not impact their interest in applying for future Seasonal Patio Permit.

A Public Information Centre was held at the Courthouse (26 Queen Street) from noon (12:00 p.m.) until 3:00 p.m. on Monday, August 28, 2023. Staff spoke with approximately 10 residents who attended the session and approximately 75 residents and visitors through informal discussion outside the Courthouse. Feedback on the Program was encouraged during the Public Information Centre, and all were requested to complete the survey.

The engagement activities indicated strong support for the Patio Program, with various insights and recommendations provided for improving the experience for both residents and visitors of Niagara-on-the-Lake. Respondent comments supported the creation of a permanent program for Seasonal Patios, standardizing rules, and aesthetics, and exploring pedestrian-only zones on Queen Street during the summer season.

The Town has also received comments from the Chamber of Commerce and Tourism NOTL, attached as **Appendix III** to this report, which indicate support for the continuation of temporary patios due to their positive impact on, amongst other items, vibrancy and street activity, visitor experience, job creation, and accessibility.

## **6. STRATEGIC PLAN**

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

### **Pillar**

1. Vibrant & Complete Community

### **Priority**

1.2 Economic Development & Community Partnerships

### **Action**

1.2 a) Economic Development

## **7. OPTIONS**

7.1 **Option 1:** Council supports the creation of a permanent program for Seasonal Patios for the urban area, in principle, and direct Staff prepare to the requirements

of a permanent Seasonal Patio Program as outlined in this report.  
**(Recommended)**

- 7.2 **Option 2:** Council supports the creation of a permanent program for Seasonal Patios for the urban and rural areas, in principle, and direct Staff prepare to the requirements of a Seasonal Patio Program as outlined in this report. This option is not recommended because patios in rural areas should be considered on a case-by-case basis, through a Zoning By-law Amendment process. (Not Recommended)
- 7.3 **Option 3:** Council supports the continuation of the current Temporary Patio Program. This option is not recommended because additional work is required, and feedback received indicates that the program needs to be updated based on current standards. (Not Recommended)
- 7.4 **Option 4:** Council cancels the Patio Program. This option is not recommended as the Program is supported based on the feedback received through numerous engagement opportunities. (Not Recommended)

## **8. FINANCIAL IMPLICATIONS**

There are no direct financial implications to this report. If a Seasonal Patio Program is implemented, fees are recommended to be implemented for permits and other considerations (e.g., parking and encroachments). Potential fees related to permitting, encroachments, and parking costs are outlined in this report. Based on direction to be provided from Council through this report, financial impacts related to a Seasonal Patio Program will be provided through a future report should Council direct Staff to proceed as recommended.

## **9. ENVIRONMENTAL IMPLICATIONS**

Not applicable; there are no direct environmental implications to this report.

## **10. COMMUNICATIONS**

Upon Council's direction, Staff will continue to engage with the public as part of the review of the Program, including conducting focus groups. Results of the focus group session(s) will be provided through a future report should Council direct Staff to proceed as recommended. Staff will also consult with the Municipal Heritage Committee, Urban Design Committee, and Joint Accessibility Committee to refine the Minimum Design Standards.

## **11. CONCLUSION**

The Town is committed to fostering economic prosperity, supporting local businesses, and maintaining the vibrancy of our community.

Staff recommend the Town establish a permanent Seasonal Patio Program to support, maintain and attract businesses. The continuation of Seasonal Patios will support a strong sense of place and streetscape, contribute to a vibrant and welcoming community, and ensure continued support for the tourism economy.

If Council endorses the report recommendation, Staff will proceed to create a permanent program for Seasonal Patios applicable to food and drink establishments within the urban area. Staff will prepare the requirements as outlined in this report and provide a future recommendation report to Council.

## **12. PREVIOUS REPORTS**

- **CDS-23-005** – Seasonal Patio Program
- **CDS-21-033** – 2022 Temporary Patio Program
- **CDS-21-008** – 2021 Temporary Patio Program
- **CDS-20-013** – Temporary Patio Extensions

## **13. APPENDICES**

- **Appendix I** – CDS-23-005 – Seasonal Patio Program Report
- **Appendix II** – Public Engagement Results (Survey, Public Information Centre)
- **Appendix III** – Correspondence from the Chamber of Commerce & Tourism NOTL

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