

5. Minimum Design Standards

Seasonal Patios in Niagara-on-the-Lake shall be built in accordance with the Minimum Design Standards contained in this section, to the satisfaction of the Director of Community and Development Services.

Elevated Seasonal Patio design is expected within the Queen-Picton Heritage Conservation District or any Secondary Plan area and shall give particular consideration to **bolded** standards.

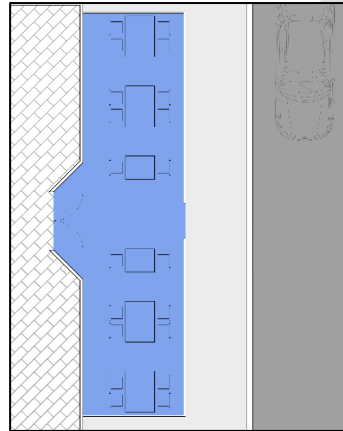
5.1 Seasonal Patio Types

Seasonal Patios on municipal land in Niagara-on-the-Lake are grouped into six types.

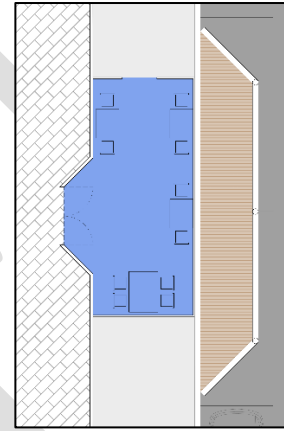
Applicants are required to indicate the type of Seasonal Patio on their application form.

The following sections describe the different Types of Seasonal Patios and their specific requirements in further detail.

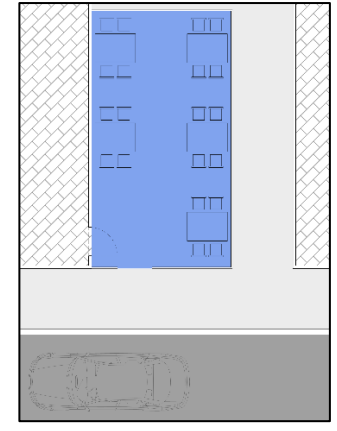
Type A - Frontage



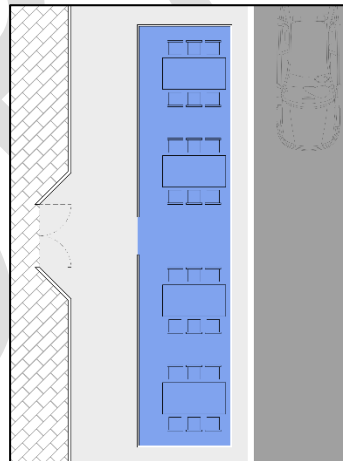
Type B - Frontage with Clearway



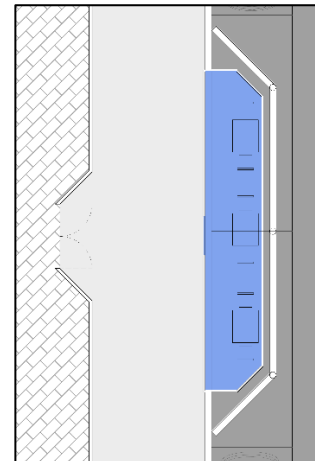
Type C - Alleyway



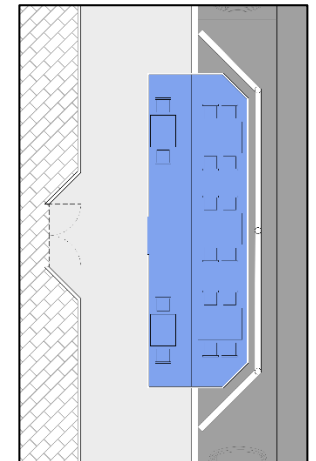
Type D - Curbside



Type E - On-Street



Type F - Curbside/On-Street Combination

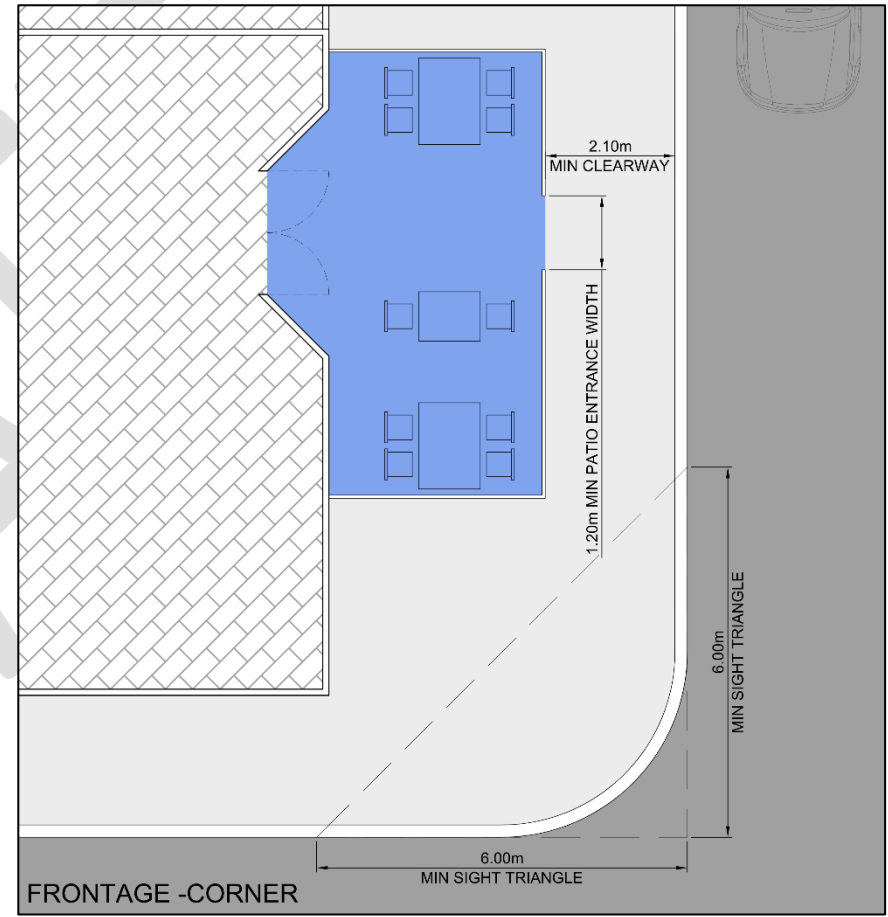
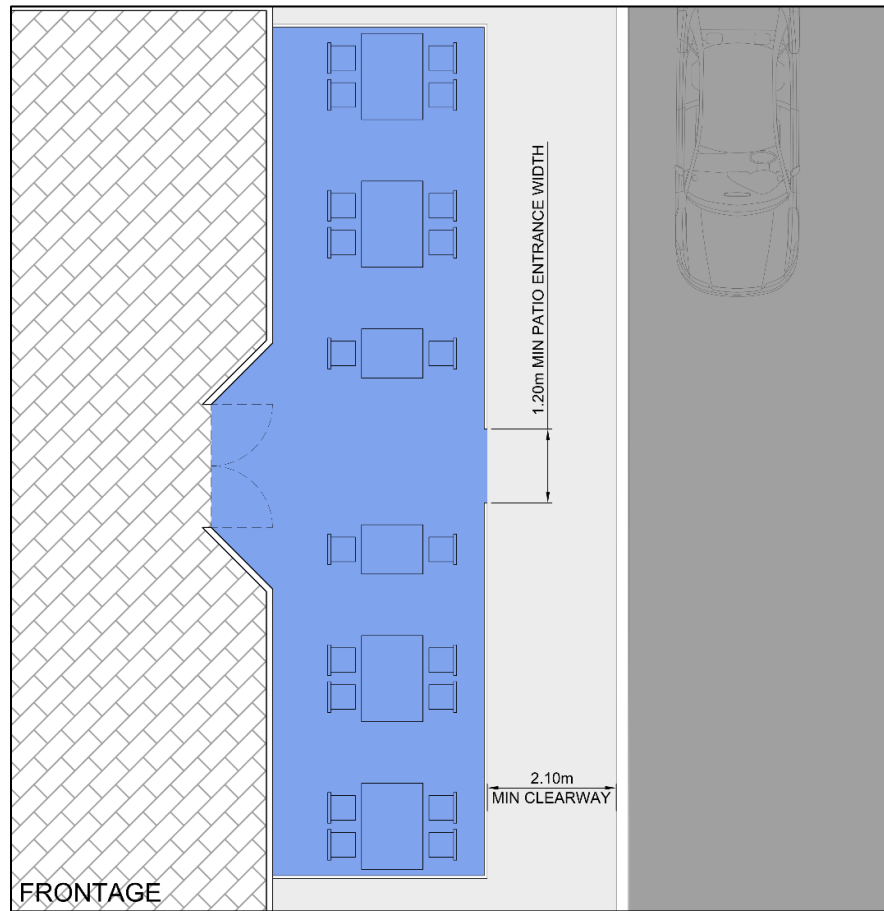


5.1.1 Type A - Frontage

Type A Seasonal Patios are located along the frontage of a building with the pedestrian clearway between the edge of the Seasonal Patio and the curb. A benefit to Type A Seasonal Patios is that restaurant staff and customers need not cross the pedestrian clearway to access the Seasonal Patio.

Type A Seasonal Patios must meet the following requirements:

- A minimum pedestrian clearway of 2.1 metres must be maintained between the edge of the Seasonal Patio and the curb. **2.5 metres is preferred where possible.**
- Type A Seasonal Patios adjacent to corner lots must maintain corner sightline triangles in accordance with Comprehensive Zoning by-law No. 4316-09.

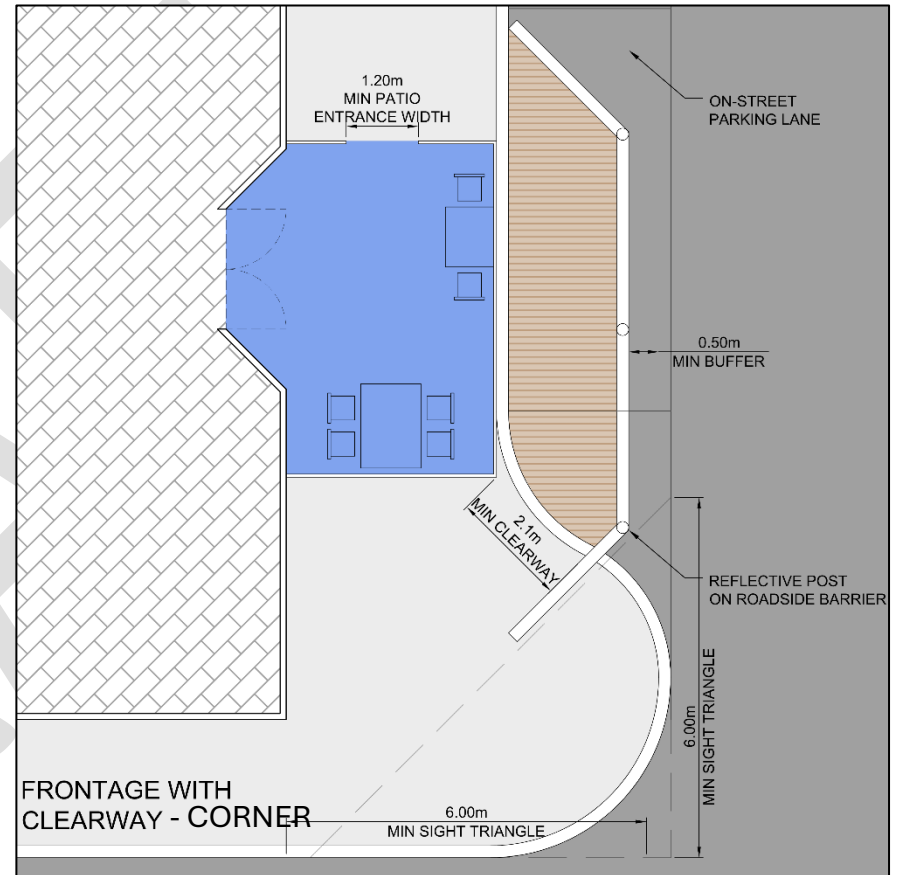
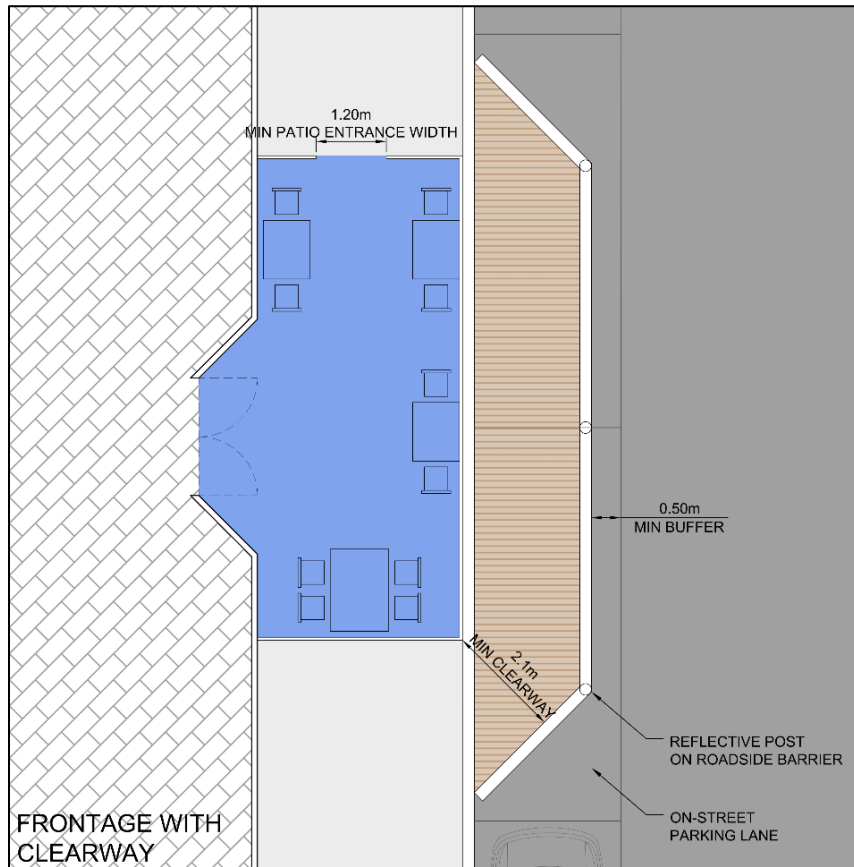


Type B – Frontage with Clearway

Type B Seasonal Patios occupy the entire width of the sidewalk and have a temporary pedestrian clearway on the municipal right-of-way. A benefit to Type B Seasonal Patios is that restaurant staff and customers need not cross the pedestrian clearway to access the Seasonal Patio.

Type B Seasonal Patios must meet the following requirements:

- **Type B Seasonal Patios will not be permitted on Queen Street or Picton Street.**
- The temporary pedestrian clearway must have a minimum width of 2.1 metres. **2.5 metres is preferred where possible.**
- Roadside barriers such as bollards must be installed around the pedestrian clearway. See 5.5.4 for further information.
- Where the pedestrian clearway is on a roadway with two or more lanes in each direction, a minimum 0.5 metre buffer must be maintained between the outside of the roadside barrier and the travelled portion of the roadway.
- Where the pedestrian clearway is on a roadway with a single lane in each direction, a minimum of 4.5 metres must be maintained between the outside of the roadside barrier and the street centreline.
- Type B Seasonal Patios may not be feasible adjacent to a corner lot if sufficient distance from an intersection cannot be achieved. Approval will be at the discretion of the Niagara-on-the-Lake Engineering Department.
- If the temporary pedestrian clearway is longer than 15 metres, a review may be conducted by the Niagara-on-the-Lake Fire and Emergency Services Department to determine whether any emergency access points must be installed.

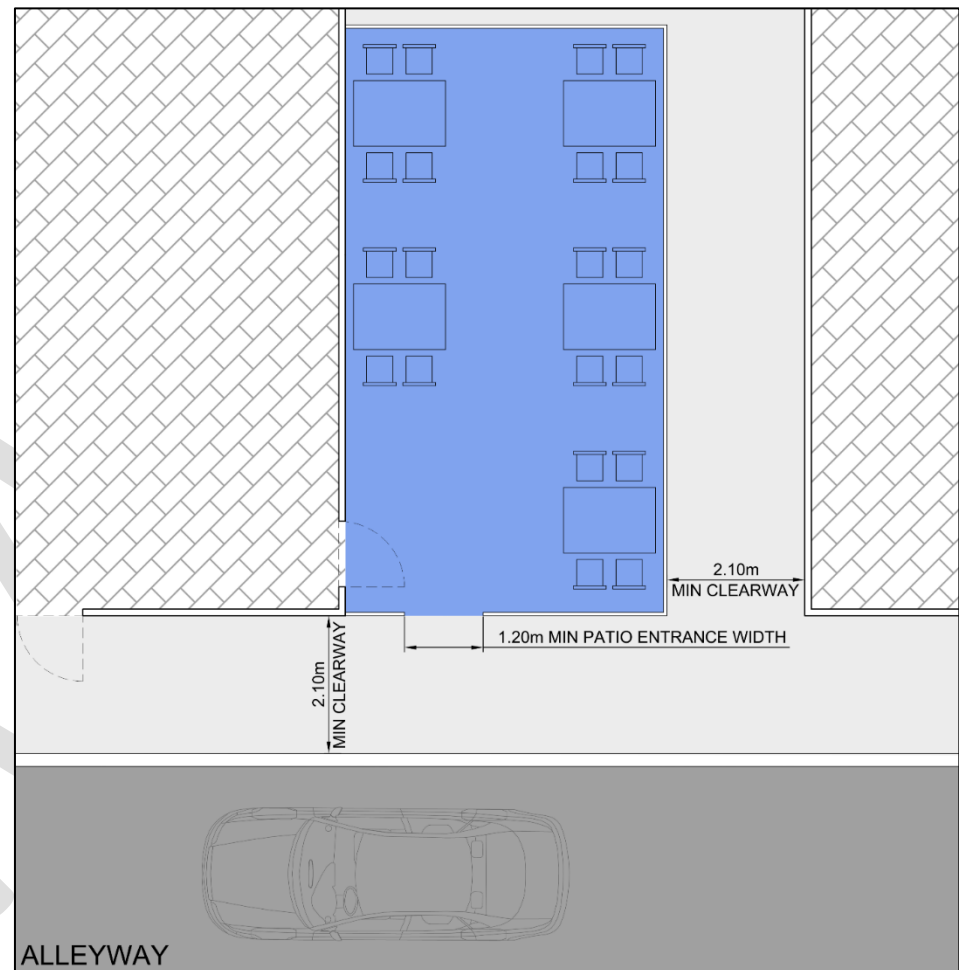


5.1.2 Type C – Alleyway

Type C Seasonal Patios occupy a public alleyway between two buildings, with pedestrian clearways between the edge of the Seasonal Patio and the curb, and between the edge of the Seasonal Patio and the adjacent building. Restaurant staff and customers must enter the pedestrian clearway to access the Seasonal Patio. **Type C Seasonal Patios may be more suitable for heritage buildings as the façade of the building remains visible.**

Type C Seasonal Patios must meet the following requirements:

- A minimum pedestrian clearway of 2.1 metres must be maintained between the edge of the Seasonal Patio and the curb, and between the edge of the Seasonal Patio and the adjacent building (within the alleyway). **2.5 metres is preferred where possible.**
- If the alleyway is regularly used for vehicular access or loading, this must be maintained, or an alternate route provided.

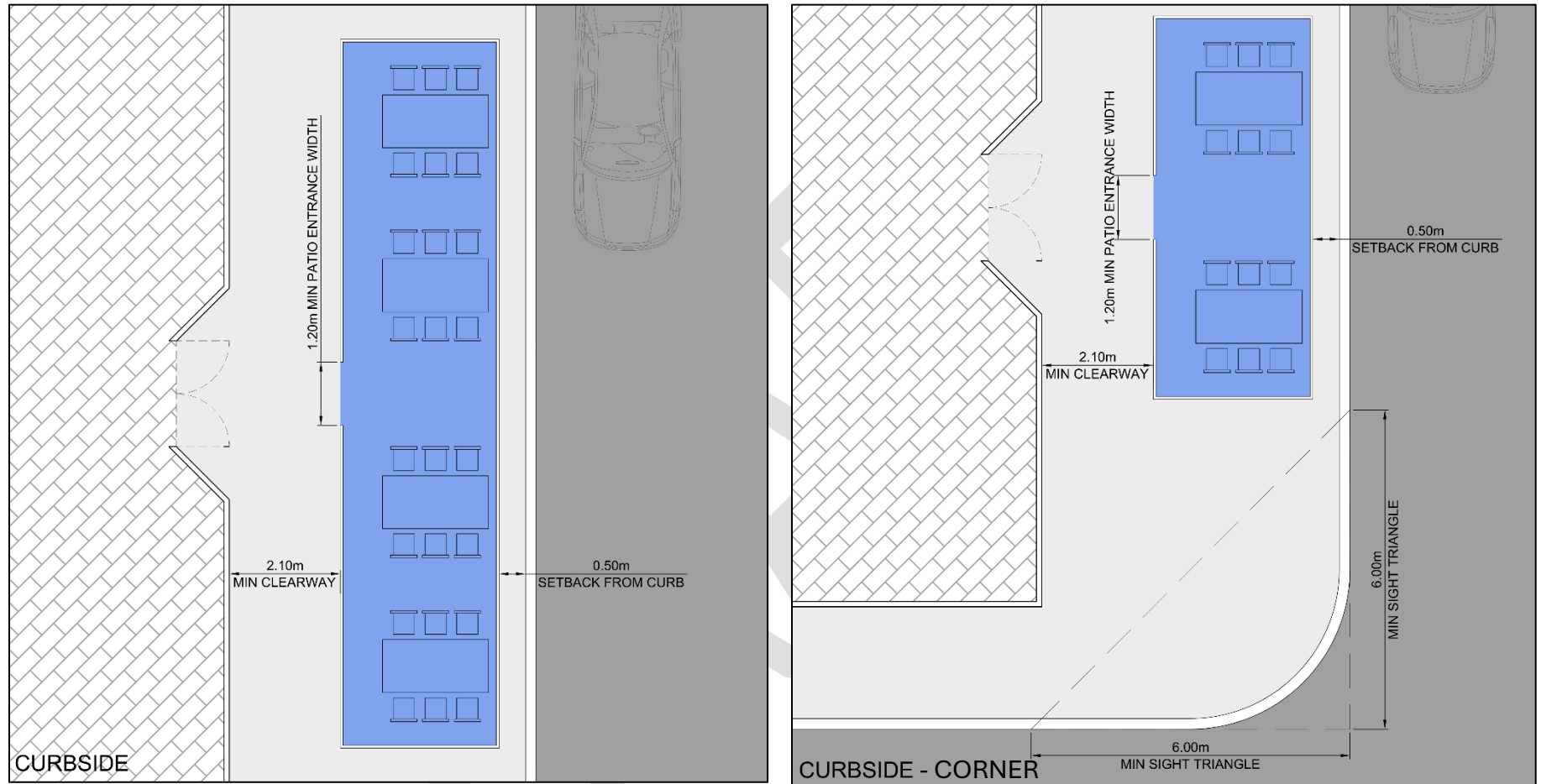


5.1.3 Type D – Curbside

Type D Seasonal Patios are located along the curb with a pedestrian clearway between the building and the Seasonal Patio. Restaurant staff and customers must enter the pedestrian clearway to access the Seasonal Patio. **Type D Seasonal Patios may be more suitable for heritage buildings as the façade of the building remains visible.**

Type D Seasonal Patios must meet the following requirements:

- A minimum pedestrian clearway of 2.1 metres must be maintained between the edge of the Seasonal Patio and the building. **2.5 metres is preferred where possible.**
- A minimum 0.5 metre buffer must be maintained between the edge of the Seasonal Patio and the curb.
- Type D Seasonal Patios adjacent to corner lots must maintain corner sightline triangles in accordance with Comprehensive Zoning by-law No. 4316-09.

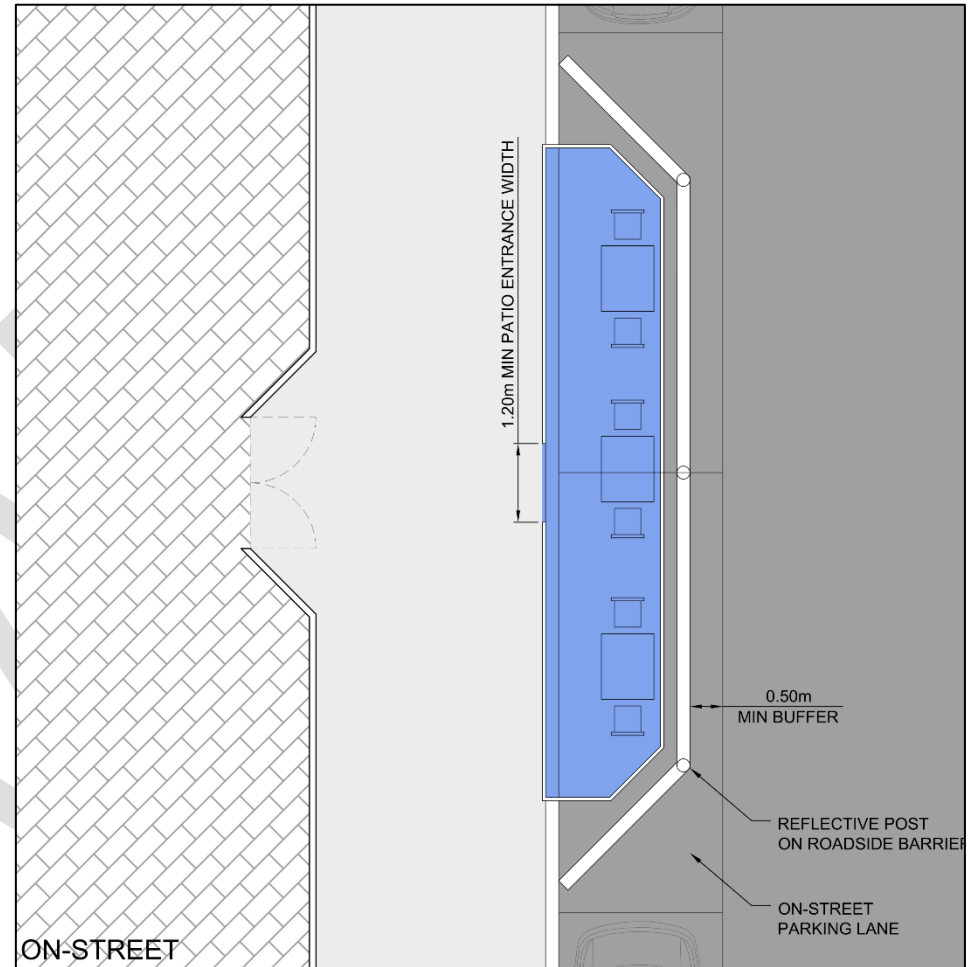


5.1.4 Type E – On-Street

Type E Seasonal Patios are located fully on the municipal right-of-way. Restaurant staff and customers must cross the pedestrian clearway to access the Seasonal Patio. **Type E Seasonal Patios may be more suitable for heritage buildings as the façade of the building remains visible.**

Type E Seasonal Patios must meet the following requirements:

- The existing width of the pedestrian clearway must be maintained.
- Roadside barriers such as bollards must be installed around the Seasonal Patio. See 5.5.4 for further information.
- Where the Seasonal Patio is on a roadway with two or more lanes in each direction, a minimum 0.5 metre buffer must be maintained between the outside of the roadside barrier and the travelled portion of the roadway.
- Where the Seasonal Patio is on a roadway with a single lane in each direction, a minimum of 4.5 metres must be maintained between the outside of the roadside barrier and the street centreline.
- Type E Seasonal Patios may not be feasible adjacent to a corner lot if sufficient distance from an intersection cannot be achieved. Approval will be at the discretion of the Niagara-on-the-Lake Engineering Department.
- If the Seasonal Patio is longer than 15 metres, a review may be conducted by the Niagara-on-the-Lake Fire and Emergency Services Department to determine whether any emergency access points must be installed.

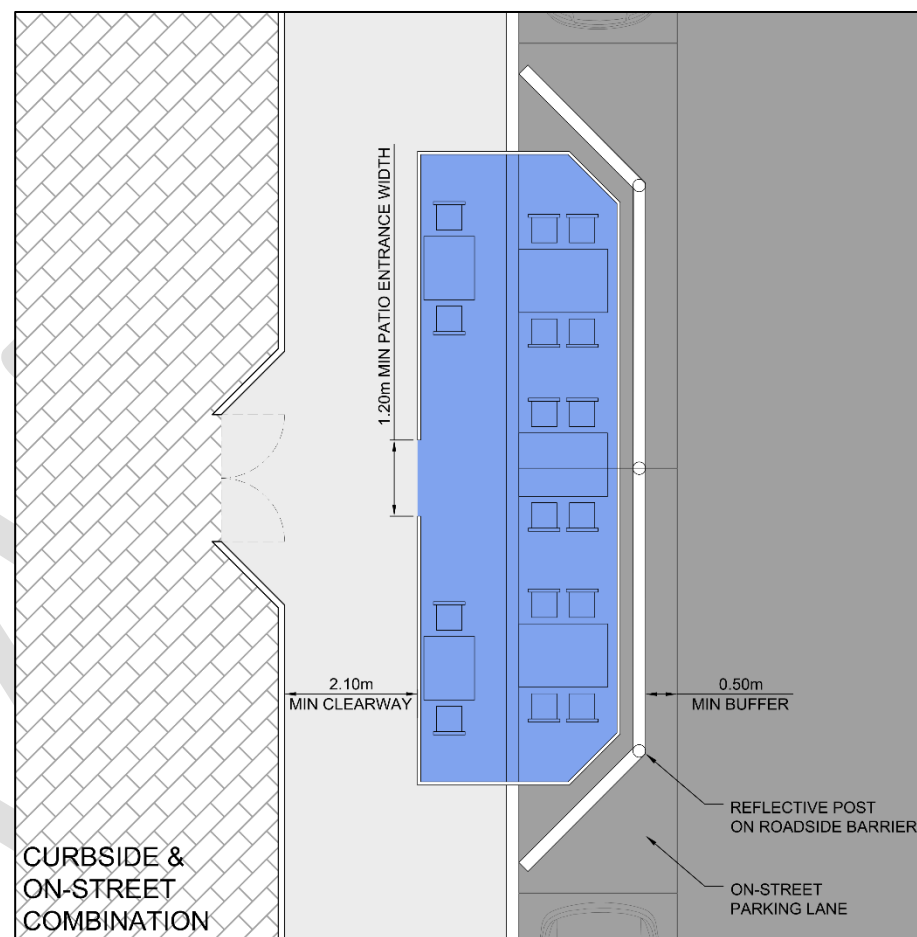


5.1.5 Type F – Curbside/On-Street Combination

Type F Seasonal Patios are located on both the sidewalk and the municipal right-of-way, with the pedestrian clearway between the building and the Seasonal Patio. Restaurant staff and customers must cross the pedestrian clearway to access the Seasonal Patio. **Type F Seasonal Patios may be more suitable for heritage buildings as the façade of the building remains visible.**

Type F Seasonal Patios must meet the following requirements:

- A minimum pedestrian clearway of 2.1 metres must be maintained between the edge of the Seasonal Patio and the building. **2.5 metres is preferred where possible.**
- Roadside barriers such as bollards must be installed around the Seasonal Patio. See 5.5.4 for further information.
- Where the Seasonal Patio is on a roadway with two or more lanes in each direction, a minimum 0.5 metre buffer must be maintained between the outside of the roadside barrier and the travelled portion of the roadway.
- Where the Seasonal Patio is on a roadway with a single lane in each direction, a minimum of 4.5 metres must be maintained between the outside of the roadside barrier and the street centreline.
- Type F Seasonal Patios may not be feasible adjacent to a corner lot if sufficient distance from an intersection cannot be achieved. Approval will be at the discretion of the Niagara-on-the-Lake Engineering Department.
- If the Seasonal Patio is longer than 15 metres, a review may be conducted by the Niagara-on-the-Lake Fire & Emergency Services Department to determine whether any emergency access points must be installed.



5.1.6 Seasonal Patios on Private Property

- Seasonal Patios located fully on private property are required to conform to the provisions of Zoning By-law 4316-09.
- Operators are strongly encouraged to design Private Seasonal Patios in accordance with the Minimum Design Standards.

5.2 Location

5.2.1 Seasonal Patios, including overhanging elements, must be directly adjacent to the applicant's establishment. Extensions in front of neighbouring properties may be permitted with written consent from the affected property owner(s) which must be submitted with a Seasonal Patio Permit application.

5.2.2 Seasonal Patios may be located within street parking spaces, excluding barrier-free parking spaces. **Seasonal Patios in the Queen-Picton Heritage Conservation District shall generally not occupy more than two (2) street parking spaces.**

5.2.3 For Seasonal Patios on private property, required on-site parking may be used in accordance with the Zoning By-law. The required number of designated barrier-free parking spaces must remain unchanged.

5.2.4 Seasonal Patios should avoid obscuring the façades of buildings.

5.2.5 No part of a Seasonal Patio shall be attached to, or conflict with, streetscape features such as light fixtures, street furnishings, utility boxes, parking pay stations, transit stops, and landscaping.

5.3 Accessibility

5.3.1 It is the responsibility of the Operator to maintain compliance with the Accessibility for Ontarians with Disabilities Act (AODA) at all times.

5.3.2 A minimum of one table or 20% of tables (whichever is greater) must be easily accessible to persons using mobility aids. If more than one barrier-free table is installed, they should be dispersed through the seating area.

5.3.3 Patios cannot obstruct barrier-free travel paths including paths to barrier-free washrooms. Ensure that there are clear routes that allow a forward approach to barrier-free tables for people using mobility devices.

5.3.4 Ground surface leading to and under barrier-free tables must be level and stable.

- 5.3.5 The perimeter around a Seasonal Patio must have a cane-detectable base (i.e. a solid base so that a white-cane can be used to tap along the bottom). Seasonal Patio perimeters should also have a colour contrast to the sidewalk to make them easily identifiable to pedestrians.

5.4 Fire Prevention and Emergency Access

- 5.4.1 Seasonal Patios are not to be constructed in emergency access routes and should not interfere with the ability of first responders to access any buildings. Adequate separation distance will be provided between Seasonal Patios to the satisfaction of the Fire Department.
- 5.4.2 A fire extinguisher (minimum 2A-10BC) must be available within 15 metres of any part of the Seasonal Patio.
- 5.4.3 A minimum of 1.5 metres clearance from fire department connections and hydrants must be maintained.
- 5.4.4 Portable heating devices must be installed in accordance with the manufacturer's instructions and meet federal and provincial safety requirements. Refer to the Technical Standards & Safety Authority [Patio Heater Safety Guidelines](#) and [Patio Heaters Safety Checklist](#) for further information.
- 5.4.5 A Seasonal Patio must have two separate exits when it is barricaded with fencing or railings and has a capacity for more than 60 people.

5.5 Construction

- 5.5.1 Seasonal Patio structures are designed to be temporary in nature.
- 5.5.2 The Seasonal Patio floor must be level and have a flush transition at the sidewalk and curb.
- 5.5.3 Patios must not interfere with proper drainage of the roadway. It is the Applicant's responsibility to ensure that any catch basins are free of obstructions at all times.
- 5.5.4 Where work is taking place in the municipal right-of-way, the Applicant must provide staff with a Traffic Safety Plan outlining the area of work and measures taken to promote traffic safety.
- 5.5.5 Seasonal Patios should be constructed of wood or metal rather than plastic and have a slip-resistant surface. The use of rough framed timber is prohibited in the Queen-Picton Heritage Conservation District.**

5.5.6 Seasonal Patios of wood construction should be natural, stained, or painted in a colour from the approved Niagara on the Lake approved [colour chart](#).

5.5.7 Patios must have vertical elements that make them visible to traffic such as flexible posts, bollards, or landscape planters, and include reflective elements such as retro-reflective tape or reflective flexible posts.

5.6 Perimeter

5.6.1 Patios shall be defined by fencing, planter boxes, or other perimeter with a minimum height of 0.8 metres and maximum height of 1.2 metres.

5.6.2 Perimeters must be free-standing and structurally sound.

5.6.3 Perimeters must not obstruct vehicular or pedestrian sightlines or project into the path of travel of cyclists, pedestrians or motor vehicles. Gates must swing into the Seasonal Patio area.

5.6.4 Where a Seasonal Patio or temporary pedestrian clearway is within the municipal right-of-way, roadside barriers must be installed in accordance with the [Ontario Traffic Council Restaurant Patio Guidelines within the Right of Way](#).

5.7 Lighting

5.7.1 Lighting shall be directed onto the Seasonal Patio area away from adjoining properties and streets as to minimize light pollution and distractions to the travelling public.

5.7.2 Light fixtures should complement the existing character of the area and adjacent buildings.

5.7.3 Lighting shall be of a warm white light. No colour changing or flashing lighting is permitted.

5.7.4 Power cords for lighting or other electrical devices are not permitted to cross the pedestrian clearway and must not create tripping hazards.

5.8 Furnishings

5.8.1 All furnishings, including fencing, should be made of durable, weather-resistant materials, that are easily cleaned.

5.8.2 Host stands, busing stations, and garbage receptacles are permitted within the Seasonal Patio provided they are not

seen as a prominent feature within the space.

- 5.8.3 Tables shall not exceed a height of 0.9 metres above the finished floor of a Seasonal Patio.
- 5.8.4 Patio furniture or other treatments must be located entirely within the limits of the Seasonal Patio and not encroach onto the sidewalk or travelled portion of the roadway.
- 5.8.5 All signage will be in accordance with Sign By-law 4586-12. A Sign Permit is not required for one menu sign at a maximum size of 0.2 square metres.
- 5.8.6 Decorative free-standing flowerpots or planter boxes are encouraged to be included in any design. Hanging planters may be used but should not extend over the sidewalk or travelled portion of the roadway.**

5.9 Sources of Shade

- 5.9.1 Seasonal Patios may include sources of shade such as umbrellas, pergolas, shade sails, or canopies.
- 5.9.2 Sources of shade must be removable, have no walls, and be located entirely within the limits of the Seasonal Patio.
- 5.9.3 Associated fabric should be of a flame and fade resistant material.
- 5.9.4 Non-branded sources of shade shall be used exclusively. Colours should be muted and compatible with adjacent buildings. Black fabric is discouraged.**
- 5.9.5 If the Seasonal Patio includes a tent, a Building Permit will be required if the tent (or group of tents) meets any of the following criteria:
 - (a) exceeds an area of 60 square metres;
 - (b) is attached to a building; or
 - (c) is constructed within 3 metres from other structures (including another tent).
- 5.9.6 Any tent and materials used in connection with a tent must meet the flame resistant rating requirements as outlined in the Ontario Building Code and certification of this must be supplied to the Fire Department prior to occupancy.
- 5.9.7 Tents must be designed to handle area snow loads as per the Ontario Building Code.