

Seasonal Patio Program Applicant Guide

January 2025 Draft



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1. Introduction

The Town of Niagara-on-the-Lake has established a Seasonal Patio Program to provide food and drink establishments the opportunity to install outdoor patios on private or municipal property in the Town's urban area. Seasonal Patios may operate between the months of April and October and must be removed outside of the patio season. This Applicant Guide provides information about the Seasonal Patio Program, including the application process, operational requirements, and Minimum Design Standards.

This Applicant Guide applies to food and drink establishments wishing to participate in the Seasonal Patio Program only. If you wish to construct a permanent patio for your establishment, the provisions of Zoning By-law No. 4316-09 will apply, and a Building Permit will be required. Please visit the Town's website for more information on zoning regulations and Building Permits.

1.1 Definitions

Seasonal Patio	Means an outdoor eating area associated with a food establishment that is designed to be temporary in nature and operates between the months of April and October.
Street	Means the right-of-way of a public street, road or highway which affords the principal access to abutting lots and does not include a lane, private lane, or a private road or an unopened road allowance.
Pedestrian clearway	Means the space adjacent to a Seasonal Patio providing access for pedestrian movement (sidewalk).
Operator	Means the person responsible for the operation of a Seasonal Patio.
Applicant	Means the person/business applying for a Seasonal Patio Permit.

2 APPLICATION

2. Applying for a Seasonal Patio Permit

A Seasonal Patio Permit is required to operate a Seasonal Patio on private property or municipal property. All applications will be reviewed against the priorities of public health and safety, accessibility, adequacy of street parking, and maintaining the Town's heritage character. Applications will be approved to the satisfaction of the Director of Community and Development Services.

A Heritage Permit is not required to operate a Seasonal Patio within the Queen-Picton Heritage Conservation District or for individual properties designated under the Ontario Heritage Act. However, your application will be subject to review by Heritage Planning Staff.

Did you know?

Alterations (including new construction, reconstruction, restoration, additions, demolition, etc) to heritage properties generally require a Heritage Permit.

Owners of designated properties should check with Planning Staff to confirm whether their property is designated and if the work they are proposing to do requires a Heritage Permit.

2.1 Process

Your Seasonal Patio Permit should be prepared and submitted to be processed as follows:

- 1 Prepare a Site Plan showing the proposed Seasonal Patio according to the Minimum Design Standards in Section 5. Confirm if the subject lands are within the Queen-Picton Heritage Conservation District, designated under Part IV of the Ontario Heritage Act, or within a Secondary Plan Area.
- 2 Submit your Seasonal Patio application and additional submission requirements through the Town's website. You are required to identify the proposed Seasonal Patio Type on your application (see Section 5.1 for further details).

You must submit your application between mid-January to mid-March each year to ensure it is reviewed by the start of the Seasonal Patio operating season. Specific intake dates will be updated on the Town's website. If you miss the application deadline, please contact the Clerk's Department at **clerks@notl.com** or **905-468-3266** for more information.

- 3 Town Staff will review your application and communicate with you regarding any outstanding submission requirements, application fees owed (see Section 2.3.1), and instructions for payment. Only complete applications will be circulated.

- 4 Your Seasonal Patio application is circulated to Departments for review. Applications must receive approval from the Town prior to any work taking place.
- 5 Your Seasonal Patio Permit is issued via email.
- 6 Install your Seasonal Patio according to the dates indicated on your Seasonal Patio Permit.
- 7 Before occupancy of the Seasonal Patio, you must arrange for a site visit and inspection by Town Staff. This can be arranged by emailing patio.application@notl.com or calling 905-468-3266. Staff will visit the site and assess the Seasonal Patio for structural integrity, public safety, and Accessibility for Ontarians with Disabilities Act (AODA) compliance and will advise you on any required adjustments to the Seasonal Patio.

2.2 Submission Requirements

You are required to submit the following as part of your Seasonal Patio Permit application:

- 2.2.1 If the Seasonal Patio is located on municipal property, a Certificate of Insurance for the duration of the Seasonal Patio, in the amount of \$5 million, listing the Town as additional insured, is required.
- 2.2.2 Letter of Endorsement signed by the property owner if the Applicant is not the owner of the subject property.
- 2.2.3 Encroachment Form if the Seasonal Patio is to extend in front of an abutting property.
- 2.2.4 If the installation of a Seasonal Patio requires work to occur in the street, the Applicant must provide a Transportation Management Plan as per the Ontario Traffic Manual Book 7 – Temporary Conditions. The Transportation Management Plan will clearly outline the area of work and measures taken to promote traffic and pedestrian safety.
- 2.2.5 Liquor licence, in good standing (if applicable).
- 2.2.6 Business licence.
- 2.2.7 Posted occupancy of the establishment's indoor area.
- 2.2.8 If the Seasonal Patio incorporates a tent, a Tent Permit may be needed. See Section 5.8.7 for more information.

2.2.9 A Site Plan of a Seasonal Patio on municipal property must be prepared and include the required details as provided below (see Appendix A for an example Site Plan of a Seasonal Patio on Municipal Property):

- Drawn to scale in metric units.
- Location and dimensions (length, width, area) of the proposed Seasonal Patio.
- Front lot line and partial side lot lines of the property on which the business associated with the Seasonal Patio is located (and adjacent properties if Seasonal Patio is to extend in front of an abutting property). Visit the Niagara Navigator online mapping tool to see the lot lines for your property.
- Front wall of the associated building and adjacent buildings.
- Relevant streets labelled.
- If the Seasonal Patio is on the street, identify the widths of the street and lanes. Niagara Navigator can be used to measure the widths of the street and lanes.
- Location and dimensions of all existing parking spaces to be occupied (if applicable).
- Location of entrances to the associated building and Seasonal Patio area.
- Typical layout of furnishings (e.g. tables, chairs, host stands, and sources of shade). This does not prevent Operators from rearranging furnishings to accommodate different party sizes and environmental needs such as the position of the sun or puddles.
- Demonstrate that applicable design requirements have been met for the specific Seasonal Patio Type as outlined in Section 5.1 (roadside barriers, minimum pedestrian clearway, buffer, sightline triangle, distance to street centreline etc.)
- Emergency access routes, fire department connections, and fire hydrants, if known. Staff will provide additional clarification on emergency access routes through comments on the application.
- Distances from fire department connections, fire hydrants, trees, parking meters, street furnishings (e.g. benches), or any other pertinent features.
- Heights of features such as the finished floor, perimeter (see Section 5.6), tables, and sources of shade.
- Description of construction materials to be used for the Seasonal Patio.

2.2.10 A Site Plan of a Seasonal Patio on private property must be prepared and include the required details as provided below (see Appendix B for an example Site Plan of a Seasonal Patio on Private Property):

- Drawn to scale in metric units.
- Lot lines and driveway accesses. Visit the Niagara Navigator online mapping tool to see the lot lines for your property.
- Location and dimensions (length, width, area) of the proposed Seasonal Patio and all buildings and accessory structures on the property.
- Setbacks of the Seasonal Patio to all property lines, buildings, and accessory structures.
- Location of entrances to the building and Seasonal Patio area.
- Typical layout of furnishings (e.g. tables, chairs, host stands, sources of shade). This does not prevent Operators from rearranging furnishings to accommodate different party sizes and environmental needs such as the position of the sun or puddles.
- Emergency access routes, fire department connections, and fire hydrants, if known. Staff will provide additional clarification on emergency access routes through comments on the application.
- Heights of features such as the finished floor, perimeter (see Section 5.6), tables, and sources of shade.
- Description of construction materials to be used for the Seasonal Patio.

2.3 Fees

2.3.1 Seasonal Patio fees are available on the Town's website and are subject to change.

2.3.2 The following fees are required for a Seasonal Patio Permit:

- Initial Application Fee **OR** Renewal Fee (see Section 4.3 for more information on renewing a Seasonal Patio Permit)
- Fee per street-parking space occupied within the Queen-Picton Heritage Conservation District.

2.3.3 Additional fees may be applicable should an inspection be required by the Fire and Emergency Services Department. Applicants will be notified of additional fees during step three of the application process as described in Section 2.1.

3 OPERATION

3. Operation

3.1 General Operational Requirements

- 3.1.1 Operators shall comply with all municipal by-laws including, but not limited to, the Town's Noise By-law No. 4588-12, Sign By-law No. 4586-12, Public Nuisances By-law No. 4393-10, and Zoning By-law No. 4316-09.
- 3.1.2 Food preparation is not permitted on Seasonal Patios. Drink preparation must be in accordance with Alcohol and Gaming Commission of Ontario requirements.
- 3.1.3 A fire extinguisher (minimum 2A-10BC) must be available within 15.0 metres of any part of the Seasonal Patio.
- 3.1.4 Seasonal Patios (including decorations, furniture, and plantings) and immediate surroundings must be regularly maintained by the Operator to ensure safety, cleanliness (including pest control), and to maintain the street character.
- 3.1.5 Outdoor entertainment and music systems shall not be permitted in conjunction with a Seasonal Patio.
- 3.1.6 No Seasonal Patios shall operate before 8:00 a.m. or after 11:00 p.m.

3.2 Operating Season

- 3.2.1 Installation shall occur in accordance with the dates indicated on a Seasonal Patio Permit.
- 3.2.2 Seasonal Patios are permitted to operate annually from April 1st to October 31st.
- 3.2.3 Seasonal Patios must be removed completely by the end of the day on November 1st, annually, at the expense of the Operator. The Town may remove a Seasonal Patio at the expense of the Operator if a Seasonal Patio is not removed by the end of the day on November 1st.

3.3 Capacity

- 3.3.1 For establishments without a liquor licence, the total capacity of the indoor area and Seasonal Patio shall not exceed the posted occupancy of the indoor area.
- 3.3.2 For establishments with a liquor licence, the total capacity of the indoor area and Seasonal Patio shall not exceed the posted occupancy of the indoor area indicated on the liquor licence or 1.1 m² per person, whichever is the lesser.
- 3.3.3 The occupancy load for a tent will be determined by the Town of Niagara-on-the-Lake Fire and Emergency Services Department and is subject to change depending on the service of alcohol.

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IMPLEMENTATION

4. Implementation

4.1 Enforcement

- 4.1.1 Operators shall comply with all municipal by-laws including, but not limited to, the Town's Noise By-law No. 4588-12, Sign By-law No. 4586-12, Public Nuisances By-law No. 4393-10, and Zoning By-law No. 4316-09.
- 4.1.2 Any Municipal Officer is authorized to inspect a Seasonal Patio at any reasonable time and require adjustments to bring the Seasonal Patio into compliance with these Guidelines or any other applicable legislation, Act, or By-law.
- 4.1.3 The Town can require the removal of the Seasonal Patio or any other structure within the right-of-way at the expense of the Operator with the provision of 30 days' notice or immediately without advance notice in the event of an emergency.

4.2 Liquor Licence

- 4.2.1 Operators that wish to serve alcohol on their Seasonal Patio must ensure that they have a valid liquor licence issued by the Alcohol and Gaming Commission of Ontario at the time of application to the Town.
- 4.2.2 Operators must notify the Alcohol and Gaming Commission of Ontario of their Seasonal Patio Permit, including the duration and conditions of the approval.
- 4.2.3 Operators shall provide their liquor licence if requested by any Municipal Officer.

4.3 Renewal & Modification

- 4.3.1 It is the responsibility of the Applicant to submit an application for the renewal of a Seasonal Patio Permit each year.
- 4.3.2 Encroachment Forms (Section 2.2.2) and Letters of Endorsement (Section 2.2.3) must be resubmitted each year with a renewal application.
- 4.3.3 Applications will be accepted from mid-January to mid-March each year to ensure they are reviewed by the start of the Seasonal Patio operating season. Specific intake dates will be updated on the Town's website. If you miss the application deadline, please contact the Clerk's Department at **clerks@notl.com** or **905-468-3266** for more information.
- 4.3.4 Applicants shall contact the Clerk's Department should they wish to make modifications to an approved Seasonal Patio Permit.

5

MINIMUM DESIGN STANDARDS

5. Minimum Design Standards

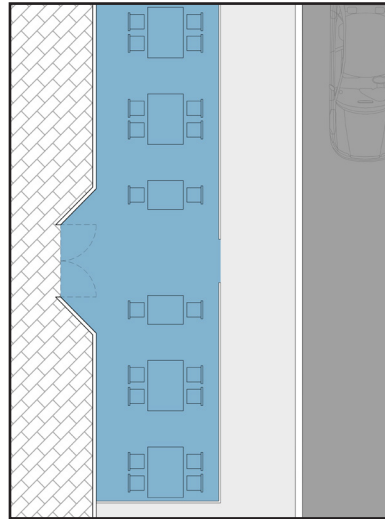
Seasonal Patios in Niagara-on-the-Lake shall be built in accordance with the Minimum Design Standards contained in this section, to the satisfaction of the Director of Community and Development Services.

Seasonal Patios within the Queen-Picton Heritage Conservation District, within a Secondary Plan area, or on/adjacent to a heritage property designated under the *Ontario Heritage Act*, are expected to have an enhanced design by giving particular consideration to **bolded standards**.

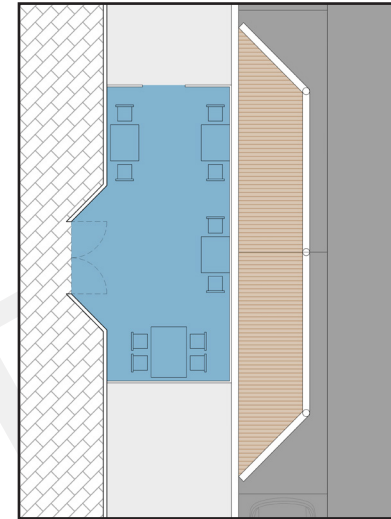
If you are unsure whether your Seasonal Patio is within the Queen-Picton Heritage Conservation District, or on or adjacent to a heritage property, visit the Town's Heritage Planning webpage or contact heritage@notl.com.

If you are unsure whether your Seasonal Patio is within a Secondary Plan area, visit the Town's Official Plan webpage or contact planning.development@notl.com.

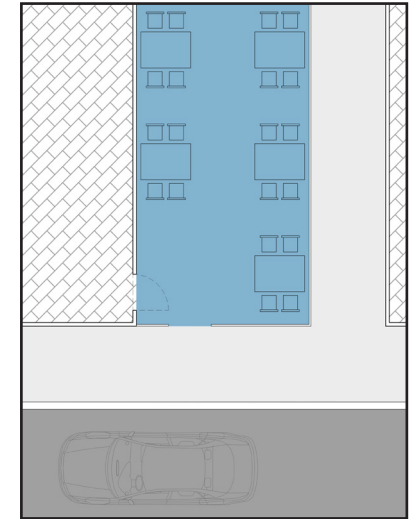
Type A - Frontage



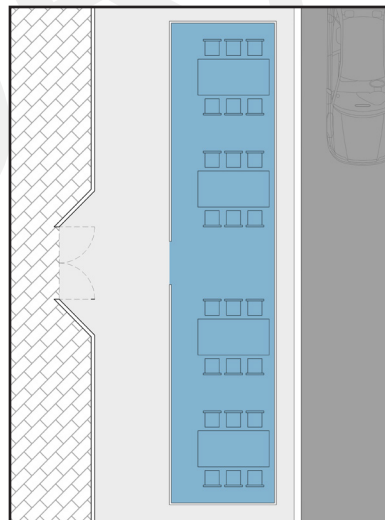
Type B - Frontage with Clearway



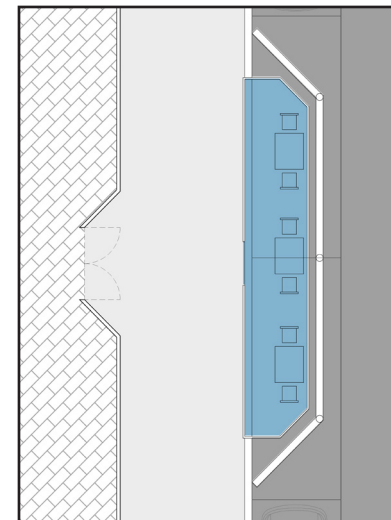
Type C - Alleyway



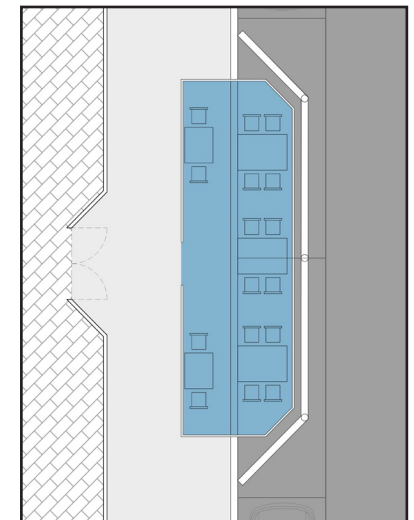
Type D - Curbside



Type E - On-Street



Type F - Curbside/On-Street Combination



5.1 Seasonal Patio Types

Seasonal Patios on municipal property 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 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 do not need to cross the pedestrian clearway to access the Seasonal Patio.

Type A Seasonal Patios must meet the following requirements:

- 5.1.1 A minimum pedestrian clearway of 2.1 metres must be maintained between the edge of the Seasonal Patio and the curb (see Figure 1). **2.5 metres is preferred where possible.**
- 5.1.2 Type A Seasonal Patios adjacent to corner lots must maintain corner sightline triangles in accordance with Comprehensive Zoning by-law No. 4316-09 (see Figure 2).

Figure 1: Type A - Frontage

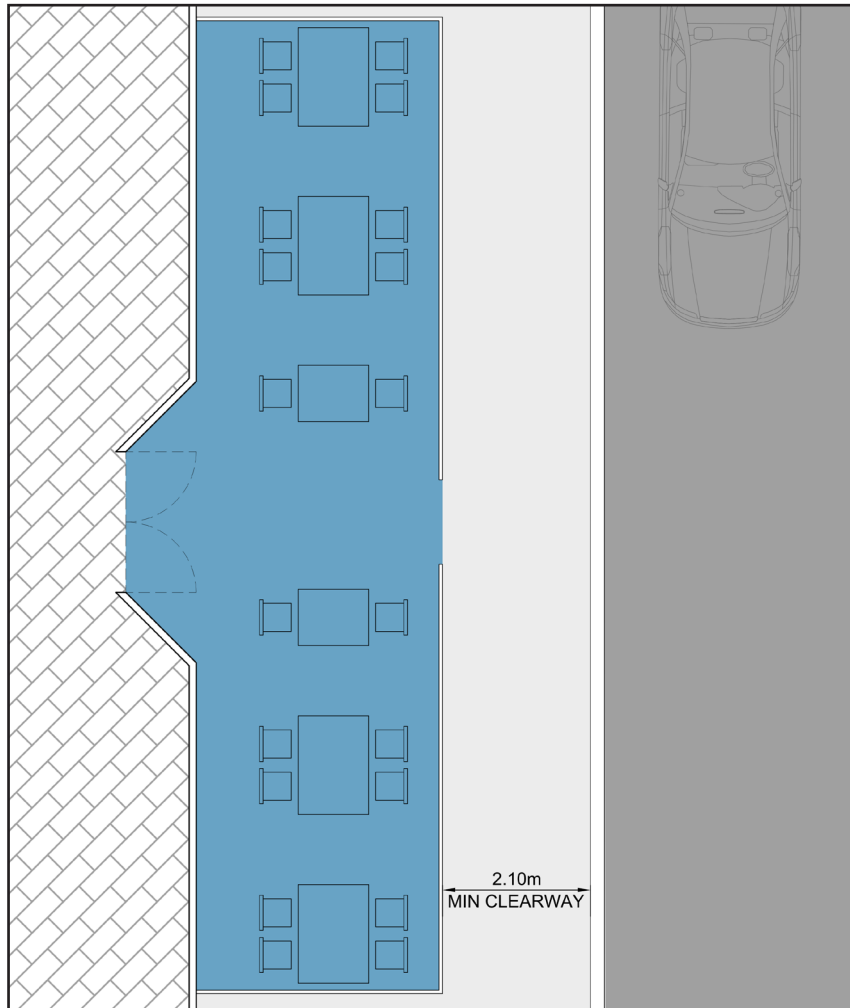
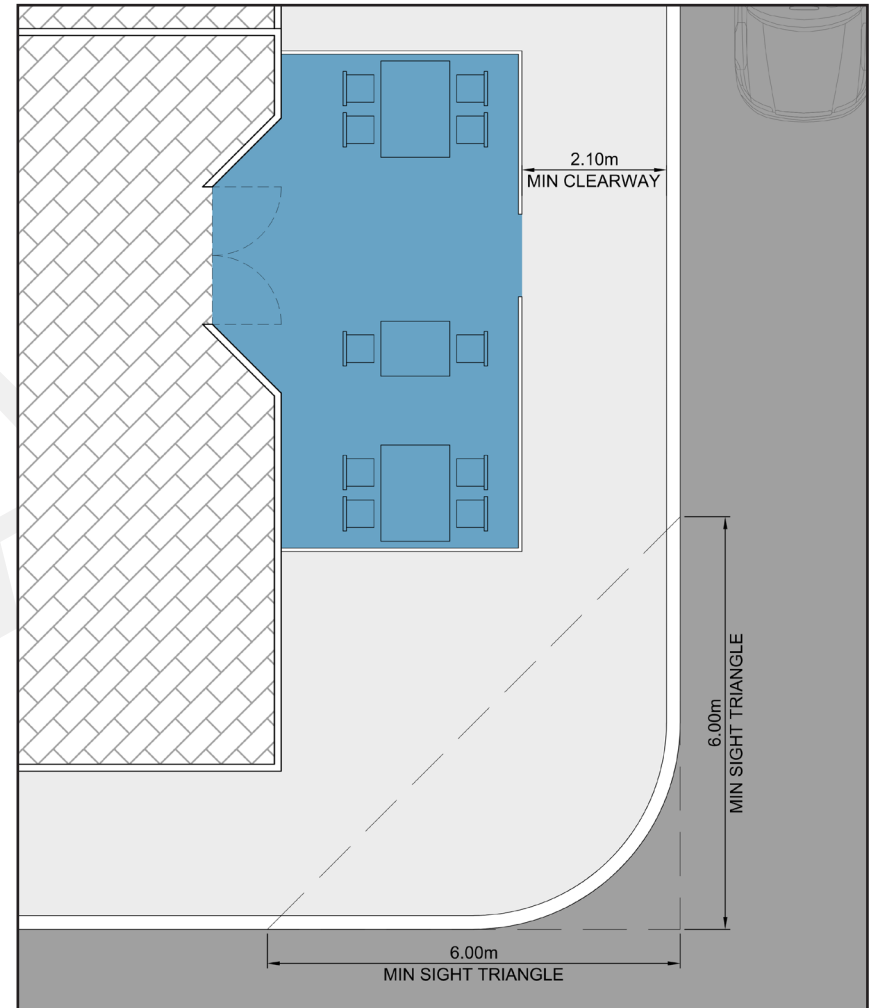


Figure 2: Type A - Frontage on Corner



TYPE B - FRONTAGE WITH CLEARWAY

Type B – Frontage with Clearway (Type B) Seasonal Patios occupy the entire width of the sidewalk and have a temporary pedestrian clearway on the street. A benefit to Type B Seasonal Patios is that restaurant staff and customers do not need to cross the pedestrian clearway to access the Seasonal Patio.

Type B Seasonal Patios must meet the following requirements:

5.1.3 Type B Seasonal Patios are not permitted within the Queen-Picton Heritage Conservation District.

- 5.1.4 The temporary pedestrian clearway must have a minimum width of 2.1 metres (see Figure 3). **2.5 metres is preferred where possible.**
- 5.1.5 Roadside barriers such as bollards must be installed around the pedestrian clearway. See 5.5.4 for further information.
- 5.1.6 Where the street has 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 next lane (see Figure 3).
- 5.1.7 Where the street has 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 (see Figure 4).
- 5.1.8 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 Division.
- 5.1.9 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 emergency access points must be installed.

Figure 3: Type B - Frontage with Clearway

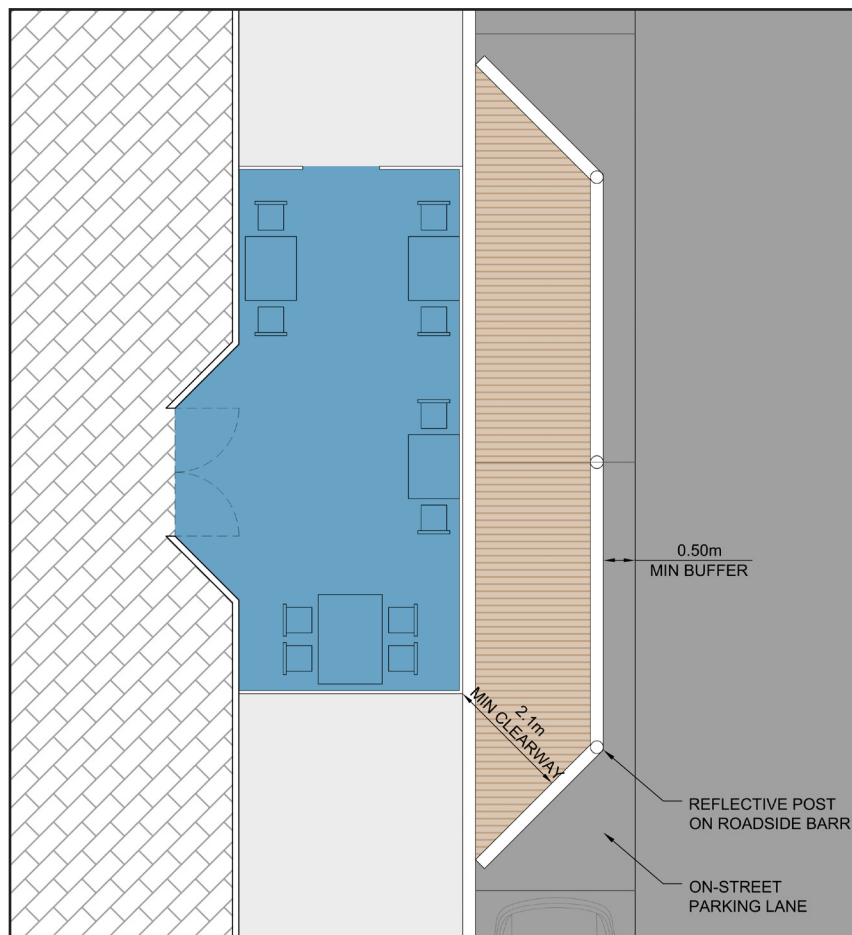
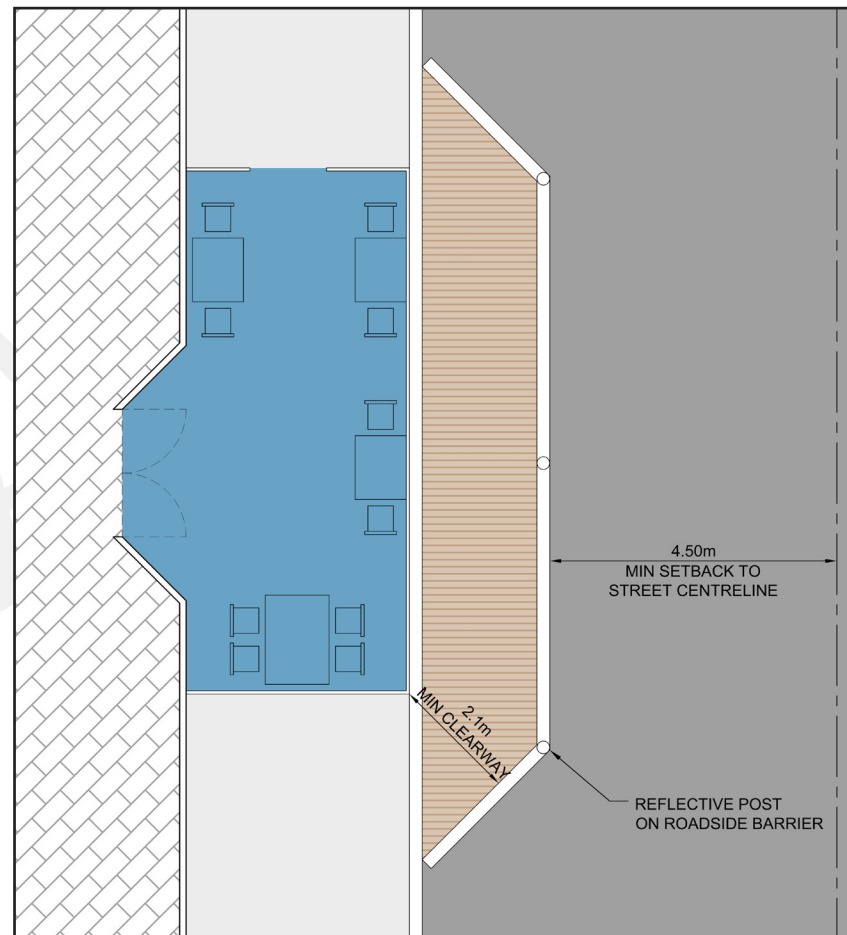


Figure 4: Type B - Frontage with Clearway – Single Lane



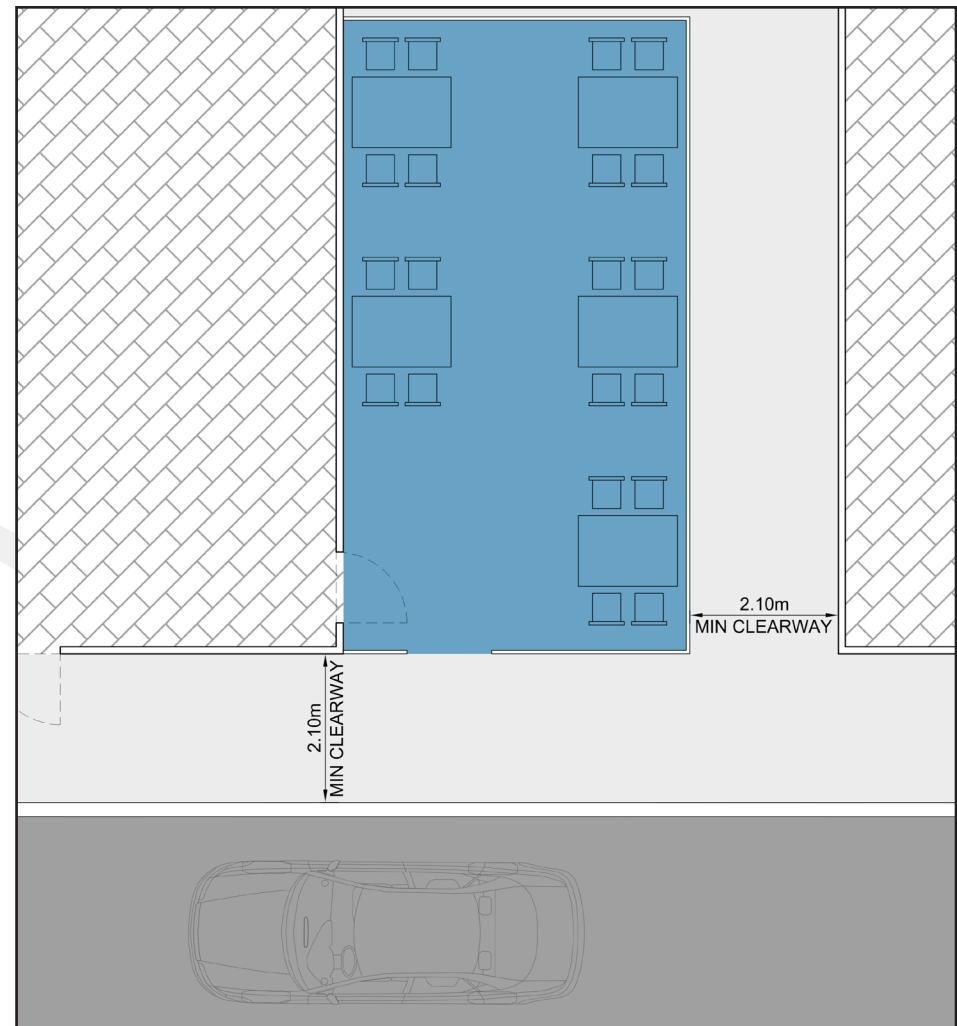
TYPE C - ALLEYWAY

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:

- 5.1.10 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 (see Figure 5). **2.5 metres is preferred where possible.**
- 5.1.11 If the alleyway is regularly used for vehicular access or loading, this must be maintained, or an alternate route provided, to the satisfaction of Town Staff.

Figure 5: Type C - Alleyway



TYPE D - CURBSIDE

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:

- 5.1.12 A minimum pedestrian clearway of 2.1 metres must be maintained between the edge of the Seasonal Patio and the building (see Figure 6). **2.5 metres is preferred where possible.**
- 5.1.13 A minimum 0.5 metre buffer must be maintained between the edge of the Seasonal Patio and the curb (see Figure 6).
- 5.1.14 Type D Seasonal Patios adjacent to corner lots must maintain corner sightline triangles in accordance with Comprehensive Zoning By-law No. 4316-09 (see Figure 7).

Figure 6: Type D - Curbside

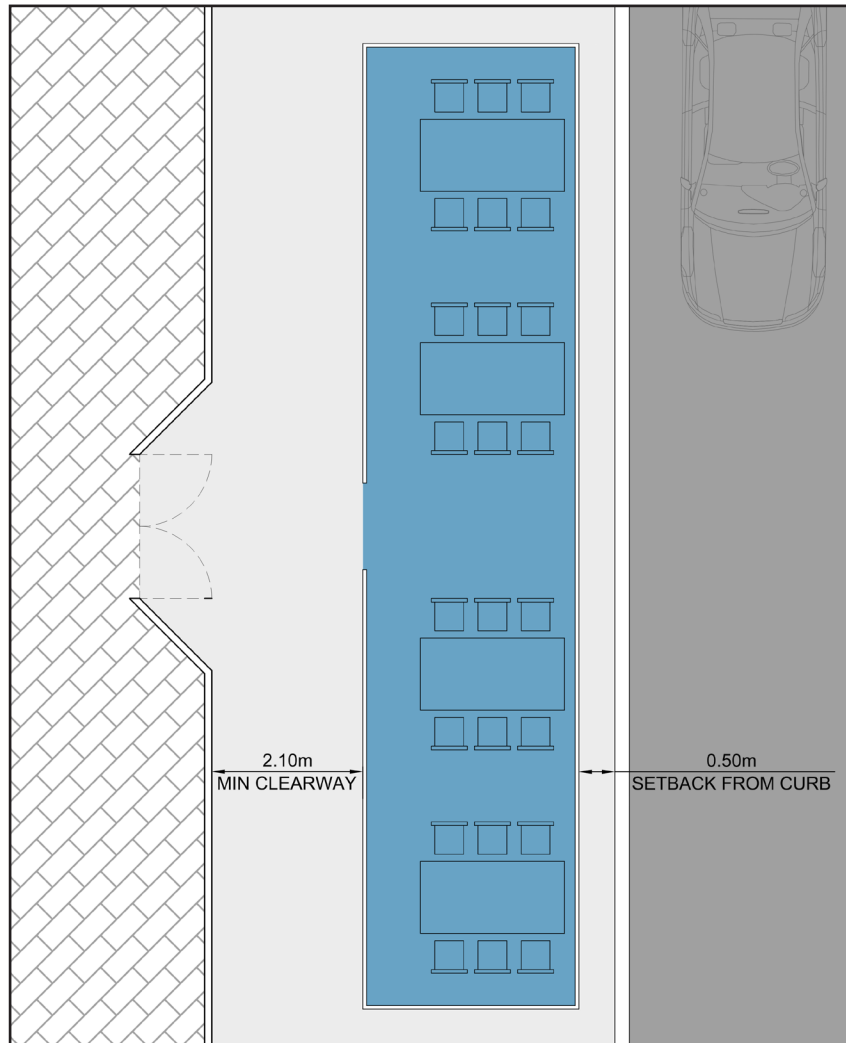
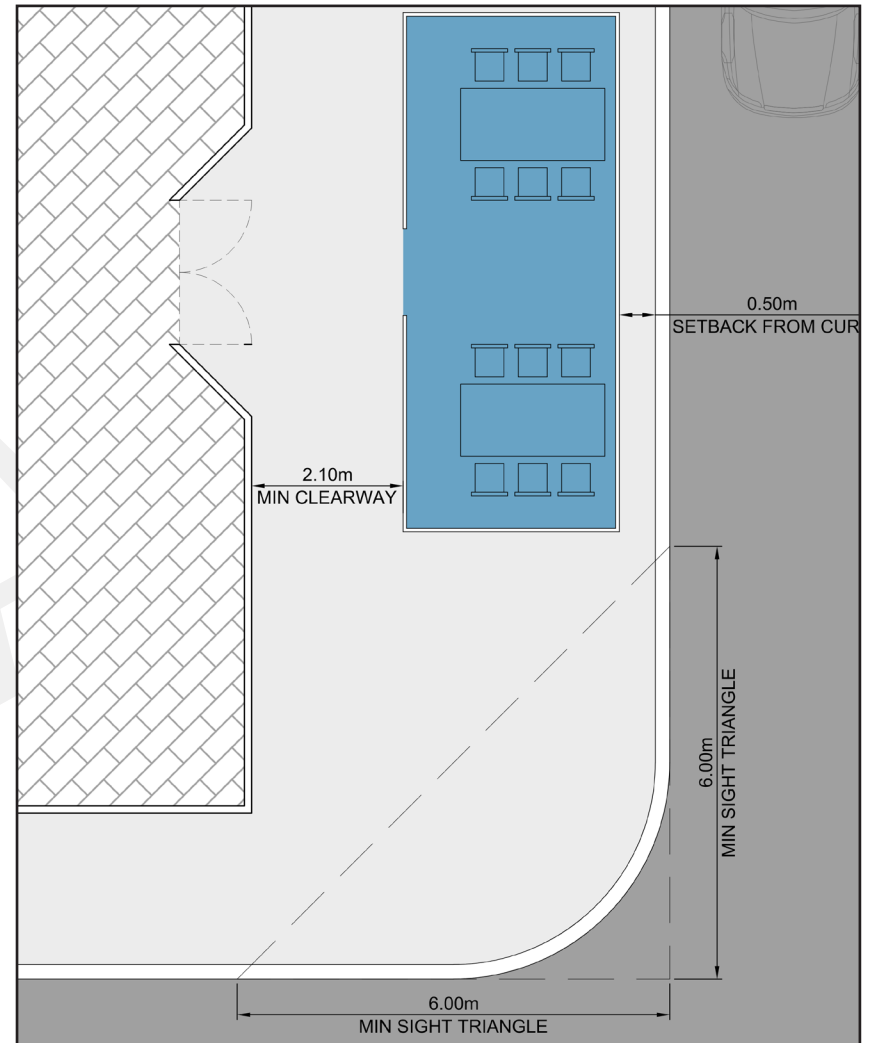


Figure 7: Type D – Curbside on Corner



TYPE E - ON STREET

Type E – On Street (Type E) Seasonal Patios are located fully on the street. 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. Additional fees apply to Seasonal Patios occupying street-parking in the Queen-Picton Heritage Conservation District.

Type E Seasonal Patios must meet the following requirements:

- 5.1.15 The existing width of the pedestrian clearway must be maintained.
- 5.1.16 Roadside barriers such as bollards must be installed around the Seasonal Patio. See 5.5.4 for further information.
- 5.1.17 Where the street has 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 next lane (see Figure 8).
- 5.1.18 Where the street has 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 (see Figure 9).
- 5.1.19 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 Division.
- 5.1.20 If the Type E 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 emergency access points must be installed.

Figure 8: Type E – On-Street

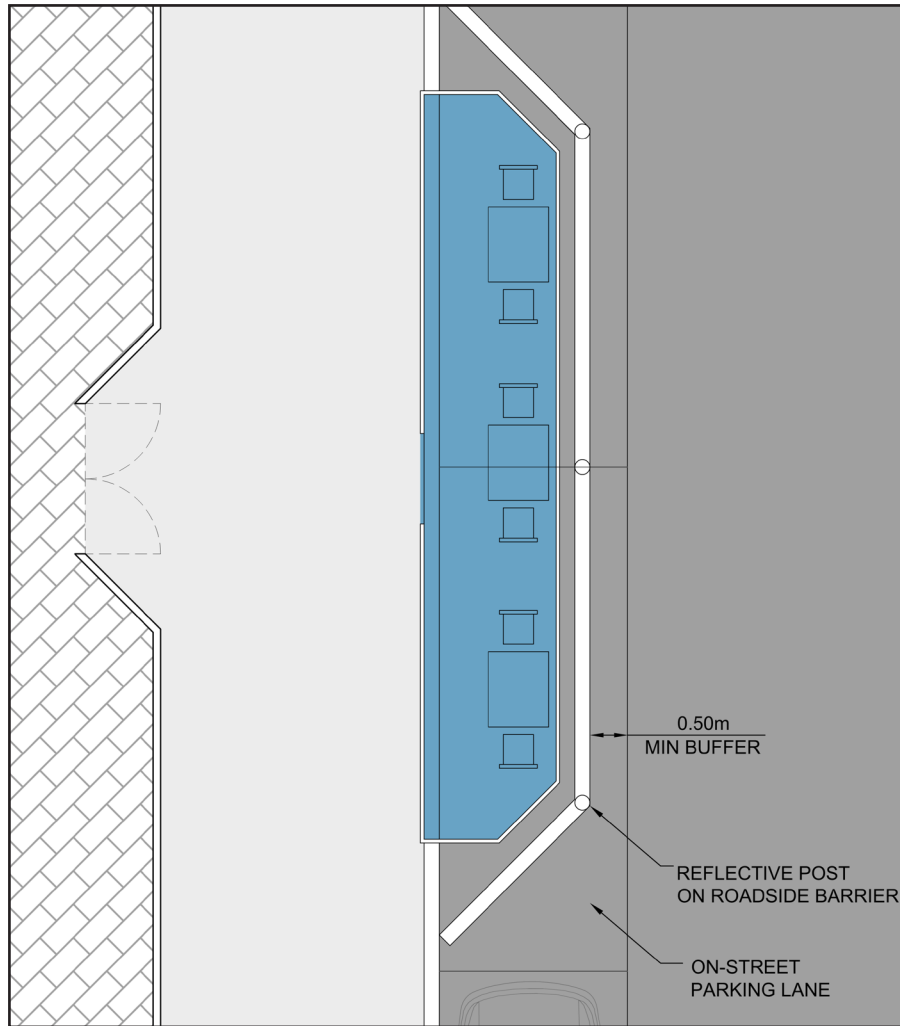
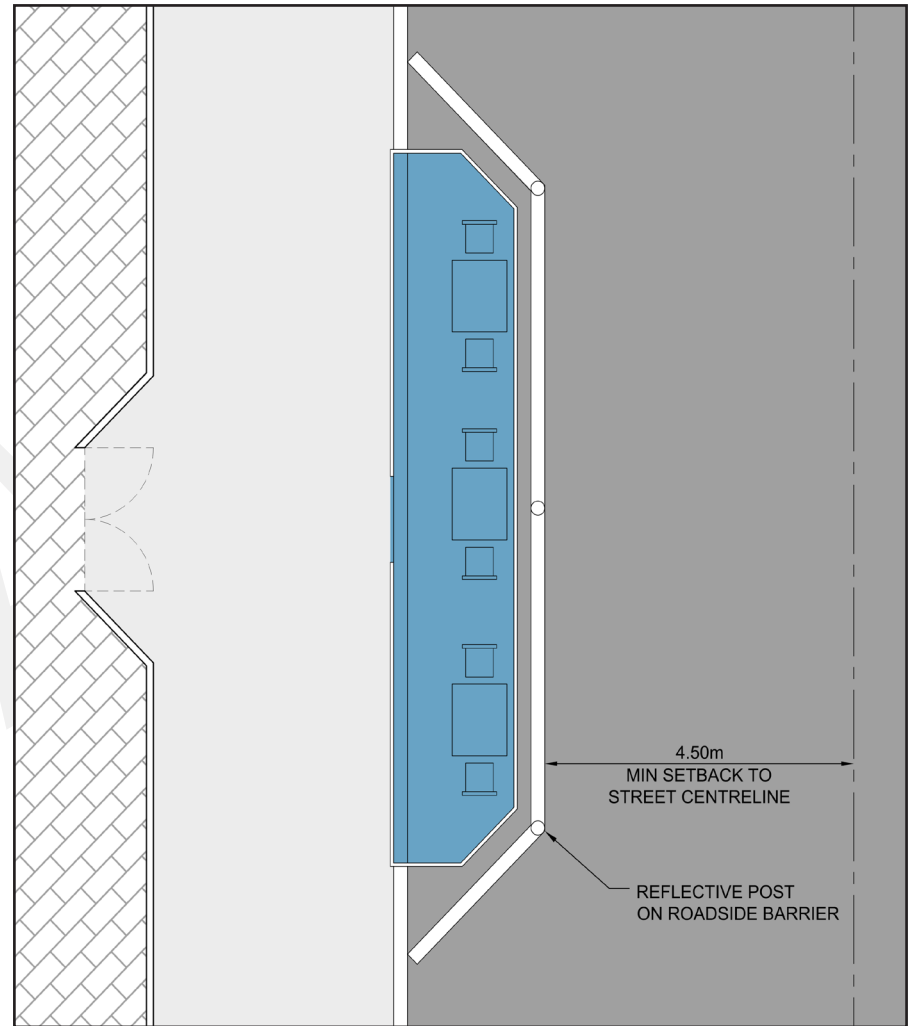


Figure 9: Type E – On-Street, Single Lane



TYPE F – CURBSIDE/ON-STREET COMBINATION

Type F – Curbside/On-Street Combination (Type F) Seasonal Patios are located on both the sidewalk and the street, with a 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. Additional fees apply to Seasonal Patios occupying street-parking in the Queen-Picton Heritage Conservation District.

Type F Seasonal Patios must meet the following requirements:

- 5.1.21 A minimum pedestrian clearway of 2.1 metres must be maintained between the edge of the Seasonal Patio and the building (see Figure 10). 2.5 metres is preferred where possible.
- 5.1.22 Roadside barriers such as bollards must be installed around the Seasonal Patio. See 5.5.4 for further information.
- 5.1.23 Where the street has 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 next lane (see Figure 10).
- 5.1.24 Where the street has 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 (see Figure 11).
- 5.1.25 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 Division.
- 5.1.26 If the Type F 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 emergency access points must be installed.

SEASONAL PATIOS ON PRIVATE PROPERTY

- 5.1.27 Seasonal Patios located fully on private property are required to conform to the provisions of Zoning By-law 4316-09.
- 5.1.28 Operators are strongly encouraged to design Private Seasonal Patios in accordance with the Minimum Design Standards as outlined in Section 5.

Figure 10: Type F – Curbside/On-Street Combination

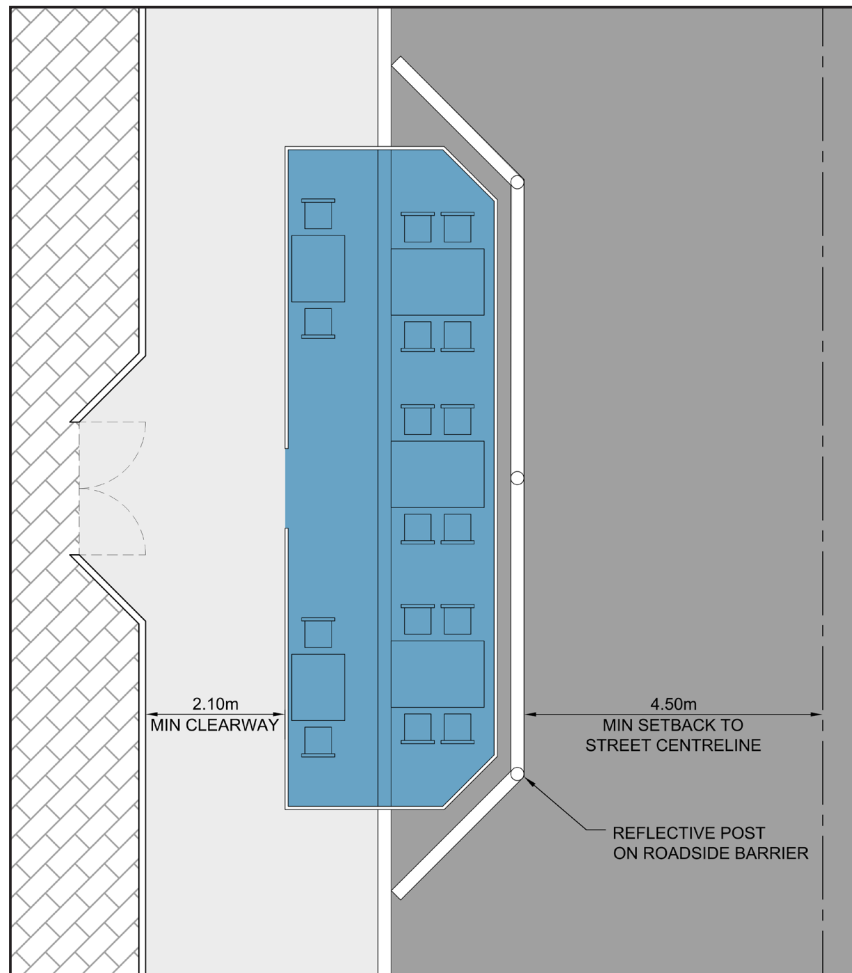
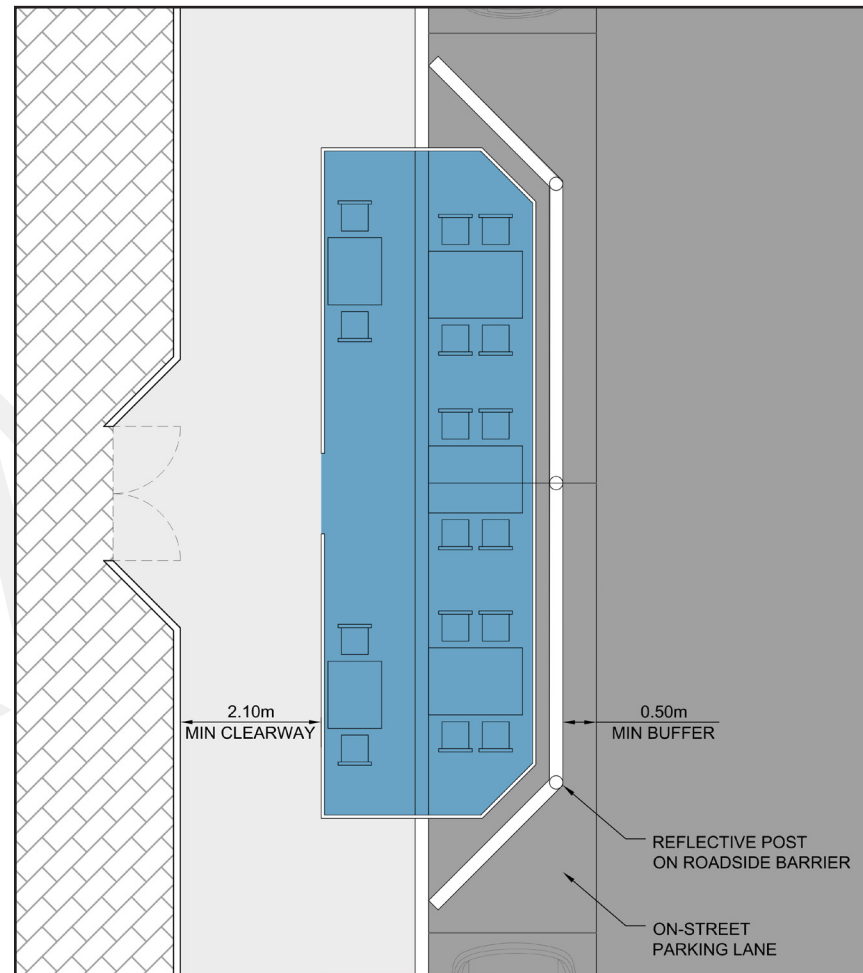


Figure 11: Type F – Curbside/On-Street Combination, Single Lane



5.2 Location

- 5.2.1 Seasonal Patios, including overhanging elements, must be directly adjacent to the Operator's establishment. Extensions in front of neighbouring properties may be permitted through approval of an Encroachment Form as described in Section 2.2.3.
- 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 should generally not occupy more than two on-street parking spaces.**
- 5.2.3 For Seasonal Patios on private property, required on-site parking may be used in accordance with Zoning By-law 4316-09. 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 (e.g. benches), 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 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 throughout the seating area.
- 5.3.3 Seasonal Patios shall not obstruct barrier-free travel paths, including paths to barrier-free washrooms. Clear routes that allow a forward approach to barrier-free tables for people using mobility devices must be maintained at all times.
- 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 shall not obstruct emergency access routes or building exits and entrances. Adequate separation distance shall be provided between Seasonal Patios to the satisfaction of the Fire and Emergency Services Department.
- 5.4.2 A minimum of 1.5 metres clearance from Fire and Emergency Services Department connections and hydrants must be maintained.
- 5.4.3 Portable heating devices must be installed in accordance with the manufacturer's instructions and meet Federal and Provincial safety requirements. Wood burning fire pits shall not be permitted. Refer to the Technical Standards and Safety Authority Patio Heater Safety Guidelines and Patio Heaters Safety Checklist for further information.
- 5.4.4 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.
- 5.4.5 A fire extinguisher (minimum 2A-10BC) must be available within 15.0 metres of any part of the Seasonal Patio.

5.5 Construction

- 5.5.1 Seasonal Patio structures shall be designed to be temporary in nature.
- 5.5.2 The floor of a Seasonal Patio must be level and have a flush transition at the sidewalk and curb.
- 5.5.3 The platform of a Seasonal Patio shall be designed so as not to obstruct street drainage and include maintenance hatches that allow for the servicing of catch basins or other maintenance needs (e.g. pest control) underneath the platform.
- 5.5.4 **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.**
- 5.5.5 **The materials, scale, and style of a Seasonal Patio shall be consistent with the Queen-Picton Heritage Conservation District Plan, to the satisfaction of Heritage Planning Staff.**
- 5.5.6 Gaps between the deck boards of a Seasonal Patio shall be minimized to prevent food scraps or other items from falling underneath the platform.
- 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 Seasonal Patios shall be defined by fencing, planter boxes, or other perimeter with a minimum height of 0.9 metres and maximum height of 1.2 metres (see Figure 12).
- 5.6.2 Perimeters must be 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 street, roadside barriers shall be installed in accordance with the Ontario Traffic Council Restaurant Patio Guidelines within the Right of Way.
- 5.6.5 Within the Queen-Picton Heritage Conservation District, roadside barriers shall be inside the perimeter of a Seasonal Patio to minimize visual impacts on heritage character (refer to Appendix A).**

5.7 Furnishings

- 5.7.1 All furnishings (e.g. tables, chairs, sources of shade) should be made of durable, weather-resistant materials that are easily cleaned.
- 5.7.2 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.**
- 5.7.3 Tables shall not exceed a height of 0.9 metres above the finished floor of a Seasonal Patio (see Figure 13).
- 5.7.4 Seasonal Patio furniture or other treatments must be located entirely within the limits of the Seasonal Patio and not encroach onto the sidewalk or street (see Figure 14).
- 5.7.5 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.
- 5.7.6 Decorative free-standing flowerpots or planter boxes should be included in any design.**

Figure 12: Perimeter Height

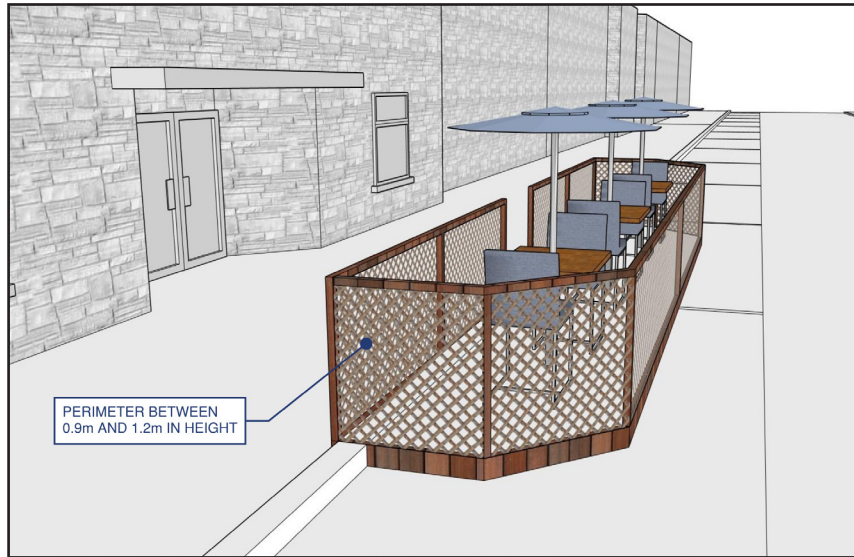


Figure 13: Table Height

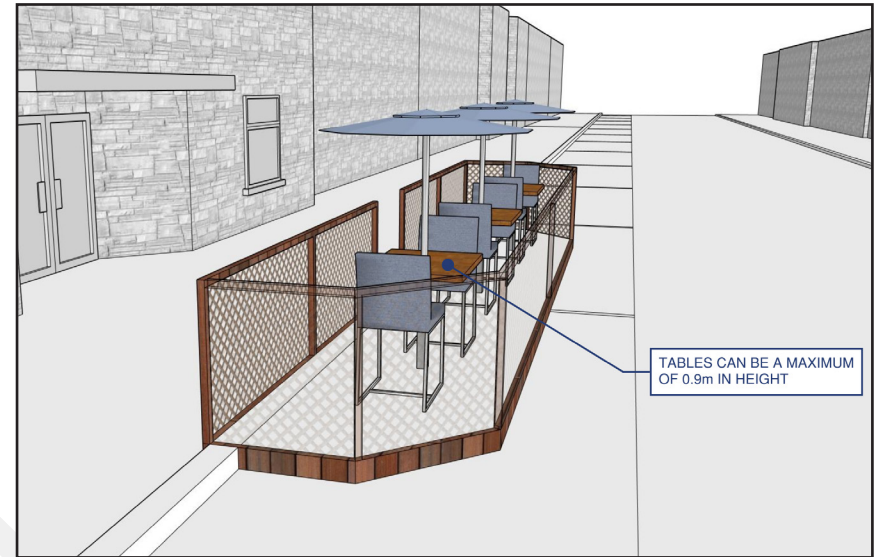
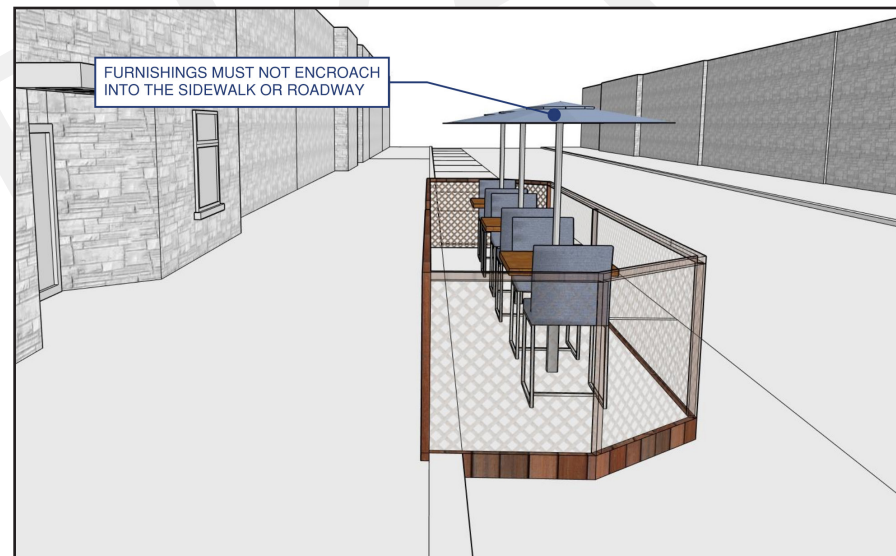


Figure 14: Perimeter and Furnishing Standards



5.8 Lighting

- 5.8.1 Lighting shall be directed onto the Seasonal Patio area away from adjoining properties and streets so as to minimize light pollution and distractions to the travelling public.
- 5.8.2 Light fixtures should complement the existing character of the area and adjacent buildings.**
- 5.8.3 Lighting shall be of a warm white light. No colour changing or flashing lighting is permitted.**
- 5.8.4 Power cords for lighting or other electrical devices are not permitted to cross the pedestrian clearway and must not create tripping hazards.

5.9 Sources of Shade

- 5.9.1 Seasonal Patios may include sources of shade such as umbrellas, pergolas, and shade sails.
- 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 Non-branded sources of shade shall be used exclusively. Colours should be muted and compatible with adjacent buildings. Black fabric is discouraged.**
- 5.9.4 Any materials used in connection with a source of shade shall meet the flame-spread rating requirements per the Ontario Building Code and Ontario Fire Code. Certification of this must be supplied to the Fire and Emergency Services Department prior to occupancy.
- 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:
- exceeds an area of 60 square metres;
 - is attached to a building; or
 - is constructed within 3 metres from other structures (including another tent).
- 5.9.6 Tents must be designed to handle area snow loads as per the Ontario Building Code.

6. References

Niagara-on-the-Lake Resources

Niagara-on-the-Lake Official Plan and Secondary Plans

Comprehensive Zoning By-law No. 4316-09

Niagara-on-the-Lake Sign By-law 4586-12

Niagara-on-the-Lake Noise By-law 4588-12

Niagara-on-the-Lake Building Services

Heritage Planning

Niagara-on-the-Lake Heritage Planning Webpage

Queen-Picton Heritage Conservation District Plan

External Standards and Guidelines

Technical Standards & Safety Authority Patio Heater Safety Guidelines

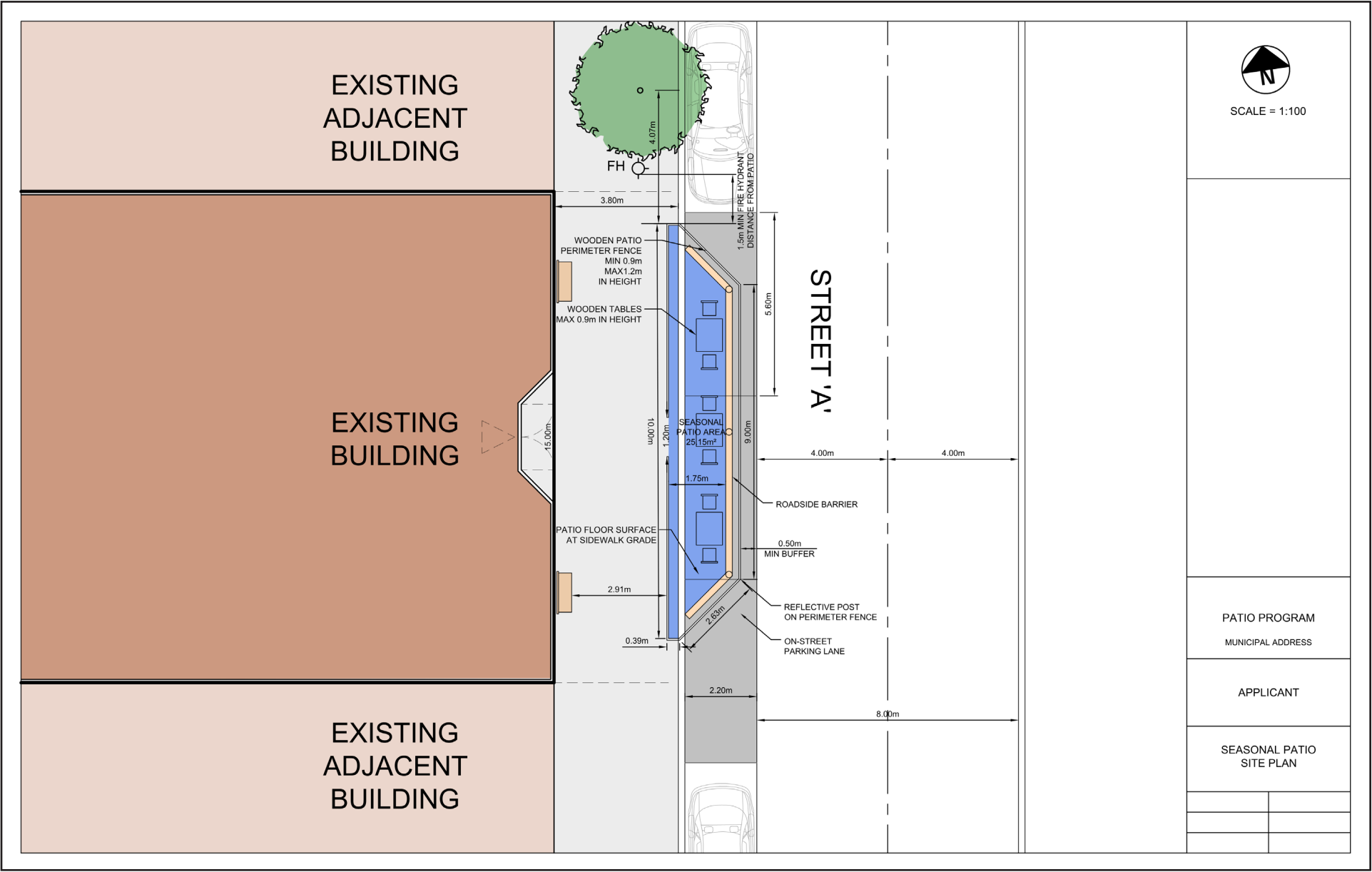
Technical Standards & Safety Authority Patio Heaters Safety Checklist

Ontario Traffic Council Restaurant Patio Guidelines within the Right of Way

Accessibility for Ontarians with Disabilities Act Integrated Accessibility Standards

7. Appendices

7.1 Appendix A – Example Site Plan of Seasonal Patio on Municipal Property



7.2 Appendix B - Example Site Plan of Seasonal Patio on Private Property

