
The Corporation of the Town of Niagara-on-the-Lake Information Report to Council

SUBJECT: Summary of Direction on Patios
DATE: 2025-12-02
REPORT #: CDS-25-189
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DEPARTMENT: Community & Development Services

BACKGROUND INFORMATION

In June 2020, in response to the COVID-19 pandemic, the Alcohol and Gaming Commission of Ontario (“AGCO”) introduced legislation to allow restaurants and bars to temporarily extend outdoor patio spaces to accommodate patrons.

In line with the AGCO permissions, the Town established the Temporary Patio Program in June 2020 (associated with **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. Since the initial establishment of the Temporary Patio Program, the Town has refined the program, approved several Temporary Use By-laws to allow their continuance, and engaged a consultant to assist with preparing a Seasonal Patio Program.

The below provides a timeline of the Town’s Temporary Patio Program, including Staff reports and presentations, and Council motions, since its inception:

- **April 19, 2021:** Staff recommends approval of an extension to the Temporary Patio Program until January 1, 2022, via **Staff Report CS-21-008**.
- **April 26, 2021:** Council approves refined Temporary Patio Program.
- **March 9, 2021:** Municipal Heritage Committee provides feedback on the Temporary Patio Program parameters, as requested via **Staff Report MHC-21-010**.
- **November 15, 2021:** Staff recommends approval of an extension to the Temporary patio Program until January 1, 2023, and provide a recommendation report regarding the potential continuation of the Program beyond January 1, 2023, by December 2022, via **Staff Report CS-21-033**.
- **April 25, 2022:** Council passes Temporary Use By-laws 4316EG-22 and 500XV-22, to allow for the extension of restaurant and bar patios onto public and private lands, subject to the Town's Temporary Patio Program Requirements, without application of provisions of Zoning By-law 4316-09, as amended, and Zoning By-law 500A-74, as amended. Council directs Staff to review the impact of the Temporary Patio Program.

- **January 24, 2023:** Council approves the extension of the existing Temporary Patio Program for 2023 and directs staff to review and provide a recommendation report regarding the Minimum Design Standards and processing of a permanent Seasonal Patio Program. This direction is in alignment with **Staff Report CDS-23-005**.
- **June 7, 2023:** Municipal Heritage Committee provides feedback on the current Temporary Patio Program to assist with refining the Program and Minimum Design Standards. The associated **Staff Report CDS-23-127** requests specific feedback from the Committee related to existing parameters and the height of the patio structures.
- **June 28, 2023:** Urban Design Committee provides feedback on the current Temporary Patio Program to assist with refining the Program and Minimum Design Standards. The associated **Staff Report CDS-23-196** requests feedback from the Committee respecting urban design-related components.
- **November 14, 2023:** Staff provides a summary of public engagement and feedback on the Temporary Patio Program via a **presentation**. **Staff Report CDS-23-205** provides a summary of the feedback received from Town and Agency Staff, as well as the public, on the current Temporary Patio Program. The results of the survey were also summarized and attached to this report.
- **November 21, 2023:** Council supports the seasonal patio program in the urban area; however, it defeated the motion to prepare a permanent patio program for seasonal patios for food and drink establishments within the urban area. Staff were directed to prepare a report back to Council to incorporate feedback and comments received to date on the patio program.
- **January 16, 2024:** Council directs Staff to prepare a permanent program for Seasonal Patios for food and drink establishments within the urban area, including all necessary documentation and application requirements, and directs Staff to bring forward a by-law to extend the Temporary Use By-law within the **urban area only** until February 28, 2025, to allow patios in 2024 and provide time to establish the Seasonal Patio Program. **Staff report CDS-24-007** provides additional information to respond to Council questions regarding the Temporary Patio Program and next steps.
- **February 27, 2024:** Council passes Temporary Use By-law to allow patios within the urban area only until February 28, 2025, and that no new temporary patio permits be issued for Queen Street until Staff bring forward a permanent patio program for seasonal patios and Council has approved their recommendations.
- **March 19, 2024:** Council receives an Information Report (**Staff Report CDS-24-046**) including the necessary components and information to facilitate a program for Seasonal Patios.
- **December 4, 2024:** Municipal Heritage Committee provides feedback on the proposed parameters of the Seasonal Patio Program and other considerations as it impacts heritage-designated properties. **Staff Report CDS-24-187** provides a draft of the proposed Minimum Design Requirements and requests feedback from the Committee as it relates to heritage-designated properties.
- **January 14, 2025:** Staff provides an update on the Patio Program Review (**Staff Report CDS-25-012**), and Council receives the draft design parameters and applicant guide.
- **January 28, 2025:** Council passes Temporary Use By-law to allow patios within the urban area only until December 31, 2025.

- **February 25, 2025:** Council receives an Information Report (**Staff Report CDS-25-049**) and **presentation** with a request for feedback and input on several matters related to the Seasonal Patio Program. Council approves a motion to cancel the Temporary Patio program at the end of December 31, 2025, and directs Staff to report back on budget, timing and boundaries for a Heritage District (Queen Street) Master Secondary Plan.
- **April 29, 2025:** Council maintains motion to cancel the Temporary Patio Program at the end of December 31, 2025, and directs Staff to report back on budget, timing and boundaries for a Heritage District (Queen Street) Master Secondary Plan.

As a result of the cancellation of the Temporary Patio Program, Staff have received an inquiry from the Irish Harp (245 King Street) to proceed with cash-in-lieu of parking to accommodate a permanent patio. On **September 16, 2025**, Council directed staff to receive the cash-in-lieu of parking request at the Irish Harp and review the community benefit assessment for the cash-in-lieu of parking in line with Policy PDS-PLG-001, that Staff return to Council with a staff report in Q4 2024, and that Staff review the cash-in-lieu of parking policy for public and private lands and provide an updated policy and process for consideration of these requests for both public and private lands following the completion of the Old Town parking study.

Staff have also received a Zoning By-law Amendment application for the Old Angel Inn Restaurant (224-226 Regent Street and 42 Market Street) to allow for a permanent patio. All application materials are available on the Town's website at the following link: **224-226 Regent St, 42 Market St - ZBA-23-2025 | Town of Niagara-on-the-Lake**

NEXT STEP / CONCLUSION

The current Temporary Use By-law 4316EG(3)-25, to allow temporary patios for restaurants and bars within the urban area, is set to expire on December 31, 2025.

On March 6, 2025, and October 1, 2025, the Town Clerk issued letters to patio operators to advise that all temporary patios must be removed by December 31, 2025. As a result of the expiration of the Temporary Use By-law at the end of the year, all temporary patios will be removed from private and public lands.

The Town's Temporary Patio Program will cease as of December 31, 2025. As per Council's direction, further consideration for patios will be included in the Heritage District (Queen Street) Master Secondary Plan. **Staff Report CDS-25-174** identified a possible start date for this Secondary Plan may be in Q2 2026, which will include a Request for Proposal process to select a consultant to undertake the work.

ATTACHMENTS

- N/A