

**THE CORPORATION OF THE
TOWN OF NIAGARA-ON-THE-LAKE**
OFFICE OF THE TOWN CLERK

Notice of Motion

INTRODUCTION DATE: February 24, 2026

SUBJECT: Motion RE: Temporary Patios on Queen Street – 2026
Season (Public Property Only)

REQUESTED BY: Lord Mayor Zalepa

SECONDED BY: Councillor Niven

WHEREAS the Town introduced a Temporary Patio Program in 2020 and continued permissions for the program until December 31, 2025, to allow food and drink establishments to temporarily extend outdoor patio spaces into public and private property;

WHEREAS the Town's Temporary Patio Program provides a framework through which food and drink establishments may apply for seasonal patio permissions, including those wishing to use municipal property, provided they meet Town-required guidelines such as scaled site plans, elevation drawings, minimum setbacks, insurance naming the Town as an additional insured, and compliance with provincial/AGCO standards;

WHEREAS Council directed Staff to undertake a review of the Temporary Patio Program, conduct public engagement, and prepare a permanent program for Seasonal Patios for food and drink establishments within the urban area, including all necessary documentation and application requirements;

WHEREAS Staff prepared Minimum Design Requirements for future patios on public and private property, to guide design and safety matters for all temporary patios;

WHEREAS applicants proposing to use municipal property must supply a Certificate of Insurance, enter into an encroachment agreement with the Town, and any work occurring in the municipal right-of-way requires a traffic safety plan that demonstrates public protection and operational safety; and

WHEREAS Council has previously directed Staff sunset the Temporary Patio Program effective January 1, 2026, to undertake a Queen Street Secondary Plan, which will address public realm considerations including patios, streetscape design, and the

relationship of outdoor dining spaces to heritage, mobility, and public access within Old Town's historic commercial core; and

WHEREAS the implementation of the Queen Street Secondary Plan may take up to two years; and

WHEREAS implementing the prepared Minimum Design Standards and establishing a clear approach for patios will provide certainty for local businesses, residents, and visitors while ensuring that patios on Queen Street remain safe, well-designed, respectful of accessible pedestrian movement, and compatible with the evolving Queen Street planning framework;

THEREFORE BE IT RESOLVED that Council direct Staff to permit temporary patios on Queen Street, until the Queen Street Secondary Plan is in force and effect, only where they are located entirely within municipally owned parking spaces, where feasible and appropriate and subject to applicable costs; and

BE IT FURTHER RESOLVED Council direct Staff to finalize the Minimum Design Standards, application forms, any necessary agreements and fees, to make these permissions available to food and drink establishments located on Queen Street, subject to the applicant meeting all design, operational, safety, and accessibility requirements contained within the Town's patio permitting framework, including but not limited to:

- A to-scale site plan and elevation plan identifying materials, structural details, and required clearances from hydrants, intersections, boulevard trees, meters, and other municipal features;
- Confirmation of no encroachment onto private property or beyond limits established through the issued permit;
- A Certificate of Insurance naming the Town as an additional insured for the duration of the patio;
- Compliance with health, safety, occupancy, and AGCO requirements; and
- Submission of a traffic safety plan for work or installation within the municipal right-of-way; and

BE IT FURTHER RESOLVED that Council direct Staff to incorporate operational conditions, including:

- Adherence to accessibility standards, including prohibiting the use of patios within accessible parking spaces;
- Maintenance and repair obligations, including cost recovery to the Town for any necessary municipal maintenance resulting from patio operations, and ensuring no impacts to Town infrastructure;
- Requirements ensuring emergency access, waste management, drainage, visibility, and streetscape integrity; and

BE IT FURTHER RESOLVED that Council direct Staff to report back to Council in April with:

- A final version of the Minimum Design Requirements guide, including but not limited to clear guidance on timelines for the processing of a Patio Permit request, and provisions only for patios located within municipal parking stalls;
- A draft Queen Street Temporary Patio Permit & Encroachment Agreement for public-property patios; and,
- A recommended fee structure for the use of municipal parking spaces and a Permit processing fee.