



Town of Niagara-on-the-Lake

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REPORT #: CDS-24-187

COMMITTEE DATE: 2024-12-04

DUE IN COUNCIL: 2024-12-10

REPORT TO: Municipal Heritage Committee

SUBJECT: Request for Comments – Seasonal Patio Program Minimum Design Standards

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The Municipal Heritage Committee provide feedback on the proposed parameters of the Seasonal Patio Program (**Appendix I**) or other considerations as it impacts heritage designated properties.

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 has extended the Temporary Patio Program on an annual basis in 2021, 2022, 2023 and 2024.
- Council has directed Staff to create a Seasonal Patio Program, with refined minimum design standards.
- Staff are seeking input on the proposed minimum design standards (attached as **Appendix I**) from the Municipal Heritage Committee as it relates heritage designated properties within the Queen-Picton Heritage Conservation District and, potentially, any Part IV designated heritage properties.

3. PURPOSE

The purpose of this report is to gather input from the Municipal Heritage Committee (the “MHC”) on the proposed minimum design standards to accompany the proposed Seasonal Patio Program. Input from the MHC will assist in mitigating potential impacts to cultural heritage resources within the Queen-Picton Heritage Conservation District (the “HCD”) and individually designated properties.

4. BACKGROUND

Town Staff presented the existing 2020 minimum design standards and Temporary Patio Program parameters to the MHC in June 2023, with a request for initial feedback. The Committee provided the following recommendations to Staff:

- Patios be constructed of wood or metal rather than plastic;

- Patios be natural or stained wood or painted in a colour from the approved Niagara-on-the-Lake approved colour chart (or similar) to the satisfaction of the Director of Community and Development Services;
- Lighting on patios be simple in design, of a warm white light, that illumination be directed downward, and that no colour changing or flashing lighting is permitted to the satisfaction of the Director of Community and Development Services;
- Decorative free-standing flower pots or planting boxes are encouraged;
- No signage is permitted to be installed on the patio structure with the exception of one menu sign at a maximum size of 0.2 square metres in area;
- A Heritage Permit is required to be obtained by a property owner for the construction of any patio temporary or otherwise, which will result in soil disturbance or excavation, including the pouring of below-grade footings, or slab on grade foundations, or where any patio structure is proposed to be attached to an existing building or structure;
- Heritage Staff review and provide comments on all Temporary Patio Permit Program Applications;
- Non-branded umbrellas be used exclusively. If shade is required then non-branded pergolas and umbrellas are used instead of tents. Umbrella colours should be muted colours/tones compatible with Heritage District;
- Plantings be required not just encouraged;
- People on the street is better than vehicles;
- Concern about animals/pests beneath raised patios;
- Consider striking a joint MHC/UDC working group to create a theme or design standard;
- Consider minimum distance separation or spacing between patio structures; and
- Should the Town limit the number of patios.

The above feedback has been considered and, where feasible, incorporated into the proposed standards. The proposed minimum design standards are attached as **Appendix I** to this report.

5. DISCUSSION / ANALYSIS

The Queen-Picton Heritage Conservation District Plan (the “District Plan”) provides the objectives and policies to guide proposed changes within the HCD. The objectives outline the vision and goals for the HCD and the policies direct how to achieve that outcome. High level objectives within the District Plan include the following guidance as it pertains to the Physical Environment, Social Goals and Economic Goals.

The Physical Environment Goals of the District Plan state that is an objective to conserve and maintain the visible history of the Queen-Picton HCD through conservation of historic buildings and complimentary design supporting infrastructure. The elements of the streetscape are encouraged to be considered as a whole in order to achieve an environment that is functional and attractive. Objectives for the physical environment of the Queen-Picton HCD in Section 4.2 state:

- to achieve a cohesive, well-designed district that emphasizes the human scale and historic character of the streetscape.
- to encourage the preservation and enhancement of the historic building stock.

- to guide the construction of new buildings so that they are of good design, compatible with the historic district to ensure that the supporting infrastructure including traffic patterns and car parking complements the human scale, historic character and businesses in the district.
- to introduce positive features that will enhance the atmosphere and visual appeal of the streetscape including landscaping, street lights, signage and pedestrian amenity.
- to minimize the impact of tourism and business activity in the commercial district on the surrounding residential areas.
- to promote heritage conservation as a natural consideration in the development of the district.

Social Goals for the Queen-Picton HCD acknowledge that the downtown area is an active business, social and residential area where the community congregates. The District Plan seeks to strengthen the small town atmosphere and character of the HCD. Social objectives in Section 4.3 state:

- to preserve and strengthen the small town character of the Queen-Picton district.
- to enhance community pride and identity in the district
- to involve the local community in major issues affecting the district.
- to develop the Queen-Picton district as a place to live in as well as a place to shop and work.
- to foster community recognition of the historic and architectural significance of the district and its origins.

Economic Goals for the Queen-Picton HCD support a competitive and progressive business environment with full use of the historic building stock and compatible infrastructure. Economic Goals in Section 4.4 include:

- to maintain and enhance Queen-Picton Street as a progressive and profitable commercial district in the town.
- to develop improvement programs that will relieve problems in the district such as car parking, traffic flow and negative effects on neighbouring residential areas.
- to promote the historic character of the Queen-Picton district as a basis for economic development.
- to use the building stock in a full and profitable manner for business and residences.
- to provide incentives and assistance to the individual property owners to utilize sound and beneficial preservation procedures in their improvement plans.

The Physical Environment, Social and Economic Goals recognize that the Queen-Picton HCD is a functional area that serves an important economic and social function for the Town. It also highlights that the area is defined by the historic buildings and streetscape which provides a special sense of place. The addition of outdoor patios to the streetscape within the commercial area of the HCD changes the appearance of the streetscape. However, on Queen Street, the patios are generally located in the on-street parking spaces. The construction of the outdoor patios in the on-street parking spaces means that visually the streetscape will be enlivened by people rather than visually dominated by parked vehicles, which contributes to a more progressive and profitable commercial district and contributes to a better place to live, shop

and work. However, the construction of patios in parking spaces contributes to the loss of parking spaces.

The District Plan does not provide policies specific to outdoor patios. However, the District Plan provides guidance for achieving compatibility within the Streetscape of the HCD, specifically through recommended colours, materials and visual rhythm.

Keeping in mind the guidance from the HCD and the previous inputs, proposed minimum design standards have been drafted. Town Staff are seeking input from MHC on the proposed parameters or other requirements to refine the revised minimum design standards.

6. STRATEGIC PLAN

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

Pillar

1. Vibrant & Complete Community

Priority

1.1 Planning for Progress

Action

1.1 b) Planning for Progress Initiatives

7. OPTIONS

Not applicable.

8. FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

9. ENVIRONMENTAL IMPLICATIONS

Not applicable.

10. COMMUNICATIONS

The recommendations of the MHC will be forwarded to Council for consideration as part of the proposed Seasonal Patio Program.

11. CONCLUSION

The input of the Municipal Heritage Committee is requested to provide feedback on the proposed minimum design standards for the Seasonal Patio Program or other considerations, with specific regard for parameters that would mitigate potential impacts to cultural heritage resources within the Queen-Picton Heritage Conservation District and individually designated properties.

12. PREVIOUS REPORTS

- MHC-21-010 – Request for Comments – Temporary Patio Permit Program
- CDS-23-127 – Request for Comments – Temporary Patio Program Review

13. APPENDICES

- **Appendix I –** Draft Minimum Design Standards

Respectfully submitted:

Prepared by:

A handwritten signature in black ink, appearing to read 'Aimee Alderman', with a large, stylized loop at the beginning and a long, horizontal flourish extending to the right.

**Aimee Alderman, MCIP, RPP
Manager of Development Planning**

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.

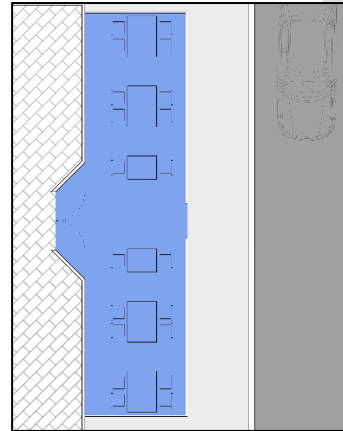
5.1 Seasonal Patio Types

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

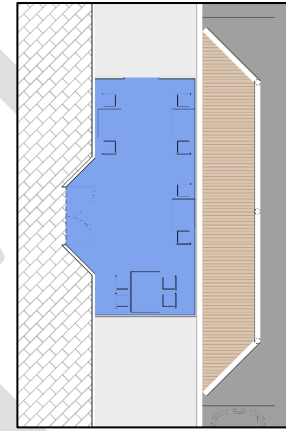
Applicants are required to indicate the type of Seasonal Patio on their application form.

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

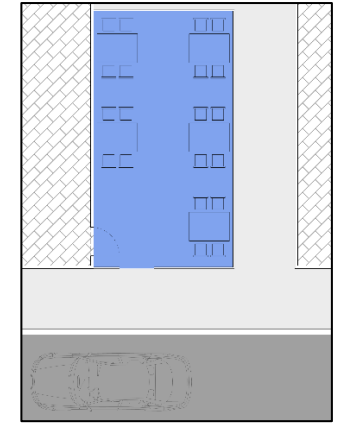
Type A - Frontage



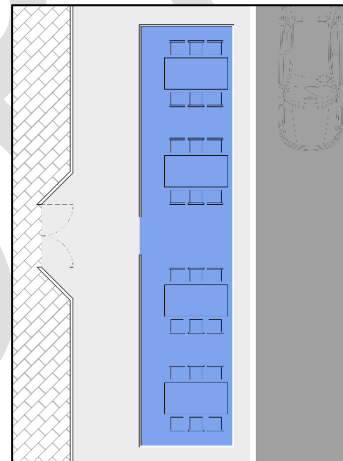
Type B - Frontage with Clearway



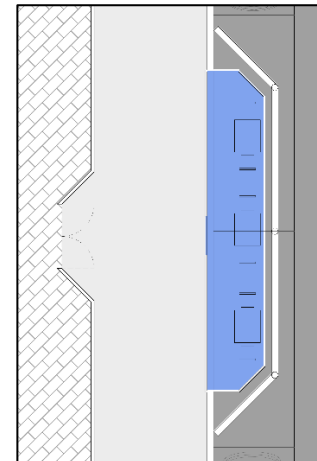
Type C - Alleyway



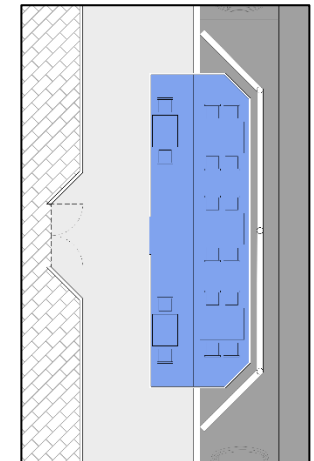
Type D - Curbside



Type E - On-Street



Type F - Curbside/On-Street Combination

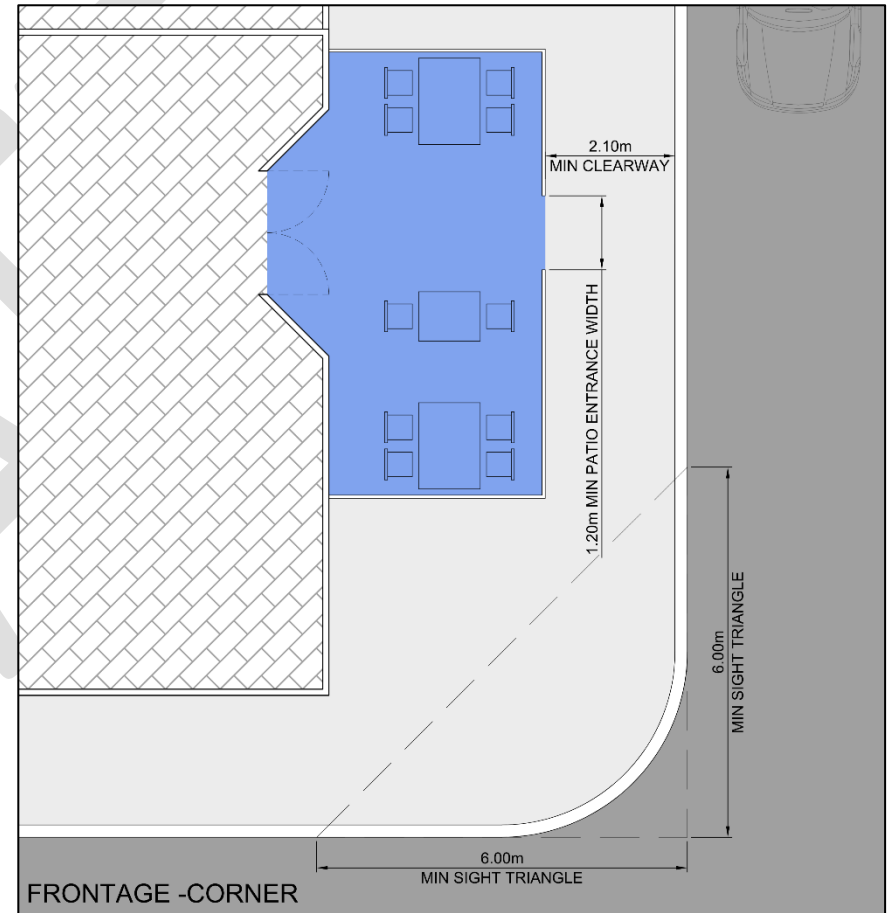
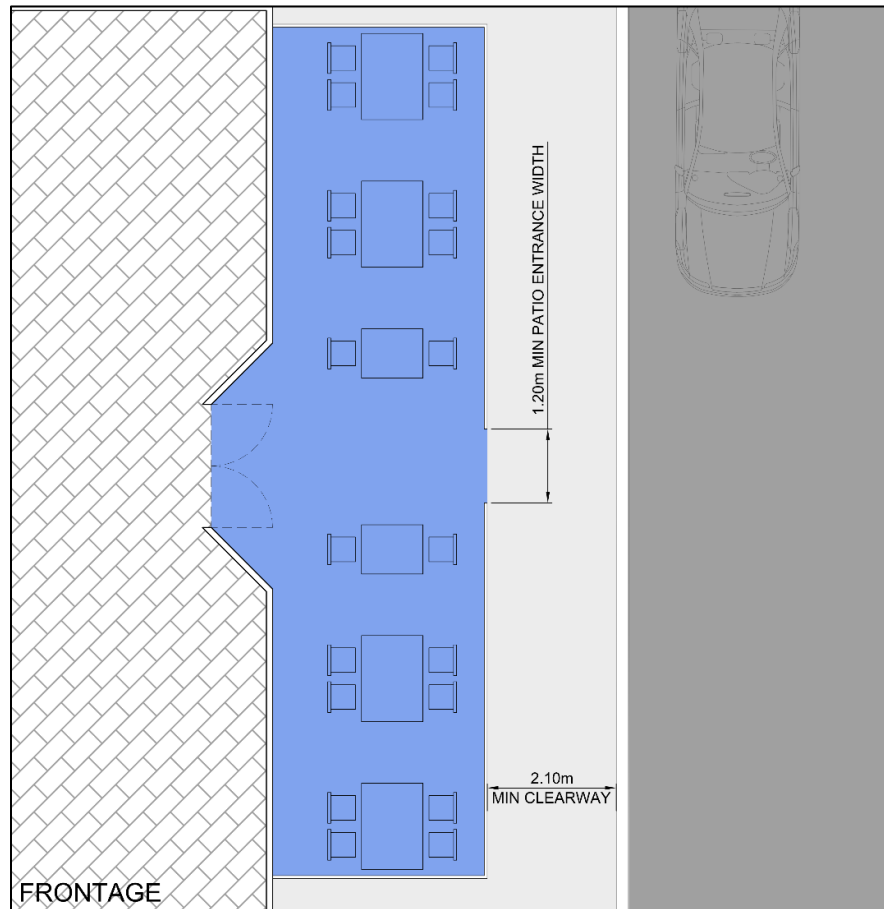


5.1.1 Type A - Frontage

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.

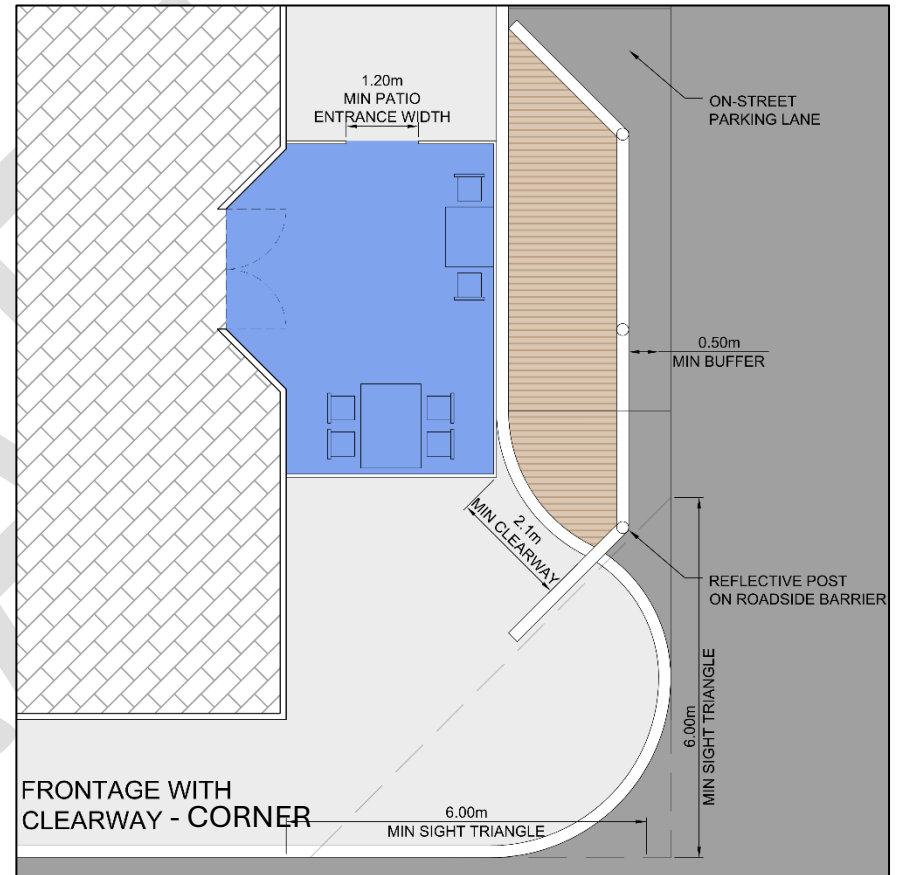
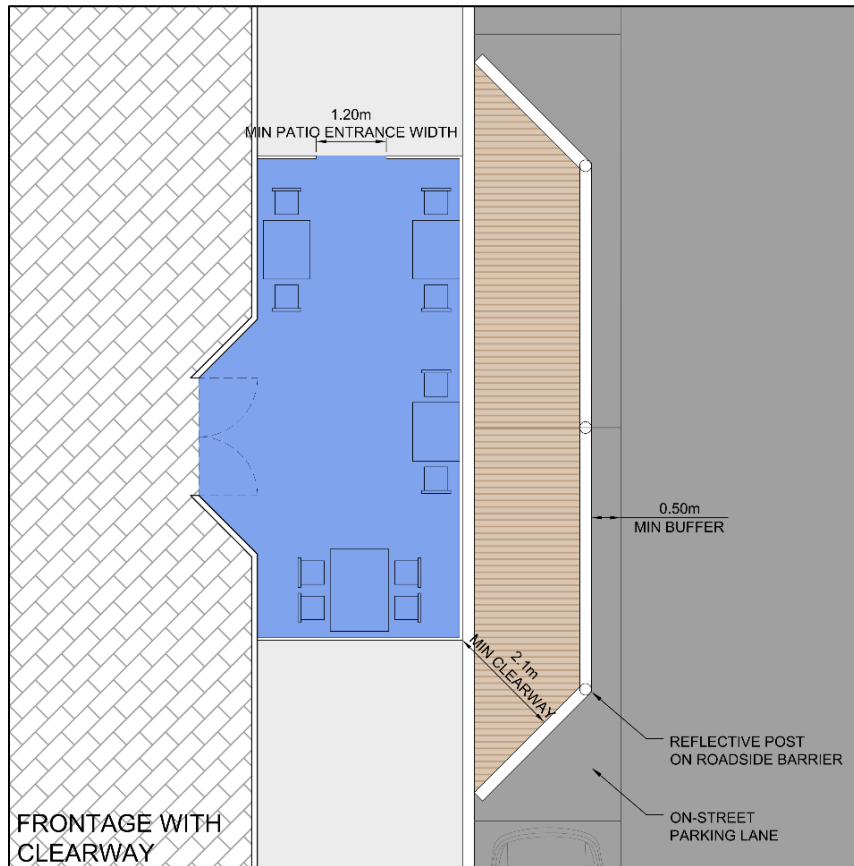


Type B – Frontage with Clearway

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.

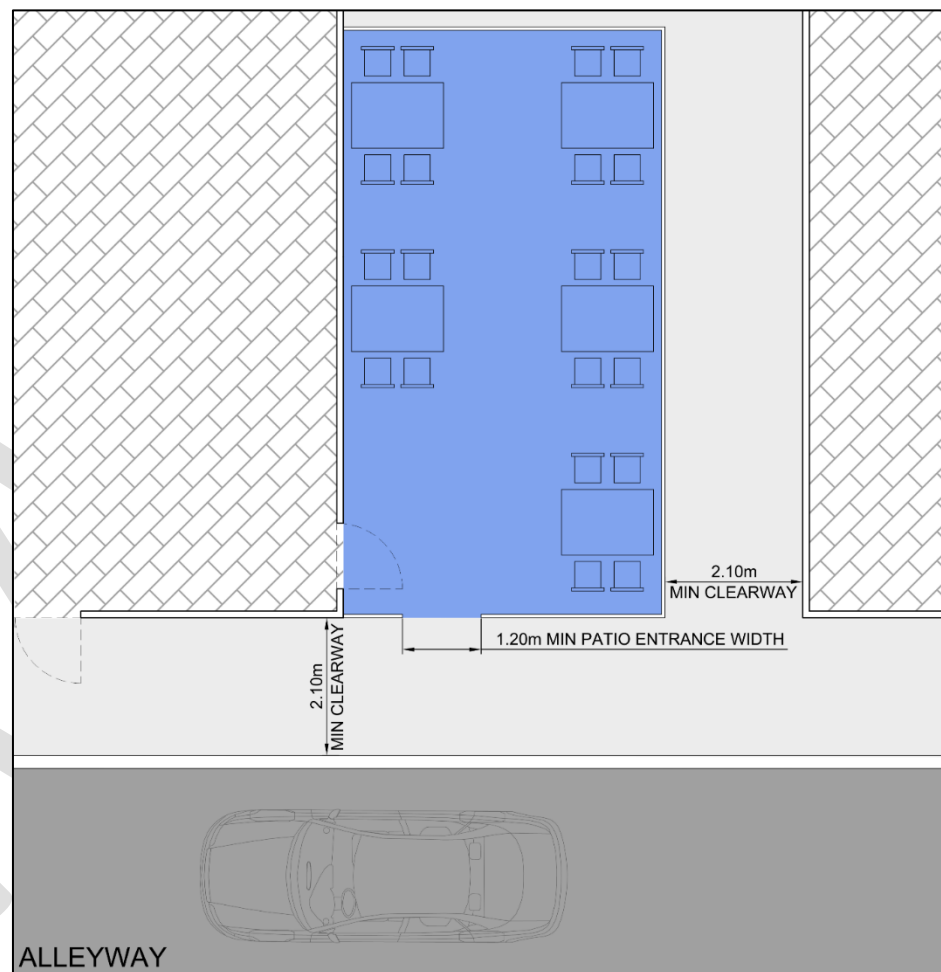


5.1.2 Type C – Alleyway

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.

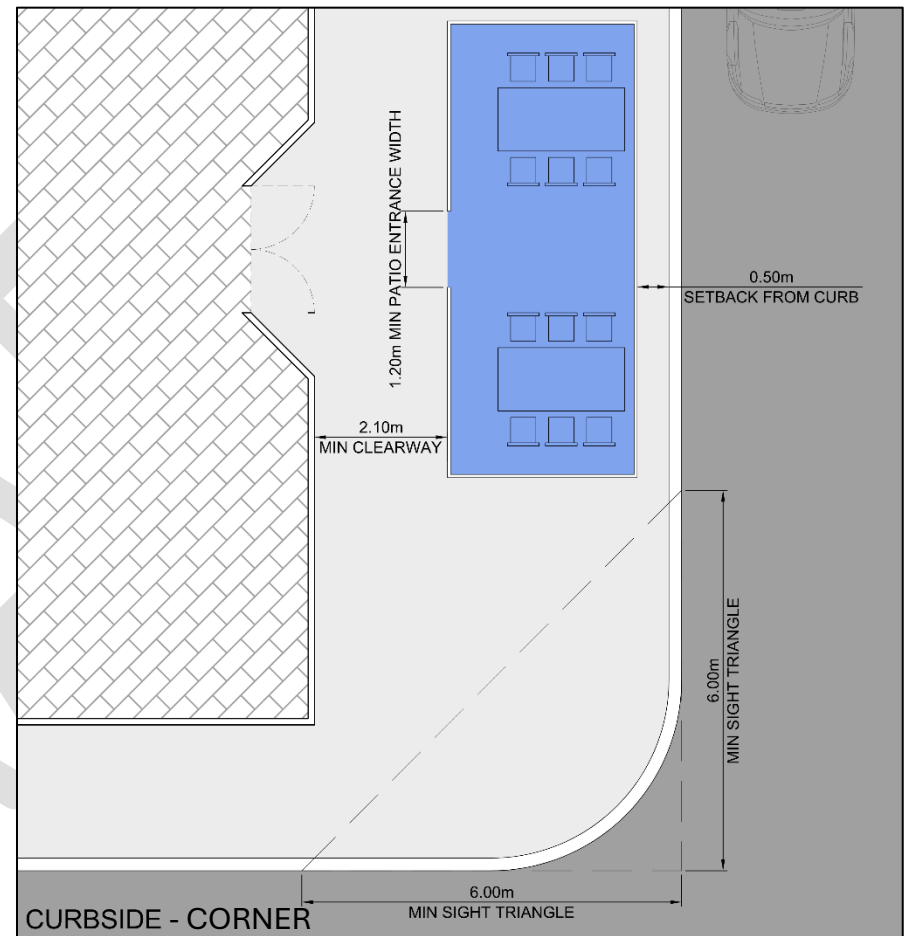
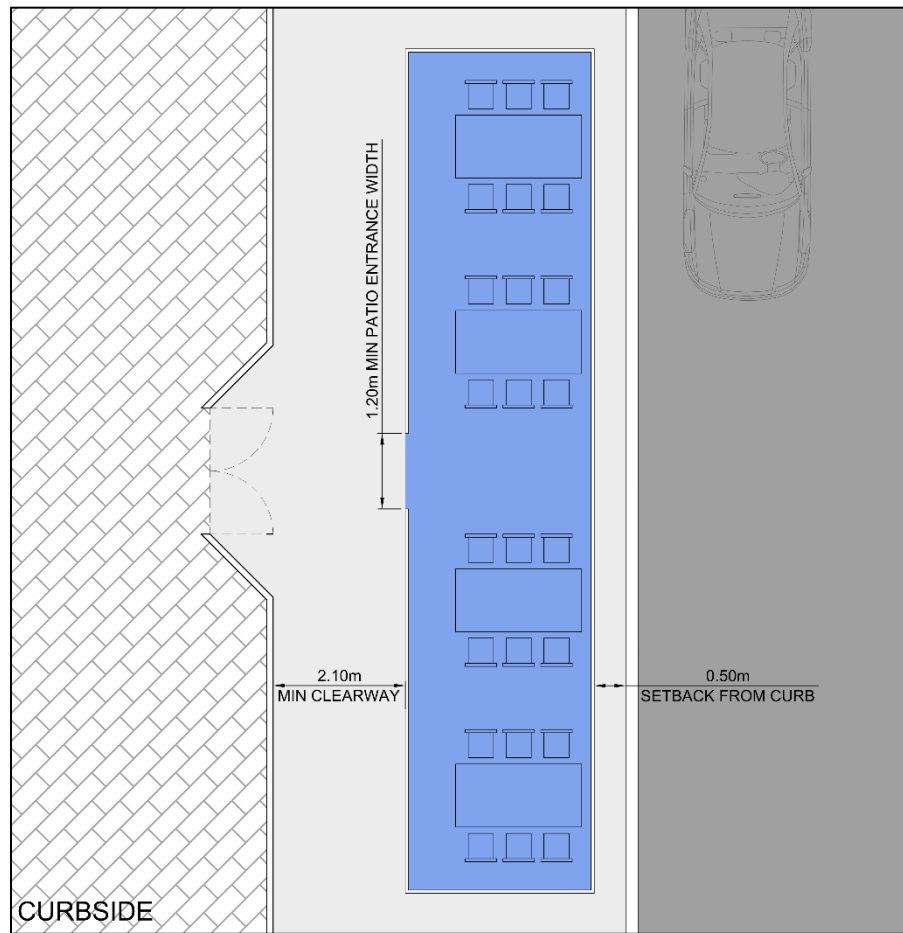


5.1.3 Type D – Curbside

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.

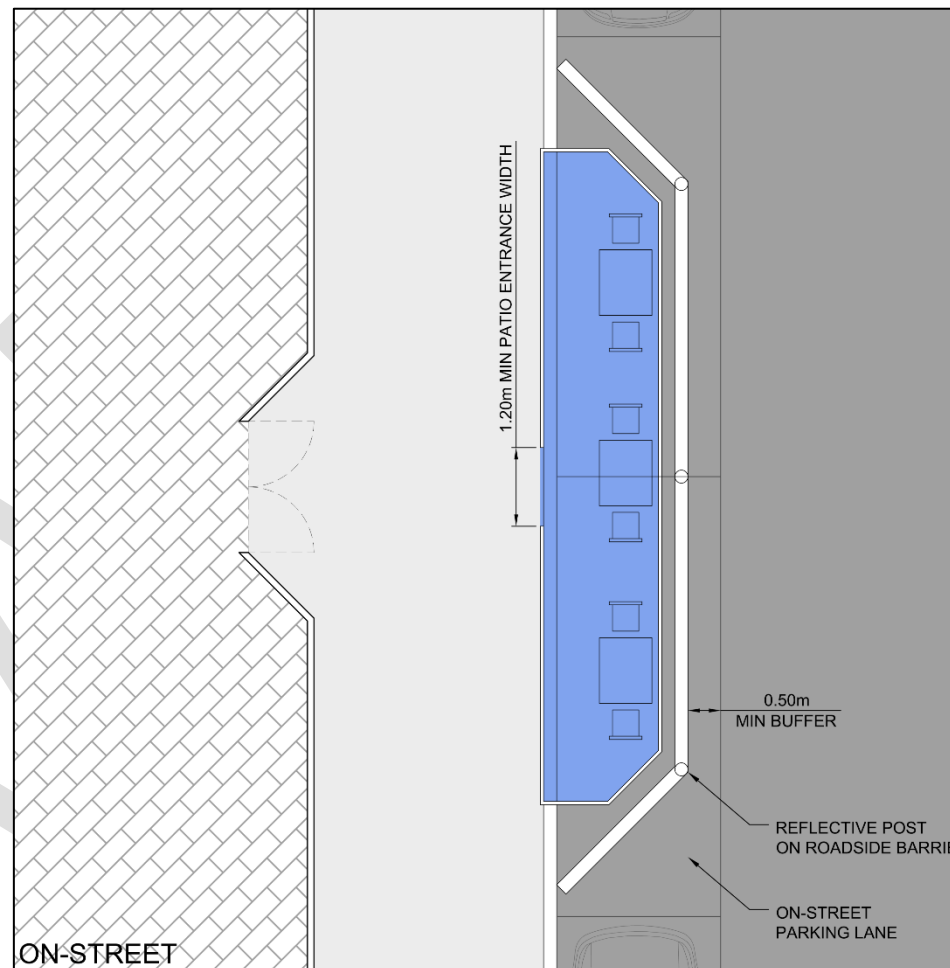


5.1.4 Type E – On-Street

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.

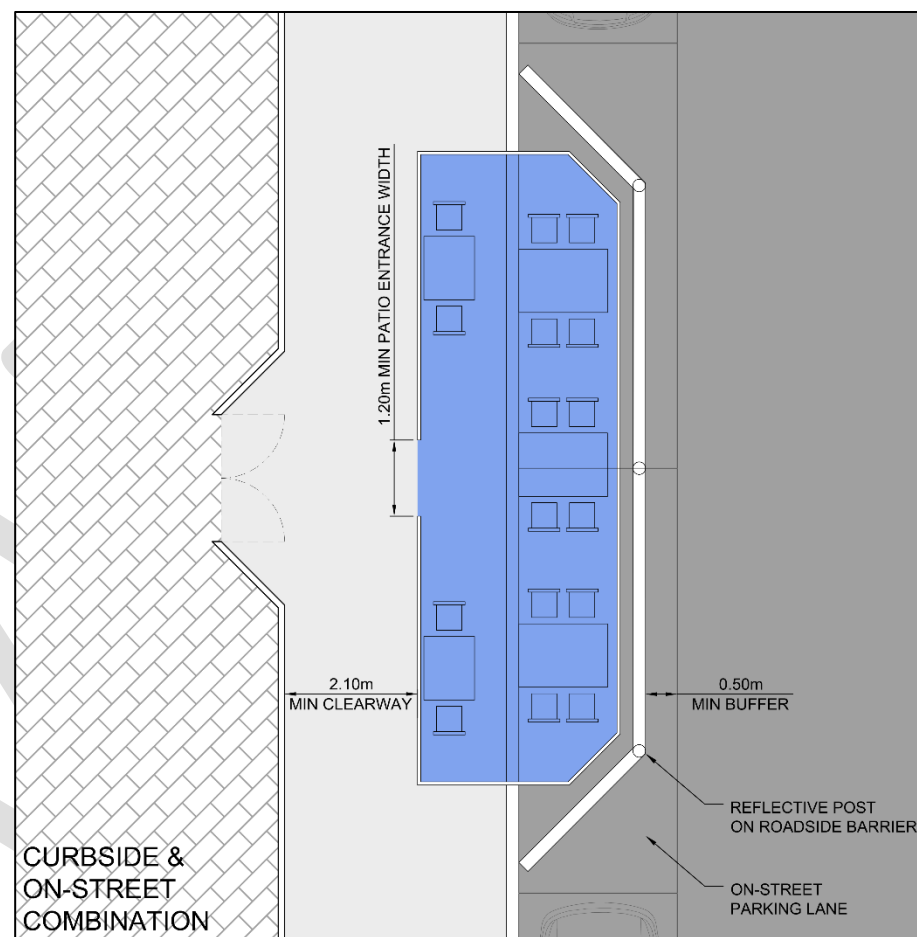


5.1.5 Type F – Curbside/On-Street Combination

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, busking 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.