



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

SUBJECT: Temporary Patio Program Review – Next Steps
DATE: 2024-03-19
REPORT #: CDS-24-046
PREPARED BY: Aimee Alderman, MCIP, RPP, Senior Planner
DEPARTMENT: Community & Development Services

BACKGROUND INFORMATION

During the January 16, 2024 Committee of the Whole – General Meeting, and as approved through the January 30, 2024 Council Meeting, Town Staff have been directed to prepare a program for Seasonal Patios for food and drink establishments within the urban area, including all necessary documentation and application requirements. The program for Seasonal Patios would replace the Town’s current Temporary Patio Program, if approved by Town Council in the future.

The purpose of this report is to advise members of Town Council on the next steps required to prepare a program for Seasonal Patios.

The 2024 Temporary Patio Program opened for applications and permit issuance on March 1, 2024. Patio operators can access the application via the Town’s website.

Through the issuance of Patio Permits for the 2024 season, Town Staff have been advising permit holders of the ongoing review of the current Temporary Patio Program, including previous reports to Committee and Council which advise of next steps. Town Staff contact information has been provided should any patio operators wish to offer feedback on the current Program, which was not captured through the community engagement in the summer of 2023 and may assist in the creation of a program for Seasonal Patios. Any additional feedback provided by patio operators will be considered by Town Staff as part of the creation of a program for Seasonal Patios.

The table below lists the components/information necessary to facilitate a program for Seasonal Patios, including the required steps by Town Planning Staff and consultation with other Town Departments, as applicable.

Component	Required Action
Amendment required to Town Zoning By-law	1. Town Planning Staff to provide notice of the Zoning By-law

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4316-09, as amended, including the details of the Seasonal Patio Program (e.g., seasonal basis, setback requirements, etc.)	<p>Amendment in the local newspapers</p> <ol style="list-style-type: none"> 2. Planning Staff hold an Open House, facilitated by Staff in which members of the public can ask questions of clarification related to the amendment 3. Planning Staff hold a statutory Public Meeting during a Committee of the Whole – Planning Meeting, associated with a Staff Information Report to Committee. 4. Planning Staff prepare a recommendation report and amendment to be presented for decision at Committee and Council. 5. Planning Staff provide notice of the decision to the public, through a notice in the local newspapers. The decision of Council is subject to an appeal period.
Revise the Minimum Design Standards	<ol style="list-style-type: none"> 1. Planning Staff prepare revisions to the Minimum Design Standards, requiring consultation with various staff/departments. Input received through initial review to be incorporated. 2. Urban Design Committee reviews and provides feedback on the Minimum Design Standards. 3. Municipal Heritage Committee reviews and provides feedback on the Minimum Design Standards. 4. Planning Staff incorporate the recommendations of the Committees into the revised Minimum Design Standards. 5. Post draft Minimum Design Standards on the Town’s webpage for public commenting period. Provide media release. 6. Finalize Minimum Design Standards.
Establish Fees for Patio Permits, Encroachments and Occupying Municipal Parking Stalls	<ol style="list-style-type: none"> 1. Town Staff perform a municipal scan of current temporary patio programs within southwestern Ontario to update the 2023 municipal scan for the purposes of fee collection. 2. Town Staff, in conjunction with Operations and Finance, establish fees for patio permits, encroachments of patios onto public lands, and fees for patios which occupy municipal parking stalls.
Establish Regular Maintenance Provisions	Town Operations Staff to create regular maintenance provisions for temporary patios, associated with cleaning of debris on, around and under the patios, and ensuring clear stormwater catch basins.
Insurance Updates	Town Finance Staff to review and update the current insurance requirements related to temporary patios, to require that patio owners, with patios wholly on private property, submit a Certificate of Insurance for the duration of the permit.
Create an Encroachment Template Form	1. Town Clerks and Operations Staff to create an Encroachment Template Form, to address instances when a

Component	Required Action
	<p>temporary patio encroaches within the lot frontage and/or lands of an adjacent property and/or owner.</p> <p>2. Town Staff to establish maximum encroachment provisions.</p>
Establish an Applicant Guide	<p>Town Planning Staff to create an Applicant Guide, which implements and provides information on all the above steps, including:</p> <ul style="list-style-type: none"> • Providing more clarity to business owners regarding the application process, submission requirements and timelines; • Providing a sample site plan, including all details necessary to review permit applications; • Establishing a formal intake date for applications; • Establishing a season for temporary patios. Patios requested outside of this season, would be required to apply to the Town for a Special Event Permit; • Identify occupancy limits, established in consultation with Town Fire and Building Staff; • Identify patio-specific provisions, including maximum heights, setbacks from other patios and intersections, and restrict patios in certain areas (e.g., accessible parking spaces, loading areas, etc.); • Identify limits to the number of patio permits issued along Queen Street, as applicable, and the process for determining such limitation; • Identify requirements related to accessibility matters; and, • Establish requirements regarding the relocation and reinstatement of landscaping features (hardscape and softscape).
Create a Monitoring Program	<p>Town Planning Staff to create an internal monitoring program to advise on steps to regularly review the Program and determine if any adjustments are needed. Staff will report back to Council annually on the results of the monitoring program.</p>

NEXT STEP / CONCLUSION

Town Staff are aiming to present a recommendation report for the Seasonal Patios program to Council in Q3/Q4 of 2024. The program will follow the above work plan, including any additional requirements identified throughout the process. Council will consider the provisions of the program and provide direction and/or endorsement for implementation in future seasons.