

Temporary Patio Minimum Design Standards

For all temporary patios, the following minimum design standards are required, where applicable:

- Temporary patios shall only be permitted for existing restaurants, bars, and other food and drink establishments (e.g. wineries, breweries, and distilleries).
- Barrier-free access and egress must not be compromised.
- The deck (floor structure) must have a flush transition at the sidewalk and curb to permit easy access and avoid tripping hazards.
- The sub-structure must accommodate the crown of the road and provide a level surface for the deck (floor structure).
- The deck must be constructed of a slip-resistant surface.
- The patio must not interfere with proper drainage of the roadway (curbs/catch basins in the immediate area must be free of obstructions).
- Any gates must swing into the patio space and not obstruct the sidewalk or street.
- The patio should not interfere with the ability of first responders to access any buildings.
- The design is to include fencing to define the space.
- Decorative free-standing flower pots or planting boxes are encouraged to be included in any design.
- Patios must have vertical elements that make them visible to traffic, such as flexible posts, bollards, or landscape planters, and include reflective elements so as to be visible by traffic at night.
- Patios are not to be constructed in Fire Access Routes.
- Railings and vertical elements should be a minimum of 0.91 metres (36") and no higher than 1.07 metres (42") in height.
- No umbrellas or other treatments can extend into the sidewalk or travelled portion of the roadway.
- Cooking of food and drink preparation is not permitted on temporary patios.
- A minimum of 1.5m (5ft) clearance from fire department connections and hydrants must be maintained on a temporary patio.
- A fire extinguisher (minimum 2A-10BC) must be available within 15.2 m (50ft) of any part of the temporary patio.
- The temporary installations must provide a minimum of 0.3 metres (12") from the travelled portion of the roadway.

- Lighting will be subject to review and will be designed and installed in such a way as to not create a visual or physical distraction to travelling public on the sidewalk or roadway.
- Tables shall not exceed a height of 0.865 metres (34") above the finished floor of a patio (deck).
- The patio should maintain that a minimum width of 4.5 m from the edge of the patio /to the street centerline.
- A minimum sidewalk width of 2.4 m should be maintained where possible.
- Temporary patios must not extend in front of adjacent tenant spaces, exits, or beyond business frontage without written permission from affected adjacent property owners and tenants; this includes any overhanging elements.
- Required on-site parking may be used for a temporary patio. The required number of designated Accessible Parking Spaces must remain available for parking use and designated fire routes and sight triangles must be avoided. A reasonable number of standard parking spaces should be maintained to serve patrons.

Appendix II

- For non-licensed establishments, the capacity of the temporary patio shall not exceed the posted occupancy of the main building.
- For licenced establishments that do not have an existing licenced patio, the capacity of the temporary patio shall not exceed the posted occupancy of the indoor area indicated on your liquor licence or 1.11 m². (12.0 sq ft) per person, whichever is the lessor.
- For licenced establishments that have an existing licenced patio, the capacity of the combined area of the existing and temporary patios shall not exceed the posted occupancy of the indoor area indicated on your liquor licence or 1.11 sq. m. (12.0 sq. ft.) per person, whichever is the lessor.
- If the patio includes the use of a tent or temporary, portable structure consistent with the content of the Ontario Building Code outlined in Subsection 3.14.1, the applicant will require a building permit if the tent meets any of the following requirements:
 - The tent exceeds an area of 60m² (645 sq. ft.).
 - A group of tents in aggregate area and are closer than 3m apart with a combined area of 60m².
 - The tent is within 3m of an existing structure.
 - The structure is attached to a building.

- Any tent must meet the flame resistant rating requirements in CAN/ULC S-109-M and NFPA701-1977 -“Standard for Flame Tests of Flame-Resistant Fabrics and Films” and certification of this must be supplied to the Fire Department prior to occupancy.
- The occupancy load for a tent will be determined by the Town’s Fire Department and is subject to change dependent on the service of alcohol.
- A Heritage Permit is required for the installation or construction of any permanent buildings/structures/fixtures/signs/etc on any property designated under the Heritage Act, including all properties located within the Queen Picton Heritage Conservation District.
- 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.
- If there is any work taking place in the municipal right of way you must provide staff with a traffic safety plan which clearly outlines the area of work and measures taken to promote traffic safety.
- A minimum of 20% of table must be accessible to persons using mobility aids but no less than one table in the outdoor eating area
- Ground surface leading to and under accessible tables must be level, firm and stable
- Clear ground space around accessible tables allows for a forward approach
- 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 slab on grade foundations, or where any patio structure is proposed to be attached to an existing building or structure.
- That non-branded umbrellas be used exclusively. If shade is required then non-branded pergolas and umbrellas are used instead of tents.
- Owners shall provide their liquor license, if requested by any Municipal Officer.



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- Any Officer of the Municipality is authorized to inspect all temporary patios and require adjustments to the patio in order to address compliance with these Guidelines.
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- Operators must adhere to the Town's Noise By-law No. 4588-12, as amended