

# Temporary Seasonal Patio Program

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Revised June 11, 2020

The City of Guelph is introducing a Temporary Seasonal Patio for the summer of 2020. This program is in response to the COVID-19 pandemic and is intended to support local restaurants by providing flexibility to restaurant owners while at the same time ensuring safety standards and measures remain in place.

## Purpose and Background

The temporary seasonal patio program is intended to address patios that are within the City of Guelph and to align with Provincial directives.

The COVID-19 pandemic has limited restaurants to takeout services only since the mid-March 2020. As the restrictions on restaurant operations ease, restaurants are anticipated to be impacted by safety measures required to address such matters as physical distancing in a restaurant setting. It is anticipated that this will result in a reduced patron capacity. With the warmer weather, restaurants' use of patios and refreshment vehicles will help distribute capacity while meeting physical distancing measures.

## Temporary Seasonal Patio Guidelines

### General Requirements for all temporary patios

1. Temporary patios shall only be permitted for a Licensed Establishment" means a Place, which means a Place, including an Arena, Club, Public Hall, Recreation Centre, Restaurant, Tavern and the like that sells, provides, or serves liquor pursuant to a licence issued by the Alcohol and Gaming Commission of Ontario or a successor agency/board thereto, but does not include a Place for which only a special occasion permit or permits are issued.
2. Temporary patios are permitted only where the patio installation can be located directly in front of the associated business or in close proximity to the front of the business.
3. Temporary patios approved in 2020 permitted under this guideline shall be permitted until October 30, 2020; however, the City may terminate these permissions upon 48 hours notice. The applicant is responsible for removal of the patio no later than November 1. The City has not determined its direction for beyond October 2020 and the approval of a temporary patio under the Temporary Patio Program does not mean that a temporary or permanent patio application will be approved in the future
4. Patios associated with a Restaurant or Licensed Establishment shall not exceed 50% of the indoor licensed capacity, or 70 persons, whichever is less.
5. The applicant must be the owner of the business and must provide proof of commercial general liability insurance (\$2 million) coverage endorsed to include the City as additional insured.
6. The business owner is responsible for obtaining all relevant permissions, including but not limited to licences and permissions from the AGLC and their landlord.
7. The business owner of a temporary patio shall mitigate any negative impacts on abutting or nearby residential development; including prioritizing the use of private land before utilizing public space.
8. No outdoor speakers or sound systems may be used.

9. A limited number of parking spaces may be used for temporary patio space, except the required number of designated accessible parking spaces, which must remain available for parking use and must in accordance with these guidelines be sufficiently physically separated from the patio to ensure safety.
10. The patio shall be compliant with the Accessibility for Ontarians with Disabilities Act (AODA).
11. Umbrellas must stand at least 2.1 metres (7') above the walking surface.
12. There must be full compliance with the Ontario Fire Code, including but not limited to in respect of:
  - a. Combustibility of materials (i.e. placement of wooden or plastic tables, cloth coverings for tables burnable aesthetics of table coverings, posters or large signage used etc.) – Div. B, Sentence 2.4.1.1.(1) of the OFC – at times, such accumulation may occur after the event where these items may be stored next to a building for the next day's or time's usage
  - b. Appliances for open flames – generally used of heating or ambiance – may not be placed/positioned/installed in accordance to manufacturer's recommendations depending upon the configuration of the pop-ups – Div. B, 2.4.4.4.(2) of the OFC
  - c. Open flames (candles or other devices upon pop-up tables) – if used – may not be properly supported in non-combustible holders and may be subject to dislodging due to certain weather conditions (wind, table shift or movement etc.) – Div. B, Article 2.4.4.3. of the OFC
  - d. A fire extinguisher (minimum 2A-10BC) must be available within 23 metres (75') of any part of the temporary patio.
13. Cooking or food and drink preparation is not permitted on any temporary patio.
14. No open flames are to be used on tables or in any part of the temporary patios.
15. A minimum 1.5 metres (5') clearance from fire department (siamese) connections and hydrants must be maintained on a temporary patio.
16. 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.
17. Tents, canopies, shelter structures or stages are not permitted. Optional temporary patio perimeter fencing, planters, or barriers approximately 1.2 metres (4') high are permitted, provided they are not damaging any public property, and are secured without endangering any underground utilities.
18. Any exit gates must swing freely outward but not into traffic from the temporary patio during hours of operation.
19. A clear path of pedestrian travel of 2 metres (6'-6") minimum should be maintained. A clear path of 2.3 metres (7'-6") is recommended.
20. The side of the temporary patio adjacent to vehicle traffic or drive aisle shall maintain a minimum distance of 3 metres (9'-8") from the edge of any travel lane.
21. The side of the temporary patio adjacent to a city road way shall maintain a minimum distance of 1 metre (3'-3") from the edge of any adjacent travel lane.
22. A separate building permit will be required for any platform / deck construction. You will be required to submit Engineer stamped drawings of your platform / deck with your building permit application.

### The temporary patio shall not:

1. Be located in through traffic lanes or lanes marked as no parking/no stopping/fire routes/accessible parking.
2. Obstruct underground utility access, electrical transformer vaults, utility boxes, parking meters, loading zones, existing transit stops and other infrastructure.
3. Damage City-owned or Private trees in an effort to design, construct, maintain or operate the temporary patio

4. Conflict with existing pedestrian crossings.
5. Permit smoking, pursuant to the Smoke-Free Act and 'no smoking' signage shall be posted at the entrance/exit.
6. Permit advertising, banners or signage on them, including on patio umbrellas, other than reflective or traffic safety related signage
7. Permit outdoor food preparation
8. Permit electrical power cords or any device that cross the travelled portion of the boulevard (sidewalk)
9. Permit obstruction of stormwater flows or block stormwater drains. The applicant shall be responsible for clearance of any debris and overall maintenance to ensure free flow.

## Temporary Patio Design Details

Temporary Patios may be comprised of structural, functional, and decorative features. To ensure public safety and general aesthetic continuity, the following design details provide the minimum requirements for various features within a patio. The City of Guelph encourages creativity and the development of unique outdoor dining spaces within the patio requirements provided.

### Patio Design Details

- Fencing of a Patio must form a fully enclosed perimeter.
- Fencing material must be shown on the drawings/sketch.
- Show overall dimensions of the patio
- Patio fencing must be not less than 1.07 metres (3.5 ') metres in height
- Location of any fencing or planters used to define the patio
- The patio shall be compliant with the Accessibility for Ontarians with Disabilities Act (AODA).
- Provide washroom information and inside seating capacity information as per temporary patio application.
- The fencing cannot be anchored into the paving stones or sidewalk. The fencing must be weighted either footplates or stable mass planter boxes.
- Patio fencing shall be supported by metal foot plates and shall not be designed to penetrate the surface of the sidewalks (i.e. no bolts/brackets). Alternative supports must be used such as large weighted planters, weights, etc.
- Open guardrails are encouraged to reduce the risk of high winds using the guardrail to move the patio structure.
- Self-supporting plates shall have no parts of the fence create a trip hazard and do not project beyond the limits of the permit area.
- Fencing shall not extend past the permit area, or attached to trees, street elements or utilities.
- Fencing shall not obstruct vehicular/pedestrian sightlines/fire routes and access.
- The use of Chain link fence or snow fence are NOT permitted.
- Fencing shall be curved or angled at street corners for unimpeded pedestrian movement and vehicle sightlines.

### Patio Layout Details

- Locations of all tables
- Patio tables should be positioned in such a manner as to ensure 1.8 metres of physical distancing can be maintained between patio patrons and passing pedestrian traffic. Appropriate measures shall be incorporated to ensure protection of patrons on the patio. This could include measures such as planter boxes.
- Size of tables (i.e. 2' square)
- Proposed number of chairs at each table
- Entrances to the patio and building/restaurant

# Example

