

Guelph's Seasonal Patio Program Guidelines



guelph.ca/patios

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Purpose and background

The City of Guelph's Seasonal Patio Program is an opportunity for businesses to activate public outdoor space for commercial purposes from the months of May to September.

These guidelines pertain to seasonal patios that are established with the City's permission on City-owned lands that include roadways specifically approved to be seasonally available as patio space for commercial use.

For commercial patios installed exclusively on publicly owned sidewalk space, please refer to the City's [encroachment process and encroachment by-law](#).

For temporary patios on privately-owned land, please refer to the City's processes for [licensing](#) and [building permits](#).

Using the guidelines

These guidelines are only meant to be used as a resource for informational purposes and it is the responsibility of businesses and patio operators to ensure compliance with any and all mandatory regulations, by-laws and third-party requirements (page 5) each and every year. These guidelines and any related Seasonal Patio Program are subject to change without notice.

Definitions

Accessible Route(s) – a continuous unobstructed path connecting accessible elements and spaces.

Accessible Seating – seating that is removable or there is a location at the table that is equal to all other seating at that table that accommodates a wheelchair.

City – The Corporation of the City of Guelph.

Contiguous to frontage – meaning the patio space is located directly in front of or adjacent to the building of the business for which the patio application was approved.

Patio – seasonal patios on City-owned lands approved by the City for commercial use under the Seasonal Patio Program.

Patio Operator – owner of a business that submits an application for a Patio through the Seasonal Patio Program. It is the Patio Operator's ongoing responsibility to monitor changing requirements and updates to the Seasonal Patio Program.

City-owned lands – portions of sidewalks and roadways specifically approved by the City to be seasonally available for use as patio space for commercial use.

Public Space Containers – waste receptacle primarily used by pedestrians visiting downtown, but also used by some residential and commercial properties. Public space containers are round with four openings as opposed to carts which are rectangular, have one opening with a lid, and have wheels and a handle.

Public Health – the Wellington-Dufferin-Guelph Public Health Unit.

Timing and Fees

Key dates

- February 1 – Applications open.
- April 1 – Applications close.
- April 15 – Applicable fees must be paid in full.
- First weekend of May – Water barrier drop-off and patio installation begins.
- Last weekend of September – All furnishings, decking, and temporary installations must be removed by 11 p.m. on the Friday. Water barriers will be drained and collection to occur starting Saturday.

2024 Program fees

Program fees are set within the [User Fee By-law \(2021\)-20655](#) and are subject to change without notice and to annual increases per Council approval.

The following fees are charged in the application year:

- **Application Fee:** \$174 + HST
- **Agreement Fee:** \$233 + HST
- **Seasonal Patio Inspection Fee (if applicable):** \$260 + HST
- **On-Street Rental Fee:** \$10 per square metre, per month + HST, charged for five months total

The following fees are charged in each consecutive year for the terms of the patio operator's encroachment agreement so long as the layout, location and proposed construction of the patio remains the same as the application year:

- **Seasonal Patio Inspection Fee (if applicable):** \$260 + HST
- **On-Street Rental Fee:** \$10 per square meter, per month + HST, charged for five months total

Search and registration fees are in addition to and in accordance with the [User Fee By-law \(2021\)-20655](#).



Applications

Applications for the Seasonal Patio Program open on February 1 of the program year and close on April 1. Applications are open to businesses and are available online at guelph.ca/patios. Questions related to seasonal patio applications can be directed to patios@guelph.ca.

A renewal form at the start of patio season will be issued each year once a signed Encroachment Agreement is active. Patios whose layout, location, and proposed construction changes in any way between the application year and a renewal year will need to submit a new application for review and approval. Additional fees may be applied.

Regulations

1. The Patio (including the Patio space, fencing, and pedestrian access into and within the Patio) shall be fully compliant with all municipal and provincial by-laws, rules and regulations including but not limited to:
 - a. [Facility Accessibility Design Manual \(FADM\)](#)
See sections 4.1.1; 4.1.2; 4.1.4; 4.1.7; 4.3.16; 4.4.14; 4.4.15 and related sections
 - b. City of Guelph [Noise Bylaw](#)
 - c. City of Guelph [Encroachment Bylaw](#)
 - d. City of Guelph [Zoning By-law \(1995\)-14864 and \(2023\)-20790](#)
 - e. City of Guelph [Smoking Bylaw](#) and/or the pursuant Smoke-Free Act
 - f. City of Guelph [Property Standards Bylaw](#)
 - g. City of Guelph [Waste Management Bylaw](#)
 - h. [Ontario Fire Code](#)
 - i. [Ontario Building Code](#)
 - j. [Alcohol and Gaming Commission of Ontario](#)
 - k. [Public Health](#)
 - l. [Emergency Management and Civil Protection Act](#)
2. Compliance with fire safety is required, and includes but is not limited to:
 - a. Combustibility of materials (cloth coverings for tables, aesthetics of table coverings, side or top coverings, posters or large signage etc.) is not permitted unless such materials have been flame-retarded where the materials meet a high degree of flame resistance as described in NOTE 4 of test method 27.1 of CAN2- 4.2, or is approved by the Chief Fire Official.
 - b. A portable fire extinguisher (minimum 2A-10BC) must be available within 23 meters (75 feet) of any part of the Patio.
 - c. Cooking of food and drink preparation is not permitted on any patio.
 - d. Open flames (candles or other small flame-producing devices) – if used – must be properly secured in non-combustible holders and not be subject to dislodging due to adverse weather conditions or physical movement, as well as protected so that combustible materials will not come into contact with or be ignited by the flames.
 - e. A minimum 1.5 metres (5 feet) clearance from fire hydrants must be maintained on a patio.
 - f. Sprinkler and/or standpipe connections to buildings must be maintained free of obstructions for use at all times.
3. Patios approved and permitted under the Seasonal Patio Program shall be in place no earlier than the first weekend in May of the program year. The applicant is responsible for removal of the Patio no later than the Friday preceding the last weekend of September in the program year. The City reserves the right, at its discretion, to require the removal of any Patio for any reason as it deems necessary.

General requirements

4. The applicant for a Patio must be the owner of the business.
5. Applicants must provide proof of commercial general liability insurance (\$2 million) coverage endorsed to include The Corporation of the City of Guelph as an additional insured.
6. Patios in the downtown Guelph business improvement area are permitted in the public right of way in areas identified in the On-Street Patio Permissions Map. All other on-street patios are to contact patios@guelph.ca.
7. Patios are permitted only where the Patio installation is located directly in front of or adjacent to the building of the applicant business. In all cases the business operating the Patio must exercise control at all times over access and use of the space.
8. Patios may extend on the sidewalk in front of neighbouring businesses if contiguous to the Patio at the business' frontage and if the neighbouring business provides written permission. Permission to utilized on-street space in front of neighbouring businesses is not required so long as all other requirements are met.
9. Patio Operators who currently occupy a building shall have priority to the available permitted on-street patio space within its own frontage.
10. Patios must not impede access to or visibility of adjacent tenant spaces or exits.
11. The Patio Operator shall mitigate any negative impacts from the Patio on abutting or nearby commercial or residential uses; including by prioritizing the use of sidewalk space before on-street parking stalls and ensuring that access and visibility of neighbouring businesses is not obstructed.
12. All areas of the patio shall be wheelchair accessible.
13. Business shall not be conducted within the accessible routes.
14. Per [Facility Accessibility Design Manual \(2015\)](#), Patios shall not be permitted on sidewalks without sufficient width to accommodate a clear, unobstructed Accessible Route of 1,830 mm (1.83 metres; 6 feet) minimum, ensuring that pedestrians can clearly pass customer line-ups while on an Accessible Route.
15. Patio Operators are responsible to maintain the Patio and surrounding area and to ensure it is clear of any hazards or debris that may pose a health risk (grease spills, broken glass, bodily fluids, etc).



16. Patio Operators are responsible to clean and maintain public space that is inaccessible to the City's street sweepers due to the placement of Patio barriers or fencing.
17. Patio Operators must submit a Waste Storage and Set-Out drawing (page 13) as a part of their application.
18. In reviewing the location for the proposed patio, the City must be satisfied that there are no immediate conflicts with underground utility access, electrical transformer vaults, utility boxes, fire hydrants, parking meters, bike parking, loading zones, active transit stops, and other infrastructure.
19. Umbrellas, if used, must stand at least 2.1 metres (7 feet) above the walking surface. Umbrellas must also be of flame-retardant material and approved by the Chief Fire Official.
20. City street furniture and fixings including, but not limited to, benches, trees, bollards, or poles must be kept free and clear from all encumbrances and access must be maintained to hanging planters and other horticultural installations adjacent to the patio area.
21. Music (that does not disturb others) is permitted as per the City's Noise Bylaw.
22. All Patios which make use of City-owned land (sidewalks, parking spaces) require a signed Encroachment Agreement between the Patio Operator, the Patio Operator's landlord (if applicable) and the City. The City reserves the right to include any additional conditions in the Encroachment Agreement as it deems necessary.
23. The City reserves the right to remove or require the Patio Operator to remove the patio (or part of it) and will not be liable for any costs associated with the removal and/or re-installation to address emergency situations or for other City priorities.
24. The City will determine the appropriate traffic control measures required where the patio interferes with the movement of people, cyclists or vehicles or encroaches on loading zones, accessible parking spaces, tow away zones, bus stops or bike lanes.
25. Setup or takedown of any traffic control measures on an active public roadway or parking stalls can only be completed by City staff.
26. Applicants for on-street patios are not permitted to install their Patio until the City has completed the installation of appropriate road closure barriers.
27. Any traffic control measures placed by the City shall not be moved or altered by the Patio Operator.
28. Patios shall be located a minimum of 1 metre (3 feet 3 inches) away from parking space, drive aisle per the Zoning By-law (2023)-20790.
29. Operation of the Patio must be compliant with all [Alcohol & Gaming Commission of Ontario \(AGCO\)](#) rules and requirements.
30. The total capacity of any licensed Patio must not exceed 1 person for every 1.11 square metres, as required by the [Alcohol & Gaming Commission of Ontario \(AGCO\)](#).
31. The combined indoor and outdoor dining capacity must not exceed the capacity for the establishment's washrooms as determined by the [Ontario Building Code](#).

Patio capacity for restaurants, bars and cafes

29. Operation of the Patio must be compliant with all [Alcohol & Gaming Commission of Ontario \(AGCO\)](#) rules and requirements.
30. The total capacity of any licensed Patio must not exceed 1 person for every 1.11 square metres, as required by the [Alcohol & Gaming Commission of Ontario \(AGCO\)](#).
31. The combined indoor and outdoor dining capacity must not exceed the capacity for the establishment's washrooms as determined by the [Ontario Building Code](#).



Patios on private property

Applications for private property, whether temporary or permanent, must go through the Building Permit and Liquor Licensing process, effective January 1, 2024. Applications must comply with the [City of Guelph's Zoning By-law](#) and the [Ontario Building Code](#).

Meeting application requirements

Application requirements must be met, with all fees paid, no later than April 15 of each year to be eligible for regular installation dates. Failure to do so may result in additional charges for installation or the deferral of an application to the following year. The City reserves the right to impose additional requirements, as deemed necessary, from time to time.

Documentation to include with application



- One of the pre-approved patio drawings OR a detailed patio drawing that has met all the requirements listed in the section “**Planning Your Patio.**”
- A copy of your current **Business License**.
- A copy of your current **liquor license** (if applicable).
- Waste Storage and Set-out **drawings**.

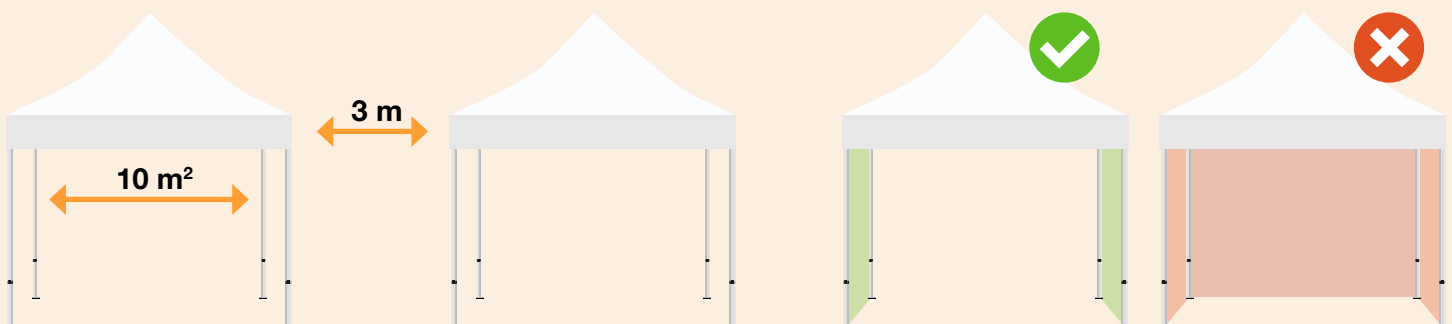


Planning your patio

Patio drawings and diagrams must include measurements in consistent units (millimetres; metres; inches; feet) that indicate the area of the patio while maintaining the requirements for Accessible Routes, furniture, tents, fencing, decking, and ramps outlined below.

Patio layout

32. Patio Operators are encouraged to adopt the City's pre-approved Patio design package, and in doing so, public property patios will negate the need to obtain a building permit.
 - a. [Pre-approved Patio Design – 2.75m set up](#)
 - b. [Pre-approved Patio Design – 4.3m set up](#)
 - c. [Pre-approved Patio Design – 5.0m set up](#)
 - d. [Pre-approved Patio Design – 5.5m set up](#)
33. The Patio Operator shall design and maintain the Patio layout to provide for a sufficient Accessible Route on the sidewalk to accommodate a clear, unobstructed width of 1,830 mm (1.83 metres; 6 feet) which must be maintained in a straight line within a street block and located at least 0.5 metres (21 inches) from the curb. It is further required that the Accessible Route:
 - a. In the downtown, on Wyndham Street North, between Carden Street and Woolwich Street, be located immediately adjacent to the building faces;
 - b. On all other streets be located between the typical line of obstructions (lamp poles, parking meters, trees, etc.) and the building faces; and
 - c. Does not have any gaps in the accessible surface more than ¼ inch and ¼ inch rise from connecting surfaces.
34. Patio seating shall have a minimum of 20 per cent accessible seating with a route to the seating that is a minimum of 1.1 metres (3 feet 7 inches) wide that is clear of all obstacles including seated customers. Further the seating must provide knee space under the table of at least 685 mm (27 inches) high and ground space of 760 mm (30 inches) wide by 480 mm (18 7/8 inches) deep. Options could include accessible picnic table(s) and/or removable seating that meet the definition of accessible seating.
35. Tents sized 10 square metres (108 square feet) or less are allowed within the Patio boundary without a permit and can abut a building. If more than one tent is installed, they must be 3 metres (9 feet 10 inches) apart from each other, including from neighbouring establishment's tents. For tents larger than 10 square meters (108 square feet), contact patios@guelph.ca. Tents cannot impede the flow of pedestrian traffic on City-owned land and must not be closed on more than two sides (abutting a building constitutes a closed side). Tents must also be flame retardant and be approved by the Chief Fire Official.
36. Posts and beams and/or a gazebo/pergola/trellis roof or other similar type of roof construction must be included in the submitted drawings. Except for pre-manufactured tents described above, tarps or similar roofing material shall not be used.
37. A gazebo/pergola/trellis roof or other similar type of roof construction, including a lattice roof that is



less than 50 per cent open, may require a building permit. Even if a building permit is not required, these structures shall be constructed to good engineering and construction practices. Also, see above with regards to pre-manufactured tent requirements.

Decking

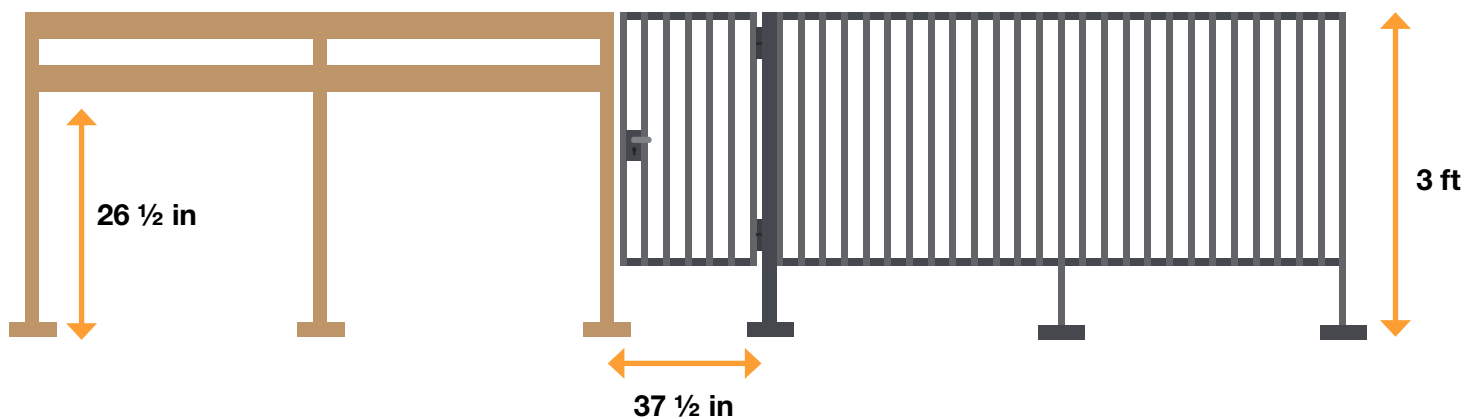
A separate building permit may be required for any deck/platform unless the Patio Operator uses the City's pre-approved patio design package. Applicants wishing to construct platforms/decks may be required to submit engineer stamped drawings with a building permit application.

- a. [Pre-approved Patio Design – 2.75m set up](#)
- b. [Pre-approved Patio Design – 4.3m set up](#)
- c. [Pre-approved Patio Design – 5.0m set up](#)
- d. [Pre-approved Patio Design – 5.5m set up](#)

Decking shall not obstruct stormwater flows or block stormwater drains. The applicant shall be responsible for clearance of any debris and overall maintenance to ensure free flow. Reminder that the City barriers are water filled and all deck/platform must allow for free flow of water should barriers need to be removed.

Fencing

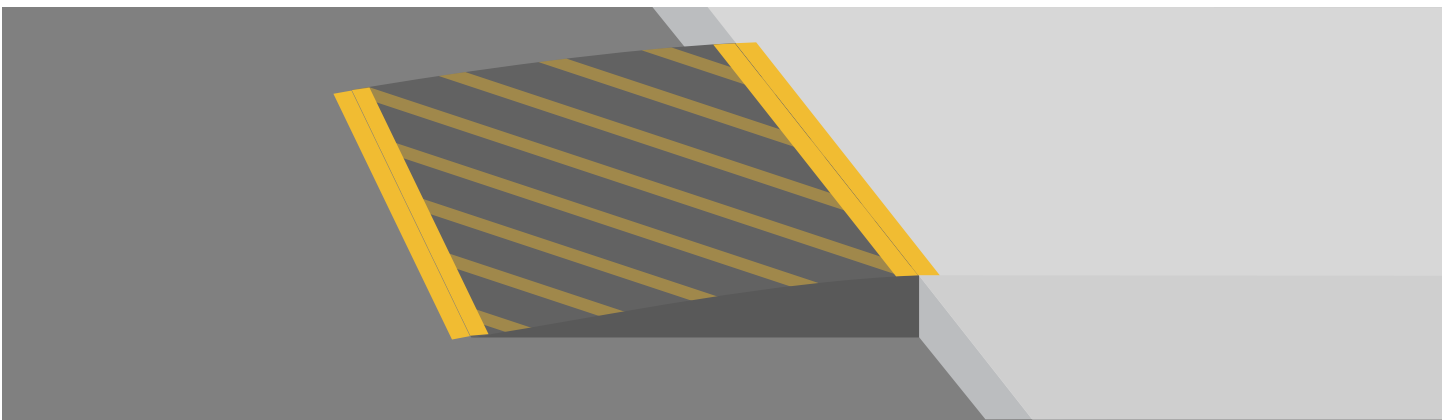
38. Fencing must be no more than 0.8 metres (3 feet) high. The fencing must be weighted for stability. Any stability measures must not damage public property, must not be designed to penetrate the surface of the sidewalks or streets (i.e. no bolts/brackets) and must be secured without endangering any underground utilities.
39. Fencing shall not obstruct vehicular traffic, pedestrian traffic, sightlines or emergency access.
40. Shall be of high contrast to the surrounding area as per City of Guelph [Facility Accessibility Design Manual \(FADM\)](#) standards;
41. Shall have a rigid horizontal member on the bottom portion that must be within 680 mm (26 ½ inches) from the ground;
42. Where openings are provided through fencing to the Patio areas, such openings shall be accessible and free of obstructions (including reception furniture) with a minimum of 950mm (37 ½ inches) wide to allow free passage of a person in a wheelchair.
43. Any exit gates, including emergency exit gates, must swing freely outward but not into traffic from the Patio during hours of operation.



Ramps

The below requirements reflect the City of Guelph's [Facility Accessibility Design Manual \(2015\)](#). Please reference for additional information where needed.

44. Ramps are to be used where a sidewalk and patio are separated by a curb.
45. For a curb that is under 200mm (8.5 inches), the following requirements must be met:
 - a. The maximum slope of any ramp is 1:15.
 - b. The ramp must have a minimum width of 1.5 metres (4 feet 11 inches) exclusive of flared sides.
 - c. The ramps must be slip-resistant
 - d. The ramp must have a detectable warning surface with colour (peel and stick)
 - e. The ramp texture must be contrasted with the adjacent surfaces (tape at top and bottom)
 - f. The ramp must provide a smooth transition (i.e height difference of less than 0.25 inches) from the ramp and adjacent surfaces, and
 - g. The ramp must not have any gaps in the surface more than 6 mm (¼ inch) and maximum 6 mm (¼ inch) rise from connecting surfaces.
 - h. If a ramp over 200mm (8.5 inches) is required, the patio operator should contact patios@guelph.ca as a building permit may be required.



Heaters

46. All Patio flames and or heaters, per the Ontario Fire Code (O. Reg. 213/07 as amended from time to time), must meet the requirements of Technical Standards and Safety Authority, be assembled in accordance to the device's manufacturer's specifications and installed in accordance to the same - which encompasses locations and distances to combustibles.
47. If use of propane and other flammable gases in cylinders on the Patio is exercised, it is the business owner's responsibility to:
 - a. Not store any cylinders indoors;
 - b. Store cylinders in lockable, non-combustible cabinets or cages that are designed for such storage;
 - c. Not to store cylinders on sidewalks or any public thoroughfare (must be at least 3.05 metres (10 feet) from sidewalks and thoroughfares);
 - d. Store cylinders at least metres 0.9 (3 feet) from any building opening and 3.05 metres (10 feet) from any building's mechanical air intake; and
 - e. Store propane cylinders 0.9 metres (3 feet) from other compressed gases.

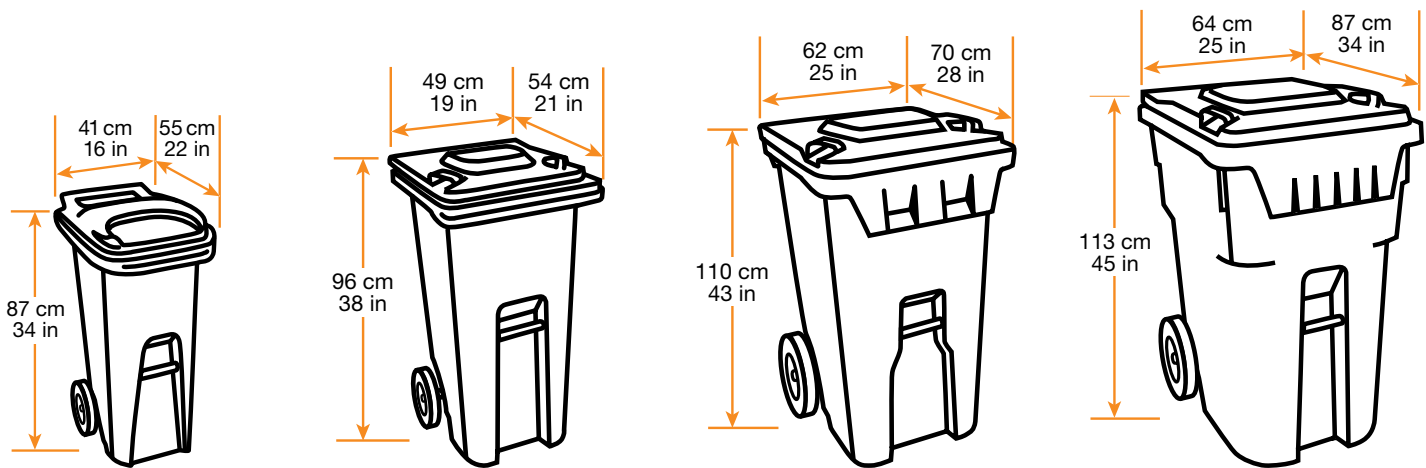
Waste storage and set-out

Patios can reduce the space available for waste carts. The placement of patios and waste containers should be coordinated to give patrons the best experience while facilitating waste collection.

- 48. Patio operators must use a set of carts to store and set out waste. Patio operators must have at least one cart each for garbage, recycling, and organics and separate materials into the correct containers.
- 49. Guelph's [Waste Management Bylaw](#) (Section 37) allows waste to be set out on or in front the property it is generated on. Carts must be set out in front of the patio operator property and

patio operators must not rely on using public space containers located in front of neighbouring properties.

- 50. Guelph's [Property Standards Bylaw](#) (Section 3.4) requires that properties are provided with a sufficient number of suitable receptacles to contain all waste generated from the property. Carts may be obtained by contacting Solid Waste Resources at 519-767-0598 or waste@guelph.ca. A range of sizes is available as shown below depending on storage space at your business.
- 51. If you do not have space to store a set of carts, please reach out to Solid Waste Resources to discuss alternatives.



Small

Holds 80 litres/21 gallons (equivalent to approximately one bag*)

Organics cart only

Medium

Holds 120 litres/32 gallons (equivalent to approximately two bags*)

Limited supply

Large

Holds 240 litres/64 gallons (equivalent to approximately four bags*)

Extra large

Holds 360 litres/95 gallons (equivalent to approximately six bags*)

- 52. Carts must be stored indoors or on private property and locked up if stored outdoors.
- 53. Patio operators are responsible for communicating the waste set out requirements to the property owner who certifies that provisions have been made for and communicated to all tenants on the property to access waste collection during the operation of the seasonal patio.
- 54. Property Owners certify that provisions have been made for and communicated to all tenants,

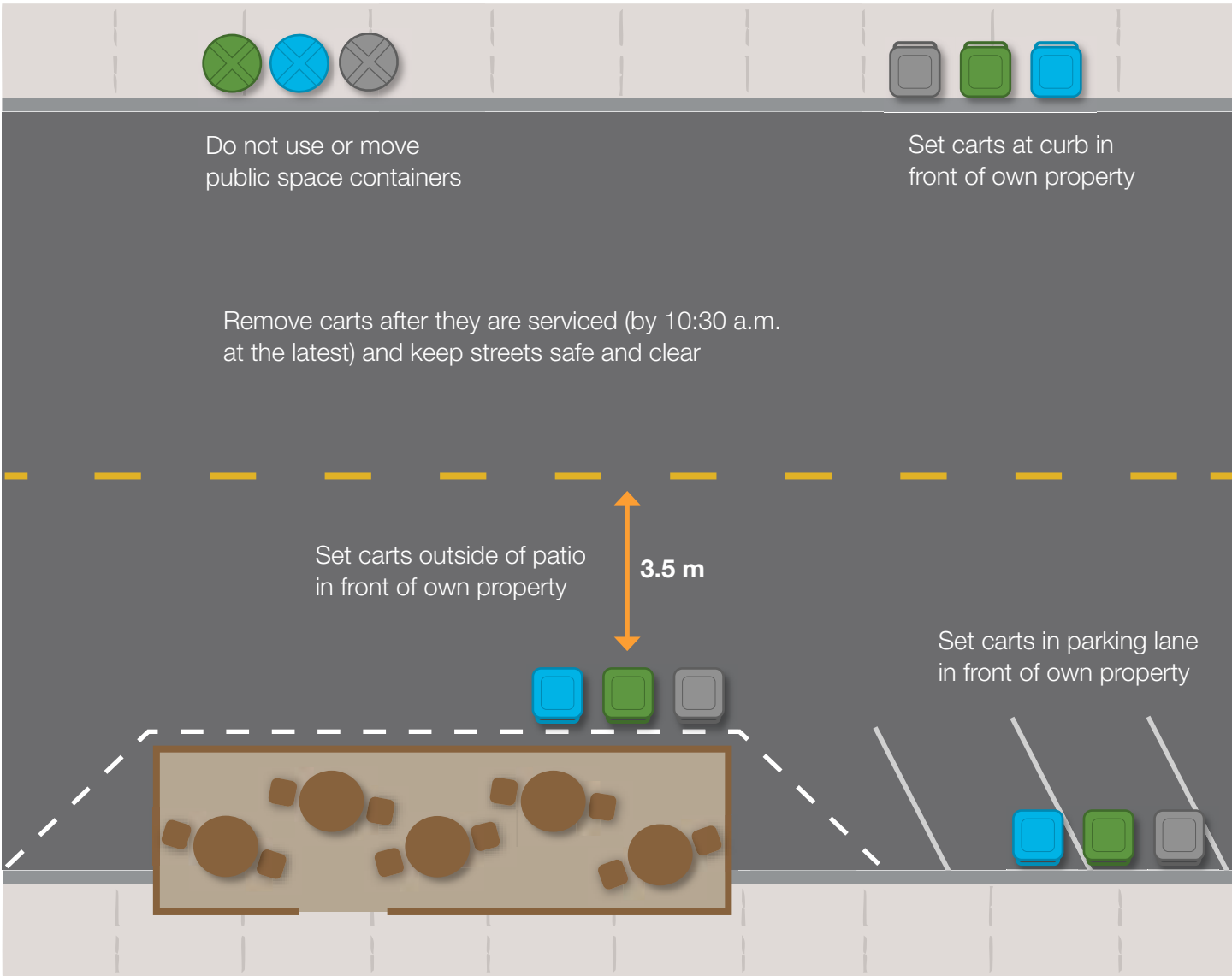
as applicable, on the property to access waste collection during the operation of the seasonal patio.

- 55. As part of your application, please provide Waste Set-Out Drawing consisting of a sketch or mark up an online map or air photo of your storefront, sidewalk, and street, including amenities such as entrances, accessibility features, trees, street furniture, fire hydrants, and parking spaces. Please indicate in your sketch where all units in the building will set out waste carts:

- a. Carts should be placed in front of your property, not others' property;
- b. During the Seasonal Patio Program, carts may be placed on the street outside the patio in front of your property as long as a 3.5 metre lane is clear for vehicle travel;
- c. Carts should be placed with openings facing the street. Where possible, they should be spaced with clearance of one metre between, beside, and behind them, however smaller clearances may be accommodated. Please

contact Solid Waste Resources if you are changing the way you set out your carts to confirm that they may be safely serviced;

56. As part of your application, provide a table with the following information about every unit in building the patio is being proposed to sit in front of. The same representative may be listed for multiple units if they manage waste set-out for those units (e.g., a property manager who moves waste from a common storage area to set out).



Patio program accessibility checklist



This checklist has been developed to help you ensure customers with disabilities can access your services. About 45 per cent of people with disabilities have mobility related disabilities, and more than 40 per cent of this population is over the age of 65 – as the population ages, this number will only grow. Together with their friends and families, people with disabilities, represent the third-largest market segment in North America. People with disabilities have a buying power of over \$50 billion in Canada.

Source: guelph.ca>living>accessibility>additional resources

Accessible route(s) – A continuous unobstructed path connecting accessible elements and spaces.

- Business shall not be conducted within the Accessible Routes
- Patios are not permitted on sidewalks without sufficient width to accommodate a clear, unobstructed route of 1830 mm (6 feet) minimum
- No gaps in the accessible surface more than ¼ inch
- No rise greater than ¼ inch from connecting surfaces
- Accessible route(s) within the patio space shall be 1.1 metre wide minimum

Accessible parking - Includes the parking space, access aisle and route surrounding.

- Patios must be located one meter away from parking spaces
- Patio features cannot overhang or obstruct the accessible parking

Accessible seating – Seating that is removable or there is a location at the table that is equal to all other seating at that table that accommodates a wheelchair.

- 20 per cent minimum must be accessible seating
- Knee clearance of at least 685 mm (27 inches) height
- Ground space of 760 mm (30 inches) wide by 480 mm deep

Fencing

- High contrast colour to the surrounding area – For example black stanchions on white cement, etc.
- Rigid horizontal member on the bottom portion that must be within 680mm (26 and ½ inch) from the ground and pulled taut
- Opening shall be accessible/free of obstructions (including reception furniture) with a minimum of 950 mm wide to allow free passage of a person using a wheelchair

Ramps

- To be used where a sidewalk and patio are separated by a curb
- Max slope 1:15
- Min width of 1.5 metres
- Slip resistant
- Detectable warning surface with colour (peel and stick)
- Texture must be contrasted with adjacent surfaces (tape at top and bottom)
- Smooth transition with height difference no more than ¼ inch
- No gaps in surface more than ¼ inch



City of Guelph

Economic Development and Tourism

519-822-1260 extension 2533

TTY 519-826-9771

patios@guelph.ca

guelph.ca/patios

Accessible formats available upon request.