

Guelph's Temporary Seasonal Patio Program

The City of Guelph has introduced a Temporary Seasonal Patio Program for the summer and fall of 2020. This program is in response to the COVID-19 pandemic and is intended to support local restaurant and bar patios by providing flexibility to businesses while ensuring safety standards and measures remain in place.

Revised September 24, 2020

Purpose and Background

This program is designed for patios within the City of Guelph that comply with Guelph's bylaws and provincial directives.

Provincial emergency orders as a result of the COVID-19 pandemic has limited restaurants dine-in service. As the restrictions on restaurant operations ease over time it is anticipated that patron capacity will continue to be impacted. With warmer weather, restaurants' use of patios will help increase opportunities for added capacity while meeting physical distancing measures.

These guidelines pertain both to temporary patios on privately-owned land, and to those that are established with the City's permission on the public right of way.

General Requirements

1. Temporary patios shall be permitted for a licenced or unlicensed "restaurant or bar patio" meaning an area that is not an enclosed public place or an enclosed workplace and that meets the following criteria:
 - a. The public is ordinarily invited or permitted access to the area, either expressly or by implication, whether or not a fee is charged for entry, or the area is worked in or frequented by employees during the course of their employment, whether or not they are acting in the course of their employment at the time.
 - b. Food or drink is served or sold or offered for consumption in the area, or the area is part of, or operated in conjunction with an area where food or drink is served or sold or offered.
 - c. The area is not primarily a private dwelling.
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. In all cases the business operating the temporary patio must exercise control over access and use of the space.

3. Temporary patios approved in 2020 permitted under this guideline shall be permitted until November 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 December 1, 2020 or as requested by the City. 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. The total capacity of any licensed temporary patio must not exceed 1 person for every 1.11 square metres, as required by the Alcohol & Gaming Commission of Ontario (AGCO). The combined indoor and outdoor dining capacity of all patios must not exceed the capacity for the establishment's washrooms as determined by the Ontario Building Code.
5. Every patio shall be operated in compliance with all applicable regulations, guidelines, orders, and/or directives published by the Ontario Ministry of Health and Long-Term Care, the Chief Medical Officer of Health, and/or by the Medical Officer of Health for Wellington-Dufferin-Guelph relating to the control of COVID-19.
6. Without limiting the generality of the foregoing:
 - a. Patrons and staff shall be screened for symptoms of COVID-19;
 - b. Staff shall be required to wear a non-medical mask at all times;
 - c. Customers shall be encouraged to wear a non-medical masks at all times except when consuming food or beverages;
 - d. Seating shall be arranged to maintain a minimum of 2 metres separation between patrons who are not members of the same household or permitted social bubble; and
 - e. Patrons shall be instructed to remain seated except when using washroom facilities.
7. 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.
8. The business owner is responsible for obtaining all relevant permissions, including but not limited to licences and permissions from the AGCO and their landlord.
9. The business owner of a temporary patio shall mitigate any negative impacts on abutting or nearby commercial or residential development; including prioritizing the use of private land before utilizing public space.
10. Music (that does not disturb others) is permitted as per the City's noise bylaw. The temporary patio (including the patio space, fencing, and pedestrian access into and around the patios) shall be compliant with the Accessibility for Ontarians with Disabilities Act (AODA).

11. Provide a sufficient accessible route on the sidewalk to accommodate a clear, unobstructed width of 1.83 metres (6 feet); be maintained in a straight line within a street block and located at least 0.5 metres (21 inches) from the curb.
12. Twenty per cent of the patio seating is accessible, which means the seating is removable or there is a location at the table that is equal to all other seating at that table and must offer wheelchair accessible seating with a route to the seating that is a minimum of 1.1 metres (3 feet 7 inches) wide.
13. Temporary patios cannot impede the use of accessible parking and accessible paths of travel, in cases where this is not possible please contact accessibility@guelph.ca for assistance.
14. Umbrellas, if used, must stand at least 2.1 metres (7 feet) above the walking surface.
15. Full compliance with the Ontario Fire Code (OFC), including but not limited to:
 - 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 feet) of any part of the temporary patio.
 - e. Cooking or food and drink preparation is not permitted on any temporary patio.
 - f. A minimum 1.5 metres (5 feet) clearance from fire department (siamese) connections and hydrants must be maintained on a temporary patio.

- 16.If located on private property, the patio shall be located a minimum of 3 metres away from any loading space, parking space, parking aisle or driveway.
- 17.Each business shall have priority to the available space within its own frontage, and a patio cannot extend into the sidewalk frontage of a neighbouring business if that business objects.
- 18.Temporary patios must not impede access to or visibility of adjacent tenant spaces or exits.
- 19.Tents sized 10 square metres (108 square feet) or less are allowed within the temporary 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 metres (108 square feet), contact Building Services to determine if a permit is required. Tents cannot impede the flow of pedestrian traffic on City owned land, and must adhere to Covid-19 Health Measures concerning air flow and a minimum of two open sides
- 20.Any exit gates must swing freely outward but not into traffic from the temporary patio during hours of operation.
- 21.The business owner is responsible for maintaining any structures and equipment in a safe and clean condition and in good repair.
- 22.Must comply will all other applicable City Bylaws.
- 23.A separate building permit will be required for any platform/deck or ramp construction. Applicants wishing to construct platforms/decks or any ramps over 200mm (8.5 inches) will be required to submit Engineer stamped drawings of the platform/deck with a building permit application.

On-street patios:

1. Requirements for temporary patios located adjacent to an active travel lane (including parking stalls):
2. Setup or takedown of any structure or materials on an active public roadway or parking stalls can only be completed by City of Guelph staff trained and qualified in the OTM Book 7. Applicants for on-street patios are not permitted to install their patio until the City has completed the installation of appropriate road closure barriers.
3. If located on public property (public sidewalk or public parking spot), the patio shall be located a minimum of 1 meter (3 feet 3 inches) away from any City-approved parking stall or road closure barrier.
4. Shall not be permitted:

- a. on two-lane roads, unless two-way traffic can be maintained
 - b. on streets with a speed limit over 50 km/h
 - c. within 5 metres (16 feet 5 inches) of the corner of an intersection.
 - d. within 10 metres (32 feet 9 inches) of the corner of an intersection that has a stop/yield sign or a pedestrian crosswalk.
 - e. Temporary traffic controls are required where the temporary 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.
5. Ramps are to be used where a sidewalk and patio are separated by a curb.

For a curb that is under 200mm (8.5 inches), the following should apply:

- a. The max. slope of ramp would be 1:10.
- b. A minimum width of 1.5 metres (4 feet 11 inches) exclusive of flared sides.
- c. Have a surface including flared sides that is:
 - i. slip-resistant
 - ii. a detectable warning surface with colour (peel and stick)
 - iii. texture that is contrasted with the adjacent surfaces (tape at top and bottom)
 - iv. a smooth transition (.25 inches) from the ramp and adjacent surfaces, and

If a ramp over 200mm (8.5 inches) is required, contact Building Services at 519-837-5615 as a building permit may be required.

Fencing:

Temporary patios must be identifiable through the use of barriers which may include fencing or planters.

1. Barriers must be at least 0.75 metres (2 feet 6 inches) high.
2. The fencing must be weighted either footplates or stable mass planter boxes provided they are not damaging any public property, are not be designed to penetrate the surface of the sidewalks (i.e. no bolts/brackets) and are secured without endangering any underground utilities.
3. Foot plates must have a rigid horizontal member on the bottom portion that must be within 680 mm (2 feet 2.5 inches) from the ground, and do not overhang the accessible route on public sidewalks.
4. That fencing and other barriers are high contrast to the surrounding area as per [City standards](#) (sec: 4.4.15 Texture and Colour).
5. Fencing material must be shown on the drawings/sketch.

6. Self-supporting plates shall have no parts of the fence create a trip hazard and shall not project beyond the limits of the permit area.
7. Fencing shall not extend past the permitted area, or be attached to trees, street elements or utilities.
8. Fencing shall not obstruct vehicular/pedestrian sightlines/fire

The temporary patio shall not:

1. Obstruct underground utility access, electrical transformer vaults, utility boxes, parking meters, loading zones, active transit stops and other infrastructure.
2. Damage City-owned or private trees in an effort to design, construct, maintain or operate the temporary patio.
3. Conflict with existing pedestrian crossings.
4. Permit smoking, pursuant to the Smoke-Free Act and 'no smoking' signage shall be posted at the entrance/exit.
5. Obstruct stormwater flows or block stormwater drains. The applicant shall be responsible for clearance of any debris and overall maintenance to ensure free flow.