



# **Guideline: Temporary Downtown Commercial Patio and Retail Merchandise Displays**

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TOWN OF COLLINGWOOD

Legislative Services  
Town of Collingwood | [clerk@collingwood.ca](mailto:clerk@collingwood.ca)

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## Introduction

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The Town of Collingwood is committed to supporting the business community in innovative and efficient ways that align with the best practices of comparator municipalities. Since 2010 the Town of Collingwood has supported the creation of temporary commercial patios, in varying capacities, and retail merchandise displays on municipal property to support local restaurants, cafes and retail stores and will continue to do so through future patio seasons.

The COVID-19 pandemic brought forward many challenges for business owners and operators with significant restrictions put into place during the pandemic. In an effort to support our local businesses a temporary relief by-law was put into place providing for the expansion of outdoor dining and display of merchandise on municipal property. As the restrictions applicable to the pandemic have been lifted, benefits and challenges were reviewed by Town of Collingwood staff from various municipal divisions who ensure that all patio applications have the necessary requirements, permissions, and insurance in place to operate efficiently and safely, as well as public engagement to balance the required risk mitigation measures with the wants of the public to patios and retail on our municipal sidewalks and roadways in the Downtown moving forward.

This document provides guidelines for Temporary Downtown Commercial Patios and Retail Displays (TDC Patio and Retail Display) on municipal property. The information included within this document ensures that safety, functionality and design standards are explained, which are the minimum requirements business owners and operators are expected to meet to operate a TDC Patio or Retail Display. Please be sure to review these guidelines carefully and plan ahead to ensure full compliance.

## Terms and Conditions

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Included in this section is an overview of the Terms and Conditions of the TDC Patio or Retail Display Program. More detail on each of the items included in this section can be found throughout this document.

For the purpose of this Guideline the following definitions have been provided:

**Curbside Retail Display Area:** the area of the public sidewalk located in front of each business located approximately 2.4 metres (8 feet) from the building facade with a depth of 2.4 metres (8 feet) towards the curbside/parking space for a length span of the business.

**Storefront Retail Display Area:** the area of the public sidewalk located immediately in front of each business not to protrude any further than 0.6 metres (2 feet) from the property line (storefront) for the length of the business frontage.

**Sidewalk Café:** a group of tables and chairs and other accessories situated and maintained upon a public sidewalk for the use and consumption of food and beverages sold to the public from, or in, an adjoining or adjacent indoor food and beverage establishment

located immediately against the facade of the building not to protrude any further than 0.6 metre (2 feet) from the property line for the length of the business frontage.

**Sidewalk Patio:** a group of tables and chairs and other accessories situated and maintained upon a public sidewalk for the use and consumption of food and beverages sold to the public from, or in, an adjoining or adjacent indoor food and beverage establishment located adjacent to the business or curbside.

**On-street Patio:** a group of tables and chairs and other accessories situated and maintained within a designated on-street parking area for the use and consumption of food and beverages sold to the public from, or in, an adjoining or adjacent indoor food and beverage establishment located adjacent to the business or curbside. All on-street patios must be raised to a level that is equal to the sidewalk it is adjacent to and contain the required traffic and safety materials approved by the Town of Collingwood.

**Municipal Property:** includes the municipal sidewalk and boulevard area situated between the curb and building front.

**Municipal Road Allowance:** includes the on-street parking areas that form part of the road allowance that is owned and maintained by the municipality.

General Terms and Conditions applicable to TDC Patios and Retail Displays:

1. Applications for a patio are to be submitted to the Town of Collingwood - Legislative Services Division on an annual basis. Applications will be circulated for cross-department review and approval.
2. Applicants are required to submit a Site Plan for the proposed patio and/or retail display location.
3. Compliance must be maintained at all times with all federal and provincial laws, as well as all municipal by-laws, which includes, without limitation, any statute, regulation, order, guideline, policy, code, ordinance or rule, as well as any principle of common law or equity.
4. The permit holder shall maintain the prescribed insurance coverage at all times.
5. The Town retains the right of access over, to and upon the patio for emergency services purposes.
6. A pedestrian walkway of two meters shall be maintained free and clear at all times on the municipal sidewalk.
7. Encroachments shall be constructed and maintained as per the terms and conditions set out in the prescribed standard or as otherwise approved by the Town and must be compliant with the Accessibility for Ontarians with Disabilities Act (AODA).
8. The municipality shall not be held responsible or liable for any damages or losses,

resulting to, or from the placement or operation of a boulevard encroachment.

9. Permit holders shall maintain the encroachment area, including the area immediately adjacent to the encroachment areas, in a clean, safe and hazard free condition at all times.
10. TDC Retail Displays may be made available all days of the week during the operating hours of the associated business. All displays must be removable and not permanently fixed in place and are required be removed from the sidewalk outside business hours.
11. Retail displays and patio designs must be sympathetic to heritage objectives and meet requirements with respect to public safety.
12. Patio structures and furniture must be constructed in accordance with the prescribed standard.
13. Patio furnishings, fences, and other patio improvements must be removable and not permanently fixed in place.
14. Retail displays such as clothing racks and tables must be maintained in a neat and orderly condition at all times.
15. Entrances and other ingress points to buildings and businesses shall remain free of merchandise, displays and/or patio furniture and shall not otherwise impede or limit access to the building.
16. Patios are to be permitted to operate from May 1<sup>st</sup> to October 15<sup>th</sup> annually, unless permission has been granted from the Public Works Department to operate through the winter months.
17. Patios must adhere to all AGCO requirements and provide proof of applicable permits and licenses at the time of application. Those applicants requiring a temporary extension of an existing liquor license must clearly identify the area in their application and such extension is at the discretion of the municipality to approve.
18. The use of portable heaters must meet TSSA guidelines and or the manufacturer's instructions, with the stricter requirements taking precedence. An inspection is required by Fire Services prior to their use. The TSSA guideline to the use of portable heaters and propane handling is attached to this guideline.
19. TDC Patio permit holders shall not obstruct any utility infrastructure or access to utility infrastructure. The applicant shall be responsible for clearance of any debris and overall maintenance to ensure normal operation and unimpeded access.
20. Construction, maintenance and operation of the temporary patio shall be the responsibility of the applicant. Operators will be responsible for the management and logistics of any approved temporary patio, including ensuring that they are staffed at all times when open, to ensure proper use, cleaning, and operation as required.

21. The Town reserves the right to suspend or revoke or suspend a previously issued Boulevard Encroachment permit, by providing the permit-holder with written notice should the permit holder be found to have:
- a. Provided false or misleading information on their application for the permit;
  - b. Deviated from the agreed terms of the site plan;
  - c. Not complied with any of the conditions of the permit;
  - d. Not complied with any of the requirements of the Encroachment Permit By-law;
  - e. Not complied with any of the standard terms or conditions or any other requirement prescribed by the Clerk or Deputy Clerk of the Town.

Additionally, the Town may, at any time, suspend a permit for up to twenty-eight (28) days and to provide the permit-holder with written reasons for such suspension, should the Town need the property on which the Encroachment is situated for:

- a. The holding of a special event;
  - b. The construction, maintenance or repair of Town-owned property, including any infrastructure thereon, therein or thereunder;
  - c. The installation, maintenance or repair of a public utility or service; or
  - d. Pedestrian vehicular or public safety or public health.
22. All patios and merchandise display areas authorized under a Boulevard Encroachment Permit are subject to final inspection by representatives of the Town and/or other inspection agencies such as the Simcoe Muskoka District Health Unit and/or Alcohol and Gaming Commission of Ontario, and are not to be used by patrons of the Permit Holder or the public until such inspections have been completed and the results of such inspections meet the satisfaction of the Town of Collingwood and/or inspection agency. The Town and/or other inspection agencies and/or Officers have the right to conduct further inspections at any time.

## **1.0 PROCESS**

## **2.0 OPERATIONAL REQUIREMENTS**

## **3.0 DESIGN GUIDELINES**

## **4.0 IMPLEMENTATION**



## 1.0 Process

### How to Apply

Visit the [Temporary Downtown Commercial \(TDC\) Patio and Retail Merchandise Display](#) webpage to become familiar with the program information included.

Complete the [Application for a TDC Patio and Retail Merchandise Display](#) in its entirety, all questions are mandatory. Once complete, send the application form and all supporting documentation to [clerk@collingwood.ca](mailto:clerk@collingwood.ca). All business operators are required to submit an application or request for renewal annually and pay the corresponding fees.

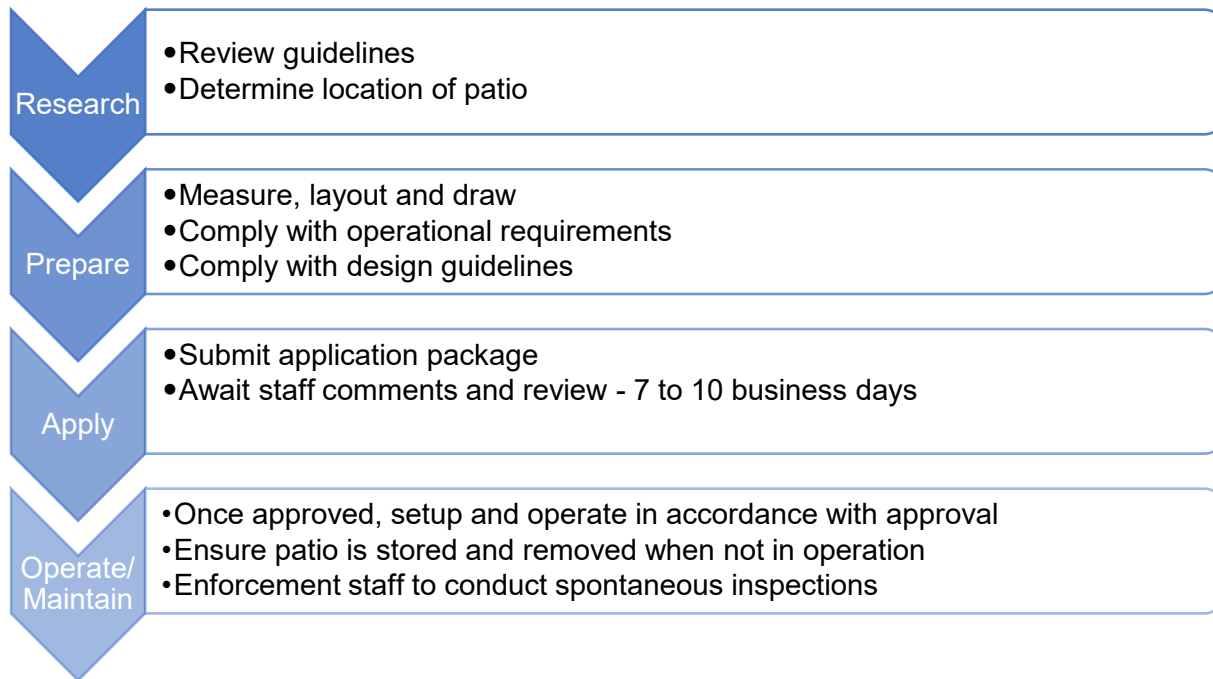
A Site Plan Drawing must be submitted with your application. Details to what is to be included in your Site Plan is provided under Section 2.0 of this guideline.

Note: Guidelines including access to public thoroughfare from all building exits and from the patio, cannot be obstructed, in addition to maintaining a minim of 1.8m (6 feet) clearance around fire hydrant and fire department connections.

For any TDC Patio or Retail Display on the municipal right of way, in an on-street parking space or municipal property a Certificate of Insurance naming the Corporation of the Town of Collingwood must be provided with application submission. Details to what is required for this certificate is provided in Section 2.0 of this guideline.

It is recommended that TDC Patio or Retail Display Applicants connect with the team prior to applying. Sometimes elements of an application are not required and the team can determine this. The TDC Patio or Retail Display Program Team can be reached at [clerk@collingwood.ca](mailto:clerk@collingwood.ca).

## Application Process



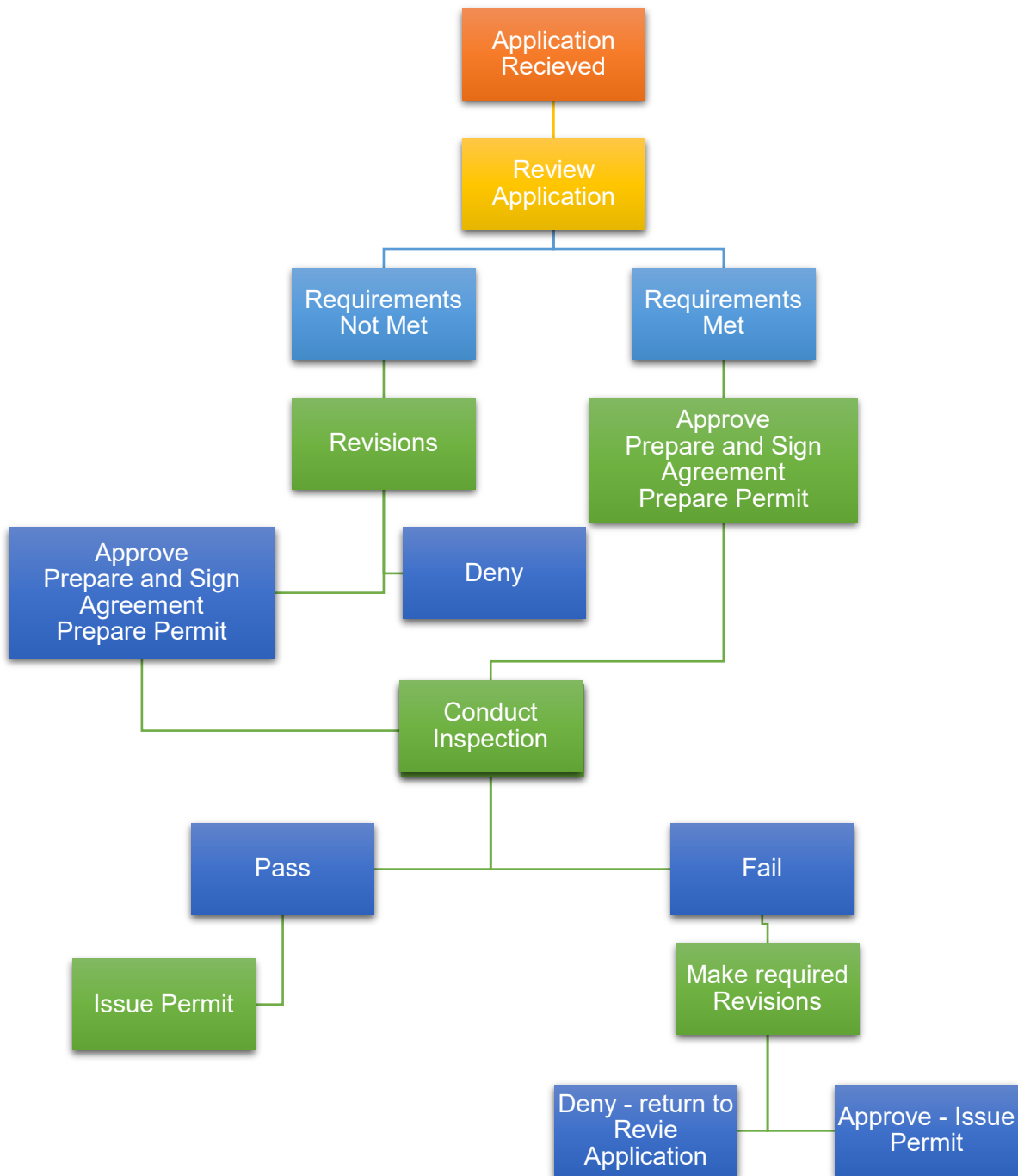
## Program Fees

Aligning with comparable municipalities across Ontario, the Town of Collingwood will be updating its annual Fees and Service Charge by-law to include fees specific to the TDC Patio or Retail Display Program. For 2023, the fees for TDC Patio or Retail Displays will be as follows:

Retail Merchandise Display – Annual License	\$82
Sidewalk Café* – Annual License	\$82
Sidewalk Patio – Annual License	\$153
On-Street Patio – Annual License	\$357

The business responsible for the TDC Patio or Retail Display is responsible for the costs associated with their applicable permit including, but not limited to patio fencing, platforms and furniture, and installation of a retail display would be the responsibility of the business owner responsible for the display including clothing racks, tent structures for curb-side merchandise display, etc.

# Review Process



## 2.0 Operational Requirements

### Location

The TDC Patio or Retail Display must be directly adjacent to the applicant business. Extensions in front of neighbouring properties or units may be permitted with the written consent of the neighbouring property owner or affected business.

TDC Patio or Retail Displays within the municipal right of way, including on-street parking spaces and municipal property must be located on streets where there is existing on-street parking or surplus pavement width. If a patio is located within an on-street parking space, the patio is to be set in from the traveled portion of the road a minimum of 0.5 metres.

TDC Patio or Retail Displays within the municipal right of way, including on-street parking spaces and municipal property must be at least one parking space away from an intersection or driveway, except where “bump outs” are found, or otherwise approved by the Director of Public Works, Engineering and Environmental Services (or designate).

TDC Patio or Retail Displays must not be placed in front of a fire hydrant or within 1.8m (6ft) of a hydrant or fire connection, designated loading zone, or in designated accessible parking space.

TDC Patio or Retail Displays should not obstruct surface drainage or access to public utility equipment such as utility boxes, pedestals, vaults, utility hole / hand hole covers, utility poles. Town equipment such as pay & display machines, traffic signal poles, street light standards, traffic sign poles, hand hole covers, sewer drains and covers, fire hydrants, benches, bike racks, waste receptacles, etc. cannot be obstructed. Town owned trees can be located within a TDC Patio or Retail Display.

Locations that have higher pedestrian volumes and low vehicle operating speeds are preferred. The Town will evaluate any candidate site for potential traffic and safety impacts and required site improvements. If a location is determined to have traffic and/or safety concerns, this could negate the use of the space – this would be solely at the discretion of the Town of Collingwood.

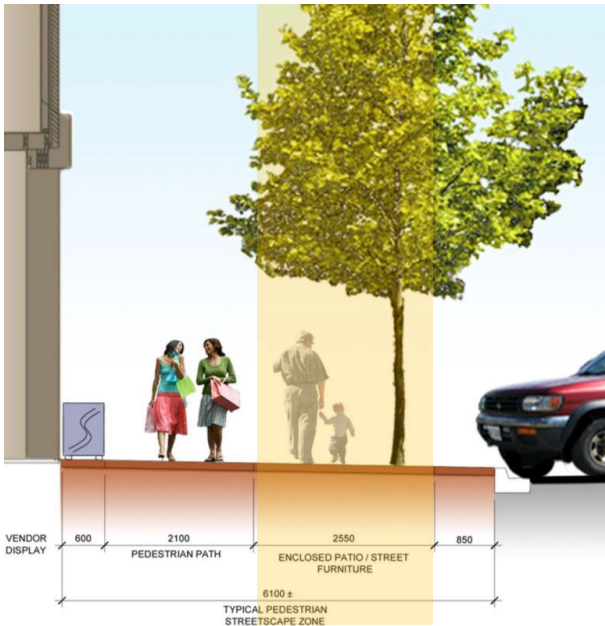
Each application will be reviewed for impacts to surrounding businesses and residences. If concerns arise or are flagged staff will work with the applicant to attempt to find a solution that minimizes impacts to surrounding community. The interpretation of concerns and issues is at the sole discretion of the Town of Collingwood.

### What is a Retail Display and where can they go

A retail display area can include any of the following:

- Display of merchandise from the adjacent business including but not limited to clothing, goods for sale, etc.

- Public art for display or sale
- Fresh produce available in the adjacent business



A retail display can be provided in a free form adjacent to the building face and is described as a Storefront Retail Display Area. This can include a table, clothing rack or object that can be contained within the delineated brick markings or within two (2) feet of the building front.

A tent may be placed along the curb on the sidewalk providing for a designated area for the items to be displayed and is described as a Curbside Retail Display Area.

### What types of patios are permitted and where can they go

There are four types of patios permitted under this program.

1. **Sidewalk Café:** this type of patio is not licensed to serve alcohol and is located within the delineated brick work directly in front to the building front teh is approximately two (2) feet wide. It generally consists of a small table that can accommodate two chairs place parallel to the building front. A sidewalk café does not require a fence and may be permitted to operate year-round pending terms and conditions specific to winter maintenance.
2. **Storefront Patio:** this type of patio is positioned against the building front extending from the wall of the building to approximately 8-10 feet ensuring that the required pedestrian walkway can be maintained at all times. This patio is generally fenced as it consumes more space on the municipal sidewalk and has the ability to be licensed for the sale of alcohol in accordance to requirements of the AGCO. This patio type is seasonal, being permitted from May 1 through to October 15, with the potential to continue through the winter if the patio is able to meet certain criteria.
3. **Curbside Patio:** this type of patio is inset 0.5 metres from the curb in front of the business and extends into the sidewalk approximately 9 feet ensuring that the required pedestrian walkway can be maintained at all times. This patio is generally fenced as it consumes more space on the municipal sidewalk and has the ability to be licensed for the sale of alcohol in accordance to requirements of the AGCO. This patio type is seasonal, being permitted from May 1 through to October 15, with the potential to continue through the winter if the patio is able to meet certain criteria.
4. **On-street Patio:** this type of patio is positioned within on-street parking spaces and is

required to be constructed at the same height as the abutting sidewalk. This patio type is subject to Town of Collingwood requirements with the installation of traffic barriers, signage, warning bollards and suitable fencing to ensure the safety of the patrons utilizing the patio space. This patio is required to be fenced and has the ability to be licensed for the sale of alcohol in accordance to requirements of the AGCO. This patio type is seasonal, being permitted from May 1 through to October 15.

## Permission

If the TDC Patio or Retail Display operator wishes to utilize municipal property a permit issued by the Town of Collingwood must be obtained. This permit will set out the applicants obligations and conditions of operation.

TDC Patio or Retail Displays may be installed and operated between May 1<sup>st</sup> and October 15<sup>th</sup> each calendar year during the term of the agreement. Patios are not permitted to operate more than 8 months of the year under AGCO requirements, unless a permanent outdoor liquor license has been obtained from the AGCO and proof of such permit including its area of coverage is supplied to the Town. Additional approvals are required to operate outside of the above noted timeframe to ensure minimum winter maintenance standards can be met and will be considered on a case-by-case basis dependent on location.

## Insurance and Indemnity

If the TDC Patio or Retail Display is to be located on the municipal right of way, including on-street parking spaces or municipal property (i.e. sidewalk, road allowance, boulevard, alleyway), the patio operator will provide and maintain evidence of at least \$5M in comprehensive liability insurance for property damage, personal injury and public liability on the lands, naming the Corporation of the Town of Collingwood.

A valid Certificate of Insurance must be written on the comprehensive basis and contain the following:

- Name of Insurer (the insurance company)
- Policy number and Term of Policy
- Type of Policy: General Liability Policy containing public liability and property damage insurance including personal injury liability, blanket contractual liability, non-owned automobile liability, products-completed operations and employers liability, with respect to the Licensed Area and the Permit Holder's use of the Licensed Area, with coverage including the activities and operations conducted by the Permit Holder and those for whom the Permit Holder is in law responsible and containing a severability of interests clause and cross-liability clause.
- Limit of Policy: \$5 million per occurrence
- Named Insured (must be the Legal Name of Business that is listed on the Patio Application).
- Description of the Temporary Patio and activities to be insured.
- Dates of patio operation (include set up and take down dates).

- Location of Patio
- The Corporation of the Town of Collingwood, 97 Hurontario Street, Collingwood, ON, L9Y 2L9 is added as an 'Additional Insured'.
- A provision requiring that at least thirty (30) days' written notice be given to the Town in the event that such insurance coverage is terminated or changed in any manner.
- Signature of insurance provider or broker.

## Liability and Maintenance

TDC Patio operators will be responsible for the installation and on-going maintenance of the patio which includes removal or storage of patio and furnishing outside of regular business hours and permitted patio operation season.

TDC Retail Display operators will be responsible for the installation and on-going maintenance of the retail display area which includes removal of the display when the business is closed.

TDC Patio or Retail Display operators shall ensure that their seasonal temporary commercial patios and retail display areas do not interfere with the free and safe passage of persons using the sidewalks and road allowance and shall always maintain the area and keep the abutting municipal property in a good and safe condition.

The TDC Patio or Retail Display operator acknowledges that they have physical possession or care and control of the seasonal temporary commercial patio and the lands abutting. The TDC Patio or Retail Display operator shall take such care as in all the circumstances of the case that is reasonable to see that persons entering on the premises, and the property brought on the premises by those persons are reasonably safe while on the premises.

The maintenance requirements shall include, but not be limited to:

- washing/sweeping the TDC Patio or Retail Display area on a daily basis
- ensuring all patio furniture is secured accordingly or removed from the patio area when the business is not operating
- watering all plants contained within the TDC Patio or Retail Display
- promptly removing any garbage or graffiti

Additionally, early or late in the patio season as weather dictates, the clearing of snow and ice, as well as salting or sanding the premises and the abutting land for the safe passage of persons entering the temporary patio.

It should also be noted that in times of inclement weather or strong winds that patio furniture and retail display areas be removed to reduce the risk of property damage.

The TDC Patio or Retail Display operator and approved applicant agree to defend, indemnify and save harmless the Town from and against all actions, causes of action, interest, claims, demands, costs, damages, expenses, or loss howsoever arising which the Town or the establishment may bear, suffer or be put to by reason of any damage to property or injury or

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death to any person as a result of the TDC Patio or Retail Display.

## Liquor Licence

Business owners that wish to serve alcohol on their TDC Patio or Retail Display must ensure that they have a valid liquor license issued by the Alcohol and Gaming Commission of Ontario (AGCO) at the time of application to the Town of Collingwood.

In November 2022, the AGCO amended Regulation 746/21 under the *Liquor Licence and Control Act, 2019* establishing a new framework for temporary outdoor physical extensions (temporary patios), which takes effect January 1, 2023. These changes impact liquor sales licence holders and manufacturer by-the glass endorsement holders.

In order to obtain permission to sell alcohol on a temporary patio, liquor sales licensees and manufacturers that hold a by-the-glass endorsement will require municipal approval. Upon obtaining approval from the municipality, liquor license sales licensees and manufacturers that hold by-the-glass endorsements will be required to notify the AGCO by making a submission on the iAGCO portal before selling or serving liquor on temporary patios.

In addition to these new requirements, temporary patios may only operate for a maximum of eight months per calendar year.

The AGCO will no longer accept applications or otherwise approve temporary patios for licensees located in municipalities, requests will be facilitated through the TDC Patio or Retail Display Program process.

Further to the above, any business that has been approved for a permanent outdoor liquor license and the footprint of this outdoor area has not been expanded, permission for a temporary outdoor physical extension is not required.

Proof of a valid liquor license is required through the application process to ensure no additional approvals are needed for the proposed patio.

## Patio Site Plan Review

A TDC Patio or Retail Display will require Site Plan drawings to be submitted with the application and reviewed through the Legislative Services Department and applicable departments and agencies.

Site Plan drawings should include the following:

- Drawings to scale, with dimensions in metric units
- Municipal address included, all streets labelled
- Location of property boundaries identified
- All existing and proposed structures shown (including tents and awnings)



- Size of proposed outdoor seating area and capacity identified
- Location of all municipal infrastructure / equipment such as parking meters, fire hydrants, traffic signal poles, street light standards, traffic sign poles, hand hole covers, sewer drains and covers, benches, bike racks, waste receptacles, utility boxes, utility poles, etc. must also be included.
- Location of any patio and building entrances and their widths (i.e. doors, gates) indicated
- Accessible pathway (sidewalk, entrance access) identified
- If any fencing or barriers are proposed, identify the proposed location, the proposed materials of the fence, its height and how it will be fastened to the sidewalk or patio platform
- For on-street patios, description of the platform to be constructed including the materials to be used and construction plans
- For retail displays, the type of display platforms to be used and how they will be secured to the sidewalk (i.e. how will the racks be weighed down to remain in place)
- Location of any fire department connection on the front of the building and fire hydrants on the sidewalk

## Noise and Sound Amplification

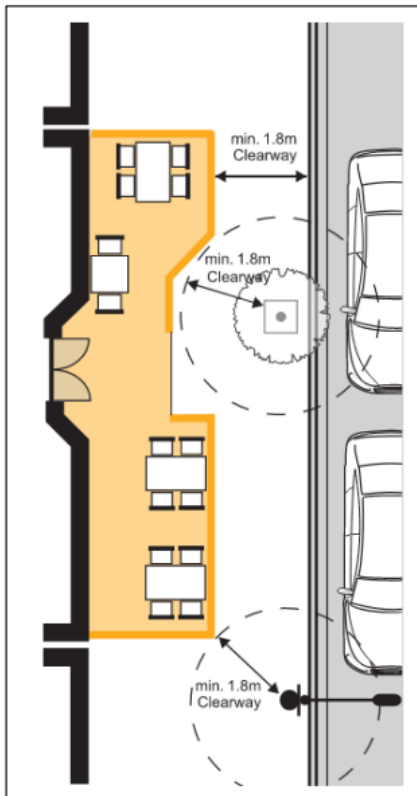
TDC Patios and Retail Display permit holders are required to abide by the regulations provided in the Town of Collingwood [Noise By-law 2018-032](#). This includes but is not limited to the use of amplified music.

## Signs and Advertising

The use of A-Frame signs require a permit obtainable from the Town of Collingwood Building Department. All A-Frame signs are to be located against the building within 2 feet of the building front and are not to impede within the pedestrian walkway at any time. More information on signs is available on the Town of Collingwood website at <https://www.collingwood.ca/building-business/building-services> .

## 3.0 Design Guidelines

### Patios located on the Sidewalk - Storefront



Sidewalk patios are only permitted where a pedestrian clearway can be maintained:

- The pedestrian clearway must be clear from any obstacles (e.g., trees, light poles, bike rings, etc.)
- If a straight pedestrian clearway cannot be maintained, the pedestrian path deviation must be less than 20 degrees.

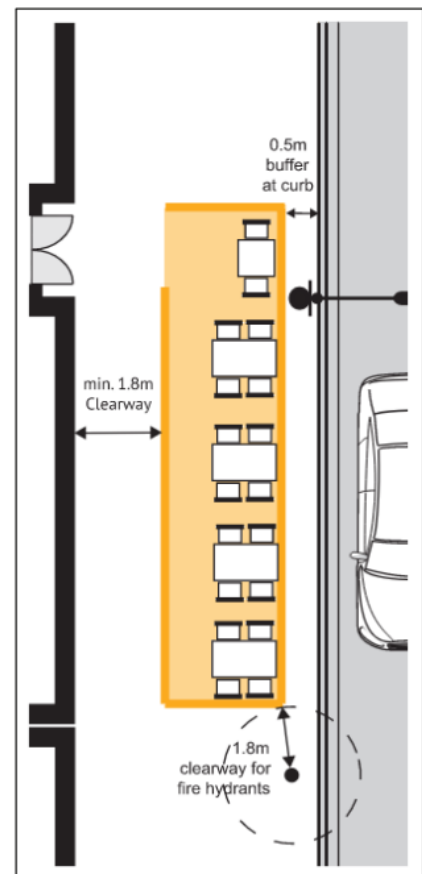
The entrance to the business must remain clear of any obstructions or furniture.

If the above requirements cannot be met, a curbside patio may be considered as an alternative option.

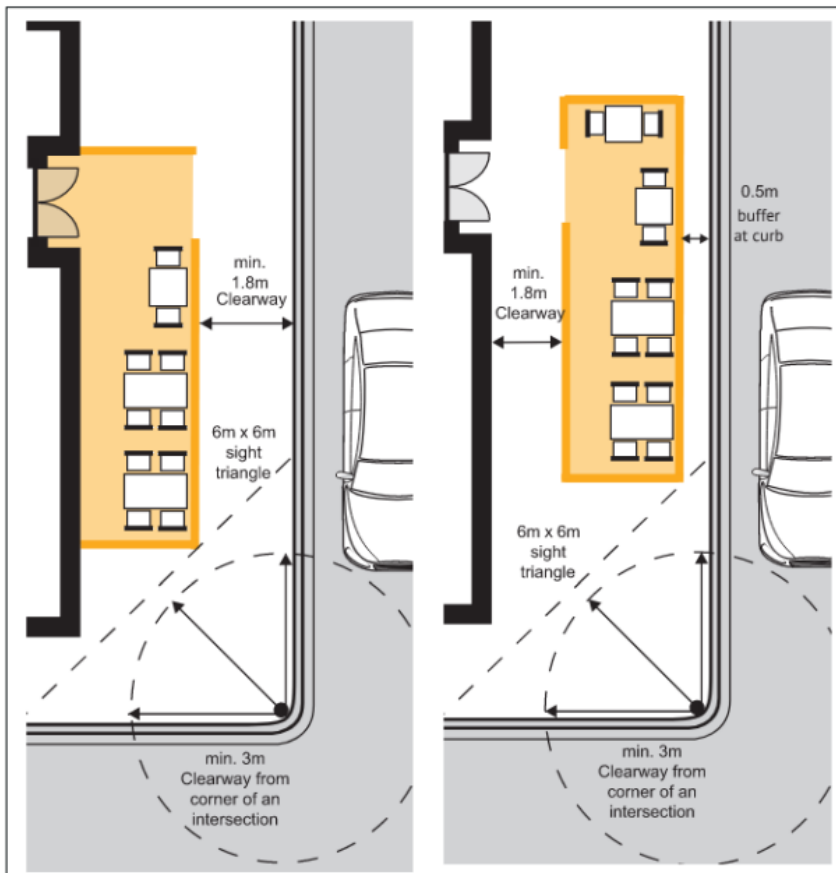
### Patios located on the Sidewalk - Curbside

Curbside patios are patios along the curb that are located on the exterior edge of the public right-of-way, with the clearway located between the building and the patio. This type of patio ensures the pedestrian clearway is maintained while allowing the patio to be set up on the sidewalk with some streetscape elements (e.g., trees and light poles) incorporated into the patio. However, any fire hydrant must not be incorporated within the patio and requires a 1.8 metre buffer zone at all times.

Between the boundary of the patio and the curb, a minimum buffer of 0.5 metres must be provided.



## Patios located on a Sidewalk – Corner Location



Corner patios are similar to frontage patios and curbside patios; however, corner patios require special treatment to ensure the increased pedestrian volumes and traffic activity can be accommodated without interference:

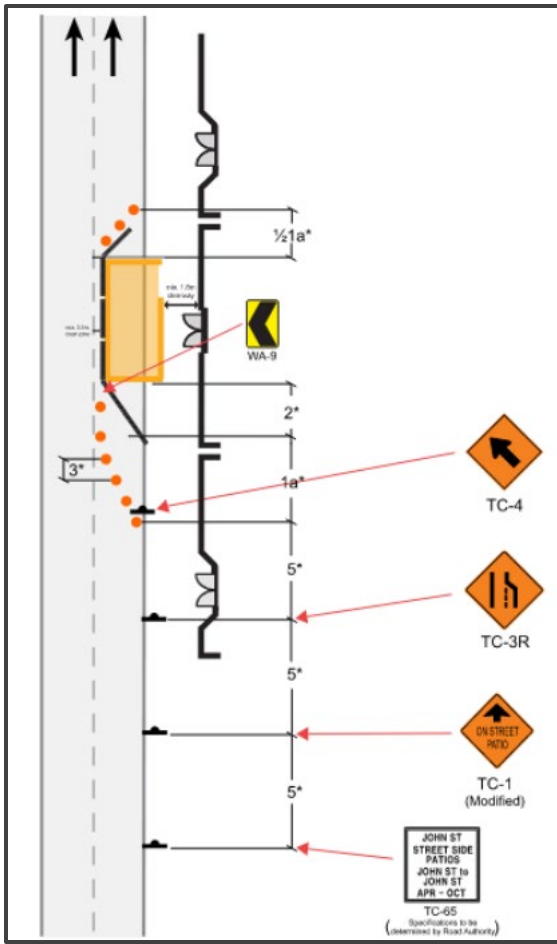
- A minimum clearway of 3 metres must be provided from the corner of the intersection.
- A 6-metre by 6-metre sight triangle should be maintained where there is sufficient space

## Patios located within On-street Parking Areas

Patios located within an on-street parking space should be brought to the same height as the sidewalk using a platform. However, if platform cannot be provided, accessible ramps must be provided.

Roadside barriers must be installed to mitigate the risk of an errant vehicle striking either a pedestrian, restaurant patrons seated at tables or restaurant staff serving patrons. The roadside barrier must meet the standards prescribed by the Town of Collingwood and require to be in place prior to the patio being used. All barriers installed in parking or curb lanes shall be equipped with an appropriate amount of retroreflective material to provide adequate daytime and night-time visibility. The leading edge of the barriers is to be placed on an angle 25 – 45 degrees to protect patrons and restaurant employees from a lateral impact.

A speed limit of 30 km/hr for the travelled portion of the road must be in place at the location of the on-street patio before being permitted.

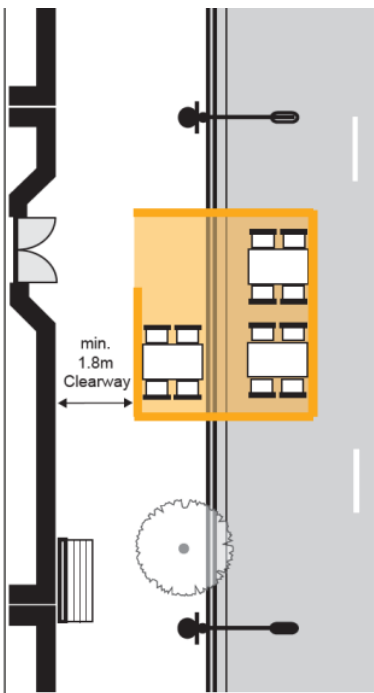


For all patios occupying a parking lane, temporary signing and traffic control devices may be installed to provide motorists and cyclists with advance warning of the presence of a patio and the potential need to change lanes (as applicable). For patios in a parking lane, a temporary sign in advance of the patio alerting motorists to the presence of a patio may be installed at a location and distance determined by the road authority. Consideration should be given to mounting the sign on a utility pole so that it may be viewed over parked vehicles. It should be noted that where there are several patios in the same lane within 80 metres of each other, there is no requirement to repeat the advance warning signs.

### Installing On-street Patios

Patio operators wishing to implement patios in parking spaces are not permitted to install their patio until an appropriate road protection system and temporary signing is installed. Setup or takedown of any structure or materials on parking spaces or curb lanes can only be completed by a road authority or contractor who is trained and qualified in the OTM Book 7. The Ontario Health and Safety Act and Regulations takes precedence over OTM Book 7 in worker safety matters.

### Sidewalk and On-Street Combination



To create a larger patio, it may be suitable in some cases to combine a patio located on the sidewalk with a patio in an on-street parking space. The combined, enlarged space will act as one patio. Figure 7 shows an example of a patio occupying a portion of a boulevard and a through lane or parking lane (on-street).

The pedestrian clearway shall be located between the interior boundary of the patio and the associated building. The use of an on-street parking space may be subject to an agreement with the road authority. The portion within the on-street parking space must be brought to the same height as the public right-of-way. A level transition between the two portions must be provided.

## Unobstructed Pedestrian Clearway

An unobstructed pedestrian clearway with a minimum width of 2 metres (6.56 feet) shall be maintained at all times as a throughway or to pass by the TDC Patio or Retail Display and any other physical obstructions such as a street light, traffic signal or sign pole, tree, fire hydrants, bus shelters, waste receptacles, street furniture or utility pedestals, vaults and/or poles that are within or in close proximity to the TDC Patio or Retail Display.

TDC Patio or Retail Display shall not obstruct a fire hydrant, fire route, fire department connection, or emergency exit nor pose any other safety risk.

The TDC Patio or Retail Display area must be compliant with [Accessibility for Ontarians with Disabilities Act \(AODA\)](#) standards and cannot obstruct an accessible travel path. There must also be an accessible travel path from the patio to an accessible washroom where the establishment is barrier free.

## Emergency Access

If the curb or on-street patio is longer than 15 metres, a review may be conducted by the fire department to determine whether any emergency access points must be installed as part of the fencing or lateral barrier. Should this be required, the patio operator will be notified in writing from the road authority.

An emergency access point is a space with an easily identifiable and removable piece of fencing, at least 1 metre wide, allowing emergency services to gain quick access to the sidewalk from the road. An example of an emergency access point could be removable wooden boards, suspended by brackets.

## Accessibility

It is important to consider accessibility when designing all aspects of the patio area or retail display area as noted in the sections below. Establishment operators that apply to TDC Patio or Retail Display Program are to ensure their design, operation and construction aligns with the Accessibility for Ontarians with Disabilities Act (AODA) where applicable and already barrier free. Each TDC Patio or Retail Display operator is responsible for ensuring compliance with the Accessibility for Ontarians with Disabilities Act (AODA).

## Accessible Routes

Accessible routes must be provided through the patio area, as follows:

- 1) The pedestrian clearway requires 1.8 metres of space on most sidewalks, with wider sidewalks with higher pedestrian volumes requiring 2.5 metres.
- 2) To ensure the patio area does not impose a change in the direction of the pedestrian clearway of more than 20 degrees, the patio operator should use a tape measure and something to mark measurement points (pylons, chalk marks, etc.) to verify that this requirement is being adhered to.
- 3) The patio operator must provide accessible access to the patio with a minimum width of 1.8 metres.
- 4) Accessible access can be achieved through two methods, installation of a temporary

platform or a temporary accessibility ramp. It is the patio operator's responsibility to comply with the Accessibility for Ontarians with Disabilities Act (AODA) at all times.

- 5) The patio operator:
  - i) Must not place patio materials in the pedestrian clearway.
  - ii) Must ensure the patio's perimeter fencing has a solid base that is detectable for someone using a white cane.
  - iii) Must not use the pedestrian clearway to queue patrons awaiting their reservation or table.
  - iv) Must not place A-frame signs or other obstacles in the pedestrian clearway.
  - v) Must not lay electrical wires for any appliances (e.g., heaters, lights) across the pedestrian clearway.

### Accessible Seating

A minimum of one table or 20% of tables (whichever is greater) must be easily accessible to persons using mobility aids. If more than one accessible table is installed, they should be dispersed through the seating area.

The following should be considered when making decisions about patio elements:

- 1) Consider people using mobility devices when determining what type of furniture are to be set out in the patio area. For example, picnic tables significantly limit a person's mobility device to access a dining surface.
- 2) When determining seating arrangements in the patio area, install some tables with room underneath to accommodate people using mobility devices.
- 3) Ensure that there are clear routes and maneuvering spaces for people using mobility devices on the patio.
- 4) Advertise whether there are accessible washrooms on the website.

### Perimeter Fence

The limits of a licensed patio must be distinguishable. Suitable boundaries include decorative fencing, panels, planters, rope, or other options that may be reviewed and approved by staff and must take into account heritage components if located within the Downtown Heritage District. The use of chain link fencing and skids is not permitted. Perimeter fencing is to be portable, to insure for easy removal for the "off" season. To be stored off-site when not in use.

Recommended fencing materials include:

- black metal fencing
- a combination of natural wood posts and railings with black runners
- a combination of natural wood posts with natural rope connectors



Perimeter fencing shall not obstruct vehicular or pedestrian sightlines. The fencing shall not block access to neighbouring properties.

Fence posts shall be free-standing with fence posts supported on removable plates. The plates shall not extend beyond the perimeter of the fence or pose any hazard to pedestrians.

Perimeter fencing shall be placed so as not to obstruct adequate pedestrian access and public passage between the TDC Patio and any street or laneway, or any physical obstructions such as trees, utility poles, fire hydrants, bus shelters, waste receptacles, street furniture, and the like.

Perimeter barriers shall have a height of minimum 1.06 metres (3.5 feet) to a maximum metres (4 feet). These height limitations include all planters, signage, barriers, etc.

If the TDC Patio is located adjacent to a traffic lane, drive aisle, or within an active parking area, a perimeter barrier must be installed a minimum 0.5 metres setback from vehicular activity.

If any part of the patio fencing is near the pedestrian clearway, the fencing must have a solid base, cane-detectable base (for someone using a white cane), spaced no more than 0.3m apart. Fencing near a sidewalk should also have a colour contrasted to the sidewalk to make it easily identifiable to pedestrians.

## Construction

The patio must have modular construction so that it can be easily installed and removed. It should be constructed of wood, composite decking or steel (or any combination of these materials).

Patios located within on-street parking spaces will be required to be constructed with a platform that is flush with the sidewalk or curbside sidewalk patio, while maintaining wheelchair access.

Platforms shall be constructed from a sturdy material intended to carry the anticipated load of the patio. If the platform exceeds a height of 2 feet from the ground surface, a building permit will be required and signed off by the Building Department, who will confirm that the platform and fence design are sturdy and will be able to withstand the anticipated lateral loads. This requirement applies to patios within on-street parking spaces or where the patio cannot be positioned at the same height as the sidewalk only.

The platform shall be designed so as not to obstruct surface drainage and will include maintenance hatches to any catch basins or other services underneath the platform.

Posts, signs and other features may not be secured to Town sidewalk by use of screws, nails, or other fasteners that pierce or damage the surface of the concrete, unless approved by Municipal Works staff at time of application review.

The applicant must demonstrate deck and/or ramp supports that provide for a minimum separation of 0.45 m from the curb face, where applicable.

The design shall utilize only high quality, durable and attractive materials, which will substantially enhance the quality and attractiveness of the street.

The Town may require additional road safety measures to be installed.

### Patio Surface

Shall be the same elevation as the adjacent sidewalk.

Constructed of durable, easily maintained material such as wood or composite decking, concrete or interlocking pavers.

Outdoor carpeting may be considered.

### Patio Furniture

Contained entirely within patio area and be easily movable.

Aerial awnings and umbrellas to be constructed of a flame retardant material.

Aerial awnings and umbrellas shall not project beyond the perimeter fence and shall maintain a vertical clearance of at least 2.1 m (7 ft) above patio floor in pedestrian aisles.

Umbrellas shall not encroach into the roadway or sidewalk or interfere with vehicle or pedestrian sightlines.

Umbrellas shall be a solid colour and complement the Heritage District, not containing any commercial logos or sponsorships.

### Lighting

Lighting, other than that affixed to the building must be removable, and directed toward the patio, so as not to cause any undue glare or interference with use of the abutting properties, the public thoroughfare or travelled roadway.

Lighting shall conform to applicable Ontario Building Code Standards.

Lighting shall not be connected to Town or BIA outlets or power sources unless approved by Town Staff and/or BIA.



Electrical power cords or any other devices that cross the travelled portion of the right of way are not permitted.

## Patio Landscape Material

While planters and baskets are encouraged, landscaping may not encroach into any traffic lane or accessible travel path. These must be contained within the approved outdoor patio area size.

Perimeter landscaping is encouraged, but should be of a temporary, removable nature.

Landscaping will most commonly be provided through wood or metal perimeter planter boxes, but alternative approaches may be considered.

Patios may include vertical elements (i.e. planters, umbrellas) to improve visibility for vehicles.

## Patio Heaters

Portable heating devices, including fueled heating appliances like propane patio heaters, are permitted as long as they:

- Meet federal and provincial safety requirements
- Are installed and stored in accordance with the manufacturer's instructions
- Are removed from public property (i.e. sidewalks or on-street parking spaces) when the patio is not in use

For more information, refer to the [Technical Standards and Safety Authority Guidelines](#) for safe use of heaters on outdoor patios.

If installing a portable heating device, it must:

- Be certified by CSA / ULC
- Meet the requirements of TSSA Act 2000<sup>2</sup>
- Be designed for outdoor use only
- Have an anti-tilt feature that automatically shuts off the heater
- Be free-standing, with a minimum height of 160 cm

Table-top heating appliances are not permitted.

Portable heaters can be installed in the following locations on the temporary patio:

- On a non-combustible solid surface (i.e. not on grass or uneven sidewalk)
- Out of the wind
- With a minimum of one-metre clearance from the base of the unit to any combustible material
- As per the manufacturers instructions

Do not install portable heaters in the following locations:

- Under fire escapes
- Within a means of egress or adjacent to an exit

- Underneath a combustible structure (i.e. canopies, awnings, tents, wood framework)
- Beside or obstructing firefighting equipment like fire hydrants or Siamese connections
- Near or attached to trees, utilities or other street elements

No electrical wires should be placed on the pedestrian walkways.

## Fuelled Heating Appliance

If installing a fueled heating appliance:

- Do not store it indoors
- Have a maximum of one day's supply of propane on site
- Have a propane tank that does not exceed a single nine-kilogram tank (approximately 10 hours of operation)
- Do not move it while the flame is open; ensure the gas supply is properly shut off and the unit is cool before relocating
- Follow all manufacturer safety requirements for the safe transportation, operation and storage of fuel
- Propane tanks shall not be stored inside a building, on a roof, under, on, or within three metres of any window, air intake, fire-escape, stairway, ramp, or door used as a means of egress from a building

## Open Air Burning and Cooking

Open air fires and open-air cooking fires are prohibited on temporary commercial patios. This includes any solid fuel fired devices including: fire pits, wood fired appliances or any similar device.

Natural gas or propane cooking appliances can be used and must meet the following regulations:

- Designed for outdoor use and must meet all applicable requirements of the [Technical Standards and Safety Authority](#) and all manufacturers recommendations for safety and distancing.
- Must have a minimum three-metres clearance from combustibles and building openings
- One fire extinguisher with a minimum of a 2A10BC rating must be provided
- Propane tanks shall not be stored inside a building, on a roof, under, on, or within three metres of any window, air intake, fire-escape, stairway, ramp, or door used as a means of egress from a building

All fire safety requirements are subject to inspection and approval from the Collingwood Fire Department.

## Tents

Smoking and open flame devices (i.e. propane heaters) shall not be used under any tent.

Tents shall not project into or within 0.5 m of any live traffic lane or obstruct vehicle or pedestrian sight lines and shall be mindful of adjacent traffic lanes and on-street parking.

Positioning of tents is subject to review by the Town for the purposes of evaluating potential impact.

Tents shall not be enclosed and a minimum of two (2) sides shall remain open, otherwise the area will be considered interior space.

Maximum Requirements for Tents:

TDC Patio or Retail Displays are temporary in nature and will not be approved with any elements that require a building permit.

Tents must NOT be:

- more than 60 m<sup>2</sup> in aggregate ground area (645 sq. ft.), tents installed side-by-side or multiple tents on the same property are considered one tent and their aggregate areas are used
- attached to a building, and/or constructed less than 3m from other structures and less than a 3m setback from the property line

## Smoking/Vaping

Smoking, vaping, and the use of cannabis are not permitted on any patio, pursuant to the Smoke-Free Ontario Act.

## 4.0 Implementation

### Installation

Once approval is received from the Town and a permit has been issued to the applicant, the TDC Patio and Retail Display may be constructed and installed in accordance with the approval.

Ensure access is maintained to all entrances, fire department connections, fire hydrants, utilities and the pedestrian clearway is maintained on all sidewalks and pedestrian paths.

### Maintenance

The TDC Patio and Retail Display permit holder is to confirm it is operating in accordance with the issued approvals.

If a TDC Patio and Retail Display is found to be operating without the necessary approvals or in contravention of the issued approval, staff will issue a letter to the operator, notifying them of the requirements and providing the operator an opportunity to comply.

TDC Patio or Retail Display operators will be responsible for the installation and on-going maintenance of the patio or retail display area which includes removal and storage or securing of patio furnishings and retail displays outside of regular business hours and in the winter months.

TDC Patio or Retail Display operators shall ensure that their temporary patios or retail displays do not interfere with the free and safe passage of persons and shall at all times maintain the area, and the abutting municipal property in a good and safe condition.

### Modifications

TDC Patio or Retail Display operators will be required to contact the Town to discuss proposed modifications to an approved TDC Patio and Retail Display and revised submissions must be provided in writing. Amendments to approved TDC Patio or Retail Displays may be considered, provided there is demonstrated compliance with the guidelines.

### Renewal

If a TDC Patio or Retail Display approval has an expiration date it will be clearly identified within the approval documentation (normally October 15th annually). It is the responsibility of the operator to submit an application for renewal of an approved patio in subsequent years in order to continue operation.

### Enforcement

Town staff from the various review departments and any applicable agencies may conduct site inspections at any time to confirm a TDC Patio and Retail Display is operating in accordance with the issued approvals.

If a TDC Patio or Retail Display is found to be operating without the necessary approvals or in contravention of the issued approval, staff will issue a letter to the operator, notifying them of the requirements and providing the operator an opportunity to comply.