



Temporary Seasonal Patio Policy – Effective March 1, 2024

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Purpose of the Temporary Seasonal Patio Permit

- 1.1 During COVID-19, given the restrictions faced by local restaurants, the Township of Uxbridge approved the establishment of Temporary Seasonal Patios provided they were safe and met all the necessary requirements. The temporary seasonal patios and outdoor dining areas proved to be very successful and were identified as a very high priority for future planning by both residents and business owners in 2021 when completing the Uxbridge Downtown Revitalization surveys.
- 1.2 Temporary Seasonal Patios support the vision of the Downtown Revitalization project: ‘Uxbridge features a vibrant and thriving downtown that is rich in history and recognized as an inclusive and accessible community.’
- 1.3 This policy was developed to ensure that going forward Temporary Seasonal Patios continue to be a part of the Township’s charm and that they are established in a manner that respects applicable legislation, ensures accessibility and pedestrian safety, and allows for the Township and Region to continue to maintain roads, boulevards etc. throughout the year.
- 1.4 A Temporary Seasonal Patio is defined as an outdoor seating area that serves as an extension of the seating area of an adjacent eating establishment.

2. Conditions of Municipal Approval

- 2.1 Annual municipal approval is required prior to any patio construction and / or installation.
- 2.2 Any person or persons intending to occupy a portion of the municipal right-of-way, including a portion of the sidewalk, boulevard, or on-street parking for a Temporary Seasonal Patio **must first apply for and receive** a [Road Occupancy Permit](#) from the Township of Uxbridge and / or the Region of Durham.
- 2.3 The Township reserves the right to cancel or amend any Temporary Seasonal Patio Permit if an issue is identified due to the placement or safety of the patio, or for any planned or unplanned construction activities.
- 2.4 All patios **must comply** with the general conditions and operating requirements outlined in the Road Occupancy Permit, the [Noise Bylaw](#), the [Ontario Building Code \(OBC\)](#), the [Accessibility for Ontarians with Disabilities Act \(AODA\)](#) and the requirements outlined in this policy.
- 2.5 Business owners are responsible to operate their business in accordance with the maximum occupant load of the principal business and patio according to [the Ontario Building Code](#).
- 2.6 All patios must maintain and comply with the requirements of the Accessibility for Ontarians with Disabilities Act. It is the responsibility of the business owner to ensure they comply with the Act.
- 2.7 The owner/applicant **shall comply** with all other applicable legislation, regulations, orders, by-laws, or any other directive issued by other levels of government, including but not limited to, the Province of Ontario and Region of Durham, including the Region of Durham Health Department.
- 2.8 The owner/applicant **shall abide** by all requirements of the Alcohol and Gaming Commission of Ontario, or any conditions required by an approved liquor license.
- 2.9 The owner/applicant **shall comply** with the approved Temporary Seasonal Patio Permit drawing that is attached to an approved permit.

- 2.10 The Temporary Seasonal Patio may not extend beyond the width of the property frontage unless the applicant receives written approval from the business and property owner (if different) of the adjacent property that will be obstructed.
- 2.11 The owner/applicant may apply to utilize **township parking spaces**. (The maximum is the width of property frontage or 4 parking spaces in a Township owned parking lot). **Regional road parking spaces and accessible parking spaces may not be used for a Temporary Seasonal Patio**. Occupied and adjacent spaces must be identified on the site plan.
- 2.12 **No** tables, chairs, or obstruction of any type shall be placed in such a manner that interferes with accessibility of the neighbouring sidewalk or travelled portion of the municipal roadway or drive aisle. Temporary Seasonal Patios **shall not** impede or block access to a Fire Route barrier free path of travel. Temporary Seasonal Patio Permits **shall comply** with Accessibility related conditions.
- 2.13 A Temporary Seasonal Patio Permit **is only valid from May 1 to October 31**. Between November 1 and April 30, all patio furniture, pylons, planters, structures, etc. **must be** removed. The Township reserves the right to have the Temporary Seasonal Patio removed earlier if poor weather conditions exist.
- 2.14 **No** permanent installations are permitted (i.e., no drilling or affixing anything to sidewalk/parking lot) **without** prior written approval from the Director of Public Works for the Township and/or Region (as appropriate).
- 2.15 If the use of the Temporary Seasonal Patio or furniture causes any damage to Township or Regional property, the owner **is responsible** for repairing all damage (i.e., damage to the boulevard) and returning the boulevard or roadway to its original state.
- 2.16 For Temporary Seasonal Patios on Township or Regional property, the owner/applicant **shall carry** public liability insurance in an amount not less than \$5,000,000.00, which names the Township and Region as additionally insured, and the owner/applicant shall indemnify and save harmless the Township and Region from any and all claims. A copy of the Certificate of insurance **must be provided** to the Township as part of the application process.
- 2.17 The Township reserves the right to apply additional or site-specific conditions with the issuance of the Temporary Seasonal Patio Permit.

3. Site Plans

All Site Plans for Temporary Seasonal Patios **must include** a scaled drawing (either hand-drawn or prepared using software program) that provides the following information:

- 3.1 The location of any umbrellas, furniture (table, chairs etc.), heating appliance(s) and attendant stands. The applicant is responsible to ensure that all components of the Temporary Seasonal Patio are secured appropriately during business and non-business hours within the patio area.
- 3.2 Should the plan include a structure (e.g. tent), the site plan must include details regarding size, description, installation requirements, etc. as a [building permit](#) may be required.
- 3.3 Proposed patio design, location, dimensions and surface material type.
- 3.4 The location, height, and material type of boundary fence(s), and the location and dimensions of any gates or openings.
- 3.5 Area of patio (m²).
- 3.6 If heating appliances are proposed for use in the patio area, the plan must identify the location of fire extinguishers.
- 3.7 Location of the patio in relation to the building, entrances, exits, and washrooms.
- 3.8 Width and length of existing sidewalk (m) adjacent to the proposed patio and / or building.
- 3.9 Number of Township parking spaces to be occupied by the proposed patio (maximum is the width of property frontage or 4 in a Township owned parking lot). Regional road parking spaces and accessible parking spaces **may not be used** for a Temporary Seasonal Patio. Occupied and adjacent spaces must be identified on the site plan.
- 3.10 Location of all Municipal services or assets within 2 metres of the proposed patio (e.g., hydrants, utility poles, trees, planters, streetlights, benches, catch basins, manholes, garbage receptacles, signs, awnings, etc.); and
- 3.11 Location of all curb cuts and driveways within 2metres of the proposed patio.

4. Design Requirements

General

- 4.1 All entrances to the patio **must be** maintained in a manner that ensures the accessibility of patrons of all levels and abilities and provides safe ingress/egress for emergency situations.
- 4.2 Sidewalk patio extensions **must include** a traction aid to reduce slipping hazards and **must also include** a transition plate between the sidewalk extension and the existing concrete sidewalk surface.
- 4.3 Exterior barriers facing on-street parking, or the roadway **must be** affixed with high-visibility reflective markers.
- 4.4 The gutter portion of the curb **must be** maintained, clear of any leaves, debris, etc. to allow free passage of storm water to catch basins.
- 4.5 The Temporary Seasonal Patio operator **is responsible** to manage the collection of all garbage and waste materials from the patio area.

Patio Dimensions

- 4.6 A minimum passable sidewalk of 1.8 metres **must be** maintained at all times.
- 4.7 **No** portion of the patio construction is permitted to overhang the roadway or reduce the width of the sidewalk to less than 1.8m.
- 4.8 Where a patio will extend into an existing parking space, it **must ensure** that there is barrier between the patio and the road lane that allows for a safe and accessible pedestrian walkway of no less than 1.8m.
- 4.9 Barriers surrounding the patio area **shall be a minimum of 36"** tall.
- 4.10 When a walking surface other than the existing sidewalk is required, the walking surface **shall be** constructed with minimum 2x6" boards.

Patio Design / Furnishings

- 4.11 All construction material types **must be** uniform. This includes structures facing the street and surrounding the seating elements and **must comply with** the approved design layout and drawings on file with the Township.
- 4.12 Barriers surrounding patio area(s) shall be constructed of materials as approved by the Township.
- 4.13 Only Sienna Brown pressure treated wood will be allowed for the sidewalk patio base.
- 4.14 **No** signs or advertising are permitted within the patio area other than one menu board unless approved in advance by the Township as part of the permit.
- 4.15 Directional signs **will be** permitted at each end to guide pedestrians onto the patio.
- 4.16 Planters and garbage/waste containers **must be** contained within the patio area, or as agreed by the Township.

5. Permit Requirements

- 5.1 The owner/applicant **must apply** for a Temporary Seasonal Patio Permit on an annual basis through the Township of Uxbridge [Cloudpermit](#) e-permitting online system. The first year Temporary Seasonal Patio Permit Fee is \$150.00. The annual renewal fee is \$100.00. (Note exception in 5.4)
- 5.2 Additional permits and fees **may be** required by the Region of Durham Works Department for Road Occupancy Approvals.
- 5.3 Temporary Seasonal Patios that occupy Township parking spaces **are required** to pay an annual fee of \$500.00 per space, payable at the time of the application approval.
- 5.4 Restaurant property owners that wish to have patios on a more permanent basis on their private properties, will be required to enter into an Amending Site Plan Agreement, if the main Site Plan Agreement did not outline or address parameters specific to outdoor patios. (For more information refer to Bylaw 2012-059)
- 5.5 If the Applicant is not the property owner, an Authorization Letter granting permission to the applicant to submit the Temporary Seasonal Patio permit application **will be** required.