

Sidewalk Patio Guidelines - Prince Edward County

Please note: Guidelines are in draft format and are provided as a resource. They will be updated / laid out in the coming weeks.

For a comprehensive overview, please refer to [By-Law No. 44-2024](#).

Purpose

The Sidewalk Patio Program is an opportunity for food and beverage-based businesses to activate outdoor space on public property, helping to build lively and vibrant Main Streets. Design specifications and minimum standards are in place to support this vision while ensuring that sidewalk patio installations and their surroundings are accessible, inclusive and safe for all to enjoy.

The standards in this guide apply to all food and beverage-based businesses who wish to place a temporary, seasonal patio on public property (e.g. sidewalk, roadway).

Staff from Community Services, Programs & Initiatives oversee the Sidewalk Patio Program, with support from Bylaw Services and the Operations Department.

For more information about sidewalk patios, e-mail sidewalkpatio@pecounty.on.ca.

Using the Guidelines

Consult this guide prior to completing an application for a sidewalk patio licence. These guidelines are a resource for informational purposes to support the planning and installation of patios on public property. New applicants to the sidewalk patio program, or applicants that are proposing changes to their design, are required to have a site meeting with staff prior to submitting an application.

Guidelines are in place to ensure that accessibility and public safety requirements are met so that public spaces can be enjoyed inclusively and safely. It is the responsibility of the holder of the licence to ensure that the guidelines are being adhered to at all times.

The Sidewalk Patio Program operates under the authority of [By-Law No. 44-2024](#). Guidelines are intended to provide a concise overview of the by-law's provisions. For comprehensive coverage, refer to the full by-law. Guidelines may be updated from time to time. The By-law overrides any other directives or guidelines listed in this document.

Definitions

"Sidewalk Patio" means an Outdoor Patio located partly or wholly on a Sidewalk (e.g. as an extension to or abutting private property), and includes a Patio-On-Sidewalk and a Patio-On-Street.

"Pedestrian Walkway" means an accessible pathway created to provide pedestrians with a space to walk in lieu of a Sidewalk.

"Patio-on-Sidewalk" means a group of tables and chairs and other accessories situated and maintained on a Sidewalk where meals and/or refreshments are served to the public for consumption on the premises.

"Patio-on-Street" means a group of tables and chairs and other accessories situated and maintained on a municipal road or Highway, including parking and curb lanes, where meals and/or refreshments are served to the public for consumption on the premises.

Eligibility

Sidewalk patio licenses are granted based on various factors, including zoning, parking restrictions, site conditions, and concentration of existing patios within certain sections of Main Streets. It's important to note that obtaining a license is not guaranteed.

Eligibility criteria includes, but is not limited to:

- **Zoning:** The business seeking the license must be located within areas zoned as Core Commercial or Local Commercial.
- **Speed Limits:** Sidewalk patios cannot be situated on roadways or sidewalks where the speed limit exceeds 50 km/h.
- **Parking Spaces:** Sidewalk patios cannot occupy accessible parking spaces, areas designated as no parking or no stopping zones, or Ontario Provincial Police (OPP) parking spaces. A maximum of two parking spaces in front of an applicant's business may be accessed for a pedestrian walkway (patio-on-sidewalk). One parking space may be used for patio-on-street.
- **Site Conditions:** Considerations include proximity to intersections, crosswalks, and the placement of existing permanent infrastructure such as hydrants, parking metres, utilities, and landscaping.
- **Concentration of Existing Patios:** where there are multiple patios within sections of Main Streets, limits may be imposed to ensure emergency vehicle access.
- **Access to Outdoor Space:** Priority is given to establishments that utilize or could potentially utilize private outdoor space to temporarily expand seating capacity for commercial purposes.

New applicants, as well as those seeking modifications to their existing patio setups, must schedule a site meeting with municipal staff to evaluate site conditions before submitting their application.

Timing and Fees

Key Dates

- March 1st - Applications open.
- May 1st - Approved sidewalk patios may be installed.
- November 1st - Patios must be removed (*Note: In the event of forecasted inclement weather, patios may be required to be removed sooner*).

Program Fees

Sidewalk Patio fees are outlined with the County of Prince Edward's Fees and Charges By-law and align with the parking fees for Picton Main Street. Fees are applicable to all sidewalk patio installations, regardless of whether they're located on a roadway, sidewalk or other public lands.

The following fees are charged in the application year:

- Non-Refundable Application Fee: \$35
- Public Space Rental Fee: \$12/day, calculated based on recovering the cost of each parking space at a rate of \$1.50/hour, 9am-5pm, 5 days/week for each weekday that the licence is valid
- Inspection Fee (if multiple compliance inspections are required): \$85/hour

Sidewalk Patio Installations

Guidelines and criteria are in place to ensure that accessibility and public safety requirements are met so that public spaces can be enjoyed inclusively and safely.

Application Process / Inspection / Licencing

Licenses for sidewalk patios are valid for one season.

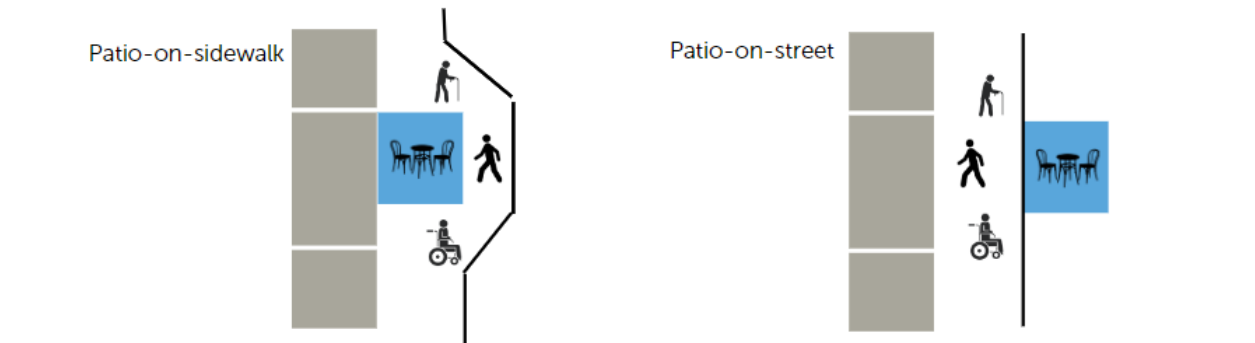
- Returning applicants to the sidewalk patio program can [apply online](#).
- New applicants, and/or applicants who are making changes to their design must have a site meeting with County Staff prior to submitting an application to discuss eligibility. Once a site meeting has taken place and the location / design is deemed eligible, new applicants and/or applicants making changes may [apply online](#).

Once applications are approved, the sidewalk patio may be installed in accordance with the approved specifications no earlier than May 1. An inspection of the installed patio must take place prior to opening the patio to patrons. A licence will be granted once the inspection is completed, and the sidewalk patio has been deemed compliant.

Accessibility

Ensuring Main Streets are inclusive and meet the *Accessibility for Ontarians with Disabilities Act* (AODA) is an important part of building an inclusive community. Sidewalk patios must be constructed and installed in a way that is AODA-compliant and meets the standards in these guidelines.

In general, two layouts for sidewalk patios are available - see figure 1. "Patio-on-street" is the preferred design as it creates a straight line of pedestrian flow. New applicants to the sidewalk patio program (beginning in 2024 and beyond) are required to use the 'patio-on-street' design *if the site conditions allow*. This requirement may be waived for returning applicants who held a valid licence in the previous year.



Planning your Patio

Sidewalk Patios require careful planning and consideration to ensure that pedestrian and vehicle traffic can continue to flow while sidewalk patios are in place.

Sidewalk Patios (including pedestrian walkways) may be acquired in two ways:

- Eligible applicants may contract a third-party supplier that installs and removes pre-fabricated, engineered structures for a fee.
- Eligible applicants may also design / build / install / remove / store a self-built patio in line with the specifications outlined in the by-law and Ontario Building Code.

(Note - designs that are developed independently typically require additional inspections by municipal staff, billed at a rate of \$85/hr, in line with the Fees and Charges By-Law No. 168-2023).

Sidewalk Patio Specifications

Sidewalk patios must comply with the following regulations. A full listing of requirements is listed in [By-Law No. 44-2024](#). Applicants who held a valid license in the previous year may have requirements waived, provided that deviating from guidelines does not pose undue risk.

Widths / Heights

- Sidewalks must have a minimum clear width of 1.5 metres.
- Pedestrian bypasses should be the same width as the sidewalk where the patio is located and may be a minimum of 1.5 metres.

- The following permanent infrastructure requires unrestricted access: pay stations, utility connections, fire hydrants (1-metre minimum) and other infrastructure that requires access.

Fencing

- Fencing is required to delineate the footprint of the sidewalk patio, regardless of whether alcohol is being served.
- Openings to enter / exit patios must have a minimum width of 1.2 metres and a maximum width of 2.4 metres.
- Fences should be of sturdy construction and secured to support the weight of an individual.
- Fencing facing the street must be 1-metre in height, or as required by the AGCO.
- Fencing must allow for easy visibility of pedestrians.

Fencing Colour

- Fences shall be made of a material that is black in colour and has the look of metal or wrought-iron.
- A contrasting top rail, preferably marked in white or yellow shall be provided to benefit visually impaired persons.

Fencing - Signage

- Installations on roadways must have the following posted signage:
 - a) Reflective object markers at both ends for the visibility of drivers.



WA-33(R) Road Edge Marker Sign



OR alternating red & white reflective tape can be attached to the outer edges

- b) No Parking Sign facing the street on the outside of pedestrian walkway or patios to deter small vehicles and motorcycles from attempting to park between installations and the roadway. One sign per parking space is required.



RB-51 No Parking Sign

Platforms

- Platform surface should be sectional to allow for easy removal / adjustment.
- Platforms should be supported by posts or ground beams which meet the requirements of the Ontario Building Code.
- Installations can not obstruct rainwater drainage. A stormwater by-pass is required on both ends of the installation with a minimum of clearance of 51 mm (2 inches) from the concrete gutter.
- Skirting must be applied to the exposed side of the platform to screen structural elements.

Platform - Surface Materials

- Decking / platforms must be constructed using non-slip, cut lumber with space between each board for drainage (no more than 1 cm). Surface materials that are solid but not non-slip (e.g. plywood) will not be accepted.
- Anti-slip tape must be installed on the flat, solid surface of pedestrian walkways, and must be replaced throughout the season as needed.
- Roadway installations must have a slope between 1-4% towards the street for drainage while providing a sufficiently level surface for pedestrians.

Platform - Demarcation

- Transitions between the sidewalk and the roadway installation must be painted yellow to provide a visual reference of the surface change.
- Installations on the roadway must be flush with the sidewalk where the transition occurs.

Ramps

- Where barrier free access is not available, a ramp should be provided within the deck at a maximum slope of 1:12 (8%) over a maximum length of 9 metres, or as provided for in the Ontario Building Code.

Heaters / Fire Safety

- Where the design guidelines contained herein conflict with Ontario Fire Code, Ontario Building Code or other relevant codes or legislation, the stricter requirements for fire and life safety will prevail.
- Patio heaters that are safety-certified and meet the requirements of the Technical Standards and Safety Authority (TSSA) are permitted on patios. For more information see the [safety guidelines](#) and [restaurant checklist](#).
- A fire extinguisher must be visible and accessible in the immediate vicinity of all sidewalk patios.
- Barbeques, open flames and other flame producing equipment is not permitted on sidewalk patios.

Furnishings and Accessories

Patio Furniture:

- Patio tables, chairs and decorative accessories should be of an appropriate outdoor furniture design, using weather-resistant materials.
- Patio furniture shall be kept clear of all existing doorways, sidewalks, laneways adjacent to the patio in the interests of public safety.
- The number of patio chairs and tables must be limited to leave reasonable space for access, in line with AODA requirements.
- Garbage containers are not permitted within patio areas, but portable service carts may be used for collection and transportation to the interior restaurant.

Umbrellas and Awnings:

- Patio umbrellas are prohibited on all Patio-on-Street establishments as they may shift and impede access and visibility on road. Umbrellas are only permitted on Patio-on-Sidewalk set ups, provided they do not impede access or visibility and are secured to prevent injury or damage caused by their blowing into traffic, patrons, pedestrians or windows.
- The minimum height from grade to any overhead fixtures such as a canopy or awning is 2.4 metres.

Lighting:

- All exterior lighting should be task oriented and should not spill into abutting private property or interfere with the public thoroughfare.
- Lighting should be demountable with no exposed cables or energized fixtures.
- Lighting design should co-ordinate with patio furnishings and streetscape design.
- Patio entrances and patio to restaurant entrances, with or without stairs, shall be clearly illuminated when necessary.

Signage:

- Advertising of any kind is not permitted on municipal property.
- A menu stand may be displayed at the entrance within the patio provided it does not obstruct access, encroach on required entrance or walkway widths or obscure patron/pedestrian visibility.
- A-Frame "sandwich board" signs are not permitted on any part of the sidewalk patio and cannot encumber the walkway or reduce required walkway widths when positioned in the public boulevards.
- Signage may be posted indicating that bicycles and other items are not permitted to encumber the walkways at any time.

Enforcement / Inspections

Bylaw Officers are authorized to inspect sidewalk patio at any time and have authority to enforce the provisions in By-Law No. 44-2024. If a contravention of the conditions of the licence occur, a written Notice to Comply may be issued with a required 72-hour response time.

It is the responsibility of the holder of the licence to maintain the sidewalk patio in a manner that meets the criteria as well as other relevant regulations such as the Alcohol Gaming Commission of Ontario (AGCO), Hasting Prince Edward Public Health and any other applicable regulatory bodies.

Sidewalk Patios will be inspected by the County to ensure compliance with this By-Law prior to the issuance of a Licence.

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