

## Staff Report

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**Report To:** City Council  
**Report From:** Jacklyn Iezzi, Senior Planner  
**Meeting Date:** April 27, 2026  
**Report Code:** CS-26-031  
**Subject:** Patio Permit By-law

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### Recommendations:

THAT in consideration of Staff Report CS-26-031 respecting a Patio Permit By-law, City Council directs staff to:

1. Bring forward by-laws to:
  - a. Adopt the Patio Permit By-law substantially in the form attached as Schedule 'A' to this report;
  - b. Amend the Preservation of Order on Streets By-law No. 1989-138 to repeal Section 2.18 in its entirety; and
  - c. Amend Delegation of Powers and Duties By-law No. 2014-109 to update the authority to issue patio permits and renewals, with or without conditions, and refuse to issue or renew a patio permit, or revoke or suspend a patio permit, and execute patio agreements, to the Director of Community Services and the Director of Public Works and Engineering, or their designates, acting jointly;
2. Apply to the Ministry of the Attorney General for approval of the set fines for the Patio Permit By-law as outlined in Schedule 'B' of this report; and
3. Include the following amendments to the City's patio fees, as part of the overall update to the City's Fees and Charges By-law in July of 2026:
  - a. \$50 per business for first-year street furniture, frontage patio, and/or a curbside patio, as defined by the Patio Permit By-law;

- b. No fee for street furniture, frontage patio, and/or curbside patio renewals, where there are no changes proposed to the street furniture or patio layout, and a patio agreement has been executed with the City and the term of the agreement has not expired; and
- c. \$100 per parking stall per month, up to a maximum of two (2) parking stalls for a Curb Lane Patio, as defined by the Patio Permit By-law.

### **Highlights:**

- Patios in the municipal right-of-way in the River District are one way the City encourages a vibrant and pedestrian-friendly streetscape.
- The City's current Street Furniture and Sidewalk Patio Guidelines are a 2011 document and warrant review to ensure that universal accessibility, public safety and the streetscape experience are enhanced and not negatively impacted by the introduction of a patio within the right-of-way.
- Updated Street Furniture and Sidewalk Patio Guidelines were presented to the City's Community Services Committee at its meeting on March 18, 2026, through Staff Report [CS-26-013](#).
- City staff consulted with the River District Board of Management, the Grey County Joint Accessibility Advisory Committee, and River District business owners on the updated guidelines.
- The guidelines have been transitioned to a final Patio Permit By-law.
- The purpose of this report is to report on the feedback received from various stakeholders that has been considered in the final by-law and present the by-law to City Council for adoption.

### **Vision 2050 - Strategic Plan Alignment:**

[Strategic Plan](#) Priority: City Building – Enhancing urban development, planning and place-making processes to create places and spaces that contribute to complete communities for existing residents, future residents and tourists.

## **Previous Report/Authority:**

[Street Furniture and Sidewalk Patio Guidelines \(2011\)](#)

Community Services Committee Resolution No. [CS-210915-007](#).

Staff Report [CS-22-065](#) – Patio Funding Options

Staff Report [CS-23-051](#) – River District Patios – Ontario Traffic Council Guidelines for Patios within the Right of Way

Staff Report [CS-26-013](#) – Draft Sidewalk Patio Guidelines

## **Background:**

Sidewalk patios are outdoor extensions to existing commercial establishments that are located on City-owned property, such as the sidewalk or municipal on-street parking spaces. Street furniture and sidewalk patios are often located within the City's River District and Harbour area.

At its meeting on September 15, 2021, Community Services Committee adopted the following Resolution ([CS-210915-007](#)), which City Council subsequently adopted on September 27, 2021, through adoption of the meeting minutes (Resolution No. [R-210927-013](#)):

**"THAT the Community Services Committee recommends that City Council direct staff to:**

- 1. Bring forward a report to a future Community Services Committee meeting respecting the potential of facilitating sidewalk patios through the Community Improvement Plan; and,**
- 2. Undertake a review of the Street Furniture & Sidewalk Patio Design Guidelines."**

Over the last three months, Planning staff have been working together with the City's Development Team including Engineering Services, the Building Division, Clerks staff, Fire Prevention, and the River District Coordinator to address part 2 of the above noted resolution. Part 1 of the above noted resolution was addressed through Staff Report [CS-22-065](#) to the Community Services Committee on May 18, 2022.

Updated street furniture and sidewalk patio guidelines were presented to the Community Services Committee at its meeting on March 18, 2026, through Staff Report [CS-26-013](#). The Community Services Committee adopted the

following Resolution ([CS-260318-004](#)), which City Council subsequently adopted on April 13, 2026, through adoption of the meeting minutes:

**"THAT in consideration of Staff Report CS-26-013 respecting the draft Street Furniture and Sidewalk Patio Guidelines, the Community Services Committee recommends that City Council direct staff to:**

- 1. Consult with the Grey County Joint Accessibility Advisory Committee and River District business owners with previous patio approvals on the draft guidelines; and**
- 2. Bring forward a report including input received from stakeholders and a draft sidewalk patio by-law for consideration to the April 27, 2026, Regular Council Meeting."**

Planning staff consulted with the River District Board of Management on the updated street furniture and sidewalk patio guidelines at its meeting on March 11, 2026 and the Grey County Joint Accessibility Advisory Committee on April 17, 2026. Staff requested feedback from all River District business owners on the updated guidelines through the River District newsletter on March 24, 2026.

The guidelines have been transitioned to a final Patio Permit By-law attached as Schedule 'A', with a purpose of:

- a. Encouraging the accommodation of uses, such as restaurants, cafes, and entertainment facilities, and the provision of street furniture and amenities, that create an attractive, pedestrian friendly built environment, particularly within the City's River District and Harbour Area; and
- b. Ensuring that universal accessibility, public safety, and the streetscape experience are enhanced and not negatively impacted by the introduction of a patio within the municipal right-of-way.

As Council will recall, in Spring of 2022, the Ontario Traffic Council (OTC) released [Restaurant Patio Guidelines](#) that were developed by experts in the transportation industry and are the best practice for managing restaurant patios within a road authority's right-of-way. The proposed Patio Permit By-law implements the OTC Guidelines, consistent with the approach of other municipalities across Ontario.

The purpose of this report is to outline the feedback received from various stakeholders that has been considered in the final Patio Permit By-law and to present the by-law to City Council for adoption.

## **Analysis and Options:**

This section summarizes the feedback received from various stakeholders that has been considered in the final Patio Permit By-law:

### **By-law Format**

City Planning staff consulted with the Clerks Division on updated draft Street Furniture and Sidewalk Patio Guidelines on March 3, 2026. Based on the feedback received, it was recommended that the updated guidelines be transitioned to a by-law. This approach allows a mechanism for enforcement, should a patio be placed illegally within the municipal right-of-way, and is consistent with the approach of other municipalities across Ontario including the City of Ottawa, the Municipality of Kincardine, and the Township of Loyalist, which all have their own respective sidewalk patio by-laws.

The Patio Permit By-law is attached as Schedule 'A' to this report. In adopting the Patio Permit By-law, it is necessary to repeal Section 2.18 of By-law 1989-138, being a By-law to Regulate the Use of and Preservation of Order on Streets, to remove provisions related to outdoor patios that are in conflict with the new by-law.

Following adoption of the Patio Permit By-law, Planning staff will work with Communications staff to create a more visual, user-friendly guide to the by-law to assist staff and patio operators in the ongoing administration of the program.

### **Fines for Non-Compliance**

Staff are recommending the use of set fines for non-compliance. Wherever possible, infractions that can be applied to both the patio operator and the property owner will be applied to both. It is particularly important that the patio operator be held accountable as they ultimately own, operate, and manage the sidewalk patio.

Schedule 'B' outlines the proposed infractions and associated set fines. The maximum set fine that is permitted is \$1,000. The set fines in the attachment do not include the administrative costs that are added onto the fines (victim surcharge added by the Provincial Offences Court). The proposed set fines align with similar offences in other regulatory by laws. In

addition, the fines need to be high enough so that patio operators don't consider a fine as the cost of doing business.

Should Council approve the proposed set fines, staff will apply to the Ministry of the Attorney General for final approval. It is worth noting that tickets can be issued each day that there is a contravention of the by-law, and this would be communicated to the owner as part of the application process.

As with many other by-laws, circumstances in which staff would lay fines would be rare and used as a last resort. Staff would first work cooperatively with the patio operator to achieve compliance with the by-law.

## **Roadside Barriers**

As described in Staff Report [CS-26-013](#), the Patio Permit By-law implements the Ontario Traffic Council (OTC) Restaurant Patio Guidelines released in Spring of 2022 for patios located within the right-of-way, particularly as it relates to the use of roadside barriers for Curb Lane Patios located within an on-street parking space or a curb lane.

The Patio Permit By-law permits a Curb Lane Patio within a maximum of two (2) on-street parking spaces or a curb lane only on roadways with:

- A speed limit of 50 kilometres per hour, or less.
- No more than two lanes of traffic (one lane in each direction or two lanes in the same direction).
- On-street parking in the form of parking laybys or parking lanes.

The City's roadways of 2<sup>nd</sup> Avenue East, 3<sup>rd</sup> Avenue East, 8<sup>th</sup> Street East, and 9<sup>th</sup> Street East would meet these requirements.

Based on these road characteristics, the OTC Guidelines require the installation of TL-1 MASH (Manual for Assessing Safety Hardware) tested barriers to be installed within the road allowance to mitigate the risk of an errant vehicle striking either a pedestrian, restaurant patrons seated at tables, or restaurant staff serving patrons.

## **Comments received from the City's Director of Public Works and Engineering, as it relates to roadside barriers are as follows:**

The OTC specifies that a minimum of TL-1 rated barriers be employed in this scenario, however some barriers require specific setbacks to accommodate deflection from impacts, even at relatively low speeds such as 50 km/h. This is a critical factor; barricades work to keep vehicles on the road by absorbing the force of impact, typically at an

oblique angle (i.e. a glancing blow). Some absorb it by being able to withstand the impact, usually through sheer force of gravity (weight/mass); an example of this is the concrete jersey barrier. Others absorb the force by cradling the vehicle and deflecting it back onto the road. This type of barrier is meant to stretch or push backwards and angle the vehicle back into a straight trajectory. This principle is most commonly seen in the post and steel cable or steel w-beam guiderails on highways. These barriers, due to their designed deflection, require varying depths of setbacks to be able to function properly. Anything or anyone caught within this deflection zone is in extreme danger should the barrier be struck.

For this reason, the best and recommended choice in this case is the concrete jersey barrier style, having the least horizontal displacement, and therefore a minimal setback zone. Although the minimum clear zone required behind a particular type of barrier varies from product to product, in general, water or sand-filled jersey barriers would be next best, as they have a relatively small required clear zone at 0.5 m. However, these also require regular patrols to ensure they remain adequately filled. For comparison, 'Urban Barrier' has the largest displacement distance, at approximately 2 metres, even at 50 km/h.

An added benefit of using the concrete jersey barrier is that it is the most readily available style in this area. At the end of the day, any MASH rated barrier is acceptable, but any barrier used must be installed according to manufacturer's specifications. Notably, any clear/buffer zone required between the barrier and the patio must be observed.

A requirement that roadside barriers be installed according to manufacturer's specifications has been included in the Patio Permit By-law, consistent with comments received from the Director of Public Works and Engineering.

Examples of TL-1, TL-2, and TL-3 roadside barriers that would meet or exceed the requirements of the OTC Guidelines, and the associated cost of rental, are attached as Schedule 'C'. The supply, installation, and removal of roadside barriers within the City's road allowance will be required to be at the expense of the patio operator. A user pay system is consistent with the approach of other municipalities in Ontario, including the Municipality of Meaford (see [Staff Report DEV2025-29](#)). As demonstrated in Schedule 'C', costs associated with roadside barrier rental are expected to be between \$2,100 and \$2,500 for a six (6) month season (May 1 to October 31), based

on a Curb Lane Patio located within one (1) on-street parking space, and depending on the type of barrier selected by the operator.

Comments from the Community Services Committee were also received that question whether the OTC Restaurant Patio Guidelines are voluntary versus mandatory and noted concerns with the appearance of the roadside barriers within the downtown.

Traditionally, the City has permitted patios within on-street parking spaces with the installation of two (2) curb stops and planter boxes provided at either end of the patio. Based on OTC guidance, this type of patio delineation is not sufficient for providing any level of protection for restaurant patrons or staff against an errant vehicle. Ultimately, staff cannot recommend that patios be permitted within on-street parking without the installation of proper barricades, in the interest of maintaining public health and safety.

**While compliance with the OTC Guidelines is not provincially legislated, it is consistent with the advice of the City's insurer and is the practice followed widely by other municipalities in Ontario.**

As it relates to the appearance of roadside barriers, the Patio Permit By-law would permit a patio operator to utilize hanging plant materials to buffer the appearance of the barrier, though this would not be a mandatory requirement.

### **Temporary Encroachment Permit**

The Patio Permit By-law clarifies that the provisions of the City's Temporary Encroachment By-law do not apply to street furniture and sidewalk patios, where a patio permit has been obtained and a patio agreement has been executed with the City.

A temporary road closure in accordance with the Ontario Traffic Manual Book 7 will be required for Curb Lane Patios to facilitate installation and removal of the required roadside barriers. A Temporary Traffic Control Plan is required to be submitted as part of a complete patio permit application for a Curb Lane Patio, and the City's Engineering Services Division will provide review and comment through this process. A separate temporary encroachment permit and fee is not required.

Standard conditions of the City's Temporary Encroachment Permit, where applicable, will be incorporated into the City's patio agreement, in accordance with comments received from the City's Engineering Services Division.

## **Streamlining**

In consulting with the City's River District Coordinator, Planning staff have identified an opportunity to streamline the application approval process for the placement of street furniture and sidewalk patios within the right-of-way. Specifically, the proposed Patio Permit By-law provides a process for patio permit renewals, where there is no change in layout and a patio agreement with the City is in effect.

An application for a patio permit renewal is limited to the following:

1. Proof of liability insurance in the amount of \$5,000,000, indemnifying the City as an additional insured.
2. A copy of the patio operator's liquor licence, if applicable.
3. For a Curb Lane Patio, a Traffic Control Plan for the installation and removal of roadside barriers.

As discussed in the Fees and Charges section of this report, Planning staff are also recommending a reduced fee for street furniture, frontage patio, and curbside patio renewals.

## **Delegation and Appeals Process**

In 2021, City Council delegated approval authority for sidewalk patios to the City Manager, in consultation with the Director of Community Services, Director of Public Works and Engineering, and the Manager of Planning and Heritage, and subject to AGCO approval for a licenced patio in accordance with the provisions established in the Province's Stage 2 re-opening guidelines applicable at the time, including:

- Design, layout, and placement.
- Execution of agreement.
- Provision of correspondence to the Alcohol and Gaming Commission of Ontario (AGCO), indicating no objection to extension of liquor licences.
- Waive all fees.

Comments from the Community Services Committee questioned whether the City Manager is the appropriate delegate for sidewalk patios. Staff note that the delegation and certain limits thereof, were put in place during the COVID-19 pandemic, to provide staff flexibility in responding to a rapidly changing emergency situation.

Certain aspects of the delegation warrant review in the context of the updated Patio Permit By-law, however, staff delegated approval for sidewalk patios has generally worked well and resulted in improved customer service to patio operators. With delegation, staff were generally able to issue patio approvals within seven to ten business days.

The Patio Permit By-law proposes that the authority to issue patio permits and renewals, with or without conditions, and refuse to issue or renew a patio permit, or revoke or suspend a patio permit, be delegated to the Director of Community Services and the Director of Public Works and Engineering, or their designates, acting jointly.

The delegation of patio permits and renewals to senior management continues to ensure a streamlined approvals process that patio operators are accustomed to. Having both the Director of Community Services and the Director of Public Works and Engineering serve as the delegates ensures that input from both Planning and Engineering is considered in the approvals process.

The authority to execute patio agreements and provide correspondence to the Alcohol and Gaming Commission of Ontario (AGCO), indicating no objection to the extension of liquor licences for a licenced patio are also proposed to remain delegated to staff and conferred to the Director of Community Services and the Director of Public Works and Engineering, as these are administrative functions necessary for ensuring implementation of the Patio Permit By-law. The authority to waive patio fees and reference to the Province's Stage 2 reopening under the limits of the current delegation will be removed as part of the recommended update to the Delegation of Powers and Duties By-law, as these are no longer relevant.

Staff note that there are limited circumstances in which a patio permit or renewal would be refused, suspended or revoked, as set out in Section 29 of the by-law, however, in the interest of maintaining procedural fairness, the by-law establishes an appeals process for patio permit refusals or revocation that would be considered by the City Manager.

## **Fees and Charges**

In May of 2022, the Community Services Committee considered [Staff Report CS-22-065](#), respecting Patio Funding Options, and recommended that City Council direct staff to bring forward an amendment to the City's Fees and Charges By-law to revise the City's Sidewalk Patio Fees (Resolution No. [CS-220518-006](#)). City Council approved the recommendation of the Committee

through adoption of the meeting minutes (Resolution No. [R-220530-010](#)). The City’s current fees for street furniture and sidewalk patios are as follows:

<b>Patio Type</b>	<b>Current Fee</b>
Street furniture/sidewalk patio – amenity strip	\$50 per business, per year
Street furniture/sidewalk patio – parking stalls	\$200 for the first two (2) parking stalls, \$100 per each additional stall.

The current fee structure warrants an update to, among other matters, align the fees with the new patio definitions provided under the Patio Permit By-law. The fees proposed by staff are as follows:

<b>Patio Type</b>	<b>Proposed Fee</b>
First-year street furniture, frontage patio, or curbside patio, as defined by the Patio Permit By-law	\$50 per business
Street furniture, frontage patio, or curbside patio renewals	<p>No fee where the following conditions are met:</p> <ul style="list-style-type: none"> <li>a. No change to the street furniture or frontage patio and/or curbside patio layout is proposed.</li> <li>b. A patio agreement has been executed with the City and the term of such agreement has not expired.</li> </ul> <p>For clarity, if either of the above noted conditions are not satisfied, the \$50 first-year application fee would apply.</p>
Curb Lane Patio (new or renewal)	\$100 per parking stall per month, maximum two (2) parking stalls.

The intent of the revised street furniture and sidewalk patio fees recommended through Staff Report [CS-22-065](#), was to ensure that street

furniture and patios proposed within the limits of the sidewalk (i.e., at the building face or curbside) were attainable for businesses, particularly those not centered around food service. The updated fee structure proposed by staff maintains this intent and, subject to conditions, provides a reduced fee for street furniture, frontage patio, and curbside patio renewals, to further encourage this type of patio within the downtown to activate the streetscape.

Fees for Curb Lane Patios are proposed to be increased to \$100 per parking stall per month, to align with the City's existing fee to rent an on-street parking space (\$50 per week). Parking stalls are capped at a maximum of two (2), to align with the definition of a Curb Lane Patio provided by the Patio Permit By-law. A greater fee for Curb Lane Patios is appropriate, given the larger size/scale that results in additional review and monitoring by City staff.

## **Insurance**

The Patio Permit By-law continues to require that patio operators carry and provide proof of liability insurance for the operation of the street furniture or patio, indemnifying the City as the owner of the public lands on which the patio or street furniture is situated. The amount of liability insurance required has been increased from \$2,000,000, to \$5,000,000, consistent with comments received from the City's insurer, the Purchasing and Claims Coordinator, and the Engineering Services Division.

## **Accessibility**

As outlined in Staff Report [CS-26-013](#), patio operators are required to provide a patio layout that maintains a sufficient accessible route on the sidewalk for pedestrians. The *Accessibility for Ontarians with Disabilities Act* (AODA) requires the width of the accessible route to be a minimum of 1.5 metres. The OTC Guidelines for Restaurant Patios and other municipalities with updated guidelines (e.g., City of Guelph, City of Kingston), require the accessible route to be 1.8 metres.

Planning staff consulted with the Grey County Joint Accessibility Advisory Committee on the desired width of the accessible route at its meeting on April 17, 2026. Based on this consultation, the Patio Permit By-law requires a patio operator to design and maintain street furniture and patio layouts to provide for a sufficient accessible route on the sidewalk to accommodate a clear, unobstructed width, as follows:

- a. On 2<sup>nd</sup> Avenue East, between 7<sup>th</sup> Street East and 10<sup>th</sup> Street East: 1.8 metres.
- b. On 8<sup>th</sup> Street East, between 1<sup>st</sup> Avenue East and 3<sup>rd</sup> Avenue East: 1.5 metres.
- c. On 9<sup>th</sup> Street East, between 1<sup>st</sup> Avenue East and 3<sup>rd</sup> Avenue East: 1.5 metres.
- d. All other locations: 1.8 metres.

The intent of the by-law is to require that a greater accessible route be provided where the width of the right-of-way is larger.

## **Resource Alignment:**

### **Financial Resources**

There are no anticipated impacts to the City's budget as a result of the Patio Permit By-law.

It is recommended that staff be directed to update the City's existing fees and charges for patios to, among other matters, align with the patio definitions provided under the new by-law.

Fees generated from street furniture and sidewalk patios are generally low, as the City receives a low number of applications each year.

### **Human Resources**

Processing of patio applications will be completed within the existing operating budget. The Planning & Heritage Division administers the program on an annual basis, with input from the City's Development Team, including Engineering, Building, Police, and Fire.

It is recommended that approval authority for patios continue to be delegated to staff. Amendments are recommended to the Delegation of Powers and Duties By-law to delegate approval authority for patios and the execution of patio agreements to the Director of Community Services and the Director of Public Works and Engineering, acting jointly.

Processing timelines for patio applications is dependent on the size and location of a proposed patio, however, with an updated by-law, it is expected that application review timelines will be reduced. The by-law also provides a more streamlined approach for street furniture and patio renewals.

## **Time and Scheduling**

The updated Patio Permit By-law has been completed as part of the Planning & Heritage Division's 2026 Work Plan.

## **Technology and Infrastructure**

The City's Cloudpermit system will be used to manage patio applications beginning in 2027 and on a go forward basis.

## **Climate and Environmental Impacts:**

There are no anticipated climate or environmental impacts.

## **Communication and Engagement:**

The draft Street Furniture and Sidewalk Patio Guidelines were circulated to the City's Development Team, including Planning, Building, Engineering Services, Environmental Services, and Clerks staff, as well as the City's River District Coordinator, Communications staff, City Fire Prevention Services, and Police Services for review and comment on February 10, 2026.

An internal staff meeting to discuss the draft guidelines and obtain feedback was held on February 19, 2026.

Planning staff consulted with the River District Board of Management on the draft guideline at its meeting on March 11, 2026, the Community Services Committee on March 18, 2026, and the Grey County Joint Accessibility Advisory Committee on April 17, 2026.

Feedback on the updated Street Furniture and Sidewalk Patio Guidelines was requested from all River District Business owners on March 24, 2026 through the River District newsletter.

The Patio Permit By-law was developed in consultation with the City's Manager of Legislative Services and By-law Enforcement.

Feedback received from the various stakeholders is outlined in the Analysis section of this report and has been incorporated into the final by-law.

## **Report Developed in Consultation With:**

In updating the draft Sidewalk Patio Guidelines, staff consulted the following documents:

- [Ontario Traffic Council Restaurant Patio Guidelines within the Right of Way \(April 2022\)](#)
- [City of Guelph Seasonal Patio Program Guidelines](#)
- [City of Kingston Street Patio Standards and Application Guide](#)
- [Municipality of Meaford Corporate Policy – Commercial Patio on Municipal Lands](#)
- [Prince Edward County Sidewalk Patio Guidelines](#)
- [City of London Sidewalk Patio Guidelines](#)
- Municipality of Kincardine [By-law No. 2021-069](#), being a by-law to regulation seasonal on-street patios.
- City of Ottawa [Right of Way Patio By-law No. 2023-230](#)
- Loyalist Township [Patio Licence By-law 2012-025](#)

### **Attachments:**

Schedule 'A' – Patio Permit By-law

Schedule 'B' – Set Fines and Short Form Wording

Schedule 'C' – Roadside Barriers

### **Reviewed by:**

Sabine Robart, Manager of Planning & Heritage

Pamela Coulter, Director of Community Services

### **Submission approved by:**

Kate Allan, Director of Corporate Services (Acting City Manager)

For more information on this report, please contact Jacklyn Iezzi, Senior Planner at [planning@owensound.ca](mailto:planning@owensound.ca) or 519-376-4440 ext. 1261.