



2023 GUIDELINES



PATIO BURLINGTON

A Guide for Patios on Public and
Private Lands

PATIO BURLINGTON



ABOUT THE GUIDELINES

These guidelines provide direction on the application process for applying for temporary patios on public and private lands in the City of Burlington and provides design guidelines for the seasonal patio program. These guidelines include the minimum requirements that restaurants and bars must meet as part of the Patio Burlington Program.

The City of Burlington retains discretion to review installations in the right-of-way on a case-by-case basis considering factors such as limited frontage options, past complaints reported at the address, non-compliance with the Patio Burlington guidelines and conditions imposed by City Council in similar local circumstances.

These guidelines are subject to change and patios are only permitted in accordance with all requirements of the Province of Ontario and the City of Burlington, including statutes, bylaws, regulations, orders, and guidelines. Information will be updated to reflect evolving public health regulations as they are released.

Keep up to date on requirements by visiting:

<https://www.burlington.ca/en/business-in-burlington/temporary-outdoor-patios.aspx>

and reviewing this Guidebook regularly



TABLE OF CONTENTS

1. INTRODUCTION	6
2. HOW TO APPLY	7
3. FEES	9
4. ALCOHOL SERVICE & AGCO REGULATIONS	10
5. HOW IS MY APPLICATION PROCESSED?	11
6. GENERAL GUIDELINES – ALL PATIOS	12
7. PATIOS & TENTS ON PRIVATE PROPERTY	14
8. CURB LANE PATIOS	17
A. GENERAL GUIDELINES	
B. PEDESTRIAN BY-PASS/SIDEWALK RAIL SYSTEM	
9. SIDEWALK PATIOS	21
A. GENERAL GUIDELINES	
B. REQUIREMENTS	
10. ACCESSIBILITY	24
A. TEMPORARY RAMPS	
B. PEDESTRIAN CLEAR PATHS	
11. DESIGN	28
A. FENCING	
B. LIGHTING	
C. UMBRELLAS AND CANOPIES	
12. SAFETY	32
A. EMERGENCY ACCESS	
B. FIRE SAFETY AND HEATER REQUIREMENTS	
13. COMPLETE APPLICATION CHECKLIST	35

1

INTRODUCTION

The City of Burlington is offering local restaurant and bar operators access to public space on city streets and sidewalks to expand outdoor seating capacity.

Any curb lane or sidewalk patio must meet the design and operational requirements set out in this Guidebook, including but not limited to, obligations related to health and safety, accessibility, equipment (e.g., fencing, barriers, ramps, and planters), and insurance and indemnification requirements. Pedestrian mobility, physical distancing and road safety requirements must be met for this program to be successful for all members of the public.

The City of Burlington has prepared this document to summarize the essential information required to safely operate curb lane patios, where possible, for the 2023 patio season. These Guidelines may be revised from time-to-time by the City and can be found at:

<https://www.burlington.ca/en/business-in-burlington/temporary-outdoor-patios.aspx>
or email request to patios@burlington.ca.

Halton Public Health Requirements

Restaurants and bars in Burlington must operate in accordance with the Health Protection and Promotion Act and follow current public health guidelines as developed by Halton Public Health and the Province of Ontario. Please visit the Province of Ontario's website to stay informed. There may be additional requirements depending on current public health regulations.

Aldershot Village BIA (ABIA) and Burlington Downtown Business Association (BDDBA)

BIAs are an integral part of the Patio Burlington Program. If your restaurant or bar is located within a BIA you should speak to your BIA representative for additional information and assistance.

Aldershot Village BIA (ABIA)

<https://aldershotbia.com/>

Burlington Downtown Business Association (BDDBA)

<https://burlingtondowntown.ca/>

2

HOW TO APPLY



Visit <https://www.burlington.ca/en/business-in-burlington/temporary-outdoor-patios.aspx> to apply. You must successfully apply by March 31, 2023, to ensure your application is reviewed and approved by the start of patio season. If you apply after that date, the City cannot guarantee a specific installation date or patio location. Late applicants may not be able to participate in the program, depending on the streetscape conditions and existing patio locations in their area. Applications will remain open after March 31st, but curb lane or sidewalk space will not be guaranteed.

STEP

01

Once you complete your registration, City staff will review your application and submitted documents for compliance with these guidelines and all applicable bylaws.

02

If your application is acceptable, you will be contacted with more information about the date of installation for your approved patio.

03

Successful applicants will receive a road occupancy permit to participate in the Patio Burlington Program, which will identify the conditions of the approval. Applicants will only be able to use the City space identified in this permit for the period specified and in accordance with the conditions in the approval. If any space on the street is not utilized within 30 days of approval, the City will reclaim the space without delay.

04

At the end of the season, you will be notified about the date of the removal of your temporary patio. All patio items must be removed by the date specified in the notification. All curb lane or sidewalk patios on public property must be removed by November 1st.

05

If you wish to operate a curb lane or sidewalk patio in 2023 you **MUST** apply to the City of Burlington for approval, even if you previously participated in the Temporary Outdoor Patios Program.

A patio plan is required as part of a patio application. The patio plan is to show the proposed patio location and layout in relationship to the surrounding site conditions and context including street curb, catch basins, sidewalk, parking space locations, pedestrian access (including by-pass), utilities, fencing, street trees, signage, light poles, transit stops. All features to include dimensions including setbacks. The Patio Plan is to comply with the Patio Guidelines and Applicable Laws of the City of Burlington.

There are basic requirements necessary to safely operate a patio on city streets and in the public right-of-way. Please review this document carefully as it is the operator's responsibility to ensure that all requirements are met. City staff will ensure that proposed or expanded patios meet these guidelines and will be visiting establishments to ensure compliance. Patio operators that do not comply with these requirements may be unable to continue participating in the program.



3

F E E S



2023 FEES (CAD)

\$ TBD

Please note that required fees will be assessed on an annual basis and may be phased in to maintain the operating standards of the program.

ALCOHOL SERVICE & AGCO REGULATIONS

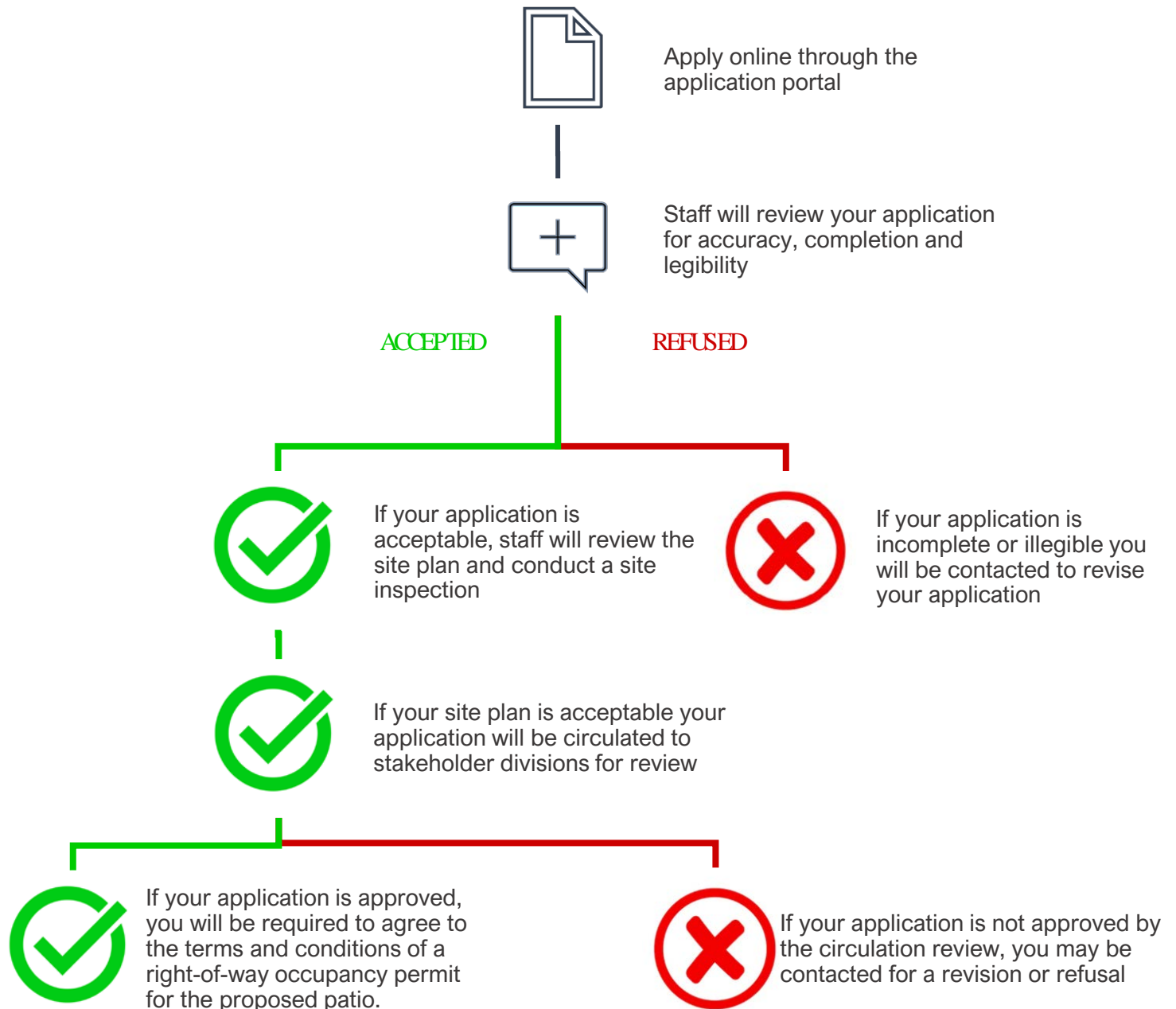


The Province of Ontario is temporarily allowing current liquor licence holders to serve alcohol outside of their officially licensed area without a temporary extension application to the AGCO. It is the operator's responsibility to ensure compliance with all Alcohol and Gaming Commission of Ontario (AGCO) regulations as well as adhere to any conditions on their liquor sales licence. Restaurant and bar operators wishing to apply for permanent changes to liquor licences will still need to apply for approvals through the AGCO.

AGCO
Alcohol and Gaming
Commission of Ontario

5

HOW IS MY APPLICATION PROCESSED?



6

GENERAL GUIDELINES ALL PATIOS



The following guidelines apply to all patios on public and private lands in the City of Burlington. This section of the guidelines can also be applied to temporary patios and tents on private lands. See Chapter 7 for further details.

1. It is the operating businesses' responsibility to ensure compliance with all applicable federal, provincial, and municipal laws, rules, orders, regulations, and by-laws in respect of operating an outdoor patio.
2. Patios approved under this program shall be in place no earlier than April 15th. The applicant is responsible for removal of the patio, no later than November 1st. The City reserves the right at its discretion to require the removal of any patio for noncompliance or to address emergency situations.
3. The applicant for a patio must be the owner, or authorized agent, of the business.
4. Applicants must provide proof of commercial general liability insurance (\$_million) coverage endorsed to include The Corporation of the City of Burlington as an additional insured.
5. Patios are permitted where the patio installation is located directly in front of or adjacent to the building of the applicant business. In all cases the business operating the patio must always exercise control over access and use of the space.

6. Patios may only extend on the sidewalk in front of neighbouring businesses if a suitable sidewalk bypass can be provided which is contiguous to the patio at the business' frontage and if the neighbouring business provides written permission.
7. Patios must not impede access to or visibility of adjacent tenant spaces or exits.
8. Patios are to be consistent. The configuration, barricades and furnishings cannot be changed randomly.
9. Patio operators shall mitigate any negative impacts from the patio on abutting or nearby commercial or residential uses; including prioritizing the use of private land or sidewalk space before curb lane parking stalls and ensuring that access and visibility of neighbouring businesses is not obstructed.
10. All areas of the patio shall be wheelchair accessible.
11. Business shall not be conducted within required clearance zones, as set out below.
12. Patios shall not be permitted on sidewalks without sufficient width to accommodate pedestrian clearance zone. This shall be a minimum clear, unobstructed horizontal clearance zone of 1800 mm (1.8 m) minimum and a vertical clearance zone of 2440 mm (2.44 m), ensuring that pedestrians can clearly pass customer line-ups.
13. Patio operators are responsible to maintain the patio and surrounding area and to ensure it is clear of any hazards or debris that may pose a health risk (grease spills, broken glass, bodily fluids, etc).
14. Patios must not obstruct underground utility access, electrical transformer vaults, utility boxes, boulevard or road drainage, fire hydrants, parking meters, bike racks, loading zones, active transit stops and other infrastructure.
15. Patio operators must ensure that they are meeting all noise regulations including those for the amplification of sound as per the City's Noise By-law.

PATIOS & TENTS ON PRIVATE PROPERTY

The following guidelines apply to patios and tents on private lands in the City of Burlington. All patios and tents on private property are required to comply with the provisions of Zoning By-law 2020 for outdoor patios.

A REQUIREMENTS FOR PATIOS AND TEMPORARY TENTS ON PRIVATE LANDS

1. Patios on private lands are for restaurants, bars and cafés only. No other seasonal patio types are permitted on private property.
2. Proposed temporary patios or temporary patio expansions must be located on the same property as your restaurant.
3. The provision of accessible parking and associated walkways shall be maintained at all times.
4. Accessibility must be maintained to and throughout the temporary patio and restaurant.
5. No garbage routes or fire routes can be blocked by any new or expanded patios.
6. No food or drink preparation shall be permitted on temporary patios.
7. Platforms, stages, decks and portable toilets are not permitted.
8. Temporary patios must not extend in front of adjacent tenant spaces, or beyond the business frontage without permission from the affected adjacent property owner and/or tenant.

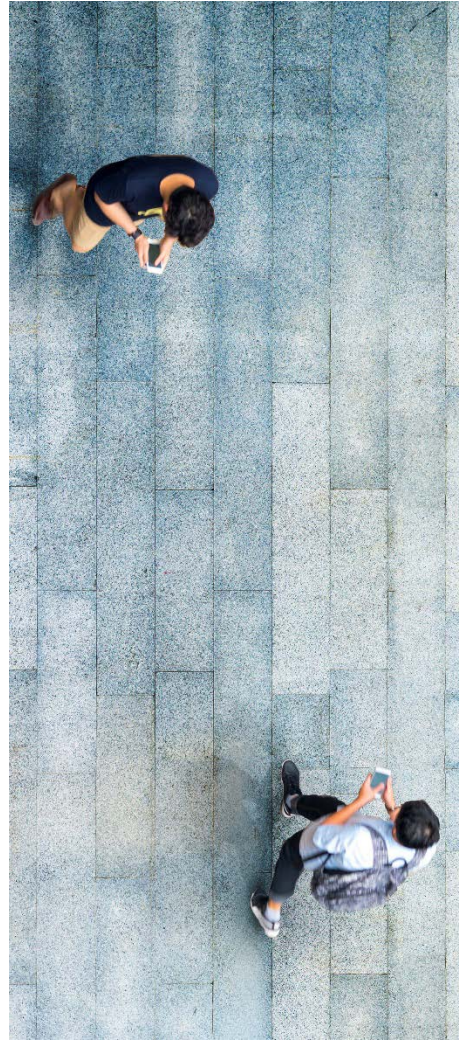
9. A vertical barrier between 0.9 and 1.2 metres in height shall be installed where a patio is adjacent to vehicle movement areas.
10. Perimeter fencing, planters or barriers are allowed on sidewalk patio areas.
11. Access between the patio and the restaurant shall not be obstructed by vehicular drive aisles.
12. Temporary tents must be properly anchored to the ground per OBC requirements.
13. Business owners are responsible to obtain and ensure compliance with all relevant permissions including those of the AGCO, Ontario Building Code, and their landlord.
14. Fire Department connections (Siamese Connections) and hydrants must be unobstructed.
15. Temporary tents or tents atop an approved patio are permitted subject to the guidance contained in Part B of this chapter (Temporary Tents & Structures on Private Lands)
16. All provincial and public health guidelines, including those related to COVID-19, must be maintained including keeping a minimum of two sides of any temporary tent open at all times.
17. All other municipal and Provincial Regulations will continue to apply including AGCO Regulation 719, as amended.
18. The City of Burlington is authorized to inspect all temporary patios and/or temporary tents and require adjustments to the temporary patio to address compliance with these guidelines and other applicable municipal and Provincial regulations.

B. TEMPORARY TENTS & STRUCTURES ON PRIVATE LANDS

1. A tent, or group of tents, does not require a permit if it is/they are:
 - a. not more than 60 square metres in aggregate ground area,
 - b. not attached to a building, and
 - c. constructed more than 3 metres from other structures.
2. A building permit is required for a tent or group of tents when:
 - a. the total area is more than 60 square metres,
 - b. it is attached to a building, and/or
 - c. it is less than 3 metres from another structure.
3. If your tent requires a building permit, the structural design for tents require an Ontario registered Professional Engineer to seal the documents/drawings and make sure they comply with the Ontario Building Code. These specifications apply to the design of the complete building system, including all structural parts, connections, anchors and fabric cover.
4. As part of the structural design, mechanical, thermal, manual or other means of snow removal are not permitted by the Ontario Building Code.
5. Tents/structures are not permitted in a public right-of-way, such as sidewalks and curb lanes, where visibility is obscured for anyone including drivers, cyclists, pedestrians and others.
6. Tents/structures are not to be drilled or attached to the sidewalk or roadway, to maintain public safety and accessibility.
7. A fueled heating appliance shall not be operated in any enclosed or partially enclosed area. As part of the building permit review process, City building staff will consult with a Fire Prevention Officer to make sure it complies with Technical Standards and Safety Authority (TSSA) regulations for the placement of any heating appliances., regulations, and/or laws are met.
8. Be advised that any approved tents/structures are required to comply with all applicable provincial, municipal or other guidelines, regulations, orders, restrictions, public health regulations, and/or any other applicable law that may from time-to-time apply to such tents/structures including COVID-19 regulations and orders. It is your responsibility as the operator to make sure these guidelines, regulations, and/or laws are met.
9. It is your responsibility as the restaurant owner/operator to make sure all tents, of any size, are capable of withstanding wind, rain and snow loads during the relevant seasons. You as the restaurant owner/operator are advised to immediately and continuously remove snow, water, leaves, etc. from the top, sides and around the tent during weather events.

8

CURB LANE PATIOS



Curb lane patios are outdoor dining areas located in a parking stall or through lane directly adjacent to a curb and may include a pedestrian by-pass system located on the street of the public right-of-way. Public safety is the priority and City staff conduct a detailed review of each application and may install traffic safety materials to close a lane and to provide space for restaurants and bars to install or expand patios on public lands.

The curbside is the main access point between the street and the sidewalk and may have several competing uses which include parking, loading, and unloading of goods and people, cycling facilities and more. It is important that restaurant and bar operators that are provided with space to operate patios in a curb lane are using it to its maximum community and operator benefit.

Every effort is made to investigate the potential for a curb lane closure, but they are not guaranteed. A curb lane patio will require the Business Owner to obtain a right-of-way occupancy permit from the City.

When conducting site reviews, staff investigate the streetscape of the area around your restaurant and may consider road width, traffic speeds and volumes, non-standard road geometry, on-street parking, and/or other potential traffic safety concerns. Curb lane patios are not possible in locations where, in the opinion of the Director of Transportation Services, or delegated staff, a curb lane patio cannot be safely installed.

Curb lane patios or pedestrian by-passes are not possible within the following areas:

- Commercial loading zones;
- Accessible boarding zones;
- Locations with transit stops;
- Designated Accessible Parking locations;
- Areas that would conflict with an active construction zone; or
- Roads with a posted speed of greater than 50 km/h.

A GENERAL GUIDELINES

1. A patio plan will be required to show the patio location, complete dimensions including fencing location, and general notations to ensure the curb lane patio is functional and addresses the applicable performance standards and legislative requirements to the satisfaction of the City. Upon review, the approved plan shall be appended to your permit as a Schedule.
2. Curb lane patios are permitted throughout the City of Burlington in conjunction with a permitted restaurant use but are not permitted on arterial roads.
3. Curb lane patios are only permitted on roads (roadway) with two vehicle travel lanes (one lane in each direction), not including lanes dedicated to curb lane parking. Restaurant or bar operators who currently occupy a building shall have priority to the available curb lane space adjacent to its own frontage.
4. The City will determine the appropriate safety and other traffic measures required.
5. Setup or takedown of any structure or materials on a street or parking stalls can only be completed by City staff trained and qualified in the Ontario Traffic Manual Book 7 and only at the time specified in the approval.
6. Applicants for curb lane patios are not permitted to install their patio until the installation of appropriate roadside safety barriers have been completed.
7. Applicants for curb lane patios are not permitted to install their patio until the City has completed the installation of appropriate [pedestrian safety/traffic control measures](#).
8. Any traffic control measures placed by the City shall not be moved or altered by the patio operator.
9. Signage is required to identify the entrances and exits of temporary outdoor patio locations and to provide guidance to pedestrians.
10. Patios shall be located a minimum of 1000 mm (1.0 m) away from parking spaces, driveways and/or travel lanes. When adjacent to parking stalls, curb lane patios must have concrete parking curbs placed to protect the patio from vehicle maneuvers to and from the adjacent parking stall(s).
11. Signage is required to identify the entrances and exits of temporary outdoor patio locations and to provide guidance to pedestrians.

B. PEDESTRIAN BY-PASS

A pedestrian by-pass is an effective way of expanding patio space, while providing a safe pedestrian clear path. and is subject to the following guidelines:

1. Pedestrian access along a by-pass must be at least 1800 mm (1.8 m) in width, provide 2440 mm (2.44 m) height clearance, and avoid blocking or obstructing access to utilities, storm water drainage, infrastructure, signage and other traffic control devices.
2. A 600 mm (0.6 m) buffer is required between the pedestrian by-pass and an adjacent vehicular travel lane.
3. A pedestrian by-pass is required to have a guard railing between 914 mm (36") to 1067 mm (42") in height.
4. A pedestrian by-pass shall be a raised platform deck.
5. A pedestrian by-pass must be firm, stable and slip resistant and meet all applicable legislation, standards and guidelines, as well as the Ontario Highway Bridge Design Code.
6. Pedestrian by-pass signage is required.
7. Any pedestrian by-pass is required to be installed by a contractor licensed to work within the road corridor.
8. The barrier-free route should maintain a straight path of travel with turns as equal to 90 degrees as possible.
9. Fencing and other barricades shall incorporate pronounced colour contrast to the surrounding areas.

SIDEWALK PATIOS



Sidewalk patios are outdoor eating areas located on sidewalks located in part or entirely on a public road allowance where food or drinks is served to the public by a licensed eating or drinking establishment and includes the clear path zone for pedestrian access to the patio.

Sidewalk patios in the City of Burlington are subject to the following requirements:

A GENERAL GUIDELINES

1. All sidewalk patios which make use of publicly owned land will be required to show the patio location, general dimensions, fencing location, and general notations to ensure the sidewalk patio is functional and addresses the applicable performance standards and law to the satisfaction of the City. Upon review, the approved plan shall be appended to the approved permit as a Schedule.
2. Should a patio operator require a pedestrian by-pass or patio seating in parking spaces adjacent to a Sidewalk patio, or any other roadway use, then the entire patio shall be considered a curb lane patio and not a sidewalk patio.
3. Sidewalk patio operators are responsible to clean and maintain public space that is inaccessible to the City's street/sidewalk sweepers due to the placement of patio road closure barriers or fencing.
4. The City reserves the right to remove or require the patio operator to remove the patio (or part of it) immediately and will not be liable for any costs associated with the removal and/or re-installation:
 - a. For non-compliance, to address emergency situations, public safety or for other reasons deemed necessary by the City
 - b. If the patio is deemed to not be utilized for the intended purposes as agreed upon with the City.
5. A minimum clear path horizontal clearance zone of 1800 mm (1.8 m) and vertical clearance zone of 2440 mm (2.44 m) is required for unobstructed pedestrian mobility.
6. Fencing and/or a delineation around licensed patios areas is encouraged as per AGCO requirements.
7. Umbrellas or any other furniture related to the patio shall be located within patio area and are not to extend into the sidewalk clear path zone.
8. Signage is to be located to avoid conflict within the pedestrian clear path zones.
9. Sidewalk patios are to provide a minimum 600 mm (0.6 m) buffer from the travelled portion of the road.
10. Sidewalk patios must be at least 15 metres from the corner of an intersection (stop sign or nearest edge of closest sidewalk on an intersecting street subject).

11. Sidewalk patios must be at least 3 metres from a driveway. This distance may vary on a site-by-site basis taking into consideration sight lines, road geometry, proximity to transit stops and related amenities, and other considerations to the satisfaction of the City of Burlington.
12. Sidewalk patios must be at least 5 metres from a fire hydrant or to the middle of fire department connections.
13. If a sidewalk patio occupies the first parking space within a row of parking, flexible bollards (spaced 2 metres apart) must redirect approaching traffic around the patio for a minimum approach distance of 15 metres.

B. REQUIREMENTS

Detailed, scaled plans and specifications must be submitted to determine if the proposed curb lane or sidewalk patio complies with the requirements set out in these guidelines:

1. All patios which make use of publicly owned land (boulevards, sidewalks, parking spaces) require an approved permit between the patio operator, the patio operator's landlord (if applicable) and the City.
2. Patio operators are responsible to clean and maintain public space that is inaccessible to the City's street/sidewalk sweepers due to the placement of patio road closure barriers or fencing.
3. The City reserves the right to remove or require the patio operator to remove the patio (or part of it) immediately and will not be liable for any costs associated with the removal and/or re-installation:
 - a. For non-compliance, to address emergency situations or for other City priorities.
 - b. If the patio is deemed to not be utilized for the intended purposes as agreed upon with the City.

ACCESSIBILITY



A TEMPORARY RAMPS

Temporary Ramps are fabricated ramps that provide a sloped entrance from the sidewalk into the curb lane patio area. A pedestrian by-pass is the preferred method of access. However, if you do not install a pedestrian by-pass, a ramp is the alternative method for providing accessible entrance into your patio and **MUST** be provided.

A temporary ramp is required to be in place when your patio is open and operational. It should not be deployed “as needed”. Ramps are to be used where a sidewalk and patio are separated vertically by a curb. For a curb that is under 200 mm in height, the following requirements must be met:

1. The maximum slope of any ramp is 1:15 or 6.7%.
2. The ramp must have a minimum width of 1500 mm (1.5 m) exclusive of flared sides.
3. The ramps must be slip-resistant and be visible at night.
4. Ramps shall have a 40 - 60 mm wide colour/tonal contrasted strip across the width of the ramp, located on the sloped surface at all slope transitions. The ramp texture must be contrasted with the adjacent surfaces.
5. There must be a landing at the bottom of the ramp for someone using a mobility device to turn and navigate into the patio area.
6. The ramp must provide a flush transition (i.e., height difference of less than 6 mm from the ramp and adjacent surfaces).
7. If a ramp over 200 mm (20 cm) in height is required, the patio operator should contact patios@burlington.ca as a building permit may be required.
8. A temporary ramp is not to be affixed to the sidewalk, curb edge or road with screws, bolts or any other materials.



B. PEDESTRIAN CLEARPATHS

Ensuring accessibility for all patio users includes meeting requirements from the Accessibility for Ontarians with Disabilities Act (AODA), City of Burlington accessibility requirements and accessibility criteria specific to the Patio Burlington program.

The pedestrian clear path is a continuous straight path of travel, clear of all obstructions and provides for the safe, accessible, and efficient movement of pedestrians. The sidewalk is how people and customers of all ages and abilities access local shops, restaurants, offices, transit stops and other services, and pedestrians have priority for its use. It is everyone's responsibility to protect the pedestrian clear path. The pedestrian clear path requires 1800 mm (1.8 m) of horizontal clear space and 2440 mm (2.44 m) of vertical clear space on sidewalks.

1. Do not place patio materials in the pedestrian clear path. Ensure your patio is partitioned off by a cane-detectable barricade – (fencing, railings, planters, pylons, etc.) to provide people with vision loss the ability to identify boundaries.
2. All cane-detectable warnings should be no more than 680 mm from the ground surface
3. Rope to post or chain to post barricades are not cane detectable.
4. Do not use the pedestrian clear path to queue patrons awaiting their reservation or table.
5. Do not place A-frame signs or other obstacles in the pedestrian clear path.
6. Do not lay electrical wires for any appliances (e.g., heaters, lights) across the pedestrian clear path.

If you place obstructions in the pedestrian clear path, a City of Burlington enforcement officer will require you to remove these materials upon inspection. Patio operators that are the subject of repeated complaints may have their patio permissions removed.

C. PATIO FURNITURE AND FACILITIES



Patio operators can make several choices that will increase accessibility for all users of patios in Burlington.

Please consider the following when making decisions about your patio elements:

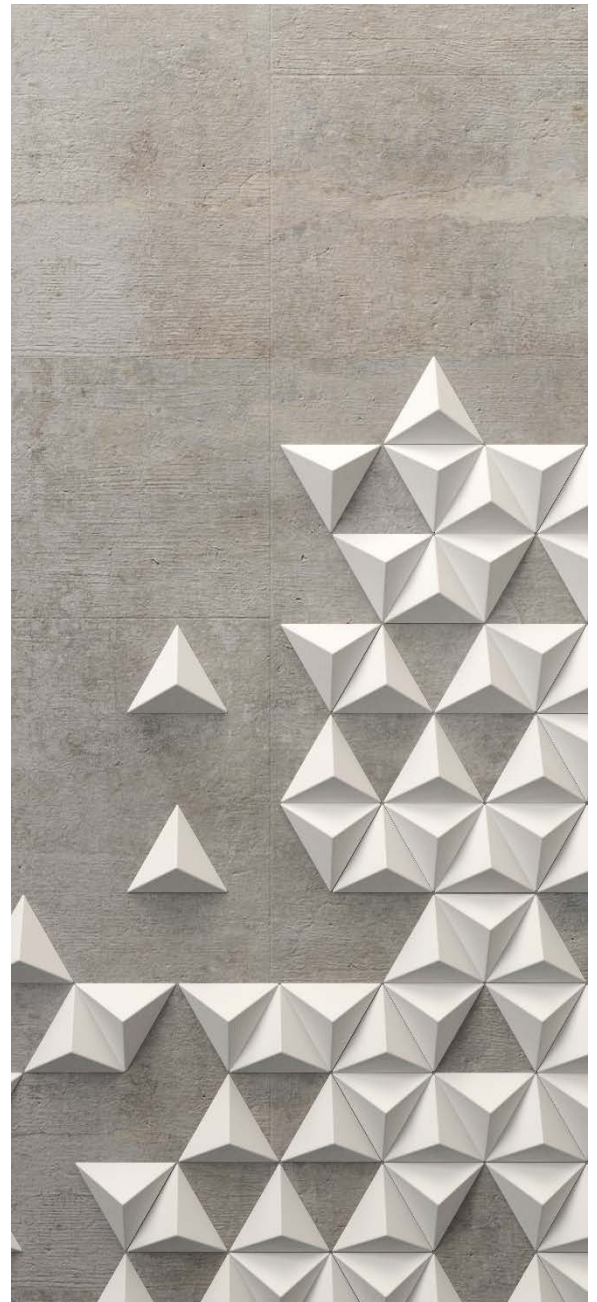
1. Consider people using mobility devices when determining what type of furniture you will set out in your patio area. For example, picnic tables significantly limit the ability of a person using a mobility device to access a dining surface.
2. Twenty per-cent of the patio tables, but never less than one table, shall be accessible, which means the seating is removable and must offer wheelchair accessible seating with a route to the seating that is a minimum of 1100 mm wide.
3. Pedestal tables and bar height tables are not accessible.
4. When determining seating arrangements in your patio area, install some tables with room underneath to accommodate people using mobility devices.
5. Ensure that there are clear routes and maneuvering spaces for people using mobility devices in your patio.
6. Advertise whether you have accessible washrooms on your website.

DESIGN



A FENCING

Patio operators are encouraged to install temporary fencing, planter boxes or other items that provide a barrier between the patio area and the travelling public. It is not safe to enter a live lane of traffic to install fencing, planter boxes or other delineation items. Ensure you remain within the boundaries of your closure area during installation.



To ensure safety and accessibility for your patrons, pedestrians and other road others, these guidelines must be followed:

1. A vertical barrier between 900 mm (0.9 m) and 1200 mm (1.2 m) in height must be always in place along the curb lane closure area. Opaque items (including dense plant material) must not be greater than 1000 mm (1.0 m) in height, measured from the surface of the street to preserve sight lines. This barrier must be secure and stable such that they cannot be knocked/blown over, stolen or moved unintentionally.
2. If any part of your fencing is near the pedestrian clear path, the fencing must have a solid, cane-detectable base, spaced no more than 300 mm (0.3 m) apart, except for the accessible entrance which must be at least 1000 mm (1.0 m) wide. Fencing near a sidewalk shall be colour contrasted to the sidewalk to make it easily identifiable to pedestrians.
3. Any fencing installed must be free-standing and self-supporting with appropriate weights. Any items, including their supports, must not project into the path of travel of cyclists, pedestrians, or motor vehicles.
4. Fencing/planter boxes/vertical barrier items must be no less than 600 mm (0.6 m) from the travelled path of vehicular traffic to provide space for cyclists and prevent contact with moving vehicles.
5. Fabric, canvas, plywood, plexiglass or similar materials are not to be used for the vertical barrier.
6. Temporary fencing, planter boxes and other vertical barrier materials must have retro- reflective tape, reflective flexi-posts or hazard marker signs at each end of the patio area, and preferably along the full length of the closure area. All other materials must minimize glare for nighttime road users. Reflective items are widely available for purchase at hardware stores.

B. LIGHTING



Installing lighting elements can be an important benefit to your café area in the evening. Please ensure your lighting elements comply with the following guidelines:

1. Lighting features must be temporary and comply with all applicable safety standards and codes.
2. Ensure no power cables or lighting elements run over the pedestrian clear path. Consider battery or solar powered lights.
3. Lights must not cast glare for pedestrians, passing road users or nearby properties.
4. Lights cannot be attached to poles, posts, or other street furnishings.
5. Permission has been granted for your power source if it is not your own. Patio operators are not to connect to outlets available within the public right-of-way.

C. UMBRELLAS AND CANOPIES



Umbrellas and canopies are a source of shade for café patrons and employees and must be installed correctly to ensure the safety of customers and passers-by.

1. Canopies are temporary and removable with no walls or sides.
2. Umbrellas, if used, must stand at least 2100 mm (2.1 m) above the walking surface. Umbrellas must also be of flame retardant material and approved by the Chief Fire Official.
3. Canopies must be 3 m x 3 m or smaller.
4. All umbrella parts in a curb lane patio must be set back at least 800 mm (0.8 m) from either edge of the closure area.
5. Umbrellas and canopies must not protrude into the roadway or pedestrian clear path, as they may interfere with cyclists or vehicles passing near your patio.
6. Canopies are temporary and removable with no walls or sides.
7. Umbrellas, if used, must stand at least 2100 mm (2.1 m) above the walking surface. Umbrellas must also be of flame retardant material and approved by the Chief Fire Official.

SAFETY



A EMERGENCY ACCESS

If the street lane closure of your patio is longer than 15 metres, a review will be conducted by Burlington Fire Services to determine whether any emergency access points must be installed as part of your fencing or lateral barrier. Should this be required, you will be notified in writing by City Staff.

An emergency access point is a space with an easily identifiable and removable piece of fencing, at least 1 metre wide, which would allow emergency services the ability 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.



B. FIRE SAFETY AND HEATER REQUIREMENTS

1. Your portable heating appliance must:
 - a. Be certified by CSA/ULC
 - b. Meet the requirements of TSSA Act 2000
 - c. Be designed for outdoor use only
 - d. Have an anti-tilt feature that automatically shuts off the heater
 - e. Be free-standing, with a minimum height of 1600 mm (1.6 m)
 - f. Tabletop heating appliances are not permitted
2. **DO** install your portable heating appliance:
 - a. On a non-combustible solid surface (e.g., not on grass or uneven sidewalk)
 - b. With a minimum of 1000 mm (1.0 m) clearance from the base of the unit to any combustible material
3. **DO NOT** install your portable heating appliance:
 - a. In windy conditions. Wind negatively impacts efficiency and can create a hazard if the unit is blown over
 - b. Under fire escapes
 - c. Within a means of egress or adjacent to a sidewalk
 - d. Near a combustible structure
 - e. Adjacent to or otherwise obstructing firefighting equipment like fire hydrants or connections
 - f. Within the Tree Protection Zone of any trees. For more information or to request an exception, please contact [Forestry](#) staff.
 - g. Near or attached to any utilities or other street elements free-standing, with a minimum height of 1600 mm (1.6 m).
 - h. If electrical wires need to be placed on the pedestrian clear path

4. Fueled Heating Appliances

- a. Do not store the unit indoors
- b. Keep a maximum of one (1) day's supply of propane on site
- c. Storage of additional cylinders (including cylinders in cages) is not permitted in public thoroughfares or sidewalks)
- d. The maximum allowable propane tank size is a single 9 kg (20 lb.) tank (approximately 10 hours of operation)
- e. Do not move portable heaters while the flame is still open. Ensure the gas supply is properly shut off and the unit is cool before relocating
- f. Follow all manufacturer safety requirements for the safe transportation, operation and storage of fuel.

The Technical Standards & Safety Authority (TSSA) has released Patio Heater Safety Guidelines and propane cylinder safety information. More information is available [online](#).



COMPLETE APPLICATION CHECKLIST

A. SITE PLAN OF PROPOSED TEMPORARY OUTDOOR PATIO

Please submit drawings that show:

- ☐ Location and dimensions of the proposed temporary patio;
- ☐ Total area of the proposed patio in square metres;
- ☐ Seating diagram to meet provincial seating restrictions (1.11 square metres per person);
- ☐ Proposed barriers and fencing with a minimum height of 910 mm (0.9 m) and their placements to mitigate public safety and traffic-related concerns;
- ☐ Location and dimensions of the building, including entrances/exits and washrooms;
- ☐ Location of adjacent businesses' or buildings' entrances/exits;
- ☐ Location and dimensions of any enclosures, umbrellas, tents, awnings, etc.
- ☐ Location of fire extinguishers;
- ☐ Location of street poles, fire hydrants and catch basins close to the patio
- ☐ Location of transit stops close to the patio (if any)
- ☐ Location of curb cuts close to the patio; and
- ☐ The maximum occupant load of your business and patio, pursuant to the Ontario Building Code.



B. INSURANCE – TO BE DETERMINED

You must hold and provide General Liability Insurance from an insurer licensed in the province of Ontario for **\$_ million** per occurrence to the Corporation of the City of Burlington against any liability for property damage or personal injury, negligence including death which may arise from the applicant's operations under this agreement. The Corporation of the City of Burlington must be included as an "Additional Named Insured". In addition, the Commercial General Liability shall contain Cross Liability and Severability Clauses and Products & Completed Operations coverage including a standard contractual liability endorsement

APPENDIX

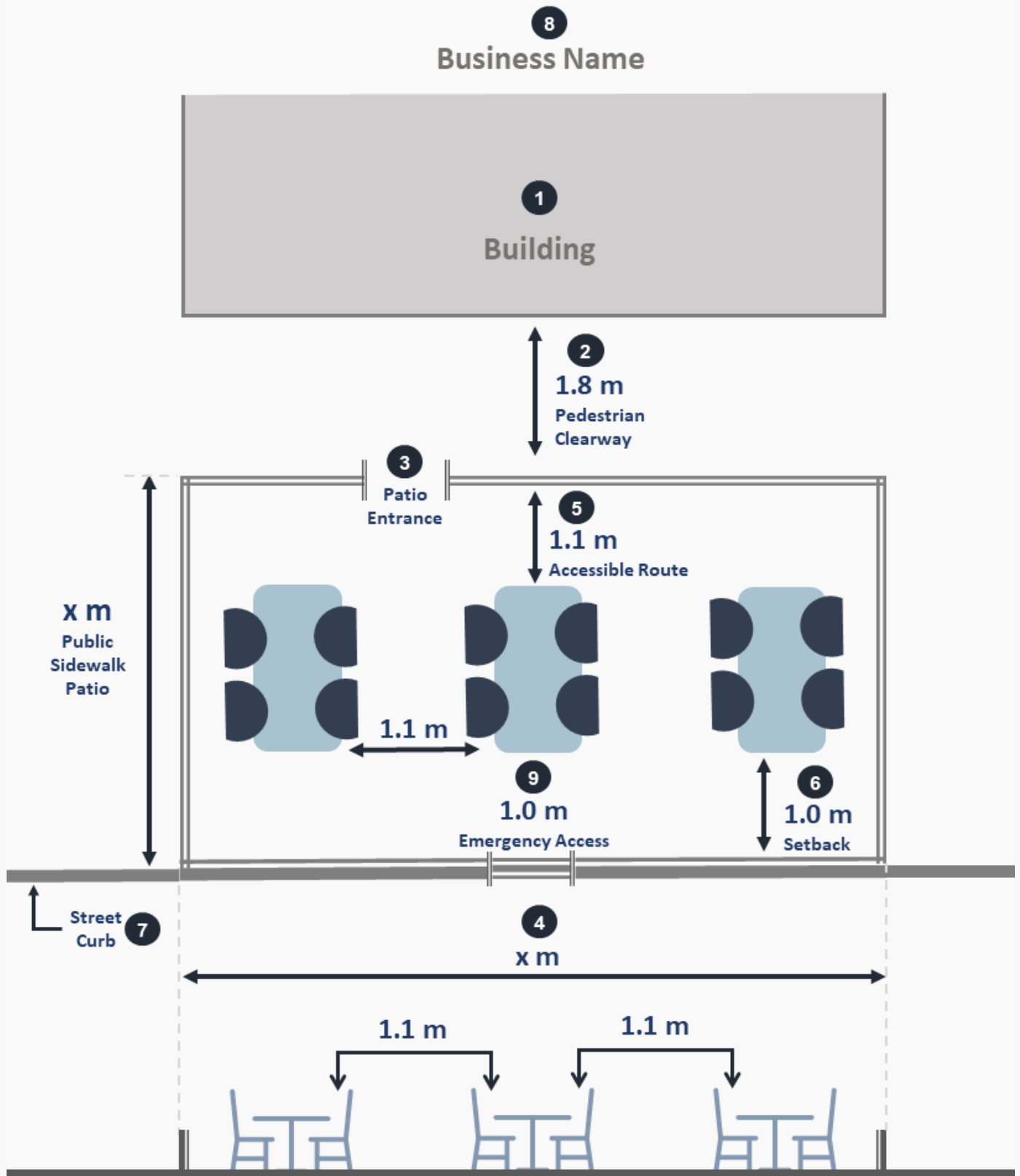


SIDEWALK PATIO DRAWING CHECKLIST

This is a sample drawing of a sidewalk patio on public property.

CHECKLIST ITEMS

- ☐ 1 Building identified (partial is fine)
- ☐ 2 Location of Pedestrian Clear Path
- ☐ 3 Patio Entrance
- ☐ 4 Patio Width
- ☐ 5 Accessible routes within patio
- ☐ 6 Setback from curb
- ☐ 7 Street curb
- ☐ 8 Business name



Note: Drawing is for demonstration purposes only. Drawing is not to scale.

B

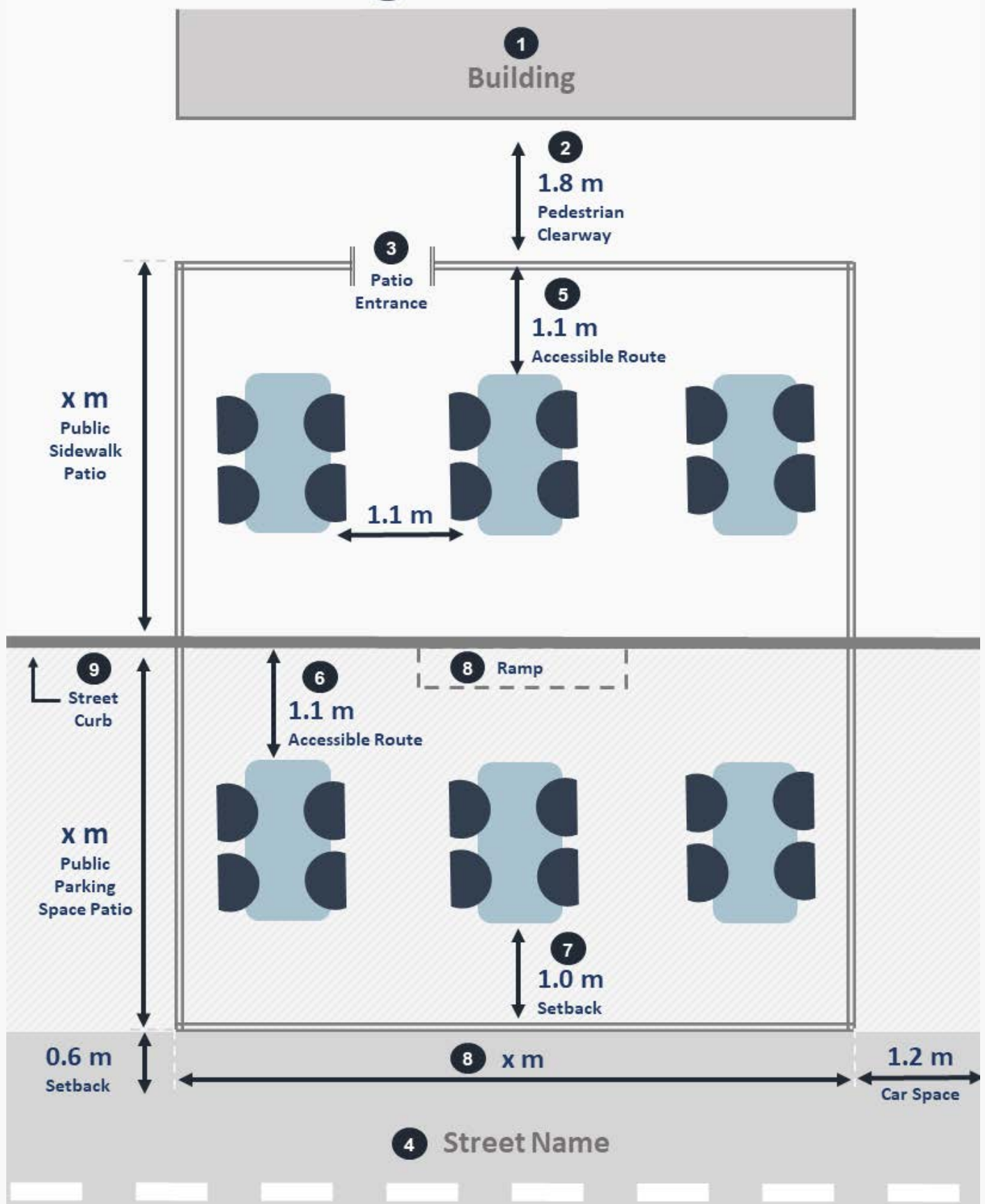
CURB LANE PATIO DRAWING CHECKLIST

This is a sample drawing of a sidewalk patio on public property.

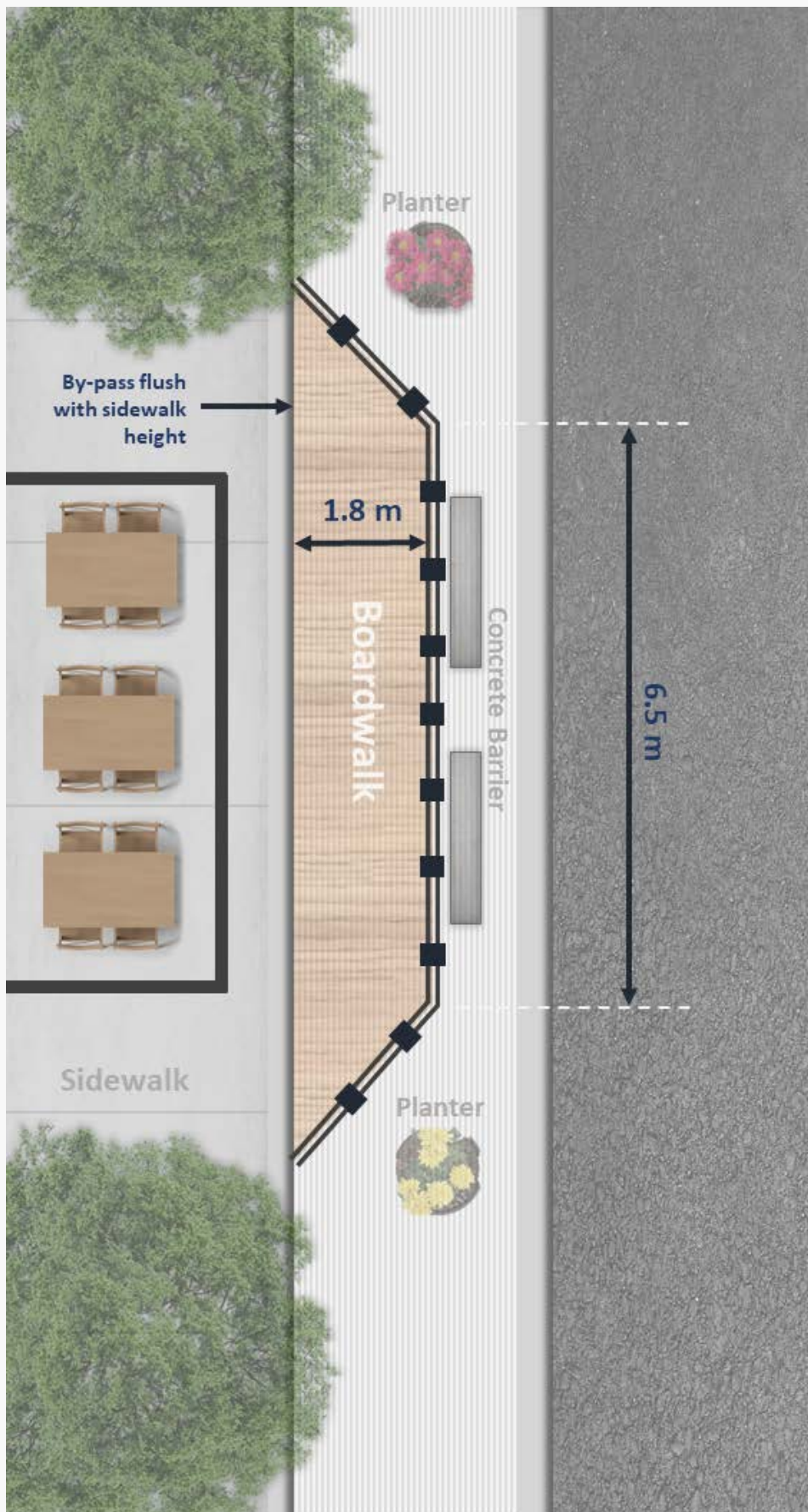
CHECKLIST ITEMS

- ☐ 1 Building identified (partial is fine)
- ☐ 2 Location of Pedestrian Clear Path
- ☐ 3 Location of Patio Entrance
- ☐ 4 Street Name
- ☐ 5 Accessible routes within patio
- ☐ 6 Accessible routes within patio
- ☐ 7 Location of curbs
- ☐ 8 Location of accessible ramp
- ☐ 9 Business name

10 Business Name



Note: Drawing is for demonstration purposes only. Drawing is not to scale.



CONTACT US

COMMUNITY PLANNING DEPARTMENT

T: (905) 335-7600 ext. 7410

E: patios@burlington.ca