



THE CORPORATION OF THE CITY OF  
**BRANTFORD**  
**POLICY MANUAL**

**POLICY NUMBER: PLANNING-005**

**SUBJECT:** Patio Brantford - Private Patio Policy

**POLICY STATEMENT:**

The City of Brantford is making it easier for businesses to establish temporary outdoor dining or retail areas. These guidelines provide a step-by-step process for establishing temporary patios (dining or retail) on private commercial properties subject to conformity with the Zoning By-law regulations.

**RELATED POLICY PROCEDURES/GUIDELINES:**

**CRITERIA**

Location

- a) Patios are permitted in commercial areas and can complement food service businesses such as restaurants, bakeries, farmers markets, grocery stores and shopping centres.

Required Applications and Permits

- b) Provided the patio is temporary in nature, is constructed on grade, not enclosed by a building or structure, and does not require the installation of permanent fixtures that would alter the grading of the property, no permits or fees are required. However, if a wood deck is proposed and supported above grade (columns/beams) a building permit will be required.
- c) If there is an approved site plan agreement registered on the property, the Planning Department will require a redlined site plan for the file; however no formal site plan amendment (including fee) will be required.
- d) For patios that are permanent in nature and contain buildings or structures and alter the grading of the property, a site plan control

application/amendment, building permit and site alteration permit may be required.

- e) Applicants shall consult with the Planning Department about their proposals, and shall provide a sketch, patio location, photos, and owner/tenant authorization (where applicable).

### Design Standards

#### Accessibility

- f) The patio, including entrances, must be compliant with the Accessibility for Ontarians with Disabilities Act (AODA).

#### Structural

- g) Patios can include patio umbrellas, however overhead assemblies of any kind including but not limited to any fabric roof coverings, or trellis-type shade structures may require further approvals from the City.
- h) If an enclosure or structure is proposed on the patio, a site plan amendment or a building permit may be required. Individuals should consult with the Building Department.

#### Visual

- i) Proposals for patios must contain a perimeter guard or fence so that individuals can utilize these spaces safely.
- j) Fencing can be constructed out of wood, metal, vinyl/plastic, glass or a similar material, and securely installed.
- k) The use of art, planter boxes and landscaping is encouraged to improve the aesthetics of a patio.

#### Additional Criteria

- l) The applicant shall have a valid business license in good standing with the City of Brantford (where applicable), including consent by the property owner if applicable.
- m) The applicant is responsible for all requirements of the Alcohol and Gaming Commission of Ontario pursuant to the sale and service of alcohol (where applicable).
- n) The patio shall not negatively impact drainage and storm water runoff.
- o) If a gate is proposed to the patio, all gates must swing into the patio space and not obstruct walkways. Unamplified entertainment or amusement shall be permitted on the patio, subject to the Zoning By-law.

- p) No obstructions from the patio can extend into abutting walkways and drive aisles to avoid conflicts with pedestrians or vehicles.
- q) At the end of each business day, the commercial establishment is required to clean walkways in and around the outdoor patio area and remove debris to a covered refuse receptacle.
- r) Access to Fire Department connections or exits from adjacent buildings must be maintained, including any occupancy load restrictions.

**Approval Process and Requirements**

- s) Consult with Planning Staff regarding your proposed patio on private property and ensure conformity with the zoning by-law regulations.
- t) If there is an approved site plan associated with the property, no formal site plan amendment (including fee) will be required, however, a redlined site plan/sketch is to be provided to the Planning Department confirming:
  - Location of the patio on the subject property including dimensions and details about visual appearance and providing photos of the proposed patio location;
  - The patio meets AODA requirements;
  - Patio must be set back a minimum of 5 m from a Residential Zone;
  - Outdoor temporary patios shall only be permitted seasonally from the months May 1<sup>st</sup> to October 31<sup>st</sup> in each calendar year. and,
  - If required, Planning Staff will direct you to the Building Department for a building permit and/or Development Engineering for a site alteration permit.

<p>Date of Enactment:</p> <p>July 16, 2020</p>	<p>Related By-law Number/Staff Report Number:</p> <p>87-2020/ 2020-286 64-2021/2021-99 96-2022/2022-359</p>
<p>Review and Amendment Dates:</p> <p>March 23, 2021 June 28, 2022</p>	<p>Department Responsible for Review:</p> <p>Planning</p>
<p>Date of Next Review:</p>	<p>Applicable Legislation/Legislative Authority:</p>