

Permitting Private Patios to Locate on the Municipal Right of Way

Focus on Main Street Markham - Initial Urban Design Considerations

Potential Regulations

These items would be incorporated into a checklist / by-law as being mandatory requirements in order to obtain a permit and an encroachment agreement (subject to discussion and confirmation with By-law Enforcement and Operations)

General

1. Heating not permitted on municipal ROW
2. Smoking not permitted on municipal ROW
3. Music not permitted on municipal ROW
4. Temporary lighting permitted – installed to avoid glare / light spill to adjacent properties, roads and public areas subject to review of method of wiring
5. Season / duration – April 1st to October 31st
6. Hours of operation – 7am to 11pm

Setbacks and Clearances

1. Fire hydrants – min. 1.2m
2. Curb – min. 0.9m
3. Patio shall not extend beyond frontage (width) of business to which it is related

Fences

1. Patio types A and B shall be fenced
2. Adjacent to an intersection the fence shall be outside the daylight triangle
3. Type B patio – fence setback 0.3m from sidewalk
4. Fence height - required min. 0.9m high and max. 1.2m high
5. Fence shall be secured, but may not be fixed by bolts that penetrate the sidewalk surface
6. Must be easily and immediately removable for emergency or operational needs
7. The opening in the fence / entrance to the patio and access route to the main entrance of the business shall be min. 1.2m wide
8. Removed and stored off-site out of season

Design Guidelines

These items are desirable and shall be the subject of negotiation between urban design and heritage staff and the applicant during the patio approval process. The guidelines shall be

adopted and provided to BIA in order that the BIA can promote the guidelines to their members.

General

1. Patios shall be at grade for unobstructed access. Where this is not feasible patios shall have access designed to be accessible to all users in accordance with the Accessibility Design Guidelines
2. Metal, wood or other solid attractive design of patio furniture; plastic furniture not appropriate
3. Planter boxes encouraged mounted on perimeter fence and other free standing planters encouraged provided these do not obstruct safe public access and are readily removable
4. Design of temporary lighting shall complement the general style of the patio furnishings and streetscape context. Method of wiring to be reviewed and approved by Operations
5. Umbrellas permitted subject to vertical clearances – cannot be used for excessive signage, shall be in keeping with general style of patio furnishings and streetscape context

Fences

Type A patio fence shall be installed between the curb and patio, at the flankage ends of the patio and between the sidewalk and patio with a single opening

If permitted, Type B patio fences shall be installed between the sidewalk and patio with a single opening

Dark painted iron, steel, aluminum or decorative metal posts and railings. Plastic or PVC not permitted. Wood fences not permitted unless a heritage approved picket fence

Fences shall be secured and attached to larger planter boxes at each corner of the patio (see sketch) or in modest free-standing concrete bases

The Patio Design Guidelines will include helpful sketches and illustrations. Where situated within a Heritage Conservation District a business applying for a patio will also be required to comply with the applicable regulations and guidelines of the Heritage Conservation District plan.