

March 2023

## **Protocol and Procedures for Establishment or Expansion of Temporary Commercial Patios on Private Property**

To help support hospitality sector workers and businesses during the COVID-19 pandemic, the Ontario government allow restaurants and bars to temporarily extend outdoor patio spaces to safely accommodate patrons and staff.

The Government of Ontario has amended Regulation 746/21 under the *Liquor Licence and Control Act, 2019* establishing a [new framework for temporary outdoor physical extensions](#) (temporary patios), which took effect on January 1, 2023.

Please note that patios intended to be used to serve alcoholic beverages may only be created or expanded if the establishment is already licensed by the Alcohol and Gaming Commission of Ontario (AGCO).

### **Application Process and Required Information**

All applications will be received online. The application form can be accessed by visiting [www.wilmot.ca/EcDev](http://www.wilmot.ca/EcDev) and clicking on the Temporary Patio Permits.

In order to apply, the following information will be required:

1. Confirmation whether the patio will be use to serve alcohol and, if so, confirmation of an existing license from the AGCO
2. Applicant's name, phone number and email address
3. Business' name and address
4. Property owner's name, phone number and email address (if the applicant is not the property owner)
5. Written authorization from the property owner to apply (if the applicant is not the property owner)
6. The current seating capacity within the restaurant
7. Confirmation as to whether the restaurant has an existing patio and, if so, existing seating capacity of the patio
8. The current permitted occupant load within the restaurant. (This is normally included on the building permit received when you the business opened). If this information is not available, the field can be left blank)
9. How many toilets the restaurant has listed by number of male, female and universal as applicable
10. A sketch of the new or expanded patio layout providing sufficient information to demonstrate compliance with Patio Design Requirements.

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\*\*\*This information is available in accessible formats upon request\*\*\*

## Development Services Review

Development services staff will review the following information prior to issuance of a Temporary Patio Permit:

1. Determine if the property has an approved site plan
2. Determine if the existing use has an occupant load noted
3. Conduct a footprint review to assess proposed footprint against Patio Design Requirements
4. If occupant load is unknown, staff will determine the potential occupant load
5. Staff will confirm with the applicant the appropriateness of the proposed footprint or provide an alternate footprint
6. Once patio layout is agreed to, staff will issue a Temporary Patio Permit
7. Once installed, a building inspector will conduct an inspection to ensure patio has been implemented in accordance with the approved plan and permit
8. Once inspection confirms design implemented in accordance with permit a Township Non-Objection letter will be given to applicant, based on the temporary site plan approval signed by Director of Development Services. A copy will be placed in the digital property file and forwarded to the Fire Department as well as the Information and Legislative Services Department for information

## Patio Design Requirements

### Patio Footprint

1. The patio shall not obstruct any fire hydrants or connections.
2. The patio shall not obstruct any fire exits.
3. Where located adjacent to a sidewalk, the patio should continue to maintain a minimum walkway of 2.5 metres. If patio tables are located at least 0.7 metres from the edge of the patio, the minimum walkway may be reduced to 1.8 metres.
4. The patio shall not block any walkways or ramps required for barrier free access.
5. The patio shall be located outside any driveway or corner visibility triangles. Such triangles may be shown on the approved site plan.
6. If located in a parking area, the patio shall not obstruct any fire routes or significantly impede access from the fire route to the main entrance.
7. If located in a parking area, the patio limits should not be located directly adjacent to an active parking stall. Where possible, a buffer of 1 full or 1 half parking space should be provided.
8. If located in a parking area, the patio shall not cover any barrier free parking spaces, unless said parking spaces are planned to be replaced in an alternate, suitable location.

### Patio Capacity

1. The number of patrons (seats) which can be located on a patio shall be determined based on the overall occupant load of the restaurant. At no time may the total seats inside the restaurant and outside on the patio exceed to total occupant load or the number of people identified by the AGCO license (if applicable).
2. Seating currently approved within the restaurant may be removed and replaced with equivalent seating on the patio.
3. Where occupant load is known, and where the current indoor seating capacity is less than the occupant load, the additional seating capacity may be assigned to the patio.

## **Patio Layout**

1. The limits of the patio must be clearly defined as follows:
  - a. Where no alcohol is served, and the patio is not adjacent to vehicular traffic, the patio may be defined utilizing fixed measures, such as painted lines, planter boxes, fencing or posts and chains.
  - b. Where alcohol is served, the patio must be defined in accordance with AGCO rules.
  - c. If adjacent to traffic, the patio must be defined utilizing measures which ensure vehicles cannot enter the patio, such as fencing, planters, etc.
2. Appropriate measures shall be incorporated to ensure protection of patrons on the patio. This could include measures such as fencing or planter boxes.
3. Where located adjacent to the restaurant, the patio must maintain a minimum 1.8 metre wide unobstructed pathway from the door to the sidewalk or parking area.
4. Where located away from the restaurant (such as in a parking area) the patio must maintain a minimum 1.8m entrance into the patio.
5. Tables and chairs must be located in a manner that achieves physical distancing as recommended by Waterloo Region Public Health. Presently, there are no physical distancing measures in place.

## **Region of Waterloo Public Health Requirements**

Physical distancing is no longer required, however for businesses/organizations who have employees and patrons who are still feeling cautious, physical distancing is still recommended.

Businesses/organizations can also subscribe to [this public health webpage](#) for current information.

## **Updates to this Protocol**

This protocol may be updated from time to time as any applicable legislation changes occur.