

# Temporary Patios Municipal Review and Approval Process



**Helping Pickering get back to business.**

## **Introduction**

Following notice given by the Alcohol and Gaming Commission of Ontario (AGCO), the Government of Ontario has introduced new measures to support liquor sales licensees, in temporarily extending their patios in order to safely reopen for business.

The Government has amended Regulation 719 under the *Liquor Licence Act* (LLA) to provide flexibility for liquor sales licensees (e.g., licensed bars and restaurants) to temporarily extend their physical premises beyond 14 days provided they have municipal approval and meet the criteria as set out by the AGCO.

The City of Pickering recognizes the desire for businesses to re-open as quickly as possible and it is our intention to make the process of opening a temporary or expanded patio as easy as possible. We will gladly work with patio operators to provide guidance as we go through this process together.

## **Terms of Compliance**

**Operators of temporary patios must comply with various levels of government criteria. It is the responsibility of the temporary patio operator to review, understand and implement the various criteria, as follows:**

### **Province of Ontario**

Temporarily extended patios may only be opened for business, once the restaurant establishment is permitted to re-open under the terms of the provincial emergency orders phase 3 stage for re-opening of businesses.

Liquor sales licensees who wish to temporarily extend the physical size of their existing licensed patio or to temporarily add a new licensed patio within the approved period, are authorized to do so provided the criteria issued by the AGCO are met.

## Alcohol & Gaming Commission of Ontario (AGCO)

Consult the [AGCO site for terms of compliance](#). AGCO terms include that the municipality in which the premises is situated, has indicated it does not object to the creation of a temporary patio or temporary patio extension. As extracted from the AGCO information website:

“...liquor sales licensees who wish to temporarily extend the physical size of their existing licensed patio or to temporarily add a new licensed patio within the approved period, are authorized to do so, if the following criteria are met:

1. The physical extension of the premises is adjacent to the premises to which the licence to sell liquor applies;
2. The municipality in which the premises is situated has indicated it does not object to an extension;
3. The licensee is able to demonstrate sufficient control over the physical extension of the premises;
4. There is no condition on the liquor sales licence prohibiting a patio; and,
5. The capacity of any new patio, or extended patio space where the licensee has an existing licensed patio, does not exceed 1.11 square metres per person.”

## Region of Durham Health Department

Licensees must also meet the criteria issued by [the Durham Region Health Department](#).

**You are responsible for the complete review of these guidelines to determine what is required to comply with Durham Region Health Department, including**

- 6 ft or 2m distance required between tables including allowance for movement of seated patrons (see sample in Durham Region Health Department Guidelines for Restaurant Patios – link provided above.)
- In the event of adverse weather, overhead coverings may be used (e.g. canopies, tents without side panels, umbrellas, etc.); full enclosures are not permitted.
- As of January 5, 2022, the Province has moved back to a modified Step 2 in its Road Map to Reopen plan. There is a temporary ban on indoor seating for restaurants. Health & Safety criteria for patrons being served outside the premises, continues to require 2m distancing of seating, use of face masks or coverings when not seated, and more. Touchless payment continues to be a preferred method of payment.

## Temporary Patios Guidelines for Submitting a Request to Review

- Provide/install physical barriers between seating that is less than 2m (6 ft.) apart and signage reminders (e.g. one-way directional markings/flow, posting signs in high traffic areas, physical distancing, etc.).
- Clean and disinfect high touch surfaces/ equipment frequently - e.g. 1 teaspoon (5mL) bleach to 1 cup (250mL) water with a 2 minute contact time.

....as well as many recommendations related to disinfecting and physical distancing. **Please be sure to read the entire set of guidelines.**

### City of Pickering – your local Municipal authority

The City of Pickering will waive compliance with applicable Zoning and Site Plan requirements, and will not object to the creation of extended patios, provided the following guidelines and requirements are met.

There are no fees associated with the City's review of your proposed patio.

#### 1. Registration with the City of Pickering

Prior to opening the new patio space, the patio operator must:

- Complete and submit the City's 'Request to Review for Temporary Patio' form.
- A site drawing of the proposed patio area must be attached to the request form in the upload field provided on the form. This will enable our review to determine how the patio design may impact emergency access routes and parking spaces.  

This can be as simple as marking up a google aerial map image onto which you have marked the outline of the patio and saving the image as a pdf to upload with your request form. More professional drawings in pdf format are also acceptable. Call us if you need assistance with this step.
- The 'Request to Review for Temporary Patio' form will be reviewed by City of Pickering, Fire Services staff as quickly as possible.
- If no issues are identified, the applicant will receive an email indicating the City has no objections to the operation of the proposed temporary patio.
- If issues are identified, City staff will quickly contact the applicant by phone or email and advise what issues need to be rectified. Once rectified, the City will immediately email the applicant advising the City has no objections to the operation of the proposed temporary patio.
- No work on the patio should proceed until the patio operator has received notice from the City of Pickering, that the City has no objections to the temporary patio design.

## **Temporary Patios Guidelines for Submitting a Request to Review**

- The City will conduct both random and targeted inspections of the new temporary patio space, without notice to the patio operator, to ensure compliance with all required regulations.
- Should an inspection reveal the patio is no longer in compliance, the patio may be subject to closure if the non-compliance is not rectified.

### **2. Occupant Load**

- Under the modified Stage 2 of the Province's Road Map to Reopen, Health & Safety criteria, occupancy load of a patio is based on the number of seats that be placed while maintaining the 2m (6 ft.) distance.
- A sign clearly indicating the maximum occupant load should be placed at each patio egress point.

### **3. Accessibility**

- If the patio/patio extension is located where accessible parking spots are located, equivalent accessible parking spots must be created adjacent to the patio area.
- Ensure that sidewalks are not blocked, and that individuals with a disability are able to navigate safely through, or around patios.

### **4. Patio Access**

- The patio must have a minimum of 2 egress points, each with an opening no less than 36" wide (1.0 metre).
- A sign clearly indicating the maximum occupant load must be placed at each egress point.

### **5. Patio Perimeter Enclosure**

- The perimeter of the patio area must be clearly enclosed by some form of rigid 'fencing' that gives regard for:
  - High visibility for patrons and adjacent pedestrians and vehicles
  - Ability to remain secure during adverse weather conditions such as high winds and rain
  - Does not impede the movements of pedestrians, vehicle traffic or emergency services access
  - Does not create a public safety issue
- Snow fencing or roping is not deemed to be a sufficient perimeter treatment.
- Concrete barriers or planters may be used in the perimeter enclosure design.

### **6. Fire & Emergency Services Considerations**

- All emergency access routes must be maintained in their current locations.
- Maintain a 1.2 metre clearance from all fire hydrants or fire connections (Siamese) and they must be visible and accessible at all times.

## **Temporary Patios Guidelines for Submitting a Request to Review**

- The City does not object to the use of propane heaters, bbqs or fire places on patios, provided they are used in conformance with the manufacturer's instructions regarding distance to combustibles.
- Ensure that all fire protection equipment is being maintained as per Ontario Fire Code regulations.

### **7. Noise**

- Please ensure that noise arising from the service of food and alcohol on your outdoor patio does not disturb local residents.
- Be a responsible business operator by ensuring that the conduct of your patrons does not adversely impact your neighbours.
- If noise issues are reported to the City, the City will investigate, and should the noise concerns be validated, may choose to revoke the ability to operate a temporary patio, if a patio operator fails to address the noise.

### **8. Lighting**

- Lighting features must be temporary and comply with all applicable safety standards and codes.
- Ensure no power cables or lighting elements run over a pedestrian clearway.
- Lights should not cast glare onto pedestrians or nearby properties.
- Lights should not be attached to trees, utilities or other street elements.
- Ensure that permission is granted for your power source by the property owner/landlord.

### **9. Umbrellas/Tents**

- Umbrellas should be carefully installed to protect customers and passers-by and are well secured or removed during sudden adverse weather conditions.
- Umbrellas must be manufactured of fire-resistant material
- All umbrella parts should be at least 2.1 metres above the level of the ground.
- All umbrella parts in a curb lane patio must be set back at least 0.8 metres from either edge of the patio closure area.
- Tents are permitted, however, they are only exempt from requiring a separate tent permit provided the tent or group of tents are:
  - not more than 60 square metres in aggregate ground area
  - not attached to a building, and
  - constructed more than 3 metres from other structures.

## **10. Built Structures**

- Patio operators should not install:
  - Any built structures, including decks, however, large planters, and other space delineators may be permitted if reviewed and approved by the City
  - Electrical installations
  - Any fixtures in the public right-of-way

## **11. Inspections**

The City will be conducting both random and targeted inspections of new and extended patio sites, without notice. Failure to comply with all regulations stated in this guide may result in the closure of your temporary patio, issuance of fines and/or charges.

For further information or assistance in interpreting the contents of this guide, please contact:

### **City Development Department**

Tel: 905.420-4617

Email: [citydev@pickering.ca](mailto:citydev@pickering.ca)

### **Fire Services Department**

Tel: 905.839.9968

Email: [fire@pickering.ca](mailto:fire@pickering.ca)