

# Temporary Outdoor Patio Expedited Review Process - 2021

## Introduction

- On June 24, 2020 the Region of Peel entered Stage 2 of the re-opening strategy in response to the COVID-19 pandemic.
- To assist in re-opening the economy, the Alcohol and Gaming Commission of Ontario is permitting certain liquor sales licensees (i.e. licensed bars and restaurant) to temporarily extend their patios until January 1, 2022 at 3:00 am.
- To support our local businesses, the Town has created an expedited process to review and approve temporary patios (new and expanded patios) which meet certain criteria (outlined below) for not only licensed bars and restaurants, but rather all patios associated with a restaurant (licensed or unlicensed).

This document provides additional information to local businesses looking to create or expand a patio associated with a restaurant within the Town.

## The Provincial Response

Restaurants, cafes and other food and drink establishments within the Region of Peel are now permitted to open for outdoor dining as part of the Province's Stage 2 Plan for re-opening strategy in response to the COVID-19 pandemic. The *Liquor Licence Act* was amended on June 5, 2020 to allow temporary patio extensions until 3:00 am on January 1, 2021 and was further extended to allow these extensions until 3:00 am on January 1, 2022.

The Alcohol and Gaming Commission of Ontario (AGCO) which administers the *Liquor Licence Act* (LLA), released an Information Bulletin on June 8, 2020 to amend Regulation 719 under the 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 below."

A further Information Bulletin was released on December 9, 2020 which extended the regulation until January 1, 2022 at 3:00am as described below:

Once the amendments to Regulation 719 are in force, and once permitted to open for on-site consumption, liquor sales licensees including premises that are boats and "By the Glass" licensees are authorized to temporarily extend or add a temporary physical extension of their premises, as of January 1, 2021 and until January 1, 2022 at 3:00 a.m., if the following criteria are met, as applicable:

1. The physical extension of the premises is adjacent to:
  - a. the premises to which the licence to sell liquor applies; or
  - b. a dock to which the boat is attached and may include land adjacent to the dock; or
  - c. the licensed premises under the "By the Glass" licence.

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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 licence prohibiting a patio;
5. The capacity of the temporary extension, allows for at least 1.11 square metres per person; and,
6. In the case of “By the Glass” licensees, the sale and service of the wine, beer and/or spirits manufactured by the manufacturer within the physical extension of the premises is primarily aimed at promoting the manufacturer’s product and either providing an enhanced tourist experience or fulfilling an educational purpose.

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To minimize the administrative burden for licensees, those who meet the above criteria are not required to apply to the AGCO or pay a fee to temporarily extend their patio or add a temporary new licensed patio.

Licensees are not required to submit any documentation to the AGCO to demonstrate compliance with the above criteria. However, licensees are required to produce such documentation, if requested by the AGCO.

Licensees that do not meet the above criteria are required to follow the usual application process for a temporary extension of premises and apply through [iAGCO](#). In addition, licensees who wish to maintain the patio extension beyond January 1, 2022, must apply for a permanent modification through [iAGCO](#) and must meet all applicable requirements.”

## The Town Response

The Town of Caledon, as part of the Region of Peel, was granted Stage 2 access to re-open on June 24<sup>th</sup>, 2020 and with that came the desire to allow restaurants, cafes and other food and beverage operators to open and expand temporary outdoor patios.

Currently, temporary patios (expansions to existing patios or the creation of new temporary patios) are subject to Site Plan Control (Town Bylaw No. 13-086).

In response to the Provincial directions, the Town has created an expedited review process with no application fee for eligible patios, as described below.

### *Eligibility Criteria*

1. The temporary outdoor patio must be accessory to (and directly associated with) a permitted restaurant on the property. To confirm if a restaurant is permitted, please visit the Town's [website](#) to review applicable zoning provisions or contact Planning Department staff at 905.584.2272 x. 7338.

The temporary outdoor patio has been issued a Development Permit by the Niagara Escarpment Commission (NEC). To confirm if the property is within a Niagara Escarpment Development Control Area, please visit the Town's [website](#) or contact Planning and Development Services staff at 905.584.2272 x. 7338.

*Note: If the temporary outdoor patio is located within the Niagara Escarpment Development Control Area, a Development Permit is required from the Niagara Escarpment Commission. The Town will provide expedited comments through that application process, and upon receipt of a Niagara Escarpment Development Permit, the Town will expedite approval of the required Site Plan Application.*

2. The temporary patio must be located on the same lot (property) as the permitted restaurant and cannot encroach or be located on a separate property or public lands (i.e. Town, Ministry of Transportation or Region of Peel road allowance).

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3. The temporary patio is not located within an area regulated by a Conservation Authority (i.e. Toronto and Region Conservation Authority, Credit Valley Conservation authority, etc.), or, alternatively, where it is located within this area, a permit or alternative clearance has been issued for the temporary patio.
4. The temporary patio shall not include any permanent structures, including, but not limited to: footings, decks, roofs, gazebos, awnings, permanent fencing, electrical installations, visual screens and fueled fire appliances (i.e. propane heaters, BBQs).
5. The temporary patio does not obstruct emergency access routes and exiting facilities (doors) at any time.
6. The temporary patio shall not be located within 1.2 m (4 ft) of any fire hydrants and/or fire department connections (FDC). FDCs shall remain visible and accessible at all times.
7. All fire protection equipment is to be maintained as per Ontario Fire Code regulations.
8. The temporary patio and affected lands shall comply with the Accessibility for Ontarians with Disabilities Act (AODA) at all times. Consideration should be made for:
  - a. Maintaining 1.5 m (5 ft) walkways/sidewalks
  - b. Protecting designated accessible parking spaces
  - c. Providing accessible access to the restaurant and temporary patio
  - d. Ensuring that the temporary patio is located on level ground
  - e. Compliance with the Outdoor Public Use Eating Areas (Section 80.16 and 80.17) of the [Integrated Accessibility Standards Regulations](#)
9. The temporary patio shall not include any amplified sound and must comply with the [Town's Noise By-law](#) (No. 86-110).
10. The establishment of the temporary patio does not require the alteration of any grades or surfaces.
11. The temporary patio may encroach into designated landscaping areas (i.e. landscaping strips) provided that any vegetation is not disturbed or damaged.
12. All signage associated with the temporary patio must comply with the [Town's Sign By-law](#) (No. 17-054).
13. Where the temporary patio includes temporary fencing or delineation of space:
  - a. Perimeter delineation items that will be permitted include planters, stanchions, and movable fencing.

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- b. Fencing and delineation items shall have a maximum height of 1.2 m (3.9 ft). Delineation materials higher than 0.9 m (3 ft) high must be at least 30 m (98.4 ft) away from the nearest intersection.
- c. Delineation elements must not be attached to street trees, sidewalk elements, or utilities.
- d. Free-standing or self-supporting delineation items must not create a trip hazard or project into the pedestrian clearway.
- e. To ensure cane-detectability for people with low or no vision, delineation elements must be a contrasting colour to the sidewalk. One of the following must also be provided:
  - i. Non-solid delineation elements with a lower rail height between 75 mm (3 in) and 150 mm (6 in) above the sidewalk surface; or
  - ii. Planter boxes with a solid, detectable base that are spaced no more than 0.3 m (1 ft) apart except for the accessible entrance.

Where patios do not meet the eligibility criteria identified above that allow for an expedited review process, Site Plan Control continues to be required. While Town staff will work with the applicant to process the application expediently, a more detailed review of the application and a fee will be required. Additional approvals/permits may also be required. Please contact the Planning Department to discuss the proposal at 905.584.2272 x. 7338.

### *Expedited Review Application Process (2-3 Business Days):*

1. The applicant shall prepare and submit the required Site Plan Application as per the application requirements noted below. The application form is available [online](#). The online form will submit the material directly to the Planning Services Division.
2. Once received, the Town will review the application to ensure that all required components have been submitted and to confirm if the application meets the eligibility criteria.
3. The application may be reviewed by different disciplines, and if the application meets the eligibility criteria, the application will be approved.

Note: If it is determined that the application does not meet the eligibility criteria, Planning staff will contact the applicant as soon as possible and will work with the applicant to navigate the required approvals and permits efficiently.

For more information about the new process, please visit the Town's [website](#) or contact us at 905.584.2272 x. 7338.

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## *Application Requirements*

To receive expedited review of a temporary patio (new or expansion), the following items must be completed and submitted to the Planning Department. Where all required material is not provided, the applicant will be determined to be 'incomplete' which will result in delays in the processing of the application.

1. A completed Fast Track Site Plan Application Form, including written confirmation and authorization from the owner of the property (if different from applicant).
2. A legible sketch/site plan/aerial photo of the proposed temporary patio, including:
  - a. The restaurant building location in relation to the proposed temporary patio
  - b. The temporary patio location, including dimensions and floor area
  - c. The location of all proposed tables, chairs and patio elements such as temporary fencing and temporary landscaping features, etc.
  - d. The location of all emergency access routes, and associated fire connections where applicable
  - e. The location of all pedestrian circulation routes (walkways/sidewalks) and the width of these routes
  - f. The dimensions of the patios to the lot lines and sidewalks
3. The number and location of any parking spaces and/or loading/delivery spaces to be removed to facilitate the expansion or creation of a temporary outdoor patio. Note: Should any accessible parking spaces be temporarily removed, the Town will be looking for accessible parking spaces to be accommodated elsewhere on the subject property.
4. A completed Temporary Outdoor Patio Undertaking.
5. A completed Certificate of Insurance as per the Town's template, together with a certified cheque or Electronic Funds Transfer in the amount of the deductible.  
*Note: To expedite the processing of the application and during this time of COVID-19, Town staff encourage the applicant to submit the required payment by Electronic Funds Transfer. The details on the payment of this deductible will be provided by Planning staff.*
6. Any other documentation and supporting materials required to support the temporary patio application.

For more information about the new process, please visit the Town's [website](#) or contact us at 905.584.2272 x. 7338.