



## **City of Stratford Outdoor Patio Guidelines**

The City of Stratford has prepared this outdoor patio fact sheet to help guide restaurants and bars in obtaining City permits for outdoor patios and to ensure proper public safety and accommodations for both patrons and staff in such outdoor areas.

### **General Permitting Requirements**

The requirements listed below are considered terms of the patio license that must be met and agreed to by all establishments, regardless of the type of outdoor patio being requested.

### **Applications**

- The City will review all applications and design concepts from businesses for a patio license to ensure universal accessibility and public safety (including but not limited to fire, public safety and separation from traffic).
- All applications are required to comply with the Accessibility for Ontarians with Disabilities Act, 2005 (AODA).
- Drawings or sketches required as part of a license application may be done by the applicant but must be legible and done with a straight edge. Should any discrepancies exist applicants may be required to have a qualified designer evaluate and confirm the proposed layout. As required by each license type, the following information must be included as part of the license application for interior and exterior drawings:
  - Interior - floor plan layout including all areas of the indoor restaurant, seating layout, permitted occupant load, number and location of washroom(s) onsite, and exit locations; and,
  - Exterior – proposed outdoor patio and surrounding area including seating locations, proposed occupant loads, entrance and exit locations from the patio, existing street furniture, parking meters, location of fencing/ropes and stanchions which separate the patio area from pedestrian areas, any municipal furniture or infrastructure that would be impacted by the patio (including offsets from building face, identify pedestrian walkway/sidewalk clearance maintained, offset from road centreline), and table and chair placement outlining.



- Any changes to be made to either the interior or exterior layout following patio approval and the issuance of a license must be immediately communicated to the City Clerk's Office to ensure continued compliance with these guidelines or any legislated requirements.
- If the application for a license is approved by the City, an agreement shall be entered into between the applicant and the City that outlines the responsibilities and requirements of each party.
  - Following approval but prior to the issuance of a license:
    - all patio types will require visual inspection by the following to ensure compliance with all applicable laws:
      - Chief Building Official or designate to review compliance with building regulations such as ensuring barrier free path(s) of exit;
      - Fire Prevention Officer or designate to review access for emergency response including access to any fire and emergency infrastructure or equipment; and,
      - Fire Prevention Officer or designate to confirm during inspection, and at no time prior to approval, that there are visible deficiencies with regards to the Ontario Fire Code O. Reg. 213/07 as amended.
    - Huron-Perth Public Health (HPPH) will be asked to provide any comments or concerns with respect to overall maintenance and sanitation of food safety and health hazards, in addition to any provincial regulations in effect related to public health. HPPH will attend to complete visual inspection of patios as necessary.
- The applicant and individual named when entering into an agreement with the City must be the owner of the business.

## **Health and Safety**

- In cases where minimum distancing requirements are in effect for patio seating and cannot be met, reduced distancing may be permitted if impermeable barrier(s), as approved by HPPH, can be installed.



- All patios are required to comply with the Smoke-Free Ontario Act as smoke and vape free areas. All patios shall be signed as non-smoking and non-vaping in accordance with the Smoke-Free Ontario Act.
  - For more information on how this legislation affects patios, businesses may refer to the [SFOA Fact Sheet](#) available on HPPH's website.
- No patio shall interfere with the ability of first responders to access the front of the building or access areas of the building where there are residential dwellings in the same building for any emergency response.
- The total capacity of any licensed temporary patio shall not exceed 1 person for every 1.11 square meters, as required by the Alcohol & Gaming Commission of Ontario (AGCO). The combined indoor and outdoor dining capacity of all patios and establishments must not exceed the existing capacity of occupants permitted for the building based on the establishment's washrooms, exits and building classification as determined by the Ontario Building Code.
- Outdoor patios will not be approved in circumstances where there are no washrooms available by the establishment for use by restaurant patrons.
- If a building with an approved patio is equipped with City Fire Department connections, no patio furnishings or partitions shall block the connection at any time.
- Should furnishings be stored inside the restaurant during non-occupied times such furnishing must not block any fire alarm panels, manual pull stations, fire extinguishers or fire doors, and that no access to exits are impeded for occupants or access for fire department personnel is hindered in any way.
- In accordance with the Fire Protection and Prevention Act, patios shall not block any building exit where doing so would leave less than two exit points for each floor area of the building.

### **Patio Furniture**

- Patio furniture may remain outside overnight provided the furniture is appropriately secured.

**Note:** Boardwalk participants shall be responsible at all times for ensuring that patio areas accessible by the public are not accessible during those periods when the establishment is closed.



- At no time shall any objects, including but not limited to umbrellas, flower boxes, be permitted to extend or overhang beyond the area designated as the outdoor patio.

Should businesses wish to utilize heaters at any point during the patio season, the type of heater and its location on the patio must be provided to the City and included as part of the license application for City review and approval.

### Regulatory Compliance

- All businesses shall comply with all applicable law including but not limited to the provisions contained in the City’s Business License By-law 187-2004 and Policy P.3.3. – Use of Municipal Property, Boulevards, and Sidewalks, as well as any other applicable policies, by-laws, or statutes and regulations.
- Any required license fees are set in accordance with the City’s Business License By-law.
- Should an establishment be eligible, it is possible to apply for and be permitted the use of more than one patio type in accordance with the table below:

#### Patio Type Combinations

	No Standard Outdoor Cafe	Standard Outdoor Cafe	Patio-Boardwalk Extension	Pop-up Patio
No Standard Outdoor Cafe			✓	✓
Standard Outdoor Cafe			✓	✓
Patio-Boardwalk Extension	✓	✓		
Pop-up Patio	✓	✓		



## **Standard Outdoor Café**

### **About the Program**

- Outdoor Cafés are licensed by the City of Stratford to permit restaurants to provide outdoor seating on designated and approved municipal property, including but not limited to a sidewalk, for the purpose of serving or consuming food or beverage.

### **City Permitting Requirements**

- Licenses must be obtained annually regardless of whether they have been previously approved and/or issued by the City.

Street furniture placed on municipal sidewalks and boulevards shall be removed on or before November 1st annually. If approved for an Outdoor Café the following year, street furniture cannot be placed out until after May 1st.

### **Eligibility**

- Outdoor Cafés on municipal property are restricted to C3 zones and to any other approved area of the City that may include those areas where there is a zero set-back requirement.
- A minimum of 1.5m safe walkway must be maintained through the café area, avoiding pinch-points.
- No portion of the patio shall exceed a height of 9ft above grade level.

### **Application**

- The following documentation is required for all standard outdoor café licenses:
  - a business license application for an outdoor café;
  - a copy of the current certificate of insurance for the business
  - Master Business License/Vendor's Permit;
  - approved AGCO Liquor License (if applicable) and,
  - detailed drawing or sketch of interior and exterior plans as identified in the general permitting requirements section of these guidelines.

### **Liability**



- Proof of liability insurance on municipal property to indemnify and hold the City harmless is required to be provided on an annual basis to the satisfaction of the City, acting reasonably, and shall include at a minimum \$5 million insurance coverage or as may be otherwise required by the City's insurer.

## **Patio-Boardwalk Extensions**

### **About the Program**

- The program is designed to permit the extension of a patio onto an existing sidewalk through the conversion of parking areas into a boardwalk/causeway.
- The Alcohol and Gaming Commission of Ontario (AGCO) will not require licensees to apply or pay a fee for temporary extensions however licensed establishments must ensure they have the City of Stratford's approval and satisfy all other applicable requirements and meet all applicable law.

### **City Permitting Requirements**

- Licenses must be obtained annually regardless of whether they have been previously approved by the City.
- Boardwalks for a single establishment cannot utilize more than 3 parking spaces or be located in "No Parking" zones.
- All approved patio-boardwalk extensions, including patio furniture, are permitted for use on May 1<sup>st</sup> and shall be removed on or before by November 1<sup>st</sup> each year unless otherwise permitted by the City.

### **Eligibility**

- Businesses may be eligible to obtain a patio-boardwalk extension provided such extension does not encroach onto a pedestrian corridor, or impede or close off accessible parking spaces, fire hydrants, emergency routes, other municipal infrastructure including gas valves and water curb stops, or obstruct sight triangles.
  - Except for a tent approved by the City, no portion of the patio is to exceed 9ft in height from grade level.
  - A distance of 5ft must be maintained at all times between the edge of the boardwalk and any nearby fire hydrant.



- Businesses already approved for a pop-up patio are not eligible to receive a patio-boardwalk extension.
- Businesses not operating during the patio season shall not be eligible to receive a boardwalk. Should a boardwalk be installed, and then the business chooses not to operate for the remainder of the patio season, the Business shall notify the City within a period of 15 days of determining that the boardwalk will no longer be required and the boardwalk shall be removed.
  - Any business choosing to close the boardwalk shall provide written notification to the City.
  - Subject to fees already required for the installation and removal of boardwalks, any request from an approved business to remove an installed boardwalk prior to the end of the designated patio season as set out in these guidelines shall be completed at the sole cost of the requesting business.
- The City reserves the right, in its sole and absolute discretion, to remove a boardwalk at any time due to non-compliance with patio guidelines, agreements, or City policies.

### **Application**

- Eligible businesses must submit:
  - a business license application for an outdoor café;
  - a copy of the current certificate of insurance for the business;
  - a copy of the current AGCO approved liquor license if alcohol is available; and,
  - detailed drawing or sketch of interior and exterior plans as identified in the general permitting requirements section of these guidelines.

### **Liability**

- Proof of liability insurance on municipal property to indemnify and hold the City harmless is required to be provided on an annual basis to the satisfaction of the City, acting reasonably, and shall include at a minimum \$5 million insurance coverage or as may be otherwise required by the City's insurer.



- The City shall be responsible for installation, removal, and any repairs/maintenance, which shall be completed in accordance with best practices and all applicable City standards. At no time shall the boardwalk or other City property be moved or removed by anyone other than the City.
- Any repairs or maintenance identified for the boardwalks shall be immediately brought to the attention of the City by the business owner.
- Should a business' standard patio be permitted to remain partially situated over the sidewalk, after the removal of the boardwalk on or before November 1<sup>st</sup>, the business shall be responsible at all times for keeping the sidewalk clear of snow and ice while maintaining the minimum 1.5m clearance for AODA standards. At no time can an AODA curb drop be impeded by a patio-boardwalk extension.
  - **Note:** Notwithstanding the requirements above a minimum 2m clearance is required on Ontario Street.

## **Pop-Up Patios**

### **About the Program**

- This program is designed to offer an alternative patio opportunity to those establishments that may not qualify for a standard outdoor café or patio-boardwalk extension.
- The Alcohol and Gaming Commission of Ontario (AGCO) will not require licensees to apply or pay a fee for temporary extensions however licensed establishments must ensure they have the City of Stratford's approval and satisfy all other applicable requirements.

### **City Permitting Requirements**

- Licenses must be obtained annually regardless of whether they have been previously approved by the City.
- All pop-up patios shall be located within on-street parking spaces only and shall be located adjacent to the establishment.
- The fenced area of a single pop-up patio cannot take up more than 3 parking spaces or be located in a "No Parking" zone and must be located at least 15 meters from any intersection controlled by traffic signals and 10 meters from any other intersection.





- All approved pop-up patios, including patio furniture, are permitted for use no earlier than May 1<sup>st</sup> and shall be removed on or before November 1<sup>st</sup> each year unless otherwise permitted by the City in writing.
- No portion of any patio shall exceed a maximum of 9ft in height from grade level.
- Pop-up patios, including any required barriers, may be permitted to extend beyond parking spaces of the business frontage, provided that notice is provided to the owner/tenant of the adjacent business and no concerns are received from the owner/tenant of the adjacent business.
  - Any pop-up patio that is approved to extend beyond the spaces of the business frontage must maintain a portion of the fenced patio area in parking spaces in front of their own business and cannot be fully located in the parking spaces of any adjacent business.
  - Proof of contact with the neighboring owner or tenant must be provided to the City Clerk's Office prior to receiving approval.

## **Eligibility**

- Pop-up patios are not permitted to encroach onto a pedestrian corridor, or impede or close off accessible parking spaces, fire hydrants, emergency routes, other municipal infrastructure including gas valves and water curb stops, or obstruct sight triangles at any time.
  - No portion of the patio shall exceed a maximum height of 9ft from grade level except for any tents approved in accordance with these guidelines.
  - A distance of 5ft shall be maintained between the edge of the pop-up patio and any nearby fire hydrant.
- Businesses already approved for a patio-boardwalk extension are not eligible to receive a pop-up patio.
- Businesses that front onto portions of Ontario Street or Erie Street, that are defined by the Ministry of Transportation of Ontario as connecting links to a provincial highway, are not eligible for a pop-up patio.
- Businesses not operating during the patio season are not eligible for a pop-up patio.



- Should a pop-up patio be installed, and then the business chooses to not operate for the remainder of the patio season, the pop-up patio shall be promptly removed.
  - Any businesses choosing not to operate shall immediately provide written notification to the City following which the patio shall be removed at the sole cost and expense to the Business.
  - Failure of the Business to rectify any areas of non-compliance with these guidelines promptly following written notification of the City, the City may in its sole and absolute discretion remove the pop-up patio installation at the sole cost of the Business.

## **Application**

- Eligible businesses must submit:
  - a business license application for an outdoor café;
  - a copy of the current certificate of insurance for the business;
  - a copy of the current AGCO approved liquor license if alcohol is available; and,
  - detailed design proposal as noted below;
- Design proposals for all pop-up patios must:
  - include detailed drawing or sketch of interior and exterior plans as identified in the general permitting requirements section of these guidelines;
  - indicate fencing to define the space and such fencing shall be capable of withstanding at least 200 feet of horizontal force;
  - provide vertical elements that make the patio visible to traffic such as flexible posts, bollards or landscape planters, but which are a minimum height of 0.91m (36") and a maximum height of 1.07m (42");
  - include reflective elements to make the patio visible at night;
  - be buffered by a wheel stop or other approved barrier at a desired distance of 1.2m (48") from each end of the patio to ensure visibility to moving traffic and parked cars;



- be a minimum of 4.5m from the edge of the patio to the street centerline;
- Notwithstanding the above, establishments located on one-way streets are only required to provide a minimum perimeter setback of 0.5m from any adjacent traffic lane, drive aisle, or active parking.
- must not obstruct or interfere in any way with a municipal sidewalk, accessible path of travel, or traffic lane.

### **Liability**

- Proof of liability insurance on municipal property to indemnify and hold the City harmless is required to be provided on an annual basis to the satisfaction of the City, acting reasonably, and shall include at a minimum \$5 million insurance coverage or as may be otherwise required by the City's insurer.
- Only servers/staff of the licensed establishment shall be permitted to carry alcohol across the sidewalk (unlicensed area) to the "licensed" portion of the patio.

## **2023 AGCO Permitting Requirements**

### **New Approval Framework in effect as of January 1, 2023**

- Most liquor sales licensees and manufacturers that hold a by-the-glass endorsement who want to operate a temporary patio **will need municipal approval**.
- Upon obtaining an approval from a municipality, you are required to then notify the AGCO by making a submission on the [iAGCO](#) portal before selling or serving liquor on your temporary patio (see [Notifying the AGCO of an Approved Temporary Patio](#)).
- Temporary patios may only operate for a maximum of eight months per calendar year.
- The AGCO will no longer accept applications or otherwise approve temporary patios for licensees located in municipalities.

Liquor sales licensees and by-the-glass endorsement holders:

- Contact your local municipality for information on their approval process:
  - Seek approval from your local municipality well in advance of using your temporary patio.



- Direct your questions about approval of the temporary patio to your local municipality.
- Continue to comply with:
  - Existing AGCO requirements for permanent indoor and outdoor extensions and temporary indoor extensions.
  - The [Liquor Licence and Control Act, 2019](#), its regulations, the [Registrar's Interim Standards and Requirements for Liquor](#) as well as any other existing conditions on the licence and any conditions that have been specified on the temporary patio approval by the municipality.

## **Patio Tents**

### **Design**

- All tents for a restaurant patio, regardless of size or occupant load, require a letter of certification completed by a Professional Engineer licensed in the Province of Ontario. This letter of certification must be provided when submitting your patio application.
- If a tent is to be installed mid-season, following receipt of an Outdoor Café license from the Clerk's Office, the request for installation including the letter of certification noted above must be submitted to the Clerk's Office and then reviewed by the Director of Infrastructure and Development Services prior to installation.

### **Permitting**

- A building permit is required for a tent on a restaurant patio if:
  - greater than 60m<sup>2</sup>;
  - attached to a building; or,
  - When they constructed less than 3m from other structures or property lines.
- When required, a building permit must be obtained prior to tent installation.
  - No anchor should be installed into the pavement or concrete curbs/sidewalks without written approval from the Infrastructure Services Department. Locations of proposed anchors must be provided in a drawing. Damage deposits may be required prior to receiving approval.



- Building permit applications must be submitted to the City's Building Division for review and approval.

### **Letter from P.Eng. – Pop-up Patios**

- Tents less than 60m<sup>2</sup> installed entirely on City owned property will be permitted in conjunction with a Pop-up Patio application provided a P.Eng. certifies in writing that the tent has been designed and installed safely and securely. This review shall be sealed by the P.Eng. and shall be to the satisfaction of the Director of Infrastructure and Development Services.
- If a tent is to be installed mid-season, following receipt of an Outdoor Café license from the Clerk's Office, the request for installation including the letter noted above shall be submitted to the Clerk's Office following which it will be reviewed by the Director of Infrastructure and Development Services prior to installation.

### **Exception – Temporary Tent Structure**

- Temporary tent structures are exempt from requiring a design and letter to be completed by a Professional Engineer licensed in the Province of Ontario if they are canopy style, quickly disassembled, safely secured during the day, are less than 10m<sup>2</sup>, and all components removed every night.
- Notwithstanding the above, documentation for the exception – temporary tent structure, must be submitted to the City Clerk's Office at the time of application to support the requested exception. If the installation of an exception – temporary tent structure is proposed following patio approval and the issuance of a license then documentation must be immediately communicated to the City Clerk's Office and reviewed by the Director of Infrastructure and Development Services prior to installation.