



THE CORPORATION OF THE TOWNSHIP OF NORTH HURON

Temporary Outdoor Physical Extensions (Temporary Patios) for Liquor Licensed Premises on Private Property - Approval Criteria

1. Introduction

As of January 1, 2023, liquor licensed premises require municipal approval for temporary outdoor physical extensions (temporary patios). Previously a municipal letter of non-objection was required by municipalities and approval was granted under the authority of the Alcohol and Gaming Commission of Ontario (AGCO) Registrar.

The AGCO no longer accepts applications or has the authority to approve temporary patios for licensees located in municipalities. However, licensees must continue to apply to the AGCO for permanent outdoor physical extensions, permanent indoor physical extensions, temporary indoor physical extensions and temporary patios in unorganized territories or on First Nations Reserves where Band Councils do not manage the approval process.

Under the new framework, municipalities:

- Have the authority to approve temporary outdoor extensions of licensed premises for up to a total of eight (8) months in a calendar year (does not need to be eight consecutive months);
- Are permitted to create their own conditions on the municipal approval; and
- Are responsible for ensuring compliance with any conditions placed on the temporary outdoor extension approved by the municipality.

A Township of North Huron approvals team has been established to review requests for extensions of temporary outdoor patios on private property. This process involves the review of public safety, access, location, and other site-related matters.

Effective January 1, 2023, licensees that have received municipal approval for a temporary outdoor physical extension (temporary patio) for a liquor licensed premise, are required to then notify the AGCO before they start selling and serving liquor on this temporary patio. Licensees will need to tell the AGCO:

1. The start date that liquor will be sold and served on the temporary patio;
2. How many months per year they have been approved to operate the temporary patio;
3. The months that they intend to operate the temporary patio;
4. The expiry date of the approval;
5. A description of the location and dimensions of the temporary patio; and
6. Any conditions specified on the approval by the municipality.

2. Eligibility

Licensees holding a valid Liquor Sales Licence in the Township of North Huron can apply to temporarily extend their patio area on private property for a maximum of eight (8) months per year. Patio extensions are only considered between April 1st and October 31st each year and are only permitted on private property.

3. Application Materials

The following items must be completed and submitted to the Clerk's Department. Where all required material is not provided, the application will be determined to be 'incomplete,' which will result in delays in the processing of the application.

- a) A completed application form.
- b) The applicable application processing fee as per the Township of North Huron Fees and Charges By-law.
- c) Written confirmation and authorization from the owner of the property (if different from the applicant).
- d) A copy of the existing liquor license for the premise to which the temporary patio extension is being requested for.
- e) A legible sketch/site plan/aerial photo of the proposed temporary patio, clearly showing the following:
 - Exact dimensions and floor area of the proposed extended licensed area.
 - The location of all proposed tables, chairs and patio elements, such as temporary landscaping features, etc. to be included in the extended licensed area.
 - The height and type of fencing (i.e.: snow, metal, wood). The proposed extended area must be easily distinguishable from other areas to which the proposed temporary extension does not apply.
 - Exact location of the extended licensed area in relation to the licensed premises. The proposed extended area must be adjacent to the existing licensed premises.
 - The Gross Floor Area (GFA) of the existing licensed area/restaurant. The GFA should not include any space used for storage, mechanical rooms, common halls, stairwells, private kitchens, washrooms and garages.
 - The occupancy load of the existing licensed area/restaurant.
 - The location of all fire suppression equipment, emergency access routes and associated fire connections, where applicable.
 - The location of all pedestrian circulation routes (walkways) and the width of these routes.

- The dimensions (setbacks) of the patio to the lot lines, sidewalks, vehicle travel lanes, fire hydrants, utility meters, and utility vaults (transformers, utility boxes/poles, etc.).
- f) The number and location of any parking spaces, as well as an indication if any loading/delivery/parking spaces are to be removed to facilitate the expansion or creation of a temporary outdoor patio. Accessible parking spaces shall not be temporarily removed.
- g) A completed Temporary Outdoor Physical Extensions (Temporary Patios) – Undertaking Form.
- h) Any other documentation and supporting materials required to support the temporary patio application.

4. Approval Criteria

To be eligible for a temporary outdoor physical extension (temporary patio), the patio must meet the following criteria:

- a) The temporary outdoor physical extension (temporary patio) must be adjacent to the premises to which the liquor sales licence applies.
- b) There shall be no condition on the liquor sales license prohibiting a patio.
- c) The temporary patio must be accessory to (and directly associated with) a permitted restaurant on the property. To confirm if a restaurant is permitted, applicants can check the Township's Zoning By-law.
- d) 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. Township road allowance), and shall not be located within or contravene any easements, restrictive covenants, or mutual rights-of-way.
- e) The temporary patio must not be located within an area regulated by a Conservation Authority, or where it is located within this regulated area, a permit or alternative clearance must have been issued for the temporary patio by the Conservation Authority.
- f) The establishment of the temporary patio must not require the alteration of any grades or surfaces.
- g) The temporary patio shall not occupy accessible parking spaces. The Township's Zoning By-law calculates minimum parking requirements for restaurants and similar uses based

on the occupancy load. The temporary patio shall comply with the requirements of the Zoning By-law for parking. The Township reserves the right to limit the capacity of the temporary outdoor patio as a condition of approval based on site specific considerations (i.e. such as the availability of sufficient parking).

- h) The temporary patio shall not include any permanent structures, including, but not limited to, footings, decks, roofs, gazebos, awnings, permanent fencing, electrical installations, and visual screens. Patio furnishings, fences, and other patio improvements must be removable and not permanently fixed in place. All objects must be contained within the patio area and removed after the patio ceases operation. A building permit is not required to add a temporary, ground-level patio.

Note: Licensees will need a building permit for a temporary tent if the tent or group of tents exceeds 60m² in area, the tent is attached to a building, or the tent is less than 3m from other structures.

- i) The temporary patio must not obstruct emergency access routes, vehicle travel lanes, fire hydrants, or exiting facilities (doors) at any time.
- j) The temporary patio must not obstruct Fire Department access to the primary establishment.
- k) The temporary patio must not obstruct access to Fire Department connections.
- l) All fire protection equipment must be maintained per Ontario Fire Code regulations.
- m) A (minimum 2A-10BC) fire extinguisher must be located within 15.2m (50ft) of any part of the temporary patio.
- n) All electrical and/or propane/gas (max 20lb tank) patio heaters must be CSA Certified and be at least 3m (10ft) away from flammable materials.
- o) 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:
 - Maintaining 1.5 m walkways/sidewalks
 - Protecting designated accessible parking spaces
 - Providing accessible access to the restaurant and temporary patio
 - Ensuring that the temporary patio is located on level ground
 - Compliance with the Integrated Accessibility Standards Regulations
 - Huron County Guideline: *Universal Design and Accessibility Guideline for Site Plan Control*

- p) The temporary patio shall not include any amplified sound and must comply with the Township's Noise By-law as amended from time to time.
- q) All signage associated with the temporary patio must comply with the Township's Sign By-law as amended from time to time.
- r) The temporary patio must not encroach into designated landscaping areas. The removal of or damage to landscaping (including trees, shrubs, garden beds, etc.) to accommodate the proposed patio extension is prohibited. Patios shall be designed around existing landscaping features.
- s) Where the temporary patio includes temporary fencing or delineation of space:
 - Temporary perimeter delineation items that will be permitted include planters, stanchions, and movable fencing (i.e.: snow, metal, wood etc.).
 - Fencing and delineation items shall respect sight triangles, including complying with the requirements of the North Huron Zoning By-law, Section 3.35 Sight Triangles.
 - Delineation elements must not be attached to street trees, sidewalk elements, or utilities.
 - Free-standing or self-supporting delineation items must not create a trip hazard or project into the pedestrian clearway.
 - To ensure cane-detectability for people with low or no vision, delineation elements must be a contrasting colour to the sidewalk/walkway.
- t) Any other applicable site-specific criteria based on the property for which the application applies.