

## Municipality of Thames Centre Outdoor Patio Guide

This guide is intended to clarify and streamline the process for individuals who wish to have an outdoor patio for their business, as well as for any licenced establishments looking for a temporary extension of their liquor licence.

### 1. Eligibility Requirements

The requirements listed below are considered terms of the patio licence that must be met and agreed to by all establishments.

1. Businesses may be eligible for an outdoor patio or temporary extension of liquor licence to an outdoor patio, if the extension does not:
  - a) encroach onto a pedestrian walkway, or
  - b) block accessible parking spaces, fire hydrants, emergency routes, other municipal infrastructure, or
  - c) obstruct traffic sight lines.
2. A minimum of 1.6m (5ft) must be maintained at all times between the edge of the patio extension and any nearby fire hydrant.
3. The physical extension of the premises is adjoining to:
  - a) the establishment holding the liquor licence; or
  - b) the licenced establishment under the by-the-glass endorsement to a Manufacturer's Licence; or
  - c) an unlicenced establishment.
4. The combined indoor and outdoor dining capacity of all patios must not exceed the capacity permitted for the establishment's washrooms as determined by the Ontario Building Code. Please contact the Building Department at [building@thamescentre.on.ca](mailto:building@thamescentre.on.ca) for full details.
  - a) Outdoor patios will not be approved in circumstances where there are no washrooms available by the establishment for use by restaurant patrons.
5. All patios are required to comply with all provincial and local public health guidelines, including the arrangement of tables and chairs on the patio and *Smoke-Free Ontario Act, 2017* as smoke and vape free areas. The applicant should consult with the [Middlesex London Health Unit](#). For more information on how this legislation affects patios, businesses may refer to the [Smoke Free Outdoor Spaces](#) information available on MLHU's website. The owner is responsible for keeping up-to-date and complying with all provincial and public health

guidelines.

6. The business owner is responsible for obtaining all relevant permissions, including but not limited to the [AGCO](#) and their landlord, if applicable.
7. On-site parking that exceeds the minimums required by the [Zoning By-law](#) and approved by municipal staff may be used for an outdoor patio. The required number of designated Accessible Parking Spaces must remain available for parking use and designated fire routes and sight triangles must be avoided. Accessibility must be maintained throughout the duration of the outdoor patio.
8. Outdoor patios must not extend in front of neighboring tenant spaces, exits, or beyond business frontage without written permission from affected adjacent property owners and tenants; this includes any overhanging elements.
9. No patio shall interfere with the ability of first responders to access the front of the building or areas of the building where there are residential dwellings in the same building for any emergency response.
10. In accordance with the [Fire Protection and Prevention Act](#), patios shall not block any building exit.
  - a) Access to fire department connections or exits from adjacent buildings must be maintained.
  - b) Proposed patios shall leave at least 3m clearance from fire hydrants.
11. Sunshades or umbrellas are permitted and must be secured without endangering any underground utilities.
12. A fire extinguisher (minimum 2A-10BC) must be available within 15.2m (50ft) of any part of the outdoor patio, and staff are to be appropriately trained to use the fire extinguisher.
13. CSA-certified electric or propane patio heaters (with max 20lb tank) are permitted with the following parameters:
  - a) located at least 3m (10ft) away from tree branches,
  - b) operated per the manufacturer's directions and
  - c) not stored on the road right-of-way when not in use.
  - d) Solid-, gel- or liquid-fuel fire features are not permitted.
  - e) Any heaters are to be secured to avoid misplacement by patrons, tripping over and to avoid the heaters from tipping over during high winds.
14. The establishment of the outdoor patio does not require the alteration of any grades or surfaces.
15. The outdoor patio may encroach into designated landscaping areas (i.e. landscaping strips) provided that vegetation is not disturbed or damaged.

## **2. General Provisions**

1. The Municipality reserves the right, in its sole and absolute discretion, to amend or terminate an approved outdoor patio application at any time due to non-compliance with the patio guidelines, agreements or Municipal By-Laws, upon 24 hours' notice.
2. Any costs associated with the installation, maintenance and removal of an outdoor patio are the sole responsibility of the applicant.
3. Municipal staff are authorized to inspect all outdoor patios and may require adjustments to the patio to address compliance with these guidelines.
4. If it is determined that the application does not meet the eligibility criteria, Staff will contact the applicant as soon as possible and will work with the applicant to navigate the required approvals and permits efficiently. Should the applicant be denied approval/permits, they will be notified in writing with particulars for the refusal. The application may be reconsidered at a subsequent occasion upon the application addressing, to the satisfaction of the Municipality, the reasons given for the initial denial of the application.
5. Applicants must adhere to the [Municipal Noise By-Law](#).
6. At the end of each business day, the owner/operator is required to clean the sidewalk in and around the outdoor patio area and remove debris.
7. The patio, including entrances, must be compliant with the [Accessibility for Ontarians with Disabilities Act, 2005 \(AODA\)](#).
8. The patio base must have an accessible transition at the sidewalk and curb to permit easy access and avoid tripping hazards by means of decking that is flush with the sidewalk.
9. If the proposed patio extension includes the installation of a tent that is either attached to the building (regardless of its size) or is unattached and is greater than 60 sq m (645 sq ft), a building permit is required to be obtained from the Municipality.
10. All approved outdoor patios, including patio furniture, **are permitted for use on May 1st and shall be removed on or before November 15<sup>th</sup>** of each year unless otherwise permitted by the Municipality.
11. An outdoor patio permit must be obtained annually, regardless of whether they have been previously approved by the Municipality.

## **3. For a Temporary Extension of Liquor License**

1. There is no condition on the current liquor sales licence prohibiting a patio.
2. The applicant is able to demonstrate sufficient control over the physical extension of the premises.

3. The maximum number of patrons will remain the same as indicated on the current AGCO licence; increase to the approved number of patrons will not be granted (if applicable).
4. The capacity of any new patio, or extended patio space where the applicant has an existing licenced patio, requires at least 1.11 square meters per person.
5. The proposed extended area must be easily distinguishable by appropriate signage from other areas to which the proposed temporary extension does not apply.
6. Outdoor patio extensions shall only be permitted for existing licenced restaurants, bars, food trucks and other food and drink establishments and must be accessory to (and directly associated with) a permitted establishment on the property.
7. Owners shall provide their liquor licence within 1 business day, if requested by the Chief Building Official or their designate.
8. Licensees must also continue to comply with the [Liquor Licence and Control Act, 2019](#) ("[LLCA](#)"), its regulations, the Registrar's Interim Standards and requirements for Liquor as well as any other conditions on the licence that have been imposed on the outdoor temporary extensions by the AGCO.
9. Only servers/staff of the Licenced establishments shall be permitted to carry alcohol across an unlicenced area to the Licenced portion of the patio.

#### **4. Application Requirements and Process**

1. Applicants are to submit to the Chief Building Official or their designate the following documentation no less than 30 business days before requiring a response from the Chief Building Official:
  - a) A completed Outdoor Patio Application Form, including written confirmation and authorization from the owner of the property (if different from applicant),
  - b) A copy of the current certificate of insurance for the business,
  - c) A copy of the approved AGCO liquor licence (if applicable),
  - d) A legible sketch/site plan/aerial photo of the proposed outdoor patio is required as part of a licence application and may be done by the applicant but must be legible and done with a straight edge, using accurate dimensions. Should any discrepancies exist applicants may be required to have a qualified designer evaluate and confirm the proposed layout. These legible sketch/site plan/aerial photo of the proposed outdoor patio must include the following:
    - i. Proposed location of the outdoor patio and surrounding area (including dimensions and floor area) including:
      - 1) Table/ seating locations,
      - 2) Occupancy Loads,

- 3) Entrance/ Exit locations from patio,
  - 4) Location of fencing/ ropes which separate the patio from the pedestrian areas,
  - 5) Location of any landscaping features (ex. Patio sunshade/ umbrellas),
  - 6) Location of any proposed exterior patio lighting. Exterior lighting shall not adversely impact the enjoyment of adjacent properties or create a visual or physical distraction to the travelling public (see Zoning By-Law s. 4.20.3),
  - 7) The building location in relation to the proposed outdoor patio,
  - 8) The location of all emergency access routes, and associated fire department connections and fire extinguishers where applicable,
  - 9) The location of all pedestrian circulation routes (walkways/ sidewalks) and the width of these routes,
  - 10) The dimensions of the patio to the lot lines and sidewalks,
  - 11) The number and location of any parking spaces and/or loading/delivery spaces to be removed to facilitate the expansion or creation of an outdoor patio. (Note: Should any accessible parking spaces be temporarily removed, the municipality will be looking for accessible parking spaces to be accommodated elsewhere on the subject property.)
  - 12) Height and type of fencing (i.e.: snow, metal, wood) as the proposed extended area must be easily distinguishable from other areas to which the proposed outdoor patio does not apply.
  - 13) Elements that make patio visible to traffic, including signage and reflectors,
  - 14) Location of jersey barriers (or equivalent), if applicable.
- e) Applicants must provide proof of notice to adjacent business neighbors of their proposals with their application submission.
  - f) An outdoor patio application must be completed with the applicant attesting that they meet all the requirements to temporarily extend the physical size of their existing licenced patio.
  - g) Applicants need to declare that they have read, understood, and will abide by all permit requirements and relevant by-laws.
  - h) Applicable fees as set out in the Municipal Fees and Charges By-Law.
  - i) Any other documentation and supporting materials required to support the outdoor patio application.
2. The Chief Building Official or their designate shall circulate all applications with supportive documents to the appropriate staff for review and comment.
  3. Submissions will be reviewed by staff to ensure compliance with these guidelines, as well as track for ongoing compliance purposes.

4. Staff shall be given 10 business days to provide any concerns/comments regarding the application. Following the receipt of comments, the Chief Building Official or designate shall review the application, and staff comments to determine whether to approve the request for an outdoor patio or temporary extension of the liquor licence.
5. An inspection will be required prior to opening the outdoor patio for use.
6. 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. Incomplete applications will be returned to the applicant for completion. Once resubmitted and deemed a fully complete application, the review period shall re-commence as if an application had not previously been submitted.