



Date: April 14, 2025

To: Mayor and Council

Author: Angela Toole, Acting Manager of Municipal Governance and Clerk

RE: Temporary Patio Policy

RECOMMENDED ACTION

That Council **authorizes** Administration to create and implement a Temporary Patio Policy and subsequent Temporary Patio Permit Program;

And that the Fees and Charges By-law 89-2024, **be amended** to include the fees for a Temporary Patio Permit as noted in this report;

And that corresponding By-law 20-2025, being a By-law to amend Fees and Charges By-law 89-2024, **be adopted** during the By-law stage of this Council Agenda.

BACKGROUND

In 2020, as a result of the COVID-19 pandemic, the Province of Ontario amended the *Liquor Licence and Control Act* (the "Act") to temporarily ease restrictions to make it easier for restaurants to serve alcohol on temporary patios.

On January 1, 2023, the Province of Ontario made further amendments to the Act to permanently ease restrictions on temporary patios. Restaurant owners/operators now simply need municipal approval to serve alcohol on a temporary patio and forward that approval to the Alcohol and Gaming Commission of Ontario ("AGCO"). Per the Act, a municipality is permitted to approve a temporary patio for no longer than eight (8) months in a calendar year and may put conditions on such approvals where appropriate.

DISCUSSION

There are two types of temporary patios. The first is a patio wholly on private property and requires that the Town consider safety issues if any (eg is the patio in a parking lot near vehicles and is the patio blocking a fire route?) and land use planning issues (eg is the patio attached to a restaurant or other appropriate establishment?). The second is where the proposed patio will be on Town property, including a sidewalk, road, or other public lands. In such an instance the Town must also enter into an appropriate agreement to address liability and other issues.

In 2023, the Town began administering an informal process using existing internal practices to allow Kingsville businesses to set up Temporary Patios. Administration has identified a need to formalize the Temporary Patio Program (the “Program”) by way of a Temporary Patio Program Policy (the “Policy”). The Policy will define a framework for the administration of the Program and is intended to apply to Temporary Patios located on both municipal and private property, as well as Parking Space Patios. It is important to note that the Policy will not apply to Permanent Patios which will be defined, as follows:

“A designated area on Private Property that is a permanent physical extension of an AGCO licensed premises where patrons can be seated to dine and/or consume refreshments.”

Further, the Policy will define a Temporary Patio as:

“a designated outdoor area on Private Property (if zoning compliant) or Municipal Property, adjacent to an eating establishment, which is an AGCO licensed premises, where patrons can be seated to dine and/or consume refreshments. Further, it means a temporary extension of an existing patio or a Permanent Patio which may exist for a period of no longer than 8 months in a calendar year. Also includes a Parking Space Patio.”

The Policy will provide clarity on applicability, outline design specifications and rules that businesses must adhere to, and define application requirements.

Features of the Policy will include:

- General Design Principles, which will apply to all Temporary Patios, including Parking Space Patios, regardless of location, including design specifications for perimeter fencing, umbrellas, awnings, furnishings, and grading.
- Provisions on signage and advertising; and,
- Application Requirements.

Administration is prepared to intake applications under the Policy and is in the process of revising its existing convenient online Temporary Patio Permit Application, which includes an online payment option. This Application will go live on the Town’s website shortly after the Policy comes into effect.

FINANCIAL CONSIDERATIONS

Historically, Council supported local restaurants by not imposing fees in relation to the informal temporary patio program developed in response to the COVID-19 restrictions. The Town has charged nominal fees for “Parking Space Patios” to coordinate the design, installation and removal of those patios.

As a significant amount of coordination amongst staff will be required to administer the Temporary Patio Program, Administration is recommending the following fees to recover costs associated with the Program:

| Temporary Patio Fees | |
|--|--------------------|
| Temporary Patio Permit – General | \$300.00 per year |
| Temporary Patio Permit – Parking Space Patio | \$1500.00 per year |

ENVIRONMENTAL CONSIDERATIONS

None.

CONSULTATIONS

Scott Moore, Fire Chief
Shaun Martinho, Director of Public Operations

PREPARED BY:



Angela Toole, B.A. [Hons], B. Ed.
Acting Manager of Municipal Governance/Clerk

REVIEWED BY:



Ryan McLeod, CPA, CA
Director of Finance and Corporate Services / Treasurer



John Norton
CAO