



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 the proper safety and accommodations for patrons and staff in such outdoor areas.

General Permitting Requirements

The requirements listed below 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 to ensure universal accessibility and public safety (including fire 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 an application can be done by the applicant but must be legible and done with a straight edge. Should any discrepancies exist a qualified designer may be required to evaluate the layout. As required by each license type, the following specifics are required to be included for submissions of 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 the location of seating locations, proposed occupant loads, entrance and exit locations from the patio, existing street furniture, parking meters, location of fencing/ropes and stanchions, any municipal furniture or infrastructure that would be impacted by the patio, and table placement outlining the required dimensions to meet the requirements set out by the AGCO for social distancing.
- If the application is approved by the City, an agreement will be entered into between the applicant and the City which outlines the responsibilities and requirements of each party.



- **Note:** Following approval but prior to the issuance of a license, all patio types will require visual inspection by the following:
 - Huron-Perth Public Health (HPPH) to review appropriate distancing in compliance with provincial regulations;
 - Chief Building Official or designate to review compliance with building regulations such as ensuring barrier free path(s) of exit; and,
 - Fire Prevention Officer or designate to review access for emergency response including access to any fire and emergency infrastructure or equipment.

Health and Safety

- In cases where minimum distancing requirements for patio seating cannot be met, HPPH may permit reduced distancing if impermeable barrier(s) can be installed.
- 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.
- If a building with an approved patio is equipped with City Fire Department connections, no patio furnishings or partitions shall block the connection.
- Should furnishings be stored inside the restaurant during none occupied times they 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.

Patio Furniture

- Patio furniture may remain outside overnight provided the furniture is secured together.
 - **Note:** Boardwalk participants shall be responsible for ensuring that patio areas accessible by the public which may contain trip hazards are closed off during times when the establishment is closed.
- At no time are any objects, such as umbrellas or flower boxes, permitted to extend or overhang beyond the area indicated 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 included for the City to review.

Regulatory Compliance

- All businesses must comply with 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.
- 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 municipal property, including a sidewalk, for the purpose of serving or consuming food or beverage.

City Permitting Requirements

- Permits must be obtained annually regardless of whether they have been previously approved by the City.
- Street furniture placed on municipal sidewalks and boulevards shall be removed by November 1st of each year and cannot be placed out the following year until after March 31st to allow for municipal snow clearing operations.

Eligibility

- Outdoor cafés on municipal property are restricted to C3 zones and to other areas where there is a zero set-back requirement.

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 on an annual basis, at a minimum of \$2 million or as 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.

City Permitting Requirements

- Boardwalks for a single establishment cannot take up more than 3 parking spaces or be located in "No Parking" zones.
- All approved patio-boardwalk extensions, including patio furniture, are permitted for use no earlier than May 1st and shall be removed by November 1st each year unless otherwise permitted by the City.

Eligibility

- Businesses may be eligible to obtain a patio-boardwalk extension as long as it will not encroach onto a pedestrian corridor, or impede or close off accessible parking spaces, fire hydrants, emergency routes, other municipal infrastructure, or obstruct sight triangles.
- Businesses already approved for a pop-up patio are not eligible to receive a patio-boardwalk extension.

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 on an annual basis, at a minimum of \$2 million or as required by the City's insurer.
- The City is liable for all constructed boardwalks, including the responsibility of installation, removal, and any repairs/maintenance.
- Should a business' standard patio be permitted to remain partially over the sidewalk, after the removal of the boardwalk/causeway by November 1st, the business would remain responsible for keeping the sidewalk clear of snow and ice while maintaining the minimum 1.5m clearance for AODA standards.
 - **Note:** A minimum 2m clearance is required on Ontario Street.

Pop-Up Patios

About the Program

- This program is designed to offer an alternative patio extension opportunity to establishments which 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

- All pop-up patios must be located within on-street parking spaces only and be 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 metres from an intersection controlled by traffic signals or 10 metres from any other intersection.



- All approved pop-up patios, including patio furniture, are permitted for use no earlier than May 1st and shall be removed by November 1st each year unless otherwise permitted by the City.
- 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 within a reasonable amount of time from the owner or tenant.
 - Any pop-up patio which 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 an adjacent business.

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, or obstruct sight triangles.
- Businesses already approved for a patio-boardwalk extension are not eligible to receive a pop-up patio.
- Establishments which front onto portions of Ontario Street or Erie Street, which are defined by the MTO as connecting links to a provincial highway, are not eligible for a pop-up patio.

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 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 on an annual basis, at a minimum of \$2 million or as required by the City's insurer.
- Only servers/staff of the licensed establishment can carry alcohol across the sidewalk (or unlicensed area) to the "licensed" extended portion of the patio.



2021 AGCO Permitting Requirements

Registrar's 2021 Patio Policy for Eligible Liquor Sales Licensees including Boat Operators and "By the Glass" Licensees

- 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:
 - the premises to which the licence to sell liquor applies; or
 - a dock to which the boat is attached and may include land adjacent to the dock; or
 - the licensed premises under the "By the Glass" licence.
 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.
- 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](#).



Patio Tents

- Outdoor tents require a building permit when:
 - They are greater than 60m²;
 - They are attached to a building; and,
 - When they are constructed less than 3m from other structures or property lines.
- No matter the size or occupant load, all tents for a restaurant patio will require a design to be completed by a P.Eng.
- Tents will only be permitted for fall/spring/summer seasons, any tents that are proposed for winter time use will require a separate permit to be obtained and a design from a P.Eng provided.
- Fabric structures located on buildings, such as awnings, curtains etc. would not be considered a tent, but still must comply with the City of Stratford Sign By-Law.
- Tents must be located 3m from property lines, other tents, buildings, or other structures on the same property
- If tents are attached to a building or closer than 3m they would require a design completed by a P.Eng and would be treated as if it was an addition to the building. All fire safety requirements from the Ontario Building Code would be required to be complied with.
- Permits will not be issued for tents that cross property lines and will need to be wholly contained within the applicant's property and maintain the 3m setbacks as outlined in the Ontario Building Code.
- Tents are not permitted to be placed on any City owned portion of a patio extension.
- If an outdoor dining area at the establishment is covered by a roof, canopy, tent, awning or other element, at least two full sides of the entire outdoor dining area must be open to the outdoors and must not be substantially blocked by any walls or other impermeable physical barriers.
- If the outdoor dining area at the establishment is equipped with a retractable roof and the roof is retracted, at least one full side of the outdoor dining area must be open to the outdoors and must not be substantially blocked by any walls or other impermeable physical barriers.
- All approvals for the use of patio tents are subject to any additional public health requirements as may be required in accordance with the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, O. Reg. 364/20.