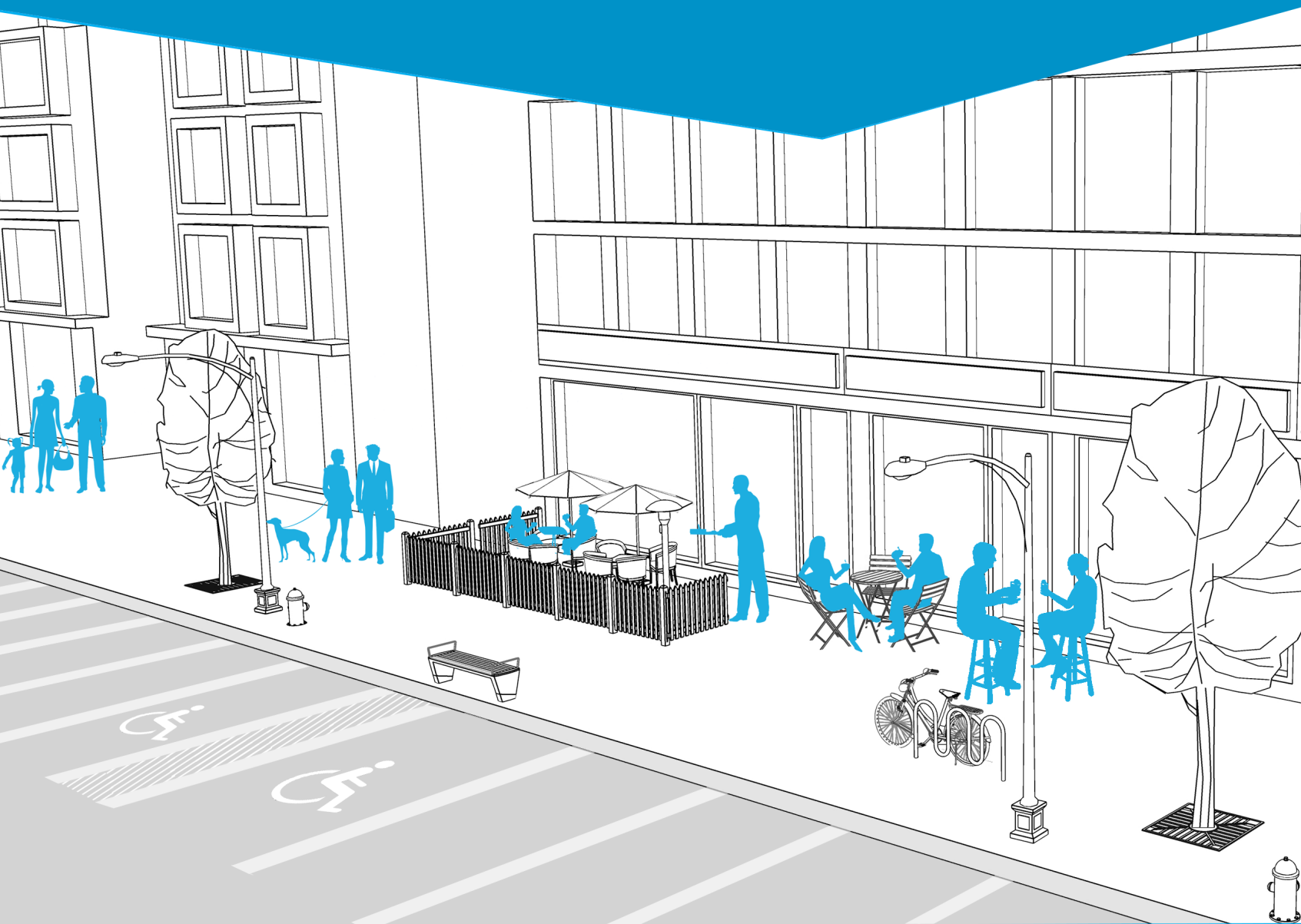


# Temporary Patio Requirements Covid-19 Recovery Plan - Private Lands



MISSISSAUGA



**City of Mississauga**  
Summer 2020

All photos and illustrations provided by the Urban Design Division of the City of Mississauga, except where noted.

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## Introduction

In an effort to protect public health and safety during the COVID-19 pandemic, the Province announced a shutdown of all non-essential services across Ontario on March 24th, 2020.

Mississauga's local businesses have experienced reduced revenues that have led to business closures, employee layoffs, inability to pay rents, and reduced operating hours. Some food service providers have increased their online presence, and have adapted their business models to offer delivery and new curbside pick-up opportunities. In May 2020, the Economic Development Office and the Mayor's Office engaged BIAs in a discussion about economic impacts of the pandemic and opportunities for the City to provide support to local businesses. One suggestion for assistance was that the City could provide support for temporary patios without the need for a lengthy rezoning and site plan approval process through approving a Temporary Use By-law. The proposed Temporary Use By-law will provide businesses with as-of-

right permission to install temporary patios. In advance of the Temporary Use By-law being in force and effect, Council suspend enforcement of new patios for restaurants in possession of a valid 2020 business operating license and waive the requirement for Zoning Certificates of Occupancy.

In advance of receiving Provincial direction to allow restaurants within the Greater Toronto Area (GTA) to resume table service, City staff have prepared a temporary use by-law and the necessary amending by-laws to permit outdoor patios accessory to all types of restaurants on both municipally-owned and private lands.

This document only addresses temporary patios on private property.



# Requirements For Temporary Patios



## General Regulations

- Temporary patios shall only be permitted for restaurants in possession of a valid 2020 business operating license.
- Temporary patios permitted under this guideline shall extend no later than December 31, 2020.
- As announced by the Alcohol and Gaming Commission of Ontario (AGCO), licensed establishments may create a patio adjacent to their premise or increase the size of their existing patio without applying for licenses or paying a fee for a temporary extension, provided they have an existing municipal approval and meet all other applicable requirements. These measures are in effect until January 1, 2021 at 3:00 a.m.
- Peel Public Health officials are authorized to inspect all temporary patios and require adjustments to the patio in order to address compliance with public health and safety standards with regards to restaurant operations and physical distancing standards.



## Patio Locations

### On Private Property

Temporary patios are permitted on private land in proximity to the restaurant.

- Where a temporary patio is located in a parking lot:
  - The required number of designated Accessible Parking Spaces must remain available for parking use.
  - At least, 50% of the required parking spaces shall be maintained to serve patrons.
  - Patios cannot encroach into existing driveways, aisles, loading spaces and designated fire routes.
- Temporary patios shall be set back 6.0 m (19.7 ft) from residential zones to minimize conflicts with neighbouring areas.
- Temporary patios are not permitted to be installed on required landscaped areas or landscaped buffers.



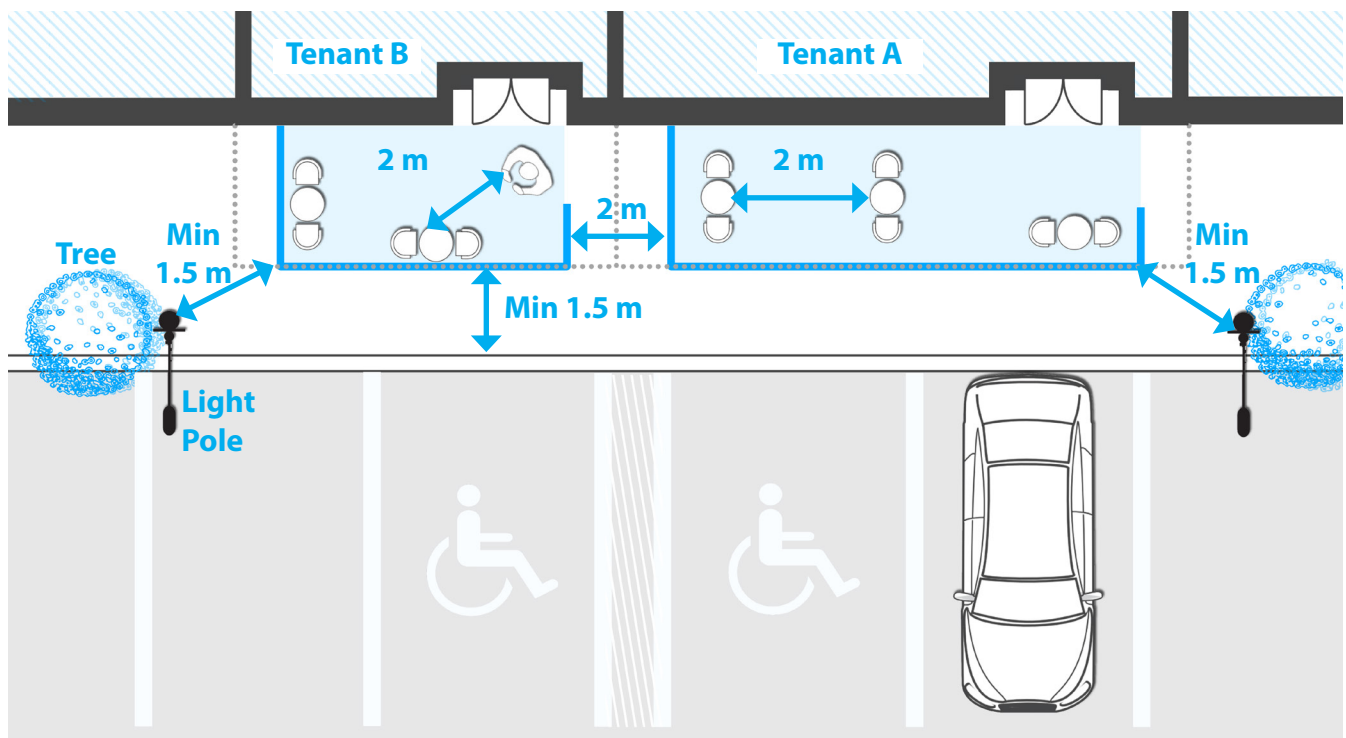
Patio on private property - Toronto  
Image Credit: <https://duke-pubs.ca/westminster>

# Design Features For Temporary Patios on private property



## Patio Space

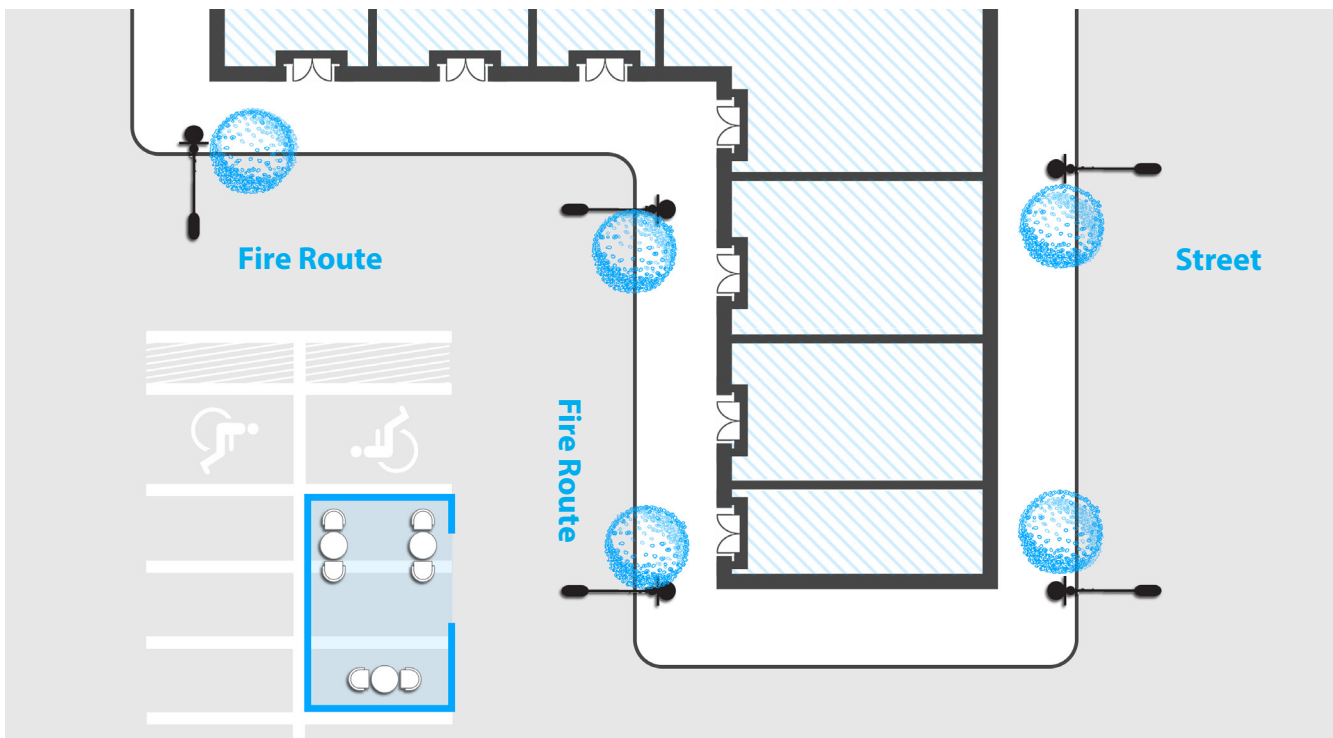
- Should space permit, tables and chairs may be set up directly in proximity to a business frontage so long as they are not located in the fire route.
- Existing and temporary patios must comply with all [AGCO](#) provincial legislations. Applicants must also follow the advice and constructions of Peel public health, including matters regarding physical distancing, cleaning and/or disinfecting. To facilitate physical distancing, tables and chairs shall be arranged so that a minimum distance of 2.0 m (6.5 ft) is maintained between groups or patrons. Signage must also be posted at patio entrances and exits promoting physical distancing.
- A temporary patio must be offset 1.0 m (1.6 ft) between adjacent patios. Patio umbrellas, planter boxes, signs, sandwich boards, etc. must not overhang or extend beyond the fenced area. Patios and any overhanging elements must not extend in front of adjacent tenant spaces, exits or beyond business frontage without the written permission from affected neighbouring property owner(s) or tenant(s).
- A minimum 1.5 m (4.9 ft) of continuous and unencumbered path of pedestrian travel must be maintained on the sidewalk around temporary patios. This is to ensure that patios do not create a health risk by reducing pedestrian passing areas, impeding physical distancing or creating a tripping hazard for pedestrians.
- Patios must be open air; no construction or accessory structures are permitted (such as



decking, tents, platforms or enclosures).

**Please be advised that any structure will:**

- **require a building permit;**
  - **be subject to Temporary Zoning By-law Regulations; and**
  - **be reviewed against the guidelines in this document throughout permit process.**
- 
- Patio must not have electrical, sprinkler or gas utility connections.





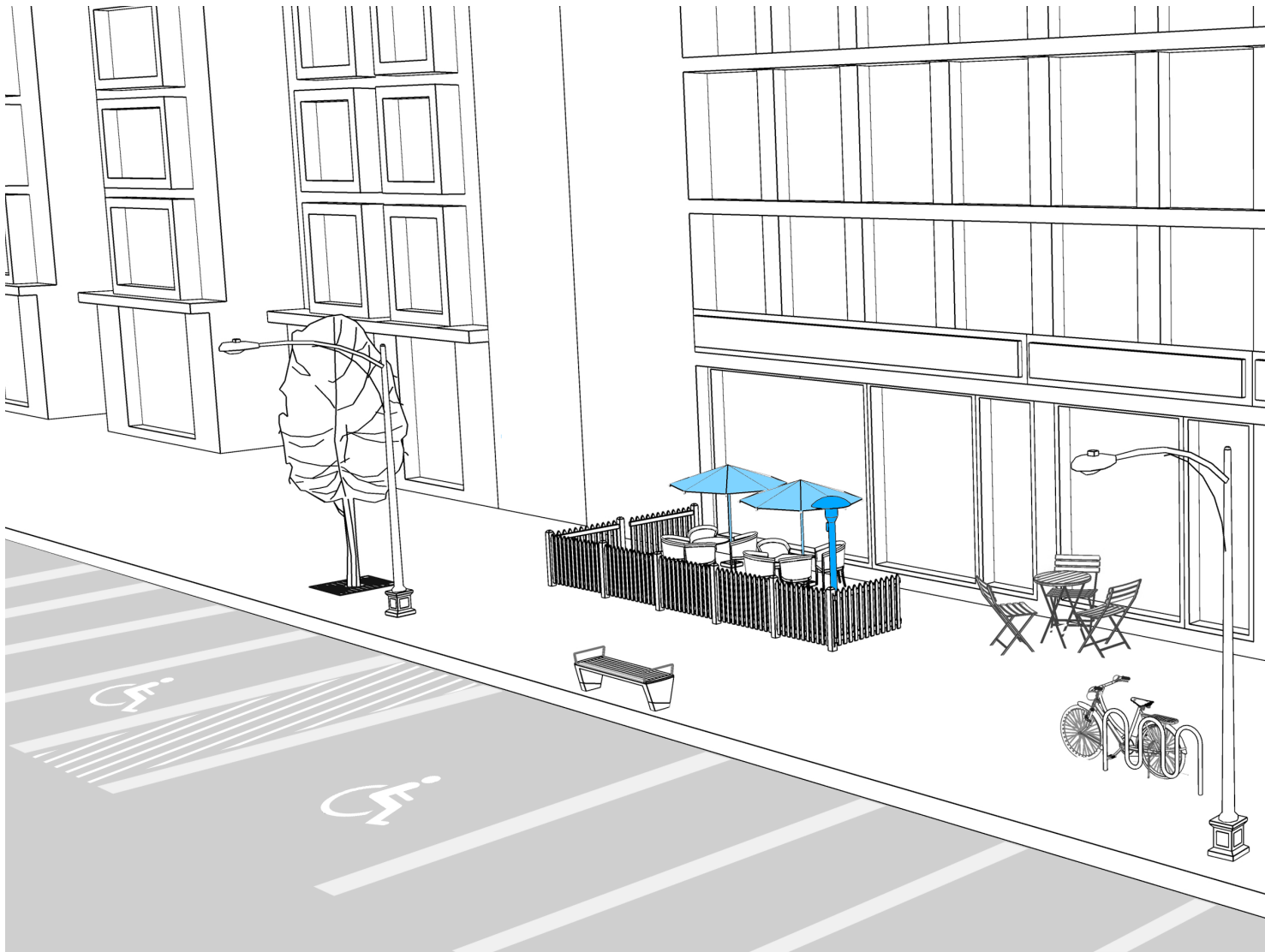
## Fences

- Patio space should be delineated in accordance with the [AGCO regulations](#). Fencing or railings are a means of delineation and should be installed to ensure pedestrian safety where a patio is located in a parking lot or adjacent to street/vehicular traffic.
- Planters can also be used as a means to enclose the patio space.



## Patio Access

- Patio access cannot be through a business kitchen or employee-only areas.
- A temporary patio must have two separate exits when it is barricaded with fencing or railings and has a capacity of more than 60 people.







## Shade

- Patio umbrellas are allowed for sun shade, and must stand at least 2.1 m (6.9 ft) above the walking surface.
- [Sandy's Law sign](#) must be visible in all areas where alcohol is sold and served, including patios.



## Signage

- Any signage, such as a business name and logo or physical distancing information, may appear on temporary patio fencing or railings and must have large visible print to provide accessibility. All other banners and signs are generally prohibited, as described in the Sign By-law 0054-2002.



## Fire Compliance

- Access to a fire extinguisher (minimum 2A-10BC) must be available inside or outside of the main building within 15.2 m (50 ft) of any part of the temporary patios. The parameter of the temporary patio must maintain a 5.0 m (16.4 ft) clearance from fire hydrants, and a 0.5 m (1.6 ft) clearance from fire department (Siamese) connections.
- Open-air fires (bonfires, solid, gel or liquid fuel) and barbeques are not permitted within the temporary patios. However, an enclosed CSA-certified electric or propane patio heater (with a maximum 20 lb tank) is permitted. The heater shall be located at least 3.0 m (9.8 ft) away from tree branches, operated as per the manufacturer's directions and not stored on the road right-of-way when not in use.



## Noise

- Under a typical minor variance approval, patio service is stopped at 11 p.m. Amplified sound is permitted until 5 p.m., unless otherwise extended by an exemption to the City's Noise Control By-law 360-79.





## AODA Compliance

- Accessibility must be maintained to and throughout the temporary patio. Table and seating options that accommodate people of all abilities must be available. As outlined within the AODA outdoor patios must provide:
  - Accessible tables (at least one out of a group of 1-9 tables, or at least 20% if there are 10 or more tables);
  - A level, firm and stable ground area leading up to and under accessible tables; and
  - Enough clear space around and under tables so that they can be easily accessed by people using a wheelchair or other mobility aids.



## Liquor Licensing

- Business owners are responsible for obtaining all relevant permissions, including but not limited to liquor sales licensing from the AGCO and from their landlord.
- Owners shall provide a valid liquor license, if requested by City staff.



Patio on private property,  
Toronto  
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ronto/](https://patios.blogto.com/patio/northern-belle-toronto/)

Development and Design Department  
Urban Design Division