

# PROPOSED PATIO REGULATION

September 2023

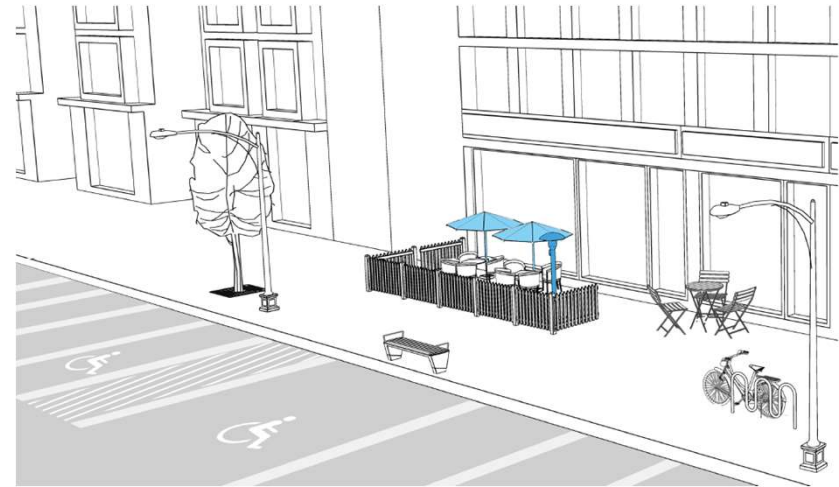


# Agenda

1. Overview - Temporary Patio Program
2. Seasonal Patio Zoning By-law Changes: Private & Public Lands
3. Application process
4. Additional Updates
  - Permanent Patios
  - Restaurant Setback Requirement
  - Seasonal Outdoor Retail Sales & Displays
5. Discussion

# Overview - Temporary Patio Program

- Temporary use by-law  
Approved in 2020 to allow restaurant establishments with a valid business license to operate patios on a temporary basis
- Temporary Patio Uses  
**Expiring December 31, 2023**



## Overview - Temporary Patio Program

- Temporary Patios permitted on
  - Private lands, No permit required
  - Public lands (sidewalks, parking lay-bys),  
Patio Permit and/or Encroachment Agreement required
- Fees were temporarily waived by Council during the Covid19 Pandemic to support the Restaurant Industry

## Seasonal Patios (Private Lands): **Regulation that we're Keeping**



### EXISTING SEASONAL PATIO REGULATION

A seasonal outdoor patio is permitted accessory to a restaurant, convenience restaurant or take-out restaurant in these zones only

O1 to O3, C1 to C4, H-CC1 to H-CC4, H-CCO, CC1 to CC4, E1 to E3 zones

Not be permitted on landscaped areas or landscaped buffers

✓

Minimum setback from Residential Zones

6.0 m

Not be permitted to occupy an accessible parking space

✓

Minimum distance from accessible parking spaces to edge of a seasonal outdoor patio

1.0 m

Not permitted to obstruct driveways, parking aisles and pedestrian walkways

✓

## Seasonal Patios: (Private Lands):

# What We're Changing

- Revising the definition

| EXISTING   | ➡➡➡➡➡ | PROPOSED  |
|--|-------|---|
| <b>Temporary Outdoor Patio</b>   |       | <b>Seasonal Outdoor Patio</b>   |
| means an accessory seating area, located adjacent to or within proximity of a restaurant, convenience restaurant or take-out restaurant, that may be covered by a temporary tent |       | means a temporary, outdoor seating area, that may be covered by a temporary tent, and is operated as accessory to a restaurant, convenience restaurant or take-out restaurant |

## Seasonal Patios: (Private Lands): **What We're Changing**

### EXISTING

Minimum % of required parking spaces that shall remain available for use



50%



### PROPOSED

Maximum number of required parking spaces that shall be used for a seasonal outdoor patio



3 parking spaces or 50%, whichever is less






## Seasonal Patios: (Private Lands):

# What We're Adding

### PROPOSED

- 
1. A seasonal outdoor patio shall not be permitted on a rooftop
  2. The regulations of Lines 4.0 and 5.0 contained in Table 2.1.9.7 of this By-law shall not apply to a temporary tent and/or stage used for a seasonal outdoor patio

This regulation allows temporary tents to be permitted for the duration of the patio season  
(not just for a 14 day period or a total of 28 calendar days per year)



# Alternative Route



- If you wish to install a patio that does not align with the Zoning By-law regulations...
- Submit an application to the **Committee of Adjustment** for a **minor variance**
- Minor variances allow for adjustments to the specific provisions of the Zoning By-law that are relevant to your plans

Seasonal Patios: (Public Lands):

## Public Lands – **DRAFT** Recommendations

Exploring potential updates to applicable by-laws to permit Seasonal Patios and Seasonal Retail Sales & Displays on the City's Right of Way (ROW)


- **NOTE:** if approved, an Encroachment Agreement and/or Patio Permit would still be required



# Application Process – Seasonal Patios

## Private Lands

Construction Planned? = No  
**Patio Permit Not required**

Construct Planned? = Yes   
**Patio Permit Not required**  
• Building Permit Required for platforms higher than 2ft. above average grade

## Public Lands

Construction Planned? = No  
**Patio Permit Required on City's lands**  
(sidewalk, parking lay-bys etc..)

Construct is Planned? = Yes   
**Encroachment Agreement Required on City's lands**  
• Building Permit Required for platforms higher than 2ft. above average grade

## Example: Patio Permit

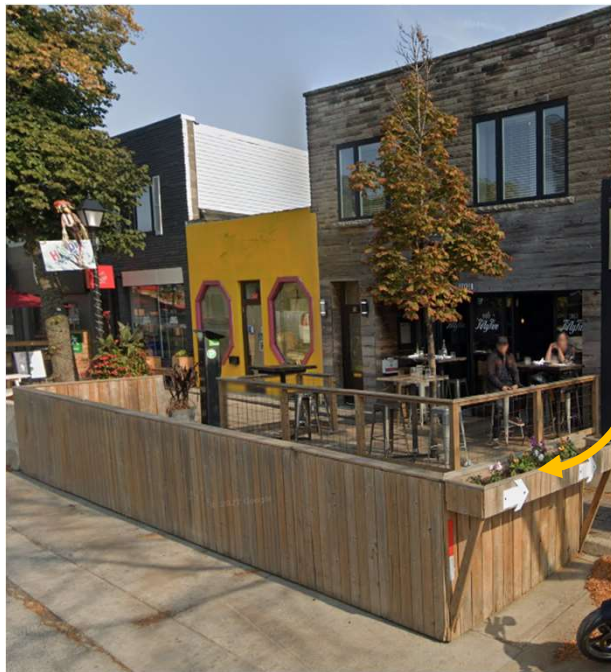


Patios on City  
lands  
(no construction)

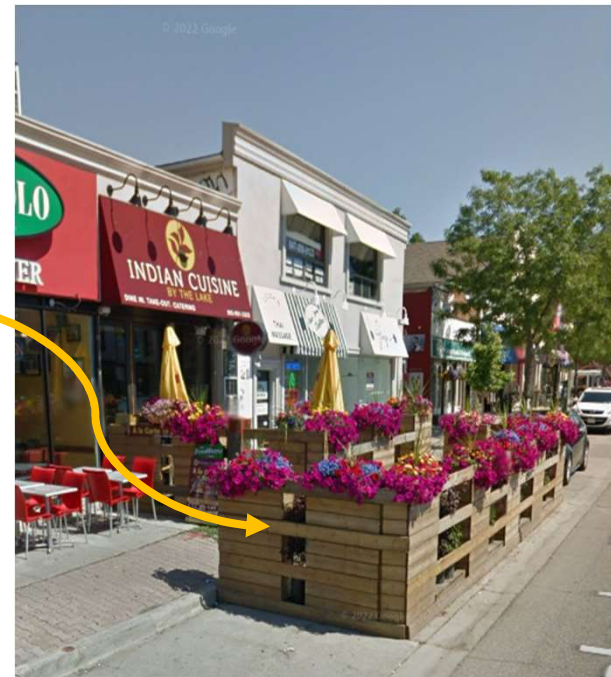


City supplied Jersey  
wall/ concrete  
barrier

# Example: Encroachment Agreement



Wooden  
Platform on City  
lands  
(parking lay-by  
and sidewalk)





# Application Process:

Currently 2 separate processes to apply for a Temporary Patio on Public lands:

## 1. Patio Permits

(Patios without constructed platforms)

processed by the Temporary Patio processing staff

Processing Time : 2-3 weeks

## 2. Encroachment Agreements

(Patios with constructed platforms)

processed by Realty Services

Processing Time: 5-6 weeks

| Patio Permit Checklist  | Encroachment Agreement Checklist  |
|---|---|
| <input type="checkbox"/> Application form                                   | <input type="checkbox"/> Application form   |
| <input type="checkbox"/> Certificate of Insurance – Standard Liability form | <input type="checkbox"/> Certificate of Insurance – Standard Liability form   |
| <input type="checkbox"/> Signed Acknowledgement and Authorization form      | <input type="checkbox"/> Signed Acknowledgement and Authorization form  |
| <input type="checkbox"/> Sketch of temporary patio location                 | <input type="checkbox"/> Professional Sketch <u>prepared &amp; stamped</u> by an Engineer, Architect or Surveyor showing the encroachment   |
| <input type="checkbox"/> Fees – currently waived                            | <input type="checkbox"/> Fees – currently waived  |
|   | <input type="checkbox"/> Articles of Incorporation or Letters Patent, if property owner is a corporation <b>OR</b> Partnership Registration Form, if property is held by a partnership. Also include a Corporate Profile Report |
|   | <input type="checkbox"/> Transfer/Deed to the property  |
|   | <input type="checkbox"/> Current copy of the Property Parcel Register for property  |

## Serving Alcohol - AGCO Requirements

If you plan to serve alcohol on your Seasonal patio, you must:



- Have a valid, AGCO issued, Liquor License
- Submit a Temp Patio - Serving Alcohol Application **to the City**
- Notify the AGCO once approved by the City



## Additional Updates to



- Permanent Patios
- Restaurant Setback Requirement
- Seasonal Outdoor Retail Sales & Displays

## Permanent Patios: What We're Adding



### PERMANENT PATIO REGULATION

|  |   |
|--|---|
| 1. A permanent patio is permitted only in these zones                            | Office zones: O1 to O3<br>Commercial zones: C1 to C4<br>Downtown Core zones: CC1 to CC4, CCO, H-CC1 to H-CC4, H-CCO<br>Employment Zones: E1 to E3 |
| 2. A permanent patio shall not be permitted on a rooftop                         | ✓   |
| 3. Minimum setback from Residential Zones<br>Permanent patios shall not obstruct | 6.0 m   |
| 4. driveways, parking aisles and pedestrian walkways                             | ✓   |

## Permanent Patios:

# Site Plan Requirements

- Permitting Permanent Patios = no longer have to apply for a Committee of Adjustment, Minor Variance

However: Site Plan Control application Required

Site Plan Control is still required as permanent patios are considered additions or alterations to a building or structure that has the effect of substantially increasing the size or usability



## Restaurant Setback Requirement :

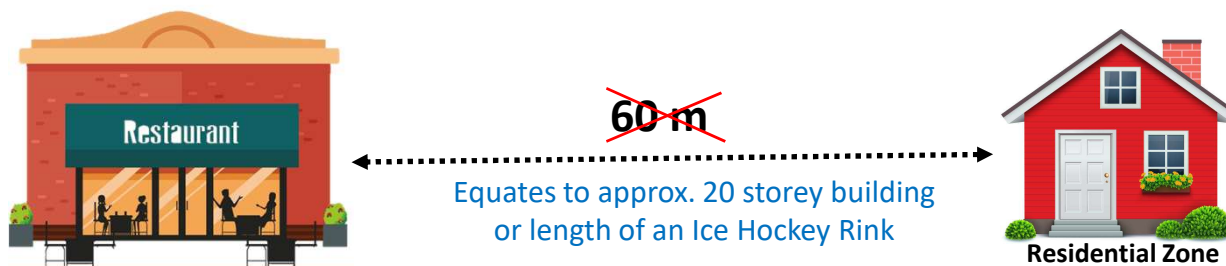
# What we're Removing

Removing burdensome regulation requiring:

**Restaurants, Take-out Restaurants and Convenience Restaurants** to have a Minimum separation distance of **60 m** from Residential zones

However 

**Restaurants, Take-out Restaurants and Convenience Restaurants** that have patios will still be required to have a 6 m setback from Residential zones



## Seasonal Outdoor Retail Sales & Display

# Regulation that we're Keeping

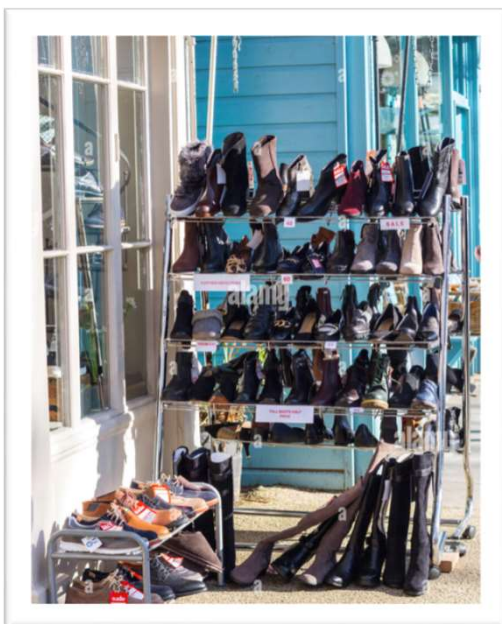


### EXISTING SEASONAL OUTDOOR RETAIL SALES & DISPLAY REGULATION

|    |  |  |
|----|--|--|
| 1. | A seasonal outdoor retail sales and display area is permitted only in these zones  | C1 to C4, H-CC1 to H-CC4, CC1 to CC4, H-CCO, CCO, H-CCOS, CCOS, OS1, OS2 and PB1-6 zones |
| 2. | Shall be accessory to a retail store, with the exception of OS1, OS2 and PB1-6   | ✓  |
| 3. | The regulations of Lines 4.0 and 5.0 contained in Table 2.1.9.7 of this By-law shall not apply to a temporary tent and/or stage used for seasonal outdoor retail sales and display | ✓  |
| 4. | Minimum distance from a Residential Zone to edge of a seasonal outdoor retail sales and display area   | 4.5 m  |

## Seasonal Outdoor Retail Sales & Display

# Regulation that we're Keeping



### EXISTING SEASONAL OUTDOOR RETAIL SALES & DISPLAY REGULATION

|  |       |
|--|-------|
| 1. Shall not be permitted to occupy an accessible parking space  | ✓     |
| 2. Minimum distance from accessible parking spaces to edge of a seasonal outdoor retail sales and display area | 1.0 m |

## Seasonal Outdoor Retail Sales & Display

# What We're Adding



### EXISTING

#### SEASONAL OUTDOOR RETAIL SALES & DISPLAY REGULATION

|    |  |  |
|----|--|--|
| 1. | Maximum number of required parking spaces that shall be used for a seasonal outdoor retail sales and display area    | 3 parking spaces or 50%, whichever is less |
| 2. | Seasonal outdoor retail sales and display areas shall not obstruct driveways, parking aisles and pedestrian walkways | ✓  |



## Lets Discuss

1. Seasonal Patio Zoning By-law Changes:  
Private & Public Lands
2. Permanent Patio Zoning By-law Changes
3. Application process

Take the Survey, Google: **BEYOND INDOOR DINING**

## Take the survey

We want to hear about your experiences with outdoor patios in Mississauga to ensure that the regulations we establish reflect the needs of the industry and its patrons.

Survey ends October 6, 2023.

**For more information visit:**

[yoursay.mississauga.ca/beyond-indoor-dining](https://yoursay.mississauga.ca/beyond-indoor-dining)



Call to  
Action

# THANK YOU

## Zoning Services

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