

Temporary Expedited Patio Program Information Guide

Economic Development Services

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1.0 Introduction: Patio Options

The Temporary Expedited Patio Program will consider patio applications that fit three options on City property: small patio, curbside patio (on-street parking spaces), large patio (on-street parking spaces), and expanded sidewalk patios. Large and curbside patio must have parking spots in front of their establishment. Businesses located on City or Regional roads are eligible. The following pages will guide you through the description and specific requirements for each of these patio options.

Applicants must meet all of the requirements to ensure that patio applications can be efficiently and quickly permitted and implemented.

The program will be available from April 1, 2021 to November 15, 2021. Permits issued are non-renewable. All fees related to patios will be waived while the state of emergency is in effect. If applicants want to keep their patios beyond November 15th, they will need to reapply the following year through the regular Annual Sidewalk Café Program. Please carefully read through the patio details and requirements to ensure you are prepared for your application and to avoid any potential delays.



2.0 Restaurant Reopening Requirements

Restaurants, bars, and other food and drink establishments are permitted to open for outdoor dining as Durham Region is authorized to according Provincial guidelines. Appropriate measures must be in place to ensure physical distancing of at least 2 metres between groups of customers.

Please visit [Ontario's Guidelines for Restaurants and Bars](#) for a full list of requirements and to stay informed about ongoing updates and new regulations. Durham Region Public Health has also published [Guidelines for Restaurants and Bars](#).

The following guidelines are specifically related to the operation of outdoor patios:

- The required distance between patrons from different groups must be 2 metres
- Temporary table dividers may be installed to make physical distancing easier for restaurants with communal seating or larger tables
- Prepare a contingency plan for patrons in the event of rainfall
- Total number of customers may not exceed capacity available for use or the amount approved by the Province
- Allow space for the safe circulation of customers and staff.
- Reservation system to avoid lines of waiting customers and ensure that those lines do not come close to patio customers
- Please do not use the pedestrian clearway to queue patrons awaiting their reservation or table.
- Demarcate the floor with markers for any areas where a line-up may occur.
- Mark the direction of travel to designated entrances and exits, pick-up areas and washrooms
- Post signage promoting physical distancing
- Provide more than one means of egress, if possible

3.0 Patio Options

3.1 Small Patio

3.1.1 Description

Small patios are located directly against the business property, either in the front or on the side where there is suitable public space. Small patios are not enclosed by railings.

3.1.2 Alcohol

Businesses may not serve alcohol in small patios.

3.1.3 Requirements

Furniture may not be stored on the patio overnight. Businesses must take in furniture at closing hour each day. For accessibility, table and seating options that accommodate people of all abilities must be available. Additionally, furniture must not obstruct entrances and exits. Businesses are restricted to a maximum of two tables and two chairs per table while maintaining 2 metres of clearance space for pedestrian flow.

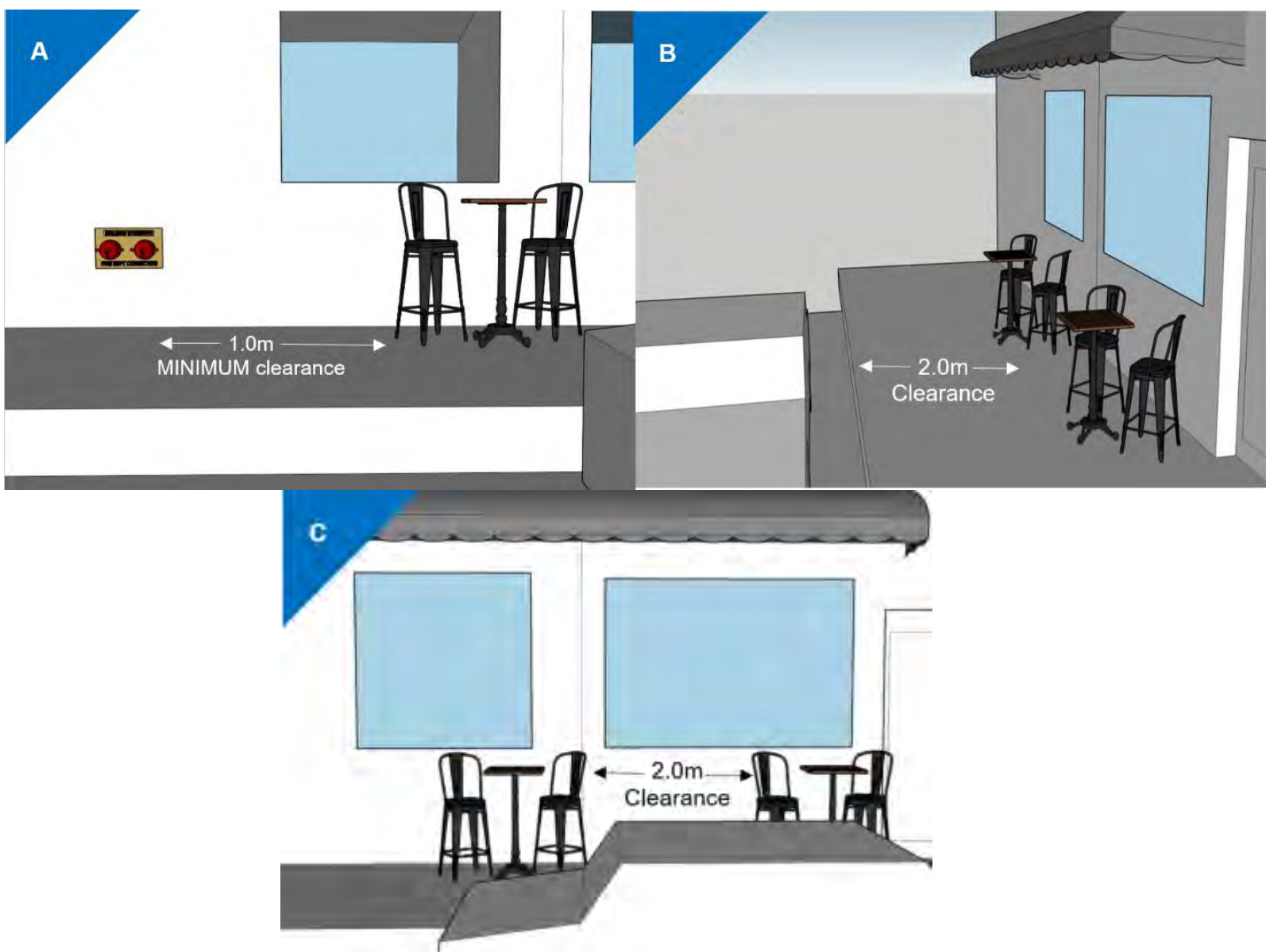


3.1.4 Small Patio Clearance Requirements

Figure A. Furniture must maintain a minimum 1 m clearance from centre of a fire department connection.

Figure B. Patio furniture must maintain a minimum 2m clearance from utilities/ infrastructure. If there's no utilities/ infrastructure, measure to the nearest sidewalk obstruction (e.g. edge of tree grate).

Figure C. Patio tables must be placed with a 2.0m distance from one another.



3.2 Curbside Patio

3.2.1 Description

Curbside patios are fully detached from buildings and occupy a maximum of two on-street parking spaces. They are set back from the sidewalk, segregated from surrounding parking spaces, and enclosed by railings. These patios may be in front of the business or on the side for restaurants located at a corner. Every effort will be made to investigate the potential for a curb lane closure, but they are not guaranteed. Curb lane closures are not possible within in the following areas: Commercial or Accessible loading zones, Transit stops, or Bike lane locations.

3.2.2 Alcohol

Businesses may serve alcohol in curbside patios if they hold a valid liquor licence.

3.2.3 Requirements

To ensure safety, City will provide safety barriers in the form of planters, jersey barriers, signage, wheel stop, or bollards to each patio, dependent on inventory availability. Behind the safety barrier railings must be provided and maintained by the business. For accessibility, table and seating options that accommodate people of all abilities must be available. Patio must be placed on a temporary sidewalk/ decking platform to maintain the level of sidewalk. Temporary sidewalk (2x6" boards) must be provided and maintained by the business. Applicants may encroach on sidewalk if 2m of unobstructed path is maintained for pedestrians. Furniture may be stored overnight on the patios.



3.2.4 Curbside Patio Clearance Requirements

Figure A. Perimeter of the patio must maintain a minimum 5.0m clearance from fire hydrants, and 0.5m clearance from utilities/ infrastructure (such as maintenance holes and storm drains).

Figure B. Perimeter of the patio must maintain a minimum 2m clearance for pedestrian flow.

Figure C. Curbside patio must maintain a minimum 1.0m clearance every two parking spaces (approx. 10m-12m). A business with a curbside patio must offset the beginning and end of the patio 0.5m from the property line in order to provide 1.0m total clear.

Figure D. Perimeter of the patio must maintain a minimum 1m clearance from fire department connections (Siamese).



3.3 Large Patio

3.3.1 Description

Large patios are located directly against the business property, either in the front, or on the side where there is suitable public space. Large patios must be enclosed by railings.

3.3.2 Alcohol

Businesses may only serve alcohol in large patios with railings if they hold a valid liquor licence.

3.3.3 Requirements

To ensure safety, City will provide safety barriers in the form of planters, jersey barriers, signage, wheel stops or bollards to each patio, dependent on inventory availability. Railings are required as part of the design and operation of large patios, and must be maintained and provided by the business at their cost. For accessibility, table and seating options that accommodate people of all abilities must be available. Temporary sidewalk/ decking platform must be placed on the on-street parking spots to maintain the level of sidewalk. Temporary sidewalk (2x6" boards) must be provided and maintained by the business. Furniture may be stored overnight on the patios.



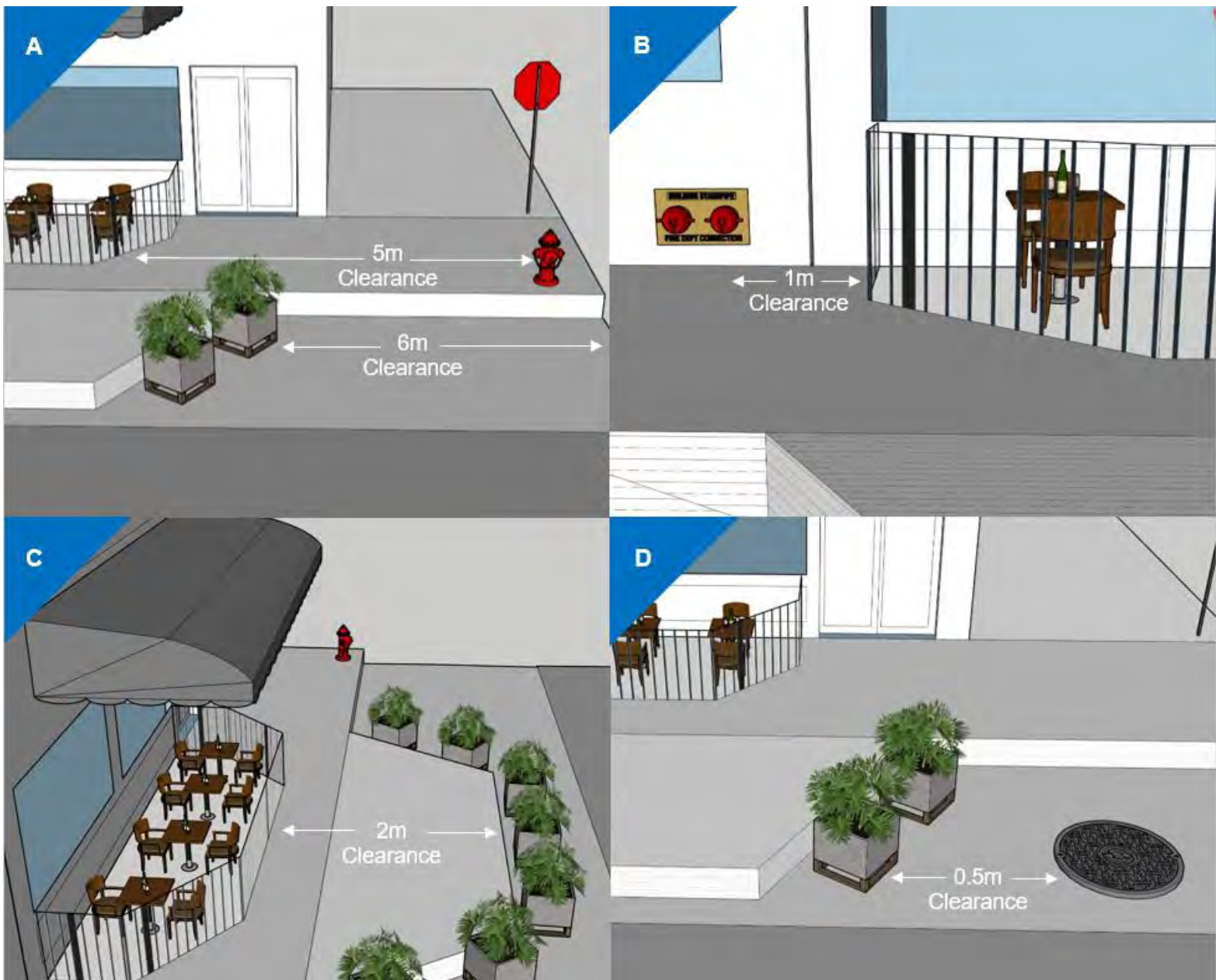
3.3.4 Large Patio Clearance Requirements

Figure A. Perimeter of the patio must maintain a minimum 5m clearance from fire hydrant, and 6m from the end of the curb.

Figure B. Perimeter of the patio must maintain a minimum 1m clearance from fire department connection (Siamese).

Figure C. Perimeter of the patio must maintain 2m clearance for pedestrian flow.

Figure D. Perimeter of the patio must maintain a minimum 0.5m clearance from utilities/ infrastructure.



3.4 Expanded Sidewalk Patio

3.4.1 Description

Expanded Sidewalk Patios are only available to restaurants located on the north sidewalk of King Street East between Mary Street North and Simcoe Street North. Patios are located directly against the business property, either in the front, or on the side where there is suitable public space. Patios must be enclosed by railings.

3.4.2 Alcohol

Businesses may only serve alcohol in large patios with railings if they hold a valid liquor licence.

3.4.3 Requirements

To ensure safety, City will provide safety barriers in the form of planters, jersey barriers, signage, wheel stops or bollards to each patio, dependent on inventory availability. Railings are required as part of the design and operation of expanded sidewalk patios, and must be maintained and provided by the business at their cost. For accessibility, table and seating options that accommodate people of all abilities must be available. Furniture may be stored overnight on the patios.

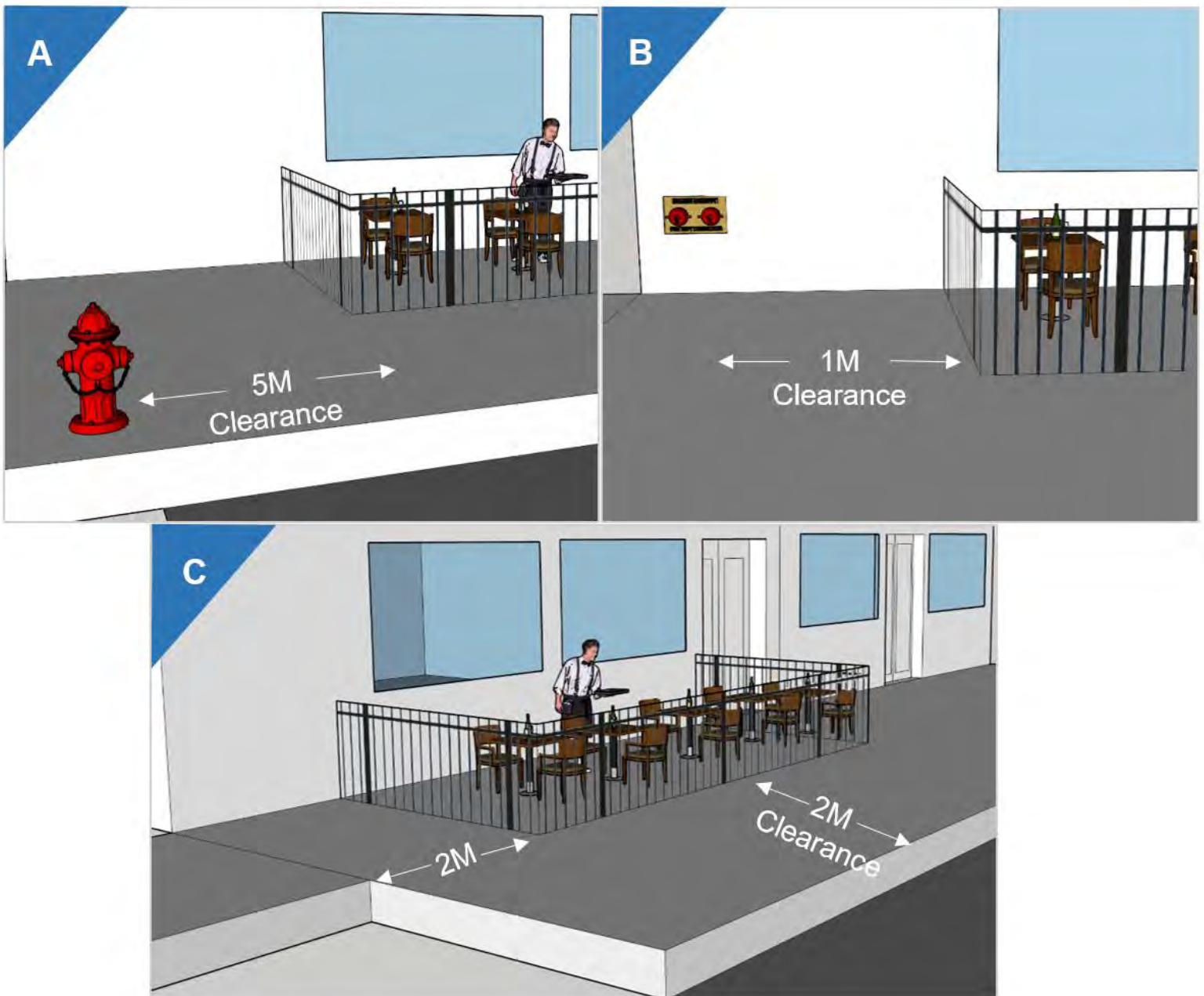


3.4.4 Expanded Sidewalk Patio Clearance Requirements

Figure A. Perimeter of the patio must maintain a minimum 5m clearance from fire hydrant.

Figure B. Perimeter of the patio must maintain a minimum 1m clearance from fire department connection (Siamese).

Figure C. Perimeter of the patio must maintain 2m clearance for pedestrian flow.



4.0 General Requirements

In addition to the requirements specific to the individual patio options, please read through the general requirements below and ensure your patio application abides by them.

Applications must not have:

- Permanent Patio Construction (new or of any kind)
- Utility connections of any kind (electrical, sprinkler, gas, heaters)
- Accessory structures (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.)
- Increased occupancy of any kind

Applicants must ensure:

- Compliance with all applicable orders from the Provincial Public Health Office (including occupancy, seating configurations, gathering restrictions, etc.). Please review the most up-to-date information: <https://www.agco.ca/beer/changes-or-additions-existing-licensed-areas>
- Valid liquor licences (for patio options that allow liquor), and that railings are installed and maintained for liquor service areas.
- Proposed patios are accessible to people of all abilities (temporary decking platform sidewalk consisting of 2x6 boards for Large and Curbside Patios)
- Railings can be fastened into the sidewalk with a removable wedge anchor with 10cm -12cm depth. Anchors must be removed and the holes must be filled with caulking upon removal of the patio. Operations Department is able to provide further guidance. City will confirm if the application impacts special pavement areas. Railings must have an open appearance with an approximate height of 0.9 m – 1.2 m. Weights may be used to hold temporary railings in place within the patio area. The weights must not protrude into the roadway (curbside patios) or the sidewalk (large patios and expanded sidewalk patios). Bollard and chain fencing is not permitted.
- Patio access cannot be through business kitchen or employee-only areas.
- Proof of liability insurance coverage (General liability of \$5 million or \$2 million for small patios with City of Oshawa/ Region of Durham additionally insured)
- If you want to use the space in front of an adjacent business, get written permission from your neighbouring property owner and/or tenant.

Additional Notes:

Fire and Utility Access

Patio Operators must:

- Maintain unobstructed emergency access routes and exiting facilities conforming to the Ontario Building Code and the Fire Code
- Maintain a 1.0 metre clearance fire department connections (Siamese) and they must be visible and accessible at all times
- Maintain a 5.0 metre clearance from all fire hydrants and they must be visible and accessible at all times
- Allow access to utility providers and City staff to maintain their assets
- Ensure that all fire protection equipment is being maintained as per Ontario Fire Code regulations

Alcohol Service

In order to serve alcohol on your patio structure, please contact your Alcohol and Gaming Commission of Ontario (A.G.C.O.) representative for the most up-to-date information on temporary extension of your liquor license. Questions related to process and requirements for liquor license extension are to be directly addressed to AGCO.

AODA Compliance

It is the responsibility of the business owner to maintain compliance with the Accessibility for Ontarians with Disabilities Act (AODA) at all times.

Please ensure your establishment adheres to the accessibility standards noted in the AODA, including:

- Provide an accessible entrance to the patio area of a minimum width of 1 metre
- Do not allow your patio or customer queuing area to impede any existing barrier-free access or sidewalk clearance for people using mobility devices to your establishment or that of your neighbours

Removal Authority

Bylaw Officers have the authority to remove any patio that is determined to contribute to unsafe condition and does not meet the minimum criteria noted in this guidebook. The City of Oshawa reserves the right to remove any large, curbside, expanded sidewalk or small patio or any permutation thereof that causes an obstruction to pedestrian or vehicular traffic due to existing conditions in the nearby right-of-way or is deemed unsafe any way.

Temporary Private Property Patios and Parking Lot Patios

Please contact Planning Services Department to discuss your patio proposal. Planning will review the impact, functionality, and accessibility of the patio.

Planning Services Department

Planning@Oshawa.ca

905-436-3311

New Construction Patios

If you are interested in a new construction patio with a permanent structure please contact Building Services.

Building Services

Buildings@oshawa.ca

905-436-3311

OUTDOOR RESTAURANT PATIO POLICY

Scenario 1: Permit application for a new restaurant including a patio

Option 1A:

Patio enclosure with gates allowing unimpeded exits to the outside:

- Seating layout signed and sealed by an architect will be required. The permit plan shall indicate the proposed occupant loads of restaurant and patio.
- The restaurant and patio occupant loads may be treated individually for assessing the required fire and life safety measures (e.g. fire alarm, exit width, etc.)
- A fire alarm system is required if an individual occupant load exceeds 150 persons.
- If a part of the restaurant's occupant load is discharged into the patio for exiting, the patio gates need to be designed for the total occupant load assigned to these gates, and they shall be readily opened from the inside without requiring keys or specialized knowledge.
- Washroom facilities shall be provided for the combined occupant loads.

Option 1B:

Patio enclosure without gates to the outside:

- The architect's seating layout shall show the combined occupant loads of restaurant and patio.
- Fire and life safety systems shall be designed for the combined occupant loads.
- Washroom facilities shall be provided for the combined occupant loads.

Note 1: A clearance letter for liquor license will be issued by the Building Department upon request with applicable fee paid.

Note 2: The occupant load approved by the Building Department under a building permit shall not be later amended by the Fire Services (unless an occupant load increase is requested later by the owner).

Note 3: If the patio is proposed after the restaurant permit has been issued, a revision to the building permit or a new building permit application with applicable fee paid will be required. A new architect's seating layout indicating the above items is mandatory.

Scenario 2: New patio with no roof above and patio floor sitting on ground in an existing restaurant

- A building permit is not required when no other structure is proposed.
- Clearance from Planning Services may be required in case of an existing Site Plan Agreement related to grading, accessibility, etc.
- Contact Oshawa Fire Services for a clearance letter for liquor license.

Note for both scenarios: Proposed patio must comply with Zoning Bylaw No. 60-94, as amended. Plans showing the patio, building(s) and parking spaces on the site as well as seating layouts prepared by a qualified designer, shall be provided for review of Zoning Bylaw.

Drawing Template for Applicants

