



**THE CORPORATION OF THE TOWN OF WASAGA BEACH  
ECONOMIC DEVELOPMENT INITIATIVES**

**OPEN PATIOS 2023 APPLICATION PACKAGE**

<b>OFFICE USE ONLY</b>			
<b>DATE RECEIVED:</b>		<b>FILE NO.:</b>	
<b>DATE APPLICATION DEEMED COMPLETE:</b>			

The Open Patios program is designed to assist restaurateurs by allowing them to extend seating options outside – whether they have an existing patio or not. The program also serves to help animate local streets and plazas and provide safe socializing options for the community and its visitors.

This Application Package is available to restaurant businesses located in the Town of Wasaga Beach who wish to extend their outdoor patio for the summer season. To ensure that there are no time setbacks to your temporary patio, please ensure that you carefully and truthfully complete this entire application form.

Submissions can be made electronically to [kaitlyn.monsma@wasagabeach.com](mailto:kaitlyn.monsma@wasagabeach.com) or to the Town Hall located at 30 Lewis Street in Wasaga Beach. In either case, please address the subject as “**Application for Open Patios**”. For application assistance, call our Economic Development Office at 705-429-3847.

Please note that there is **no application fee**.

**1. CONTACT INFORMATION**

**Applicant Information**

Name of applicant:			
Mailing Address:			
Telephone No:		Cell No:	
E-Mail:		Fax No:	

**Property Owner Information (if different from Applicant)**

Name of Owner:			
Mailing Address:			
Telephone No:		Cell No:	
E-Mail:		Fax No:	

**Communications should be sent to**     **Applicant**         **Owner**         **Agent**

**2. AUTHORIZATION OF OWNER**

If the applicant is not the owner of the land that is the subject of this application, the written authorization by the owner that the applicant is authorized to make the application must be included with your application or the authorization set out below must be completed.

**3. AUTHORIZATION OF OWNER FOR AGENT TO MAKE APPLICATION AND TO PROVIDE PERSONAL INFORMATION**

I, \_\_\_\_\_, am the owner of the land that is the subject of this application and for purposes of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M. 56., authorize \_\_\_\_\_ as my agent for this application, to provide any of my personal information that will be included in this application or collected during the processing of the application.

Date:		Signature of Owner:	
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**4. CONSENT OF THE OWNER TO THE USE AND DISCLOSURE OF PERSONAL INFORMATION**

I, \_\_\_\_\_, am the owner of the land that is the subject of this application and for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M. 56. I authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of *The Municipal Act* for the purposes of processing this application.

Personal information contained in this form, collected and maintained pursuant to *The Municipal Act*, will be used for the purpose of responding to the Application and creating a public record. The Owner’s Signature acknowledges that “personal information [is] collected and maintained specifically for the purpose of creating a record available to the general public;” per Section 14(1)(c) of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M. 56.

The applicant acknowledges that the Town considers the application forms and all supporting materials, including studies and drawings, filed with this application to be public information and to form part of the public record. With the filing of an application, the applicant consents to the Town photocopying and releasing the application and any supporting material either for its own use in processing the application or at the request of a third party, without further notification to or permission from the applicant. The applicant also hereby states that it has authority to bind its consultants to the terms of this acknowledgement. Questions regarding the collection of information should be directed to the Clerk of the Town of Wasaga Beach, 705-429-3844, ex 2223.

Date:		Signature of Owner:	
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## 5. PATIO DESCRIPTION

### Restaurant Information

Owner Name:			
Mailing Address:			
Telephone No:		Cell No:	
E-Mail:		Fax No:	
Address of Restaurant:			

### Briefly describe the patio you are proposing

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### Existing Seating Capacity

Number of existing dine-in tables	
Number of existing patio tables	
What is the existing indoor seating capacity restaurant?	
What is the existing outdoor seating capacity restaurant?	

### Proposed Seating Capacity

Number of patio tables proposed to be added	
How many additional outdoor seats would this provide?	

### Parking Availability (if applicable)

Number of existing parking stalls	
Number of parking stalls once patio is installed	

## 6. GENERAL PATIO GUIDELINES

### Operator Responsibility:

Owners and operators are responsible for ensuring that their restaurant, bar or other food service premises is in compliance with all applicable legislative requirements under provincial and municipal law, including all emergency orders made under the *Emergency Management and Civil Protection Act* and the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*. As every restaurant, bar or other food service premises will be different, it is the responsibility of owners/operators to review their own policies, procedures, and site-specific operations, while ensuring that the appropriate infection prevention and control measures are implemented and maintained. As well, food premises must comply at all times with O. Reg. 493/17: Food Premises made under the *Health Protection and Promotion Act*.

**Removal Authority:**

The Town of Wasaga Beach may take enforcement action and, in addition, may direct that the owner remove the temporary patio operating under this program at the expense of the operator without reporting to Council where, in the opinion of the Development Services General Manager or their designate, the patio does not comply with these guidelines and regulatory framework outlined in this Application Package.

Any patio that is not in compliance with the guidelines and regulatory framework outlined in this application package in the opinion of the Development Services General Manager or their designate, will be issued the following two (2) written notices before receiving the final third notice that the temporary patio has been removed from the program:

1. First notice: Issued to operator to provide notice that the patio is not in compliance with the guidelines and regulatory framework outlined in this Application Package and that this issue must be addressed within five (5) days.
2. Second notice: Issued five (5) days following the first notice if the operator fails to address the issue. This notice will inform the operator that the patio is still not in compliance with guidelines and regulatory framework outlined in this Application Package. This notice will inform the operator that if the issue is not addressed within another five (5) days, the patio will be removed from the program.
3. Third notice: Final notice issued to the operator five (5) days after the second notice if the operator fails to address the issue. This notice will inform the operator that the patio has been removed from the program due to non-compliance with guidelines and regulatory framework outlined in this Application Package.

**General Information:**

Open Patios is a program intended to facilitate expedited approvals for patio expansion, but there are basic requirements that are necessary to ensure public safety. Restaurant, café and bar operators with valid business licenses must comply with all regulatory frameworks, including:

1. Local noise and nuisance by-laws.
2. Local public health requirements.
3. Provincial regulations.

All patios require a site inspection before operators are provided the written all-clear to operate their patio. The following are guidelines based on best practices but may require site-specific alterations given your unique patio location. Our inspection team will work with you to explore alternatives to maintain public safety and to ensure that your business can benefit from this program.

**Set Back Criteria:**

All patios require the following location or set back requirements:

1. Do not obstruct storm drains or catch basins.
2. Do not obstruct electrical utility elements such as in-ground cable chambers or hydro vaults, padmount transformers or switchgears, distribution or street lighting poles, guy wires or anchors.
3. Do not obstruct the pedestrian clearway by using the space to queue patrons or to accommodate patio planters, furniture, bike racks, umbrellas, stands or hosting stations.
4. Do not obstruct access areas to your neighbour's establishment.

5. Patios must comply with the following set back distances
  - a. Vehicular travel lanes including fire routes – 3ft
  - b. Hydrants – 5ft
  - c. Bollards – 5ft
  - d. Utility vaults – 5ft
  - e. Roadways – 7ft
  - f. Waste Receptacles – 10ft

For the purposes of these guidelines the “pedestrian clearway” refers to the area of the sidewalk that provides safe, efficient and accessible movement of pedestrians. This includes the straight continuous and unobstructed path of sidewalk and not the curb edge, street furniture zone, patio enclosure area or vehicular travel lane.

### **Delineation Criteria:**

All patios must be delineated by fencing, stanchions or planters and ensure the following:

1. For fences and stanchions, include a lower detectable rail that sits between 77mm and 150mm above the sidewalk surface for cane walkers so that they can tap along the bottom of the patio element to determine where they can safely walk.
2. Planter bases have a solid detectable base for cane walkers.
3. Delineation elements (i.e., planter, fence, and stanchion) is a contrasting colour to the sidewalk area.
4. Delineation elements must be between 0.9 and 1.0 metres in height, which includes dense plant material.
5. Open design for fencing to mitigate movement from high winds.
6. Delineation supports do not penetrate asphalt or concrete surfaces but will be appropriately anchored to the ground by way of canopy weight plates, weight bags or other suitable means.
7. Delineation supports do not create a trip hazard.
8. Delineation materials must have reflective tape or reflective flexi-posts at inbound transit ends of the patio area to alert nighttime drivers of the patio.
9. Delineations must not be of a continuous length greater than 40ft. If a patio is longer than 40ft emergency pedestrian access gaps must be included.

### **Canopy Structures and Umbrellas:**

A temporary patio may contain a canopy structure and/or umbrellas. For the purpose of this guide a temporary canopy structure is an unenclosed structure that has a cloth or canvas roof with four or more posts able to provide shade or shelter from weather conditions such as sun and rain.

Note that a building permit for a temporary canopy/structure is required if:

1. The canopy/structure is greater than 60sqm.
2. The canopy/structure is attached to a building.
3. The canopy/ structure has less than a 3 metre separation distance from other structures.

If your patio is to include a canopy structure, please ensure the following:

1. Structure is appropriately anchored to the ground by way of canopy weight plates, weight bags or other suitable means.
2. Structure supports will not penetrate asphalt or concrete or create a trip hazard.
3. Structure is not enclosed on any sides.

4. If the installation of the structure follows the patio inspection, contact the municipality for a further inspection of the structure.

If your patio is to include umbrellas, please ensure the following:

1. Umbrellas must be properly weighed down to prevent being blown over by wind.
2. Umbrellas are at least 7ft above the patio floor.
3. Umbrellas do not encroach into the pedestrian clearway.

### **Outdoor Heaters:**

If your patio is to include outdoor heaters, please ensure compliance with all applicable safety standards and codes and that your staff are trained in appropriate handling procedures. All portable radiant and/or fueled heaters must meet the following:

1. CSA/ULC certified.
2. Meet the requirements of the *Technical Standards and Safety Act, 2000*. [Click here](#) to review the TSSA Patio Heater and Propane Cylinder Safety Guidelines.
3. Be designed for outdoor use only.
4. Have anti-tilt features that will automatically shut off the heater.
5. Be free standing, with a minimum height of 5ft.
6. Table top heating appliances are not permitted.
7. Heaters must be located on non-combustible, solid and even surfaces.
8. Do not place near a points of egress, near combustible structures or materials, street elements including trees and utilities, below a tent or canopy, or obstructing firefighting equipment per the Ontario Fire Code.
9. Do not store fueled heating units indoors.
10. Limit your site supply of propane to a single-day's use.
11. Heaters must be installed and operated in accordance with the manufacturer's instructions.
12. For Open Air fires, ensure that your patio is operating within the Town's Open Fires By-law, as amended.

### **Patio Lighting:**

If your patio is to include outdoor lighting features, please ensure the following:

1. Lighting features must be temporary.
2. Lighting features comply with all applicable safety standards and codes.
3. Lights must not glare for pedestrians, passing road users or nearby properties.
4. Lights cannot be attached to utilities or other street elements.
5. Permission has been granted for your power source if it is not your own.

### **Patio Noise:**

Please ensure the following with respects to noise disturbances:

1. Noise arising from your patio does not disturb local residents or neighbouring business establishments, which includes the conduct of your patrons.
2. Ensure that your patio is operating within the Town's Noise Nuisance By-law, as amended.

### **Entertainment Platforms:**

Should you be interested in installing a temporary performance stage with your patio, please contact Building and Development Services.

**Additional Accessibility Criteria:**

All patios must include the following additional accessibility criteria. It is the responsibility of the operator to ensure compliance with the *Accessibility for Ontarians with Disabilities Act*.

1. Do not use pedestrian clearway to place signage like A-frames.
2. Do not lay electrical wiring (i.e., from heaters, lighting or appliances) in the pedestrian clearway, in-use parking stalls, or vehicular lanes.
3. Electrical wiring should be tucked away from walkways and where necessary, hidden under rubber mats or duct tape as to minimize the tripping hazard.
4. Do maintain cleanliness in the clearway adjacent to your patio, ensuring that it is free of refuse and debris.
5. Do provide an accessible entrance to your patio with no less than 3.5ft in width.
6. Do consider accessibility-friendly furniture for your patio.

**Additional Safety Criteria:**

1. Ensure that your patio elements are maintained and are in good repair.
2. Ensure that patrons are not smoking or vaping on the patio or within a 9 meter radius of the patio.
3. Ensure that patio elements when not in use are stacked and stored neatly and securely. Items that are light weight or cannot be stored neatly must be brought indoors overnight.

**Alcohol Service:**

Patios must adhere to all AGCO requirements and provide proof of applicable permits and licenses at the time of application. Those applicants requiring a temporary extension of an existing liquor license must clearly identify the area in their application and such extension is at the discretion of the municipality to approve.

Business owners that wish to serve alcohol on their temporary Patio must ensure that they have a valid liquor license issued by the Alcohol and Gaming Commission of Ontario (AGCO) at the time of application to the Town of Wasaga Beach.

In November 2022, the AGCO amended Regulation 746/21 under the Liquor Licence and Control Act, 2019 establishing a new framework for temporary outdoor physical extensions (temporary patios), which took effect January 1, 2023. These changes impact liquor sales licence holders and manufacturer by-the glass endorsement holders.

In order to obtain permission to sell alcohol on a temporary patio, liquor sales licensees and manufacturers that hold a by-the-glass endorsement will require municipal approval. Upon obtaining approval from the municipality, liquor license sales licensees and manufacturers that hold by-the-glass endorsements will be required to notify the AGCO by making a submission on the iAGCO portal before selling or serving liquor on temporary patios. Purposed patios that wish to serve alcohol will be required meet the following conditions:

- The physical extension of the premises is adjacent to the premises to which the licence to sell liquor applies;
- The licensee is able to demonstrate sufficient control over the physical extension of the premises;
- There is no condition on the liquor sales licence prohibiting a patio; and,
- The capacity of any new patio, or extended patio space where the licensee had an existing licensed patio, does not exceed 1.11 square metres per person.

In addition to these new requirements, temporary patios may only operate for a maximum of eight months per calendar year. The AGCO will no longer accept applications or otherwise approve temporary patios for licensees located in municipalities, requests will be facilitated through the Open Patios process.

Further to the above, any business that has been approved for a permanent outdoor liquor license and the footprint of this outdoor area has not been expanded, permission for a temporary outdoor physical extension is not required.

Proof of a valid liquor license is required through the application process to ensure no additional approvals are needed for the proposed patio.

**Comprehensive Zoning By-law & Site Plan Control By-Law:**

Temporary restaurant patios approved under this program are exempt from the requirements of Site Plan Control By-law 2010-115 and Section 3.38.9, Section 26.2.14, Section 26.2.15 & Section 27.150 of the Comprehensive Zoning By-law as determined and approved by the Development Services Department.

<b>7. REQUIRED DOCUMENTATION</b>	
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The required documentation is outlined below and is to be submitted with this application form.

<b>A) A SITE PLAN</b>
<ul style="list-style-type: none"> <li>• Describe the existing design and layout of the commercial property (applicants can contact Town staff to determine whether an existing site plan or other plans are available for use as a base plan to describe the site)</li> <li>• Describe the proposed temporary patio area in relation to the existing design and layout of the commercial property</li> <li>• Plans and drawings should be drawn to scale</li> <li>• Describe proposed table and chairs layout within the patio area</li> <li>• Describe how the patio will accommodate safe pedestrian access and egress to the main entrance to the restaurant, to the patio, to abutting commercial uses, and surrounding sidewalks</li> <li>• Describe accommodations for barrier-free movements to satisfy Provincial and local requirements</li> <li>• Describe the use of canopy or umbrella coverage</li> <li>• Describe the fencing material and fence design</li> </ul>
<b>B) A VALID HEALTH CERTIFICATE OF INSPECTION FROM THE HEALTH UNIT</b>
<b>C) A LIQUOR LICENSE PERMIT (IF APPLICABLE) FROM THE AGCO</b>
<b>D) AUTHORIZATION FROM THE PROPERTY OWNER AGREEING TO THE PATIO</b>
<b>E) COPY OF LIABILITY INSURANCE</b>
<b>F) COMPLETION OF MUNICIPAL SITE INSPECTION</b>

<b>8. APPLICANT INDEMNIFICATION</b>
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The applicant confirms that their application is true to the best of their knowledge and that they will honour the agreement between themselves, the property owner and the Corporation of the Town of Wasaga Beach as laid out through this Open Patios program.

Date:		Applicant Signature:	
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