

# Outdoor Patios

BL.09-PAT

December 11<sup>th</sup> Planning and Development Committee

Presented by Trista James



# Purpose of this Report

The purpose of this report is twofold:

- 1. Proposed Zoning By-law Amendments:** Presenting recommendations to transition the Temporary Outdoor Patio Program and Temporary Outdoor Retail Sales & Display regulation, both set to expire on December 31, 2023, to as-of-right permissions within the Zoning By-law (for private lands).
- 2. Proposed Changes to Other City By-laws:** Presenting proposed changes to other City by-laws (related to public lands) for both Seasonal Outdoor Patios and Retail Sales & Displays.

# Community Engagement

Community Engagement included:

1. Targeted engagement sessions with the City's BIAs, Tourism Mississauga, Mississauga Board of Trade, Ontario Restaurant Hotel & Motel Association, Restaurants Canada, and local businesses
2. A social media campaign and Patio Survey with 708 responses which revealed strong support for outdoor patios, particularly in Port Credit BIA.

**Insights from these engagements informed staff recommendations being presented.**

# Background - Temporary Patio Program

- Temporary use by-law Approved in 2020 to allow restaurant establishments to expand outdoor seating on a temporary basis
- Temporary Patio Uses  
**Expiring December 31, 2023**



# Example: Patios on Private Lands

Patios on Public lands (such as in Commercial Plazas) do not require a Permit



# Example: Patios on Public lands

Patios on City lands (Sidewalks and Lay-by Parking) require either a Permit or Encroachment Agreement

Permit



Parking Lay-by: Griplock  
Patio

Encroachment Agreement



Parking Lay-by: Wooden  
Construction

Permit



Parking Lay-by: City  
provided Jersey Wall  
barrier

Permit



Sidewalk Patio

# Seasonal Outdoor Patios (Private Lands):



## 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 Outdoor Patios (Private Lands)



- Revising the definition

EXISTING 	PROPOSED
<p data-bbox="92 521 602 565"><b>Temporary Outdoor Patio</b></p> <p data-bbox="92 600 898 873">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</p>	<p data-bbox="975 521 1449 565"><b>Seasonal Outdoor Patio</b></p> <p data-bbox="975 600 1825 928">means a temporary, outdoor seating area, located on a parking space or sidewalk which may be covered only by a temporary tent, and is operated as accessory to a restaurant, convenience restaurant or take-out restaurant.</p>

# Seasonal Outdoor Patios (Private Lands)



## 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:

**3.0 spaces per restaurant, convenience restaurant or take-out restaurant with a seasonal outdoor patio**



# Seasonal Outdoor Patios (Private Lands)

## PROPOSED

1. A seasonal outdoor patio shall **not be permitted on a rooftop**
2. Minimum unencumbered sidewalk width for a seasonal outdoor patio located on a sidewalk = **1.5 m**
3. Allow **temporary tents to be permitted** for the duration that a seasonal outdoor patio is operated.

**NEW**

# Additional Updates



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

# Seasonal Outdoor Retail Sales & Display (Private Lands)

**NEW**

## 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	<b>2.0 spaces</b> per retail store with a seasonal outdoor retail sales and display area
2. Minimum unencumbered sidewalk width for a seasonal outdoor retail sales and display located on a sidewalk	<b>1.5 m</b>



# Permanent Patios (Private Lands)



## PERMANENT PATIO REGULATION

1.	A permanent patio is permitted only in these zones	<b>O1 to O3, C1 to C4, CC1 to CC4, H-CC1 to H-CC4, H-CCO, CCO, E1 to E3</b>
2.	A permanent patio shall not be permitted on a rooftop	✓
3.	Minimum setback from Residential Zones	<b>6.0 m</b>
4.	Permanent patios shall not obstruct driveways, parking aisles and pedestrian walkways	✓
5.	A permanent outdoor patio shall comply with the setback or yard provisions of the zone in which it is located	✓



# Permanent Patios: Site Plan Requirements

Permitting Permanent Patios

= **no longer having to apply for a  
Committee of Adjustment, Minor  
Variance**

However:

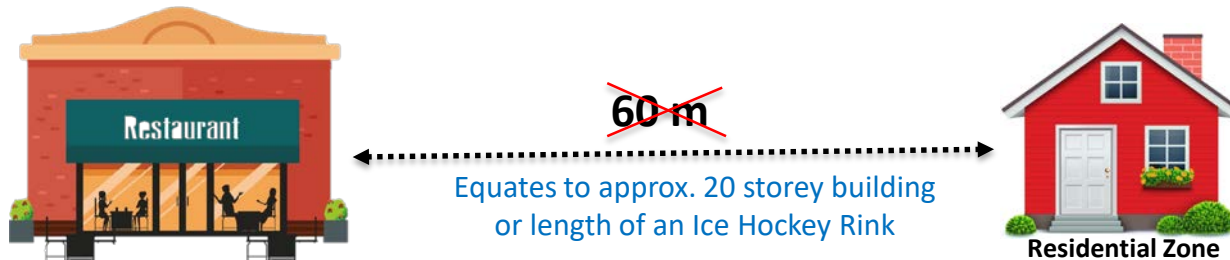
**Site Plan Control would still apply**



# Restaurant Setback Requirement :



Removing regulation requiring:	However
<p><b>Restaurants, Take-out Restaurants and Convenience Restaurants</b> to have a Minimum separation distance of <b>60 m</b> from <u>Residential</u> zones</p>	<p><b>Restaurants, Take-out Restaurants and Convenience Restaurants</b> that have <u>patios</u> will still be required to have a <b>6 m setback</b> from <u>Residential</u> zones</p>





# Public Lands – Other City by-laws

To ensure the continuity of outdoor patio and retail sales and display permissions on public lands, staff are proposing the following:

- **Location Restriction:** Seasonal outdoor patios & retail sales and displays will be confined to sidewalk areas within the City's right-of-way (ROW) lands
- **Exception:** Port Credit BIA area patios will be permitted to maintain seasonal and long-term (year round) structures on the city's sidewalks and lay-by parking spaces.
- **Fee Waiver:** Waiving the application and agreement fees for a period of 2 years

# Other Considerations

Staff will also be working on the following initiatives:

- **Design Guidelines Update**

Staff will be producing updated design guidelines for outdoor patios (both seasonal and permanent).

- **Streamlined Process**

Optimizing the Outdoor Patio website and application process, and overall user experience for applicants.

# Recommendation

That the recommendation of the **report be approved in accordance with the following:**

**That implementing by-laws be enacted at a future City Council meeting, including by-laws that would allow seasonal outdoor patios and seasonal outdoor retail sales and displays to operate with waived fees for a period of two years until December 31, 2025.**