



STOUFFVILLE VILLAGE

# Temporary Patio Program on Public Property

# Patio Checklist: How to Apply for a Temporary Patio

The Town of Stouffville's Temporary Patio Program makes it easier for local restaurants, cafés, and bars to expand their seating outdoors. Here's what you need to know to get started:

## Step-by-Step Summary

### **Check Eligibility:**

- Must be a registered food business
- Valid Ontario Business Number
- AGCO license (if serving alcohol)
- No outstanding Town penalties
- Make sure your space meets the eligibility requirements for the type of patio you intend to install.

### **Choose Your Patio Type (see more details in the booklet):**

1. **Option One: Small Frontage Temporary Patio** (on sidewalk situated against the wall of your building)
2. **Option Two: Curbside/Walkway Temporary Patio** (located on a sidewalk/walkway adjacent to an Eating Establishment)
3. **Option Three: Parking Space Temporary Patio** (in adjacent on-street parking spot)
  - a. All patios — regardless of type — must maintain full accessibility and ensure the safety of all pedestrians and emergency access routes.
  - b. A minimum 1.5-metre pedestrian clearway is required at all times.
  - c. Patios must not block sidewalks, emergency routes, fire hydrants, catch basins, or transit stops.
  - d. All installations must comply with the Accessibility for Ontarians with Disabilities Act (AODA) and the Ontario Building Code.
  - e. All patios must have Commercial General Liability Insurance:
    - i. Minimum \$2 million per occurrence
    - ii. \$5 million aggregate limit

For full safety, accessibility, and design requirements, please refer to the detailed patio type descriptions in this guide.

### **Prepare Your Application**

1. Complete the [Road Occupancy Permit \(ROP\)](#) and/or [Encroachment Permit](#) as required
2. Create a **site plan** (see page 18)
3. Gather insurance documents
4. Include [AGCO forms](#) (if serving alcohol)

### **Submit All Documents**

1. Email to: [publicworks@townofws.ca](mailto:publicworks@townofws.ca) or drop off: 111 Sandiford Drive, Stouffville
2. The application will be reviewed on a first come first served basis

### **Wait for Approval**

1. If approved, coordinate installation with Public Works

2. Schedule an inspection with [publicworks@townofws.ca](mailto:publicworks@townofws.ca)
3. Build the patio **after final approval**
4. Only open your patio **after the final concert barricades are installed by the Town this year 2025 (for Curbside/Parking patio)**

**Fees & Requirements** – The Town has waived the road occupancy, road encroachment and building clearance letter fees to support businesses during the upcoming construction. The damage deposit will still need to be paid.

1. **Damage Security Deposit:** \$1,000 (refundable)
2. **Insurance Required:** \$2M per occurrence, \$5M total
3. **Patios cannot be installed before May 24th, 2025**
4. **Patios must be removed by the first Friday in November 2025**



## Introduction

The Town of Stouffville is excited to launch the 2025 Temporary Patio Program in the Village of Stouffville to support local businesses along Main Street and create more outdoor dining options. This program makes it easier for eligible restaurants and cafés to apply for temporary patio space on public property.

The goal is to help businesses expand seating, attract customers, and contribute to a vibrant, accessible, and safe streetscape.

This guide covers everything you need to know—from eligibility requirements to the application process. Whether you're a new or returning participant, we're here to support a successful patio season.

Thank you for being a part of our local business community. We look forward to a successful patio season!

### Eligibility Requirements for Temporary Patio Applications

To qualify for the Temporary Patio Program, businesses must:

- Be a registered eating establishment (restaurant, café, bar) with a valid Ontario business number.
- Submit a completed Road Occupancy Permit with:
  - Site plan of the proposed patio
  - Proof of liability insurance
  - AGCO Liquor Licence (if serving alcohol)
- Follow all rules in the Temporary Patio Policy and applicable laws.
- Get Town approval (for public patios).
- If your patio plans include overhanging into your neighbour's storefront area, you must obtain written permission from them. A sample letter is attached for your reference on page 16.
- Have no outstanding Town penalties.
- Patios must not block sidewalks, emergency routes, fire hydrants, catch basins, or transit stops.
- All installations must comply with the Accessibility for Ontarians with Disabilities Act (AODA) and the Ontario Building Code.

# Types of Patios

## OPTION ONE: SMALL FRONTAGE TEMPORARY PATIOS

This type of patio is ideal for businesses with limited space directly in front of their storefront. These patios must follow specific guidelines to ensure public safety and accessibility:

### Key Features:

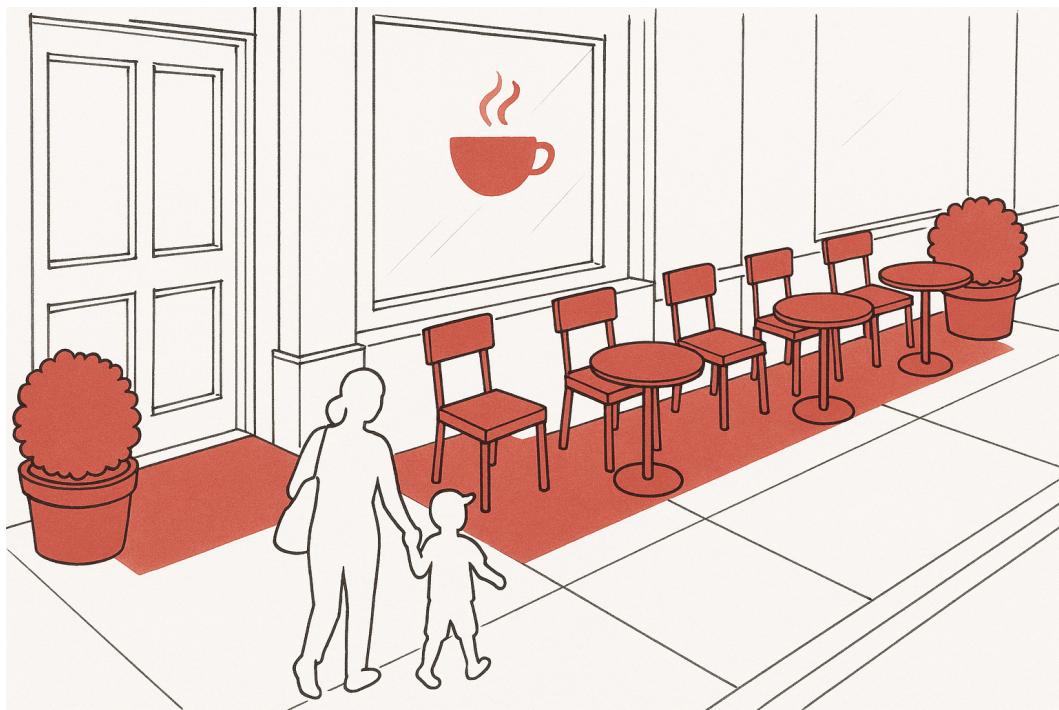
- It must be located in an open space directly against the building facade.
- Can **not** include any umbrellas, fencing, or enclosures.
- Designed to create an open and unobstructed feel for both patrons and pedestrians.

### Restrictions:

- **Alcohol service is not permitted**, as there are no physical barriers separating the patio from the public sidewalk.
- All furniture and displays (tables, chairs, signage, etc.) **must be removed after business hours** to maintain public space.

### Accessibility Requirements:

- A **minimum of 1.5 metres** of clear, unobstructed sidewalk space must be maintained at all times for pedestrian access.
- **Insurance** is mandatory.



## OPTION TWO: CURBSIDE/WALKWAY PATIOS

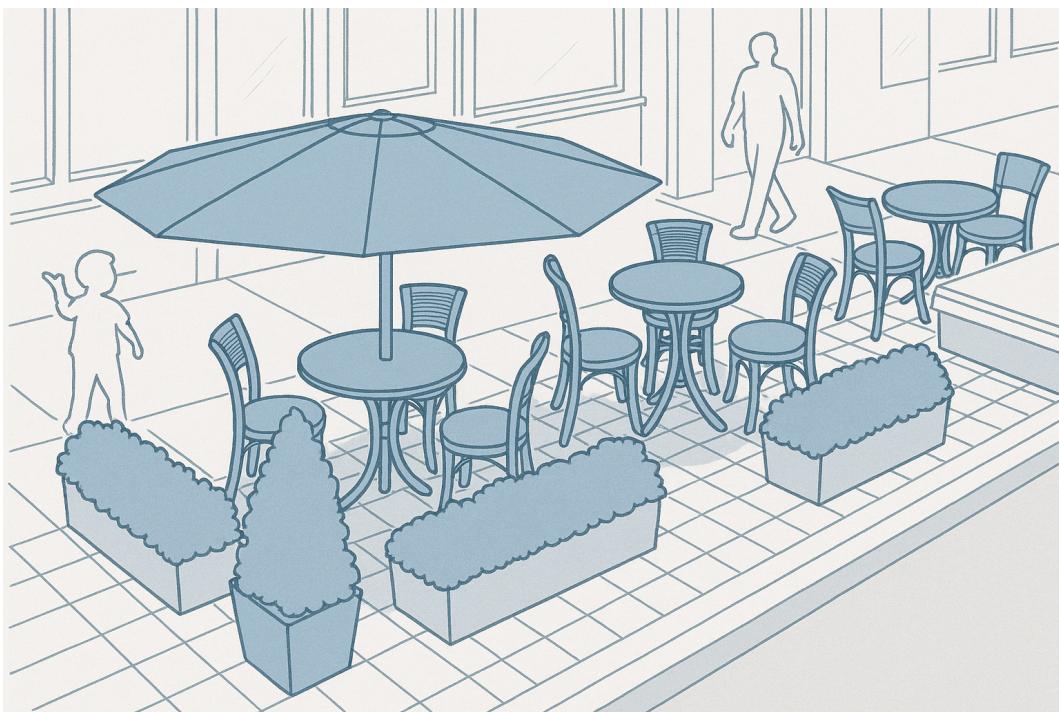
Curbside or Walkway Patios are located on the sidewalk or walkway directly adjacent to an eating establishment.

### Key Features:

- Must be located **directly beside the business** (not in front of neighbouring properties unless written consent is provided).
- Requires a **proposed site plan** that clearly shows all existing objects (e.g., poles, bike racks) between the building and the patio to ensure accessibility.
- Subject to a **Road Occupancy Fee** (waived at this time to support with the upcoming construction).

### Safety & Accessibility Requirements:

- **Insurance** is mandatory.
- **Encroachment Permit** required.
- Must **not block emergency routes** and must comply with the **Ontario Building Code and Fire Code**.
- Maintain a **minimum 5-metre setback** from pedestrian crossovers, traffic signals, and areas requiring clear sightlines.
- Drainage infrastructure (gutters, catch basins) shall not be obstructed.
- **No roof structures**. Umbrellas are permitted but cannot extend beyond the edge of patio.
- Must **not obstruct** transit stops or curbside garbage/recycling collection.
- A **minimum sidewalk clearance of 1.5 metres** must be maintained at all times.
- **Sturdy barriers (1 metre high)** are required to separate the patio from any adjacent live traffic lanes. The Town will provide them this 2025 season.
- The patio must include **vehicle crash protection to safeguard diners and pedestrians**. The Town will be providing this for the 2025 season.
- Edge of patio must include **retro-reflective sign WA-33R** facing traffic for night visibility.



## OPTION THREE: PARKING SPACE PATIOS / WALKWAYS

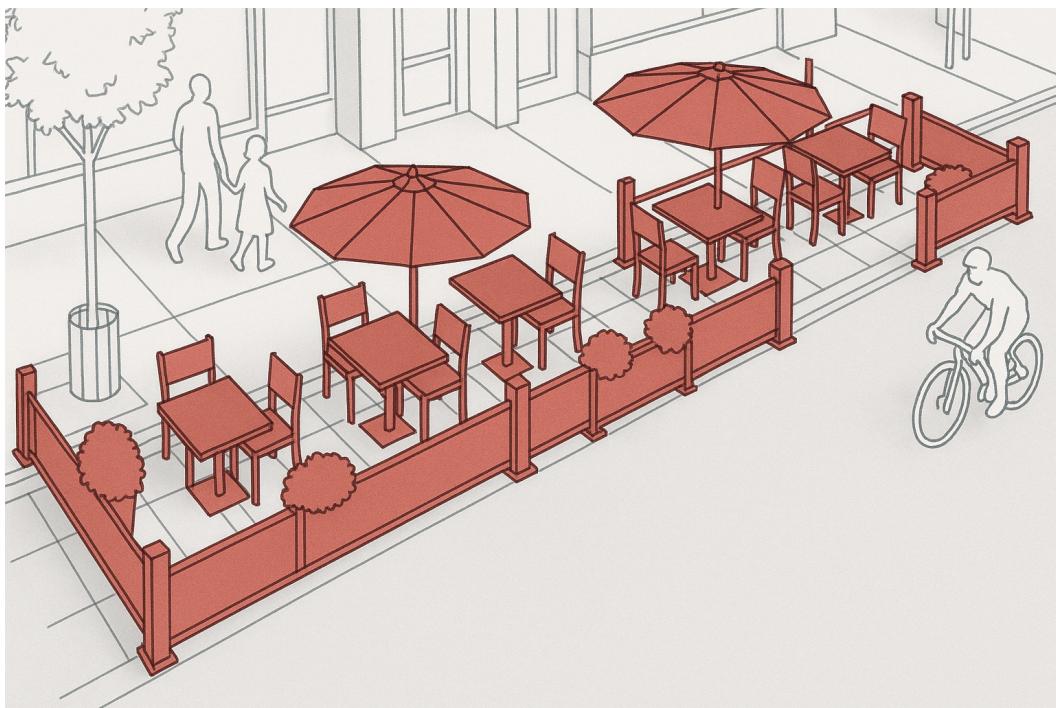
Parking Space Patios offer a creative way for businesses to expand their outdoor seating by transforming existing street parking spaces into vibrant patio areas.

### Key Features:

- Patios must be located in on-street parking spaces **directly adjacent** to the business and cannot extend in front of neighbouring properties without written consent.
- Allowed only on streets with posted **speed limits of 40 km/h or less** for safety.
- A detailed **site plan** is required showing the patio location and surroundings (see example on page 18).

### Safety & Accessibility Requirements:

- **Insurance** is mandatory.
- **Encroachment Permit** and **Road Occupancy Permit** are required.
- Must **not block emergency routes** and must comply with the **Ontario Building Code and Fire Code**.
- Drainage infrastructure (e.g., gutters and catch basins) must remain **unobstructed**. The deck design must allow for proper stormwater drainage and runoff, ensuring water can flow freely from the street surface to the curb and catch basins.
- **No roof structures**. Umbrellas are permitted but cannot extend beyond the edge of patio.
- Maintain a **minimum 5-metre setback** from pedestrian crossovers, traffic signals, and maintain clear sightlines.
- Must not interfere with transit stops, turning radius buffers or curbside garbage/recycling collection.
- A **minimum 1.5-metre clear sidewalk space** must be maintained at all times.
- Must include sturdy **1-metre-high barriers** with high visibility reflective material and **vehicle crash protection** to separate the patio from live traffic lanes. The Town will provide vehicle crash protection for the 2025 season.
- Edge of patio must include **retro-reflective sign WA-33R** facing traffic for night visibility.



# Materials & Construction Guidelines

## APPROVED MATERIALS

To ensure safety, durability, and a cohesive appearance throughout the streetscape, all patio installations must be constructed using high-quality, weather-resistant materials. Installations must be kept in good condition for the duration of the season, with any repairs made promptly to address safety concerns, weather damage, or general wear and tear.

The following standards apply:

- **Framing & Decking:** Use pressure-treated wood, composite decking, or other durable, slip-resistant materials. The deck must be constructed to ensure long-term stability and durability.
- **Fencing/Railings:** Wood, metal, or a combination of both. Decorative elements are encouraged but must not pose a safety hazard.
- **Planters:** Must be stable, well-maintained, and constructed from durable materials like wood, steel, or heavy-duty plastic. Avoid lightweight or easily tipped items.
- **Barriers:** Concrete barriers will be provided by the town for the 2025 season to enhance safety. These will be placed along the sides of patios to protect them from vehicle traffic. Barriers must remain in place at all times during the season and cannot be moved under any circumstances. Patios may not operate without the barriers installed.
- **Furniture:** Outdoor-rated tables, chairs, and umbrellas that are sturdy, well-kept, and visually consistent with the patio's overall design. For Small frontage patios all furniture must be brought indoors when the business is not in operation.
- **Platform Surfaces:** Must allow for water drainage and be flush with the sidewalk or street edge to avoid tripping hazards.

## PROHIBITED MATERIALS

- Untreated or unfinished wood that may rot or splinter
- Plastic fencing, tarps, or other makeshift materials
- Loose gravel or mulch as flooring
- Inflatable or excessively lightweight items that may become hazards in wind

# Washrooms, Garbage & Recycling

To maintain a clean, safe, and welcoming environment for patrons and the broader community, all patio operators are responsible for providing adequate facilities and waste management.

## WASHROOM ACCESS

- Businesses with patios must ensure **public access to indoor washrooms** for patio patrons during operating hours.
- Signage indicating washroom availability and location is recommended.
- Temporary or outdoor washroom facilities are **not permitted** unless approved as part of a special event.

## GARBAGE & RECYCLING

- Patios must have a **waste management plan** in place, including proper disposal of garbage and recyclables.
- **Waste bins** must be:
  - Easily accessible to patrons and staff
  - Emptied regularly to avoid overflow
  - Kept clean and in good condition
- **Recycling** and **organics** separation is strongly encouraged, where possible.
- Waste containers should be stored **out of public view** when not in use (e.g., at night or after closing).

## LITTER PREVENTION

- Operators are expected to **monitor the patio and surrounding area** regularly for litter.
- Any waste or debris that accumulates around the patio space, even if not generated by the business, should be removed within 24 hours.

# Applications On Public Property

## APPLICATION TIMELINE

- Submit application before May 31st, 2025.
- Questions submitted by May 17th, 2025, at noon.
- Town will issue approvals/denials applications as they come in on a first come, first served basis.

## BEFORE YOU APPLY

- Read though this document.
- Ensure your proposed patio is on public property (e.g. sidewalk, parking space).
- Confirm your business is eligible.

## SUBMIT REQUIRED DOCUMENTS:

- Completed Road Occupancy Permit (ROP) Application**
  - Available at [townofws.ca](http://townofws.ca) or above
  - Submit by email to [publicworks@townofws.ca](mailto:publicworks@townofws.ca) or in person at 111 Sandiford Drive, Stouffville
- Submit Supporting Documents**
  - Site plan
  - Insurance documents

# Application Evaluation

Temporary Patio applications are evaluated by the **Manager of Transportation & Fleet Services**, in consultation with relevant Town departments (e.g. Economic Development, Planning, Fire Services, Public Works, etc.).

Decisions consider:

- Economic and programming impact
- Legislative and building compliance
- Road use and fire safety
- Accessible design
- Appropriate materials
- Location

## Patio Installation & Inspection

Once approved, businesses are responsible for **installing, dismantling, and cleaning** their Temporary Patio and surrounding approved area.



- **Town Property:** Installation must be coordinated with **Public Works**, who will **oversee the process** to ensure safety and minimize disruptions. Installations begin **mid-May**, as directed by Public Works.
- **Barriers:** Concrete barriers will be installed after the patio has been installed; the patio cannot operate until these are in place.
- After installation, businesses must **schedule an inspection** with Public Works to confirm compliance with approved plans and safety standards. A **successful inspection** is required before the Town issues a final **Road Occupancy and/or Encroachment Permit**.

## Other Operating Requirements

1. **Start Date:** You can only operate once your final inspection is done, all payments are made, and you've received final approval from Public Works.
2. **End Date: Remove** patio by the **first Friday in November**.
3. **Sidewalks:** Any sidewalk extensions must be installed **before** blocking existing sidewalks.
4. **Maintenance & Safety:** You are responsible for **all maintenance, safety, and repairs**. The Town can order changes if needed.
5. **Non-Compliance:** If you break any rules, your permit is **void**, and the Town may remove the patio **at your expense**.
6. **Access:** Keep **access clear** to all nearby public and private properties.

7. **Legal Responsibility:** You are considered the **constructor, owner, and occupier** under applicable laws and assume all liability.
8. **Indemnity:** You agree to protect the Town from **any legal or financial issues** related to the patio.
9. **Town Costs:** If the Town incurs costs due to your patio, you may be billed like municipal taxes.
10. **Clean-Up:** After removing your patio, you must **pressure wash and clean** the area.
11. **Patio Care:** You are responsible for **installation, removal, and storage**.
12. **Noise:** No live amplified music. Follow the **Town's Noise By-law**.
13. **Hours:** Patios must be **closed between 1 AM and 8 AM**.
14. **Lighting:** Patio lighting must be approved by the Town.
15. **Laws:** Follow **all federal, provincial, and municipal regulations**.
16. **Fire Safety:** A **fire extinguisher** must be within **25m** of any part of the patio.
17. **Accessibility:** Patios must comply with the **Accessibility for Ontarians with Disabilities Act (AODA)**.
18. **Use:** Only for **seating and food/drink service** – no other business activities allowed.

## Business Licensing & Insurance – Temporary Patios

### Licensing:

- A Road Occupancy (ROP) and/or Encroachment (ENC) Permit is required.
- Patios must follow Outdoor Serving Area regulations.

### Insurance:

- Provide proof of insurance when applying.
- Must have Commercial General Liability Insurance:
- Minimum \$2 million per occurrence
- \$5 million aggregate limit

### Coverage must include:

- Property damage, injury, negligence, and death
- Town of Stouffville listed as an Additional Named Insured
- Cross Liability, Severability, Products & Completed Operations, and Contractual Liability

## Enforcement – Temporary Patio Program

Failure to obtain an ROP and/or ENC, or comply with the Temporary Patio Program, will result in penalties and fines. Each day of non-compliance is a separate offence. Unauthorized use of Town property will lead to legal action and costs to restore the site. Violations may also result in denial of future applications.

## Indemnity – Temporary Patio Owner

The owner of a Temporary Patio agrees to defend, indemnify, and hold the Town harmless from any **claims, injuries, or property damage** arising from the use or occupancy of Town-owned land. This includes any issues caused by the owner's actions, negligence, or by those under their control.

If the Town is involved in any litigation related to the patio, the owner will cover all **costs**, including **legal fees**. The owner's indemnity obligation will remain in effect even after the permit expires.

## Fees for 2025

For the 2025 season, the Town of Whitchurch-Stouffville has **waived** the Road Occupancy Permit and Encroachment Permit fees this year. This decision was made to help support businesses with the upcoming reconstruction of Main Street aimed to start next year.

However, businesses must provide Item 5 a **\$1,000 Road Occupancy Damage Security** (refundable upon permit termination). This security will be used for Town staff time in the event of any issues arising from the patio (e.g., flooding, accidents).

The \$1,000 security will be refunded if:

- Town property is returned in the same condition it was granted for the patio.
- The area is thoroughly cleaned of debris after the patio is removed.
- No damage is caused to Town infrastructure due to the patio installation.

The Town will be covering the \$95 fee for the building clearance letter required for businesses to obtain a liquor licence for temporary patios. This fee typically covers the inspection needed for municipal approval to serve alcohol. This decision was made to help support businesses in preparation for the upcoming construction in 2026.

You can learn more in the section below.

## Liquor License Requirements for Temporary Summer Patios

The Government of Ontario has amended Regulation 746/21 under the Liquor License and Control Act, 2019 establishing a new framework for temporary outdoor physical extensions (temporary patios), which took effect on January 1, 2023. These changes impact liquor sales license holders and manufacturer by-the-glass endorsement holders.

If your business plans to serve alcohol on a temporary patio this summer, you must follow the steps below:

### STEP 1: OBTAIN TOWN OF STOUFFVILLE APPROVAL

To receive approval for your temporary patio:

- Complete the Temporary Patio Application Form (Attached to this document)
- Submit your completed form via email to: **buildingpermits@townofws.ca**
- Pay the Application Fee: Fees are covered this year 2025 to support with the upcoming construction.

## STEP 2: INSPECTION

Once your application is received:

- A site inspection will be scheduled.
- The inspector will assess:
  - **Proper egress/exiting**
  - **Adequate washroom facilities** to support the patio's occupant load
- If your site passes inspection, you will receive an **official approval notice** from the Town.

## STEP 3: NOTIFY THE AGCO

Following approval, **you must notify the AGCO** (Alcohol and Gaming Commission of Ontario) with:

- Confirmation of your **Town approval**
- The **duration** of the patio operation
- Any **conditions** noted in the approval

# Draft Letter for Neighbour Permission

[Business Name]

[Business Address]

[Stouffville, Ontario, Postal Code]

[Phone Number]

[Email Address]

[Date]

To Whom It May Concern,

I, [Full Name], owner of [Business Name] located at [Business Address], hereby grant permission to [Neighbour's Full Name] of [Neighbour's Business Name] at [Neighbour's Business Address] to extend their seasonal patio into the area in front of my storefront.

We have discussed this arrangement and are in agreement that the patio will be maintained in a way that is clean, safe, and visually appealing. We are committed to working collaboratively to ensure the patio enhances the streetscape and provides a positive experience for our customers and the community.

If you have any questions or require further details, please feel free to contact me at the number or email listed above.

Sincerely,

[Full Name and Signature]

# Site Plan Example

