

**GROWTH MANAGEMENT  
SERVICES DEPARTMENT  
TEMPORARY PATIO PROGRAM  
CHECKLIST  
FORM-GMS-100**



**GUIDELINES**

To apply for a temporary patio in the Township of King, please complete this form and submit it to the Township of King.

Completed forms may be submitted to: Township of King, Attention: Director of Growth Management Services  
2585 King Road, King City, ON L7B 1A1  
Email: [ecdev@king.ca](mailto:ecdev@king.ca) or Fax: 905-833-2300

For more information please visit our website ([www.king.ca](http://www.king.ca)), or contact the Growth Management Services Department at 905-833-5321.

**Contact Information**

Date of Application:	
Name of Restaurant/Establishment:	
Location Address:	
Proponent /Contact Person :	
Telephone Number:	
Cell Number:	
Email (if available):	

**Location (Check all that apply)**

<input type="checkbox"/>	Is wholly contained on private property, and not located within any public right-of-way, boulevard, sidewalk or other public lands.
<input type="checkbox"/>	Temporary patios (on private property) permitted under this guideline shall extend no later than January 2, 2021. Temporary Patios located on public lands shall extend no later than October 31 <sup>st</sup> , 2020.
<input type="checkbox"/>	Has provided the Township with written consent/authorization from the property owner for the patio.
<input type="checkbox"/>	Does not include any significant grading or site alteration which would significantly alter the topography of the site or drainage patterns within the property and on neighbouring properties.
<input type="checkbox"/>	The applicant/proponent has read and familiarized themselves with “Attachment 2 – COVID-19 Emergency – Interim Protocol for Patios and Site Plan Control Exemption” of this document

	and understands that Planning staff will undertake a review for compliance with “Attachment 2” and may request additional information in this regard.
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### Furnishings, Shelter and Other (Check all that apply)

<input type="checkbox"/>	Does not contain fixed or permanent structures, furnishings, etc.
<input type="checkbox"/>	Does not include any above grade works or structures, such as a deck, raised patio, retaining wall, etc. which is more than 0.6 metres in height from grade, or any permanent roofed structures such as a cabana, pergola, etc..
<input type="checkbox"/>	Only contains temporary shelter, such as umbrellas or shade screens.
<input type="checkbox"/>	Consideration has been made for securing patio furniture overnight (i.e. locking it all together). Consideration has also been made for a rain event.
<input type="checkbox"/>	No cooking of food and/or drink preparation is permitted on temporary patios.
<input type="checkbox"/>	No dancing or singing may be permitted in the outdoor dining areas.
<input type="checkbox"/>	Demarcate floor with markers to encourage appropriate physical distancing for any areas where a line up may occur.
<input type="checkbox"/>	Provide direction to customers: <ul style="list-style-type: none"> <li>○ Install directional arrows (e.g. at entrance/exit, washrooms) if possible</li> <li>○ Erect signage for physical distancing</li> </ul>

### Access (Check all that apply)

<input type="checkbox"/>	Does not compromise or interfere with barrier-free access to or from the patio entrances/exits, washrooms and/or designated barrier-free spaces.
<input type="checkbox"/>	Does not compromise or interfere with fire or emergency access or designated fire routes.

### Partitions (Check all that apply)

<input type="checkbox"/>	There must be demonstrated demarcation and sufficient control over the patio by way of physical barriers (e.g. fence/gate, planters, landscaping, or combination of these or similar elements).
<input type="checkbox"/>	If the patio is located within 10 metres of a Residential zone, it shall be screened to mitigate visual and noise impacts on all sides with fencing or vegetation or a combination of both in a manner which does not contravene the Township’s Fence By-law.

**Occupancy and Capacity (Check all that apply)**

<input type="checkbox"/>	The number of patrons is limited to a maximum of 50% of the design capacity of the indoor establishment subject to maintaining a minimum distance of two metres between patrons from different households.
<input type="checkbox"/>	Existing internal restaurant seating/dining capacity (i.e. NOT patio dining area): _____
<input type="checkbox"/>	For licensed patios, the capacity shall not exceed 1.11 square metres per person.
<input type="checkbox"/>	Must have a minimum of 2 metres/6 feet between each edge of every table.
<input type="checkbox"/>	No more than 6 customers should be seated at each table.
<input type="checkbox"/>	Must comply with all Ontario Building Code, Health Regulations (e.g. York Region Public Health Guidelines), Fire Route, Accessibility for Ontarians with Disabilities Act (AODA), Noise By-law (e.g. amplified noise/sound) (including hours of operation restrictions), Liquor License/AGCO, and any other applicable laws, by-laws, or regulations. The proponent acknowledges that this protocol does not provide clearance or confirmation of this related items and it is their sole responsibility to ensure compliance with these other matters.

**Additional Materials Required:**

## Patio Location Information:

- Submit a drawing/plan (non-professional) of the restaurant and proposed patio depicting: Property lines, existing restaurant structure, patio location in respect to the front door, if the patio is fully contained on private property, consent/authorization from property owner (if applicable), how many parking spaces will be occupied by patio if situated over parking lot, patio dimensions in square metres, proposed seating capacity and seating layout of the area to scale with physical distancing requirements met
- Please note additional information may be required following staff's review of the materials provided. Staff will contact you if additional information is needed.

**Attachments**

Page 5	Attachment 1: Restaurant and Patio Resource Page
Page 6-9	Attachment 2: COVID-19 Emergency – Interim Protocol for Patios and Site Plan Control Exemption
Page 10-11	Attachment 3: Fillable Form – Parking Deficiency Letter of Acknowledgement and Undertaking
Page 12	Attachment 4: Fillable Form – Consent of the Landlord

## Proponent Signatures

By signing this form, I acknowledge that, the drawings/plan, statements, information, and other supporting materials required by these guidelines/checklist, and/or provided herein, and/or attached hereto, have been submitted to the Township and the proposed patio complies with the requirements and any other permissions, inspections, and controls required by statute, regulation, or other agency. I have read, understood, and agree to the above.

Restaurant Name	
Restaurant Address	
Proponent's E-mail Address	

\_\_\_\_\_  
 Proponent (Print Name)  
 (I have the authority to bind the Owner)

\_\_\_\_\_  
 Proponent (Signature)

\_\_\_\_\_  
 Phone Number

\_\_\_\_\_  
 Date

*Personal information (PI) is collected on this form under the authority of the Municipal Act, s. 11. The purpose of this collection is to administer the Temporary Extended Patio Program. The personal information provided on this form is protected in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) Part II. Should you have any questions or concerns regarding the collection of personal information (PI), please contact the Growth Management Services Department, King Township, 2585 King Road, King City, L7B 1A1 905-833-5321.*

### TOWNSHIP OF KING STAFF SIGNATURES: OFFICE USE ONLY

Upon signing of the below by Township staff, it is acknowledged that the above process has been completed. This is valid for a period no later than January 2, 2021.

\_\_\_\_\_  
 Name

\_\_\_\_\_  
 Date

Position: \_\_\_\_\_

## ATTACHMENT 1

### RESTAURANT AND PATIO RESOURCE PAGE

It is the responsibility of the restaurant to comply with all Ontario Building Code, Health Regulations (e.g. York Region Public Health Guidelines), Fire Route, Accessibility for Ontarians with Disabilities Act (AODA), Noise By-law (e.g. amplified noise/sound) (including hours of operation restrictions), Liquor License/AGCO, and any other applicable laws, by-laws, or regulations.

The Restaurant and Patio Resource Page provides links to some (but not all) relevant resources for the restaurant and food services sector.

#### **Alcohol and Gaming Commission of Ontario (AGCO):**

- [Ontario Extending Outdoor Patios to Allow for Social Distancing During COVID-19](#)
- [Information Bulletin: Liquor sales licensees may extend their patios for the duration of 2020 once permitted to open \(June 8\)](#)

#### **Ontario:**

- [Framework for Reopening our Province – Stage 2](#)
- [Ontario Stage 2 Closures: O. Reg.263/20: ORDER UNDER SUBSECTION 7.0.2 \(4\) OF THE ACT – STAGE 2 CLOSURES](#)
- [Ontario Food Premise Regulations: O. Reg. 493/17: FOOD PREMISES](#)
- [Resources to prevent COVID-19 in the workplace including Sector-Specific guidance](#)
- Restaurant and food services Sector:
  - [Tip Sheet](#)
  - [Restaurant and food services health and safety during COVID-19](#)

#### **Ontario Restaurant Hotel & Motel Association (ORHMA):**

- [ORHMA Resources](#)

#### **York Region:**

- [COVID-19 and Re-Opening York Region](#)
- [York Region Public Health: COVID-19 PRECAUTIONS FOR RESTAURANTS](#)

#### **King Township:**

- [EconomicKing.ca website - COVID-19 Resources for Businesses](#)

## ATTACHMENT 2 (For Reference Use)

### COVID-19 Emergency - Interim Protocol for Patios and Site Plan Control Exemption

This protocol shall apply **only** for patios which are wholly contained on private property, and not located within any public right-of-way, boulevard, sidewalk or other public lands.

Any proposed restaurant patio which meets the following criteria shall not be considered to constitute “development” as defined by the Township’s Site Plan Control By-law and, therefore, shall not be subject to Site Plan review/approval by the Township:

1. There shall be no new significant grading or site alteration which would significantly alter the topography of the site or drainage patterns within the property and on neighbouring properties.
2. There shall be no new above grade works or structures, such as a deck, raised patio, retaining wall, etc. which is more than 0.6 metres in height from grade, or any permanent roofed structures such as a cabana, pergola, etc..
3. The restaurant and patio are permitted by the Zoning By-law.
4. The patio shall be in accordance with the following provisions:
  - a) A patio shall be permitted to be located within any yard but not within 3 m of any lot line.
  - b) The above 3 m setback provision shall not apply to any property within any Core Area zone (i.e. core area of King City, Schomberg, and Nobleton).
  - c) A patio shall not be permitted within any yard abutting a Residential zone. In such case the minimum setback from the property line required by the Zoning By-law will apply.
  - d) If the patio is located within 10 metres of a Residential zone, the patio shall be screened on all sides with fencing or vegetation or a combination of both in a manner which does not contravene the Township’s Fence By-law;
  - e) Parking shall be provided for any patio in accordance with the provisions of the Zoning By-law.
5. If the on-site parking requirements of the Zoning By-law identify that the patio space will result in a deficient amount of on-site parking for the aggregate of the restaurant (interior and exterior), then the following interim methodologies may be applied in an effort to achieve compliance with the Zoning By-law:
  - a) the patio shall not occupy accessible parking spaces.
  - b) within any property zoned Core Area (CA), in accordance with section 4.5(b) of By-law 2017-66 and 2016-71, the patio may be regarded as a temporary (i.e. only while the COVID-19 Emergency Order remains in effect) change of use of existing commercial gross floor area to another permitted commercial use and shall be exempted from the requirement, if any, to

provide additional parking spaces, provided that all existing on-site parking spaces are maintained.

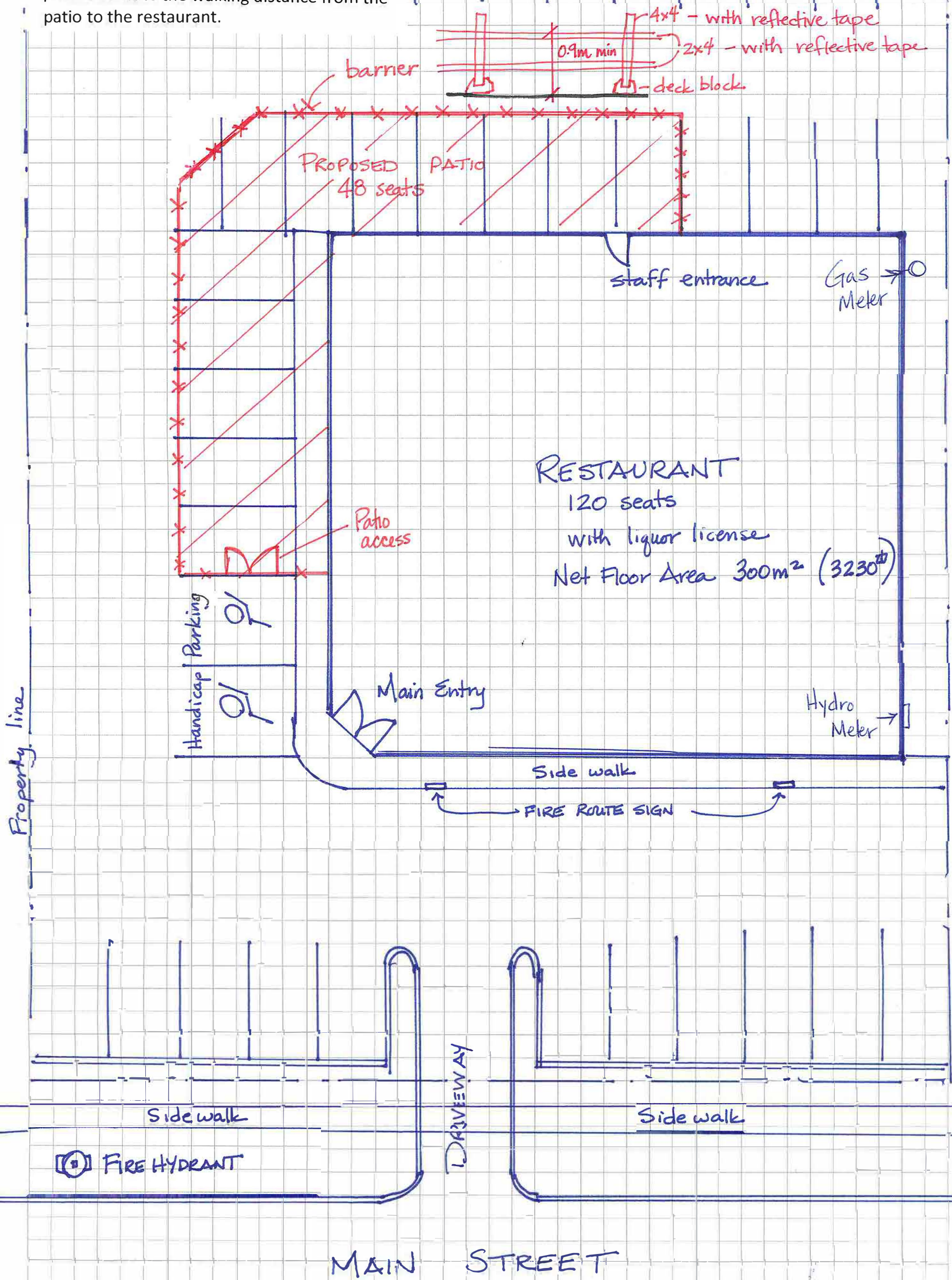
- c) within any property zoned Core Area (CA), in accordance with section 4.5(c) of By-law 2017-66 and 2016-71 any amount of the required number of parking spaces may be provided on another lot, provided that:
    - i. the lot proposed to accommodate parking is within 90.0 m of the subject lot;
    - ii. the lot proposed to accommodate parking is subject to any Core Area zone (CA), any other Commercial zone, or an Institutional (I) zone;
    - iii. the owner enters into the agreement/acknowledgement applicable under this protocol which includes acknowledgement and authorization from the lot/owner intended to accommodate the parking;
  - d) the total amount of on-site parking which is required to be provided can be calculated by including only the patio area/all exterior dining area, and excluding the interior seating/dining space of the restaurant which is prohibited from accommodating any guests, diners, or seating capacity in accordance with the COVID-19 Provincial Emergency Order.
  - e) the above methodologies will not be applied until such time that the owner acknowledges and agrees by way of a letter of acknowledgement and undertaking submitted to the Township by the Owner, which provides for the following:
    - i. that the patio is intended as a temporary use only and upon the lifting of the Provincial Emergency Order and the removal of the prohibition of the use of the existing interior seating/dining space of the restaurant, that the owner shall rectify any on-site parking deficiency resulting from the additional patio space by one or more of the following no later than 12 months after the lifting of the Provincial Emergency Order:
      - a) Removal of the patio and restoration of the site to its original condition; and/or,
      - b) Approval of an application for a Minor Variance or Zoning By-law Amendment to recognize and allow the parking deficiency;
      - c) Completion of an agreement and/or site plan agreement with the Township, as well as an agreement which shall be registered on title with any other owner if the parking is being accommodated on another property/lot; and/or,
      - d) Provision of additional on-site parking to achieve compliance with the total on-site parking requirements of the Zoning By-law taking into consideration both the interior and exterior/patio areas.
    - ii. Failure to comply with the above options to rectify the on-site parking may result in the Township undertaking enforcement of the Township's Zoning By-law.
6. Subject to compliance with the above parking provisions, there is no maximum gross floor area for the patio area.

7. The patio shall comply with all Ontario Building Code, Health Regulations, Fire Route, Accessibility for Ontarians with Disabilities Act (AODA), Noise By-law (e.g. amplified noise/sound) (including hours of operation restrictions), Liquor License/AGCO, and any other applicable laws, by-laws, or regulations.
8. The owner shall submit the following to the Township:
  - a) a plan/drawing which identifies the location, layout, and table/seating capacity of the patio, including any lighting, fencing, barriers, location of entrances to the building and patio access;
  - b) a completed and signed copy of the Patio submission/review Checklist and Acknowledgement.
  - c) Written consent/authorization from the property owner for the patio shall be provided to the Township.
  - d) The letter of acknowledgement and undertaking regarding parking deficiency noted in item 5(b) above, if applicable.
9. Upon receipt of the signed copy of Patio submission/review Checklist and Acknowledgement, at the sole and absolute discretion of the Township, Township Planning staff may conduct a site inspection to verify that the requirements of this protocol have been appropriately addressed and satisfied.

Upon confirmation and/or receipt of the above requirements, Township Planning staff shall execute the Patio submission/review Checklist and Acknowledgement to confirm that the proposed patio shall not constitute development for the purposes of the Township's site plan control by-law, subject to any other requirements noted in item no. 7 above.



If the patio is not "adjacent" to the restaurant, please indicate the walking distance from the patio to the restaurant.



**Net Floor Area** Means the aggregate of the floor areas of a Building above or below established Grade, but excluding car Parking Areas within the Building, stairways, elevator shafts, service/mechanical rooms, washrooms, garbage/recycling rooms, staff locker and lunch rooms, loading areas, a Public concourse or common hallway, any space with a floor to ceiling height of less than 1.8 m, or any part of a Basement that is unfinished and is not accessible to the Public.

**ATTACHMENT 3****LETTER OF ACKNOWLEDGEMENT AND UNDERTAKING  
REGARDING KING TOWNSHIP COVID-19 TEMPORARY PATIO PROGRAM****Letter of Acknowledgement Information**

Date	
To	Township of King - Growth Management Services Department Attention: Director of Growth Management Services 2585 King Road; King City, ON L7B 1A1
From (Please Print Name and Position)	
Regarding (Name and Address of Restaurant)	

The undersigned agrees to, acknowledges and undertakes the following:

1. The owner of the subject property is aware of and has provided authorization for the patio and this undertaking and acknowledgement.
2. With regard to any deficiency of on-site parking for the aggregate of the restaurant (interior and exterior), the temporary patio will rely upon the interim methodologies outlined within Attachment "2" of the "KING TOWNSHIP COVID-19 TEMPORARY PATIO PROGRAM Guidelines/Checklist" which I have read and understand.
3. The patio is intended as a temporary use only and will be removed no later than January 2, 2021 (if wholly contained on private property) and no later than October 31, 2020 for any portion thereof contained on public property if such approval has been received.
4. Upon the lifting of the Provincial COVID-19 Emergency Order and the removal of the prohibition of the use of the existing interior seating/dining space of the restaurant, I shall rectify any on-site parking deficiency resulting from the additional patio space by one or more of the following:
  - a) Removal of the patio and restoration of the site to its original condition; and/or,
  - b) Approval of an application for a Minor Variance or Zoning By-law Amendment to recognize and allow the parking deficiency; and/or
  - c) Completion of an agreement and/or site plan agreement with the Township, as well as an agreement which shall be registered on title with any other owner if the parking is being accommodated on another property/lot; and/or,
  - d) Provision of additional on-site parking to achieve compliance with the total on-site parking requirements of the Zoning By-law taking into consideration both the interior and exterior/patio areas.



5. In the sole and absolute discretion of the Township, failure to comply with the above options to rectify the on-site parking may result in the Township undertaking enforcement of the Township's Zoning By-law.

**Proponent Signatures**

Restaurant Name	
Restaurant Address	

\_\_\_\_\_  
 Proponent (Print Name)  
 (I have the authority to bind the Owner)

\_\_\_\_\_  
 Proponent (Signature)

\_\_\_\_\_  
 Phone Number

\_\_\_\_\_  
 Date

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**ATTACHMENT 4**

**CONSENT OF THE OWNER OR LANDLORD**

I, \_\_\_\_\_, am the owner/landlord of the land that is the subject of this application to King Township’s Temporary Patio Program and have the ability to grant permission for use of this private property.

As the owner/landlord of this property in question, I certify that I have granted permission to the tenant to erect a temporary outdoor dining patio on this property in the location as described in the Temporary Patio Guidelines/Checklist and submitted drawing(s) and do not object to this application. I certify that the information included in the application is accurate and complete.

**Owner/Landlord Contact Information**

Mailing Address (including postal code)	
Telephone Number:	
Cell Number:	
Email:	

\_\_\_\_\_  
Signature of Owner/Landlord

\_\_\_\_\_  
Date

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