The purpose of the Region of Waterloo Temporary On-Street Patio / Pop-Up Guidelines ("Regional Patio Guidelines") is to establish guidelines to enable temporary outdoor patio expansions during the 2023 patio season with potential extensions, in accordance with all applicable laws.

These patio guidelines apply on The Regional Municipality of Waterloo (the “Region”) owned land (roads), and, will form a basis for patio approvals as a patio encroachment agreement (the “Patio Encroachment Agreement”) as follows:

1) Patios solely on Regional roadway sidewalks (a “Sidewalk Patio”); and
2) Patios located on parking spaces of the Region’s roadway, other portion of the traveled portion of the Region’s roadway, AND /OR pedestrian by-passes to facilitate an adjacent patio (the “On-Street Patio”). For greater clarity, an On-Street Patio may include a portion of the patio located on the sidewalk of the Region’s roadway.

These Regional Patio Guidelines, may be revised from time-to-time by the Region and can be found at http://www.regionofwaterloo.ca/patios or email request to Ecdev@regionofwaterloo.ca.

Regional Patio Guidelines and Process

The Region has established two patio process streams for temporary patios located on Regional roads. The first stream being for (1) Sidewalk Patios, and the second stream being for (2) On-Street Patios. The Regional Patio Guidelines are organized into the following Sections:

A. All Patios (Regional Roads)
B. Regional Sidewalk Patios
C. On-Street Patios (back side of curb on parking spaces)
D. Winter Season Patio Considerations
E. Patio Prohibitions
F. General Liability Insurance
G. References
H. Illustrative Examples
A. All Patios (Regional Roads)

- Applicable Law. It is the operating business responsibility to ensure compliance with all applicable federal, provincial and municipal laws, rules, orders, regulations, and by-laws in respect of operating the outdoor patio applicable laws to operate (the “Applicable Laws”).
- Duration. During the patio season as per any Patio Encroachment Agreement with the Region or Area Municipality, as applicable and as established by any Applicable Laws.
- Operating Business Owner Notification and Consent:
  - Notification: Operating business owner to provide written notification of the proposed patio plan to the adjacent property owner(s) and tenant(s) prior to patio operation.
  - Consent. Operating business owner to receive written consent from adjacent property owner(s), and provide such proof of consent to the Region in a form satisfactory to the Region, and any other documentation required by the Region acting reasonably, to support proposed patio plan if the patio extends beyond the operating business façade frontage onto the adjacent property frontage (for sidewalk and on-street patios).
- Patio Plan. A patio plan is required as part of a patio application to place a patio onto a Regional Road. The patio plan is to show the proposed patio location and layout in relationship to the surrounding site conditions and context including street curb, sidewalk, parking space locations, pedestrian access (including by-pass), utilities, fencing, street trees, signage, light poles, transit stops. All features to include dimensions including setbacks. The Patio Plan is to be in compliance with the Regional Patio Guidelines and Applicable Laws and to be facilitated by the Area Municipality.
- Interpretation. For select patio applications and locations, some flexibility may be required to address unique site conditions to the satisfaction of the Region.
- Updates. Regional Patio Guidelines may be updated from time-to-time to the satisfaction of the Region and shall provide direction for patio review and approvals.
- Construction. Any patio or pedestrian by-pass feature shall be constructed to Ontario Building Code Act, standards, Applicable Laws and to be maintained in good condition and to be installed by a licensed professional.
- Additions/Modifications Patios. Any changes and/or additions to an existing patio approved pursuant to these Regional Patio Guidelines shall require approval by the Region or Area Municipality, as applicable, and if approved, shall require an amendment to the Patio Encroachment Agreement for the existing patio.
- Additional performance criteria and standards may apply based on the existing and Applicable Law.
• For greater clarity, the patio operator shall comply with all public health related Applicable Laws including without limitation any Regional or Provincial public health legislation, regulations and policies.

B. **Sidewalk Patios**

**B1. General Regional Sidewalk Patio Guidelines**

• A Regional Sidewalk Patio is located on the sidewalk and includes the sidewalk clearance zone for pedestrian access to the patio Pedestrian Clearway.
• Maintain at least 1.8 metres sidewalk clearance zone for unobstructed pedestrian mobility.
• Encourage patios to locate close to building frontage.
• Encouraged fencing/ delineation around licensed patios areas as per AGCO requirements.
• Ensure umbrellas are located within patio area and do not extend into the sidewalk clearance zone.
• Locate signage to avoid conflict with the sidewalk clearance zone.

**B2. Sidewalk Patio Location and Technical Buffer Guidelines**

• Buffer. Patios to have a 0.6m buffer setback from the travel lane.
• Location. On-street parking / pop-up patios to be located on two-lane traffic roads with existing on-street parking.
• Intersection Setbacks:
  - Intersection setback (general). Patio’s must be at least 15 metres from corner of an intersection (stop sign or nearest edge of closest sidewalk on an intersecting street subject).
  - Intersection setback for far side, non-signalized intersection. Patios may be located 9 metres from intersection.
  - Patios must be at least 3m setback from a driveway intersection.
  - Adjustment may be considered on a site-by-site basis based on sight lines, road geometry, road design, proximity to transit stops and related amenities, and other considerations to the satisfaction of The Region.
• Fire hydrant separation. Minimum 5.0 metres from patio to fire hydrants or to the middle of fire department connections.
• Delineation. If patio occupies the first parking space within a row of parking, additional pavement markings and flexible bollards (spaced 2 metres apart) must redirect approaching traffic around the patio for a minimum approach distance of 15 metres. Patio applicant, with area municipality, to install a tiger-tail sign on a post at the edge of the first patio on a block and if there is adjacent parking to the patio.
B3. Sidewalk Patio Process

• The Area Municipality and the Region shall enter into a Master Patio Agreement that delegates authority from the Region to the Area Municipality to enter into Patio Encroachment Agreements directly with Business Owners for Sidewalk Patios:
  – Prior to a Master Patio Agreement being in effect, a business owner can enter into a Patio Encroachment Agreement with the Region of Waterloo.
  – The Regional Patio Guidelines provide performance criteria and an approval basis for sidewalk patios on Regional Roads. In some cases, and where in effect subject to the satisfaction of the Region, area municipal patio guidelines may be in place, upon written Agreement between the Regional and the Area Municipality, and apply as part of the patio approval process.

C. On-Street Patio

C1. On-Street Patio Process

– An On-Street Patio is any patio or a portion of patio located on one the regional travel lane and may include (but not limited to) a pedestrian by-pass system located on the roadway portion and an On-Street Patio.
– For greater clarity, should a Business Owner require a pedestrian by-pass or patio seating in parking spaces adjacent to a Sidewalk Patio, or any other roadway use, then the entire patio shall be considered an OnStreet Patio and not a Sidewalk Patio. In considering the portion of the patio that is a Sidewalk Patio, the Region shall use the same criteria as outlined above in Section B.
– All On-Street Patios will be reviewed and approved by Corridor Management.
– On-Street patios will be administered by the Region and coordinated through the local Area Municipality (and subject to any local Applicable Law).
– A patio plan will be required to show the patio location, general dimensions, fencing location, and, general notations to ensure the On-Street Patio is functional and addresses the applicable performance standards and law to the satisfaction of the Region. Such Patio Plan shall be appended to the Patio Encroachment Agreement as a Schedule.
– An On-Street Patio will require the Business Owner to enter into a Patio Encroachment Agreement (and a Work Permit) with the Region.
– Any construction fencing and ramp drawings to be included with the request.
– Refer to below guidelines related to General Liability Insurance for additional guidance.
C2. Patio design standards for On-Street Patios

- **Patio depth/width.** Maintain at least 2.0 metres (measured from curb) leaving additional buffer setback to vehicular travel lane.
- **Utility access.** Minimum 0.5 metres from patio to utility access point(s).
- **Emergency / Garbage Access.** Must have a 1.0 metre spot available after every two parking spots for emergency and garbage access for separate businesses.
- **Delineation.** Patios must be clearly defined and must meet AGCO requirements for licensed patios. Recommended delineation includes stanchions, planter boxes, fencing, and other clearly defined techniques.
- **Fence Height.** Fences, and other vertical elements, are encouraged and should be at least 0.91 metres (36”) but no higher than 42” in height.
- **Umbrellas.** Umbrellas may be permitted provided they do not extend into the sidewalk, travelled portion of the road, bike lanes. Umbrellas must be secured to the patio surface.
- **Barrier Free Accessibility.** On-Street parking spaces are encouraged to be accessible. Reduced access may be considered if accessible patio seating and access provided on a sidewalk patio.
- **Signage.** Signage is encouraged to identify temporary outdoor patio locations (entrances) and pedestrian circulation (including possible re-direction).

C3. Patio Design Standards for Raised Platforms (Barrier Free Accessibility)

- A raised platform (deck) may be used for an approved patio location to provide barrier free access to the sidewalk and reduce tripping hazard.
- The sub-structure must accommodate the crown of the road, provide a level surface for the deck floor structure to match the sidewalk grade and designed to support occupant and user load.
- Deck material must be of a slip resistant surface.
- A raised deck must have vertical elements to define the patio edge and incorporate required setbacks from travel lane.
- Alternatively, a ramp may be used to provide access from public sidewalk to on-street patio area. All ramps to be AODA compliant and meet all applicable law.
- A raised platform to be installed by a licensed contractor.

C4. Pedestrian By-Pass / Sidewalk Rail System

- Area Municipal Staff will consult Regional staff (Corridor Management) if a pedestrian by-pass/ sidewalk rail system is proposed to accommodate a sidewalk or on-street patio.
- In some instances, a pedestrian by-pass/ sidewalk rail system may be supported along a regional road parking space subject to meeting appropriate accessibility, sight light line,
drainage and other performance standards to accommodate greater patio space along the public sidewalk subject to Corridor Management approval.

- Pedestrian access to be at least 1.8 metres wide, avoid blockage of street utilities and storm water drainage impacts along the roadway to Corridor Management satisfaction.
- Ensure a 0.6 metre buffer is provided between sidewalk by-pass and traffic lane.
- Ensure the pedestrian by-pass is fenced (range 36” to 42” in height).
- A pedestrian by-pass may be a raised platform deck (sidewalk rail system), or, at grade with ramp by-pass access.
- A pedestrian by-pass / sidewalk rail system must be designed to be AODA compliant and meet all applicable law.
- Pedestrian by-pass signage recommended.
- Any pedestrian bypass to be installed by a licensed contractor.

D. Winter Season Patio Considerations

1. Temporary Outdoor Winter Season Patio Extensions. The Region of Waterloo will support continuation of temporary outdoor patios as per applicable law (established through a Master Agreement and applies to Applicable Law of the day) including but not limited to Provincial Emergency Order legislation and enabling pandemic policies, protocols and guidelines.

2. Snow Removal. On Regional Roads, outdoor winter snow removal will be the responsibility of the operating business unless provided by the local Area Municipality as determined by the Area Municipality. All winter patios applications will be reviewed on a site-by-site basis with the Region related to site lines and winter storage proposals on Regional Roads.

3. Enclosures. For any patio enclosure, consult with the applicable municipal departments for direction as first point of contact. A temporary outdoor patio is defined as not fully enclosed.

4. Enclosures / Equipment. Temporary Outdoor Patios and equipment are subject to applicable municipal review and approvals. Consult local Area Municipality to confirm applicable approvals, permits and clearances such as fire and building review for outdoor heating equipment and covered shelters (tents). Local Area Municipalities will provide more details on patio heating, shelters, maintenance specifications.

5. Insurance. Insurance liability requirements may require a new certificate of insurance that shows coverage for the extension of patio for winter operations. As a principle, a CGL policy with a minimum of $4 million (Each municipality may require different or higher limits of insurance.) in insurance will be required for outdoor temporary licensed winter patios on
municipal property with Liquor Liability and a CGL policy with a minimum of $2 million of liability insurance will be required for non-licensed temporary outdoor patios on municipality property. Such certificate should include cross-liability endorsement and severability of interests provision and must show that coverage is extended to winter patio and if the establishment is responsible for winter maintenance, the certificate shall state that coverage is extended for all operations including snow and ice clearing or have an agreement with a third party who is insured for this type of activity and lists the business and municipality(s) as Additional Insured. The Certificate shall state that coverage will not be suspended, voided, cancelled, reduced in coverage or in limits except after thirty (30) days (10 days if cancellation is due to non-payment of premium) prior written notice by certified mail to the municipality(s).

E. Patio Prohibitions

- **Access:**
  - Any proposed patio must not obstruct any vehicular travel lane.
  - Any proposed patio must not block a transit stop location, any related transit amenities, or space required for transit vehicle access.
  - Any proposed patio must not obstruct an existing pedestrian crossing.

- **Location:**
  - Travel Lanes. An on-street patio shall not be located in through traffic lanes or lanes as marked as no parking, accessible parking, delivery space or LRT track (if applicable).
  - Speed Limit. On-street Parking Patio spaces are only permitted on roadways with designated speed (posted) of 50 km or less and not permitted on higher speed roads.
  - Road Width. On-street parking spaces are only permitted on roads (roadway) with two vehicle travel lanes (plus on-street parking). On-street parking patios are not permitted on roadways with more than two vehicular travel lanes.
  - Utilities. A patio must not block or obstruct any underground utility access, electrical transformer vaults, utility boxes, drains, storm water runoff, and other infrastructure.
  - Transit. A patio must not block or obstruct any transit stop or related amenities, or any space required for transit vehicle access. Locations of proximate transit stops and amenities should be identified on any plan submitted for approval.
F. General Liability Insurance (with a ‘Top Up’ Policy available)

For 2023, The Region of Waterloo will require a minimum of $4 million in liability insurance to cover any patio application along a public right of way (for temporary patio providing alcohol, and/or, located on the Travel Lane). This can be achieved by the following options and scenarios:

<table>
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<tr>
<th>Options</th>
<th>First layer of insurance</th>
<th>Second layer of insurance</th>
<th>Total amount of insurance required.</th>
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| Restaurant business to pick one or the other | Minimum $1 or $2 million general liability (CGL with Alcohol Liability) provided by private insurer for business owner. | In addition, a $5 million ‘Top-Up’ policy is available by third party provider (developed in consultation with The Region of Waterloo) to provide additional coverage and top up existing provided by patio owner to make a total of $5 million. Excess coverage for municipal road allowance patios ONLY. | Total amount of insurance after purchasing Top-Up:  
Patio has $1 million, + $5 million Top-Up purchased will provide patio with $5 million for patio only.  
If Patio has $2 million, + $5 million Top-Up purchased will provide patio with $5 million for patio only.  
If Patio does not have insurance for patio but purchase the $5 million Top-Up policy, they will have $5 million in total coverage for patio ONLY.  
**OR**  
If Patio provides a policy which may include a primary and excess/umbrella policy total a minimum of $4 million including alcohol, this is satisfactory as well.  
**------**  
The Regional Municipality of Waterloo and the Municipality for which your business resides, must be added as Additional Insured on all liability insurance policies.  
Combined limit provided by business owner applying to entire business operations. Restaurant provide a minimum of $4 million general liability (CGL with Alcohol Liability) provided by private insurer from business owner. |
The ‘Top Up’ policy is based on a 3, 6, 9, or 12 month term (restaurant to purchase).

The ‘Top Up’ policy is purchased through a third party provider, Instant Risk with business owner applying directly thought: https://waterlooregion.patiosupport.com/

If a restaurant is not serving alcohol on municipal property, a $2 million CGL is required for an outdoor patio on a municipal road allowance.

As a principle, a CGL policy with a minimum of $4 million (Each municipality may require different or higher limits of insurance) in insurance with a Liquor Liability endorsement will be required for outdoor temporary licensed patios on municipal property that are serving alcohol and a CGL policy with a minimum of $2 million of liability insurance will be required for temporary outdoor patios not serving alcohol on municipality property. Such certificate should include cross-liability endorsement and severability of interests provision, and must show that coverage is extended to winter patio and if the establishment is responsible for winter maintenance, the certificate shall state that coverage is extended for all operations including snow and ice clearing or have an agreement with a third party who is insured for this type of activity and lists the business and municipality(s) as Additional Insured. The Certificate shall state that coverage will not be suspended, voided, cancelled, reduced in coverage or in limits except after thirty (30) days (10 days if cancellation is due to non-payment of premium) prior written notice by certified mail to the municipality(s).

Reference Material

Additional information is available at:

Province of Ontario:
- https://www.ontario.ca/page/reopening-ontario

AGCO:
- Alcohol and Gaming Commission of Ontario | (agco.ca)

Region of Waterloo:
G. Patio
Illustrations

(Continued on next page)
An Integrated Patio Plan

An illustrative Patio Plan showing basic patio setbacks to accommodate a sidewalk patio, a shared sidewalk clearance zone on public sidewalk (facing the building frontage), and, an on-street patio on the Travel Lane. A wide table seating separation is shown.

Sidewalk Patios

An example of a public sidewalk patio with increased separation distance in Waterloo Region (Photo Credit: Ryan Mounsey).
An example of a Sidewalk Patio providing a sidewalk clearance zone and a 0.6 m buffer to the travel lane (Photo Credit: Ryan Mounsey).

An example of a licensed sidewalk patio. An example of a non-licensed sidewalk patio.
On-Street (and Pedestrian By-passes)

An illustrative example of a fully furnished and at grade pop-up temporary on-street patio (Credit: POP-UP Street Patios Inc.).
A temporary pop-up patio showing a defined edge treatment and drop curb access (Photo Credit: Jimmy Lu, BlogTo).
A pedestrian Bypass on the travel lane to support a sidewalk patio (example in Picton, Photo Credit: Ryan Mounsey).