



Patio Guidelines

City of Kitchener, Building Division
200 King St W, 5TH fl.

Kitchener ON N2G 4G7

Office: 519-741-2312

Building Email: building@kitchener.ca

Before designing or developing a proposal for your patio, please review these guidelines to ensure your design meets the standards and requirements for outdoor patios and safety requirements for commonly used patio equipment.

Some patio designs and locations are unique and may require additional information and approval.

Patio location and footprint

Patios on public (city) and private property within the City of Kitchener must abide by the following guidelines. Patios requesting to access property on regional roadway sidewalks or parking spaces must also abide by the [Region of Waterloo's patio guidelines](#).

As part of your application, you will be required to submit a plan which clearly identifies the location, boundary and footprint of your proposed patio. The boundary may be outlined on an aerial photograph or on an approved site plan and must take the following location and boundary guidelines into consideration.

Location guidelines

- Patio designs are to be barrier-free and accessible and may not block any walkways or ramps.
- Patios must not be located in a designated fire route or obstruct access to any fire hydrants, hose (Siamese) connections, or fire exits.
- Patios must be located outside driveways and corner visibility triangles (i.e., sightlines for drivers turning corners). Such triangles may be shown on the approved site plan.
- Patios must not be located in curb lane closure areas.
- Patios must not be located within 3 metres (10 feet) of an intersection.
- Where located on a walkway, the patio should continue to maintain a minimum walkway of 2.5 metres. If patio tables are located at least 0.7 metres from the edge of the patio, the minimum walkway may be reduced to 1.8 metres.

If located in a parking area:

- The patio shall not obstruct any fire routes or significantly impeded access from the fire route to the main entrance.
- The patio limits should not be located directly adjacent to an active parking stall. Where possible, a minimum buffer of 1 half of a parking space should be provided.
- The patio shall not cover any barrier free parking spaces, unless said parking spaces are planned to be replaced in an alternate, suitable location. Alternate new spaces must be developed in consultation with Transportation Planning, to City design standards.

Patio boundary

1. The limits of the patio must be clearly defined as follows:
 - o The boundary must be readily distinguishable, through the use of measures such as pavement markings, painted lines, flowerpots, fencing, etc.
 - o If adjacent to traffic, the patio must be defined utilizing measures which ensure vehicles cannot enter the patio, such as fencing, planters, etc.
2. Where located adjacent to the restaurant, the patio must maintain a minimum 1.8 metre wide unobstructed pathway from the door to the sidewalk or parking area.
3. Where located away from the restaurant (such as in a parking area) the patio must maintain a minimum 1.8m entrance into the patio.
4. Consideration for barrier free and wheelchair access to the patio should be provided at all times.

Structures

Patio structures and building permits.

Patios may require separate building permits for enhancements, structures, or capacity increases. These guidelines will denote when a building permit is required, and additional requirements may apply.

Patio floors

A building permit is required if:

- The patio floor does not bear directly on the ground surface, and in this instance, must be designed by a professional engineer.

No building permit is required if:

- A patio is installed on the concrete sidewalk or pavement and has no roof.
- The patio has a new floor with the standard dimensional lumber floor joists (e.g., 2x12 or less and spaced 16" apart or less) bearing directly on the ground surface. In this instance the patio must still be barrier-free and accessible (e.g., by ramp).

Pop-ups, shade sails, and tents

Patios are permitted to have a shade covering via umbrella, pop-up (collapsible tent), shade sail or tent adhering to the following guidelines:

- All pop-ups, shade sails or tents must have a fabric certification tag that meets CAN/ULC S109 (Flame Tests of Flame-Resistant Fabrics and Films) or NFPA 701 (Fire Tests for Flame Propagation of Textiles and Films).
- Pop-ups and tents must allow for proper exiting, not obstruct fire access route(s), fire hydrant(s), building hose connections or access to the building.
- Shade sails may be fastened to the building (except during winter).
- Tents may be only used for patio coverage. Cooking may not take place underneath tents.
- Tent structures are not permitted during the winter or anytime snow is present.

- Pop-ups are permitted during the winter, however they must be promptly kept clear of snow and ice and maintained free of potential falling snow and ice. Pop-up access points must also be maintained clear of snow and ice.

Restaurant operators are responsible for ensuring the pop-up, shade sail or tent roof is secured from inclement weather, such as strong winds, and removed during winter or unexpected snow event.

A tent building permit is required:

- When a tent or group of tents is more than the 60 sq.m. (645 sq.ft.) in aggregate area, or
- Is attached to a building,

Any tent greater than 60 sq.m. (645 sq.ft.) in area must be a minimum of 3 m (10 ft) from any building or property line. Requests to place tents less than 3 m (10 ft) to the building may be approved pending site conditions.

Any tent larger than 225 sq.m. (2,421 sq.ft.) in area requires a design by a professional engineer.

Electricity needs on public patios

If a business with a temporary patio on public property wishes to have lighting or other electrical needs supplied to their patio from their building, they are required to:

1. Hire a Licensed Electrical Contractor to perform the work.
2. An Electrical Permit is to be taken out with the Electrical Safety Authority.
3. The local Inspector will then visit the site to ensure Code Compliance.

Once this is complete ESA will issue a Certificate of Completion to the Contractor who can forward that on to the business owner. You must send us a copy of this certificate. Restaurants are not permitted to access City of Kitchener electrical outlets.

Operating requirements

Capacity Relating to Liquor License

All patio applications must include a requested occupant load (inside, patio & staff) for review by the city.

Streamlined process: no changes to total occupancy

The streamlined patio process does not require further approvals for occupancy if the total occupancy of the restaurant and the patio does not exceed the total seating capacity of your building permit/liquor license.

Seating currently provided inside the restaurant may be removed and replaced with equivalent seating on the patio, or where the current indoor seating capacity is less than the occupant load, the additional seating capacity may be assigned to the patio.

For example, if your total occupancy on your building permit or liquor license is 100 and your patio seats 20, you may only have 80 people inside.

Adding capacity

If you wish to expand your patio seating capacity beyond your total occupancy limit, a review by Building staff must be conducted.

For example, if your total occupancy on your building permit or liquor license is 100 and you would like to seat 40 people on your patio as well as 80 people inside, building staff must conduct a review to ensure safety requirements can be met with increased capacity.

Portable heating appliances

Portable heating appliances must:

- When using propane heaters, comply with all [TSSA standards](#) outlined in the [TSSA Standards Act, 2000](#) when using propane heaters.
- When using electrical heaters, comply with all ESA permit requirements and in conformance with the manufacturer's instructions.
- Be designed for outdoor use only.

Portable heating appliance operating guidelines:

- Use with a minimum of 1m (3 ft) clearance from the base of the unit to any combustible material.
- Keep out of the wind. Wind negatively impacts efficiency and can create a hazard if blown over.
- Use on a non-combustible solid surface (i.e., not on grass or uneven sidewalk).
- Do not move portable heater while the flame is open. Ensure the gas supply is properly shut off and the unit is cool before relocating.
- Follow all manufacturer safety requirements for the safe transportation, operation, and storage of fuel.
- Electric heaters must be plugged directly into an outlet; extension cords are not permitted.
- Have a fire extinguisher (2A10BC) accessible inside at the door leading to the patio area.
- Must be placed away from fire escapes, exits, trees, utilities, or other street elements and cannot obstruct fire hydrants or Siamese connections.
- Portable heaters must not be placed underneath a combustible structure (e.g., canopies, awnings, tents, wood framework) or stored inside.

Propane tanks (pressurized fuel cylinders)

- The storage and use of propane tanks must comply with all [TSSA standards](#) outlined in the [TSSA Standards Act, 2000](#).
- Stored in an area free from vehicular or mobile equipment travel or protected by barriers or the equivalent.
- Placed so that the cylinder is at least 3m (10') from any building opening and is at least 3m (10') from any air intake.
- Stored in an area where "NO SMOKING" signs are prominently displayed.
- Only heaters using 20 lb propane tanks or less will be allowed. Keep a maximum of one (1) day's supply of propane on site.
- Spare cylinders shall be stored at a location physically and remotely separated from the public in an area that provides protection from tampering.

- Propane tank must be requalified or replaced every 10 years.

Regulations

You must abide by any applicable municipal, provincial, or federal legislation, including public health regulations and obtaining your annual City of Kitchener business license. Bylaws and regulations include, but are not limited to:

- Province of Ontario: [public health measures and advice](#)
- TSSA: [TSSA standards](#)
- AGCO: [liquor license and control act](#)
- Region of Waterloo: [region of waterloo restaurant and food service](#)
- City of Kitchener [zoning](#) and [licensing](#)
- City of Kitchener's [municipal alcohol policy](#)

Insurance for patios on public property

Certificates of Insurance (COI) are required for every application (new or renewal) requesting use of public space. Patios located on private property are not required to submit their insurance documents to the City but are fully liable for insuring their property and business.

Liability insurance coverage levels will vary depending on whether the patio is licensed to serve alcohol (AGCO Licensed Premise) OR patio is an unlicensed outdoor space.

Insurance requirements

- Patios located on city property must name The Corporation of the City of Kitchener as additionally insured.
- Patios that extend onto a regional road within the boundaries of the City of Kitchener, must name the Regional Municipality of Waterloo as an additional insured, as well as the City of Kitchener.
- Insurer must be licensed to conduct business within the province of Ontario.
- If there is a deductible, it must be \$100,000 or less (and shown on the certificate). If higher than \$100,000, will require approval from the City of Kitchener's Risk Management department.
- Policy must contain (and must be shown on certificate):
 - Coverage for bodily injury and property damage liability
 - A liquor liability endorsement (only for licensed establishments)
 - Products and completed operations liability
 - Personal injury liability
 - Advertiser's liability
 - Cross liability endorsement
 - Severability of interest's provision
 - 30-day notice of cancellation in the event of cancellation, lapse, non-renewal, expiration, or material change in the policy (10 days if cancellation for non-payment of premiums) must be provided to the City of Kitchener

All coverages outlined above must extend beyond the applicant's premises to include the patio extension onto municipal property, which must be reflected on the COI.

Unlicensed patios

Patios not serving alcohol (“unlicensed patios”) must be insured with general liability with limits of \$2 million or more.

If there is an aggregate limit, it must be double the minimum occurrence limit. For unlicensed patios with \$2 million general liability, aggregate coverage must be \$4 million or higher.