



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF THE CAO

Mission Statement: As stewards of the Town of Amherstburg, we strive to improve the quality of life of all residents through the delivery of effective, efficient, and affordable services.

Author's Name: Bill Tetler	Report Date: April 28, 2024
Author's Phone: 519 736-0012 ext. 2251	Date to Council: May 27, 2024
Author's E-mail: btetler@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Temporary Patio Extension

1. RECOMMENDATION:

It is recommended that:

1. The report from the Manager of Licensing and Enforcement dated April 28th, 2024 regarding a new Temporary Patio Extension **BE RECEIVED**; and
2. **By-law 2024-026** being a By-law to Temporary Patio Extensions on public lands be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same; and
3. The CAO and Clerk **BE AUTHORIZED** to enter into agreements for temporary patio extensions, should all the criteria be met.

2. BACKGROUND:

The Alcohol and Gaming Commission of Ontario (AGCO) had formerly been the body to provide authorization for temporary patio extensions for licensees under AGCO jurisdiction. As of January 1, 2023, the AGCO no longer provides this authorization and instead has made the municipality responsible for providing approval of temporary patio extensions.

The AGCO retains approval authority for permanent patio extensions. In seeking such approval, applicants are also required to comply with any applicable Town By-laws.

3. DISCUSSION:

Given the new AGCO guidelines, providing approval authority for temporary patio extensions to the municipality, and the need to ensure that municipalities interests are expressed with regards to any permanent patio extension, the proposed By-law (attached as Schedule A) includes provisions that would help ensure that such patios remain in a satisfactory condition and that any concerns or complaints about the state of such patios can be reviewed.

Temporary patios, or temporary patio extensions of an existing permanent patio, will still require an annual approval as the transient and/or changing nature of these structures from year to year will require the requisite application process and inspections to ensure yearly compliance with the By-law.

The other significant change in the proposed By-law is the authorized period of time for temporary patios. Under the new AGCO guidelines, temporary patios of AGCO licensees can be authorized for a period of up to eight months total in a calendar year (does not need to be eight consecutive months) for liquor sales licensees.

Administration has fielded requests from businesses seeking to extend their business activities for such uses. With the change in provincial law, Administration is seeking the adoption of this By-law to formalize the process which requires year-over-year application for a temporary patio extension, as it had previously when applying to the AGCO.

The temporary patio extension allows for businesses to follow a simple application process which does not involve or impact site plan control, since it is not permanent in nature. With the excellent weather Amherstburg has to offer, the inclusion of temporary patios will help to attract customers and in turn help small businesses in our communities.

As with any establishment or permanent patio, all other applicable municipal By-laws must be adhered to. This proposed By-law will provide a permanent, clear, and consistent application process for applications, approvals, and enforcement if necessary.

4. RISK ANALYSIS:

Temporary Patio's on Town property may expose the Town to risk and liability. Implementing a Temporary Patio By-law will allow businesses to expand their outdoor footprint and also will help mitigate the risk and liability to the Town, by allowing Administration to enter into Agreements that will require appropriate insurance to protect the Town's interest.

5. FINANCIAL MATTERS:

There are no financial implications.

6. CONSULTATIONS:

Valerie Critchley, Chief Administrative Officer

Melissa Osborne, Deputy CAO/Director of Building and Planning Services
 Antonietta Giofu, Director of Engineering & Infrastructure Services
 Bruce Montone, Fire Chief
 Chris Aspila, Manager of Planning Services
 Todd Hewitt, Manager of Engineering
 Eric Chamberlain, Manager of Roads/Fleet

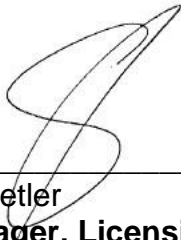
7. CORPORATE STRATEGIC ALIGNMENT:

Vision: Preserving our past while forging our future.

<i>Amherstburg Community Strategic Plan 2022 - 2026</i>	
<p style="text-align: center;">PILLAR 1 Deliver Trusted & Accountable Local Government</p> <ul style="list-style-type: none"> <input type="checkbox"/> Improve trust between council and staff, and residents, by strengthening governance and internal accountability structures. <input type="checkbox"/> Deliver transparent and efficient financial management. <input type="checkbox"/> Increase effective communication and engagement with residents. <input type="checkbox"/> Develop our staff team, resources, and workplace culture. <input type="checkbox"/> Continue to deliver strong core municipal services. <input type="checkbox"/> Ensure Amherstburg is an inclusive accessible and welcoming community committed to reconciliation. 	<p style="text-align: center;">PILLAR 3 Encourage Local Economic Prosperity</p> <ul style="list-style-type: none"> <input type="checkbox"/> Encourage development of commercial and industrial lands. ✓ Continue to promote local tourism industry, especially overnight accommodation. <input type="checkbox"/> Continue to facilitate downtown development for residents and visitors. <input type="checkbox"/> Continue to leverage partnership opportunities with other provincial, federal, and local governments, agencies, and organizations.
<p style="text-align: center;">PILLAR 2 Invest in Community Amenities and Infrastructure</p> <ul style="list-style-type: none"> <input type="checkbox"/> Maintain safe, reliable and accessible municipal infrastructure and facilities. <input type="checkbox"/> Increase access to recreation opportunities for all ages. <input type="checkbox"/> Finalize and execute plans for town-owned lands (e.g. Duffy’s site, Belle Vue) <input type="checkbox"/> Create public access to water and waterfront <input type="checkbox"/> Prioritize opportunities to reduce environmental impacts of Town operations and increase Town resilience to climate change. 	<p style="text-align: center;">PILLAR 4 Shape Growth Aligned with Local Identity</p> <ul style="list-style-type: none"> <input type="checkbox"/> Define and communicate a vision for the Town’s future and identity. <input type="checkbox"/> Promote and plan for green and “climate change ready” development. <input type="checkbox"/> Review and implement policies that promote greater access to diverse housing. <input type="checkbox"/> Protect the Town’s historic sites and heritage. <input type="checkbox"/> Preserve the Town’s greenspaces, agricultural lands, and natural environment.

8. CONCLUSION:

Administration has been contacted by businesses wishing to expand their outdoor footprint. It is recommended that Council adopt this By-law to be to allow business the opportunity to expand their outdoor footprint to attract tourism in the Town of Amherstburg.



Bill Tetler
Manager, Licensing and Enforcement

Report Approval Details

Document Title:	Temporary Patio Extension.docx
Attachments:	- ANNUAL-OUTDOOR-PATIO-EXTENSION-PERMIT-Application-.pdf - 2024-026 - New Temporary Patio Extensions FINALs.docx
Final Approval Date:	May 17, 2024

This report and all of its attachments were approved and signed as outlined below:



Tracy Prince

No Signature - Task assigned to Valerie Critchley was completed by workflow administrator Kevin Fox

Valerie Critchley



Kevin Fox