

Date: June 7, 2021

Report To: Planning and Development Executive Committee

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: Scott Street Temporary Patios

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The Planning and Development Executive Committee will recall in 2020 the allowance provided for local restaurants to construct temporary patios adjacent to their existing restaurant facilities including those on Scott Street where two parking stalls were dedicated for the allowance of a temporary patio.

Request has come forth once again from the Flint House on Scott Street to request the use of two parking stalls in front of their facility for a temporary patio. Given that the temporary patio facility will be on Town property it would be recommended that a site-specific licensing agreement be entered into between the Town and Flint House to allow this. This agreement would be in form similar to that of the agreement attached for the Flint House' licensed patio/food truck at the Marina. The fee in the user fee by-law for this agreement would be \$389.30 unless the Committee recommends waiving the fee.

Additionally, in 2020 the Town allowed use of the Rainy Lake Square as a patio extension, see attached report. For discussion amongst the Committee, it should be clarified if this is an initiative to once again move forward with or only allow parking space patios at this time.

#### **AGCO temporary patio extensions**

The AGCO is once again authorizing temporary patio extensions until January 1, 2022 subject to the following:

*To be eligible for a temporary patio extension under the AGCO's 2021 patio policy you must have a valid "By the Glass" licence, be permitted to open for on-site consumption and must meet the criteria as set out below:*

- 1. The physical extension of the premises is adjacent to:
  - a. the premises to which the licence to sell liquor applies; or*
  - b. a dock to which the boat is attached and may include land adjacent to the dock; or*
  - c. the licensed premises under the "By the Glass" licence;**
- 2. The municipality in which the premises is situated has indicated it does not object to an extension;*
- 3. The licensee is able to demonstrate sufficient control over the physical extension of the premises;*
- 4. There is no condition on the licence prohibiting a patio;*
- 5. The capacity of any temporary extension, allows for at least 1.11 square metres per person; and*
- 6. In the case of "By the Glass" licensees, the sale and service of the wine, beer and/or spirits manufactured by the manufacturer within the physical extension of the premises is primarily aimed at promoting the manufacturer's product and either providing an enhanced tourist experience or fulfilling an educational purpose.*

Further information can be found at the following link: <https://www.agco.ca/alcohol/changes-or-additions-existing-licensed-areas>

**Summary**

If the Committee wishes to proceed with the request, the following would be recommended:

- That a letter of support from the municipality be provided to the applicant to submit to the AGCO
- That a site-specific licensing agreement be entered for the patio extension on Town property and that the applicant be subject to the agreement fee of \$389.30 unless the Committee recommends waiver, and that mayor and clerk be authorized to execute the agreement on behalf of the corporation.
- That the applicant supply all materials for the patio extension including the concrete barriers to outline the parking stalls.
- That any other applicants along the 200-300 block of Scott Street be subject to the same requirements.

Respectfully submitted.

A handwritten signature in black ink, appearing to read 'Cody Vangel', with a stylized flourish extending from the end.

Cody Vangel

Chief Building Official & Municipal Planner