



**Date:** April 14<sup>th</sup>, 2025

**Subject:** Current regulatory framework of patios in Markham

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This provides a high-level outline of the in-force regulations that apply to patios within the City of Markham and covers the following topics:

- 1.0 Patios on Private Property
- 2.0 Patios within a Municipal Boulevard
- 3.0 Patios on other Municipal Property
- 4.0 Liquor License

## **1.0 Patios on Private Property**

### **1.1 Planning**

The City has recently amended the Site Plan Control By-law (262-94), removing the requirement for patios to obtain Site Plan Control. Operators looking to install a patio on private property must comply with the applicable zoning provisions for their site.

Markham Council adopted the Comprehensive Zoning By-law, 2024-19, which applies to over 80% of the City. This by-law increases the allowable size of patios to 50% of the gross floor area of the main restaurant or non-residential use, without requiring additional parking spaces. Other development standards, such as setbacks from residential zones and the requirement for soft landscaping, still restrict the location of patios. Therefore, it is recommended that operators review the applicable zoning before installing a patio.

The Province has also eliminated parking requirements within all Major Transit Station Areas (MTSA), meaning establishments within these areas are not restricted by parking space requirements.

If a proposed patio does not comply with the applicable zoning by-law, operators can apply to amend the zoning through the Planning Department. Information on zoning amendments can be found online [here](#).

Patios within a designated Heritage District or associated with a heritage building may be subject to a Heritage Permit. Business Owners can confirm if their property is regulated by the Heritage Act [here](#). Information on heritage permits can be found online [here](#).

The patio provisions in the various zoning by-laws are permanent and unlike a temporary use by-law do not require renewal.



## 1.2 Building Department

A [zoning search](#) can be submitted to obtain the applicable zoning by-law information or to confirm the zoning standards, including outdoor patio requirements, that apply to a property.

An optional service known as a [Zoning Preliminary Review \(ZPR\)](#) is available to business owners who want confirmation that their proposed patio design complies with the requirements of the zoning by-law.

Business owners should be aware that a building permit may be required for work related to the establishment of a patio, such as:

- the installation of a tent or structure over a patio, or
- alterations to the interior or exterior of the existing building.

Business owners should contact the Building Standards' Permit Administration Team ([buildingstandards@markham.ca](mailto:buildingstandards@markham.ca)) to confirm whether a building permit is required for any proposed alterations.

Information on the building permit application process can be found online [here](#).

## 1.3 Fire Department

In addition to Building Code requirements, the Fire Code regulates the operation of patios. Operators should contact the Fire Department for information on the following:

- Number and location of fire extinguishers required to be located on a patio.
- Use of propane heating elements.
- Unobstructed access to any Fire Department siamese connection.
- Existing designated fire access routes to remain unobstructed at all times.
- Means of egress requirements for patio occupants.
- Occupant load calculations for patios.
- Access for Emergency Services and apparatus.

## 2.0 Temporary Patios within a Municipal Boulevard

### 2.1 Operations



Permission to establish a temporary patio within the Municipal Boulevard requires the issuance of a Road Occupancy Permit. Road Occupancy Permits can be applied online [here](#).

Operators will need to provide sufficient information and may be required to conduct works that satisfy the City's requirements for the safe travel of pedestrians and vehicles in compliance with Road Occupancy By-law. These requirements also ensure the City's liability for incidents is minimized. This includes, but is not limited to:

- Additional liability insurance as prescribed by City policy.
- Compliance to roadside design manual and traffic safety standards and relative governing acts inclusive of proper setback and signage requirements.
- Design and construction of a temporary accessible sidewalk around the patio if required.
- Provision of sufficient fire protection devices, as well as bollards or barriers between the patio and traffic lanes.

Each application will be evaluated and have requirements on a case-by-case basis, unique to the specific nature and location that may require Planning, Building and Fire departments review and approval in addition to obtaining a Road Occupancy Permit.

Due to snow-clearing winter operations requirement, the Road Occupancy Permit for a patio will only authorize placement in the boulevard after April 15<sup>th</sup> and should be removed before November 1st of a given year. Operators should confirm the installation and removal timelines with the Operations Department, as well as the number of years the permit is issued for.

### **3.0 Patios on Other Municipal Property**

#### **3.1 Legal Department**

Patios on public property include patios in parks or other City-owned lands that are not rights-of-way. Operators are required to execute a Permission to Enter agreement with the city, which will include the conditions of the City's approval, such as insurance, duration, specified location, fees, and other terms and requirements for the establishment and operation of a temporary patio on City lands.

### **4.0 Liquor License**

#### **4.1 Clerks Department**

The City of Markham's zoning by-law considers patios on private property permanent (meaning operators are not required to submit applications annually), and most operators choose to include their patio in the full liquor license for the restaurant. This allows the patio to be established annually without a requirement for license renewal.



Patios located in municipal boulevards or on municipal property require renewal annually and would therefore require temporary seasonal patio licenses, and must be in compliance with all applicable by-laws, regulations and City requirements for special occasion permits relative to temporary facilities. The approval of temporary seasonal liquor licenses has been delegated by the Alcohol and Gaming Commission of Ontario (AGCO) to the City of Markham. The temporary seasonal liquor licenses are only valid for a prescribed period and expire each year.

All applications for permanent liquor licenses are subject to approvals from Fire Inspections, the Building Standards Department, and Traffic Engineering.

#### 4.2 Alcohol Gaming Commission of Ontario

The issuance of new or revisions to liquor licenses including the expansion of a permanent patio on private property is under the authority of the AGCO. Additional information on applications for permanent liquor licenses can be found online [here](#).