



# The Corporation of the Town of Milton

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**Report To:** Council

**From:** Glen Cowan, Chief Financial Officer / Treasurer  
Jill Hogan, Commissioner, Development Services

**Date:** February 9, 2026

**Report No:** ES-007-26

**Subject:** Temporary Downtown Milton Patio Program (TDMPP)

**Recommendation:** THAT, notwithstanding any provisions of the Town's Site Plan Control By-law to the contrary, any requirement to enter into a site plan agreement or post securities as a performance guarantee related to the establishment of new or expanded temporary outdoor restaurant patios as part of the TDMPP be waived;

THAT Council authorizes the use of the exemption to the requirement to provide parking (cash-in-lieu of parking) provisions of the Planning Act to address any parking deficiencies resulting from the introduction of temporary outdoor patios which would otherwise be required by the Zoning By-law as part of the TDMPP;

THAT the Commissioner, Development Services be given delegated authority to enter into agreements exempting a property (and/or restaurant) owner from the requirement to provide parking (cash-in-lieu of parking), to negotiate and make changes to these agreements detailing terms and conditions of this endeavour prior to execution, only with respect to the establishment of temporary outdoor patios for the duration of the TDMPP program;

THAT Council authorize the Commissioner, Development Services to execute these agreements between the Town and the Property Owner;

THAT any Town user fees and charges associated with the establishment of a temporary outdoor patio be waived for TDMPP participants, save and except the user fees for the TDMPP Application or Renewal and those required to be paid by applicable legislation;



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AND THAT two new user fees of \$698, before taxes, for an Initial TDMPP Application and \$524, before taxes, for a Renewal TDMPP Application be introduced effective immediately to provide for cost recovery, and that these fees be included within the Town's User Fee By-law upon the next User Fee By-Law update

## EXECUTIVE SUMMARY

- In 2020, the Town of Milton introduced a Temporary Patio Program (TPP) to support businesses facing financial losses during the COVID-19 pandemic. Over the past five years, the program has continued with a reduction in overall participation, a greater concentration in Milton's downtown area, and a shift in focus from pandemic restriction relief to supporting quality of place and vibrancy.
- The TPP was scheduled to conclude at the end of 2025, however through report ES-015-25 Council direction was provided to develop an extension to the program under revised terms and with a focus on downtown Milton.
- A working group of Town staff was established to develop the TDMPP with consideration of the lessons learned through the TPP as well as the revisions considered in ES-015-25.
  - o Differences between the TPP and TDMPP include the revised focus on downtown Milton and the introduction of a user fee for applicants.
  - o The TDMPP will continue to encompass patios on private and public space.
  - o Many of the same requirements with respect to zoning, fire safety, traffic, insurance and various operational requirements will remain consistent with the TPP.
- Should Council approve the TDMPP, the Town's Economic Development staff will coordinate the program, including communicating program details to the DMBIA and existing TPP participants, and updating the program information available to the public on the Town's website.

## REPORT

### Background

In 2020, the Town introduced the Temporary Patio Program (TPP) as a short-term measure in response to COVID-19 to support businesses impacted by pandemic-related restrictions.



## Background

The TPP allowed businesses to establish new or expanded outdoor patios on a temporary basis. Participation in the program since 2020 is reflected in the following table:

Number of Participants in Seasonal Temporary Patio Program						
	2020	2021	2022	2023	2024	2025
Located in Downtown	9	10	10	10	6	6
Located Outside Downtown	9	10	1	2	0	2
<b>Total</b>	18	20	11	12	6	8

Since its inception, the TPP has transitioned from providing pandemic restriction relief to supporting quality of place and vibrancy and has seen participation decrease with a heavier concentration in the last two years in the downtown area. The TPP was scheduled to conclude at the end of 2025.

In 2025, through report ES-015-25, Council provided direction for staff to proceed with Phase 1 of the Downtown Civic Precinct as described in the report. The Civic Precinct is envisioned as a vibrant, pedestrian-focused town square where residents can gather that is bordered by cafes, restaurants, and shops. As such, this new public space has the potential to create opportunities for privately operated patios and spaces that abut the precinct.

On this basis, and also through ES-015-25, Council directed staff to prepare terms for an extension for the TPP, subject to several program revisions as outlined further below. This will also allow for a re-evaluation of the program once the civic precinct is operational, with private sector businesses and property owners having evaluated the ability to incorporate patios and outdoor spaces on their neighbouring property.

In designing the extension for the TPP, it was noted that:

- The scope be limited to the Downtown Milton Business Improvement Area;
- Opportunities to streamline the application process would be considered;
- User fees be introduced for participants to recover the related administration and inspection costs for the program.

## Background

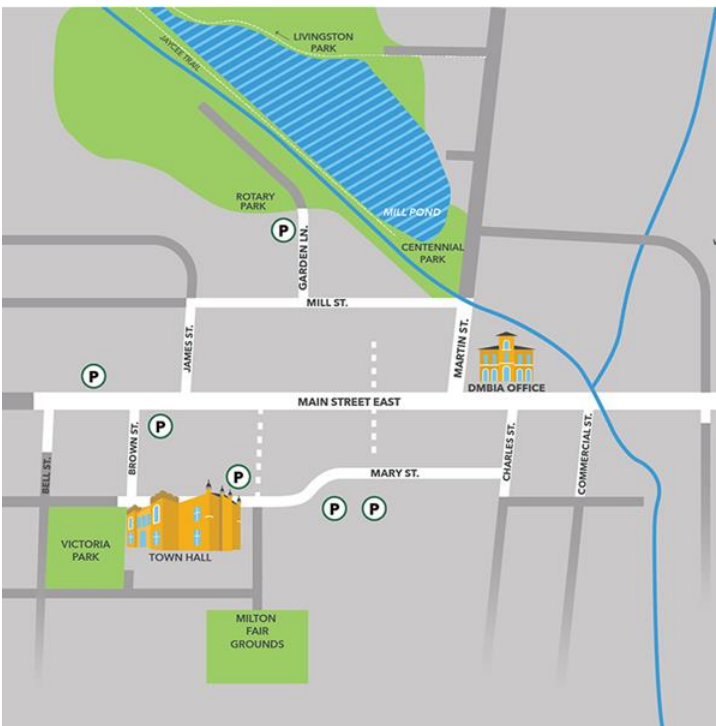
Based on the above, a staff working group developed the recommended terms for the Temporary Downtown Milton Patio Program (TDMPP) as described in this report for Council consideration.

## Discussion

Within the context of the direction provided via ES-015-25, the staff working group has developed the recommended structure of the TDMPP with considerations such as safety, efficiency and financial recovery in the program design. Those aspects are touched on in greater detail in the sections that follow.

### Geographic Boundaries for the TDMPP

The proposed TDMPP will be applicable within the DMBIA boundaries from Bell St. to Fulton St. and Mill St. to Mary St., as generally shown in the following map:



### General Considerations

Similar to the TPP, aspects of the TDMPP are expected to include (but are not limited to):

- the program is expected to run from mid May to late October each year;

## Discussion

- proof of insurance in a form that meets the Town's guidelines will be required;
- proof of an existing liquor license, permission from the property owner (if applicant is not the owner), an encroachment agreement, may be required if applicable;
- adherence to various standards in areas such as hours of operation, noise, occupancy and capacity, etc. will be required;
- No end date for the TDMPP has been identified at this time. The program will be evaluated annually with consideration for participation levels, status of the Civic Precinct project, and feedback that is received on the program.

## Zoning & Other Approvals Applicable to Restaurant Patio's on Private Property

The Town's Urban Zoning By-law 016-2014, as amended, regulates restaurant patios that are located on private property within the urban area. The zoning by-law permits restaurant patios as an accessory to a permitted restaurant located on the same property and requires that patios meet various regulations which are intended to minimize any impact on neighbouring properties and to ensure that patios do not create a safety hazard for motorists and/or pedestrians. Since the inception of the patio program in 2020, restaurant owners have been generally successful in achieving compliance with the zoning by-law for their patio proposals. It is not anticipated that the zoning by-law should create any barriers to participation in the new patio program. The one exception to this is the requirement for the provision of required on-site parking.

Temporary patios on private property are commonly proposed within existing parking areas, thereby reducing the available parking and potentially bringing the property into non-compliance with the Zoning By-law. Further, the Zoning By-law requires that additional parking spaces be provided for the patio and is calculated based on the area of the patio. This issue has been addressed under the current patio program by utilizing the cash-in-lieu of parking provisions of the Planning Act, whereby an agreement that has been executed between the Town and the restaurant owner to provide a nominal \$1 payment per year per space, with recognition that full payment of the normal cash-in-lieu of parking would be required outside of the confines of the TPP.

With the new TDMPP being scoped to the DMBIA where a limited amount of parking exists on private property, it is likely that any patio being proposed on private property will be located in a parking area and will result in the property becoming non-compliant with respect to the parking requirements of the zoning by-law.

Within the Central Business District (CBD), the Zoning By-law allows for the payment of cash-in-lieu of parking in accordance with the Planning Act for non-residential uses, subject to Council approval. The Planning Act also authorizes a municipal Council to enter into an

## Discussion

agreement with the owner or occupant of a building to provide for the exemption and the payment of money to the municipality.

The cash-in-lieu of parking fee per space is calculated annually in accordance with the calculation provided in Town Policy 071 and is included in the Town's User Fee By-law. Under the current TPP, which was approved through Report DS-017-20, Council waived Town user fees and charges associated with the establishment of temporary outdoor patios, except for those required to be paid by applicable legislation. As a result, restaurant owners have only been required to pay the aforementioned nominal fee of \$1 per space for cash-in-lieu of parking. Staff recommends that this practice be continued under the new program to help facilitate participation in this economic development initiative to support the DMBIA.

Temporary outdoor patios located within road rights-of-way are not regulated by the Zoning By-law; however, would be subject to an encroachment agreement with the Town. Through these agreements, the Town's liability and risk is addressed. Staff is adapting the current encroachment agreement process to support the program while continuing to address life-safety requirements and other technical, legal and liability matters. It should be noted, however, that not all restaurant locations may be able to accommodate outdoor patios within adjacent rights of-way if there are conflicts with pedestrian and traffic movement resulting in unsafe conditions.

Site Plan Approval typically applies to the creation of new or expanded restaurant patios. Considering the temporary nature of the proposed new or expanded patios contemplated by this program, staff is satisfied that these installations do not require a full site plan review. Nonetheless, a review of a concept plan will be required to ensure compliance with zoning and other life safety matters. The user fees being proposed through this report will recover the cost for time spent by staff reviewing the patio concept plans.

Buildings and structures associated with a temporary patio on private property, such as decks, roofed structures, and tents, may be subject to compliance with the Town's Zoning By-law, Ontario Building Code, and other applicable law. Since this program is intended to allow restaurant patios on a temporary basis only, any buildings and structures associated with a temporary patio should also be temporary in nature and removed at the end of the patio approval period. Otherwise, the patio may be deemed to be a permanent patio and would be subject to the typical approval processes and fees that have been discussed in this report.

## Discussion

### Traffic Safety Equipment

Since the Temporary Patio Program was introduced in 2020, traffic safety requirements have been a core priority and continue to reflect the Town's established standards and best practices. These standards will remain in effect for the TDMPP.

The Town follows the *Restaurant Patio Guidelines within The Right of Way* established by the Ontario Traffic Council (OTC), which was developed in April 2022. These guidelines were prepared as part of OTC's efforts to promote transportation safety in Ontario by offering technical guidance on restaurant patios within the right-of-way. This publication is produced according to best practices. These guidelines have been developed for municipal use and do not apply to any provincial highways. These guidelines are to assist transportation safety practitioners and individual municipalities in better decision-making and improving their safety planning processes.

### Fire Safety

Fire safety regulations have been a longstanding component of the Temporary Patio Program and continue to align with the Town's established standards and regulations. These requirements will remain unchanged for future program extension and are enforced through the Milton Fire Department.

Fire safety requirements will include inspections to ensure compliance with applicable standards. Where required, the Milton Fire Department will inspect tents to verify compliance with approved fire rating standards. Property inspections may also be conducted to confirm that all exits, fire department connections, hydrants, and related fire protection features remain accessible. In addition, fire routes may be reviewed to ensure adequate emergency access. If compliance issues are identified, these inspections may result in a subsequent restaurant inspection to confirm adherence to relevant codes and regulations.

### Fees

The introduction of non-refundable user fees for processing TDMPP applications will allow the Town to recover the cost of the staff time required to review and process the applications and undertake the required inspections.

A user-fee analysis has been conducted, and the fees have been structured to achieve cost recovery. Effective February 10, 2026, the recommended user-fees below are being introduced to recover the cost of reviewing and administering the applications. The Renewal

## Discussion

TDMPP fee would apply if the renewal application details remained consistent with prior-year applications, as some elements of staff time will not be required.

Application Type	Proposed Rate (Excluding HST)
Initial TDMPP Application	\$698
Renewal TDMPP Application	\$524

A benchmarking of similar programs in other municipalities has been presented in report (ES-015-25). It showed that fee structures vary across municipalities that use both fixed and variable fees, and that there is a range of costs among the comparators. The recommended fees identified herein generally fall within the range of similar programs. If the fees are approved, they will be incorporated within the User Fee By-Law through the next update.

## Next Steps and Communication Plan

To communicate the changes made through the TDMPP with businesses, the Economic Development division will work closely with the DMBIA and existing TPP participants to ensure there is a clear understanding of the TDMPP for all stakeholders. This will include:

- meeting with representatives and members of the DMBIA;
- creation of information packages that can be shared through digital channels;
- directly connecting with business that participated in the program in the most recent year;
- updates to the corporate website to reflect the changes;
- promotion of the timing of applications through social media channels.

The application window for the 2026 TDMPP program will begin in late Q1 / early Q2, in advance of the patio season.

## Financial Impact

It is expected that the costs associated with the proposed program outlined in this report can be managed within the approved budget and undertaken by existing Town staff. User fees have been structured to recover the cost of the service.

The introduction of the recommended new user fees of \$698 and \$524 for the two TDMPP Applications is not expected to yield significant revenue for the Town, as staff are not projecting a large number of applications. Any revenue from the new user fee will be reflected in the operating budget and related variance reporting.

### Financial Impact

In accordance with the Town's User Fee By-law, a number of other fees and charges would typically apply to the establishment of a seasonal patio. These might include, but are not limited to, the following:

- Site Plan Agreement Fee - \$2,130
- Site Plan Inspection Fee - \$1,236
- Minor Site Plan Approval Application Fee (15%) - \$2,319.15
- Encroachment Agreement (Processing Fee) - \$2,608 +actual legal cost
- Encroachment Agreement (Rental Fee) - \$401

In light of the temporary nature of the patios as contemplated by this program, and consistent with the TPP, staff recommends that any applicable fees be waived, save and except the TDMPP Application user fees and those fees that are required to be paid by legislation. Staff also recommends that the requirements for damage deposits also be waived for TDMPP participants.

As required by the Planning Act, a cash-in-lieu of parking agreement is required to provide for the payment to the municipality of money in consideration for the exemption granted. The Planning Act provisions authorize a municipal Council to enter into an agreement with the owner or occupant of a building which exempts them from providing parking which would otherwise be required by a Zoning By-law, subject to making a payment to the municipality for the exemption.

The current cash-in-lieu amount is \$11,394 per exempted parking space and the current agreement fee is \$2,975. There is also a cash-in-lieu of parking application fee of \$4,585. Since the parking exemption is proposed for a temporary period of time, staff is of the opinion that a nominal amount can be considered in order to satisfy the requirement of the legislation and a simplified agreement can be utilized, thereby reducing the cost of preparation to the municipality.



### Financial Impact

The agreement will include language to secure the Town's rights should any agreements be required in the future for these sites in relation to permanent installations, or installations that are unrelated to the TDMPP. Staff has been advised that the agreement should clearly indicate that the exemption received is temporary in nature, recognizing the exceptional circumstance and specify the time period for which the exemption is granted, and further reference the current applicable rate (noted above) that will be applied should the owner/applicant want to make the arrangement permanent (subject to the Town's approval).

As building permit applications are not anticipated relative to these temporary facilities, the related payment of fees would not be triggered. Further, Town development charges are also not applied to outdoor patio areas.

Respectfully submitted,

Glen Cowan  
Chief Financial Officer / Treasurer

Jill Hogan  
Commissioner, Development Services

For questions, please contact:      Christina Romasz, Economic      Phone: Ext. 2226  
Development and Marketing  
Coordinator

### Attachments

None

Approved by CAO  
Andrew M. Siltala  
Chief Administrative Officer

### Recognition of Traditional Lands

The Town of Milton resides on the Treaty Lands and Territory of the Mississaugas of the Credit First Nation. We also recognize the traditional territory of the Huron-Wendat and Haudenosaunee people. The Town of Milton shares this land and the responsibility for the



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## Recognition of Traditional Lands

water, food and resources. We stand as allies with the First Nations as stewards of these lands.