

	<h2>Municipality of Crowsnest Pass Policy</h2>
<p>Policy No.: Policy Title: Approval Date: Supersedes Policy: Department:</p>	<p>2004-03 Sidewalk and Street Patio Policy August 23, 2022 2004-02 Development, Engineering and Operations</p>

### 1.0 POLICY PURPOSE

The Sidewalk and Street Patio Policy facilitates the development of seasonal outdoor seating areas for eating and drinking establishments on public sidewalk and/or street spaces within the commercial and retail areas of the Crowsnest Pass. This Policy provides a framework for the Municipality of Crowsnest Pass to evaluate applications for the development of Sidewalk and Street Patios that utilize public sidewalk and/or street spaces under control of the Municipality.

### 2.0 DEFINITIONS

**"Municipality"** means the municipal corporation of the Municipality of Crowsnest Pass, or the area contained within the Municipality boundaries, as the context requires.

**"Fence"** means any enclosing barrier, wall, or structure such as a chain link fence, wooden fence, metal fence, or brick/stucco wall, usually located along the property line.

**"Footprint"** means the physical spatial extent of the patio area.

**"Land Use Bylaw"** means the bylaw that has been adopted by the Municipality for the purpose of prohibiting or regulating and controlling the use and development of land and buildings within the Municipality of Crowsnest Pass.

**"Sidewalk or Street Patio"** means a patio space delineated on a public sidewalk or street right-of-way under control of the Municipality of Crowsnest Pass that is used by a food or beverage business as additional seating space in the summer periods.

### 3.0 POLICY STATEMENT

#### 3.1 Related Information

There are four potential types or layouts for outdoor patio, sidewalk patio or street patio, with sub-categories. In terms of required approvals, an outdoor patio located entirely or partially on private land requires a Development Permit under the Land Use Bylaw, and this Sidewalk and Street Patio Policy applies to a sidewalk or street patio that is partially or entirely located on Municipal Property (sidewalk or road right-of-way). Therefore, depending on the type of

patio proposed, a Development Permit AND/OR approval under this policy may be required as indicated below.

**Type 1: Outdoor Patio** within a parking area of a food and drink establishment on the same private parcel (entirely on private land). A Development Permit is required. The Sidewalk and Street Patio Policy does not apply to this type of outdoor patio and an approval under this policy is not required.

**Type 2: Outdoor Patio** adjoining a public sidewalk:

- a. The footprint of the outdoor patio is entirely within the private parcel. The applicant must be made aware of the property line and their responsibility to identify it in the field. A Development Permit is required. The Sidewalk and Street Patio Policy does not apply to this type of outdoor patio and an approval under this policy is not required.
- b. The footprint of the outdoor patio is predominantly on the private parcel with a portion(s) of it on municipal public sidewalk – essentially making this outdoor patio a sidewalk patio. A Development Permit and a Sidewalk and Street Patio Policy approval are required. The Development Officer consults with and obtains consent from the Transportation Department and the Protective Services Department in this scenario.

**Type 3: Sidewalk Patio** requiring redirection of pedestrians to a temporary sidewalk constructed in the curb lane of the street.

- a. Footprint of the sidewalk patio is predominantly on the municipal public sidewalk, with a portion(s) of it on the private parcel; a Development Permit and a Sidewalk and Street Patio Policy approval are required. The Development Officer consults with and obtains consent from the Transportation Department and the Protective Services Department in this scenario.
- b. Footprint of the sidewalk patio is entirely within municipal public sidewalk/road right-of-way. A Development Permit is not required. A Sidewalk and Street Patio Policy approval is required. The Development Officer receives and processes the application under this Policy and consults with and obtains consent from the Transportation Department and the Protective Services Department in this scenario.

**Type 4: Street Patio** constructed wholly within the street, allowing pedestrian traffic to be maintained on the existing sidewalk.

- a. Footprint of the street patio is entirely within municipal public sidewalk/road right-of-way. A Development Permit is not required. A Sidewalk and Street Patio Policy approval is required. The Development Officer receives and processes the application under this Policy and consults with and obtains consent from the Transportation Department and the Protective Services Department in this scenario.

A Sidewalk and Street Patio application associated with an existing food or drink establishment (e.g., restaurant, coffee shop, pub or bar) will be considered for any Street or Avenue in the Municipality for which the Municipality of Crowsnest Pass has control over. A Sidewalk and Street Patio application will not be considered or permitted to be developed in

an alleyway or a laneway. A Sidewalk and Street Patio proposed along a roadway under control of Alberta Transposition (Highway 3, Highway 40) may be considered only where Alberta Transportation has approved a roadside development permit for the use.

For a Sidewalk and Street Patio and an outdoor patio that is partially on a sidewalk, consultation with the Transportation Department is required because that department oversees the use of sidewalks and streets. Consultation with the Protective Services Department is required to confirm that the proposed outdoor, sidewalk or street patio meets requirements for emergency egress and capacity.

### 3.2 Responsibilities

- a. Municipal Council to:
  - i. Approve by resolution this policy and any amendments.
  - ii. Consider the allocation of resources for successful implementation of this policy in the annual budget process.
- b. Chief Administrative Officer to:
  - i. Implement this policy and approve procedures.
  - ii. Ensure policy and procedure reviews occur and verify the implementation of policies and procedures.
- c. Development Engineering and Operations is the Responsible Department, and shall:
  - i. Ensure implementation of this policy and procedure.
  - ii. Ensure that this policy and procedure is reviewed every three years.
  - iii. Make recommendations to the Chief Administrative Officer of necessary policy or procedure amendments.

#### MUNICIPALITY OF CROWSNEST PASS

  
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Mayor

August 23, 2022  
Date

  
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Chief Administrative Officer

August 24, 2022  
Date