	<h2 style="text-align: center;">Municipality of Crowsnest Pass Procedures</h2>
<p>Procedure Category: Worksite: Approval Date: Revision Date: Department:</p>	<p>Sidewalk and Street Patio Procedure Office July 20, 2018 August 23, 2022 Development, Engineering and Operations</p>

### 1.0 Definitions

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

**"Fence"** — 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"** — defined as the physical spatial extent of the patio area.

**"Land Use Bylaw"** — 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"** — 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 land use bylaw compliant and business licensed food or beverage business as additional seating space in the summer periods.

### 2.0 Procedure

The Sidewalk and Street Patio Policy and Procedure will be administered by the Development Officer (Development and Trades Department) in consultation with the Transportation Department and the Protective Services Department.

The Development and Trades Department (Development Officer) will function as the point of contact for applicants and will receive inquiries, review and process applications and issue approvals.

#### 2.1 Application review

The Sidewalk and Street Patio Policy describes four types of outdoor, sidewalk or street patio layouts, with the approval requirements for each type. The following

outlines the procedure which will be implemented for review and approval of sidewalk and street patios.

- a. **Pre-Application Meeting.** The first time a business applies for a Sidewalk or Street Patio Permit, a pre-application meeting will be set up with the Development Officer. This step will include a review of property lines, applicability of Development Permitting or the Sidewalk and Street Patio Policy, or both, based on a preliminary site review.
- b. **Additional Approvals.** Prior to submission of a formal application, the applicant is required to consult with neighbouring businesses which may be impacted by the proposed sidewalk or street patio to identify and address potential concerns. This is especially necessary where the proposed sidewalk or street patio will extend beyond the frontage of the parent business.

In addition, the applicant should confirm other regulatory requirements, including:

- i. Confirm with **Alberta Health Services (AHS)** that your proposed food service meets regulations, particularly if you are planning to prepare food outside.
  - ii. Confirm with the **Alberta Gaming and Liquor Commission (AGLC)** that your proposed alcohol service meets regulations. In particular, be clear about whether or not your patio is connected to your premises or if liquor service would have to travel through an unlicensed area.
- c. Prior to being issued a Sidewalk or Street Patio Permit, the applicant will be required to demonstrate that they have adequate insurance coverage for the space that names the Municipality as co-insured. It is recommended that the business proposing the sidewalk or street patio confirm that this insurance will be available and that the cost of insurance is acceptable prior to applying for the patio.
  - d. **Application Submission.** Applicants must apply to establish a sidewalk or street patio on an annual basis. The application must include the following:
    - i. Dimensioned site plan showing the overall spatial extent of the proposed patio, including any required temporary sidewalk spaces.
    - ii. Dimensioned floor plan and elevations showing placement and quantity of chairs, umbrellas, busing stations, landscaping planters and any other objects to be placed on the patio, including platform railings.
    - iii. Proof of insurance naming the Municipality of Crowsnest Pass as an insured party.
    - iv. **OPTIONAL:** Written support letters from adjacent property or business owners (or their authorized representatives) where the applicant wishes to extend the sidewalk or street patio beyond the frontage of the parent business. **NOTE:** Where support letters are not provided, the Municipality will issue notification of an application to adjacent owners which may lengthen the time required for approvals to be granted.

- e. **Application Review.** Each application will be reviewed by the Development Officer to confirm that:
  - i. Development Permit requirements are addressed (e.g. whether the sidewalk or street patio is entirely on private property or partially on municipal sidewalk or street, and / or that the proposed sidewalk or street patio is associated with a food or drink establishment that has a valid development permit and business license), and
  - ii. that the Sidewalk and Street Patio Design Standards (see Section 2.2) and the Sidewalk and Street Patio Operational Conditions (see Section 2.3) are complied with.

Once this review is complete, the application will be referred to the following Municipal departments and third parties:

- i. **Transportation Department:** to confirm that the proposed sidewalk or street patio location will accommodate pedestrian traffic and vehicular traffic and that the loss of parking available on the street front is acceptable.
  - ii. **Protective Services Department:** to confirm that the proposed sidewalk or street patio meets requirements for emergency egress and capacity.
  - iii. **Adjacent property owners:** where applicants are proposing to extend the patio area beyond the frontage of the parent business, and letters of support from the adjacent business are NOT provided as part of the application, the Municipality will mail notification of the application to the adjacent property owners. The notification will provide for a minimum of two weeks response period after the date of receipt of notification (assumed to be one week after mailing) for adjacent property owners to contact the Municipality with concerns.
- f. **Fee Payment.** The standard permit fee is identified in the Fees, Rates and Charges Bylaw. The permit will not be valid until the permit fee is paid.
  - g. **Permit Issuance and Fee Payment.** Where approved, a Sidewalk or Street Patio Permit will be issued. Permits will be valid for a specified period (temporary; to be re-applied for annually and issued for the summer period of May through October).

**2.2 Sidewalk and street patio design standards**

An application for a Sidewalk and Street Patio Permit in the Historic Commercial Areas Overlay District is subject to review by the Development Officer in relation to existing street scaping and heritage considerations (see the Land Use Bylaw for maps of the Historic Commercial Areas Overlay District). Applicants should take the heritage style into consideration when submitting their proposals.

Sidewalk and street patios should consider the following as part of their design:

- a. Where a patio will utilize part of the sidewalk and part of the street, the patio must consist of a platform that is level with the curb and sidewalk with no more than a

- half inch change in elevation between the patio space and the existing curb and sidewalk.
- b. Where a patio will be located wholly on the street surface, a patio which is situated at-grade (e.g. no platform is provided) must be fully fenced and demarcated to the satisfaction of the Transportation Department, and a ramp installed to provide safe and accessible transition from the sidewalk to the lower patio area on the street.
  - c. Where a patio will utilize all of the sidewalk width, a temporary boardwalk providing a minimum of 1.5 m wide pedestrian walkway around the sidewalk patio is required.
  - d. A minimum 1.5 m width of unobstructed pedestrian pathway must be provided.
    - i. Umbrellas may not extend above the clear sidewalk width.
    - ii. Planters and other structures (e.g. pergolas at restaurant entryways, garbage bins, etc.) may not extend into the clear sidewalk area.
    - iii. Benches or chairs may not be incorporated into the clear sidewalk width or along the railing external to the proposed patio area.
    - iv. Temporary A-frame signs may not be placed in the clear sidewalk width.
  - e. Where a patio or a temporary boardwalk extend into the street, measures must be incorporated into the design to ensure the visibility of the structure to drivers and cyclists (e.g. reflective tape), to the satisfaction of the Municipality.
  - f. No additional signage may be incorporated into the sidewalk or street patio. Separate Development Permit approval would be required for additional signage proposed for the sidewalk or street patio.
  - g. A sidewalk or street patio shall not extend more than 2.5 m (8 ft) into the street.
  - h. A sidewalk or street patio must be accessible to persons with disabilities.
  - i. Roadway and curb drainage must be retained.
  - j. A sidewalk or street patio must be designed in a manner that prevents the accumulation of food debris and refuse beneath the structure.

### **2.3 Sidewalk and street patio operating conditions**

The following Operating Conditions are considered requirements and apply to any sidewalk or street patio authorized under this policy. Standards may be varied only by written consent of the Development Officer and where explicitly stated in the Sidewalk or Street Patio Permit.


- a. Applications are evaluated on a first-come first-serve basis.
- b. Permits will continue to be awarded in a single block face until the applications awarded account for up to 50% of the total block face length. Thereafter additional sidewalk and street patio applications will be denied.

- c. Pedestrian traffic flow is given a priority in Municipal review of sidewalk and street patio applications, and patios which do not adequately provide for pedestrian movement will be denied.
- d. A sidewalk and street patio may not be located within 20ft of a Stop Sign or in a location where visibility to vehicle, cycle or pedestrian traffic safety is deemed to be an issue by the Transportation Department.
- e. Sidewalk and street patios will be permitted to be in place from May 15 to October 15 of any given year. Where street sweeping has yet to be completed on the street or avenue of a proposed patio location, the Transportation Department may require a modification for the start date that the subject patio may be in place for. The structure must be fully dismantled and removed during the off-season period from October 15 to May 15.
- f. A patio or temporary boardwalk which extend into the street may be required to have reflectors installed.
- g. Patio furniture, including tables, chairs, umbrellas, which are not permanently affixed to the patio structure, must be adequately secured to prevent materials from being moved by vandals or weather (wind) into the street.
- h. Sidewalk and street patio use is limited to the hours of 7 am to midnight. A patio is not permitted to be operated from midnight to 7 am.
- i. Sound reproduction or amplification devices is not permitted on a sidewalk or street patio.
- j. Once a Sidewalk and Street Patio Permit is issued, the landowner, business owner and/or applicant, as the case may be, is responsible to obtain all provincial approvals (e.g., Alberta Health Services and AGLC).
- k. Permits are non-transferable.
- l. A sidewalk and street patio is only permissible in conjunction with an established food and beverage business in good standing. A Sidewalk and Street Patio Permit will not be granted to a business that operates without the benefit of a development permit or an annual business license, or in contravention of the associated fees and conditions, and/or with property taxes in arrears. An additional business license is not required to operate the sidewalk or street patio.
- m. Patio occupancy requirements must account for adequate egress and capacity requirements of the authority(s) having jurisdiction of Safety Codes; the number of seats on a patio area may be regulated as a condition of a Sidewalk or Street Patio Permit.
- n. A sidewalk or street patio permit is renewable annually provided the existing permit is in good standing and a completed application for the same permit area on the same terms and conditions is received prior to the installation of the patio in the following year.

- o. The permit holder is liable for all loss, costs, damages and expenses whatsoever incurred or suffered by the Municipality for the installation of the sidewalk or street patio.
- p. The applicant shall procure and maintain, at their own cost, comprehensive general liability insurance, including provisions for liquor host insurance if liquor is served, in an amount not less than \$5,000,000.00 indemnifying the Municipality of Crowsnest Pass against any and all damages, injuries or claims. The insurance policy will name the Municipality of Crowsnest Pass as an additional named insured and shall be maintained continuously as long as the permit is in effect.
- q. Securing a dog to the fencing or railings of a sidewalk or street patio is not permitted.
- r. The operator of the sidewalk or street patio will conduct regular inspections of the finished and structural components. Repair will be undertaken as necessary.
- s. A sidewalk and street patio must be maintained in a tidy, clean and sanitary condition. Dirt, refuse, or debris shall not be permitted to accumulate on or around the structure.
- t. The Municipality reserves the right to refuse renewal of a Sidewalk or Street Patio Permit if a sidewalk or street patio is not maintained in an attractive and safe condition or has contravened the Operating Conditions of this policy or the conditions of a Permit issued pursuant to this policy.
- u. The Municipality reserves the right to remove poorly maintained patio structures at the operator's expense. Where the terms and conditions of the Sidewalk and Street Patio Permit and/or this policy are not complied with, the Municipality reserves the right to revoke the permit and remove the sidewalk or street patio, with costs incurred to be billed to the parent business, and confiscate materials and installations at the patio location and hold this property until such time that the cost for removal is paid.

### 3.0 Approval

Department Manager: Johan van der Bank Date: September 21, 2022  
(print name)

  
\_\_\_\_\_  
(signature)

### 4.0 End