



SIDEWALK PATIO POLICY

Policy Number:	DEV 03
Administered By:	Chief Administrative Officer & Development Officer
Approved By:	Chief Administrative Officer & Council
Effective Date:	June 10, 2019
Resolution Number:	R.158.2019

Purpose:

The purpose of this Policy is to provide a framework which allows for the Town of Fort Macleod to evaluate applications for development of Patios which utilize public sidewalks under control of the Town of Fort Macleod.

Scope:

This Policy will facilitate the development of Seasonal outdoor seating areas for eating and drinking establishments within the Town of Fort Macleod.

Responsibilities:

The Development Officer will be responsible to ensure the integrity and application of this Policy.

Definitions:

Town or Municipality: the Municipal corporation of the Municipality of The Town of Fort Macleod; or the area contained within the Municipal boundaries, as the context requires

Footprint: defined as the spatial extent of the patio area.

Land Use Bylaw: the bylaw that has been adopted by the Town for the purpose of prohibiting or regulating and controlling the use and development of land and buildings within the Town of Fort Macleod.

Patio: a patio space delineated on a public sidewalk under control of the Town of Fort Macleod which is used by a food or beverage business as additional seating space in the summer periods.

Policy:

Application:

There is one potential type or layout that can be considered for an outdoor sidewalk patio. In terms of required approvals, development permit requirements apply to private land, and this Patio Policy applies to Municipal sidewalks, a Development will be required as indicated below.

Type 1: Outdoor Patio adjoining a public sidewalk:

- a) Footprint on private sidewalk wholly within Private Parcel. A Development Permit is required. Applicant must be aware of property line.
- b) Footprint on a combination of private parcel and municipal public sidewalk. A Development Permit is required.

Sidewalk Patios 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 Town of Fort Macleod has control over.

Procedure:

The following outlines the procedure which will be implemented for review and permitting of Street Patios.

1. **Pre-Application Meeting.** The first time a business applies for a Sidewalk Patio, a pre application meeting may be set up with the Development Officer. This step will include a review of property lines, to determine applicability of Development Permitting, or the Sidewalk Patio Policy, or both, based on a preliminary site review.
2. **Additional Approvals.** Prior to submission of a formal application, the applicant is required to consult with neighboring businesses which may be impacted to identify and address potential concerns.

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

- a) Confirm with **Alberta Health Services {AHS}** that your proposed food service meets regulations, particularly if you are planning to prepare food outside.
- b) Confirm with the **Alberta Gaming, Liquor and Cannabis Commission {AGLC}** that your proposed alcohol service meets regulations. 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.

Prior to issuing a permit for a Sidewalk Patio, applicants 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 street patio confirm that this insurance will be available and that the cost of insurance is acceptable prior to applying for the patio.

3. **Application Submission.** Applicants must apply to establish a sidewalk patio on an annual basis. The application must include the following:
 - a) Dimensioned site plan showing the overall spatial extent of the proposed patio, including any required temporary sidewalk spaces.
 - b) Dimensioned floor plan and elevations showing placement and quantity of chairs, umbrellas, any other objects to be placed on the patio.
 - c) Proof of insurance naming the Town of Fort Macleod as an insured party.
 - d) **OPTIONAL:** Written support letters from adjacent property owners (or their authorized representatives) where the applicant wishes to extend the

sidewalk patio beyond the frontage of the parent business.

4. **Application Review.** Each application will be reviewed by the Development Department to ensure that Development Permit requirements are addressed. Once development Review is complete, the application will be circulated to the following departments internally:
 - a) **Operations Department:** To confirm that the proposed Sidewalk Patio will accommodate pedestrian traffic.
 - b) **Protective Services Department:** To confirm that the proposed Sidewalk Patio meets requirements for emergency egress and capacity.
 - c) **Adjacent property owners:** The Town will mail notification of the application to the adjacent property owners. The notification will provide 10 days response period from the date of the notification for owners to contact the Town with concerns.

5. **Permit Issuance.** When approved, a permit will be issued for the Sidewalk Patio. Permits will be valid for a specified period (temporary; to be issued for the summer period of May through October).
 - a) **Permit Fee:** the standard permit fee will be \$50 for a Street Patio extending up to one storefront in length. Where the patio is proposed to extend further, an additional \$50 will be levied per storefront length, to a maximum of \$200. Fee to be submitted at the time of the application.

Sidewalk Patio Design Standards:

Applications for Sidewalk Patios are subject to review by the Development Department (Development Officer) in relation to existing street scaping and heritage considerations for Sidewalk Patios proposed in (see the Land Use Bylaw #1882 for map of the Overlay District Areas). Applicants should take the heritage style into consideration when submitting their proposals.

Sidewalk Patios should consider the following as part of their design:

1. Where a patio will utilize a significant portion of the sidewalk width, a pathway providing pedestrian access around on the remainder of the sidewalk will be required to remain unobstructed. A minimum 1.5 m width of unobstructed pedestrian pathway must be provided.
 - a) Umbrellas may not extend above the clear sidewalk width.
 - b) Planters and other structures may not extend into the clear sidewalk area.
 - c) Benches or chairs may not be incorporated into the clear sidewalk width or along the railing external to the proposed patio area.

- d) Temporary A-frame signs may not be placed in the clear sidewalk width.
2. No additional signage may be incorporated into the Sidewalk Patio. Separate development approval would be required for additional signage proposed for the Street Patio.
3. Roadway and curb drainage must be retained.

Operating Conditions:

The following Operating Conditions are considered requirements and applicable to any Sidewalk Patio authorized under this policy. Standards may be varied only on the permit issued for the given patio.

1. Applications are evaluated on a first -come first-serve basis.
2. 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. Pedestrian flow of traffic is given a priority in Municipal review of outdoor patio applications and patios which do not adequately provide for pedestrian movement will be denied.
3. Sidewalk Patios may not be located within the clear vision zone or 20ft. of a Stop Sign or in a location where visibility to vehicle or pedestrian traffic safety is deemed to be an issue by the Town of Fort Macleod Operations Department.
4. Sidewalk Patios will be permitted to be in place from May 15 to October 15 of any given year.
5. Patio furniture, including tables, chairs & umbrellas must be adequately secured during operating hours and stored indoors at the end of day to prevent materials from being moved by vandals or weather (wind) into the street.
6. Sidewalk Patio use is limited to between the hours of 7:00 am and 11:00 pm. Patios will not be permitted to be operated from 11:00 pm to 7:00 am.
7. No sound reproduction or amplification devices will be permitted on Sidewalk Patios.
8. The Town may require proof of all provincial approvals (e.g., Alberta Health Services and AGLC) prior to approval and permit issuance.
9. Permits are non-transferable.
10. Sidewalk Patios will only be applicable to existing food and beverage businesses within the Town of Fort Macleod. Additional business licenses are not required to operate the Sidewalk Patio. Patio occupancy requirements must account for adequate egress and capacity requirements of the authority(s) having jurisdiction; the number of seats on a patio area will be regulated as a condition of a Sidewalk Patio Permit.
11. A new Permit application must be submitted annually and be approved prior to the installation of the patio.
12. Permits are revocable for non-compliance with the conditions set out in the Development Permit.
13. The permit holder is liable for all loss, costs, damages and expenses whatsoever incurred or suffered by the Municipality for the use of the Sidewalk Patio.
14. The applicant shall procure and maintain, at their own cost, comprehensive general liability insurance, including provisions for host liquor insurance if liquor is served, in an

amount not less than \$5,000,000 .00 indemnifying the Town of Fort Macleod against any and all damages, injuries or claims. The insurance policy will name the Town of Fort Macleod as an additional named insured and shall be maintained continuously as long as the permit is in effect.

15. Dogs or other animals are not permitted on outdoor patios.
16. Street Patios 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. Adequate garbage disposal containers shall be easily accessible to patrons.
17. The Town reserves the right to refuse a Sidewalk Patio permit application if a Sidewalk Patio is not maintained in an attractive and safe condition. The Town reserves the right to remove poorly maintained outdoor patio structures at the operator's expense.



CAO- Town of Fort Macleod