

## ON-STREET PATIO POLICY

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<b>Policy Number:</b>	61/256.01 2022PO
<b>Policy Review:</b>	Every 5 Years or upon Legislative Change
<b>Policy Owner (Dept.):</b>	Planning and Development
<b>Reference(s):</b>	City of Lacombe Land Use Bylaw 400

### 1. PURPOSE OF POLICY

- 1.1. To guide the process of review and approval of On-Street Patio Applications for proposed patios on the City's public sidewalks and/or roads as well as Applications for bistro sets on city sidewalks. Patios that are located on private land are governed and regulated by the City of Lacombe's Land Use Bylaw 400.

### 2. POLICY STATEMENT

- 2.1. The City supports the development, expansion and retention of businesses located within the community. The On-Street Patio Policy establishes a framework for the application, review and approval of patios to be located on a road or sidewalk and bistro sets on a public sidewalk. The framework includes requirements for on-street patios or bistro sets and a step by step process for applying, reviewing, approving and constructing these on public sidewalks or roads and is outlined in section 7 of this Policy.

### 3. APPLICABILITY

- 3.1. City Employees:
  - 3.1.1. Planning and Development Department;
  - 3.1.2. CAO; and
  - 3.1.3. Council;
- 3.2. Applicants.
- 3.3. This Policy comes into effect upon approval of Council.

### 4. NON-COMPLIANCE

- 4.1. In the event the Applicant is in non-compliance with this Policy, the Applicant may be sent a letter describing the non-compliance requesting corrections be made within a specific timeframe. Continued use of the patio or sidewalk bistro sets, without correction, will result in the permit being revoked by the Planning and Development Department.

## 5. DEFINITIONS AND ABBREVIATIONS

- 5.1. **“Applicant”** means the individual or entity making a formal On-Street Patio Application or application for the placement of a bistro set;
- 5.2. **“Application”** means a formal application submitted by the Applicant for a proposed patio on a road or sidewalk or bistro set on a public sidewalk within the City of Lacombe;
- 5.3. **“CAO”** means the City of Lacombe’s Chief Administrative Officer;
- 5.4. **“City”** means City of Lacombe;
- 5.5. **“Council”** means the Council of the City of Lacombe;
- 5.6. **“Bistro Set”** means a set consisting of a small outdoor dining table 30” in width or less, constructed of highly durable materials with matching chairs. Bistro sets are typically made to seat two people. Applicants may request consideration of alternatives and Planning and Development staff have authority to use discretion based on individual circumstances.
- 5.7. **“Building Permit”** has the meaning ascribed to it in the City of Lacombe’s Land Use Bylaw;
- 5.8. **“Development Authority”** means the Development Authority as established under the City of Lacombe’s Subdivision and Development Authorities Bylaw;
- 5.9. **“Development Permit”** has the means ascribed to it in the City of Lacombe’s Land Use Bylaw;
- 5.10. **“Employees”** means employees of the City of Lacombe;
- 5.11. **“Planning and Development Department”** means the employees of the City who work in Planning and Development;
- 5.12. **“Patio”** for the purposes of this policy, means an area delineated from the street or sidewalk and constructed at or near grade level, intended for use as an outdoor dining or amenity area.
- 5.13. **“Policy”** means this On-Street Patio Policy.

## 6. ROLES AND RESPONSIBILITIES

### 6.1. Council:

- 6.1.1. Approve Policy; and
- 6.1.2. Review On-Street Patio Applications that are referred to Council by CAO.

### 6.2. CAO:

- 6.2.1. Approve the recommendation of the Planning and Development Department or determine if Council should be the governing body for a specific application; and
- 6.2.2. Ensure staff compliance with this Policy.

## 6.3. Planning and Development Department:

- 6.3.1. Work with the Applicant to ensure a complete submission is received;
- 6.3.2. Review the application and soliciting feedback from adjacent property owners, current tenants and other City departments;
- 6.3.3. Prepare a decision to be approved by the CAO or Council;
- 6.3.4. Ensure that the Applicant meets all the conditions of their approval;
- 6.3.5. Support compliance with the terms of this Policy; and
- 6.3.6. Follow the practices outlined in this Policy.

## 6.4. Applicant:

- 6.4.1. Prepare and submit a complete application submission; and
- 6.4.2. Ensure compliance with this Policy.

## 7. ON STREET PATIO APPROVAL PROCESS

- 7.1. The process outlined below is only for on-street patios located on a road or sidewalk and bistro sets on a public sidewalk. Patios that are located on private property are regulated by the City of Lacombe's Land Use Bylaw 400 and will require a Development Permit.
- 7.2. The City will not issue an approval for any patios proposed on arterial roadways or patios that remove accessible parking stalls. Bistro sets may apply to be located on the sidewalk only.

### 7.3. Step 1

- 7.3.1. Applicant contacts the Planning and Development Department by telephone 403.782.1264 or email [permits@lacombe.ca](mailto:permits@lacombe.ca), to request a pre-application meeting for the proposed bistro set or on-street patio. This initial meeting will allow for discussion on the proposed patio or bistro set with the Planning and Development Department, the Applicant will be informed about potential development conditions (ex. design standards) and gain an understanding of potential concerns or limitations. At this meeting, the Planning and Development Department will be able to provide the Applicant an aerial image of the proposed property and the surrounding area. The image will be used to draw the proposed patio or bistro set and to indicate the public roadway or sidewalk the bistro set, or patio would encompass.

### 7.4. Step 2

- 7.4.1. Before the Applicant submits their Application, the Planning and Development Department would recommend the Applicant contact neighbouring businesses and discuss the proposed patio or bistro set. This will give the Applicant an opportunity to learn who may be affected and will help them identify any potential concerns.

- 7.4.2. Applicant to check with Alberta Health Services (“AHS”) to ensure the proposed food service meets regulations.
- 7.4.3. If the Applicant plans on serving alcohol, they are to confirm with the Alberta Gaming and Liquor Commission (“AGLC”) to be aware of their regulations and ensure compliance. When the Applicant is communicating with AGLC the Applicant must be specific about where the patio or bistro set is located and if alcohol will cross a public sidewalk or unlicensed areas to get to the patio.

### 7.5. Step 3

- 7.5.1. Applicant submits Application and payment to the City. The Planning and Development Department will encourage the Applicant to stay well informed any other required approvals while waiting for a decision such as AHS and AGLC requirements, if applicable.

*Note: In order to process the Application rapidly, it must be well organized and complete.*

### 7.6. Step 4

- 7.6.1. The Planning and Development Department will contact all property owners and current leaseholders/ tenants located, at minimum, within 60m of the property with the proposed patio or bistro set, in order to receive feedback on the proposal. At the same time, the Planning and Development Department will review the Application to determine what conditions or requirements are needed to issue the permit.
- 7.6.2. The Development Authority will have the authority to approve the Application, however, they will also have the option to refer on-street patio or bistro set applications to Council for a decision, should there be significant opposition or other complicating factors.

### 7.7. Step 5

- 7.7.1. If the Development Authority approves the Application, the approval will be subject to conditions. These conditions will vary depending on the location of the patio or bistro set, but shall include the following:
  - 7.7.1.1. Applicant will enter into a License to Occupy Agreement with the City;
  - 7.7.1.2. Applicant will provide proof of insurance to the City, identifying that the City is co-insured in the amount of \$2,000,000.00;
  - 7.7.1.3. Applicant will obtain a Building Permit for the patio; and
  - 7.7.1.4. Applicant will provide proof of approval from AHS and AGLC.

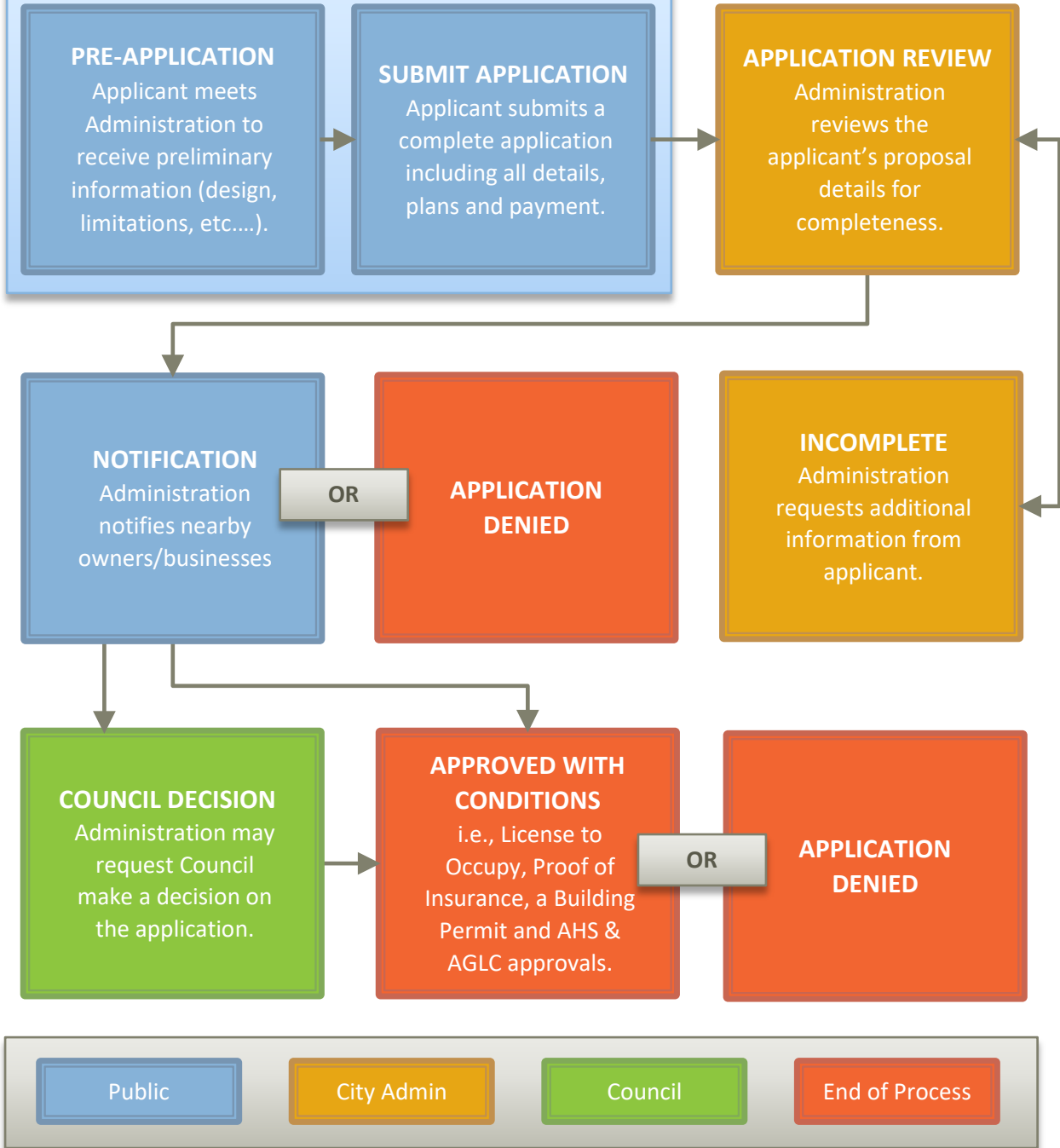
### 7.8. Step 6

- 7.8.1. After the on-street patio is installed the Applicant shall contact the City’s contracted inspection company for a final inspection prior to use of the patio. The patio must meet the Alberta Building Code prior to being occupied. A bistro set will not require inspection.

- 7.8.2. The Development Authority will not issue an approval for any on-street patios that remove accessible parking stalls.
- 7.8.3. Once the City's contracted building code inspector has confirmed the constructed on-street patio complies with the Alberta Building Code the patio may be occupied.

**FIGURE 1 – ON STREET PATIO APPROVAL PROCESS**

It is recommended that the Applicant contact neighbouring properties, Alberta Health Services (AHS) and Alberta Gaming and Liquor Commission (AGLC) to discuss details and determine requirements prior to submitting an application.



## 8. POLICY DETAILS AND REQUIREMENTS

### 8.1. Design and Location Requirements

- 8.1.1. All On-Street Patios/Boardwalks shall:
  - 8.1.1.1. be barrier free and accessible. This includes the patio and boardwalk being level with the sidewalk, not impeding pedestrian and wheelchair movement, etc.;
  - 8.1.1.2. be surrounded by a railing on all sides facing traffic and must be easily removable and pose no trip hazard;
  - 8.1.1.3. be constructed of a durable material with a low slip surface and be level;
  - 8.1.1.4. be located to minimize parking stall loss;
  - 8.1.1.5. be sensitive to existing street furniture;
  - 8.1.1.6. employ colours and materials that complement the adjacent building;
  - 8.1.1.7. be well maintained and any hazards must be immediately addressed including street furniture;
  - 8.1.1.8. be stored either within the building or offsite when not in use;
  - 8.1.1.9. align with the Downtown Area Redevelopment Plan (“DARP”) Architectural Guidelines Overlay as per the Land Use Bylaw 400, if the patio is located within the DARP;
  - 8.1.1.10. be encouraged to use planters to buffer and highlight the edge of the patio from parking stalls;
  - 8.1.1.11. not be affixed to the curb or other City infrastructure;
  - 8.1.1.12. not impede necessary emergency services connections, storm drainage gutters, catchbasins, and adjacent building exits in any manner. It is also noted that the City or third party utilities may remove portions of the patio to access infrastructure appurtenances if required.
  - 8.1.1.13. not extend into the driving lane of the road;
  - 8.1.1.14. be no wider than the adjacent storefront, unless authorization is granted by the Development Authority;
  - 8.1.1.15. be delineated by some vertical element (fence, planter, etc);
  - 8.1.1.16. be required to incorporate bicycle parking into the patio design to offset the impact of the loss of public parking stalls, if necessary;
- 8.1.2. Boardwalk Specific:
  - 8.1.2.1. may extend in front of other properties/businesses

- 8.1.2.2. in the parking lane must not exceed a maximum 8:1 slope transition from the sidewalk to the boardwalk, if required.
- 8.1.2.3. may have a maximum of 45-degree diversion corner.

### 8.1.3. Bistro Set Specific

- 8.1.3.1. must be easily removable and pose no trip hazard;
- 8.1.3.2. Placement of the Bistro Set is to ensure that the sidewalk remains fully accessible, not impeding pedestrian and wheelchair movement, etc.; Minimum clearance of 36" sidewalk is to be retained to allow for clear movement and accessibility once bistro sets are placed.
- 8.1.3.3. be sensitive to existing street furniture;
- 8.1.3.4. employ colours and materials that complement the adjacent building;
- 8.1.3.5. be well maintained and any hazards must be immediately addressed
- 8.1.3.6. be stored either within the building or offsite when not in use (e.g at end of the season);
- 8.1.3.7. align with the Downtown Area Redevelopment Plan (“**DARP**”) Architectural Guidelines Overlay as per the Land Use Bylaw 400, if the patio is located within the DARP;
- 8.1.3.8. not be affixed to the curb or other City infrastructure;
- 8.1.3.9. be no wider than the adjacent storefront, unless authorization is granted by the Development Authority;
- 8.1.3.10. Maximum of one bistro set per 3m of frontage, rounded up. For clarity, a business with a 5m frontage would be allowed a maximum of two bistro sets. A business with a 7m frontage would be allowed a maximum of three bistro sets.
- 8.1.3.11. Bistro sets are to be applied for instead of a patio not in addition to (meaning a business must chose one or the other but not both)

### 8.2. Duration of Approval

- 8.2.1. Licenses to Occupy shall be granted for a maximum of three (3) consecutive years. When the license expires, Applicant will need to apply for a new approval and enter into a new License to Occupy Agreement with the City, for a subsequent three (3) years. Each new approval will be subject to the standards and regulations of the current Land Use Bylaw



and may include requirements for enhanced design standards, beyond regular maintenance.

8.2.2. Licenses to Occupy allows the bistro set or patio to be placed on City property from May 1 to October 15 in a given year. Extensions may be granted by the Development Authority in any given year based upon weather and street maintenance requirements. In the absence of an extension, patios must be completely removed from the road or sidewalk by October 15 each year. Bistro sets must also be removed from the sidewalk by this date.

## 9. END OF POLICY

**ORIGINAL SIGNED**

**ORIGINAL SIGNED**

\_\_\_\_\_  
Signature of Mayor

\_\_\_\_\_  
Signature of CAO

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

## POLICY RECORD

### Approval and Amendment History

Date of Council Meeting	Council Motion Number	Description
August 10, 2020		Approval of policy
March 28, 2022		Approval of policy 61/256.01 2022PO and rescindment of policy 61/256.01 2020PO

### Review History

Date of Policy Owner's Review	Description/Action Taken or Required
March 2022	Amending policy to include details on bistro sets and drainage requirements