



### ON-STREET PATIOS AND BISTRO SETS

<b>Policy Number:</b>	61/256.01 2023ADP
<b>Policy Review:</b>	Every 5 Years
<b>Policy Owner (Dept.):</b>	Planning and Development Services
<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 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. This 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 a step by step process outlined in section 7 of this Policy.

#### 3. APPLICABILITY

- 3.1. This Policy applies to the Chief Administrative Officer, Planning and Development Services Department, and Applicants.
- 3.2. This Policy comes into effect upon approval of the CAO.

#### 4. NON-COMPLIANCE

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

#### 5. DEFINITIONS AND ABBREVIATIONS

- 5.1. **Applicant** – the individual or entity making a formal On-Street Patio or Bistro Set Application.
- 5.2. **Application** – a formal submission by the Applicant for a proposed patio on a road or bistro set on a public sidewalk within the City of Lacombe.
- 5.3. **CAO** – the City of Lacombe’s Chief Administrative Officer
- 5.4. **City** – City of Lacombe



- 5.5. **Council** – the Council of the City of Lacombe
- 5.6. **Bistro Set** – a set consisting of a small outdoor dining table 30” in width or less, constructed of highly durable materials with matching chairs.
- 5.7. **Building Permit** – the meaning ascribed to it in the City of Lacombe’s Land Use Bylaw
- 5.8. **Development Authority** – the Development Authority as established under the City of Lacombe’s Subdivision and Development Authorities Bylaw
- 5.9. **Development Permit** – the meaning ascribed to it in the City of Lacombe’s Land Use Bylaw
- 5.10. **Planning and Development Services Department** – the employees of the City who work in Planning and Development Services
- 5.11. **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

## 6. ROLES AND RESPONSIBILITIES

### 6.1. Chief Administrative Officer:

- 6.1.1. Review and approve the recommendation of the Planning and Development Services Department or determine if Council should be the governing body for a specific application; and,
- 6.1.2. Ensure staff compliance with this Policy.

### 6.2. Planning and Development Services Department:

- 6.2.1. Work with the Applicant to ensure the requirements for a complete submission is well understood;
- 6.2.2. Review the Application and solicit feedback from adjacent property owners, current tenants, and other City departments;
- 6.2.3. Prepare a recommendation to be approved by the CAO;
- 6.2.4. Ensure that the Applicant meets all the conditions of their approval;
- 6.2.5. Support compliance with the terms of this Policy; and
- 6.2.6. Follow the practices outlined in this Policy.

### 6.3. Applicant:

- 6.3.1. Prepare and submit a complete Application submission; and
- 6.3.2. Ensure compliance with this Policy.

### 7. ON-STREET PATIO AND BISTRO SET APPROVAL PROCESS

- 7.1. The process outlined below is only for on-street patios located on a road 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 approve 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. Bistro sets are typically made to seat two people. Applicants may request consideration of alternatives, and Planning and Development Services staff have the authority to use discretion based on individual circumstances.
- 7.4. Step 1
  - 7.4.1. Applicant contacts the Planning and Development Services Department by telephone 403.782.1264 or email [permits@lacombe.ca](mailto:permits@lacombe.ca), to request a pre-application meeting to discuss the proposal.
  - 7.4.2. The Applicant will be informed about application requirements (e.g., design standards) and gain an understanding of potential concerns or limitations.
  - 7.4.3. At this meeting, the Planning and Development Services Department will provide the Applicant with 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 patio or bistro set would encompass.
- 7.5. Step 2
  - 7.5.1. Before submitting the Application, the Planning and Development Services Department recommends the Applicant contact neighbouring businesses to discuss the proposed patio or bistro set. This will give the Applicant an opportunity to gain experience who may be affected and explore ways to modify their application to mitigate issues.
  - 7.5.2. The Applicant is advised to check with Alberta Health Services ("AHS") to ensure the proposed patio or bistro set adheres to the requirements of their food handling permit, if applicable.
  - 7.5.3. If planning to serve alcohol, the Applicant is advised to contact the Alberta Gaming, Liquor and Cannabis Commission ("AGLC") to ensure the proposed patio or bistro set adheres to the requirements of their liquor license, if applicable.
  - 7.5.4. When communicating with the AGLC the Applicant must be specific about where the patio or bistro set is located and if alcohol will cross a public sidewalk or any unlicensed areas to get to the patio.

### 7.6. Step 3

7.6.1.1. The Applicant submits the Application and payment to the City. The applicant is responsible for maintaining compliance with any other non-City of Lacombe permit or licencing required to operate.

7.6.1.2. An applicant may apply for bistro sets or a patio but not both.

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

### 7.7. Step 4

7.7.1. The Planning and Development Services Department will contact all property owners and current leaseholders/tenants located within, at minimum, 60m of the property proposing the patio or bistro set, in order to receive feedback on the proposal. At the same time, the Planning and Development Services Department will review the Application.

7.7.2. The review will confirm that the installation does not impede necessary access to emergency services connections, storm drainage gutters, catch basins, and adjacent building exits in any manner. The review will also review the application against the requirements outlined in Section 8.

7.7.3. The Planning and Development Services Department may recommend approval of the Application to the CAO, request additional information from the Applicant or recommend denial of the application. The CAO may refer on-street patio or bistro set Applications to Council for a decision, should there be significant opposition or other complicating factors.

### 7.8. Step 5

7.8.1. Conditions will vary depending on the location of the patio or bistro set, but shall include the following, at minimum:

7.8.1.1. Applicant will enter into a License to Occupy Agreement with the City;

7.8.1.2. Applicant will provide proof of liability insurance for a minimum of \$2,000,000 to the City, identifying the City as an additional insured on the policy;

7.8.1.3. Applicant will obtain a Building Permit for the patio; and,

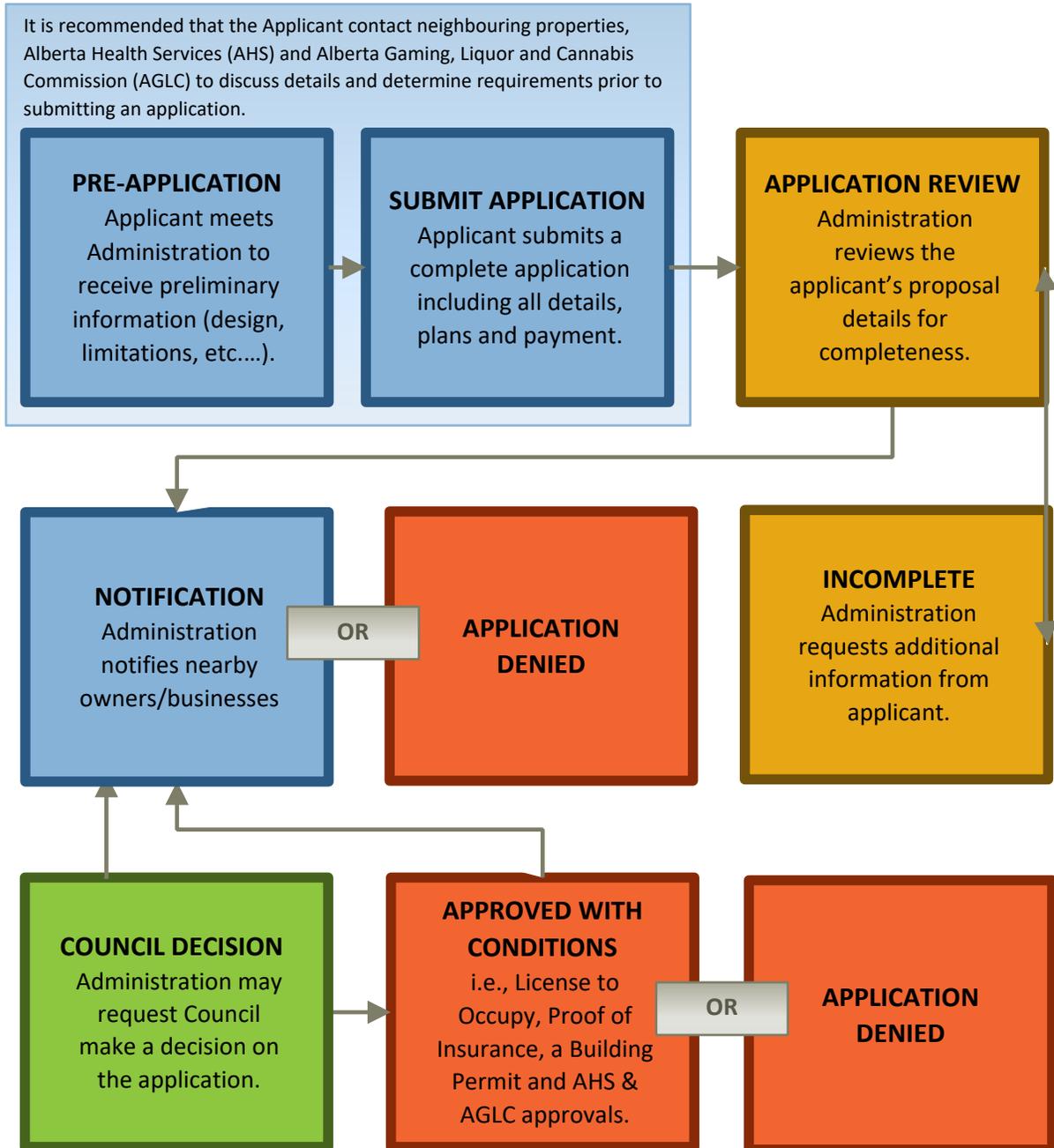
7.8.1.4. Applicant will provide proof of approval from AHS and AGLC.

### 7.9. Step 6

7.9.1. After the on-street patio is installed, the Applicant shall contact the City's contracted inspection company for a final inspection prior to the use of the patio. A bistro set will not require inspection.

7.9.2. Once the City's contracted Safety Codes Officer has confirmed the constructed on-street patio complies with the Alberta Building Code, the patio may be occupied.

### FIGURE 1 – ON STREET PATIO



### 8. POLICY DETAILS AND REQUIREMENTS

#### 8.1. Design and Location Requirements

##### 8.1.1. All on-street patios shall:

- 8.1.1.1. be barrier free and accessible. This includes the patio 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 including street furniture and any hazards be immediately addressed;
- 8.1.1.8. furniture must be stored within the building or offsite when not in regular use (e.g., at the end of the season);
- 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 access to emergency services connections, storm drainage gutters, catch basins, 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 approved by the Development Authority;
- 8.1.1.15. be delineated by a 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. Bistro Set specific:

- 8.1.2.1. must be easily removable and pose no trip hazard;
- 8.1.2.2. 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;
- 8.1.2.3. be sensitive to existing street furniture;
- 8.1.2.4. employ colours and materials that complement the adjacent building;
- 8.1.2.5. be well maintained and any hazards must be immediately addressed;
- 8.1.2.6. be stored either within the building or offsite when not in use (i.e., at end of the season);
- 8.1.2.7. 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;
- 8.1.2.8. not be affixed to the curb or other City infrastructure;
- 8.1.2.9. be no wider than the adjacent storefront, unless authorization is granted by the Development Authority;
- 8.1.2.10. 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.

### 8.2. Duration of Approval

- 8.2.1. Licenses to Occupy shall be granted for a maximum of three (3) consecutive years.
- 8.2.2. When the license expires, the Applicant must re-apply for a new approval and enter into a new License to Occupy Agreement with the City, for another three (3) years.
- 8.2.3. Each renewal application will be subject to all requirements of this Policy, including recirculation to surrounding property owners/tenants and will be subject to the standards and regulations in place at the time of the application.
- 8.2.4. Seasonal placement of bistro sets or patios will be from May 1 to October 15 in a given year.
- 8.2.5. Extensions to the seasonal placement may be granted by the Planning and Development Services Department in any given year based on weather and street maintenance requirements. In the absence of an extension, patios and Bistro Sets must be completely removed from the road or sidewalk by October 15 each year.



### 9. END OF POLICY

Matthew Goudy, P.Eng

Signature of CAO

November 28, 2023

Date

### POLICY RECORD

#### Approval and Amendment History

Date of Approval	Description
November 27 <sup>th</sup> , 2023	

#### Review History

Date of Policy Owner's Review	Description/Action Taken or Required