



# Town of Rimbeey Policy Manual

Title: On Street Patio Policy

Policy No: 6002

Date Approved: April 13, 2021

Resolution No: 102/21

Date Effective: April 13, 2021

Purpose:

To guide the process of review and approval of On-Street Patio Applications for proposed patios on Town’s public roads. Patios that are located on private land are governed and regulated by the Town of Rimbeey’s Land Use Bylaw 917/16.

## ***Policy Statement:***

### **I. GENERAL POLICY STATEMENT**

- 1) The Town 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 a public sidewalk. The framework includes requirements for on-street patios and a step-by-step process for applying, reviewing, approving and constructing a patio on public sidewalks or roads and is outlined in section 6 of this Policy.

### **2. APPLICABILITY**

- 1) Town Employees:
  - a) Planning and Development Department;
  - b) CAO;
  - c) Council; and
- 2) Applicants.
- 3) This Policy comes into effect upon approval of Council.

### **3. NON-COMPLIANCE**

- 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, without correction, will result in the permit being revoked by the Planning and Development Department.

### **4. DEFINITIONS**

- 1) “Applicant” means the individual or entity making a formal On-Street Patio Application;
- 2) “Application” means a formal application submitted by the Applicant for a proposed patio on a public sidewalk and/or road within the Town of Rimbeey;
- 3) “CAO” means the Town of Rimbeey Chief Administrative Officer;

- 4) "Town" means Town of Rimbey;
- 5) "Council" means the Council of the Town of Rimbey;
- 6) "Building Permit" has the meaning ascribed to it in the Town of Rimbey's Land Use Bylaw;
- 7) "Development Authority" means the Development Authority as established under the Town of Rimbey's Subdivision and Development Authorities Bylaw;
- 8) "Development Permit" has the means ascribed to it in the Town of Rimbey's Land Use Bylaw;
- 9) "Employees" means employees of the Town of Rimbey;
- 10) "Planning and Development Department" means the employees of the Town who work in Planning and Development;
- 11) "Policy" means this On-Street Patio Policy.

## **5. ROLES AND RESPONSIBILITIES**

- 1) Council:
  - a) Approve Policy; and
  - b) Review On-Street Patio Applications that are referred to Council by CAO.
- 2) CAO:
  - a) Approve the recommendation of the Planning and Development Department or determine if Council should be the governing body for a specific application; and
  - b) Ensure staff compliance with this Policy.
- 3) Planning and Development Department:
  - a) Work with the Applicant to ensure a complete submission is received;
  - b) Review the application and soliciting feedback from adjacent property owners and Town departments;
  - c) Prepare a decision to be approved by the CAO or Council;
  - d) Ensure that the Applicant meets all the conditions of their approval;
  - e) Support compliance with the terms of this Policy; and
  - f) Follow the practices outlined in this Policy.
- 4) Applicant:
  - a) Prepare and submit a complete application submission; and
  - b) Ensure compliance with this Policy.

## **6. ON STREET PATIO APPROVAL PROCESS**

- 1) The process outlined below is only for on-street patios located on a road and/or on a public sidewalk. Patios that are located on private property are regulated by the Town of Rimbey's Land Use Bylaw 916/16 and will require a Development Permit.
- 2) The Town will not issue an approval for any patios that remove parking stalls marked for persons with disabilities.
- 3) The Town will require written consent from Alberta Transportation prior to approval for any patio adjacent to a road right-of-way under the jurisdiction of Alberta Transportation.
- 4) The Town will consider approval for patios in all non-residential land use districts.
- 5) All applicants must operate under an existing valid Development Permit and Business License.
- 6) **Step 1**
  - a) Applicant contacts the Planning and Development Department by telephone 403.843.2113 or email [generalinfo@rimbey.com](mailto:generalinfo@rimbey.com), to request a meeting for the proposed on-street patio. This initial meeting will allow for discussion on the proposed patio with the Planning and Development Department, Applicant will be informed about potential development conditions (ex. design standards) and gain an understanding of potential concerns or limitations.

**7) Step 2**

- a) Before the Applicant submits their Application, the Planning and Development Department would recommend the Applicant contact neighbouring businesses and discuss the proposed patio. This will give the Applicant an opportunity to learn who may be affected and will help them identify any potential concerns.
- b) Applicant to check with Alberta Health Services (“AHS”) to ensure the proposed food service meets regulations.
- c) 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 is located and if alcohol will cross a public sidewalk or unlicensed areas to get to the patio.

**8) Step 3**

- a) Applicant submits Application and payment to the Town. The Planning and Development Department will encourage the Applicant to stay well informed of 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 complete.*

**9) Step 4**

- a) The Planning and Development Department will contact all property owners located directly adjacent of the property with the proposed patio in order to receive feedback on the proposed on-street patio. 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.
- b) The Development Authority will have the authority to approve the Application; however, they will also have the option to refer on-street patio applications to Council for a decision, should there be significant opposition or other complicating factors.

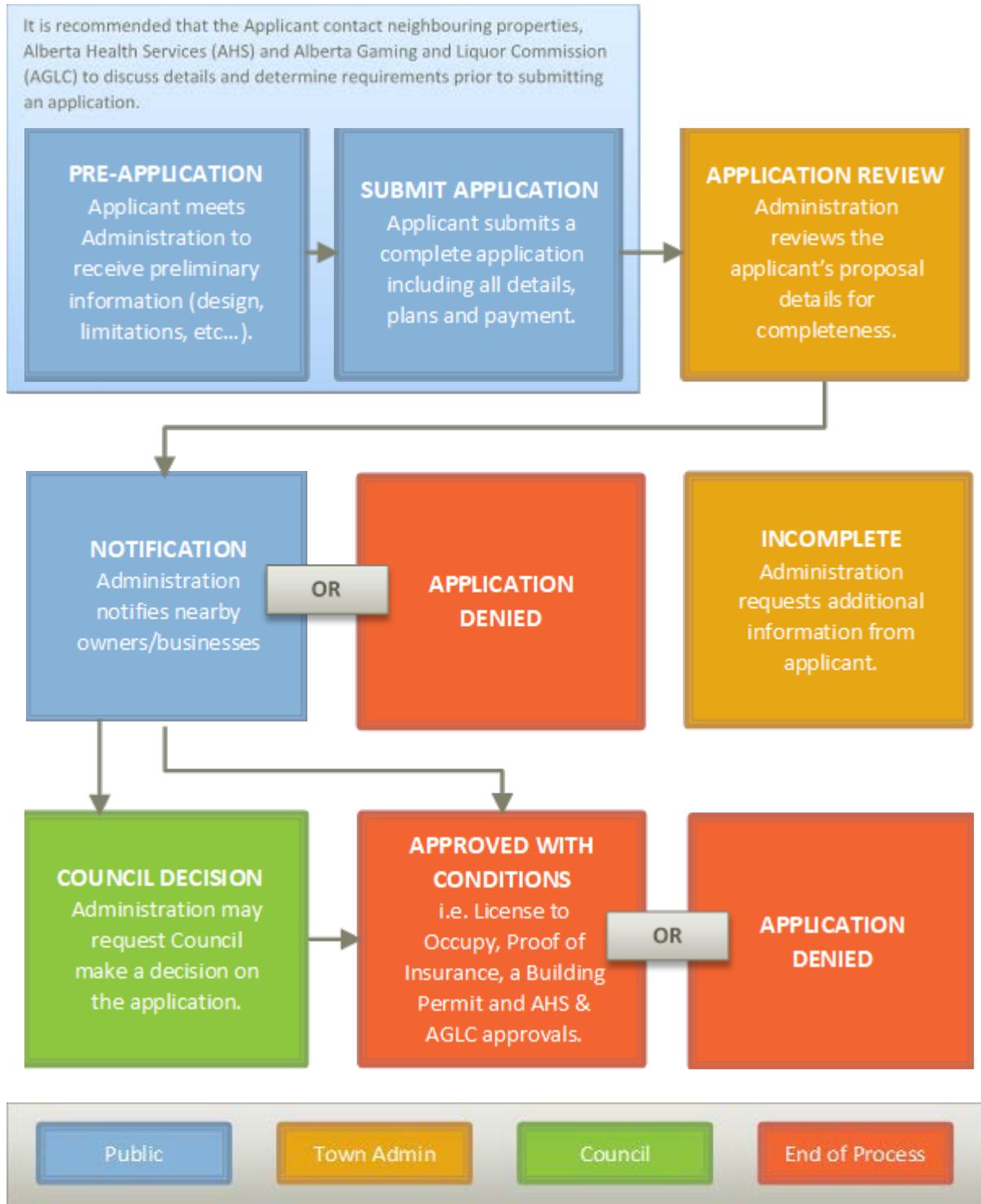
**10) Step 5**

- a) 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, but shall include the following:
  - i) applicant will enter into a License to Occupy Agreement with the Town;
  - ii) applicant will provide proof of insurance to the Town, identifying that the Town is co-insured in the amount of \$2,000,000.00;
  - iii) applicant will obtain a Building Permit for the patio; and
  - iv) applicant will provide proof of approval from AHS and AGLC.

**11) Step 6**

- a) After the on-street patio is installed, the Applicant shall contact the Town’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.
- b) The Development Authority will not issue an approval for any on-street patios that remove parking stalls marked for persons with disabilities.

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



**6. POLICY DETAILS AND REQUIREMENTS****1) Design and Location Requirements**

- a) All On-Street Patios shall:
- i) be located within the approved parking stalls and not extend into the driving lane of the road. The side of the on-street patio adjacent to vehicle traffic shall maintain a minimum distance of 0.65m (2ft 2in) from the edge of any adjacent travel lane.
  - ii) not be placed within 5.0m (16ft 5in) from the corner of an intersection and 10.0m (3ft 9 in) from the corner of an intersection that has a stop/yield sign or pedestrian crosswalk.
  - iii) not obstruct pedestrian traffic;
  - iv) not be located on the Town owned sidewalk;
  - v) be barrier free and accessible. This includes the patio being level with the sidewalk, not impeding pedestrian and wheelchair movement, etc.;
  - vi) be surrounded by a railing on all sides facing traffic and must be easily removable and pose no trip hazard;
  - vii) be constructed of a durable material with a low slip surface and be level;
  - viii) be located to minimize parking stall loss;
  - ix) employ colours and materials that complement the adjacent building;
  - x) be well maintained and any hazards must be immediately addressed including street furniture;
  - xi) be stored either within the building or offsite when not in use;
  - xii) be encouraged to use planters to buffer and highlight the edge of the patio from parking stalls;
  - xiii) not be affixed to the curb or other Town infrastructure;
  - xiv) be no wider than the adjacent storefront, unless authorization is granted by the Development Authority;
  - xv) be delineated by some vertical element (fence, planter, etc);
  - xvi) not have outdoor audio-visual equipment (for example speakers, television, projectors, etc.) may be used on a temporary patio unless a noise mitigation plan is submitted to the Town;
  - xvii) food and drink preparation and cooking are not permitted on on-street patios;
  - xviii) a minimum 1.5m (5ft) clearance from fire department connections and hydrants must be maintained on on-street patios;
  - xix) a fire extinguisher must be available within 23m (75ft) of any part of the on-street patio;
  - xx) a temporary outdoor patio shall not contain any structures, permanent or temporary, except for tables, chairs, umbrellas, heaters, temporary movable patio perimeter fencing/barriers and temporary movable patio perimeter planters. Any temporary movable patio perimeter fencing/barriers and temporary movable patio perimeter planters must not exceed a height of 1.2m (4ft);
  - xxi) town power receptacles shall not be used for any on-street patio purpose.

**2) Duration of Approval**

- a) Licenses to Occupy shall be granted for a maximum of one (1) year. When the license expires, Applicant will need to apply for a new approval and enter into a new License to Occupy Agreement with the Town, 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.
- b) Licenses to Occupy allows the patio to be placed on Town property from May 1 to October 15 in a given year. Extensions may be granted by the Development Authority in any given year based

<p>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.</p> <p>c) The Town may terminate these permissions upon 24 hours notice. Further, the Town may terminate the permissions without notice in the event of an emergency and/or operational safety concern.</p>			
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