

Title: Patios on Public Property

Policy No: 6009

Effective Date: July 11, 2023

Motion Number: 23.07.373

Supersedes Policy No: None

Department: Planning & Development

Review Date: July, 2026



Legal References:

Municipal Government Act, R.S.A. 2000, c.M-26.

Cross References:

Bylaw 799 "Land Use Bylaw" – Grande Cache
Bylaw 18-800 "Land Use Bylaw"

Purpose: The purpose of this policy is to define the licensing process, set guidelines and procedures, and outline the roles and responsibilities of business owners and those reviewing applications.

1. DEFINITIONS

- 1.1 **Abutting sidewalk seating** means a seating area which is located on a public sidewalk directly adjacent to a business frontage.
- 1.2 **Applicant** means the individual, business or group formally requesting the seasonal outdoor patio.
- 1.3 **Business frontage** means the façade of a business at grade along measured along the lineal distance of the front lot line abutting the public sidewalk including the accumulated width of windows, doorway, signage band and bulkheads.
- 1.4 **Licensing Authority** means the Planning and Licencing Administration for Greenview.
- 1.5 **Greenview** means the Municipal District of Greenview No. 16.
- 1.6 **License of Occupation** means the mechanism of authorization for the legal establishment of occupation within Public Lands of a Seasonal Outdoor Patio within the License area. A License of Occupation under this Policy is valid for one (1) calendar year and renewable annually thereafter.
- 1.7 **Light fixtures or luminaire** is an electrical device used to create artificial light by use of an electric lamp or battery source.
- 1.8 **Maintenance** refers to the preservation of a finishing's quality and appearance.
- 1.9 **Outdoor heating device** means an appliance for heating outdoor air.

1.10 Patio” and “Patio, Seasonal Outdoor” means outdoor seating area between April 1st and October 31st related to commercial food and beverage service for Boulevard Patios, On-Street Patios, and Private Property Patios as per Guidelines.

1.11 Pedestrian zone is the area dedicated exclusively to the movement of pedestrians on a public sidewalk.

1.12 Perimeter structure means a partial wall, screen or other landscape barrier installed along the front, side and/or rear of a licenced sidewalk seating area. This perimeter structure shall be durable, may incorporate seating elements, and must meet the rustic design requirement of the policy.

1.13 Sidewalk furnishings means all furniture to be located within the sidewalk seating area. This includes tables, perimeter structures, posts, benches, umbrellas, floor coverings, landscaping planters, blankets, pillows, and art.

1.14 Sidewalk seating area means a patio seating dedicated for the use of an eating and drinking establishment or grocery store containing tables, umbrellas, posts, benches, floor coverings, art, or landscape planters for the use of the establishment’s patrons. A sidewalk seating area will be considered one of the following three sidewalk seating area types:

- A) **“Counter Service”** means a seating area where patrons must access an interior counter to obtain food and/or beverages.
- B) **“Table Service”** means a sidewalk seating area where patrons are served food and non-alcoholic beverages at a table by staff. Table service seating areas are not licenced by the Alberta Gaming, Liquor and Cannabis (AGLC) for the consumption of alcohol.
- C) **“Full Service”** means a sidewalk seating area where patrons are served food, beverages, and alcoholic beverages at a table by staff. Full-service seating areas are licenced by the Alberta Gaming, Liquor and Cannabis (AGLC) for the consumption of alcohol.

1.15 Signage means any structure, fixture, logo, symbol, pictorial representation, emblem, mural, or banner which is visible from any street or lane which directs attention to a product, service, place, activity, person, institution, or business.

2. POLICY STATEMENT

2.1 This policy provides direction for the licensing of patios on Greenview owned lands which are adjacent to businesses which offer food and beverage services.

3. PATIO GUIDELINES

3.1 Obtain a license of occupation: Businesses must obtain a license of occupation from the local government before using the sidewalk for outdoor seating.

3.2 Keep the sidewalk clear: The outdoor patio should not prevent safe pedestrian traffic on the sidewalk. There should be enough space for pedestrians to walk safely and freely.

3.3 Maintain cleanliness: The outdoor seating area should be kept clean and free of debris, spills, and trash. This includes regularly sweeping and cleaning the area.

3.4 Use appropriate furniture: Outdoor seating furniture should be sturdy, safe, and appropriate for outdoor use. It should not block the view of pedestrians or pose a hazard.

- 3.5 Follow noise regulations: Businesses should follow local noise regulations and be mindful of noise levels from the outdoor seating area.
- 3.6 Respect neighbors: Businesses should be respectful of neighboring businesses and residents by keeping noise levels down and not blocking access to other establishments.
- 3.7 Here are some design parameters for an outdoor cafe patio:
- A) **Seating capacity:** Determine the desired seating capacity of the patio, taking into account the available space and local regulations.
 - B) **Furniture:** Choose durable and weather-resistant furniture that is comfortable for customers. Consider using a mix of seating options such as tables with chairs, benches, and bar stools.
 - C) **Lighting:** Install adequate lighting to create a warm and inviting atmosphere. Consider using string lights or lanterns for a cozy ambiance.
 - D) **Shade:** Provide shade for customers by using umbrellas, awnings, or natural shading such as trees or plants. This will make the patio more comfortable during hot and sunny days.
 - E) **Accessibility:** Ensure that the patio is accessible to all customers, including those with disabilities. Consider adding ramps or other features that make the patio accessible.
 - F) **Greenery:** Incorporate greenery such as plants or flowers into the patio design to add visual interest and create a natural ambiance.
 - G) **Sound:** Consider adding sound-absorbing materials or features to minimize noise pollution from the patio.
 - H) **Safety:** Ensure that the patio design meets all safety requirements, including fire safety regulations, non-slip surfaces, and appropriate barriers.
 - I) **Aesthetic:** Choose a design style that complements the surrounding architecture and reflects the personality of the business. Consider using colors, textures, and materials that create an inviting and welcoming atmosphere.
- 3.8 Architectural controls **may** apply. These controls are used to ensure that buildings maintain an alpine village atmosphere and a consistent look and feel in public spaces while also preserving the natural beauty of the surrounding environment. Here are some potential architectural controls:
- A) **Building materials:** Limit the use of materials to rough lumber and stone to maintain a consistent aesthetic throughout the hamlet. Other materials may be allowed but should be carefully reviewed and approved to ensure they fit with the hamlet's overall design and feel.
 - B) **Colours:** Establish a color palette that fits with the natural surroundings of the hamlet, such as earthy tones and muted colors. Bright or bold colors should be avoided, as they may clash with the natural landscape.
 - C) **Lighting:** Establish lighting standards to ensure that all lighting fixtures used in the hamlet are appropriate for the natural surroundings and do not cause light pollution.
 - D) **Signage:** Limit the use of signage to maintain the hamlet's rustic aesthetic. Signs should be designed to blend in with the surrounding architecture and should be no larger than necessary.

4. APPLICATION RESPONSIBILITIES

- 4.1 The application process will be administered by the Licensing Authority for Greenview. Prior to submission, applicants are encouraged to contact planning and development staff to review their application. Every application will be reviewed for site suitability. Some considerations shall include foot traffic, parking requirements, and public liability.
- 4.2 A completed application includes:
- A) An application form which includes:
 - i. Months, days, and hours of operation, and a
 - ii. signed liability release;
 - B) The applicant must have a valid Greenview business license;
 - C) If consumption of goods is provincially regulated then confirmation that the existing business complies with Alberta Liquor, Gaming, and Cannabis (AGLC) requirements, as applicable;
 - D) An application shall include a conceptual design comprised of:
 - i. Proposed Patio location, dimensions and materials;
 - ii. Entrances and exits and temporary landscaping, fencing/barriers to identify boundaries of Patio;
 - iii. Location of tables and chairs.
 - iv. Expected occupant load or seating capacity;
 - v. Garbage receptacles, if any;
 - vi. Signage or banners, if any;
 - vii. Existing driveways, loading zones, trees, benches, barrier free access, streetlamps, and fire department connections in proximity to the proposed location; and
 - viii. Any other information determined by Planning and Development.
 - E) Copy of Certificate of Liability Insurance with a minimum amount of \$2 million;
 - F) If the applicant is not the building owner, a letter from the property owner, or their appointed agent, authorizing the Applicant's patio development.
 - G) Current photos of the Business Frontage, Furniture Zone, and Pedestrian Zone; and
 - H) Letters of support are required from adjacent businesses and landowners when developing an On-Street Patio or Boulevard Patio expanding beyond the Applicant's Business Frontage.
- 4.3 Once the application has been reviewed and determined to meet the requirements outlined above, Planning and Development may issue a License of Occupation.
- 4.4 If approved, a License of Occupation will be issued for one (1) season and is renewable in one (1) year increments thereafter if conditions have not changed at the start of each season.
- 4.5 Boulevard Patios, On-Street Patios, and Private Property Patios must comply with guidelines established in Section 3 unless previously approved by a development permit.

4. COUNCIL RESPONSIBILITIES

- 4.1 Council is responsible for adoption of the policy and establishing the evaluation criteria required for the licensing authority.

5. ADMINISTRATION RESPONSIBILITIES

5.1 Planning and Development Staff shall:

- A) Arrange the pre-application meeting with the applicant;
- B) Process applications;
- C) Review and ensure conformity with municipal planning guidelines; and
- D) Refer applications to internal departments and external agencies if deemed appropriate.

5.2 The Director of Planning and Economic Development is responsible for authorizing any patios located on Greenview Owned Property or Sidewalks.

5.3 Other Greenview departments shall be responsible for the following:

- A) Providing written comment on the application, if referred, to minimize potential impacts.
- B) Reviewing reports, drawings, and applications submitted for conformity to relevant Greenview policies, standards, and other guidelines.