

	Planning & Design PROCEDURES	Procedure Number 2018-11
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Downtown Parklet and Patio Procedure

Summary

Title of Document:	Downtown Parklet and Patio Procedure
Title of Designated Responsible Manager:	Development Manager, Planning & Design
Original Date Approved:	April 19, 2004
Approved By:	City Council
Last Revision:	June 4, 2020
Next Review Date:	Not defined

Purpose

A portion of City utility right-of-way (URW) in the downtown area may be used for outdoor food and beverage patio service provided the patio is developed in accordance with these regulations and procedures or as approved by the Municipal Planning Commission.

Requirements

Land Use Requirements:

The sidewalk patio is permitted only for previously approved:

- Restaurants
- Entertainment Establishments
- Retail Stores which would provide no more than a total of 10 seating spaces both indoors and outdoors.

Legal Requirements:

- a) The business operator must enter into a Downtown Sidewalk Patio Agreement with the City of Lethbridge and maintain the Agreement thereafter.
- b) The applicant must have (and provide proof of) landowner authorization.
- c) The business operator must pay a yearly fee (\$60 for 2020) for use of the patio portion of the sidewalk as per the Agreement.
- d) The business operator must obtain and maintain continuous insurance coverage indemnifying the City of Lethbridge as per the Agreement.

	<h2 style="margin: 0;">Planning & Design</h2> <h1 style="margin: 0; color: #4F81BD;">PROCEDURES</h1>	<p>Procedure Number</p> <p>2018-11</p>
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Operational Requirements:

- a) The sidewalk patio and adjacent sidewalk must be kept clean and clear of any hazards including the timely removal of snow, ice and refuse.
- b) The sidewalk patio barrier must be maintained so that it remains stable, secure, and attractive.
- c) All other applicable permits and licenses must be obtained and adhered to.
- d) Sidewalk patios must be kept tidy with no storage of tables and chairs
- e) All outdoor furniture must be of a commercial grade and shall not be secured to municipal infrastructure (e.g. the sidewalk, tree wells/trees, posts, fire hydrants, parking meters, street lights, bicycle racks, etc.)
- f) No open flames are permitted.
- g) No parts of the patio, including decorations shall pose a hazard (e.g. thorns, poisonous plants, sharp edges, tripping hazards, etc.)
- h) Stacked storage of tables and chairs is not permitted when the parklet or patio is not in use.
- i) The Applicant must comply with relevant City Bylaws, including the Noise Bylaw which states that bells, whistles, music or other attention seeking or intrusive sounds are not permitted between 10:00 p.m. and 9:00 a.m.
- j) A garbage can must be provided within the parklet or patio area.

Parklet and Patio Design Requirements:

General Requirements

- a) The patio is permitted only on the portion of sidewalk abutting the related building face. It is not permitted to extend in front of neighbouring buildings or businesses.
- b) All outdoor furniture must be of a commercial grade and shall not be secured to municipal infrastructure (e.g. the sidewalk, tree wells/trees, posts, fire hydrants, parking meters, street lights, bicycle racks, etc.)
- c) A minimum of 1.8m (6') of unobstructed pedestrian space must be maintained between the outer extents of the patio (including but not limited to: lights, plants, tables, chairs, umbrellas, awnings, etc.) and any municipal infrastructure. (e.g. tree wells, posts, fire hydrants, parking meters, street lights, bicycle racks, etc.). If a detoured walkway is built through a parking lane (on a roadway) to accommodate a sidewalk patio, the detoured sidewalk must meet the minimum unobstructed 1.8m (6') walkway clearance for pedestrians.

	Planning & Design PROCEDURES	Procedure Number 2018-11
---	---	---------------------------------

- d) Exterior lighting within an approved patio shall be down-facing to minimize light spill into abutting properties and shall not interfere with the public thoroughfare, and be cordless.
- e) The patio layout must accommodate wheelchairs and must not impede wheelchair access to the related building or to neighbouring buildings or businesses.
- f) All patio outdoor furniture and other fixtures such as flower planters, portable lights, decorations, etc. must be located within the patio area and not in the pedestrian travel area, with the exception of umbrella canopies which may extend into the pedestrian travel area provided that there is a minimum 2.1 meters (7 feet) ground clearance.
- g) The patio must be enclosed by a barrier designed in accordance with the regulations set out in subsection 5 below.
- h) A 1.83 meter (6 foot) pedestrian travel area, clear of obstructions, must be maintained between the patio barrier and the curb or any sidewalk fixtures.
- i) All patio furniture and other fixtures such as flower planters, portable lights or heaters, etc must be located within the patio area and not in the pedestrian travel area.
- j) Patio umbrellas may extend into the pedestrian travel area provided there is a minimum 7' (2.13m) ground clearance, but the umbrella base must be located within the patio area.

Parklet Specific Requirements

- a) The parklet area shall not be used for storage.
- b) The Applicant must provide a letter of support with each annual application from the adjoining property owners (support from 66% of the block face in question is required).
- c) The parklet shall only occupy the parking stalls located directly in front of the subject business and the parklet dimensions cannot exceed the width of the abutting on-street parking stalls.
- d) The parklet will require additional traffic barriers (e.g. jersey barriers, large planters, etc.) to ensure the safety of the patio users and/or pedestrians, dependent on the design submitted. Any barriers used for the parklet must be constructed so that they can be completely removed within 24 hours. No permanent attachment of any fence or barrier to City property is permitted.
- e) The design of the parklet should direct patrons to access/egress at the ends on its sidewalk-facing side and ensure that the transition between the existing sidewalk and parklet is fully accessible and mobility friendly. so that they can be completely removed within 24 hours. No permanent attachment of any fence or barrier to City property is permitted.
- f) The parklet must not interfere with storm water draining, restrict access to catch basins/maintenance holes/utilities, or be located within 5m (16'5") of a fire hydrant or fire lane.
- g) The parklet cannot be physically attached to the surface of the road, sidewalk or boulevard.
- h) Furniture, planting of flowers and container-grown vegetation are all encouraged but shall not extend past the boundaries of the patio.

	<p>Planning & Design</p> <p>PROCEDURES</p>	<p>Procedure Number</p> <p>2018-11</p>
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- i) In accordance with the Streets Bylaw (#3446), no item with a height greater than 1m (3'4") above the established elevation, measured from the top of the curb where there is a sidewalk or from the level of the crown of the Roadway where there is no sidewalk, shall be placed within a triangle formed on a corner site by the way of two curb lines adjoining an intersection, including an alley intersection, and two points located 8m (26'3") from the said corner where the curb lines meet.

Patio Barrier Design Requirements:

The patio barrier must be:

- Constructed of sturdy material
- Designed for stability
- Securely anchored to the sidewalk at corners and regular intervals and possibly fastened to the building
- Insubstantial or unstable designs will not be approved, for example:
 - i. Post and chain type designs
 - ii. Unanchored weighted posts

Height:

- 42 inches with a smooth, flat, top rail (no protrusions)

Preferred method of anchoring:

- Galvanized or stainless steel concrete anchors counter-sunk with internal threads. Upon removal of the barriers the holes must be capped flush with the surrounding surface.

Attachments:

- Patio umbrellas must not be affixed to the patio barrier nor must the barrier be connected to any existing building canopies.

Application Process

Applicant must provide:

- A completed application form and a Certificate of Insurance naming the City of Lethbridge as an additional insured

	<h2>Planning & Design</h2> <h1>PROCEDURES</h1>	<p>Procedure Number</p> <p>2018-11</p>
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- A dimensioned site plan (view from above with measurements noted) showing the patio designed in accordance with the regulations set out in Section 4 above. The site plan must show:
 - The entire front of the building, the location of the door, the curb and the distance between the curb and building,
 - The location of the proposed patio barrier and the distance from the barrier to the curb,
 - The length and depth of the sidewalk patio and its opening(s),
 - all the objects on the sidewalk such as lamp standards, signs, parking meters, garbage receptacles, benches, bus stops, trees etc and their distance from the patio barrier, (trees must be measured from the edge of the tree-well grate not the tree trunk).
- A dimensioned elevation drawing (view from the side or front with measurements noted) showing the patio barrier designed in accordance with the regulations set out in Section 5 above. The elevation drawing must show:
 - A drawing of the barrier posts, rails, and stiles, its height and design with a description of what it will be constructed of and its color and finish,
 - A detail drawing and/or a description of how the barrier will be anchored to the sidewalk,
 - A detail drawing and/or description of how the barrier will be disassembled.
 - A dimensioned drawing showing any new signage proposed to be located in the patio area. A separate sign application is required if signage is proposed after the patio has been approved.
 - Any other information the development officer deems necessary to properly assess the application.
- The application fee is \$60.

Application Review and Decision:

1. The Applicant is advised to seek the advice of the R-O-W Coordinator and Main Street Program early in the design process.
2. The Applicant is advised to consult the Alberta Liquor and Gaming Commission to ensure compliance with provincial requirements (if needed).
3. The application will be reviewed by, and is dependent on the approval of, the Infrastructure Services Right-of-Way Coordinator.
4. The application will be reviewed by Inspection Services and may require a building permit.
5. The development officer is authorized to decide upon applications that are in accordance with these requirements.

	<h2>Planning & Design</h2> <h1>PROCEDURES</h1>	<p>Procedure Number</p> <p>2018-11</p>
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6. The Municipal Planning Commission is authorized to decide upon applications that propose a variance of Sections 4 and 5.

Obtaining Permit

Prior to release of the development permit the Business Owner must:

- Sign 4 copies of the Downtown Sidewalk Patio Agreement
- Provide a Certificate of Insurance naming the City of Lethbridge as an additional insured (if not provided upon application).

Permit Limitations:

The City retains the right to:

Require the immediate dismantling of the sidewalk patio, at the Applicant's expense, in order to gain access to the sidewalk, or adjacent street, or adjacent buildings, or to the utilities located on, over, or under the sidewalk or adjacent street or adjacent buildings. Reinstallation of the sidewalk patio is also at the Applicant's expense. Suspend or revoke the development permit if, at any time, it is found that violations of the regulations have occurred or that the use of the sidewalk patio is creating difficulties the City deems unacceptable. Dismantling of the sidewalk patio is at the Applicant's expense.

Annual Lease Fee

- Patios up to 500 square feet (46.45m²) - \$250.00 plus GST
- Patios over 500 square feet (46.45m²) - \$500.00 plus GST

Supporting Documents

- Downtown Parklet and Patio Policy
- Downtown Parklet Application Form & Downtown Minor Patio Application Form
- Certificate of Insurance
- Downtown Sidewalk Patio Agreement

Responsibility

- Right of Way Coordinator, Planning & Design
Advises applicant on, reviews drawings for, and approves patio layout/design,
- Development Manager, Planning & Design
Verifies land use, processes application, writes Permit

	<h1>Planning & Design</h1> <h2>PROCEDURES</h2>	<p>Procedure Number</p> <p>2018-11</p>
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- Land Lease Coordinator, Opportunity Lethbridge
Writes Downtown Sidewalk Patio Agreement and collects yearly lease fee

Procedure Summary

1. Applicant/Business Owner meets with R-O-W Coordinator on-site to discuss patio design
2. Applicant/Business Owner verifies design with MainStreet Programme and ALGC (if needed)
3. Business Owner obtains insurance coverage as per Certificate of Insurance
4. Application made to Planning and Development Department (no charge)
5. Development Officer verifies land use & circulates to R-O-W Coordinator, Land Lease Coordinator, and Building Inspection
6. R-O-W Coordinator approves design
7. Development Officer writes Permit and sends stamped approved drawings to Land Lease Coordinator for the Downtown Sidewalk Patio Agreement
8. Land Lease Coordinator writes Downtown Sidewalk Patio Agreement and delivers to Development Officer
9. Development Officer obtains Business Owner signature on 4 copies of Patio Agreement and then releases permit
10. Land Lease Coordinator obtains Mayor's signature on Agreements, mails one copy back to Business Owner with an invoice for 1st year lease (not pro-rated) and invoices yearly thereafter.

Definitions

n/a

Procedure Status:

Current Status: in effect (expires Sep 30, 2020)

Date Effective: June 4, 2020

Approval Details: approved by Director, Infrastructure Services

Endorsement Details

Next Review Date:

Procedure Author : Planner 1

Authored date: June 4, 2020

Contacts:

- Development Manager, Planning & Design
- Right-of-way Coordinator, Planning & Design

	<p>Planning & Design</p> <p>PROCEDURES</p>	<p>Procedure Number</p> <p>2018-11</p>
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- Land Lease Coordinator, Opportunity Lethbridge

	<h1>Planning & Design</h1> <h1>PROCEDURES</h1>	<p>Procedure Number</p> <p>2018-11</p>
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Procedure History

Procedure History:	Date	Approval Body	Change Summary
Original	April 19, 2004	City Council	
Revision	March 21, 2005	City Council	MPC authorized to approve patios that differed from the design standards, lease fee changed from an liner foot to a square foot calculation
Revision	July 23, 2007	City Council	patios allowed to remain in place year around, lease fee pre-set, application fee eliminated
Revision	1/1/2011 -	Administration	insurance and encroachment agreement requirements streamlined
Revision	unknown	Administration	re-written and re-organized
Revision	June 4, 2020	Administration	Re-written and re-organized