

2022 Guidelines for Seasonal Patios located on public property (roadways/rights-of-way)



Applications

City Administration is excited to support businesses through the upcoming 2022 Seasonal Patio Extension Program. To apply for a permit for a seasonal patio on public property, as the applicant, you will need a digital copy of the following:

- Dimensioned drawings (see details below).
- Letter(s) of support, especially from the building owner if different from the applicant, as well as from the Business Improvement Area (BIA), if applicable.
- A certified copy of an insurance policy covering bodily injury and property damage. This must include liability in the amount of \$2 million for each occurrence and name The City of Calgary as an additional named insured. It must also provide for no less than 60 days' notice of cancellation to The City of Calgary.

Location specifications

- For all patios, a 2 metre clearance must be maintained from ENMAX manholes, transformer vaults or other associated infrastructure (e.g. grates in sidewalks).
- For all patios, a minimum 1 metre (1.2metres max) high fence/railing/barrier/planter must separate the patio from the roadway. **Please note:** The fencing/barrier/planter is to be supplied by the applicant and meet Access Design Standards noted in this guideline.
- All seasonal patios must not encroach into existing loading zones, Accessible Parking Stalls, bike racks, bike corrals, taxi zones, tow-away zones, bus stops, no stopping / no parking zones, hydrants, shared pathways or designated bike lanes, without permission from The City.
- The outside fence / railing / barrier / planter shall accommodate an Object Marker Sign/Hazard Sign located on the corner nearest the approaching vehicle traffic, facing vehicle traffic.

The following are the styles of patios that may be approved:

Partial Sidewalk

- A patio is permitted on a sidewalk if there is 2 metres minimum clear, continuous and straight walking space (as shown below).



Curbside / Parking Lane

- A patio is permitted to be in the parking lane on the road, adjacent to the curb (as shown below).



- Curbside / parking lane patios shall not be permitted in any portion of a driving/travel lane or bike lane.
- Curbside patios must maintain a minimum of 2 metres of clearance from other adjacent patios, if extending beyond two parking spaces (beyond approximately 12 metres).
- A business with a curbside patio must begin and end the patio a minimum of 0.5 metres from the extension of the property line.

Sidewalk

- For 2022, an at-sidewalk grade pedestrian detour in the parking lane provided adjacent to the patio is acceptable (as shown below). The design and construction of this should maintain flexibility and allow for a potential seamless continuation of this detour to an adjacent patio that has a similar pedestrian detour or provides clear access back onto the sidewalk.



- The extent of this pedestrian detour must still be contained within the 0.5 metres from the extension of the property line unless otherwise approved by The City (with an adjacent landowner letter of support).
- Pedestrian detours shall not be permitted in any portion of a driving/travel lane or bike lane.

To help determine compliance, please include on the drawing submission:

- Location and details of exits (exit width, hardware, etc.) with measurements.
- Location of tables and chairs within the patio area. Patio layout will adhere to The City of Calgary's **Access Design Standards** (including but not limited to B18, 20, 21, 22, 25, 26, 49, 50, 51; D87.).
- Elevation (sideview) depicting the height of objects and platforms for the patio relative to existing ground.
- Please illustrate:
 - Location and dimensions of the proposed patio area relative to the edge of the building, property line(s) and curb.
 - The distance between the nearest edge along the proposed seasonal patio and the nearest edge of any above-ground obstruction such as, the curb line, fire hydrants, street lighting, traffic signal and other utility poles/guy wires, manholes, sign posts, parking meters, parking pay machines, trees, tree wells/grates, vending boxes, bus shelters, waste/recycling bins, bike racks, etc.
 - Location of any driveways and street intersections near the proposed patio area.
 - Width of existing and proposed sidewalk and boulevard, indicating sidewalk and boulevard surface material (grass, pavers, concrete, etc.).
 - Dimensioned elevation and design of the required fencing that will be used to enclose the proposed seasonal patio.
 - Details of location of umbrellas, decking, and planters, if applicable.

Next steps

The application/plans will be reviewed by The City. They will be circulated to several business units within The City including Roads and Building Regulations (if a building permit is required).

*A patio with a pergola or a sea-can may require a building permit with an authenticated drawing with a professional engineer stamp.

Plans will also be circulated to Utilities for review and comments. Any utility service conflicts will be communicated to the applicant.

Once approved, a permission will be issued, and Business Licensing will be notified.

Applicant to-do list once a permission is granted

1. If a building permit is required, the applicant must wait until approval from Building Regulations before beginning installation.
2. Set up patio, fence, barriers, railings, tables or planters.
3. Call 311 and request a “CFD – Inspection – Special Event.” **Please ensure you use the correct term. DO NOT request occupancy permit.**
4. Fire Inspector will complete an inspection.
5. Please e-mail Alberta Gaming, Liquor and Cannabis Commission (AGLC) once the inspection is completed by the Fire Inspector at Petrina.Nash@aglc.ca to ensure your AGLC License is properly updated.

The approved permission will allow businesses to set up a patio seasonally for three years. A renewal notice will be sent to the business every year before the season starts for verification and billing. Fees shall be charged yearly as applicable.

General Requirements

1. Seasonal patios shall only be permitted for businesses that are licensed to serve food and food/alcohol.
2. Once a seasonal patio has been approved, a business can use public property starting on May 1 (weather dependent) and this use shall extend to no later than October 31. The City:
 - may terminate the permission/license upon 72 hours’ notice if a snowfall of 3 cm or greater is forecast beyond October 1.
 - may temporarily revoke or terminate the permissions without notice in the event of an emergency or operational / safety concern.

3. The business owner is responsible for obtaining all relevant permissions, including but not limited to AGLC, AHS, and their landlord. The business owner must comply with all regulations and requirements from AGLC, AHS, and other relevant regulatory bodies.
4. The business owner shall mitigate any negative impacts on abutting or nearby developments / businesses, including prioritizing the use of private land before utilizing public space.
5. The use of a seasonal patio shall comply with the **Community Standards Bylaw**.
6. Cooking or food and drink preparation is not permitted on seasonal patios.
7. Drainage within the roadway / gutter must be maintained.
8. Wheelchair access must be provided to, adjacent, and throughout, the seasonal patio.
 - Patio layout will ensure adequate path of travel, access and turning radius for mobility devices (1.5m).
 - The patio floor should be at the same level as the adjacent sidewalk. Tactile Walking Surface Indicators (TWSIs) will be added to the path of travel when there is a change in grade. Ramps should be added if there is a change in grade where a mobility device cannot traverse. Consult the American Disability Act (ADA) guidelines for ramp specifications.
 - The seasonal patio and/or any structures and related business activities must not obstruct pedestrian accessibility within or adjacent to the patio.
 - Barrier-free entrance to the patio shall be provided and maintained. At the entrance to the patio, there shall be no gap – horizontal or vertical – between the curb and the patio floor; the transition shall be smooth and not present mobility issues or tripping hazards. Transition strips can be used to ensure this. The design and location of the entrance to the patio shall still maintain positive guidance for visually impaired to not inadvertently enter the patio.
9. Umbrellas bottoms must stand at least 2.1metres (7ft) above the walking surface and must not impact sightlines for motorists. There must be no infringement of patio furniture / paraphernalia into the pedestrian path of travel or driving lanes – on either side (i.e., no planters, whether hanging or floor-standing, no signage, etc.). Umbrellas must not be attached to railings, must be secured to the ground with sufficient weights/concrete blocks/sandbags to prevent shifting or blowing away (do not connect directly to the sidewalk or street), and must be removed and stored at the end of each day or during periods of high winds.

10. A minimum 1.5 metres (5ft) clearance from fire department (siamese) connections and hydrants must be maintained on a seasonal patio.
11. A fire extinguisher (minimum 2A-10BC) must be available within 23 metres (75ft) of any part of the seasonal patio.
12. Seasonal patios must not block any building exits. Seasonal patios must not extend in front of adjacent tenant spaces or beyond business frontage without written permission from affected adjacent property owners and tenants; this includes any overhanging elements. Owner must ensure compliance with building code, maintaining a minimum of 1.1 metres egress from building and within patio area.
13. The seasonal patio must not block fire department access or fire department connections. No roof structure is permitted unless part of a sea-can structure. Identify the emergency access route(s) out of the patio which is to be maintained clear and unobstructed for emergency access and evacuation routes.
14. The owner shall ensure that all permits required in connection with the proposed work are obtained/issued before starting the work.
15. Any patio perimeter fencing/barriers and patio perimeter planters must not exceed a height of 1.2 metres (4 ft.) above the surface of the street (not including privacy barriers internal to the patio. Internal privacy barriers must not block sightlines). If the business owner requires any other structure (other than tables, chairs, umbrellas, temporary/movable patio perimeter fencing/barriers and seasonal/movable patio perimeter planters and not including a sea can), they will be reviewed by Building Regulations and may be require a **License of Occupation** with The City.
16. Solar or battery powered lights on tables or railings are allowed within curbside patios. Lights must not create glare for road users (pedestrians, cyclists, bikes) or adjacent developments. Lights cannot be attached to trees, utilities, or other street furniture. Power (cables) must not cross the public pedestrian path of travel from the building to the patio.
17. Fences, barriers, railings, planters, platforms, decks, or stages must not damage any public property (i.e. no drilling into public infrastructure; they must be free-standing and self-supporting with appropriate weights), and secured without endangering any underground utilities and in such a manner that they are always readily movable.
18. A seasonal patio with capacity for more than 60 people and a floor area exceeding 150sq metres and / or a travel distance over 15 metres, must have at least two separate

exits. Only one exit is required where a seasonal patio has a capacity of up to 60 people. Exit openings must be at least 0.9 metre (3ft) in clearance width.

19. Any emergency exit gates must swing freely outward from the seasonal patio.
20. A clear continuous path of pedestrian travel of minimum 2.0 metres (6'6") must be maintained. A clear path of 2.3 metres (7'6") is recommended. No encroachments into the pedestrian path of travel are allowed. The standard pedestrian clear path of travel leading to/from/within the patio, shall be a minimum 1.5 metres wide. In addition, the clear path of travel must be clear of any trees, tree grates, street furniture, fencing, bike racks, structure overhangs, tables, chairs, queuing patrons, etc; and the travel path must be on a continuous and smooth surface.
21. Barriers may be required to separate vehicle traffic from the patio. The side of the seasonal patio including the barrier adjacent to vehicle traffic shall maintain a minimum distance of 0.5metre from the edge of any adjacent travel lane (the near edge of the painted line). Where a parking lane exists and there is no lane line, please contact patios@calgary.ca for the dimensions.
22. Any fences/railings adjacent to the pedestrian path of travel must have a fixed and continuous cane-detectable edge/guard within 100 mm of the ground. Support for the guard must not encroach into the pedestrian path of travel. A fence height of 1 metre is preferred. Fences must be secured without damaging or drilling into the sidewalk, roadway or curb. If provided on the patio, planter boxes and other obstructions must not project into the barrier-free pedestrian path of travel nor any vehicle lanes. Colour contrasting shall be used to distinguish the patio perimeter and entrance from the sidewalk.
23. Seasonal patios shall not be placed within 5 metres (16'5") from the corner of an intersection and 10 metres (32'9") from the corner of an intersection that has a stop/yield sign or pedestrian crosswalk without permission from The City. Patios shall not be permitted within on-street parking spaces adjacent to streets with a posted speed limit over 50 km/h. Based on site specific reviews, The City may take into account considerations such as road width, geometry, volumes or other potential safety concerns.
24. Opaque structures including walls or booth seating must not impede sight lines from nearby approaches or public lanes. Avoid gaps in the planking or between the curb and platform wider than 6 mm. The patio floor shall be within 6mm of the adjacent sidewalk (i.e., no ramps).

25. The outside railing shall accommodate an Object Marker Sign/Hazard Sign located on the corner nearest the approaching vehicle traffic and facing vehicle traffic. Retro-reflective tape should be considered along the full length of the fencing especially at or near an intersection.
26. The business owner is responsible for maintaining any structures and equipment in a safe and clean condition and in good repair. This maintenance must include keeping the area free of any potential dangers, including debris and pooling water. The establishment is responsible for ensuring that collisions between staff and pedestrians are avoided. A clear path to and from the patio shall be provided.
27. Patio installations must pass initial inspection before going live. Patios may be subject to spot inspections by The City for adherence to the accessibility requirements attached to the permission.
28. The applicant is responsible for the cost of disassembly, removal and reimplementation of the seasonal patio for any required planned or emergency capital or utility work.

Examples of Seasonal Patios



