

Temporary Outdoor Patio & Retail Space Guidelines

The Town of Peace River is relaxing rules around temporary outdoor patios and retail spaces so businesses can create more space for customers in alignment with Alberta Health Service directives. From now until Fall 2020, the Town of Peace River has created these *Guidelines* to allow businesses to expand or create temporary outdoor patios or retail spaces in private parking areas or within public property.

Temporary patios and retail spaces will be allowed to operate until:

1. November 4, 2020 for private property, public parks, municipally owned parcels (that are not parking spaces), and reserve parcels (subject to earlier termination by the Town).
2. November 4th, 2020 or until winter road conditions arise as determined by the Town, whichever is sooner, for municipally owned off-street parking spaces and sidewalks.
3. September 30, 2020 or until winter road conditions arise as determined by the Town, whichever is sooner for on-street parking spaces

The Town will provide 24 hours notice of winter road conditions to applicable businesses.

To participate in this program, begin by designing your temporary outdoor patio or retail space in accordance with these *Guidelines*. You must submit a *Project Declaration Form* before you start work creating your temporary patio or retail space. Along with the *Project Declaration Form*, you will be required to provide a plan or drawing of your intended space. If you are proposing to use sidewalks, public parks, municipally owned parcels, reserve parcels, on-street parking spaces or municipally owned off-street parking spaces (“public property”), you will also be required to provide proof of insurance and wait for confirmation from the Town that this is satisfactory. In some situations, as described in these *Guidelines*, you may also need prior approval from the Town’s Planning and Development before you can start work.

Once you have obtained any required planning approvals and approval of your insurance and your *Project Declaration Form*, you can set up your temporary patio or retail space. Before you can begin using this space, you must have an inspection by Peace River Fire Department. Please contact Planning and Development at amody@peaceriver.ca or 780-624-2574 ext. 1027 if you have any questions.

A. General Requirements for Temporary Outdoor Patios or Retail Spaces on Private Property and Within Public Property

1. Temporary outdoor patios or retail spaces shall only be permitted in association with a valid retail store, eating/drinking establishments and brewery uses as defined by the land use bylaw which hold an valid development permit and a valid Town of Peace River business license.
2. Temporary patios or retail spaces permitted under these *Guidelines* shall extend no later than the end of the pilot project or the Applicant’s agreement with the Town authorizing such spaces.

3. Applicants are responsible for obtaining all relevant permissions, including, but not limited to, Alberta Transportation, the AGLC, AHS, and the applicable landlord or property owner, and meeting all of the requirements of those permissions. Information about AGLC's requirements is available at www.aglc.ca. Please note the *Tobacco and Smoking Reduction Act* applies to these spaces.
4. A Roadside Development Permit from Alberta Transportation is required for any temporary patio or retail space along Highway 744, specifically 100th Street from 96th Avenue to 102nd Avenue and along 102nd Avenue from 100th Street to 101st Street, Highway 2 and Highway 684. The Roadside Development Permit must be submitted to the Town with the *Project Declaration Form*.
5. The Applicant for a temporary patio or retail space shall mitigate any negative impacts on abutting or nearby developments – including adjacent businesses and residential development. Consultation with adjacent business owners and residents (if applicable) is strongly encouraged prior to submitting a *Project Declaration Form*.
6. Outdoor speakers or sound systems may be used, provided that the speakers are used on a limited basis between 11AM-11PM at a reasonable volume as background music. Should issues arise, the Town may direct that no outdoor sound is allowed at a specific location.
7. On-site parking may be used for temporary patio or retail spaces, with the exception of barrier-free spaces. Any approvals required by the landlord for use of parking spaces in developments that share parking areas is the responsibility of the Applicant.
8. Planning and Development may grant an exemption to paragraph 7 above and allow the use of barrier-free spaces for temporary patio / retail spaces. Such approval is subject to satisfactory relocation of these barrier-free spaces. Prior approval of Planning and Development is required.
9. Wheelchair access must be provided to, through, and throughout, the temporary patio or retail space to the satisfaction of the Town.
10. Cooking and/or food and drink preparation is not permitted on temporary patios.
11. A minimum 3.0m (10ft) clearance from fire department (siamese) connections and hydrants must be maintained on a temporary patio or retail space.
12. A fire extinguisher (minimum 2A-10BC) must be available within 23m (75ft) of any part of the temporary patio or retail space.
13. Temporary patios or retail spaces must not extend in front of adjacent tenant spaces, exits, or beyond business frontage except with written permission from affected adjacent property owners and occupants; this includes any overhanging elements.
14. Tents, canopies, shelter structures or stages are not permitted, with the exception of reasonably sized shade umbrellas space and tents 10 m² in size or less that are securely fastened/ anchored that otherwise meet the requirements of these *Guidelines*. Umbrellas and tents are not permitted within on-street parking spaces.
15. If the perimeter is enclosed, a temporary patio or retail space with capacity for more than 60 people must have two separate exits. Only one exit is required where a temporary patio or retail

space has a capacity of up to 60 people. Exit openings must be at least 0.9m (3ft) in clear width, and provided with exit signs where not clearly visible to patrons.

16. Any exit gates must swing freely outward from the temporary patio or retail space during hours of operation.
17. CSA-certified electric or propane patio heaters (with max 20lb tank) are permitted where located at least 3m (10ft) away from tree branches, operated per the manufacturer's directions and not stored on the road right-of-way when not in use. Solid-, gel- or liquid-fuel fire features are not permitted.
18. A clear path of pedestrian travel of 2.3m (7'-6") minimum shall be maintained. Planning and Development may reduce this to 2.0 m (6'6"). Prior approval of Planning and Development is required for such a reduction.
19. All areas of the temporary patio or retail space must be a minimum distance of 1.0m (3'-3") from the edge of any adjacent vehicle or bicycle travel lane.
20. The Applicant's business name and logo may appear on fencing, but other banners and signs are prohibited except with prior approval of Planning and Development or as required by law.
21. No structures, improvements, or objects associated with the temporary patio or retail space may impact existing drainage patterns, swales or natural flow of stormwater.
22. A fire inspection is required prior to occupying the temporary outdoor patio or retail space. This can be scheduled by contacting the Peace River Fire Department at 780-624-2993 (once the temporary patio or retail space setup is completed).
23. Temporary patios or retail spaces shall not be permitted:
 - a. within the Town of Peace River trail system, including the dyke;
 - b. within on-street parking spaces adjacent to streets with a speed limit over 50 km/h;
 - c. within 5.0m (16'-5") of the corner of an intersection; or
 - d. within 10.0m (32'-9") of the corner of an intersection that has a stop/yield sign or a pedestrian crosswalk.
24. Temporary patios or outdoor retail spaces shall not encroach into loading zones or fire lanes. Planning and Development may grant an exemption to this requirement and allow the use of loading zones or fire lanes for temporary patio or retail spaces subject to satisfactory relocation of these loading zones or fire lanes. Prior approval of Planning and Development is required.
25. Temporary curb ramps are required to provide a safe passage for pedestrians to cross between roadways and pedestrian walkways where applicable.
26. Where located in a parking area, outdoor patios or outdoor retail spaces shall include planters, perimeter fencing or barriers used to buffer the edge of the patio or retail space from parking spaces to the satisfaction of the Town. Planters, perimeter fencing or barriers may also be used by the Applicant to define the patio or retail space, subject to these *Guidelines*. Planters, perimeter fencing and barriers must be not more than 1.2m (4ft) high (plus plants in the case of planters), must not damage any public property including bolting or disrupting a paved or landscaped surface, or endanger any underground utilities, and must be adequately secured.

27. Planters, perimeter fencing and barriers on sidewalks or pedestrian walkways must be easily removable and pose no trip hazard.
28. The Applicant shall maintain the outdoor patios or outdoor retail spaces, including any associated structures, improvements 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, snow and ice.
29. Where the prior approval of Planning and Development is required under these *Guidelines*, a proposal shall be submitted to smartineau@peaceriver.ca. Such approvals are in the sole discretion of Planning and Development.

B. Additional Requirements for Temporary Outdoor Patios or Retail Spaces on Public Property

1. Temporary patios or retail spaces shall only be permitted on public property if they comply with the following:
 - a. temporary patios or retail spaces located in public on-street parking spaces or on public sidewalks must be fully located within the front of the business that is utilizing the patio or outdoor retail space unless there is written consent from the owners and occupants of the adjacent property.
 - b. temporary patios or retail spaces located on public sidewalks must maintain the clear path of pedestrian travel and wheelchair access as required above.
 - c. temporary patios or retail spaces located in public park spaces require prior approval by the Town.
 - d. any other terms or conditions imposed by the Town as part of the approval.
2. The outdoor patio improvements or retail spaces (including chairs and tables) shall be set up only during the applicable hours of operation and may not be stacked or stored outside on the public property at any time when the business is closed except with the prior written authorization of the Town.