



Temporary Outdoor Patio and Retail Sales Space Program

The City of Airdrie has created a Temporary Outdoor Patio and Retail Space Program to ensure businesses have the greatest ability to operate successfully during the COVID-19 economic recovery. The program will temporarily allow restaurants and retail businesses to expand their business footprint into City-owned public Rights-Of-Way and privately owned sidewalks and parking facilities, in accordance with the safety guidelines outlined in this document.

Temporary permits will be processed on a case-by-case basis. The temporary permits will be issued only to those establishments which have active business licenses and which are located at street level, directly adjacent to sidewalks and parking areas. All materials and furniture used for patio and sidewalk sales must be temporary in nature so that they can be removed easily, on a daily basis. The Temporary Outdoor Patio and Retail Space Program will operate between April 15, 2021, until October 31, 2021.

Hours of Operation

Restaurants utilizing temporary outdoor patios shall comply with the following closing times: **Sunday through Saturday – closing at 10:00 PM**

Note: The Temporary Outdoor Patio and Retail Space Program may be suspended in any area, at any time, for conflicting events.

Business owners are responsible for obtaining all relevant permissions, including but not limited to:

- Alberta Gaming and Liquor and Cannabis
- Alberta Health Services
- Land Owner (If on Private Property)
- Adjacent Business (If encroaching in front of an adjacent business)

Liability Insurance

Businesses participating in the program who plan to use sidewalks within the Public Right-of-Way shall provide a copy of their liability insurance in the amount of \$2,000,000. Insurance must include the City of Airdrie as additional insured.

Requirements for Temporary Outdoor Patios and Retail Spaces on Private and Public Property

Sidewalk and Parking Space Requirements

- A clear pedestrian path of 2m (6.5 ft) shall be maintained at all times.
- Dining areas shall be set up in a manner to provide 1.8m (6ft) between tables.
- Wheelchair access must be provided to, and throughout temporary patios.
- Access to public utilities, building entrances, crosswalks, and bus stops shall be maintained.
- A minimum clearance of 1.5M (5ft) shall be maintained around street fixtures, fire hydrants and Fire Department connections.
- Additional lighting shall be limited to battery operated lighting at tables.
- Extension cords can only be permitted with the use of proper cable covers that prevent tripping hazard for pedestrians and are ADA compliant.
- No heating, cooking or open flames are permitted.
- No food preparation, food storage or refrigeration apparatus shall be allowed on the Public Right-of-Way.
- CSA-certified electric or propane patio heaters (with max 20lb tank) are permitted where located at least 3M (10ft) away from City tree branches, operated per the manufacturer's directions and not stored on the Road Right-of-Way when not in use.
- A fire extinguisher (minimum 2A-10BC) must be available within 23M (75ft) of any part of the temporary patio.
- Sidewalk Patios associated with direct food service must have a washroom capacity per the Alberta Building Code to accommodate additional patrons.
- Umbrellas shall be fire-retardant, or manufactured of fire-resistant material.

- All restaurants are encouraged to use a reservation process to prevent capacity issues.
- Temporary traffic controls are required where the temporary patio interferes with the on-street movement of people, cyclists or vehicles.
- Business owners may provide their own temporary traffic control as outlined in the City of Airdrie Temporary Traffic Control Manual.
- Curb ramps are required to provide a safe passage for pedestrians to cross between the road, parking lot and the sidewalk.
- The business owner is responsible for maintaining patio and retail structures and equipment in a safe and clean condition and in good repair.

Temporary Patios and Retail Spaces shall not be permitted:

- a. on two-lane roads, unless two-way traffic can be maintained.
- b. on streets with a speed limit over 50 km/h.
- c. within 5.0M (16'-5") of the corner of an intersection.
- d. within 10.0M (32'-9") of the corner of an intersection with a stop/yield sign or a pedestrian crosswalk.

Additional Requirements for Private Parking Spaces

Up to 50% of off-street private parking spaces counted for required parking may be converted to patio areas to expand the footprint of the business operation. The converted use must be in conformance with all City of Airdrie Fire Department requirements for building accessibility; and safe distancing requirements that provide at least six feet spacing between tables and pathways.

Note: Private parking spaces must meet the same requirements as described for Sidewalks.

Use of Shade Structures on both Private and Public Property

IMPORTANT: Please Visit Alberta Health's public health measures web pages for Mandatory Restriction Updates for Restaurants Pubs, Lounges and Cafes.

The following requirements shall apply to the use of tents or shade structures:

- The maximum size of tents that may be placed within sidewalks, and parking spaces will be 10-foot by 10-foot.
- All tents, canopies or shade structures used in temporary patios must meet the requirements of CAN/ULC S-109 Flame Tests of Flame-Resistant Fabrics and Films.
- No staking of tents is permitted in Public Rights of Way.
- All tent legs must be weighted with a minimum of 25 lbs weights.
- Weights and lines must not pose a hazard and be clearly visible.
- Heaters of any kind shall not be used under tents or umbrellas.
- Smoking is prohibited under tents and shade structures.
- Tents being occupied by the public must be positioned a minimum of 3M (9 ft/10 in) from a building.
- Tents must not have fully enclosed walls in place while open to the public, and all sides should be open for air flow.
- No portion of an umbrella shall be less than 2.1M (7 feet) above the sidewalk.
- Umbrellas shall be secured by bases and able to withstand or be removed during inclement Weather.
- Shade structures placed upon marked parking stalls must not interfere with adjacent parking lot traffic flows.

Application and Permitting

To participate in this program, begin by designing your Temporary Patio or Retail Space in accordance with these Guidelines.

Note: Development Permits for Temporary Patios and Retail Spaces are Discretionary Permits. They require circulation, a notice posting, and 21-day appeal period. You must submit a complete Application Package which includes a Declaration

Form, Land owner authorization Form (If located on Private Property), Indemnity Insurance Form (If located on Public Property) and a Neighbouring Business Authorization Form (if encroaching in front of an adjacent business). Along with the Application Form, you will be required to provide a plan or drawing of your intended space.

Once you have obtained the required approvals you can set up your Temporary Patio or Retail Space once the permit is issued. Before you can begin using this space, you must call for an inspection. Please contact Planning Services at planning@airdrie.ca or 403-948-8848.

Please fill out the attached application forms and submit them electronically to planning@airdrie.ca for approval.

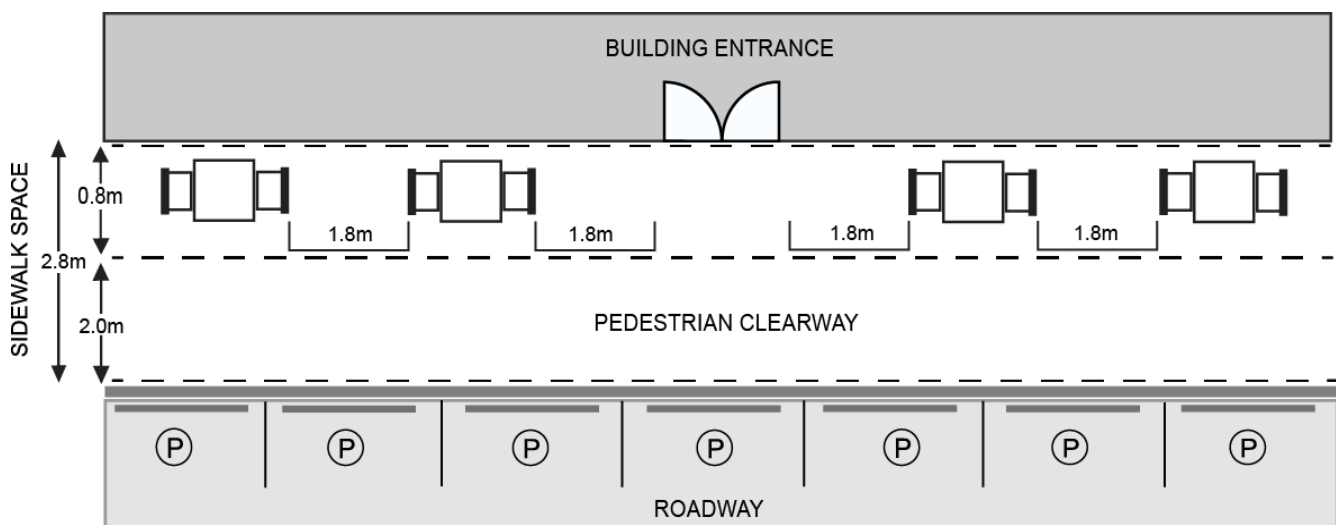
Types of Sidewalk Patios Permitted

The types of temporary patios permitted is dependent on the amount of sidewalk that is available to businesses. The five types of patios described below are based on sidewalk depth. The illustrations of patio space provided below indicate the minimum amount of space required for each patio.

Note: No Alcohol is permitted for seating areas less than 2.0M in depth.

Frontage Patio (Small)

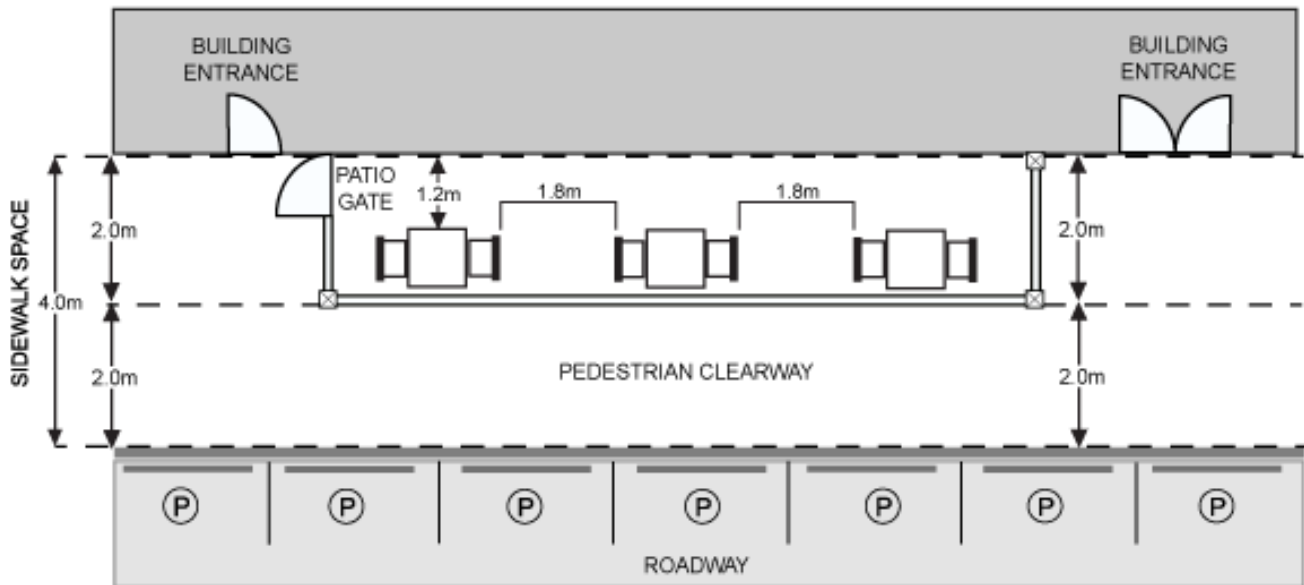
Small Frontage Patios occupy the section of the sidewalk between the building and pedestrian clearway. The patio is directly adjacent to the building.



Not to Scale. For illustrative purposes only.

Frontage Patio (Large)

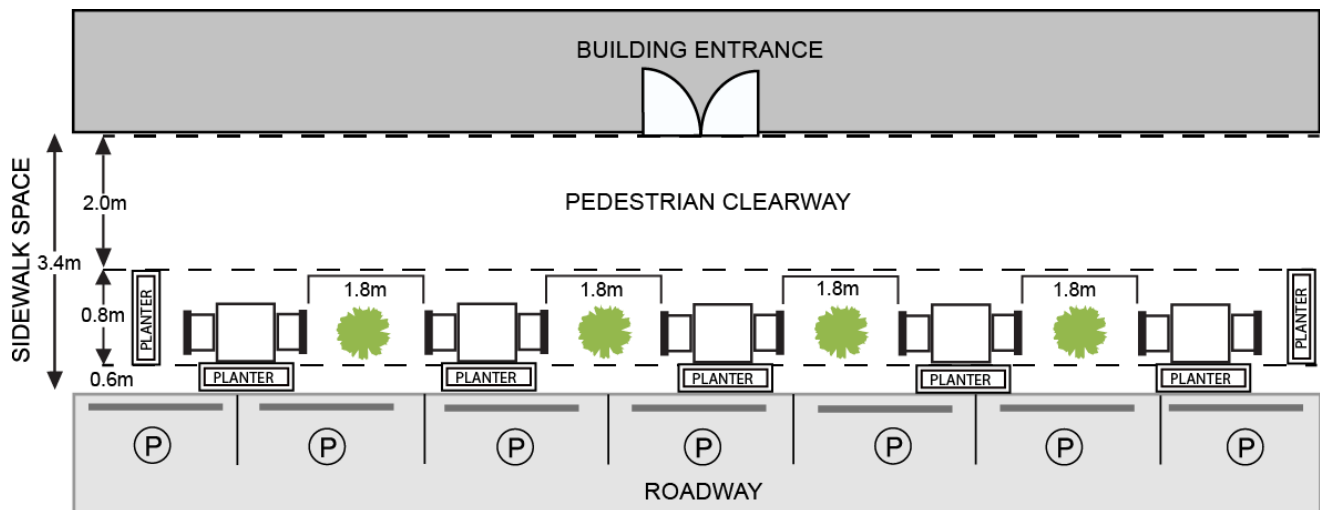
Large Frontage Patios occupy the section of the sidewalk between the building and pedestrian clearway. The patio is directly adjacent to the building. Tables must be setback 1.2M from face of building.



Not to Scale. For illustrative purposes only.

Curbside Patio

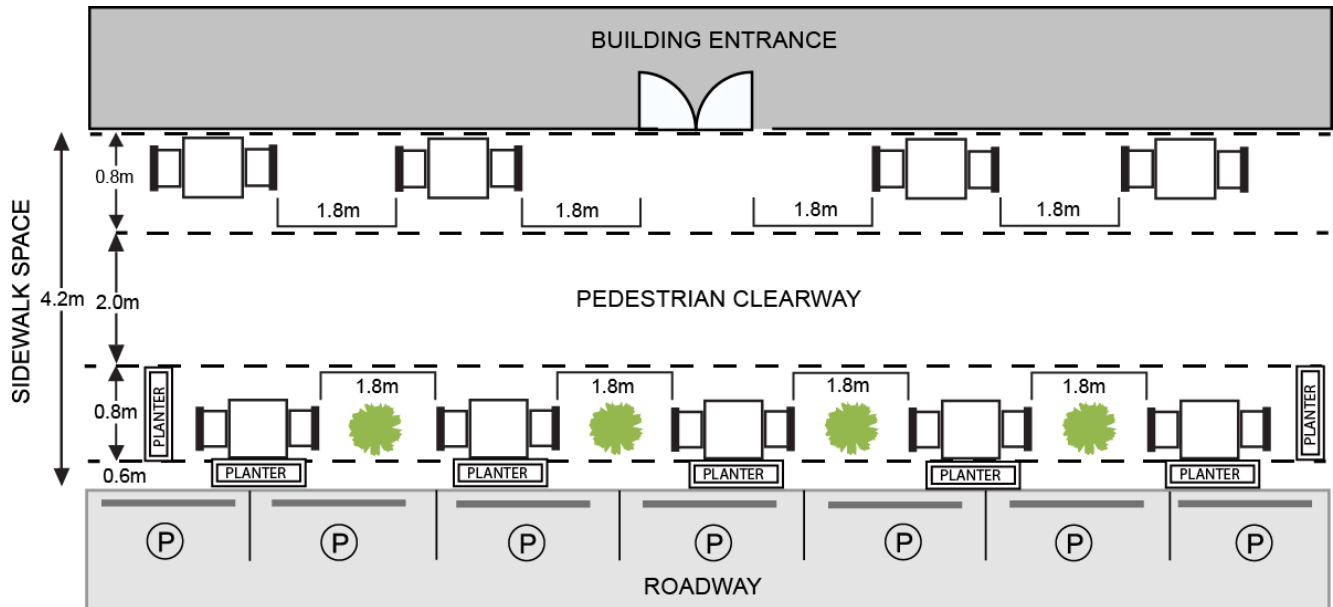
Curbside Patio's occupy the sidewalk between the pedestrian clearway and the curb, which is most effective with constrained sidewalks or areas with wider curbside zones.



Not to Scale. For illustrative purposes only.

Frontage/Curbside Patio

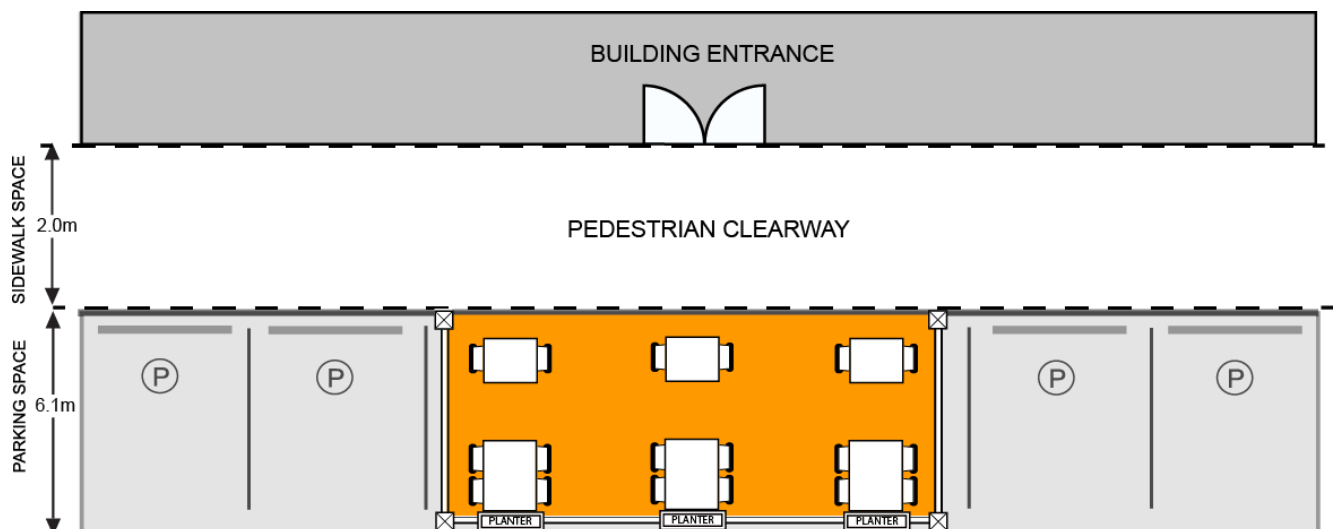
Combined frontage and Curbside Patios have two separate patio areas which are bisected by the pedestrian clearway to make more efficient use of sidewalk space.



Not to Scale. For illustrative purposes only.

Parking Lot Patio

Parking Lot Patios may be used when sidewalk space can only be used to accommodate pedestrian traffic. Parking stalls can provide the extra room needed to support an outdoor patio.



Not to Scale. For illustrative purposes only.



Applicant Declaration

I, the Applicant, hereby declare that the construction and use of the Temporary Patio or Temporary Outdoor Retail Space, as the case may be (the "Application"), will comply with the Temporary Outdoor Patio & Retail Sales Guidelines and the Provincial Regulations for physical distancing. I understand that if the Application is in the Road Right-of-Way, I am agreeing with the insurance, indemnification and release requirements as outlined in Appendix 1, and I will provide a Certificate of Insurance to the City of Airdrie within 5 days of being requested to do so. I acknowledge this Application is temporary in nature until no later than October 31, 2021, unless otherwise extended by the City, and may be terminated by the City with 24 hours' notice (unless emergency access is required for Applications in the Road Right-of-Way, and/or operational safety concerns are identified in which case no notice is required). Any approval or permission by the City of Airdrie regarding the Application does not imply authorization of a permanent patio or retail space nor imply approval for matters under Provincial jurisdiction. Currently, there are no applicable City fees or charges for the Application.

The City retains the right to terminate any and all granted permissions related to this Application. In the event of termination, I agree to remove all improvements related to this Application at my sole expense.

By signing this Declaration, I confirm that I have authority to bind the Applicant.

Name, Title of Applicant

Signature of Applicant

Date:



Property Owner Authorization

As owner of the property located at: _____

I give permission for: _____,

to operate a Temporary Sidewalk Patio or Temporary Sidewalk Retail Space in front of my property for the time period of April 15, 2021 until October 31, 2021.

Print Name of Property Owner

Signature of Property Owner

Date:

In signing on behalf of the property owner or business owner, paperwork must be included showing the persons authorization to sign on behalf of the property owner or business owner.



Adjacent Business Owner Authorization

To help businesses impacted by COVID-19, the City is extending the Temporary Outdoor Patio and Retail Space Program for 2021. This Temporary Permit will allow businesses to use sidewalk, road, and parking space as Temporary Outdoor Patios or Retail Spaces between April 15, 2021 – October 31, 2021. The applicant has requested a Temporary Patio or Retail Space to be placed in front of your business on the roadway (curbside) or on the sidewalk. This form confirms your consent as an adjacent tenant or property owner to have your neighbour use the space in front of premises.

The undersigned (**the “Property Owner or Adjacent Tenant”**) gives its consent to the adjacent business _____ (**the “Applicant”**) to be located in front of _____ (**the “Property”**) to operate a patio or retail sales space during the Applicant’s business operations. The Property Owner represents and warrants to the City that:

- the Tenant or Property Owner is the legal and beneficial owner of the Property;
- the Tenant or Property Owner has full power and authority to grant the above consent and;
- no other person or entity of the Property is required to consent to participation in the Temporary Expedited Patio Program

Property Owner / Authorized Signatory of Property Owner or Adjacent Tenant

Name: _____

Business: _____

Date: _____

Appendix 1

Indemnification and Release

1. The City of Airdrie (The City) will not be responsible in any way for any injury to any person or any loss or damage to any property however caused, belonging to the Applicant or to employees, agents, invitees or licensees of the Applicant while such person or property is in or about the area of Road Right-of- Way permitted to be used under this Application. In no event shall the City be liable to the Applicant for any indirect or consequential damage however caused, including, without limiting the generality of the foregoing, whether or not they would otherwise be considered indirect or consequential loss.

2. The Applicant shall:

- a. be liable to the City for, and
- b. indemnify and save harmless the City, its servants, agents and employees from and against; any and all losses, liabilities, claims, suits, actions, demands, expenses, damages and costs (and without limiting the generality of the foregoing, including solicitor and client costs) which may be brought or made against the City or which the City may pay or incur and which arise out of or in connection with:
 - i. any of the rights or privileges granted to the Applicant pursuant to this Application;
 - ii. any breach, violation or non-performance of any covenant, condition or guideline related to this Application to be fulfilled, kept, observed or performed by the Applicant;
 - iii. any damage to any property or injury to a person or persons, including death resulting at any time therefrom, occasioned by the use of the road right of way by the Applicant, its servants, agents, employees or licensees;
 - iv. any damage to any property or injury to a person or persons, including death resulting at any time therefrom, arising from the escape, discharge or release of any gaseous, liquid, or solid hazardous substances including, but not limited to, petroleum products and byproducts, industrial wastes, contaminants,



pollutants, dangerous substances, and toxic substances, as defined in or pursuant to any law, ordinance, rule, regulation, bylaw or code, whether federal, provincial or municipal, occasioned by the use of the road right of way, by the Applicant, its servants, agents, employees or licensees; excepting such losses, liabilities, claims, suits, actions, demands, expenses, damages and costs arising from the sole negligence of the City, its servants, agents or employees.

3. This Indemnification shall survive the termination of use of the Road Right-of-Way.

Insurance

1. Throughout the term of the Application, the Applicant shall maintain in full force and effect the following insurance coverage:
 - a. General Liability insurance in an amount not less than Two Million (\$2,000,000.00) Dollars per occurrence for personal injury and/or property damage. This policy shall be endorsed to provide coverage for Contractual Liability (including this Agreement) Products and Completed Operations, Tenant Legal Liability and Host Liquor Liability, if applicable. The City shall be added as an Additional Insured. The amount of insurance shall not limit the Licensee's obligations under the permissions granted; and
 - b. Property insurance for the full value of the Applicant's stock, equipment and improvements, as applicable.
2. The aforementioned insurance coverage shall be endorsed to provide the City with thirty (30) days prior written notice of cancellation or material change, and shall be in a form acceptable to the City's Director, Insurance & Claims Management or his/her designate. If requested, evidence of such policies shall be submitted to the City on the Certificate of Insurance form provided to the Applicant and will be duly completed by the Applicant's broker and/or insurer. The Applicant's broker shall promptly supply certified copies of such endorsements if requested by the City's Director, Insurance & Claims Management or his/her designate.



3. As an alternative to submitting the Certificate of Insurance, the Applicant or the Applicant's broker may provide full certified copies of the policies and such policies will be properly endorsed and acceptable to the City's Director, Insurance & Claims Management or his/her designate. Evidence of renewal of coverage, subject to the provisions hereunder, shall be provided to the City prior to expiry.

4. The Licensee shall be responsible for the payment of all deductibles and uninsured losses. The types and amounts of insurance shall not limit the Applicant's obligations under this Agreement.

Name, Title of Applicant

Signature of Applicant

Date:



Temporary Outdoor Patio and Retail Space

Application for Temporary Permit

Applicant	
Name	
Business Name	
Mailing Address	
City	
Province	
Postal Code	
Phone	
Mobile	
Fax	
Email (required)	

Application Info <i>(for office use only)</i>	
Permit #	
Fees \$	
Receipt #	
Date	
Approved By	<input type="checkbox"/> MPC / <input type="checkbox"/> DO / <input type="checkbox"/> SDAB
Refused By	<input type="checkbox"/> MPC / <input type="checkbox"/> DO / <input type="checkbox"/> SDAB
Permit Issuance	
Permit Expiry Date	Oct 31, 2020

Property Information	
Municipal Address (if applicable)	
Legal Description (all/parts of)	
Lot	
Block	
Registered Plan	

Liquor Sales	Yes	No	
	<input type="checkbox"/>	<input type="checkbox"/>	When confirming with (AGLC) be clear about whether or not your patio is connected to your premises or if liquor service would have to travel through an unlicensed area.

Note: Liquor Sales are prohibited with Small Frontage Patios

Registered Land Owner (if not the applicant)	
Name	
Business Name	
Mailing Address	
City	
Province	
Postal Code	
Phone	
Mobile	
Fax	
Email (required)	

Development Type and Property Type		
Type of Patio or Retail Space		Located on Public or Private Property
Frontage Patio (Small)	<input type="checkbox"/>	
Frontage Patio (Large)	<input type="checkbox"/>	
Curbside Patio	<input type="checkbox"/>	
Frontage and Curbside Patio	<input type="checkbox"/>	
Parking Lot Patio	<input type="checkbox"/>	
Other	<input type="checkbox"/>	

If a Parking Lot Patio - # Stalls Required	

Authorization & Consent
<input type="checkbox"/> Use of Information
I hereby consent to the use of information included in this application for promotional purposes, news, research and/or educational purposes.

Number of Patio Fixtures Required			
Chairs #		Heaters #	
Tables #		Light Fixtures #	
Planters #		Sound System #	
Benches #		Umbrellas #	
Fencing (length)		Tents #	

The information on this form is collected under the authority of Section 33(c) of the Freedom of Information and Protection of Privacy Act and the Land Use Bylaw and is used solely for Planning, Engineering, Economic Development and Assessment/Taxation purposes. Questions on the collection of this information can be directed to the Team Leader, Planning & Development department at 400 Main Street SE, Airdrie, Alberta, T4B 3C3, Telephone (403) 948-8848.

See reverse for additional application requirements



Temporary Outdoor Patio and Retail Space

Application for Temporary Permit

Please provide the following information in the table below and on a Site Plan

Length of business frontage	m	
Distance from business frontage to curb	m	
Proposed width of sidewalk patio or retail space	m	
Proposed length of sidewalk patio or retail space	m	
Proposed area of sidewalk patio	m ²	
Distance between proposed sidewalk patio and curb	m	
Distance between proposed sidewalk patio and any obstructions	m	
Proposed number of parking stalls the sidewalk patio will occupy (if applicable)		
Total width of parking lot patio (if applicable)	m	
Proposed depth of parking lot patio (if applicable)	m	

Do you currently have a Sidewalk or Outdoor Patio Permit on file with the City of Airdrie?

- If NO, include the following items with this application:
- Site plan drawing showing seating layout and measurements listed from the above table.
- Provide color photographs of the area, showing adjacent properties and proposed sidewalk area.
- Certificates of Insurance and Indemnity Agreement if on City owned sidewalks and Rights of Way (evidencing that the "City of Airdrie" is an additional insured (see below for details).
- Document(s) of support from Land Owner (if on Private Property).
- Document(s) of support from adjacent business owner (if expanded seating is requested). Indicate expanded seating on Site Plan.

Declaration

Name of Applicant:

Signature of Applicant:

Date: _____