Application Steps
For a Sidewalk and
On-Street Patio
Introduction

This document lays out the process, standards and expectations for creating sidewalk patios associated with food and drink establishments.

Sidewalk patios (on City right-of-way) are considered Encroachments and will follow the process laid out below. Patios on private property will be subject to many of the same standards, but go through a different approval process that may include a public hearing.

There are three critical components required for establishing a sidewalk patio:

1. Encroachment Agreement
2. Building Permit
3. Occupancy Permit

How do I establish a Sidewalk Patio?

Step 1. Review this document carefully and prepare your Applications.

Determine if a sidewalk patio is possible at the desired location. We recommend making application no later than January 2 to ensure you have enough time to satisfy the requirements associated with the application process to start operating your sidewalk or on-street patio on April 1.

Step 2. Apply for your Building Permit and Encroachment Applications.

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<th>You will need:</th>
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<td>• seven sets of dimensioned drawings (see details below.)</td>
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<td>• if located within Downtown, three additional drawing sets (11”x17” format) are required for Urban Design Review</td>
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<td>• letter(s) of support, especially from the building owner if different from the applicant</td>
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<td>• a partial down payment for the applicable permit fees</td>
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<td>• verification with the Manitoba Companies Office that the Applicant and Building Owner are a registered company or corporation in good standing</td>
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<td>• evidence of insurance for the patio with cross-liability coverage for the City for up to $2,000,000</td>
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**Note:** Many applicants and owners are unaware that they are in default with The Manitoba Companies Office. This is easy to rectify but can often cause a delay in the process.
Meet with a Permit Technician at the Zoning and Permits Branch (30 Fort Street) to initiate the applications. Staff will circulate your drawings to other City departments and utilities regarding questions, comments and or concerns to be addressed.

If the City requires design changes, it will be necessary to modify the application package and resubmit, which means restarting Step 2. Use the guidelines that follow to minimize issues when designing your patio.

Upon completion of the circulation and review, the application is passed onto the Real Estate Branch where the terms and conditions for the Encroachment Agreement will be drafted in conjunction with Legal Services.

While waiting for these processes, it is a good idea to consult with the Liquor and Gaming Authority of Manitoba if the patio is intended to be licensed. If your patio may include the outdoor preparation of food (such as an outdoor grill), check with Manitoba Health to ensure your food service meets regulations.

**Step 3. Review and sign the terms and conditions for the Encroachment Agreement.**

The City Real Estate Officer will forward the terms and conditions to the applicant for execution. The applicant must also attain the signature of the building owner (if different from applicant). Once the signed terms and conditions are received back and approved by the appropriate authority, the REO will advise Zoning that the permit can be released.

Integrated landscaping celebrates the summer season.
Step 4. **Pick up your Building Permit.**

The Zoning and Permit Branch will call you when it is ready.

**You will need:**
- payment for building permit

Step 5. **Start building your patio.**

Step 6. **Arrange inspections for Occupancy Permit.**

Submit the Occupancy Permit Request, provided with your building permit. Please provide a minimum three days’ notice before your requested date of inspections. Once inspections are satisfactory, you will be issued an occupancy permit.

**Your patio is now open for business!**

Unclaimed use of water and light transforms a patio into a unique experience.

Patios without liquor service might not have fencing or decking and therefore do not require a building permit. However, they still require an encroachment agreement for use of the city sidewalk.
Submission Drawings:

The best way to ensure that your application is processed quickly is to include all the relevant information in a clear and organized package. Bring sufficient copies, per Step 2 above. A digital copy will also be requested, which can be subsequently sent by email.

To help determine compliance with the Manitoba Building Code please include:

- structural construction details, if applicable;
- location and details of egress (exit width, hardware, etc.);
- location of tables and chairs within the encroachment area;
- interior restaurant and patio occupant load;
- number of existing washrooms.

To ensure that accessibility and functionality of the street are maintained, please illustrate:

- location and dimensions of the proposed encroachment area relative to the edge of the building, property line(s) and curb;
- the distance between the nearest edge along the proposed encroachment and the nearest edge of any above-ground obstruction such as, the curb line, fire hydrants, street lighting, traffic signal and other utility poles, sign posts, parking meters, trees, tree wells, vending boxes, bus shelters, etc.;
- location of any private approaches and street intersections in close proximity to the proposed encroachment area;
- width of paved sidewalk and boulevard, indicating boulevard surface material (grass, pavers, concrete, etc.);
- dimensioned elevation and design of the required fencing that will be used to enclose the proposed sidewalk café;
- details of location of umbrellas, lighting, decking, planters and signs, if applicable.

Design of the patio must take into consideration the location of all objects in the sidewalk right-of-way including sign posts, street lights, hydrants, trees and parking meters.
Need Help?

There are professionals who specialize in these kinds of drawings, and are familiar with City requirements. Consider contacting the Manitoba Association of Architects or Manitoba Association of Landscape Architects for assistance.

Design Consideration

All patios proposals will be reviewed to ensure that they satisfy the following 5 objectives:

1. **Life safety under the Manitoba Building Code**
   - One or more means of egress (such as gate) must be maintained unobstructed with a clear width that meets code.
   - Any doors directly accessing the patio should be selfclosing.

2. **Mitigation of risk and liability**
   - A fence surrounding the patio will be required if alcohol is to be served.
   - A fence height of one-metre is preferred.
   - Fences must be secured without damaging or drilling into the sidewalk, roadway or curb.
   - Patio umbrellas, planter boxes, signs, sandwich boards, etc. must not overhang or extend beyond the approved encroachment area.

3. **Functionality and accessibility of the public sidewalk**
   - A clear path of pedestrian travel must be maintained on the sidewalk.
   - The clear path of travel must be a minimum of 1.9 metres, although a reduction to 1.5 metres may be supported on streets with lower pedestrian activity when the clear path of travel is separated from the curb.
   - Any fences/railings adjacent to the pedestrian path of travel must have a cane-detectable edge within 100 mm (4 inches) of the ground.
   - Fences should be colour contrasted with surrounding pavement surfaces for the visually impaired.
4. **Functionality and accessibility of the patio**
   - The organization of tables, seating and access must accommodate a wheelchair.
   - There should be no step, ridge or lip between the sidewalk and the patio resulting in a level change greater than 6 mm (1/4 inch).
   - The ground beneath the patio should provide a non-slip, allweather surface.

5. **Fit and compatibility with the neighbourhood context**
   - Patio elements should complement the architectural character of the adjacent building and streetscape, particularly in terms of furniture style, quality of construction, materials (planters, lighting, etc.), and type of fencing.
   - Business name and logo may appear on fencing, but other banners and signs are generally prohibited.
   - The size of the patio should be limited as necessary to minimize disturbance where there are nearby residential dwellings.

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**Use of the on-street parking lane**

The development of patios within the on-street parking lane is a relatively new concept in Winnipeg, and may require additional discussion. There are many locations where this type of patio is not possible, for example:

- on streets where the speed limit is higher than 50 km/h;
- adjacent to a bus stop;
- where there are rush hour parking restrictions;
- in proximity to a fire hydrant;
- near corners, affecting intersection site lines;
- where insufficient off-street parking is available for the business.
If use of the parking lane is possible, the following considerations apply:

- Maintaining the existing sidewalk alignment is typically preferred to rerouting it around a patio.
- Provide a one metre buffer between the outer edge of the patio and travel lane.
- Avoid gaps in the planking or between the curb and platform wider than 6 mm (1/4 inch).
- The outside railing shall accommodate an Object Marker Sign/Hazard Sign located on the corner nearest the approaching vehicle traffic, facing vehicle traffic. The City’s Traffic Services Branch will post No Stopping signs along the curb to prevent parking adjacent to the patio.
- A concrete planter or barricade may be required at the edge of the patio facing on-coming traffic.

Note:
Due to the potential for patios located within parking lanes to have greater impacts on the neighbourhood, the City expects letters/signatures from adjacent businesses and residents as part of the application.
Terms and Conditions of Approval

Per Step 3 above, following are some examples of common Terms and Conditions you can expect included in the Encroachment Agreement:

- Patios must be maintained and erected in accordance with the drawings and information submitted with the application.
- Patios must be removed at the end of the patio season (before October 31);
- Size may be limited to preserve parking spaces or reduce neighbourhood impact.
- Business name, logo and menu board may be included on the patio per the drawings submitted, but other signage is prohibited.
- Patio within 30 metres of residential or other sensitive uses may have special restrictions such as:
  - **Music** - No outdoor speakers or other electronic entertainment devices shall be permitted on or near the Premises.

The Licensee agrees that any noise (including music, if any) emanating from the outdoor patio shall be limited to between the hours of 7:00 a.m. and 11:00 p.m. with the sound level not to exceed 60 dBA beyond the lot line.

- **Hours** - all patio service shall be stopped and all customers relocated inside the establishment by 11:00 p.m. Sunday to Thursday, 12:00 a.m. Friday and Saturday nights.