

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 a 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.

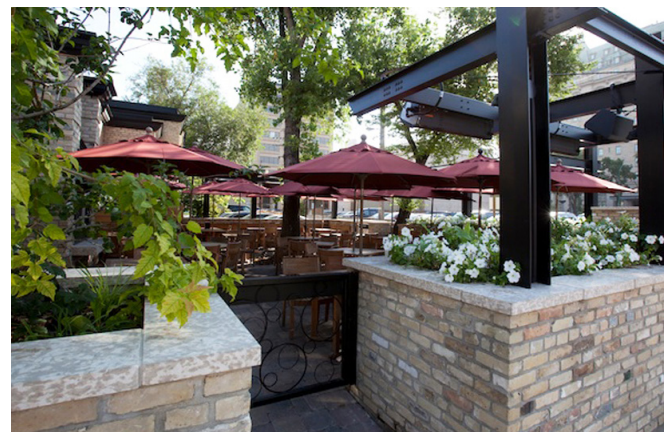
There are three critical components required for establishing a sidewalk patio:

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.



Permanent patios on private property allow for greater design flexibility, with features such as brick planters.

Step 2. **Apply for your building permit and encroachment* applications.**

You will need a digital copy of the following:

- [Commercial Alteration Design Summary](#) application
 - dimensioned drawings (see details below)
 - letter(s) of support, especially from the building owner if different from the applicant a partial down payment for the applicable permit fees
 - verification with the Manitoba Companies Office that the applicant and building owner are a registered company or corporation in good standing
 - evidence of insurance for the patio with cross-liability coverage for the City for up to \$2,000,000
- *if applicable

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 & Permits Branch (Unit 31 - 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, Gaming and Cannabis 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 real estate officer will advise the Zoning & Permits Branch that the permit can be released.



Integrated landscaping celebrates the summer season.

Step 4. **Pick up your building permit.**

The Zoning & Permits Branch will call you when it is ready.

You will need:

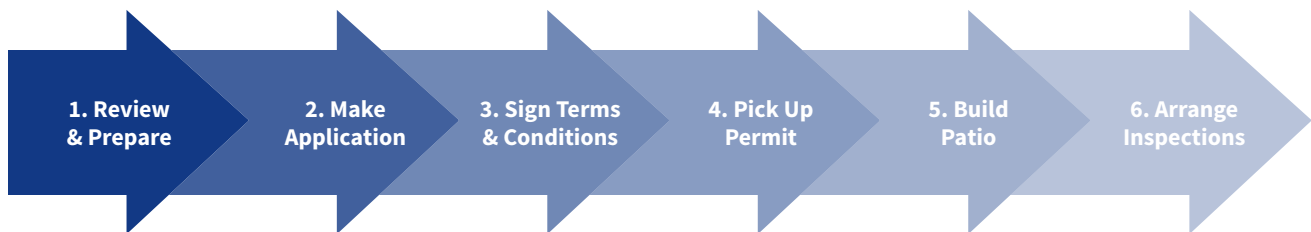
- payment for building permit

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

Step 6. **Arrange inspections for occupancy permit.**

To request occupancy inspections, complete the online [Occupancy Request Form](#). 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!



Unexpected 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:

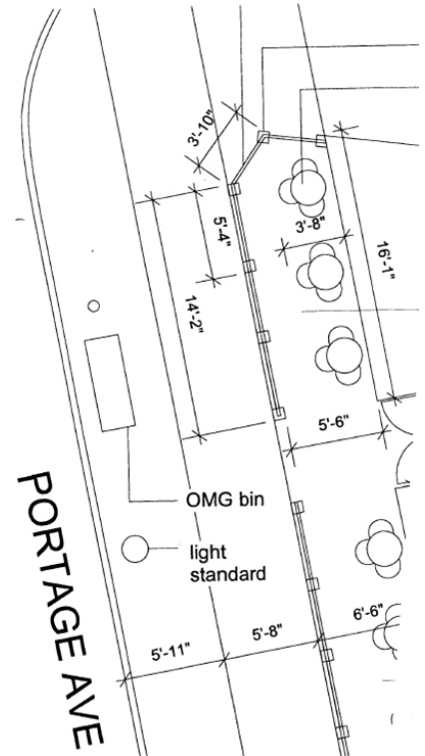
The best way to ensure that your application is processed quickly is to include all the relevant information as per Step 2 above.

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

- location and details of egress (exit width, hardware, etc.)
- location of tables and chairs within the encroachment area
- interior restaurant and patio occupant load (seasonal allowance to exceed overall washroom capacity by 20% will be considered)
- 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 patio proposals will be reviewed to ensure that they satisfy the following five objectives:

1. Life safety under the Manitoba Building Code

- Patios with less than 60 persons shall provide one or more means of egress with a minimum 0.9 m opening or swinging gate (unobstructed)
- Patios with greater than 60 persons shall provide two or more means of egress with a minimum 0.9 m opening or swinging gates (unobstructed)
- Location of the patio must not obstruct access to sprinklers/standpipe connection (1.0 m clearance required), fire hydrants or natural gas supply connection

2. Functionality and accessibility of the public sidewalk

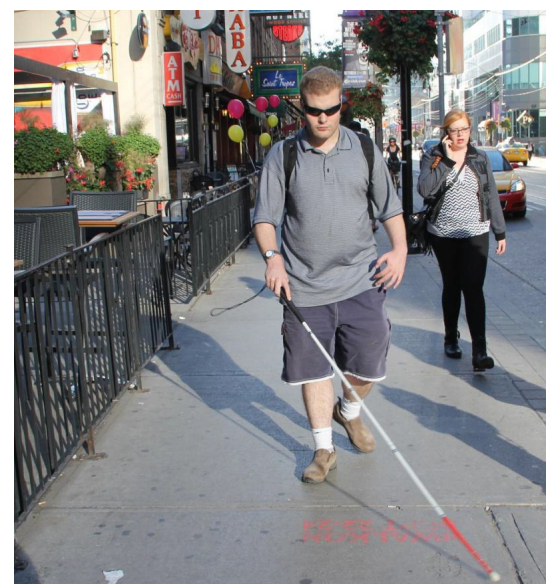
- The clear path of travel must be a minimum of 1.9 m, although a reduction to 1.5 m may be supported on streets with lower pedestrian activity when the clear path of travel is separated from the curb (see middle image to the right)
- Any fences/railings adjacent to the pedestrian path of travel must have a cane-detectable edge within 100 mm of the ground
- Fences should be colour contrasted with surrounding pavement surfaces for the visually impaired
- The patio shall be set back from the curb by a minimum of 0.5 m
- Patios cannot be within 3.0 m of an intersection



The use of colours and materials in the patio design can complement the building to create a more interesting and cohesive streetscape.



The clear path of travel may be reduced to 1.5m on streets with low pedestrian volumes where the path of travel is separated from the curb.



A cane detectable fence is either flush to the ground or has a continuous bottom rail within 100 mm of the ground.

3. Mitigation of risk and liability

- A fence surrounding the patio will be required if alcohol is to be served
- A fence height of 1.0 m 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
- Opaque structures including walls or booth seating must not impede sight lines from nearby approaches or public lanes



Umbrellas must be fully within the patio area so as not to pose a hazard to pedestrians walking by or to sidewalk maintenance equipment.

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
- The ground beneath the patio should provide a non-slip, all-weather surface



A number of communities across Canada, such as Canmore, Alberta are developing standards to allow patios in the parking lane.

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
- The patio must not extend in front of adjacent tenant spaces

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 sight lines
- where insufficient off-street parking is available for the business
- along two-lane roads
- within a loading zone



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 1.0 m 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
- 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
- A 1.0 m fence must separate the patio from the roadway
- Patios cannot be within 3.0 m of an intersection
- Patios must be 6.0 m clear of any bus stop and 9.0 m upstream from any stop signs or traffic signals



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
- In an emergency situation, patio elements will be removed to allow for repair activities
- Patios within 30 m 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 a.m. and 11 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 p.m. Sunday to Thursday, 12 a.m. Friday and Saturday nights



Glazing can provide some sound attenuation for patios near residential areas.



Small-scale patios fit well within residential and mixed-use neighbourhoods.



Contact Us

Planning, Property & Development Department

30 Fort Street
Winnipeg, Manitoba
www.winnipeg.ca/ppd

Zoning & Permits Branch

204-986-5140

Winnipeg Parking Authority

204-986-5155

Urban Planning

204-986-2636

Urban Design

204-986-4738

Occupancy Inspections

204-986-5136

Photo Credits

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March 2021