

Policy 400.13 Downtown Patio Licence Procedure

Established: March 13, 2023

Contact Department: Works & Infrastructure

Guiding Principle

- To establish guidelines and procedures for the orderly establishment and use of public sidewalks, parking spaces, and other District-managed property and right of way for sidewalk patios.

Purpose

- To establish a policy of procedures and regulations for Sidewalk Patios aimed to ensure safety and accessibility for pedestrians and vehicle traffic within the District of Summerland Downtown Core.

Application

- This procedure applies to businesses located within the District of Summerland Downtown Core who wish to construct a patio.

Policy Statement(s)

- District Council recognizes the value that Downtown Sidewalk Patios can add to downtown vibrancy and provide additional amenity areas of public and social gathering within the District's downtown core. Sidewalk Patios can also support existing businesses and provide additional opportunities for revenue diversification and help sustain the unique boutique style of Summerland's downtown. Finally, Council wants to ensure that all Sidewalk Patios are created in a safe manner that protects patrons, pedestrians, and the travelling public when located on District roadways.

Definitions

- Sidewalk Patio means an outdoor patio, sidewalk patio, or deck located on a sidewalk or other portion of a street, including parking stalls, permitted seasonally by a Downtown Patio Licence Application for the purpose of serving food and beverages in an outdoor setting to seated patrons in conjunction with an existing business.
- Site Plan means a drawing designed to scale of the general layout of the proposed storefront use area showing locations of building width including window and door locations; storefront use area and pedestrian treadway width; municipal infrastructure such as trees, light standards, and catch basins; railings, seating, display racks or other temporary structures.
- Licencee means an applicant for a Permit, and for the purpose of this application, also means the holder of a Permit, once issued.

Procedure

- A Site Plan and a copy of current public liability and property damage insurance (\$2,000,000), and a list of businesses and/or residents with approval signatures must be submitted (if applicable).
- The completed Application goes to the Director of Works and Infrastructure or designate for approval. Site plan must be in conformance with this policy.

Obligations, Performance and Enforcement

- The District retains the right to limit the number of Downtown Sidewalk Patio Licences issued per municipal block and the number of parking stalls used for a licence area. No licence area may interfere with District of Summerland utilities, infrastructure or services, unless otherwise approved by the Director of Works and Infrastructure or designate.
- The District retains the right to revoke any permission granted to use the sidewalk for such purposes at any time where it is found that the use and operation taking place is deemed unacceptable to the District.
- Every licence area shall be temporary in nature and designed so that any and all works, structures, or appurtenances including but not limited to chairs, tables, fencing, bollards and planters can be easily removed during periods of non-use.
- The District reserves the right to require the Licencee to remove/clear the licence area if it is determined necessary within 48 hours, or immediately in the event of an emergency, for regular scheduled utility or service installation, maintenance, or repair.
- All Licencees are required to pay an established annual fee for the use of the public space as set by Council.
- All Licencees are required to provide a site plan.
- Alternate design ideas may be considered at the discretion of the Director of Works and Infrastructure or designate.
- Licencees are required to obtain any necessary permits and licences from the District, the Regional Health Authority, British Columbia Liquor and Cannabis Regulation Branch, and other relevant or applicable licensing or regulatory agencies.

Location

- All sidewalk patios proposed by a business are to be located directly adjacent to the parent business frontage.
- Sidewalk patios shall not extend onto the sidewalk or onto parking spaces which are within the frontage of adjacent businesses.
- No table or chairs shall be placed within 1.2m of a bus stop, fire hydrant, or counter service window or within 0.6m of any building entrance and/or exit.
- Sidewalk Patio licences are to be limited to the areas identified specifically in Figure 1 below (grey highlight).

Figure 1: Sidewalk Patio Licence Areas



Area

- A maximum of two parking stalls may be used per Sidewalk Patio licence.
- No-post barricades will be placed by the District of Summerland at the head of each parking stall used.
- Pedestrian treadway may extend over on-street parking area but may not extend within 0.3m from a vehicle travel lane.

Hours of use/ Validity Period

- Hours of operation of all Sidewalk Patios shall be 7am to 10pm.
- A Patio licence is only valid from April 1 to October 31 in the year it was issued.
- All fixtures and structures placed within a street must be completely removed by 3pm, October 31 of each year.
- No out of season permits shall be issued.

Railing/Safety Barriers

Overhead Projections

- Sidewalk treadway must remain clear of all obstacles including awnings, patio umbrellas, and signage.

Railing/Safety Barrier Height

- Railing shall be a minimum of 0.9m in height, separating the sidewalk patio area from the pedestrian treadway. A 1.8m wide treadway, lined along the vehicle travel lane with 0.46m high.
- District provided barricades must be maintained.
- Railing must be affixed to temporary structures and not to permanent infrastructure.

Furniture/Equipment/Supplies

- No cooking, storage, cooling, refrigeration or other equipment is to be located in the sidewalk patio area without the written consent of the Director of Works and Infrastructure or designate.
- Aesthetic consideration to be considered within patio area design which may include planters, barrels, or other appurtenances approved by the Director.
- Considerations for enhanced beautification and vibrancy of Sidewalk Patios are encouraged.

Pergolas/Awnings

- Pergolas and Awnings are not permitted under this application.

Sidewalk Treadway Requirement

- Sidewalk patios that utilize public parking stalls shall utilize platforms, sidewalk letdowns, and safety provisions that conform to the District's specifications.

General Access and Access for Persons with Disabilities

- The layout of a storefront use shall include a sidewalk treadway providing unobstructed pedestrian access through, or around the storefront use.
- A sidewalk treadway shall be dedicated exclusively to the passage of pedestrians. No planters, signs, or other items shall be placed in the sidewalk treadway.
- A sidewalk patio must have a minimum of 1.8m of public walkway which shall remain unobstructed, unused and clear for pedestrian traffic.
- The sidewalk patio must provide an unobstructed access of a minimum 0.6m on either side of the entrance of the building for the width of the patio.
- There must be no changes in elevation between the top of the sidewalk/curb and the top of a constructed walkway or letdown; no stairs or steps along the length of the walkway shall be permitted, unless there are accommodations made to the sidewalk/curb to accommodate accessibility.
- The walkway surface must provide a non-slip surface.

Signage/ Menu Board

- Signage and Menu Boards must be contained within the Sidewalk Patio area and may not extend into the designated sidewalk treadway.

Drainage and Road Maintenance Consideration

- Parking stall availability will be subject to the completion of line painting and street sweeping as may be required; the occupancy date shall be approved by the Director of Works and Infrastructure or designate on an annual basis.
- The District requires full-time access to all District infrastructure such as valve boxes, electrical, and catch basins, etc.

Maintenance

- The Licence Area and immediate surrounding area will be cleaned each day, before and after closure of the business, and any waste, discarded debris, food stains and refuse container that belongs to the business shall be removed.
- Maintenance and upkeep of all structures is the responsibility of the Licencee.

Amendments/Reviews

Date of Council Consideration	Resolution/Report	Description