



Sidewalk Patio Policy DS-01

Prepared by: Development Services Department	Date: Revised April 24, 2024
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DESCRIPTION: To allow the use of public sidewalks and parking stalls for the purpose of providing outdoor eating areas.

PURPOSE: To ensure the orderly development of outdoor seating areas and to encourage designs that are in keeping with the form and character of Courtenay's Downtown District.

DURATION: Seasonal April 1st to October 31st.

POLICY:

1. All outdoor seating areas to be located on public sidewalks or parking stalls must be approved by the Director of Development Services prior to issuance of a permit and Licence of Occupation.
2. All requests for outdoor seating areas are to be forwarded to the Department of Development Services.
3. Department of Development Services will coordinate referrals to Planning Division, Building Division, City Operations, and Fire Department.
4. All applicants shall obtain public liability insurance in the amount of \$5,000,000.00 and shall name the City as an additional insured. This shall include a 30-day written Notice of Cancellation clause. All applicants must submit a Certificate of Insurance to the City prior to the occupancy or operation of a sidewalk patio seating area.
5. Applicants who provide all of the requested information and adhere to the design criteria guidelines contained in this program, will be issued with a Licence of Occupation from the City.
6. A non-refundable licence of occupation fee is charged for the use of public sidewalks or roadside parking stalls for dining purposes. Annual Fees are contained in the *Fees and Charges Bylaw No. 3107, 2023*.



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7. Applicants shall provide proof of business licence to the City.
8. The sidewalk patio operator shall have written endorsement of the registered owner of the building.
9. All applicants serving alcoholic beverages to the public shall hold a valid and liquor licence from the BC Liquor Control Regulation Board (BCLCRB).
10. Applicants who provide all of the requested information and adhere to the design criteria guidelines contained within this Policy, will be issued with a Licence of Occupation and permit.
11. Additional restrictions may be applicable subject to other City bylaws, policies or regulations.

APPLICATION REQUIREMENTS:

1. All applications for outdoor seating areas must include the following information:
 - a. A letter of intent that provides an overview of the project and outlines the operating hours and days to which the outdoor seating area will be in operation.
 - b. Scaled drawings of the proposed outdoor seating area that includes:
 - a. Contextual information including the exact location of the area to be used, its size in square metres, relationship to adjacent businesses, building accesses, fire connection ports, hydrants, street light standards, landscaped areas, street furniture, adjacent sidewalk leases, curb lines, pedestrian ramps, parking, loading zones, bus stops and any other feature within 6 metres of the area's perimeter.
 - b. Patio details including number of tables and chairs on public sidewalks and/or parking stalls, access and location of gates (where applicable), style of fencing and/or guardrails (including height) and provision of amenities ranging from flower baskets and planters to garbage containers.



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- c. A photograph of the building and of all materials, devices and fixtures used in the seating area.
- d. Identification of the materials to be used in the outdoor seating area.
- e. Highway Use Permit as part of the application form.

DESIGN CRITERIA - LOCATION:

1. All patios are to be located in front of a business on the abutting sidewalk or within roadside parking stall(s).
2. The outdoor seating area is limited to the maximum width of the business and shall not extend in front of an adjacent business except with the agreement of the business provided to the City in writing.
3. Businesses can use up to two (2) parking stalls for a sidewalk patio.
4. Unobstructed access to the entrance of the building and to the fire connection port must be maintained.
5. Unobstructed access to sidewalk pedestrian ramps, hydrants, loading zones and bus stops must be maintained.
6. Sidewalk patios areas are not permitted on service grates and where sight lines at intersections will be obstructed.
7. Sidewalk patios shall not be located within:
 - a. 0.6m of any building entrance and/or exit;
 - b. 1.5m of existing City infrastructure including light poles, bike racks, benches, driveways;
 - c. 6.0m of intersections and fire hydrants.



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8. Sidewalk patios are not permitted:
 - a. In areas where there is no public sidewalk or roadside parking or in laneways.
 - b. On roadway bumps or curb extensions, in front of a city park or any sports fields.

9. Common sidewalk patio configurations are described below and are referenced in **Schedule 1**. The listed layouts serve as guidelines. Applicants are permitted to exercise creativity in design and will be reviewed internally for compliance with design criteria list in this policy. The three patio designs for guidance are:
 - a. **Type A:** A patio that does not occupy more than one half of the width of the sidewalk. Type A sidewalk patios provide both the sidewalk patio and the minimum 1.5m wide unimpeded sidewalk within the existing sidewalk area.

 - b. **Type B:** A patio that requires the use of the parking area for pedestrian walkway. Type B sidewalk patios provide removable sidewalk sections on street parking space(s).

 - c. **Type C:** A patio that requires the use of the parking area for patio use. Type C sidewalk patios provide the minimum 1.5m wide unimpeded sidewalk within the existing sidewalk area and the patio is constructed within removal sections on street parking stalls.

DESIGN CRITERIA - DEVICES AND FINISHINGS:

1. The temporary pedestrian walkway shall be at the same elevation (at grade with) the abutting curb and sidewalk and have a non-slip finish. The use of carpet is prohibited.

2. Preferred materials are those that have durability and retain a high visual quality from year to year. Materials shall be repaired or replaced at the direction of the City, and at the applicant's expense.

3. Sidewalk patios must utilize sturdy chairs and tables.



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4. Umbrellas or other temporary shading devices shall be securely fastened.
5. All devices of a sidewalk patio, including umbrellas, shading devices, and landscaping shall be wholly contained in the permitted sidewalk patio area.
6. Accessibility standards shall be met.

DESIGN CRITERIA - FENCING AND RAILINGS:

1. Physical delineation in the form of fencing and/or guardrails is required between patio area and roadways and pedestrian traffic corridors.
2. Fencing and/or guardrails separating a patio from the adjacent sidewalk and roadway must not exceed 1.0 metre in height in order to maintain the aesthetics of an active streetscape and not obscure sight lines. Translucent shields may extend to a maximum of 2.0m.
3. All openings shall be oriented to and open directly along the property frontage or directly to the curb line.
4. Design materials and colours used for the fencing/railings shall be compatible with the architectural elements of the adjacent and surrounding buildings.
5. Planters are strongly encouraged and should be integral with fencing to maintain a compatible design relationship. Landscaping and planting materials must be temporary and located in portable containers.

MAINTENANCE AND OPERATIONS:

1. The sidewalk patio shall comply with all applicable laws and regulations regarding the sale and service of food beverages (including alcohol) to the public.



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2. Operators shall comply with all municipal, provincial and federal bylaws and regulations including but not limited to the City of Courtenay *Nuisance Abatement and Cost Recovery Bylaw No. 2987, 2019*.
3. Patios are only permitted to operate when the business is open to the public.
4. Patios must be securely closed when the patio is not in use. Portable improvements such as portable tables, chairs and portable fences must be removed at the end of each business day.
5. All fixtures and amenities of a sidewalk patios including tables, chairs, umbrellas, shade device and landscaping must not block fire department connections or means of egress from the building.
6. Bicycles shall not be parked and dogs shall not be tied to any part of a sidewalk patio in any way that would impede pedestrian travel.
7. Sidewalk patios shall not disturb water drainage along existing sidewalks and/or curbs and the installation of a minimum four (4) inch drainage void is required.
8. At the licensee's expense, the licensee shall keep and maintain the patio in a safe and good repair, and in a clean, sanitary, attractive condition at all times. This includes but is not limited to litter receptacles being provided and emptied as needed, and being responsible for ensuring that the public sidewalk and the adjacent road right-of-way is routinely swept and otherwise kept clean of debris and/or spills.
9. Sidewalk patios shall not disturb traffic safety and traffic circulation.
10. No signage is permitted in the sidewalk patio area unless as required as per other enactments (e.g. Liquor Licence requirements). Where such signage is required, it shall be designed so as to limit impact to sight lines as defined in the design criteria.
11. No advertising is permitted in the sidewalk patio area.



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12. Sidewalk patios may be required to be removed at the applicant's expense at the request of the City for City work or maintenance in roadways. Fences, guardrails, devices, and all other equipment shall be able to be removed within twenty-four (24) hours at the request of the City for the installation, maintenance, servicing or repair of City infrastructure.
13. The City retains the right to revoke any permission granted for the use of public sidewalks or roadside parking stalls where it is found that the use is creating difficulties deemed to be unacceptable to the City, or that the permit-holder is in contravention of the issued permit.
14. All sidewalk patio permits expire October 31 of each year. All materials and devices must be removed by the permit-holder by this date. Failure to do so may result in the City undertaking the removal works at the permit-holder's expense.

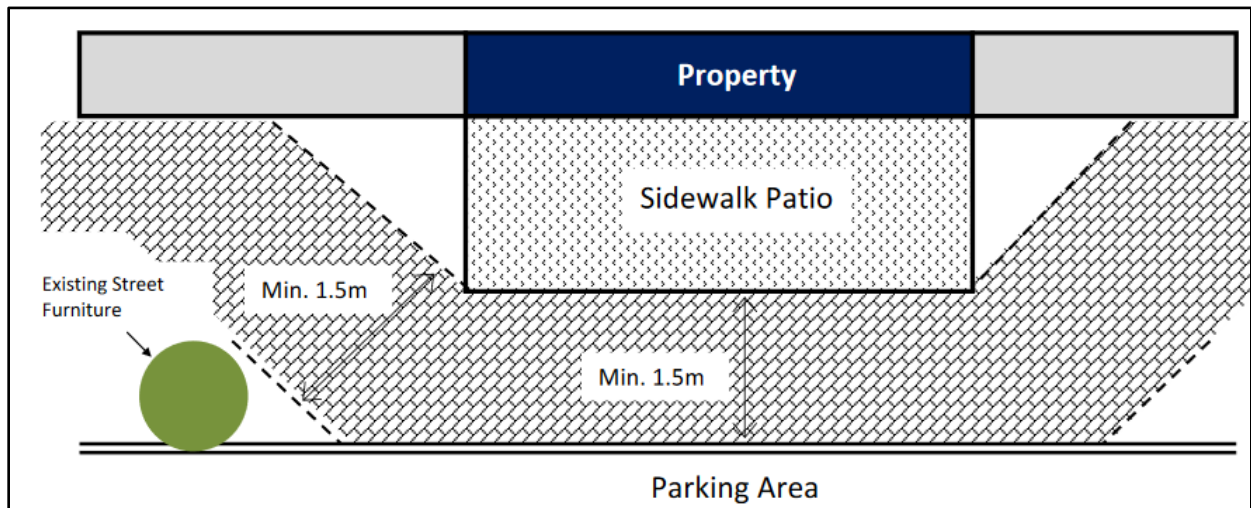


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SCHEDULE 1

TYPE A PATIO LAYOUT

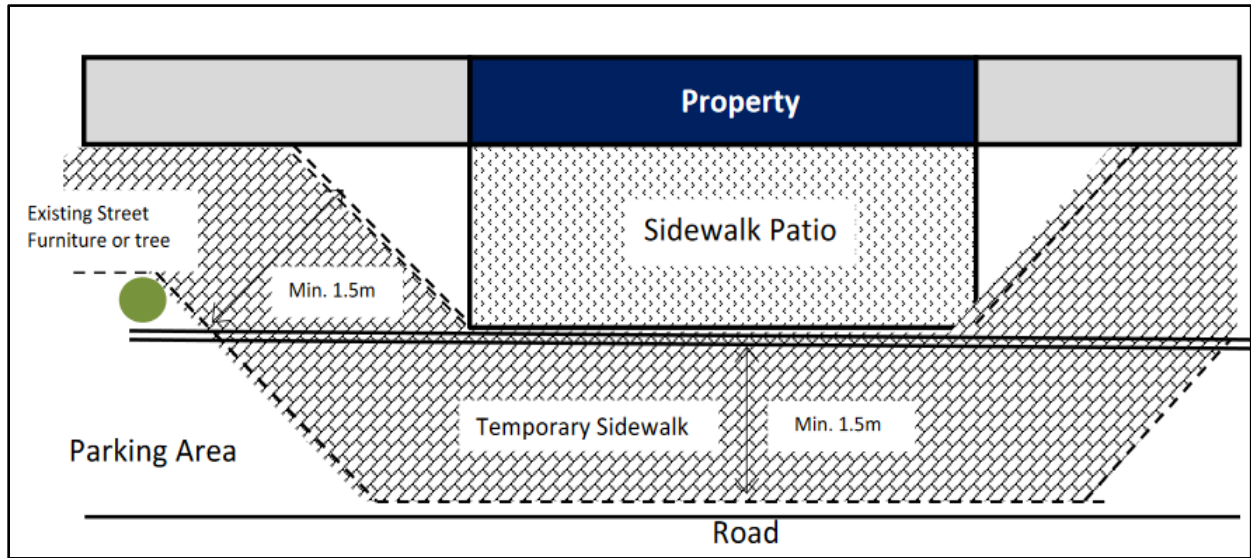




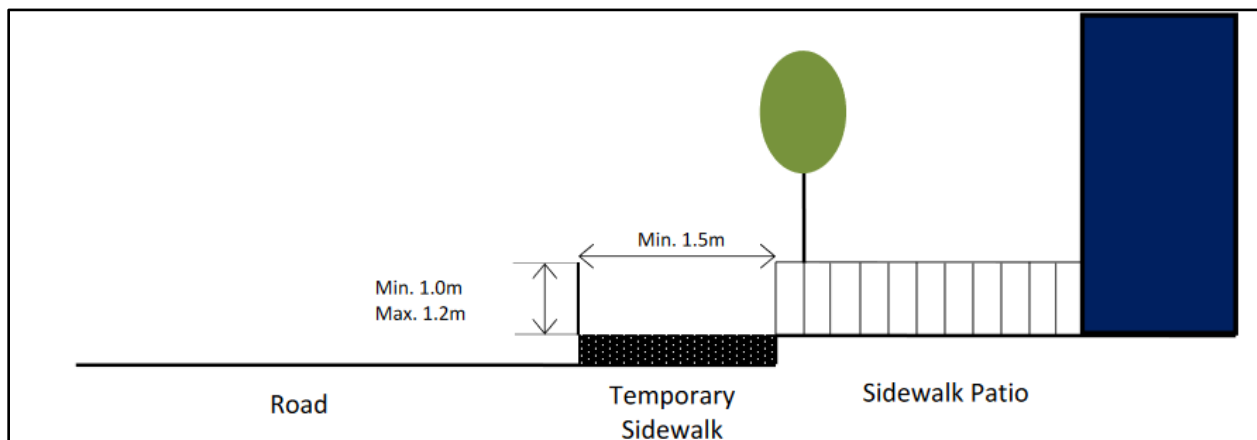
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TYPE B PATIO LAYOUT



TYPE B PATIO SECTION



SCHEDULE 3



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TYPE C PATIO LAYOUT

