

POLICY STATEMENT AND REGULATIONS

Number: 400.8

POLICY FOR OUTDOOR SEATING AREAS

The District of Summerland will permit the creation of outdoor seating areas using public sidewalks or public parking stalls in the Town Center Development Permit Area with the approval of the Director of Works and Utilities.

REGULATIONS AND PROCEDURES

1. All applicants wishing to use a public sidewalk or public parking stall to create an outdoor seating area must submit their request to the Bylaw Enforcement Officer each calendar year. The Bylaw Enforcement Officer will then forward the request to the Summerland Chamber of Economic Development and Tourism for their endorsement
2. The Bylaw Enforcement Officer will forward the request to the Director of Works & Utilities for his approval, and any permission granted for such a seating area shall be subject to any conditions set by the Director of Works & Utilities. The outdoor seating area will not be approved where, in the opinion of the Director of Works and Utilities, public safety will be compromised.
3. The applicant shall provide proof of general liability insurance in the amount of not less than \$2,000,000.00. The District of Summerland must be clearly identified in the insurance policy as an additional named insured relative to the outdoor seating area.

Council amended the following clause on April 28, 2009:

4. Unless otherwise authorized by Council, the outdoor seating area shall be in accordance with the following:
 - (a) Limited to the inside portion of the public sidewalk in a manner that provides unrestricted public access of not less than 1.5 meters on the remaining portion of the public sidewalk fronting the businesses;
 - (b) Outdoor seating areas consisting of more than a single row of tables and chairs located directly against the storefront must be separated from pedestrian traffic by a decorative metal railing meeting the requirements of the BC Building Code.
 - (c) Required decorative railings shall not be physically anchored or attached to District sidewalk or roadway surfaces, lamp standards or trees.
 - (d) May be located on the parking stall immediately opposite the business for those businesses located on Victoria Road, Henry Road and Kelly Avenue between Jubilee Road and Main Street.
5. The outdoor seating area must not extend onto the sidewalk in front of an adjacent business or be located in a public parking stall partially or totally in front of an adjacent business without consent from the affected business being provided to the District in writing.
6. On an annual basis, a \$100.00 application fee will be charged for use of a public parking space and a \$50.00 application fee will be charged for use of a portion of public sidewalk.

7. The approval for an outdoor seating area on public parking stalls is valid from April 1 to December 1st of each calendar year, with removal of any structures from the public parking space being completed by December 1st unless otherwise extended by Council.
8. The approval of an outdoor seating area using public sidewalks is valid year round on the condition that the applicant maintains the sidewalk area fronting their premise free of debris and snow.
9. The use of public parking stalls for outdoor seating areas will be limited to one stall on each side of a street block, unless further approvals are directly authorized by Council.
10. The use of public parking stalls for outdoor seating areas will be issued on a first come first serve basis with priority being given to the previous year's approved applicants prior to issuance of any new requests.
11. The District retains the right to revoke permission granted to use District sidewalks or parking stalls for an outdoor seating area at any time where it is found that the use is creating unacceptable difficulties for the community.
12. Letters of request for outdoor seating areas must include:
 - (a) description of planned development including the intended hours of operation for the outside portion of the business,
 - (b) photograph of building and picture of tables and chairs to be used,
 - (c) Drawing to scale of the proposed outdoor seating area on the sidewalk or parking stall which shall include the location, number of tables and chairs, and proposed amenities such as flower baskets, umbrellas, etc. and the location of any permanent District structures such as light standards, garbage containers or trees that could impede pedestrian access around the seating area.
13. Applicants intending to use a public parking space for the purposes of creating an outdoor seating area must meet the following design guidelines:
 - (a) construction of a temporary platform at the same level of the abutting sidewalk having a maximum width of 2.3 meters and a maximum length of 5.5 meters. Irrespective of the above noted maximum dimensions, the platform shall not extend beyond the limits of the demarcations of the affected parking stall;
 - (b) construction of a guard rail with the top rail at a minimum height of 81 centimeters and a maximum height of 91 centimeters on the three sides of the platform that do not abut the public sidewalk having reflective tape or similar product at the two corners opposite the vehicle traveled section of the roadway;
 - (c) installation of vertical pickets only at a maximum opening of 10.0 centimeters on the three sides of the platform that do not abut the public sidewalk;
 - (d) finishing of the temporary structures to blend with the style, material and colour scheme of the Town Centre Development Permit guidelines;
 - (e) contains no additional signage advertising the subject business; and
 - (f) accommodates the free flow of water along the curb/gutter by providing a 15 centimeter space immediately adjacent to the curb.
14. The operator of the outdoor seating area is responsible for ensuring that the sidewalk and all portions of the roadway blocked to routine street sweeping is routinely swept and

otherwise kept clean of debris and/or spills.

15. All applicants wishing to establish outdoor seating areas must obtain the necessary licensing from the Ministry of Health, liquor inspector or any other applicable regulatory agencies required to be involved with the proposed development.

Adopted: March 24, 2003

Amended: April 14, 2003 (extension of patio seating season to April 1 to October 31)

Amended April 28, 2009 (sidewalk seating on Main St.)

Amended October 13, 2009 (extension to December 1st)