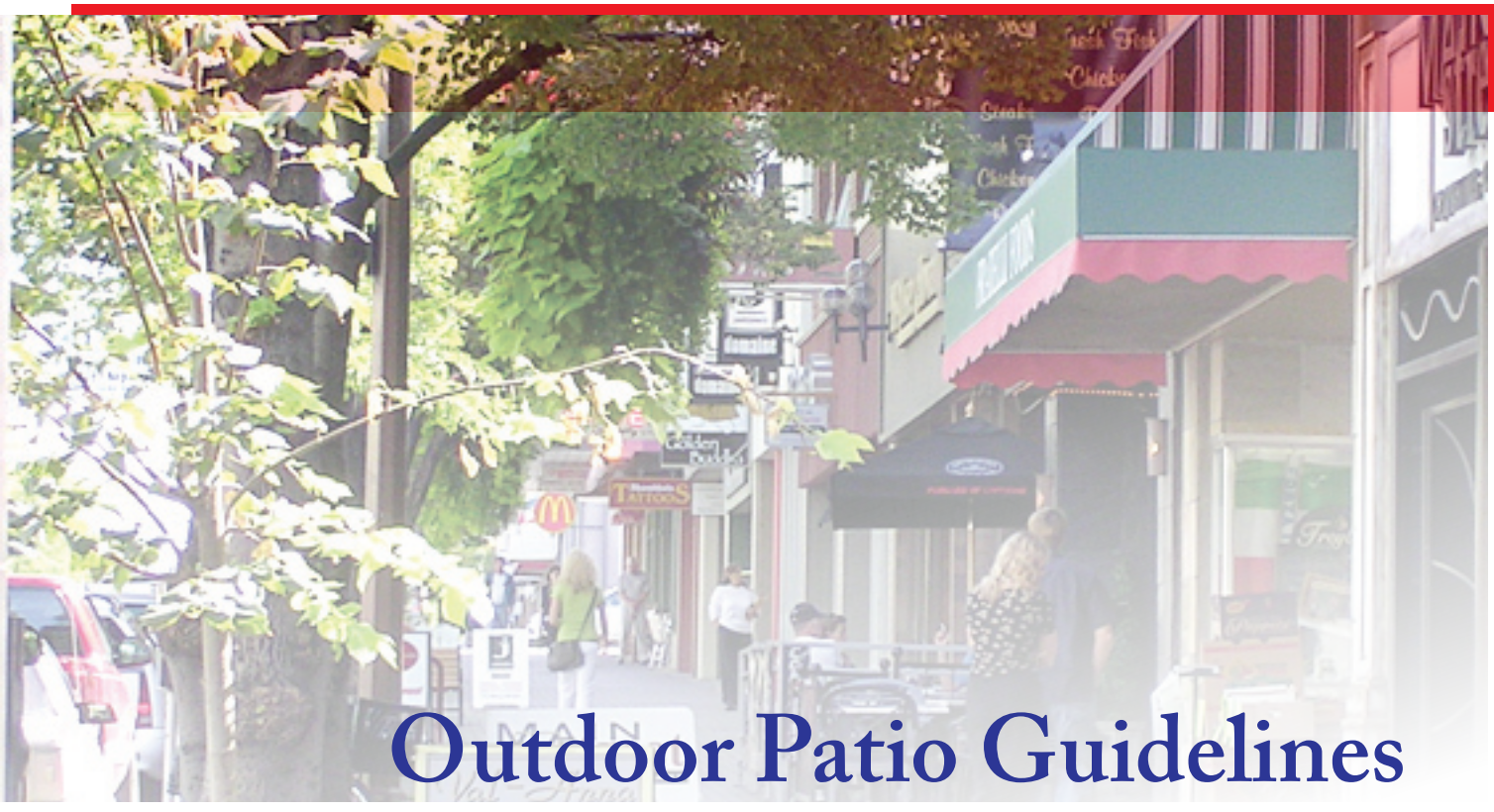


Outdoor Patio Guidelines

Includes Guidelines for the Use of Pedestrian Signs on Public Property

City of Kamloops
Development and Engineering Services Department
105 Seymour Street



Patios are places for people.



Patios generate economic benefit.



Patios enhance city centres.

Kamloops
Canada's Tournament Capital

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1 Purpose

The purpose of this booklet is to provide a ***general guide*** to the establishment and review of applications for ***outdoor patios and pedestrian signs*** (also known as sidewalk cafes), on public rights-of-way, within the City of Kamloops' Central Business District, North Shore Towne Centre, Tranquille South, and Tranquille Commercial Core districts.

The guidelines established in this booklet are intended to supplement the regulations adopted in the following by-laws, as amended:

1. Closure of and Construction on Road Rights-of-way Within the City of Kamloops By-law, No. 24-24;
2. KAMPLAN: The City of Kamloops Official Community Plan Development Permit Areas, City Centre Plan, and North Shore Neighbourhood Plan.

Guidelines

The guidelines in this booklet are intended to clarify and provide standards for sidewalk patio and pedestrian sign uses in order to enhance the ***quality and safety*** of the pedestrian experience in the Downtown and Tranquille Commercial districts and to reinforce their ***sense of place*** and ***economic vitality*** and to enhance the business and economic opportunities within these areas.

Approvals

Outdoor dining on public rights-of-way is an amenity use provided through permission from the City of Kamloops for the private use of public lands.

The provision of safe and hazard-reduced environments is paramount in the creation and enforcement of these guidelines.

Constructing, erecting ,or placing an outdoor patio or pedestrian signs on public (City-owned) property requires approval from the City of Kamloops through the issuance of a Road Right-of-way Usage Permit (application form attached).

Permits for outdoor patios and pedestrian signs are only valid for the dates indicated on each permit and must be renewed on an annual basis.

2 General Design Principles: Outdoor Patio

In determining the proposed layout for an outdoor patio, consider all existing sidewalk obstructions such as signs, signal poles, bus zones, fire hydrants, sidewalk furniture, street trees, tree wells, phone booths, mail boxes, newspaper racks, parking meters, etc.

Outdoor patios are permitted to locate on the sidewalk area of public property, adjacent to the place of business. Outdoor patios are only permitted in commercial zones where the sidewalk is wide enough to accommodate the patio area and where a ***clearance of 1.5 m wide*** can be provided. ***The required pedestrian pathway must be maintained at all times.***

A restaurant may be required to adjust the outdoor seating area's layout, dimensions, or distance from the property line to ensure that visibility and a clean path is maintained.

Outdoor patio operators are required to maintain minimum distance and clearance requirements ***at all times.***

Details

- Restaurants need to be mindful of adjoining businesses when using outdoor dining areas, making sure that neighbouring businesses remain visible to pedestrians and motorists.
- Sidewalk patios are not permitted on public rights-of-way past ***October 31 to March 31*** of any given year, unless special, short-term provisions have been approved by the City of Kamloops.
- The design of public outdoor patio areas shall be done with high priority being given to creating comfortable, enjoyable, and aesthetically pleasing public spaces.
- All tables and chairs shall be placed in front of the establishment; all tables and chairs shall be removed from the sidewalk and the outdoor patio area at the end of each business day.



- Design of outdoor patios shall ensure a compatible relationship between patio design and the building's architecture.
- All patios must be designed and installed in such a way so as to maintain barrier-free access for persons with disabilities and shall mitigate any possible harmful impacts on adjacent land uses.
- Outdoor patios shall enhance the vitality of the street environment.
- An annual fee will apply for the use of public sidewalks for private commercial purposes.
- The design of the interior and immediate surroundings of an outdoor patio's overhead canopies or umbrellas shall ensure a clear, unobstructed height, from grade level, of 2.13 m.
- No patio shall extend beyond the frontage of the business to which it belongs.
- **Tables and chairs shall be made of safe, sturdy, and durable materials. All furniture shall be of a commercial grade, or of a similar quality and durability, and able to accommodate outdoor commercial use.**





3 Required Submissions

Eligible restaurant owners that would like to establish an outdoor patio must obtain a permit (called a Road Right-of-way Usage Permit) to operate in the public right-of-way.



Requirements

- $80 application/permit fee for NEW application
- $40 application/permit fee for subsequent years, (with NO changes to layout and outdoor patio details)
- Site plan
- Photograph or cut sheet of site furniture
- Insurance - release of liability and certificate (refer to last page)
- Proof of property tax payment
- Agreement letter/permission from property owner
- Legal description
- Property address
- Fence details including photos, height, and appearance information

4 Sidewalk Patio Operations

The outdoor patio improvements (includes chairs and tables) shall be set up only during the applicable hours of operation and may not be stacked or stored outside on the public right-of-way at any time when the business is closed.

Outdoor patio furniture shall not be secured to sidewalks, lampposts, streetlights, trees, or other public street furniture.

The outdoor patio shall comply with all applicable laws and regulations regarding the sale and service of food and beverages to the public, including provincial Liquor Control and Licensing Branch (LCLB) regulations pertaining to the serving of alcohol and Ministry of Health for serving food.



5 Sidewalk Patio Maintenance

Outdoor patio operators shall be responsible for the proper maintenance of the patio area at all times, including properly disposing of all trash generated by the operation.

Patio operators shall maintain any flower boxes and planting areas unless otherwise determined by the City of Kamloops.

All furniture and fixtures must be maintained in good visual appearance, without visible fading, dents, tears, rust, corrosion, and chipping or peeling paint.

All furniture and fixtures must be maintained in a clean condition at all times.



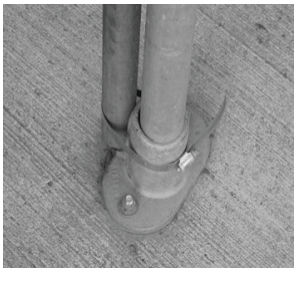


6 Fences and Barriers

Fences, barriers, and enclosures are required to be located between the outdoor patio seating area and the pedestrian thoroughfare.

Guidelines

- Fences, screens and barriers shall be able to be removed at any time; fences, screens, and barriers however, shall be properly secured when the corresponding business is closed or not in use.
- Corner cuts in an outdoor patio must be provided at intersections.
- **Any barriers used for the outdoor patio must be constructed so that they can be completely removed within 24 hours, if required. No permanent attachments of any fence or barrier, to City property, is permitted.**
- The maximum fence or barrier height is 1.06 m. Food and liquor primary (through LCLB) fences are limited to 1.06 m; all others are between 0.9 m and 1.06 m.
- A fence or other vertical barrier must be used to delineate the perimeter of the patio where alcohol is being served.
- No fence or barrier shall have any sharp or pointed pickets that could cause injury.



- **The width of any opening in a fence, used for exit or egress, shall be no greater than 2 m and no less than 1 m and shall be oriented to and open directly along the property frontage or directly to the curb line. No fence or barrier opening shall cause the exit or egress of patrons to the frontage of an adjacent business.**
- Design materials and colours used for the barriers shall be of a high quality finish and compatible with the architectural elements of the building within which the business operates.
- All finishes should be clean and free of any exposed screws or other fasteners.
- Signage can be incorporated directly into the design of the patio fence or barrier, limited to a maximum of 0.48 m^2 per patio fence or barrier.
- **Bollard and chain fencing are not permitted as they pose a hazard to pedestrians with visual disabilities.**



7 Awnings, Overhangs, and Lighting

Awnings that are integral to the building and umbrellas can be used to provide shade and weather protection for the outdoor patio area.

Guidelines

- Awning or umbrella materials shall be securely fastened to a frame that is either retractable or demountable.

Table umbrellas must be securely attached to tables and must NOT encroach into the pedestrian passageway in any way.



- Sheltering material should be fabricated and finished to fit the supporting structure with no loose or unsecured edges.
- Materials and colours shall coordinate with the architectural elements of the building within which the business operates.

An awning can be attached to the building below the signage identifying the business with a minimum height of 2.5 m above the sidewalk. New awnings require a sign permit and may also require a Development Permit.

Lighting

- Lighting and other attachments to the awning shall be securely fixed and integrated to the support structure.
- Lighting is important to the function and appearance of a patio as well as the safety and security of the public environment. Lighting may be used to add character to the patio space.
- Exterior lighting shall not spill into abutting private property or interfere with the public thoroughfare.
- Lighting should be demountable with no exposed cables.
- Lighting design should coordinate with patio furnishings and building design.

8 Plant Materials

Plant material may contribute to the general comfort and enjoyment of the patio experience.

Guidelines

- Planting of flowers and container-grown vegetation is encouraged but should be grown in planters that are easily removable from the site.
- Planters should be integral with fence and barrier structures to maintain a compatible design relationship.
- Planting can be used along with spatial separators and structures to screen a patio from adjacent vehicle parking and circulation.

Planters and the content within must not obstruct the public right-of-way, IN ANY WAY.

- Planters may not exceed a height of 0.91 m above the level of the sidewalk (height does not apply to the actual plant material).
- Plants may not exceed a height of 2.4 m above the level of the sidewalk.
- All planters must have plants contained within them.
- Dead plants must be replaced or the planter must be removed from the public right-of-way. Empty planters or planters with only bare dirt, mulch, straw, woodchips, or similar material are not permitted.
- All material within the planters must be healthy and aesthetically maintained. Artificial plants must be removed or replaced if ripped or excessively dirty or faded.





9 Pedestrian Signage

Signage should contribute to the order and coherence of the public right-of-way where it is discretely integrated into the patio design.

Guidelines

- If a menu card is displayed, it should be located at the entrance to the patio and clearly visible from the sidewalk.

Signage shall not obstruct the public right-of-way. Pedestrian signs shall be of a design and colour scheme that does not use abrasive or garish colours but that also provides high visibility of the sign to pedestrians.

- Signage should reflect the design theme of the patio.
- Patio barriers and pedestrian signs shall not collectively obstruct pedestrian movements.
- Shall be limited to a maximum width of 0.8 m and a maximum height of 1.0 m.
- Shall maintain a 1.5 m unobstructed walkway.
- Shall be located no less than 0.5 m from the curb or greater than 1.5 m from the curb edge to the outside edge, to ensure that pedestrian traffic is not impeded.
- Signs must be placed in a location that does not obstruct pedestrians (including people using strollers, wheelchairs, and shopping carts or people who are visually impaired).
- Shall be located on the sidewalk of the store front to which the sign pertains.
- Signs are meant to attract pedestrians, not vehicular traffic. Thus, the sign should be of a scale appropriate for the intended audience.
- Shall not have security chains, ropes, electrical extensions, or other attachments to the sign.
- Shall be constructed in a manner that will not allow the sign to collapse. Shall not be permitted adjacent to pedestrian crosswalks, in landscaped areas, in tree wells or tree grates, or be used where a business operates an outdoor seating area located on public property.

Pedestrian signs shall not be used at the same time as an outdoor patio barrier.



10 Circulation Room

Guidelines

All outdoor dining areas must leave at least 1.5 m unobstructed pedestrian space.

- The pedestrian space must be clear of obstructions caused by tree wells, posts, hydrants, or any other infrastructure or street furniture.
- No part of the outdoor dining area (including plants and awnings or umbrellas) may extend into the 1.5 m unobstructed pedestrian space.
- Adequate area must be provided within the outdoor dining area to permit movement of patrons and wait staff.
- Wait staff may not serve patrons beyond the outdoor dining area.

If 1.5 m of unobstructed pedestrian thoroughfare area cannot be achieved and maintained, the outdoor patio area must be adjusted to ensure that this minimum distance is achieved. Some areas of the City sidewalks have insufficient right-of-way area or width to accommodate a patio.





11 General Enforcement

Where an operator fails to conform with the terms and conditions of approval, the City of Kamloops may order that the sidewalk patio be removed from the public sidewalk on which it is located.

If the operator fails to comply with such an order within 24 hours notification, the City of Kamloops may take such action needed to have the outdoor patio removed.

Enforcement of outdoor patio spaces is subject to the regulations established under By-law No. 24-23, a By-law Respecting Closure of and Construction on Road Right-of-way within the City of Kamloops, as amended.

12 Additional Sidewalk Usage

Pedestrian Signs

Pedestrian signs placed on ***public property*** are only permitted within the downtown core (specified through Central Business District Zoning) and along the Tranquille Commercial Core (specified through Tranquille Road Commercial Zoning). These signs require a Road Right-of-way Usage Permit. This permit application can be obtained from the Development and Engineering Services Department.

Sidewalk Sales

The use of a public right-of-way for commercial purposes in such a way as extends a business outdoors (e.g. sidewalk sales) requires a Road Right-of-way Usage Permit. This permit application can be obtained from the Development and Engineering Services Department.

13 Application Package

Requirements

1. Complete the application (attached).
2. Have the property owner sign and complete the application where indicated (or provide owner authorization for the use of an outdoor patio).
3. Make a drawing of the proposed area to be used for the outdoor patio. Include dimensions for openings and approximate area used for tables and chairs.
4. Clearly identify the dimension distance to sidewalk obstructions (as mentioned under Section 10, Circulation Room), label all doorways to the interior of the building and provide accurate dimensions of the length and width of the proposed patio area.
5. Drawings must be to scale, using a standard **metric** calculation.
6. Obtain a certificate of insurance (refer to last page).
7. Enclose the application fee, payable to the City of Kamloops.

Submit to:

City of Kamloops
Development and Engineering Services Department
105 Seymour Street
Kamloops BC V2C 2C6
Attention: Engineering Development Section

CONTACT US: If you have any questions or need further information, please phone 250-828-3561.

Application for a Permit for the Erection of an Outdoor Patio or Pedestrian Sign on Public Property

File No.: _____

Permit No.: _____

Business Name: _____

Business Address: _____

Applicant Name: _____

Applicant Address: _____

Contact Phone No.: Contact Email:

Legal Description: _____

Business Licence No.: _____

Owner Authorization: _____ _____ _____

Print Signature Date

Required Submissions:

- Application Fee: _____ $80 (New Patio); $40 (Recurrent Patio); $20 (Pedestrian Sign)
- Site Plan
- All Insurance Forms (Release of Liability and Certificate - refer to last page)
- Property Owner Approval
- Fence/Barrier Details (including detailed drawings and photographs, if needed)

Upon approval, erection, removal, or placement of said work is at all times subject to the following conditions:

1. The installation and maintenance of the said works shall be carried out to the satisfaction of the Development and Engineering Services Director, or his designate.
2. The safety, economy, and convenience of the public must be maintained at all times.
3. The installation of said works shall be completed on or before _____, 20____, and shall be removed on or before _____, 20____, (but no later than October 31 of any given year).
4. This permit may be cancelled at the absolute discretion of the Development and Engineering Services Department, or his designate, without any notice or hearing.
5. Any existing signs or other objects not approved by a valid permit shall be removed within a forty-eight (48) hours by the owner upon receiving written confirmation from the Development and Engineering Services Director, or his designate.
6. See the BACK of this application for Insurance Requirements and Release of Liability.
7. Other Conditions _____

_____

I/We hereby agree to be bound to the above conditions and the provisions and requirements of City of Kamloops Road Right-of-way By-law No. 24-23, as amended.

PERMITTEE (Registered Name/Trade Name):

_____ _____ _____

Representative Signature Date

THIS AREA FOR CITY USE ONLY

_____ _____ _____

Approved By Signature Date

Conditions: _____

City of Kamloops, hereinafter called the "City".

At all times during the term of this Agreement, the Permittee shall, at no expense to the City, supply Commercial General Liability insurance against any and all Third Party claims for bodily injury, death, or property damage whatsoever arising out of the use and occupation by the Permittee of the lands and premises which are the subject matter of this agreement. Such insurance shall add the City and an ADDITIONAL INSURED but not as an ADDITIONAL NAMED INSURED and shall cover for not less than Two Million Dollars ($2,000,000).

Upon signing this Permit, the Permitee shall promptly forward a Certificate of Insurance, including agreements acceptable to the City. The City will supply a Form of Certificate to be completed by the Permittee's insurer containing minimum insurance coverages required by the City. Should the insurance policies under which the certificate is drawn expire during the term of this agreement or any extension or renewal thereof, the Permittee shall forward a renewal insurance certificate to the City thirty (30) days prior to the expiry of said insurance policies on a form satisfactory to the City.

All required policies of insurance must be issued by insurers duly authorized by law to do business in the Province of British Columbia and shall include a provision that coverage shall not be cancelled or amended in any way unless thirty (30) days written notice has been given to the City.

Should the Permittee fail to supply the insurance certificate prescribed by this permit, then such permit may be terminated by the City.

RELEASE OF LIABILITY

The Permittee hereby agrees to unconditionally INDEMNIFY and SAVE HARMLESS the City, its agents, or employees from and against all loss, liability, costs, charges, claims, damages, expenses, suits, or actions which may arise as a consequence of, or resulting from, any failure by the Permittee whatsoever (EXCEPT SUCH AS MAY ARISE OUT OF THE ACTS, FAILURES TO ACT OR NEGLIGENCE OF THE CITY OR ITS AGENTS OR EMPLOYEES) in connection with:

- any breach, violation or non-performance of any covenant, regulation, condition or term of this agreement to be fulfilled, kept, observed or performed;
- any act or omission of the Permittee;
- any damage to property while said property shall be in or about the lands and premises which are the subject matter of this agreement; and
- any injury or any licensee, invitee, agent or employee of the Permittee, including death resulting at any time therefrom occurring in or about the lands and premises which are the subject matter of this agreement, including all costs and all legal fees and all disbursements in connection herewith.

The indemnity shall survive the expiry or sooner termination of this agreement.

BEFORE SIGNING THIS AGREEMENT, READ IT CAREFULLY.

PERMITTEE (Registered Name/Trade Name):

Representative	Signature	Date