



**VILLAGE OF
HARRISON HOT SPRINGS
POLICY**

COUNCIL	POLICY NO. 1.23
TEMPORARY SIDEWALK EXTENSION PROGRAM	DATE ADOPTED: May 9, 2014 AMENDMENTS: June 2, 2014

1. PURPOSE

To establish guidelines and provide direction for the temporary use of municipal sidewalks. The use of a portion of municipal sidewalks may be permitted for occupation at the discretion of the Chief Administrative Officer or his delegate. Each application for a temporary sidewalk extension will be reviewed in conjunction with section 4 Design Guidelines.

The program is designed to create a visual atmosphere and contribute to the promotion of social diversity and vitality in the Village core. Business operators can make application to temporarily occupy additional space to take advantage of the outdoor climate and provide patrons other options for seating and/or for display of retail merchandise.

2. DEFINITIONS

“**Accessory**” means planter, flower box, portable patio heater, umbrella.

“**Sidewalk Café**” means an outdoor patio or sidewalk patio as an ancillary use directly fronting the existing restaurant or Licenced establishment and occupying a portion of municipal sidewalk for the purpose of serving food and beverage in an outdoor setting to seated patrons.

“**Fixture**” means any furniture, landscaping, accessory, perimeter fence or delineator.

“**Merchant Display**” means a rack, a table or a display as an ancillary use directly fronting the existing business and occupying a portion of municipal sidewalk for the purpose of displaying merchandise in an outdoor environment.

“**Temporary**” means lasting or designed to last for a limited time.

3. POLICY

- i. The Temporary Sidewalk Extension Program allows for business operators to temporarily use portions of the municipal sidewalk directly fronting their business for patron seating or for the display of retail merchandise. The municipal sidewalk area must be safely protected and secured to allow accommodation for pedestrian movement. All patio fixtures and merchant display materials must be placed flush to the existing sidewalk.

- ii. Business operators are required to submit a Temporary Sidewalk Extension Application and a non-refundable application fee. If approved, the applicant will be required to enter into a licence of Occupation for temporary use of a portion of municipal sidewalk which includes a security deposit, proof of liability insurance, and Licence fee based on the area of occupation.
- iii. The term of the Licence of Occupation will be for the period of March 1st to October 31st.
- iv. Smoking of any tobacco, electronic cigarette, cigar, cigarillo, pipe or the ignition of any cartridge of nicotine solution, vaporizing system or any substance that replicates a smoking experience in any building, structure, park or public space is prohibited in accordance with the Village's Park Regulation Bylaw.
- v. Applicants are solely responsible at all times, for the security of any and all fixtures and accessories placed in the Licence Area.
- vi. All businesses must have a valid Business Licence.
- vii. Patio or sidewalk signage must be in accordance with the Village's Sign Bylaw.

4. DESIGN GUIDELINES

Design guidelines were developed in conjunction with the Official Community Plan's Lakeshore Development Permit Area Guidelines to ensure consistency throughout the waterfront area along Esplanade Avenue. All sidewalk extension designs must be consistent with the design guidelines described below and should include the following features:

- i. Furniture or fixtures should have a colour scheme complimentary to the adjoining building of which the business occupies, and the existing street landscaping and furniture design.
- ii. The entrance and sidewalk area must not occupy more than one-half the width of the sidewalk abutting the premises and must provide a minimum of 1.8 m of clear, unobstructed sidewalk for pedestrian use and does not include loading zones.
- iii. The entire occupation space cannot exceed the existing building frontage area and any fixtures must not overhang the occupation space.
- iv. Any table and chair furniture must be of durable material, retain a high visual quality and be flush with the sidewalk. All fixtures must be freestanding and may include planters, flower boxes, portable patio heaters and umbrellas.
- v. All perimeter fences or delineators must not exceed a height of 1 m. Perimeter fences must be of acceptable materials, such as permeable glass or wrought iron.

Sidewalk Café

- a. Furniture, landscaping, portable patio heaters, accessories, perimeter fences or delineators may be located on the municipal sidewalk surface in accordance with an approved site plan.
- b. Perimeter fences or other delineators may surround the Licence area and must be used to separate the extension area where alcoholic beverages are being served.
- c. All furniture, fixtures, landscaping, accessories and perimeter fencing or delineators must be removed from the Licenced area of occupation by November 15th of each year. Failure to remove any of the existing fixtures will result in the forfeiture of the security deposit and may compromise any future applications.
- d. Any extensions or amendments to existing seating areas requiring Liquor Control and Licensing Branch approvals will be the responsibility of the business operator.
- e. Furniture, fixtures, landscaping, accessories, perimeter fencing or delineators must not be physically anchored or attached to the municipal sidewalk surface whether on a temporary or permanent basis.
- f. Applicants must ensure they meet the requirements for any off-street parking spaces pursuant to the Village's current Zoning Bylaw.

Merchant Display

- a. Merchandise may be displayed on temporary tables, display or clothing racks on the municipal sidewalk in accordance with an approved site plan.
- b. Racks, tables, displays or merchandise must be removed from the Licenced area at the end of each business day. Failure to remove racks, tables, displays or merchandise may result in the forfeiture of the security deposit and may compromise any future applications.
- c. Racks, tables, displays or merchandise must not be physically anchored or attached to the municipal sidewalk surface whether on a temporary or permanent basis.
- d. No retail merchandise will be permitted to be displayed other than what is permitted under the existing Business Licence.

5. APPLICATION AND FEES

A business operator is required to submit a Temporary Sidewalk Extension Application. The completed application must be accompanied by:

- i. site plan showing the proposed area of occupation, including the identification of any adjacent landscaping, street furniture, parking areas and bus stop locations;
- ii. location of existing infrastructure (e.g. light standards, manholes, etc.)
- iii. description of the proposed use;
- iv. hours of operation;
- v. list of furniture, landscaping, perimeter fences or delineators, merchandise, fixtures and other accessories to be placed in Licence Area;
- vi. Materials and colour proposed to be used for perimeter fences and delineators;
- vii. Applicable Application Fee

All site plans, description of the proposed use, hours of operation, fixtures, merchandise, materials and design must be approved by the Village. Renewals of applications must be made on an annual basis.

6. APPROVALS and CANCELLATION

All sidewalk extension applications must meet the criteria outlined in the policy for approval.

Applications that do not meet the criteria may not be approved.

At any time, the Chief Administrative Officer or his delegate may, without notice, order that any outdoor seating facility or retail merchandise area be vacated, and any fixtures and accessories removed until further notice if the health, safety, welfare of the public of the Village of Harrison Hot Springs is threatened.