



TOWN OF SIDNEY

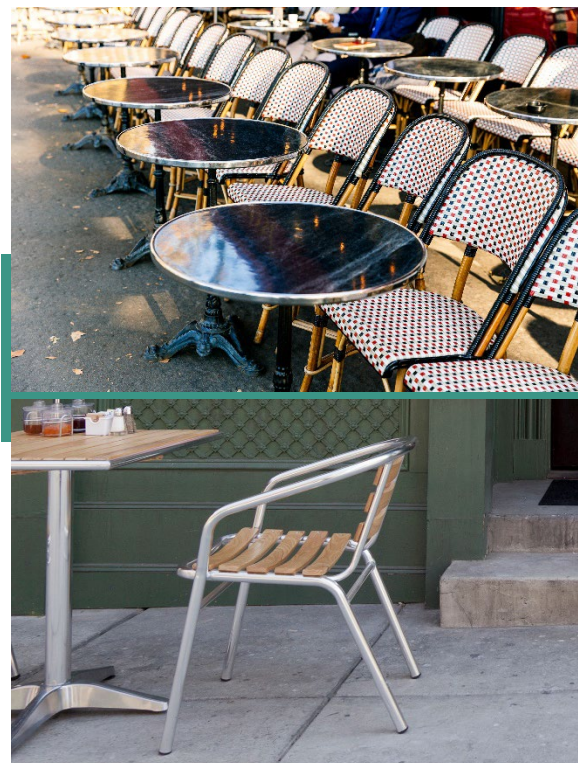
Patio Information Guide for Businesses



Introduction

The Town of Sidney values a thriving commercial area that provides public space for community connections. Patios are encouraged in areas that have sufficient available space, particularly within Sidney's pedestrian-oriented downtown but also welcome in other public places. Hospitality businesses that have a valid business licence may take advantage of the ability to operate a Patio on public property. The current Patio Regulation Bylaw contains regulations on standard operations and maintenance expectations for Patio operators. This bylaw permits the operation of two types of Patios, Simple and Complex, for Food Vending Businesses.

Patios are licenced either seasonally (6 months) or annually, which provides businesses with operational flexibility. This document serves as a general guide to information related to obtaining and operating a Patio space. For specific regulations, please refer to the [Patio Regulation Bylaw No. 2276](#) which can be found on the Town's website.



Left: Examples of simple patios (moveable tables and chairs)



Right: Example of complex patio with barriers and other semi-permanent features

This guide refers to two types of Patios: Simple and Complex. A Simple Patio utilizes moveable furniture or other structures that are removed daily after closing. Alternatively, some businesses may decide to invest in a Complex Patio, to provide their customers with a higher level of comfort and amenities. A Complex Patio could include semi-permanent structures, furniture, or heating fixtures that are not removed daily after

closing. Semi-permanent accessibility features that are not removed daily are permitted for both Simple and Complex Patios.

Guiding Principles

These general guiding principles for Patio operations evolve from the Official Community Plan Goals for public spaces within Sidney.

Serving the Community – The town continues to support the growth and continual improvement of public spaces as places to build community and personal connections. Allowing Patios in these spaces contributes to the social, cultural, and economic health of our growing community.

Form and Character – The small town charm of Sidney is maintained through intentional high-quality placemaking and landscaping, cohesive building elements, intentional design, and thoughtful street furniture. Patios that bridge private and public spaces well can enhance the character of the Town and contribute to pedestrian focused frontages.

Economic Vibrancy – Thoughtfully designed Patios are effective at attracting customers to the business and potentially, neighbouring businesses as a result. Establishments can benefit from increased pedestrian traffic and contribute to the local economy. Patios that incorporate items like weather blocking features provide an enhanced experience and may extend the use of the Patio beyond the summer high season.

Accessibility and Inclusion – Patios should be a welcoming and multi-purpose feature of the town to serve members of the community and enhance business operations. The design of Patios should be conducive to a diverse collection of people being able to use shared public space that suits their needs. Patios should be designed in a way that they can be adapted to support changing needs. Dedicated outdoor seating areas provide a rest area for community members. The town is home to many people with a wide range of mobility. A key principle of Sidney's Accessibility Plan is to design spaces without barriers, rather than retrofit spaces to make accommodations. As such, the Town encourages universal design that considers and encourages safe and accessible, barrier free public spaces for every individual.

Safety – Patios should be designed such that sidewalks and Patios are clearly separated to facilitate the safety of both customers and pedestrians. Patio operations should prioritize the safety of the public and make space for emergency response. Outdoor heating devices help to extend the operating hours of Patios and must be safely operated in accordance with Schedule B of the Patio Regulation Bylaw.

Steps to Obtaining a Licence

1. Read through this guide to get general information and guidance on setting up a Patio. Contact staff at the Town Hall if you have further questions.
2. Determine if you would like to operate a Simple Patio or Complex Patio based on your business goals.
3. Complete the application form and include a sketch of the Patio layout.
4. Pay the appropriate fees as outlined in Schedule A of the Patio Regulation Bylaw.
5. Provide proof of insurance.
6. Once the application is approved, the Town will issue a Patio licence.

Patio Operation Expectations

While operating in a public space, it is expected that Patio operators conduct business in a way that contributes to the continued health and safety of public spaces, and promotes accessibility and inclusivity.

Patio operators are expected to:

- Abide at all times by the Patio Regulation Bylaw, which regulates the operation and maintenance expectations of Patios in public places within the Town.
- Operate according to, but not limited to, the following:
 - Business Licence Bylaw
 - Noise Bylaw
 - Sign Bylaw
 - Liquor and Cannabis Licencing Policy and Fee Bylaw
- Maintain the necessary insurance required to operate the Patio and provide proof of insurance to the Town.
- Maintain the Patio and Patio structures in good working order to ensure the safety of patrons.
- Provide garbage, compost, and recycling facilities on-site so as not to have patrons rely on public garbage receptacles.
- Be prepared to remove, in a timely manner, Patio furniture or other structures to allow for infrastructure, utilities, and environmental improvements.
- Not obstruct or interfere with pedestrian, bicycle, or vehicle traffic.
- Encourage the public use and enjoyment of the public space.
- Only subject the public sidewalk and street to normal levels of wear and usage.

Patio Options and Design Guidelines

Location



Example 1



Example 2

Patio areas and all related furnishings are to be contained within the frontage of the business. The portion of the sidewalk that is designated for a Patio shall be a minimum of 1 metre from the curb because a driving lane, or 0.6 metres where the curb is next to a parking lane. If the Patio is located on Beacon Avenue, it is recommended that a minimum 2.5 metre unobstructed walkway is maintained as shown in Example 1. All other

Patios in public places are recommended to maintain a minimum 2 metre accessible walkway as in Example 2.

Patios located outside of Downtown Sidney may operate in on-street parking spaces but may not result in the loss of accessible parking spaces or loading zones, nor utilize more than two on-street parking spaces per block. Patios will only be permitted in locations that do not permanently obstruct public utilities, service connections, entrances, exits, delivery locations, or emergency access.

Council may decide to permit Patios in alternate locations based on permitted uses and planned activities for the space, for example within a park or around a public facility. These requests are considered on a case-by-case basis.

Where a business would like to operate on a portion of the sidewalk that is fronting another business, the business would need to obtain written permission from the other business owner prior to issuance of a licence.



Design and Furnishing

Patio structures must be safe for public use, should use materials that can withstand various weather conditions, and should generally align with the character of the streetscape. Patios may not contain a roof, awning, pergola, or overhead covering except when the covering has been previously authorized by the Town.

Regardless of whether a business is operating a Simple Patio or Complex Patio, all Patio apparatuses should be fixed in such a way that they can be completely removed with minimal reasonable effort. Patios should be spaced adequately from permanent features of the sidewalk such as bike racks and benches so as not to prevent access. Patios should also be spaced adequately from trees and vegetation in public spaces to protect the health of important greenspace.



Access and Accessibility

Patios are to be furnished and designed such that persons with accessibility challenges can use them. Patios should provide adequate accessibility features, including maneuvering aisles for persons with mobility challenges and wheelchair accessible seating areas.

Accessibility Feature means any structure, object, furniture, or spatial arrangement that improves the accessibility of a Patio to persons with disabilities, and which is consistent with CSA Standard B651-18 Accessible Design for the built environment or with any applicable accessibility standards established under the Accessible British Columbia Act, S.C.B. 2021 c. 19.

Fencing and Perimeter

Fencing is not permitted for Simple Patios. In the case of Complex Patios, fencing, structures, or furniture that create a more permanent enclosure on public land is acceptable, provided it can be completely removed with minimal reasonable effort. Complex Patios may include a fence to define the boundary of the space. Fencing up to 1.2 metres is permitted for a maximum of 25% of the length of the fence, and up to 1 metre for the remaining 75% of the fence. Where a business serves liquor on the Patio, the Liquor and Cannabis Regulation Branch (LCRB) may require that the Patio be fenced.

Protecting the Natural Environment

The business may not prune, cut, damage, or remove any tree in or adjacent to the Patio. Patios can incorporate nearby trees to enhance the amenity space by providing shading and ambiance, provided that the trees are not damaged due to Patio operations.

Heating and Lighting



For Complex Patios, heating devices are permitted provided that the business obtains and maintains the approval from the Fire Department and meets any related requirements. Where a Business intends to use outdoor heating equipment, details about the location, quantity, storage, and fuel storage must be included with the Patio application. Please see Schedule B of the Patio Regulation Bylaw for requirements for operating heating devices on a Patio.

Lighting may be required when the Patio is in operation during the evening. Downcast lighting is required for all fixtures. It is recommended that the Business implement low-energy consumption lighting fixtures in alignment with the Official Community Plan environmental sustainability guidelines. Incorporating good lighting design in Patios enhances the overall ambiance of the streetscape and can generate increased business.

Signage

Signage in the Patio area will be regulated by the Town's Sign Bylaw No. 2058.