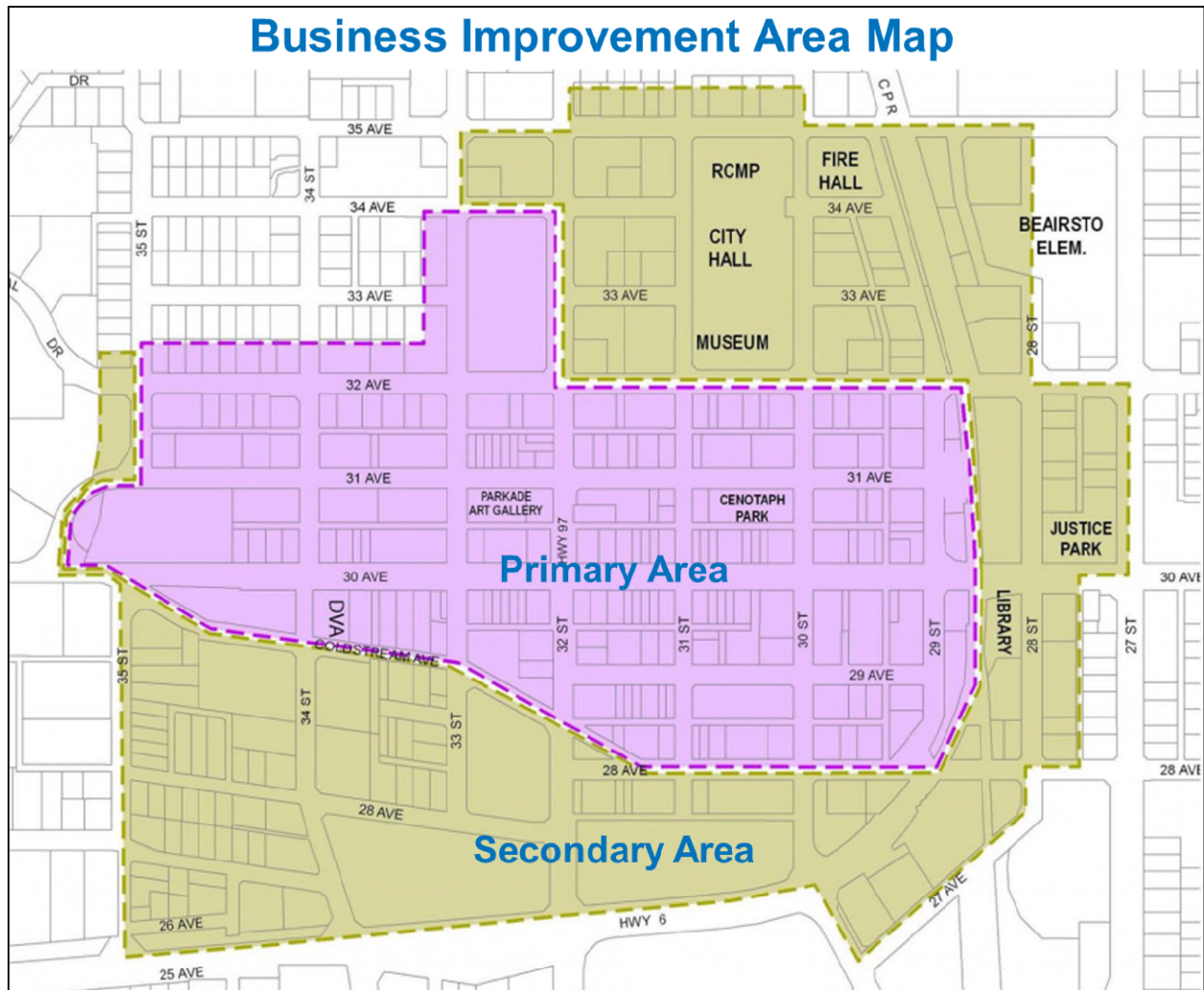


GUIDELINES - COVID-19 Temporary Outdoor Commercial Use in the Public Right of Way (Parking spaces and Sidewalk)

Until October 31, 2022, businesses located within the downtown Business Improvement Area (see map below) will be able to expand commercial uses (such as restaurant seating, retail space and queuing staging areas) into sidewalks. Between March 1 and October 31, 2022, businesses in the BIAs will also be able to use a single on-street parking stall to create a pop-up patio or for retail use. Businesses will be required to follow the guidelines below and to register the use of an on-street parking space by submitting a Licence of Occupation.



1. Temporary outdoor commercial uses shall only be permitted on public right of way (on-street parking spaces and portions of sidewalk / boulevard) for previously approved businesses under an existing valid business license.
2. Temporary outdoor commercial uses may operate no later than October 31, 2022 in on-street parking spaces and in sidewalks / boulevards; however the City may terminate these permissions upon 24 hours' notice.

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3. The business owner is to enter into a License of Occupation (see website) with the City before placing any materials on the public right of way and provide insurance liability of \$5 million in coverage. The owner is responsible for obtaining all other relevant permissions and, including but not limited to, the Liquor Distribution Branch (LDB), Interior Health Authority (IHA), and their landlord, with due consideration of any other occupants / businesses in the same building.
4. The business owner of a temporary outdoor commercial use must ensure that the revised occupancy load with expansion outdoors does not exceed the business' pre-COVID-19 occupancy allowances.
5. The business owner of a temporary outdoor commercial use must prepare a revised emergency plan for the building and the temporary outdoor commercial use evacuation as needed.
6. Wheelchair access must be provided to, and throughout, the temporary outdoor commercial uses as per BC Building Code (Building Access Handbook). In an on-street parking space, this could be achieved by either constructing a platform into the parking space at the same level as the adjacent curb, or by providing a ramp that is at least 0.94m wide and no steeper than 1:12.
7. The business owner of temporary outdoor commercial uses shall mitigate any negative impacts on abutting or nearby residential development; including prioritizing the use of indoor space before utilizing outdoor and parking space.
8. The use of temporary outdoor commercial use shall comply with the City's [Good Neighbour Bylaw # 4980](#). No outdoor speakers or sound systems may be used.
9. The allowed footprint of the temporary outdoor commercial use shall mean:

Sidewalk / Boulevard:

- Length: up to the same length of the sidewalk / boulevard adjacent to the business, but may not block the full width of doors (e.g. whether single door or double door, must not be blocked). Must not extend in front of adjacent tenant spaces, exits, or beyond business frontage; this includes any overhanging elements.
- Width: up to the full width of the available adjacent sidewalk / boulevard, with the exception of a minimum 2.0 m clear aisle for pedestrians on the sidewalk and excluding all multi-use pathways and two-way cycle tracks. Ensure that there is a smooth transition of the 2.0 m clear aisle for pedestrians between adjacent businesses utilizing the sidewalk / boulevard space (Figure 2). No cords are permitted to cross the 2.0 m clear pedestrian aisle.

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On-street parking space:

- Length: one full length of a metered parking space (between two parking meters), or if no parking meter, a length up to 6.0 m. Each business is permitted one on-street parking space.
- Width: 2.0 m measured from the back of curb. If no curb, please contact the City of Vernon for guidance.
- Location:
 - temporary outdoor commercial uses should not encroach into existing loading zones, accessible parking stalls, bus stops, handyDART loading zones, or bike lanes, and must follow Traffic Bylaw #5600 (e.g. may not be located within 5.0 m of a fire hydrant, within 6.0 m of a stop sign, etc).
 - Available on-street parking spaces, particularly metered spaces, may be located adjacent to more than one business. Either business adjacent to the on-street metered parking space may use the space, but it is recommended that they discuss together before registering with the City.

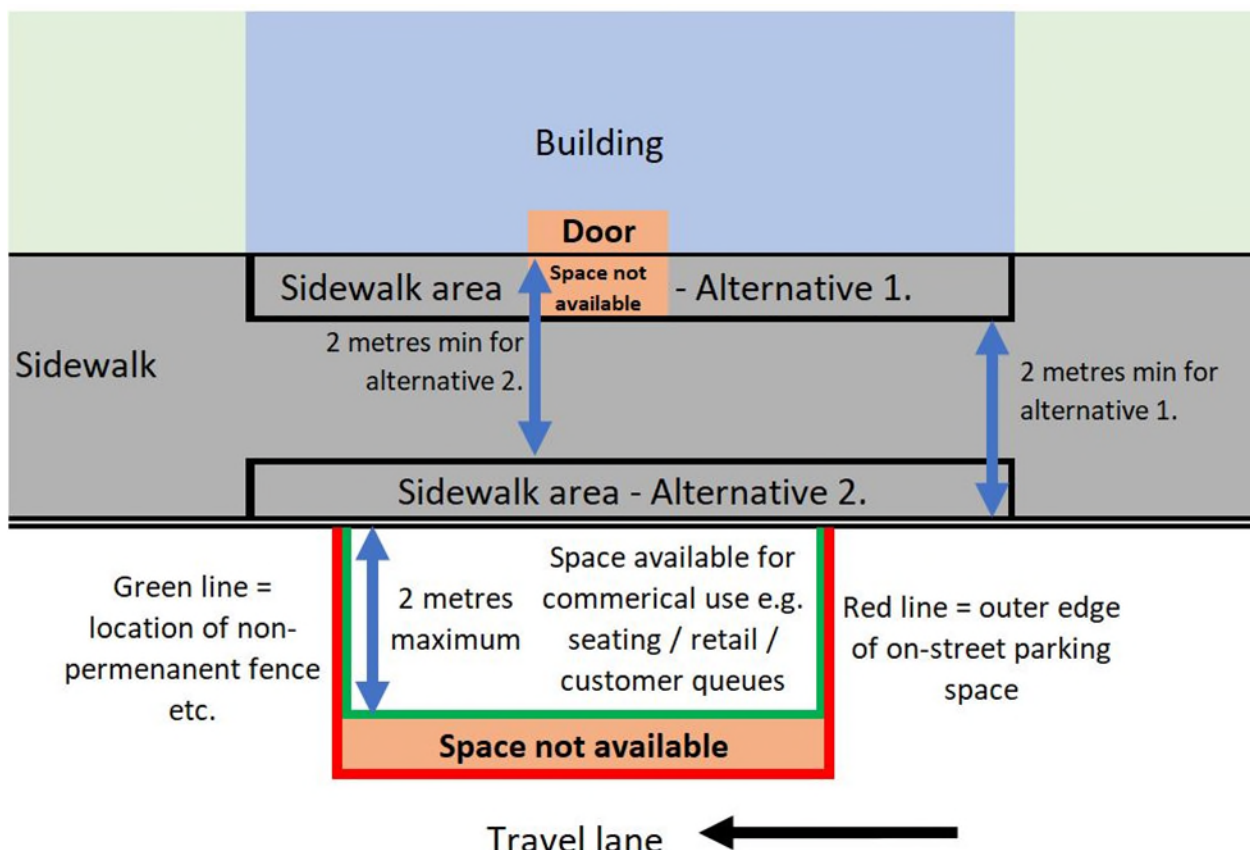


Figure 1: Example of allowed sidewalk / boulevard space and on-street parking space

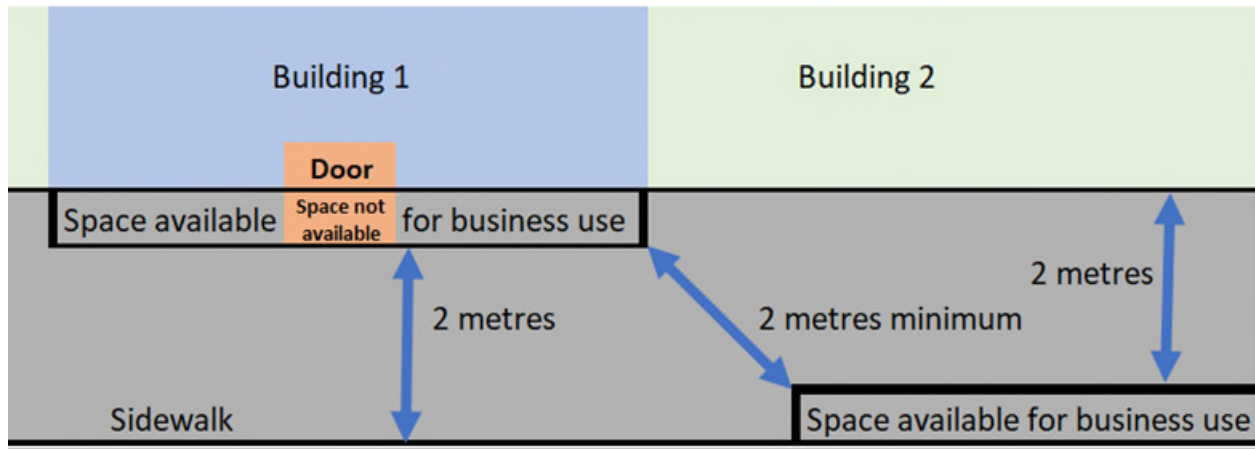


Figure 2: Example of continuous clear 2.0 m aisle for pedestrians

10. The business owner of temporary outdoor commercial use may install only nonpermanent structures (i.e. accessories) that could be moved at any time (e.g. planters, umbrellas, moveable fences, barriers, chairs, tables, etc.). Tents, canopies, shelter structures or stages (other than umbrellas) are not permitted. Accessories must not damage any public property (e.g. no anchoring into pavement, trees, posts, street lights, etc), and must not endanger any underground utilities. Accessories must not interfere with water drainage (e.g. no covering catch-basins, no re-directing the flow of water).
11. Allowed dimensions of accessories include:
 - a. Umbrellas must provide a minimum clearance of 2.1 m.
 - b. Temporary perimeter fencing, planters, or barriers may be 1.0 m to 1.2 m high, except if the temporary perimeter fencing is directly adjacent to a travel lane of traffic, the maximum height may be 1.0 m from the pavement.
 - c. Any exit gates must be at least 0.9 m in clear width, and provided with exit signs where the gate is not clearly visible to patrons. The gate must swing freely outward from the temporary outdoor use during hours of operation but must not open into the travel lane.
 - d. A hazard marker sign must be added to the outside corner of the temporary perimeter fencing, facing traffic, for any temporary outdoor commercial uses in on-street parking spaces. The hazard marker sign (reference WA-36R from the Manual of Uniform Traffic Control Devices for Canada) should face traffic approaching the on-street parking space located such that the bottom edge of the sign is no more than 1.0 m above the pavement.
 - e. Certified electric or propane patio heaters are permitted where located at least 3.0 m away from overhead structures / City tree branches, operated per the manufacturer's directions and not stored on the road right-of-way when not in use. Solid, gel or liquid-fuel fire features are not permitted.

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12. Any advertising on accessories must not exceed 10% of the exposed surface area. Third party advertising is not permitted, with the exception of umbrellas. Any other signage requires a [Sign Permit](#), as per Sign Bylaw #4489.
13. Cooking or food and drink preparation is not permitted in temporary outdoor commercial use space on public right of way.
14. In an emergency maintenance / repair situation, any accessories will be removed by others to allow for the maintenance / repair activities. In a non-emergency maintenance / repair situation, notice will be provided to the applicant to have the accessories removed to allow for the maintenance / repair activities.
15. The fire department connection must be visible and accessible.
16. City crews complete street sweeping two to three times per week downtown during early mornings (e.g. 4am to 7am). Businesses that keep accessories outdoors in an on-street parking space during these times, are asked to sweep within their registered on-street parking space and 3.0 m either side twice per week. Since street sweepers may not be able to access the full on-street parking lane, businesses may see more dust in the downtown than previous summers. Notice will be provided to applicants to have the accessories removed overnight to allow crews to complete a more thorough sweep.
17. The City of Vernon reserves the right to complete spot inspections and investigate complaints as needed to ensure businesses are complying with guidelines.