

ACTIVATE OUTDOOR SPACE



Use Agreement - COVID-19 Temporary Outdoor Commercial Use in Private Space / Parking Lots

Applicant Information

Business Name:	
Business Address:	
Applicant Name: (print)	Daytime Phone No.:
Email Address:	
Building Owners Name: (print)	Daytime Phone No.:
Email Address:	

Declaration:

I hereby declare that the temporary patio at the above noted location will comply with the general requirements outlined on this form and the Provincial Regulations for physical distancing.

I acknowledge the patio is temporary in nature until October 31, 2022, unless otherwise extended by the City, and may be terminated by the City with 24 hours. This registration form does not imply authorization of a permanent patio or imply approval for matters under Provincial jurisdiction. Currently, there are no applicable City fees or charges for temporary patios.

The business owner hereby acknowledges the City is not reviewing the plans and the Business Owner is solely responsible for any issues arising from the use of the outdoor commercial space.

General Requirements

1. Temporary outdoor commercial use is only be permitted on private space for previously approved business under an existing valid business license.
2. Temporary outdoor patios and retail uses under this guideline shall operate no later than October 31, 2022; however the City may terminate these permissions upon 24 hours' notice.
3. The business owner is to sign a User Agreement with the City, and be responsible for obtaining all relevant permissions and insurance coverage, 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 building.
4. The business owner of a temporary outdoor commercial use is to ensure that the revised occupancy load with expansion outdoors does not exceed 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.

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6. On-site parking may be used for temporary outdoor commercial use, except the required loading spaces and number of designated accessible parking stalls, which must remain available for loading and parking use. (Attachment, As per Section 7 in Zoning Bylaw #5000).
7. The side of the temporary outdoor commercial use adjacent to vehicle traffic shall maintain a minimum distance of 1.0 m from the edge of any the adjacent internal travel lane.
8. The business owner of a temporary outdoor commercial use is to ensure that expansion into parking spaces is clearly delineated to motorists. This may include additional wayfinding and traffic signage.
9. The business owner of a temporary outdoor commercial use must ensure there is a clear pathway from the remaining parking area to the business' front doors for emergency access. The pathway must be the same width as the business' front doors.
10. Wheelchair access must be provided to, and throughout, the temporary outdoor patio and/or outdoor retail as per BC Building Code (Building Access Handbook).
11. The business owner of temporary outdoor commercial use shall mitigate any negative impacts on abutting or nearby residential development; including prioritizing the use of indoor space before utilizing outdoor and parking space.
12. The use of temporary outdoor commercial use shall comply with the City's [Good Neighbour Bylaw # 4980](#).
13. The business owner of temporary outdoor commercial use may install only nonpermanent structures that could be moved at any time (e.g. planters, umbrellas, moveable fences, chairs, tables, etc.). 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.
14. Certified electric or propane patio heaters are permitted where located at least 3m (10ft) away from overhead structures / 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.
15. Cooking or food and drink preparation is not permitted on temporary outdoor commercial use.
16. The business owner of a temporary outdoor commercial use shall apply for a [Sign Permit](#) for any additional signage.
17. Throughout the operation of temporary outdoor patios and retail space on private space / parking lots, businesses are expected to monitor their parking needs and adjust accordingly if they find there is significant vehicle spillover into adjacent areas or other complaints. The City may inspect at any time to ensure that the use of private parking spaces does not exceed 25% and has the discretion to require adjustment or removal of the temporary outdoor patios and retail space.

Applicant Signature: _____

Building Owner Signature: _____