

# CITY OF KELOWNA

## BYLAW NO. 11658

### Amendment No. 31 to Traffic Bylaw No. 8120

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The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Traffic Bylaw No. 8120 be amended as follows:

1. THAT **PART 7 – SIDEWALK/ROADWAY OCCUPANCY PERMITS, 7.1 Sidewalk/Roadway Occupancy Permits Excluding Bernard Avenue** be amended by:

- a) Deleting in **Section 7.1.13A Entertainment within Permit Areas** that reads:

“Outdoor entertainment shall be restricted to live music with non-amplified instruments, and shall be permitted only until 11:00 pm on Fridays or Saturdays, or Sundays followed by a statutory holiday, and only until 10:00 pm on all other days.”

And replace with:

“A **patio** may operate from 8am until 11pm daily and must:

- a) adhere to the provisions of the City of Kelowna *Good Neighbor Bylaw*; and
- b) ensure all patrons have vacated the patio by 12am.”

- b) deleting Section 7.1.18 – **Physical Changes to Existing Outdoor Seating Area** be deleted that reads:

“Any **permit** holder proposing physical changes to an existing outdoor seating area must re-apply to the **City**. The re-application must include submission of those items noted in subsection 7.1.3 of this bylaw describing the proposed changes, as well as a \$50.00 **permit** change fee. An updated risk assessment, pursuant to subsection 7.1.3A of this bylaw, and updated proof of insurance pursuant to subsection 7.1.15 of this bylaw, shall be required unless the proposed changes are inconsequential.”

And replace with:

“Any **permit** holder proposing physical changes to an existing outdoor seating area must re-apply to the **City**. The re-application must include submission of those items noted in subsection 7.1.3 of this bylaw describing the proposed changes, as well as the **permit** change fee set out in Schedule A. An updated risk assessment, pursuant to subsection 7.1.3A of this bylaw, and updated proof of insurance pursuant to subsection 7.1.15 of this bylaw, shall be required unless the proposed changes are inconsequential.”

2. AND THAT **PART 7 – SIDEWALK/ROADWAY OCCUPANCY PERMITS, 7.2 Bernard Avenue Sidewalk Program** be amended by deleting any reference to "Bernard Avenue Sidewalk Program" and replace it with "Bernard Avenue, Downtown, Pandosy Village and Uptown Rutland Consolidated Sidewalk Program"
3. AND THAT **SCHEDULE "A" FEES, PART 7 – SIDEWALK/ROADWAY OCCUPANCY PERMITS;** be deleted that reads:

**"PART 7 – SIDEWALK/ROADWAY OCCUPANCY PERMITS**

**Subsection 7.1.2 Application Fee**

**Sidewalk/Roadway Occupancy Permit Application Fee - \$50.00**

Temporary Seating and/or Tables: Temporary Seating and/or Tables: the greater of either the estimated lost parking revenue due to use of a parking space(s) pursuant to the **permit** or \$8.00 plus applicable taxes per square metre of **permit** area used for patron seating, for each month, on a pro rata basis, that the **permit** area is in operation or any structures, furniture, appurtenances, or other items are in place in the **permit** area. Notwithstanding the foregoing, the **permit** fee for new **permits** issued for Lawrence Avenue or Leon Avenue shall be reduced to 50% of the applicable fee for the first year of the **permit**.

**Section 7.1.3 – Security Deposit for Sidewalk/Roadway Occupancy Permit**

**Sidewalk/Roadway Occupancy Permit Security Deposit: \$500.00**

**Subsection 7.2.2 Bernard Avenue Sidewalk Program Permit Fees**

**Bernard Avenue Sidewalk Program Permit Application Fee:**

New Applications (onetime fee) - \$250

Change in Scope - \$150

Existing Permit Holders (up to May 01, 2014)

Renewal Fee (onetime fee) – \$150.00

Change in Scope (after May 01, 2014) - \$150

**Bernard Avenue Sidewalk Program Permit Fees:**

<b>200 - 300 Block</b>	<b>2013 and 2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Small Patio / Limited Scope Retail (Annual Fee)	\$0	\$255	\$510	\$510
*Large Patio / Food only or Large Scope Retail (per square foot per year)	\$0	\$2.16	\$4.32	\$4.32
*Patio - Food and Liquor (per square foot per year)	\$0	\$4.32	\$8.64	\$8.64
<b>400 Block</b>	<b>2013 and 2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Small Patio / Limited Scope Retail (Annual Fee)	\$0	\$0	\$213	\$425
*Large Patio / Food only or Large Scope Retail (per square foot per year)	\$0	\$0	\$1.80	\$3.60
*Patio - Food and Liquor (per square foot per year)	\$0	\$0	\$3.60	\$7.20

<b>500 -550 Block</b>	<b>2013 and 2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Small Patio / Limited Scope Retail (Annual Fee)	\$0	\$0	\$170	\$340
*Large Patio / Food only or Large Scope Retail (per square foot per year)	\$0	\$0	\$1.44	\$2.88
*Patio - Food and Liquor (per square foot per year)	\$0	\$0	\$2.88	\$5.76
<b>560 - 600 Block</b>	<b>2013 and 2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Small Patio / Limited Scope Retail (Annual Fee)	\$0	\$170	\$340	\$340
*Large Patio / Food only or Large Scope Retail (per square foot per year)	\$0	\$1.44	\$2.88	\$2.88
*Patio - Food and Liquor (per square foot per year)	\$0	\$2.88	\$5.76	\$5.76

\* The minimum fee will be the Small Patio annual fee or the cost per square foot per year whichever is greater.

#### **Discount**

For the first year rent is due, the following discounts will apply:

- Patios that are constructed for less than \$2,500 receive \$0 credit.
- Patios that are constructed for more than \$2,500 but less than \$5,000 receive a 50% credit.
- Patios that are constructed for more than \$5,000 receive a 100% credit.

#### **Subsection 7.2.3 Security Deposit for Bernard Avenue Sidewalk Program Permit**

**Bernard Avenue Sidewalk Program Permit Security Deposit: \$500.00**

And replace with:

#### **"PART 7 – SIDEWALK/ROADWAY OCCUPANCY PERMITS**

##### **Subsection 7.1.2 & 7.2.2 Application Fees:**

#### **Sidewalk/Roadway Application & Permit Fees**

New Application	\$300
Change in Scope – Active Permit	\$180
Security Deposit	\$500
Temporary Use Patio Permit/Sandwich Board	N/C

#### **Downtown Area, Bernard Avenue, Pandosy Village and Rutland Town Center Consolidated Sidewalk Program Application Fees:**

New Application	\$300
Change in Scope – Active Permit	\$180
Security Deposit	\$500
Temporary Use Permit/Sandwich Board	N/C

a) **Downtown Area Patio Fees (excluding Bernard Avenue)**

<b>200 Block</b>	<b>2019 - 2023</b>
Small Patio / Limited Scope Retail (Annual Fee)	\$535.50
*Large Patio / Food only or Large Scope Retail (per square foot)	\$4.20/sf
*Large Patio - Food and Liquor (per square foot)	\$8.40/sf

<b>300 – 400 Block</b>	<b>2019 – 2023</b>
Small Patio / Limited Scope Retail (Annual Fee)	\$382.50
*Large Patio / Food only or Large Scope Retail (per square foot)	\$3.00/sf
*Large Patio - Food and Liquor (per square foot)	\$6.00/sf

<b>500 Block</b>	<b>2019 – 2023</b>
Small Patio / Limited Scope Retail (Annual Fee)	\$325.50
*Large Patio / Food only or Large Scope Retail (per square foot)	\$2.55/sf
*Large Patio - Food and Liquor (per square foot)	\$5.10/sf

<b>560 Block</b>	<b>2019 - 2023</b>
Small Patio / Limited Scope Retail (Annual Fee)	\$249
*Large Patio / Food only or Large Scope Retail (per square foot)	\$1.95/sf
*Large Patio - Food and Liquor (per square foot)	\$3.9/sf

\* The minimum fee will be the Small Patio annual fee or the cost per square foot per year whichever is greater.

Discount:

For the first year rent is due, the following discounts will apply:

- Patios that are constructed for less than \$2,500 receive \$0 credit.
- Patios that are constructed for more than \$2,500 but less than \$5,000 receive a 50% credit.
- Patios that are constructed for more than \$5,000 receive a 100% credit.

b. **Bernard Avenue Patio Fees**

<b>Abbott to Water</b>	<b>2019 - 2023</b>
Small Patio / Limited Scope Retail (Annual Fee)	\$714
*Large Patio / Food only or Large Scope Retail (per square foot)	\$5.60/sf
*Large Patio - Food and Liquor (per square foot)	\$11.20/sf

<b>Water to Ellis</b>	<b>2019 - 2023</b>
Small Patio / Limited Scope Retail (Annual Fee)	\$510
*Large Patio / Food only or Large Scope Retail (per square foot)	\$4.00/sf
*Large Patio - Food and Liquor (per square foot)	\$8.00/sf

<b>Ellis to St. Paul</b>	<b>2019 - 2023</b>
Small Patio / Limited Scope Retail (Annual Fee)	\$434
*Large Patio / Food only or Large Scope Retail (per square foot)	\$3.40/sf
*Large Patio - Food and Liquor (per square foot)	\$6.80/sf

<b>St. Paul to Richter</b>	<b>2019 - 2023</b>
Small Patio / Limited Scope Retail (Annual Fee)	\$332
*Large Patio / Food only or Large Scope Retail (per square foot)	\$2.60/sf
*Large Patio - Food and Liquor (per square foot)	\$5.20/sf

\* The minimum fee will be the Small Patio annual fee or the cost per square foot per year whichever is greater.

**Discount:**

For the first year rent is due, the following discounts will apply:

- Patios that are constructed for less than \$2,500 receive \$0 credit.
- Patios that are constructed for more than \$2,500 but less than \$5,000 receive a 50% credit.
- Patios that are constructed for more than \$5,000 receive a 100% credit.

c) **Pandosy Village Patio Fees**

All Areas	2019 - 2023
Small Patio / Limited Scope Retail (Annual Fee)	\$510
*Large Patio / Food only or Large Scope Retail (per square foot)	\$4.00/sf
*Large Patio - Food and Liquor (per square foot)	\$8.00/sf

\* The minimum fee will be the Small Patio annual fee or the cost per square foot per year whichever is greater.

Discount:

For the first year rent is due, the following discounts will apply:

- Patios that are constructed for less than \$2,500 receive \$0 credit.
- Patios that are constructed for more than \$2,500 but less than \$5,000 receive a 50% credit.
- Patios that are constructed for more than \$5,000 receive a 100% credit.

d) **Rutland Town Center Patio Fees**

All Areas	2019 - 2023
Small Patio / Limited Scope Retail (Annual Fee)	\$255.00
*Large Patio / Food only or Large Scope Retail (per square foot)	\$2.00/sf
*Large Patio - Food and Liquor (per square foot)	\$4.00/sf

\* The minimum fee will be the Small Patio annual fee or the cost per square foot per year whichever is greater.

Discount:

For the first year rent is due, the following discounts will apply:

- Patios that are constructed for less than \$2,500 receive \$0 credit.
- Patios that are constructed for more than \$2,500 but less than \$5,000 receive a 50% credit.
- Patios that are constructed for more than \$5,000 receive a 100% credit.

4. This bylaw may be cited for all purposes as "Bylaw No. 11658, being Amendment No. 32 to Traffic Bylaw No. 8120."

5. This bylaw shall come into full force and effect and be binding on all persons as of May 1, 2019.

Read a first, second and third time by the Municipal Council this 15<sup>th</sup> day of April, 2019.

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk