

Application for Development Permit: Form 6C – Sidewalk Café & Pop-Up Patio Application

City of Whitehorse
Zoning Bylaw
2012-20

This program applies to the use of City-owned road right-of-ways by adjacent eating and drinking establishment for the purpose of serving food and drinks to patrons.

Details of proposed location

Address:

Name of Business:

What are you developing?

- Sidewalk Café** (a group of tables, chairs and other accessories situated and maintained on a public sidewalk or boulevard for the consumption of food and beverages sold to the public from an adjoining business)
- Pop-up Patio** (a group of tables, chairs and other accessories situated and maintained on a roadway, which includes the temporary conversion of designated parking stalls located on a roadway for the consumption of food and beverages sold to the public from an adjoining business)

Applicant Checklist – Ensure the following has been included in your application

- Letter of intent (stating the hours of operation, number of tables/chairs, length of season, etc.)
- Form 1A – contact information and owner authorization
- Form 6C – sidewalk cafe & pop-up patio program information table
- Photographs of parent business frontage and proposed permit area
- Plans for ramp or deck, if applicable
- Proof of valid business license
- Proof of public liability insurance, demonstrating coverage of at least \$5,000,000, with the City of Whitehorse named as additional insured (Maximum one page document)
- Application fee of \$350 (instructions for payment will be provided after submission)
- Site plan showing:**
 - The location and dimensions of proposed permit area
 - The location and dimension of passageway free and clear of any obstruction (if the proposed permit area includes a sidewalk)
 - The location and relative distance of any permanent fixtures placed by the City (such as parking meters, street lights, trees, bicycle parking, storm drains, manholes, fire hydrants, etc.)
 - The location of the business entrance and any adjacent business entrances in close proximity, and any fire department connections on or near the building face
 - The number and position of tables and chairs
 - The type of fence or railing, if proposed
 - Any proposed amenities or accessories such as heaters, flower baskets or planters, umbrellas, awnings, tables and chairs, etc.

Please check each box to confirm you understand and agree to the following statements:

- I hereby declare that all the information provided in this application for development and contained in the supporting documents are to the best of my belief true and correct in all respects.
- I have read the conditions (2nd page) and agree to conduct my business in accordance with these conditions.
- I have read and will comply with section 2.10 of the [Lease, Encroachment and Property Use Policy](#).

Signature of Applicant: _____ Print Name: _____ Date : _____

Conditions

Conditions that apply to both sidewalk cafés and pop-up patios:

1. Must be generally adjacent to business frontage
2. Cannot be within 6 m of a stop sign or intersection, or 1.5 m from the edge of a lane or driveway, unless appropriate traffic control measures are in place
3. Cannot block access to an adjacent building or fire department connections, fire hydrants, or utility maintenance features
4. Must provide general liability insurance of \$5,000,000 with City of Whitehorse named as additional insured
5. Advertising cannot be affixed to partitions
6. Design, materials, and colours must complement the parent business's façade
7. Must be wheelchair accessible
8. No permanent modifications are allowed (e.g. no anchoring into asphalt, no removing trees, etc.)
9. If you are installing a deck, ramp or fully enclosed area (with no entrance except through your eating and drinking establishment), you must obtain a building permit, and call for inspection and approval prior to beginning operations. Once you have a development permit, submit the building permit application to adminbuilding@whitehorse.ca or in person at Land and Building Services, 6-151 Industrial Road

Conditions that apply only to pop-up patios:

10. Must be within the pop-up patio district identified in Appendix A of the [Lease, Encroachment and Property Use Policy](#)
11. Cannot occupy more than 3 angle or 2 parallel parking spaces
12. Maximum width of 1.8 m for parallel parking spaces and 4.0 m for angled parking spaces, measured from the curb face
13. Cannot be within 6 metres of a stop sign or intersection unless appropriate traffic control measures are in place
14. Cannot occupy an accessible parking space
15. Must allow adequate space for vehicle access/egress from adjacent parking stalls or and driveways
16. Must have partitions that separate the patio from vehicular traffic along all street sides and pedestrian traffic along the sidewalk side

Conditions that apply only to sidewalk cafés:

17. Minimum 1.6 metres of sidewalk must remain free and clear from obstructions for pedestrian passage
18. Partitions are required if serving alcohol. Partitions shall be designed in accordance with 2.10.8 of Lease, Encroachment and Property Use Policy
19. Decks are not permitted, except to level a significant grade difference or to harmonize indoor/outdoor seating levels

Other things to consider:

- You must obtain a license to serve liquor from the Government of Yukon if you're intending to serve liquor in the sidewalk café or pop-up patio
- A sidewalk café or pop-up patio does not increase your occupancy limit

Once you start operating:

- Insurance must be kept in force at all times
- The permit area must be kept in neat and tidy condition at all times
- Noise during operation should not unreasonably disturb other users or adjacent residents. Noise is regulated by sections 42 and 43 of the Maintenance Bylaw
- Hours of operation shall be same as parent business, except the City may limit operation to no later than 11:00 p.m
- Expiry date of permit will be stated on the development permit
- All modifications made to the permit area must be removed upon end of season/permit expiry