

Town of Truro – Bylaws

Subject:	Sidewalk Café Bylaw
Bylaw Number:	B160-006
Approval Date:	April 1, 2002
Departments:	Planning

For the purpose of this By-law, a sidewalk café is defined as a group of tables and chairs and other accessories situated and maintained upon a public sidewalk or other pedestrian areas for the use and consumption of food and beverages sold to the public from, or in, an adjoining indoor food and beverage establishment.

Approval Requirements

1. No person shall establish a sidewalk café unless a permit (Schedule “G” of the Land Use By-law) has been granted by the Development Officer of the Town of Truro, who may impose such terms and conditions deemed necessary to conform with the guidelines contained herein.

The application shall notify all abutting property owners of the intent to establish a sidewalk café and submit written confirmation of the notification(s) with the application.

Prior to granting an approval, the Development Officer shall refer a completed application to:

- (a) The Heritage Officer, where the installation is located adjacent to a registered heritage property, or within a Heritage District;
- (b) The Traffic Authority of the Town of Truro;
- (c) The Town Engineer of the Town of Truro; and
- (d) The Parking Committee of the Town of Truro.

Upon receiving advice from the above, the Development Officer may refuse to grant approval or impose such terms and conditions as are consistent with the guidelines contained herein.

Other Approvals: Approval for a sidewalk café is contingent upon the approval of the Department of Health, the Fire Marshal, the Liquor Licensing Board (where applicable) and any other regulatory bodies governing the sale of food and/or beverages or the public health.

2. Appeal
An applicant may appeal to Council, the Development Officer’s decision to refuse to grant approval or the terms and conditions of approval imposed.
3. Revocation of Approval
Where a person fails to conform with the terms and conditions of approval, then the Development Officer may order that the sidewalk café be removed from the public

sidewalk on which it is located. If the operator fails to comply with such an order within 24 hours notification, the municipality may take such action needed to have the sidewalk café removed.

4. Permits Required

The operator of a sidewalk café shall apply for and obtain, annually, a conditional development permit (Schedule “G” of the Land Use By-law) prior to commencement and a building permit will be required prior to the installation of barriers, structures and awnings.

5. Application Fee

There shall be an application fee in the amount of \$100.00 per year.

6. Information Requirements

The applicant should submit a site plan, drawn to a minimum scale of ¼ inch to 1 foot, which shows the delineated area of the proposed sidewalk café and proposed location and placement of planters, awnings, tables, chairs, fences and all other accessories in relation to the public sidewalk and to the indoor restaurant associated with it. The plan shall show (within 6 metres (19.7 ft) of the development) the location of utility poles, hydrants, parking meters, shelters, manholes, traffic signs, catch basins, awnings, easements and any other physical or drainage feature of the street or beyond 6 metres (19.7 ft) of any public utility that may be affected by the development.

7. Design

The design of sidewalk café should be consistent with the age and character of the building for which it serves as an accessory use, and where the municipality has established design guidelines for a specific area, these shall be considered in review of applications.

8. Conditions of Approval:

a) Insurance:

The operator of a sidewalk café must carry a minimum of \$2,000,000 liability insurance for the operation of the sidewalk café and must indemnify the Town of Truro safe and harmless from any and all claims of injury to persons or damage to property attributable, in whole or in part, to the existence, location and operation of a sidewalk café in the public right-of-way. Proof of insurance shall be provided before the permit is issued. Such insurance shall require notification of the municipality ten (10) days before cancellation.

b) Accessory Use:

Sidewalk cafes shall be located adjacent to an existing food and beverage establishment and shall be considered an accessory use. Sidewalk cafes shall not extend beyond the frontage of the property containing the primary food or beverage establishment that the sidewalk café is accessory to unless written permission is

obtained from the abutting property owners whose frontage is to be affected by the development.

c) Hours of Operation:

A sidewalk café shall be operated for no longer than the operating hours of the principle use to which it is accessory, and in any event must be closed not later than 12:00 A.M. on any given day.

d) Sidewalk Reservation:

The minimum sidewalk reservation to be incorporated in a sidewalk café design shall be 2.1 metres (7.0 ft) wide. The Development Officer may consider reduction of that reservation where the design of the café leaves sufficient clear space for the safe movement of pedestrians, but in no case shall the sidewalk width be less than 1.5 metres (5.0 ft) wide.

e) Temporary Sidewalks:

Where the sidewalk café extends the width of the existing sidewalk, the operator shall provide temporary sidewalk adjacent of the sidewalk café (see Schedule “C” attached), subject to the approval of the Town Engineer who shall consider street design and infrastructure issues and the Traffic Authority who shall consider traffic movement and pedestrian safety issues. Unless otherwise approved by the Traffic Authority, the transition from sidewalk to temporary boardwalk shall be designed to provide a 2.1 metre (7 foot) wide unobstructed and level pathway for the movement of pedestrians and other sidewalk traffic from the sidewalk to the temporary boardwalk at an angle of no greater than 45°.

f) Fencing:

Sidewalk cafes may be fenced around the perimeter but fences shall not exceed 1 metre (3 ft) in height. Open fencing is preferred to solid fencing, but fabric insert panels may be used. Fencing should incorporate a solid base perimeter to facilitate identification of the barrier by visually impaired individuals. Any fencing located within 6 metres (20 ft) of an intersection shall not obstruct the vehicular view angles as determined by the Traffic Authority.

g) Structures and Awnings:

The installation of structures and awnings requires a development and building permit and shall conform to the requirements of the Building By-law.

h) Umbrellas:

Any umbrellas shall be located entirely within the approved sidewalk café area.

i) Waste and Storage:

The sidewalk café operator shall maintain the sidewalk café area, and the immediately adjacent area, in a clean and safe condition at all times. Waste receptacles and work stations should be located along the building wall. The operator shall also ensure any refuse originating in the café area is removed from the street right-of-way.

- j) Access:
The operator shall maintain a minimum width of 1.1 metres (3 ft 6 in) of unobstructed walkway to the entrance of the building. Barrier free access shall be maintained.
- k) Landscaping:
Landscaping of the sidewalk café is encouraged but should be of a temporary nature unless otherwise approved. Plant material must be contained within the approved sidewalk café area. Unless the Traffic Authority or Town Engineer approve otherwise, the outside corners of the temporary boardwalk shall be framed by planters designed and maintained as shown on Schedule C (2 of 3).
- l) Lighting:
Any lighting of the sidewalk café shall be of a temporary nature and shall not project onto or provide glare on adjacent properties nor conflict with traffic control indicators.
- m) Location:
The sidewalk café shall not extend beyond the frontage of the property containing the use that the sidewalk café is accessory to unless written permission is obtained from the abutting property owners whose frontage is to be affected by the development.
- n) Signs and Advertising:
Any signs or advertising within the sidewalk café area requires a development permit and shall conform to the Land Use By-law.
- o) Sidewalk Café Furnishings:
All tables, chairs and decorative accessories in the sidewalk café should be constructed using weather resistant materials.
- p) Removal of Improvements:
Sidewalk café furnishings, fences, awnings, screens, signs, lighting and other sidewalk café improvements must be removable and not permanently fixed in place. All objects must be contained within the approved sidewalk café area and removed during the off-season or after the sidewalk café ceases operation. The street, sidewalk and municipal property must be restored to its original condition to the satisfaction of the Town Engineer.
- q) Noise:
Music or other entertainment provided for patrons of a sidewalk café shall not create a nuisance to abutting property owners. The Development Officer reserves the right to revoke permits, without reimbursement of fees, where this nuisance occurs. Nuisance may include, but shall not be limited to, police reports of loud, boisterous, or unreasonable noise, offensive language or other disruptive behavior.

r) Utility Access:

The Town of Truro and all public utility agencies retain the right of access to the approved sidewalk café area for the installation, maintenance and repair of pipes, cables, wires, poles, hydrants, etc. as necessary. In case of emergency, no notice may be given. For scheduled work, a minimum notice of forty-eight (48) hours will be normally given. Sidewalk café improvements shall be removed and reinstalled at the sidewalk café operator's expense.

s) Emergency Vehicle Access:

The Town of Truro retains the right of access to the approved sidewalk café for emergency vehicle access.

t) Season:

The months of operation shall be May 1st through October 30th unless otherwise approved.

Schedule A

Town of Truro
APPLICATION FOR SIDEWALK CAFÉ OPERATION
(Schedule G of the Land Use By-law)

Name of Business: _____

Contact Person (Title or Position): _____

Address:

Telephone Number: _____ Fax Number: _____

Email: _____

Address of Property (if different from above): _____

Please attach a dimensional design of the proposed sidewalk café showing compliance with Section 8 of the Sidewalk Café By-law of the Town of Truro.

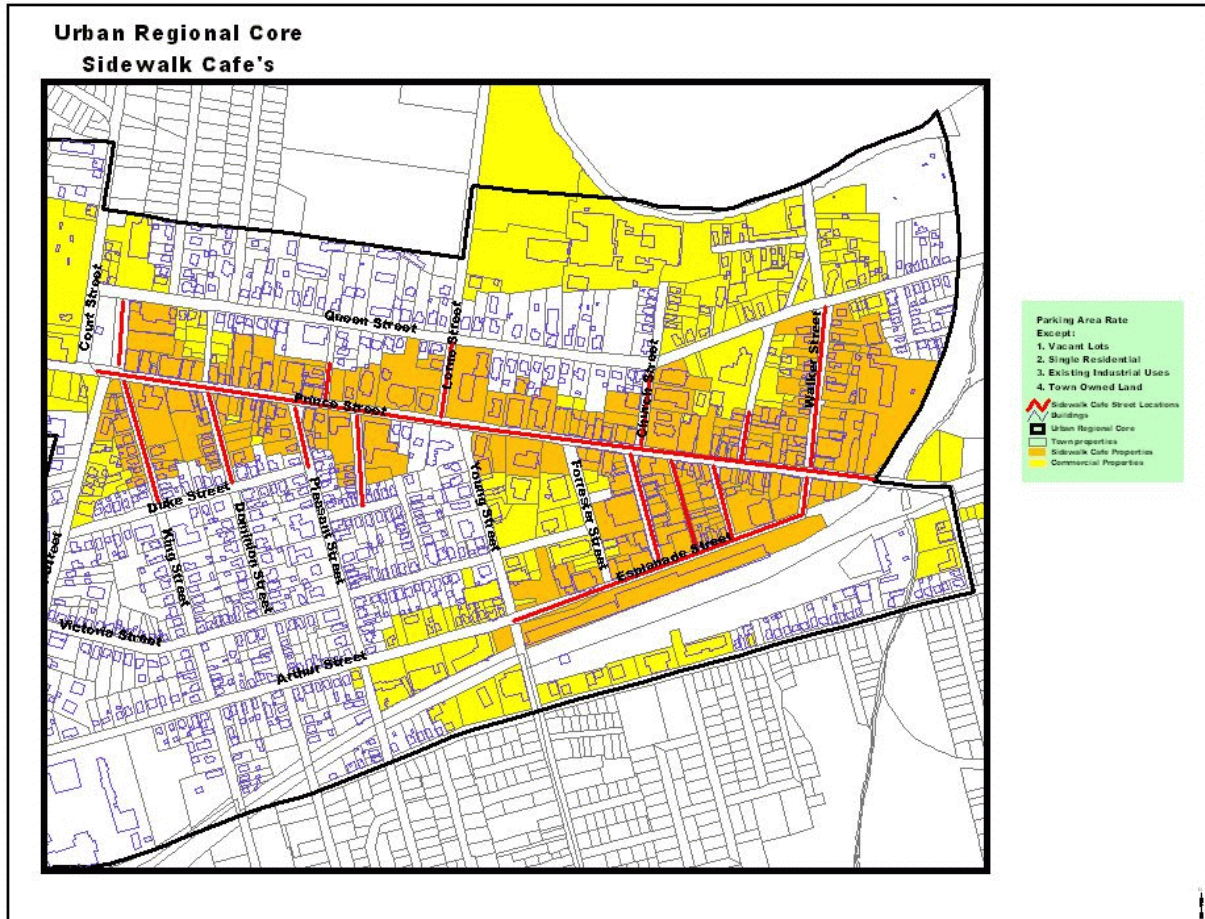
Please attach a copy of the liability insurance naming the Town of Truro as co-insured.

APPROVAL

Conditions (attachments):		
Effective Date:	Ending Date:	Development Officer
Town of Truro Planning and Development Department		

Schedule B

Map of Area

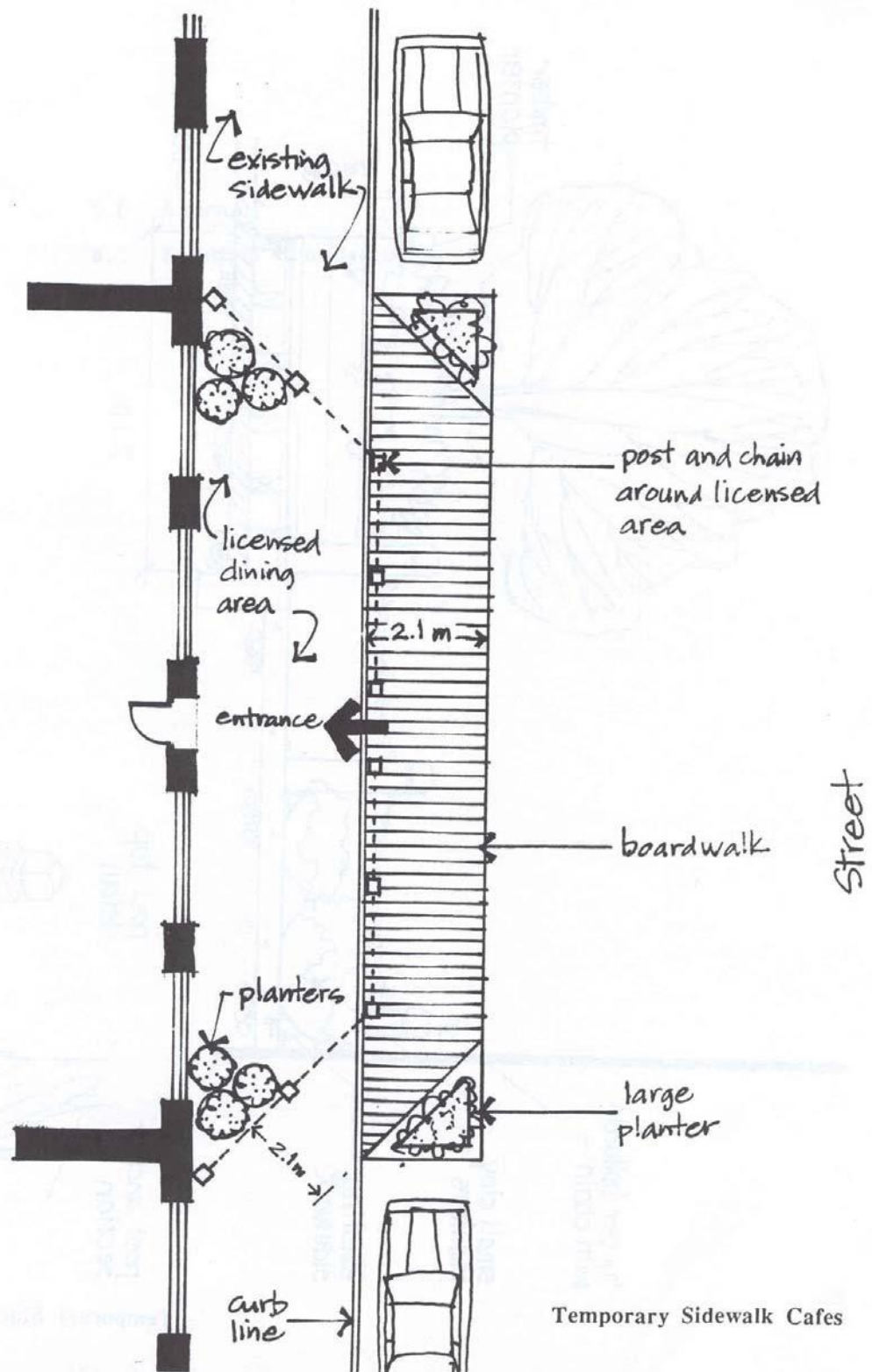


Schedule C (1 of 3)

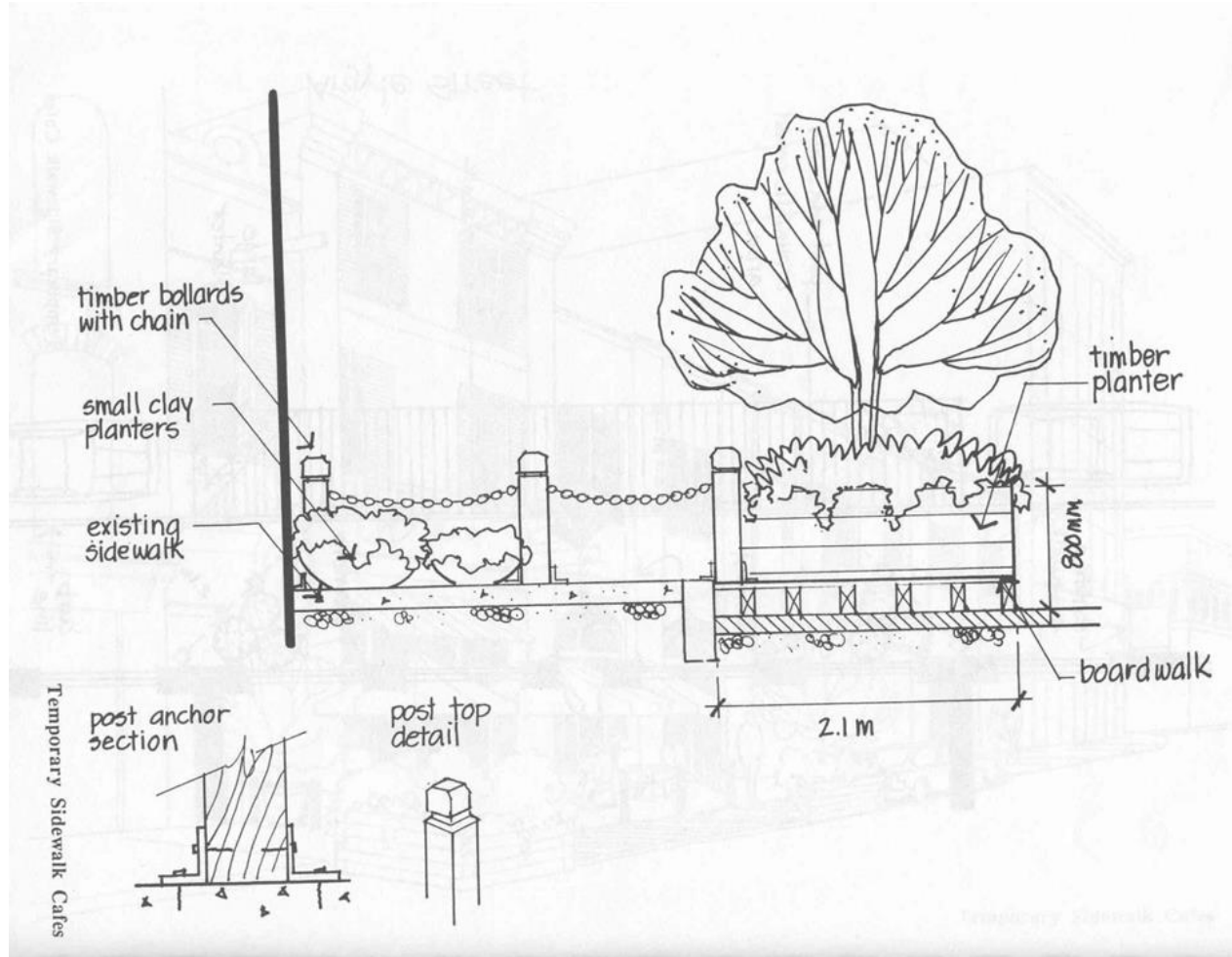


Temporary Sidewalk Cafes

Schedule C (2 of 3)



Schedule C (3 of 3)



Town of Truro
Land Use By-law Amendment
For a Sidewalk Café

Subject to Section 220(4)(k) of the Municipal Government Act, where a Land Use By-law may:

“prescribe the form of an application for a development permit, the content of a development permit, the period of time for which the permit is valid and any provisions for revoking or renewing the permit;”

Amend the Land Use By-law of the Town of Truro to:

Add to Section 3.3(b) directly after “...Schedule “F” the following “or in the case of a sidewalk café Schedule “G” and continue with “of this by-law”.