

	PLANNING SERVICES STANDARD OPERATING PROCEDURE SIDEWALK CAFÉ APPROVAL & APPLICATION REVIEW		S.O.P. #PS012
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1.0 PURPOSE:

To provide a set of standard operating procedures for the review and permitting of sidewalk cafes.

2.0 DEFINITIONS:

- 2.1 Sidewalk Café:** is an area utilized and operate by a private business owner (typically restaurants or taverns) for the outdoor service of food and drink on Town owned property (sidewalk).

3.0 RESPONSIBILITIES

3.1 The permitting and review of sidewalk cafes will be the joint responsibility of Corporate Services, Planning Services & Municipal Services.

3.2 Department Directors/Managers are responsible for the following:

- Corporate Services (CS) is responsible for the intake and review of applications for sidewalk cafes including the required proof of insurance, permitting fee, site plan layout.
- Planning Services (PS) will review the application and site plan for zoning compliance and prepare a report to Council for approval subject to the provisions outline in Section 4.0.
- Municipal Services (MS) will review the site plan to insure that the proposed sidewalk café can be safely accommodated and is in compliance with all accessibility regulations.

4.0 PROCEDURE

4.1 Submission of Sidewalk Café Applications:

Sidewalk Café Season runs from approximately April 15 to the end of October. For first time sidewalk café applications and installation applications must be received a minimum of 60 business days prior to the anticipated start date of the sidewalk cafe in order to undertake the necessary review process, order materials (if applicable) and undertake installation in time for the start of the season.

Renewal applications must be submitted a minimum of 25 business days prior to the preferred start date of the sidewalk café.

Exact installation dates are not to be guaranteed and will be based on staff availability, scheduling and weather.

4.2 Location and Design Consideration:

The following criteria are to be considered as part of the establishment and/or renewal of all sidewalk cafes:

- Impact to parking
- Accessibility
- Proximity of other sidewalk cafes (if two adjoining businesses are proposing sidewalk cafes the Town will require a co-ordinated design and layout to minimize the overall impact)
- Public comment and input
- Operational history and maintenance
- Total number of approved sidewalk cafes

4.3 Review Process for First Time Sidewalk Café Applications:

The following shall apply for the review and approval of all sidewalk café application submit where no previous sidewalk café approval has been granted:

- Applicant's are to be directed to Corporate Services to review the application process.
- If necessary PS and MS should be pre-consulted with the initial plans for the sidewalk café to determine if the proposed location can be safely accommodated prior to proceeding with any new application.
- The details of a complete application should be outlined to the applicant by CS
- Once a complete application is received all required information is to be forwarded to the PS Administrative Assistant to start a file.

- The file is to then be forwarded to the Town Planner for review and circulation to Managers for comment.
- Outside circulations will also include the Downtown Kingsville BIA and Kingsville Accessibility Advisory Committee (KAAC).
- Applications will not proceed to Council until formal comment has been received from both the BIA and KAAC (Note: items must be reviewed at BIA & KAAC formal meetings, e-mail correspondence will not be acceptable).
- A notice of the proposed sidewalk café, including the proposed location and layout, will be provided to all property owners within 60 m of the subject property where the sidewalk café is to be located, a minimum of 14 days prior to the scheduled Council meeting.
- Once all circulations are complete and comments received a report will be prepared for consideration at the next available Council meeting.
- A sidewalk café agreement will be prepared specific to the property outlining the term of the agreement and any associated costs related to the installation and maintenance of the sidewalk café over the term of the agreement.
- All agreements for new sidewalk cafes shall be limited to a one year trial period.

4.4 Review Process for Renewal of Sidewalk Café Approval:

Renewal of sidewalk café approvals and agreements will be subject to the same review process as the new sidewalk café and subject to Council approval with the exception of the following:

- If no issues have been noted during the first year of the sidewalk café and no layout changes are proposed recirculation to the BIA and KAAC will not be required
- Renewal will be for the remaining term of the agreement noted in the initial approval for the sidewalk café.
- Sidewalk cafes will continue to be subject to annual renewal licensing fees and must submit annual proof of liability insurance including the Town of Kingsville as an insured to the satisfaction of the Town.
- Sidewalk café agreements may be subject to change at the discretion of the Town to address safety, location, maintenance and appearance or accessible changes.

5.0 Enforcement & Monitoring

All sidewalk cafés will be subject to the terms of their individual agreements.

6.0 REVISIONS/AMENDMENTS

No.	Date	Revision	Revision By
1	June 26/19	Addition of notice requirements & location criteria	R. Brown