

The background of the slide features a large, stylized 'H' shape. The top-right portion of the 'H' is a dark blue triangle containing the word 'HALIFAX' in white, bold, sans-serif capital letters. The bottom-right portion is a lighter blue triangle. The remaining areas of the 'H' are white.

HALIFAX

Sidewalk Café By-Law

Public Hearing Presentation

October-21-14

Rationale for Change

- Rationalize municipal by-laws (streets | encroachment | vending);
- Allow for year round cafés;
- Promote a set of design/operational criteria that address cleanliness, accessibility and public safety; and
- Provide a balanced schedule of charges for sidewalk cafés.

Cross Jurisdictional Research

- Halifax's proposed by-law reflects best practices from seven other Canadian jurisdictions (Edmonton, Fredericton, Ottawa, Toronto, Vancouver, Wolfville, Windsor).
- Four jurisdictions regulate sidewalk cafés through by-laws.
- Three jurisdictions regulate sidewalk cafés through guidelines.

Unchanged Elements

What hasn't changed...

- Appeals process.
- Accessory use requirement.
- Frontage limitation.
- Siting requirement.
- Emergency access requirement.
- Containment requirement.
- Indemnification requirement.
- Removal for non-compliance.

Changed Elements

What has changed...

- Types of café licenses (Seasonal café with or without enclosure, and Annual café).
- Encroachment/licensing periods.
- Design requirements.
- Operational requirements.
- Approach to compliance.

Encroachment Period

| Café Policy (current) | Café By-Law (proposed) |
|--|---|
| <ul style="list-style-type: none">Starts as early as April 1st until October 31st. | <ul style="list-style-type: none">Seasonal cafés – starts no later than April 15th and ends no later than October 31st.Annual cafés – 12 months (renewable). |

Annual Cafés

Some operators may be eligible...

- Only available in areas where temporary sidewalks in the street are not required;
- Sidewalk width cannot be reduced to less than 2.1 m;
- Must not present risk of harm to the health or safety of the public; or unreasonably interfere with utility/municipal services, municipal works or municipal improvements.
- Although there may be a few exceptions, these types of cafés would generally be limited to pedestrian mall areas (ie. Granville Mall) based on the criteria above.

Fee Structure

| Café Policy (current) | Café By-Law (proposed) |
|---|---|
| <ul style="list-style-type: none">• Permit fee: \$200. | <ul style="list-style-type: none">• Licence fees: Seasonal without enclosure \$250.** Seasonal with enclosure \$800. Annual \$1,400 (\$1,000 renewals). |
| <ul style="list-style-type: none">• Per square foot fee: \$0.50 to \$2.50/season.* | <ul style="list-style-type: none">• No area based fees. |
| <ul style="list-style-type: none">• Cost recovery fees for any removal and reinstallation of parking meters or sign posts | <ul style="list-style-type: none">• Cost recovery fees for any removal and reinstallation of parking meters or sign posts |

* Location-based premium paid by café owner.

** Fee only applies where café owner/operator leaves chairs/tables out overnight

Accessibility

| Café Policy (current) | Café By-Law (proposed) |
|--|---|
| <ul style="list-style-type: none">• Must have at least one walkway to entrance of building that is no less than 1.10 m wide.• Must incorporate solid base perimeter in barrier to facilitate identification by visually impaired individuals. | <ul style="list-style-type: none">• Must comply with CAN/CSA-B651-04 Accessible Design for Built Environment. |

Insurance

| Café Policy (current) | Café By-Law (proposed) |
|--|--|
| <ul style="list-style-type: none">• Without liquor service – \$2 million | <ul style="list-style-type: none">• Without liquor service – \$2 million |
| <ul style="list-style-type: none">• With liquor service – \$2 million | <ul style="list-style-type: none">• With liquor service – \$3 million (as requested) |

Inspection

| Café Policy (current) | Café By-Law |
|--|--|
| <ul style="list-style-type: none">• Transportation & Public Works staff responsible. | <ul style="list-style-type: none">• Planning & Development staff responsible. |
| <ul style="list-style-type: none">• No inspection prior to use. | <ul style="list-style-type: none">• Inspection prior to use. |
| <ul style="list-style-type: none">• Periodic inspections to ensure compliance. | <ul style="list-style-type: none">• Periodic inspections to ensure compliance. |
| <ul style="list-style-type: none">• No mention of above grade cafés. | <ul style="list-style-type: none">• Decks more than 0.6 m above sidewalk grade must be inspected by professional engineer. |

Thank you.