



TOWN OF KENTVILLE POLICY STATEMENT G29 SIDEWALK CAFES

1.0 PURPOSE

The purpose of this policy is to set consistent guidelines under which owners of food establishments (“Owner”) may expand their operation, by providing a seasonal outdoor dining area, and to further add to the vitality of downtown Kentville.

2.0 DEFINITION

For the purpose of this policy, a sidewalk café is defined as a group of tables and chairs, and other accessories belonging to an Owner, situated and maintained upon a public sidewalk or pedestrian mall, for the use and consumption of food and beverages sold to the public, from or in, the Owner’s adjoining indoor food and beverage establishment.

3.0 SCOPE

Accessory Use

Sidewalk cafés shall be located adjacent to an existing food and beverage establishment and shall be considered an accessory use, as per Part 1, Section 1.2 of the Town of Kentville’s Land Use Bylaw.

Hours of Operation

A sidewalk café shall be operated for no longer than the operating hours of the principal use to which it is an accessory, and in any event, must be closed not later than 2 a.m. on any given day.

Sidewalk Use

Where the sidewalk café inhibits free flow of pedestrian traffic, in the opinion of the Town, the Owner shall provide a temporary sidewalk adjacent to the sidewalk café, subject to the approval and specifications of the Town. Consideration will be given for accessibility and for traffic movement and safety based on approval of the Traffic Authority.

Sidewalk cafes shall not extend onto the frontage of abutting property owners, unless written permission is obtained from abutting property owners.

Fencing

Sidewalk café fences shall not exceed 3 feet (1 metre) 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 20 feet (6 metres) of an intersection shall not obstruct the vehicular view angles, as determined by the Town.

Umbrellas

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

Waste and Storage

The sidewalk café Owner 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 Owner shall ensure any refuse originating in the café is removed from the street right-of-way.

Access

The Owner shall maintain a minimum width of 3 feet 6 inches (1.1metres) of unobstructed (barrier free) walkway to the entrance of the building.

Landscaping

Landscaping of the sidewalk café is encouraged, however, this should be of a temporary nature, unless otherwise approved. Plant material must be contained within the approved sidewalk café area.

Lighting

Any lighting of the sidewalk café shall be of a temporary nature and shall not project onto adjacent properties, nor conflict with traffic control indicators.

Sidewalk Café Furnishings

All tables, chairs and decorative accessories in the sidewalk café should be constructed using weather resistant materials.

Removal of Improvements

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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 area approved for the sidewalk café.

(c) All objects must be removed during the off-season or after the sidewalk café ceases operation.

(d) When the operation ceases, the street, sidewalk and municipal property must be restored to its original condition, to the satisfaction of the Engineer.

Noise

Music or other entertainment provided for patrons of a sidewalk café shall not create a nuisance to abutting property owners. The Town reserves the right to revoke permits where this nuisance occurs.

Utility Access

The Town of Kentville and 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, although for scheduled work, a minimum notice of 48 hours will normally be given.

Sidewalk café improvements shall be removed and reinstalled at the sidewalk café's Owner's expense.

Emergency Vehicle Access

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

4.0 PROCEDURES

No Owner shall establish a sidewalk café unless approval has been granted by the Town of Kentville;

Prior to approving any new application, the Town of Kentville will advise adjacent property owners of this proposed sidewalk use and will encourage feedback from them, which in turn, will be considered during the approval process.

An application may be refused, should the guidelines not be met or should complaints from adjacent property owners, the general public, the Kentville Police Services, or other emergency service providers, not be satisfactorily resolved. Notification of this decision will be provided in writing to the applicant, along with those shortcomings identified.

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1. Appeal Process

Should an application be declined, the applicant may appeal in writing, with reasons, to Council for reconsideration of that decision. Council shall deliver a written decision, through its CAO or Clerk within 60 days of receipt of the appeal letter.

2. Revocation of Approval

Where an Owner fails to conform to the terms and conditions of approval, the Town of Kentville may order that the sidewalk café be removed from the public sidewalk on which it is located. If the Owner fails to comply with such an order within 24 hours notification, the Town may take such action needed to have the sidewalk café removed.

3. Permits Required: An Owner must determine from the Town whether the Owner requires permits in association with the sidewalk café. Among others,

A Building Permit may be required prior to the installation of barriers, structures and awnings and these shall conform to the requirements of the Building Bylaw. A Sign Permit may be required for any advertising within the sidewalk café, and this must conform to the Sign Bylaw and the Zoning Bylaw.

4. Rental Fees

There shall be a rental charge for the use of sidewalk café space payable to the Town, at the rate of \$0.50 per square foot (0.0929 square meters) for a term not exceeding May 15 to October 15.

5. Information Requirements

The applicant should submit a site plan, (drawn to the scale of 1 to 60)

This will show the delineated area of the proposed sidewalk café.

It will show the 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 the location of utility poles, hydrants, parking meters, bus shelters, manholes, traffic signs, etc.

6. Design

The design of the sidewalk café should be consistent with the age and character of the building for which it serves as an accessory use. As the Town of Kentville wishes to enhance the beauty of the downtown area with aesthetically pleasing designs and plantings, the inclusion of these items shall be considered in review of all applications.

7. Insurance

The Owner 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 Kentville 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

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public right-of-way.

Proof of insurance shall be provided before the permit is issued.

The Town of Kentville shall be notified 10 days before the cancellation of this insurance.

8. Season

Operation of the sidewalk café shall be from May 15 until October 15, unless otherwise approved.

5.0 ASSOCIATED DOCUMENTS

6.0 POLICY REVISION HISTORY

Date Created:	April 9, 2003
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	January 27, 2014
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