

By-law 2015-109

**A By-law of the City of Greater Sudbury to Amend By-law 2011-218,
being a By-law to Regulate Road Occupancy including Road Cuts,
Temporary Closures and Sidewalk Cafes**

Whereas the Council for the City of Greater Sudbury wishes to amend By-law 2011-218, being a By-law to Regulate Road Occupancy including Road Cuts, Temporary Closures and Sidewalk Cafes to reflect changes approved to the City's Sidewalk Café program;

Now therefore the Council of the City of Greater Sudbury hereby enacts as follows:

Replace 6(1)(h) – Application for Permit for Sidewalk Cafe

1. By-law 2011-218, being a By-law to Regulate Road Occupancy including Road Cuts, Temporary Closures and Sidewalk Cafes as amended, is hereby further amended by repealing paragraph 6(1)(h) and enacting the following paragraph 6(1)(h) in its place and stead:

“6(1)(h) in the case of an application for a Road Occupancy Permit to authorize a sidewalk café also:

- (i) file evidence satisfactory to the General Manager that such person operates a restaurant or other food service establishment adjacent to the proposed location of the sidewalk cafe at the time of the application;
- (ii) file one or more sketches as may be necessary, drawn to scale, showing the:
 - (A) proposed location of the Sidewalk Café;
 - (B) location of the restaurant or other food service establishment operated by the applicant;
 - (C) distance from the proposed location of the sidewalk café to the nearest intersection or lane;
 - (D) width of the sidewalk in the proposed location;
 - (E) any unoccupied portion of the sidewalk which will remain if the application is approved;

- (F) proposed location and dimensions of a pedestrian walkway if the proposed location of the sidewalk café will leave less than a 1.5 metre wide strip of the sidewalk parallel to the occupied portion of the road open for pedestrian movement;
 - (G) particulars of the proposed temporary fence to be erected around the proposed sidewalk café location; and
 - (H) clearance between the sidewalk and any existing or proposed awning;
- (iii) file evidence satisfactory to the General Manager that any awning used or proposed to be used in conjunction with the sidewalk café is retractable;
 - (iv) file a fee for the occupation of the sidewalk calculated in accordance with the Miscellaneous User Fee By-law, instead of the application fee provided for in Paragraph 6(1)(e);
 - (v) where the location of the sidewalk café will leave less than a 1.5 metre wide strip of the sidewalk parallel to the occupied portion of the road open for pedestrian movement, drawings for the design of a proposed pedestrian walkway, to be located in whole or in part on the occupied portion of the road allowance, which drawings:
 - (A) are prepared, signed and sealed by a professional structural engineer licenced to practice in Ontario and otherwise satisfactory to the General Manager;
 - (B) show a 2.4 metre wide pedestrian walkway; and
 - (C) are otherwise satisfactory to the General Manager and
 - (vi) where the location of the sidewalk café will leave less than a 1.5 metre wide strip of the sidewalk parallel to the occupied portion of the road open for pedestrian movement, a Road Occupancy Permit, where required by the General Manager; and
 - (vii) provide such other information, documentation, fees as may be provided for in this By-law or as required by the General Manager to assess the application.”

Replace 9(1)(c) – Refuse to Issue Permit for Sidewalk Cafe

2. By-law 2011-218, being a By-law to Regulate Road Occupancy including Road Cuts, Temporary Closures and Sidewalk Cafes as amended, is hereby further amended by repealing paragraph 9(1)(d) and enacting the following paragraph 9(1)(d) and 9(1)(d-1) in its place and stead:

“9(1)(d) in the case of an application for a Road Occupancy Permit for a sidewalk café unless the proposed location of the sidewalk café:

- (i) is adjacent to and abutting the frontage or flankage of the applicant’s restaurant or food service establishment;
- (ii) is more than 6 metres from an intersection or public laneway;
- (iii) has or will have a portable fence, one metre in height, erected to delineate the area on the sidewalk being used for a café;
- (iv) will leave at least a 1.5 metre wide strip of the sidewalk parallel to the occupied portion of the road open for pedestrian movement or alternatively the General Manager is satisfied with the applicant’s proposal for a pedestrian walkway located in whole or in part on the occupied portion of the road;
- (v) will not require patrons or staff to cross sidewalk traffic; and
- (vi) does not provide for a clearance of at least 2.45 metre between the sidewalk and the overhang of any retractable canopy;

(d-1) in the case of an application for a Road Occupancy Permit for a sidewalk café if the proposed location of the sidewalk café is on Elm Street in the former City of Sudbury and would require a pedestrian walkway to be constructed in whole or in part on the occupied portion of the road.”

Replace 12(2) – Permit Term – Sidewalk Café


3. By-law 2011-218, being a By-law to Regulate Road Occupancy including Road Cuts, Temporary Closures and Sidewalk Cafes as amended, is hereby further amended by repealing paragraph 12(2) and enacting the following paragraph 12(2) in its place and stead:

“12(2) Despite Subsection 12(1), the effective date of a Road Occupancy Permit authorizing a Sidewalk Café shall not be earlier than May 1st in any year or expire later than October 15th in the year in which it is issued.”

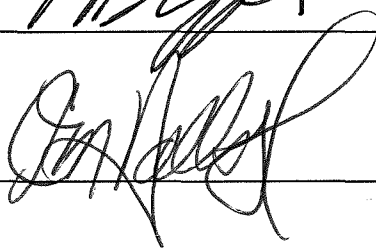
Effective Date

4. This By-law shall come into full force and effect upon passage.

Read and Passed in Open Council this 26th day of May, 2015.



Mayor



Clerk