



Report to Council

Department: Office of the CAO
Division: Legal and Legislative Services
Date: June 20, 2022
Prepared by: Maja Bakalic, Assistant Manager Legal & Licensing
Report Number: Legal and Legislative Services-2022-25
Subject: Sidewalk Patio By-Law 2160
Number of Pages: 4 Including Attachments

Recommendation(s)

That Legal and Legislative Services-2022-25 entitled Sidewalk Patio By-Law prepared by Maja Bakalic, Assistant Manager Legal & Licensing dated June 20, 2022 be received, and

That By-Law Number 2160 Being a By-Law to regulate the use of sidewalk patios within geographical boundaries of the Town of Essex receive a first, a second and a third reading and be finally passed this 20th day of June 2022.

Purpose

This report's purpose is to propose a By-Law to provide Eligible Businesses seasonal access on Municipal property for Sidewalk Patios.

Background and Discussion

The Town currently does not have a sidewalk patio bylaw. In the past when there have been requests to develop or extend a patio onto public lands the matter has been dealt with as a customized request for an Encroachment Agreement with the Town.

During the Covid-19 pandemic the LCBO introduced automatic temporary extensions of a liquor license which extensions did not require formal LCBO application but was only conditional upon the towns approval thereof including approval of the physical extension of the patio itself onto the public sidewalk. In response to this pandemic measure and in order to try to assist local businesses the Town developed a temporary and expedited application process in order to provide for expedited approvals for businesses to develop or extend their outside patios as a pandemic relief measure in 2020 and 2021.

Coming out of this temporary program Town administration felt that it should continue to encourage eligible businesses to develop or extend a patio so as to further assist such businesses recovery from the effects of the pandemic. However, Administration recommends that a permanent by Law with clear and consistent guidelines should be developed for that purpose as opposed to the temporary measures that were put in place during the pandemic.

As a result, Council has before it the proposed Sidewalk Patio By-Law (By-law number 2160).

This By-Law will provide going forward a clear and consistent application process for applications and approvals. In particular the highlights of the proposed by-law are as follows:

- "Eligible Business" means a commercial operation that serves food and beverages;
- "Sidewalk Patio" means a clearly delineated area upon a municipally owned sidewalk, designed for a group of tables and chairs and other accessories for the use and consumption of food and beverages sold to the public from, or in, an Eligible Business;

- A temporary Patio on Town Lands shall be permitted seasonally for the period of April 1st to October 1st;
- The requirements for approvals of Sidewalk Patios will require the Approval Manager to circulate Sidewalk Patio applications to the appropriate Town Departments and/or agencies to determine whether the sidewalk patio design and location is acceptable. As a result of such circulation the Approval Manager may refuse to grant approval or impose such terms and conditions as are consistent with the guidelines contained herein.

Although the temporary provisions have been revoked, it is recommended to continue Sidewalk Patios and further support local businesses in the Town of Essex.

Eligible Business Owners looking to operate a Sidewalk Patio on municipally-owner sidewalks will be able to continue by applying through the Sidewalk Patio By-Law 2160.

Financial Impact

No financial impacts are anticipated at this time.

Consultations

Deputy Clerk, Legal & Legislative Services

Director, Infrastructure Services

Town Planner

Link to Strategic Priorities

- ☐ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☒ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☒ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☒ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.
- ☒ Improve the Town's capacity to meet the ongoing and future service needs of its citizens while ensuring the corporation is resilient in the face of unanticipated changes or disruptions.

Report Approval Details

Document Title:	Sidewalk Patio By-Law - Legal and Legislative Services-2022-25.docx
Attachments:	By-Law 2160
Final Approval Date:	Jun 15, 2022

This report and all of its attachments were approved and signed as outlined below:

A handwritten signature in black ink, appearing to be 'R. Auger', with a long horizontal stroke extending to the right.

**Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk - Jun 15, 2022
- 12:20 PM**

A handwritten signature in black ink, appearing to be 'Doug Sweet', with a stylized 'D' and 'S'.

Doug Sweet, Chief Administrative Officer - Jun 15, 2022 - 1:31 PM