

SIDEWALK CAFÉS REGULATION BYLAW, AMENDMENT BYLAW (NO. 1)

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to add provisions with respect to the regulation of public parklets and update the fees in the *Sidewalk Cafés Regulation Bylaw*.

**Contents**

- 1 Title
- 2 Amendments
- 3 Effective Date

Under its statutory powers, the Council of the City of Victoria, in an open meeting assembled, enacts the following provisions:

**Title**

- 1 This Bylaw may be cited as the "Sidewalk Cafés Regulation Bylaw, Amendment Bylaw (No. 1)".

**Amendments**

- 2 The Sidewalk Cafés Regulation Bylaw (16-038) is amended in the preamble by:
  - (1) repealing the words "replace the Sidewalk Cafés Regulation Bylaw No. 02-075 with an updated bylaw under which the City may authorize" and replacing with "regulate and prohibit";
  - (2) adding the words "and parking spaces" after "sidewalks".
- 3 The Sidewalk Cafés Regulation Bylaw (16-038) is further amended in the table of contents:
  - (1) in Part 2, by inserting the following new section 5 after section 4:
    - "5 Parklets";
  - (2) by renumbering sections 5 through 19 as new sections 6 through 20;
  - (3) in Part 4, by adding the words "or Parklet" after "Sidewalk Café" in newly renumbered sections 10 and 11;
- 4 The Sidewalk Cafés Regulation Bylaw (16-038) is further amended:
  - (1) in section 1, by adding "and Parklets" after "Sidewalk Cafés";
  - (2) in section 2, by:

(a) adding the words “or Parklet” after “Sidewalk Café” to the definition of “Licence”;

(b) adding the following new definition immediately after the definition of “Licence”:

“**Parklet**” means fixtures or structures constructed, placed, or fixed within a designated Roadside area for public use;”;

(c) amending the definition of “Roadside” by repealing the words “and is used for motor vehicle parking or loading purposes when not designated as a café area” and replacing with “that is designated as a parking space or loading zone under the Streets and Traffic Bylaw;”;

(d) repealing the definition of “Roadside Café” and replacing it with the following:

“**Roadside Café**” means fixtures or structures constructed, placed or fixed within a designated Roadside area for seating and serving customers as an extension of an existing food vending establishment;”;

(e) repealing the definition of “Sidewalk Café” and replacing with the following:

“**Sidewalk Café**” means fixtures or structures constructed, placed or fixed within a designated Sidewalk area for seating and serving customers as an extension of an existing food vending establishment;”;

(3) in section 3, by adding the words “or Parklet” after “Sidewalk Café”;

(4) in section 4(1), by deleting the words “on a designated portion of the Sidewalk or Roadside”;

(5) in section 4(2)(a), by deleting the space between “1. 5”;

(6) by adding the following new section after section 4:

**“Parklets**

5 (1) A person may establish, operate and maintain a Parklet if the person

(a) possesses a valid Licence; and

(b) places, constructs, and maintains the Parklet in strict accordance with the terms of the Licence.

(2) No person shall

(a) use a Parklet for commercial purposes, including the sale of goods or service of food or beverages;

(b) charge a fee for the use of a Parklet; or

(c) restrict the free use and enjoyment of a Parklet by the public.”

- (7) by renumbering sections 5 through 19 as 6 through 20;
- (8) in newly renumbered section 6(2), by deleting the words “Sidewalk Café”;
- (9) in newly renumbered section 7(1)(a), by adding the words “or Parklet” after “Sidewalk Café”;
- (10) in newly renumbered section 7(2)(a)(i), by:
  - (a) repealing the words “Application” and “(a)”;
  - (b) repealing the word “fee” and replacing it with “fees”;
- (11) in newly renumbered section 7(2)(a)(iii), by adding the words “if applicable,” prior to “holds”;
- (12) in newly renumbered section 7(2)(b), by adding the words “or Parklet” after “Sidewalk Café”;
- (13) in newly renumbered sections 7(3) and 7(3)(a), (b), (c) and (d), by adding the words “or Parklet” after each occurrence of “Roadside Café”;
- (14) in newly renumbered section 8(1)(a)(ii), by adding the words “or Parklet” after “Sidewalk Café”;
- (15) in newly renumbered sections 8(1)(b) (c) and (d), by adding the words “or Parklet” after each occurrence of “Sidewalk Café”;
- (16) in newly renumbered section 8(1)(e), by:
  - (a) repealing the word “the” prior to “Licence area” and replacing it with “a”;
  - (b) adding the words “Sidewalk Café” prior to “Licence”;
- (17) by adding the following new section 8(f) immediately after newly renumbered section 8(1)(e):
  - “(f) the Applicant must not use a Parklet Licence area for any purpose contrary to section 5(2) of this Bylaw;”
- (18) by renumbering sections 8(1)(e) through to 8(1)(k) accordingly;
- (19) in newly renumbered section 8(1)(h), by adding the words “or Roadside” after each occurrence of “Sidewalk”;
- (20) in newly renumbered section 8(1)(i), by deleting “(g)” after the word “paragraph” and replacing it with “(h)”;
- (21) in newly renumbered section 9(2), by deleting the number “12” and replacing it with “13”;

- (22) in newly renumbered section 10, by adding the words “or Parklet” after “Sidewalk Café” to the heading;
- (23) in newly renumbered section 10(1), by:
  - (a) repealing the words “for a Sidewalk Café”;
  - (b) adding the words “or Roadside” after “Sidewalk”;
- (24) in newly renumbered section 10(2), by adding the words “or Roadside” after “Sidewalk”;
- (25) in newly renumbered section 11 by adding the words “or Parklet” after “Sidewalk Café” to the heading;
- (26) by adding the following new section 11(4) immediately after newly renumbered section 10(3):
  - “(4) No person shall enclose a Parklet with a roof and walls.”
- (27) in newly renumbered sections 13(1)(a), (c), (e), and (f), by adding the words “or Parklet” after “Sidewalk Café”;
- (28) in newly renumbered section 14, by deleting the words “Sidewalk Café”;
- (29) in newly renumbered sections 17(a) and (b), by adding the words “or Parklet” after “Sidewalk Café” .

**5** The Sidewalk Cafés Regulation Bylaw (16-038) is further amended in Schedule A as follows:

- (1) in the heading, by adding “AND PARKLET” after “SIDEWALK CAFÉ”;
- (2) in section 2(a)(ii), by deleting the word “and”;
- (3) in section 2(b), by repealing the words “, the fees set out in s.106(3)(b)(ii) of the Streets and Traffic Bylaw” and replacing with the following:
  - “(i) \$12.40 per square foot in Area 1, as set out in Appendix 1;
  - (ii) \$7.60 per square foot in Area 2, as set out in Appendix 1; and”
- (4) by adding the following new section 2(c) immediately after section 2(b):
  - “(c) for any portion of Roadside used by the Parklet:
    - (i) \$6.20 per square foot in Area 1, as set out in Appendix 1;
    - (ii) \$3.80 per square foot in Area 2, as set out in Appendix 1.”

**6** The Sidewalk Cafés Regulation Bylaw (16-038) is further amended in Appendix 1 by adding the words “and Parklet” after “Sidewalk Café”.

**Effective Date**

**7** This Bylaw comes into force upon adoption.

READ A FIRST TIME the **27<sup>th</sup>** day of **July** 2017.

READ A SECOND TIME the **27<sup>th</sup>** day of **July** 2017.

READ A THIRD TIME the **27<sup>th</sup>** day of **July** 2017.

ADOPTED on the day of 2017.

CITY CLERK

MAYOR