

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER xx-2020

A by-law to amend Zoning By-law 2020 of the City of Burlington to permit temporary Outdoor Patios as a result of the COVID-19 Pandemic recovery efforts.

WHEREAS pursuant to Section 39 of the Planning Act, R.S.O. 1990, c.P.13, as amended, the council of a local municipality may pass a temporary use zoning by-law; and

WHEREAS on July 2, 2020, the Province approved Ontario Regulation 344/20, which amends Ontario Regulation 263/20 to permit restaurants to serve patrons through take-out, drive-through or delivery service or at an outdoor dining area (subject to criteria); and

WHEREAS on July 2, 2020, the Province approved Ontario Regulation 345/20 the effect of which is to exempt by-laws that would authorize the temporary use of land for a restaurant or bar patio under section 39 of the Planning Act from certain procedural requirements under the Planning Act.

NOW THEREFORE the Council of The Corporation of the City of Burlington hereby enacts as follows:

1. That Zoning By-law 2020 is hereby amended as follows:
 - a. Part 1, Section 2.22 as outlined in Schedule 1
2. This By-law shall expire on October 31, 2021 in accordance with Section 39 of the Planning Act.
3. That Burlington By-law 2020.422, A by-law to amend Zoning By-law 2020 of the City of Burlington to permit temporary Outdoor Patios as a result of the COVID-19 Pandemic recovery effort is hereby amended.

ENACTED AND PASSED THIS 2nd day of November, 2020.

Mayor Marianne Meed Ward _____

City Clerk Kevin Arjoon _____

SCHEDULE 1

1. c) The use of temporary structures, tents, temporary Outdoor Patios, trailers or recreational vehicles for human habitation, business, storage of merchandise or other purposes, is prohibited except:
 - vii. Unless expressly prohibited by the Zoning By-law, temporary Outdoor Patios are permitted in association with an existing approved restaurant located in non-residential zones, subject to the following:
 - i. A temporary Outdoor Patio may be located within a required parking area or space, or on an existing internal walkway, sidewalk or other hard surfaced area;
 - ii. Proposed temporary Outdoor Patio or temporary Outdoor Patio expansion must be adjacent to the existing restaurant;
 - iii. The provision of accessible parking and associated walkways shall be maintained at all times;
 - iv. Notwithstanding the definition of Outdoor Patios, patio seating cannot exceed 100% of the capacity of the existing restaurant;
 - v. Temporary Outdoor Patios are not permitted in a required landscape area or landscape buffer;
 - vi. Any recreation and/or entertainment uses are not permitted on temporary Outdoor Patios;
 - vii. Tents of up to 60m² are permitted on temporary outdoor patios;
 - viii. Tents greater than 60m² may be permitted on temporary outdoor patios, in accordance with the Ontario Building Code;
 - ix. Tents within 3m of a building/structure are not permitted;
 - x. This By-law shall expire on October 31, 2021 in accordance with Section 39 of the Planning Act.