

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020.427

A By-law to amend By-law 2020, as amended, to permit temporary outdoor patios through a temporary use by-law with a timeframe to expire on October 31, 2021.

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 in a zoning by-law passed under section 34 of the *Planning Act*, authorize the temporary use of land, buildings or structures for such purpose as set out therein, limited to a period of time not exceeding three years; and

WHEREAS Ontario Regulation 345/20, issued under the *Reopening Ontario Act*, exempts 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*; and

WHEREAS Council of the Corporation of the City of Burlington considers it desirable to enact a temporary use by-law to permit temporary outdoor patios in the City of Burlington in connection with COVID-19 Pandemic recovery efforts and to prescribe regulations for such patios;

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. By adding “outdoor patios” to Subsection (c) in Part 1, Section 2.22 Prohibited Uses to read as follows:

“The use of temporary structures, tents, outdoor patios, trailers or recreational vehicles for human habitation, business, storage of merchandise or other purposes, is prohibited except.”

b. By adding Subsection (vii) in Part 1, Section 2.22 (c) as set out in Schedule 1 to this By-law and applicable city-wide.

2. This By-law shall expire on October 31, 2021 in accordance with Section 39 of the *Planning Act*.
3. That By-laws 2020.422 and 2020.426, being by-laws to amend Zoning By-law 2020, as amended, to permit temporary outdoor patios as a result of the COVID-19 Pandemic recovery efforts are hereby repealed.

ENACTED AND PASSED THIS 3rd day of February 2021.

Mayor Marianne Meed Ward _____

City Clerk Kevin Arjoon _____

SCHEDULE 1

1. Subsection (vii) to Section 2.22 (c)

- vii. Unless expressly prohibited by the Zoning By-law, a temporary Outdoor Patio, including a temporary tent located on an Outdoor Patio, is permitted in association with an existing approved restaurant, subject to the following:
- 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;
 - Proposed temporary Outdoor Patio or temporary Outdoor Patio expansion must be adjacent to the existing restaurant;
 - The provision of accessible parking and associated walkways shall be maintained at all times;
 - Notwithstanding the definition of “Patio, Outdoor”, patio seating cannot exceed 100% of the capacity of the existing restaurant;
 - A temporary Outdoor Patio is not permitted in a required landscape area or landscape buffer;
 - Any recreation and/or entertainment uses are not permitted on a temporary Outdoor Patio;
 - A temporary tent may be used on an Outdoor Patio during the period of time for which this by-law is in effect, provided the temporary tent complies with the Ontario Building Code, and
 - Notwithstanding Part 1, Subsection 2.22 (d) of this by-law, no setback is required from a street line for a temporary tent located on an Outdoor Patio.