

The Corporation of the City of Burlington

City of Burlington By-law 2020.444

A By-law to amend By-law 2020, as amended, to permit entertainment uses on downtown patios through a temporary use by-law with a timeframe not to exceed 3 years
File No.: 560-01 (PL-57-22)

Whereas through Section 39(1) and Section 39(3) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, the council of a local municipality may, in a by-law passed under section 34, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law; and

Whereas the Council of the Corporation of the City of Burlington approved the Recommendation contained in PB-57-22 on July 12, 2022, to amend the City's existing Zoning By-law 2020, as amended, to permit a temporary use by-law to permit entertainment uses on Downtown 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) Part 6 of By-Law 2020, Downtown Mixed-Use Centre Zones, Section 2. DC, DW, DL-A & DL-B and DL-C Permitted Uses, Subsection 2A, Table 6.2.1, be amended by:
 - i. Adding Footnote (f) to Table 6.2.1 for the following uses in the DC Zone: Standard Restaurant, Standard Restaurant with Dance Floor and Fast Food Restaurant;
 - ii. Adding Footnote (f) to Table 6.2.1 for the following uses in the DW Zone: Standard Restaurant, Standard Restaurant with Dance Floor and Fast Food Restaurant;
 - iii. Adding Footnote (f) to Table 6.2.1 for the following uses in the DL-A & DL-B Zone: Standard Restaurant, Standard Restaurant with Dance Floor and Fast Food Restaurant; and
 - iv. Adding Footnote (f) to Table 6.2.1 for the following uses in the DL-C Zone: Standard Restaurant, Standard Restaurant with Dance Floor and Fast Food Restaurant;

b) Part 6 of By-Law 2020, Downtown Mixed-Use Centre Zones, Section 2. Permitted Uses, Subsection 2A, Footnotes to Table 6.2.1, be amended by:

- i. Deleting: “(j) Outdoor patios shall be permitted to have entertainment and/or recreational uses until July 15, 2022 in accordance with the temporary use by-law in effect subject to the following:
 - (i) Outdoor entertainment / recreational uses are permitted between the hours of 12:00 pm to 10:00 pm with the exception of Sundays and holidays when such uses are permitted between the hours of 12:00 pm and 6:00 pm.
 - (ii) Outdoor entertainers are limited to one entity (one group or performer) at a time.
 - (iii) The outdoor entertainment / recreational uses remain subject to all other City by-laws in effect, including the City’s Nuisance and Noise By-law.

Upon expiry of this by-law, entertainment and/or recreational uses will no longer be permitted on outdoor patios.”; and

- ii. Replacing it with: “(f) Outdoor patios shall be permitted to have entertainment uses until July 12, 2025 in accordance with the temporary use by-law in effect subject to the following:
 - (i) Outdoor entertainment uses are permitted between the hours of 12:00 pm to 10:00 pm with the exception of Sundays and holidays when such uses are permitted between the hours of 12:00 pm and 6:00 pm.
 - (ii) Outdoor entertainers are limited to one entity (one group or performer) at a time.
 - (iii) The outdoor entertainment uses remain subject to all other City by-laws in effect, including the City’s Nuisance and Noise By-law.

Upon expiry of this by-law, entertainment uses will no longer be permitted on outdoor patios.”;

- c) Part 6 of By-Law 2020, Downtown Mixed-Use Centre Zones, Section 2. Permitted Uses, Subsection 2B, Footnotes to Table 6.2.2, be amended by:

Deleting: (f) Outdoor patios shall be permitted to have entertainment and/or recreational uses until July 15, 2022 in accordance with the temporary use by-law in effect subject to the following:

- (i) Outdoor entertainment / recreational uses are permitted between the hours of 12:00 pm to 10:00 pm with the exception of Sundays and holidays when such uses are permitted between the hours of 12:00 pm and 6:00 pm.
- (ii) Outdoor entertainers are limited to one entity (one group or performer) at a time.
- (iii) The outdoor entertainment / recreational uses remain subject to all other City by-laws in effect, including the City's Nuisance and Noise By-law.

Upon expiry of this by-law, entertainment and/or recreational uses will no longer be permitted on outdoor patios.”

2. That this By-law shall come into force in accordance with Section 34 of the *Planning Act*.

Enacted and passed this 12th day, of July, 2022

Mayor Marianne Meed Ward _____

City Clerk Kevin Arjoon _____