

## **Appendix A**

### **History of the Pop-up Patio Program and Temporary Patio Program in Burlington**

In 2015, Council approved a pilot program to permit a single pop-up patio at 455 Brant Street through by-law 51-2015 (DID-07-15).

In 2016, the pilot was extended and continued to 2017, permitting a maximum of 10 pop-up patios as well as a modified evaluation criteria and license agreement. By the 2017 season, there were two participating restaurants (370 and 455 Brant St).

By-law 18-2017 was introduced through Report PB-20-17 and was enacted by Council on April 18, 2017 which delegated authority to staff to temporarily restrict the common law right of passage over certain portions of Brant, John and Pine Streets to permit seasonal restaurant patios.

In 2018, Council approved an additional 2-year extension of the pop-up patio program along with modifications to the program (limiting seating and table top heights to ensure sightlines and visibility for traffic and parking), a reduced season, ending in mid-September (from October) as well as the introduction of an alternate design to the traditional on-street pop-up patio which permitted sidewalk patios immediately adjacent to the establishment, and the creation of a “boardwalk” through the on-street parking stall.

On April 20, 2020, Council approved the continuation of the pop-up patio program. Report PL-11-20 recommended that the pop-up patio program move from a pilot project and continue as a regular and recurring program to promote a vibrant and animated downtown.

<https://burlingtonpublishing.escribemeetings.com/filestream.ashx?DocumentId=40941>

### **History of the Temporary Patio Program**

On June 18, 2020, Council passed Temporary Use By-law 2020.421 to permit temporary outdoor patios in response to the COVID-19 pandemic. Also, Council approved the removal of fees and regular processes, including Site Plan Approval and Zoning Clearance Certificate, to make it easier for restaurants to install temporary outdoor patios. Additionally, By-law 39-2020 was passed to delegate authority to temporarily restrict the common law right-of-passage in connection with on-street restaurant patios and other on-street retail uses in Downtown Burlington.

<https://burlingtonpublishing.escribemeetings.com/Meeting.aspx?Id=5b232255-6eac-43bb-a6ac-49f97bcb8bb3&lang=English&Agenda=Agenda&Item=13&Tab=attachments>

On July 28, 2020, Council repealed By-law 2020.421 and passed Temporary Use Bylaw 2020.422 to permit temporary outdoor patios and update the zoning permissions to allow for limited tent structures.

<https://burlingtonpublishing.escribemeetings.com/Meeting.aspx?Id=6cc2a863-2952-45a4-8a84-0f0c140ddbfe&Agenda=Agenda&lang=English&Item=12&Tab=attachments>

On November 2, 2020, Council passed Temporary Use By-law 2020.426 to permit temporary outdoor patios, update and extend the temporary use permissions until October 31, 2021. This allowed restaurants and bars to continue operating their new temporary or expanded existing outdoor patios throughout the winter months of 2020-2021. Also, Council approved the formation of a Winter Patio Task Force to evaluate the feasibility of restaurant patio operations and installation of temporary tents to support outdoor dining throughout the winter season.

<https://burlingtonpublishing.escribemeetings.com/filestream.ashx?DocumentId=43843>

On February 3, 2021, Council repealed By-laws 2020.422 and 2020.426 and passed Temporary Use By-law 2020.427 to permit temporary outdoor patios while making changes to address the restrictive nature of zoning permissions related to the streamlined approval and installation of temporary tents on outdoor patios.

<https://burlingtonpublishing.escribemeetings.com/Meeting.aspx?Id=607afdbf-87ba-4e4c-b86c-8302ef5b4d74&Agenda=Agenda&lang=English&Item=9&Tab=attachments>

On October 19, 2021, Council passed By-law 2020.434 to extend Temporary Use By-law 2020.427 to permit temporary use permissions until April 14, 2022.

<https://burlingtonpublishing.escribemeetings.com/Meeting.aspx?Id=89ffbe9e-e61e-4607-909e-86f03fbde92e&Agenda=Agenda&lang=English&Item=65&Tab=attachment>

On November 23, 2021, Council carried staff directions SD-31-21, SD-32-21, SD-33-21 and SD-34-21 regarding the Future of City of Burlington Outdoor Patio Program, which directed staff to report to Council outlining a plan and process for moving forward with a permanent city-wide outdoor patio program, amongst other matters. Information on these directions can be found under Item 12.3(h):

<https://burlingtonpublishing.escribemeetings.com/Meeting.aspx?Id=81f00a97-875a-47a8-8bdd-78e534f1f725&Agenda=PostMinutes&lang=English&Item=12&Tab=attachments>

On March 1, 2022, Council approved By-law 2020.438, to extend the period of time for which Temporary Use By-law 2020.427 is authorized to permit temporary outdoor patios until January 1, 2023. Additionally, Report PL-08-22 suspended the Pop-Up Patio Program for Downtown Burlington for 2022 and waived the fees and requirements for site plan approval and zoning clearance certificate for temporary outdoor patios and temporary tents (structures) on public lands until October 31, 2022 and on private property until January 1, 2023.

<https://burlingtonpublishing.escribemeetings.com/Meeting.aspx?Id=1b252fb9-7789-4111-b4c6-34130b72797b&Agenda=Merged&lang=English&Item=18&Tab=attachments>

On July 12, 2022, Council approved By-law 2020.444 to extend temporary use permissions until July 12, 2025 to permit entertainment uses on outdoor patios in the downtown.

<https://burlingtonpublishing.escribemeetings.com/Meeting.aspx?Id=43e56eb2-7014-48d9-b446-c926389b0060&Agenda=Merged&lang=English&Item=15&Tab=attachments>