

The Corporation of the City of Burlington

City of Burlington By-law 2020.455

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 March 21, 2026
File No.: 560-01 (PL-06-23)

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, limited to a period of time not exceeding three years; and

Whereas the Council of the Corporation of the City of Burlington approved the Recommendation contained in Report PL-06-23 on March 20, 2023, to amend the City's existing Zoning By-law 2020, as amended, to permit temporary outdoor patios 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) Part 1 of By-law 2020, General Conditions and Provisions, Section 2.22 – PROHIBITED USES, Subsection (c)(vii) be amended by:
 - i. Adding: “A Seasonal Outdoor Patio, including a temporary tent located on a Seasonal Outdoor Patio, is permitted in all zones except where an Outdoor Patio and/or a Seasonal Outdoor Patio is prohibited by this By-law, subject to the following:
 - No seasonal outdoor patio shall be permitted for more than a total of eight months in a calendar year;
 - All structures, appurtenances or physical extensions associated with a seasonal outdoor patio are not permitted for more than a total of eight months in a calendar year;
 - Any seasonal outdoor patio shall not exceed a capacity of 1.11 square metres per person;

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- A seasonal outdoor patio may be located within a required parking area or space, or on an existing internal walkway, sidewalk or other hard surfaced area;
- No seasonal outdoor patio shall be located within an accessible parking space. Vehicular access to any such parking space shall not be impeded by any obstruction associated with a seasonal outdoor patio;
- The provision of accessible parking and associated walkways shall be maintained at all times;
- A seasonal outdoor patio is not permitted in a required landscape area or landscape buffer;
- A seasonal outdoor patio shall not include any recreational or entertainment use or activity, except when located in a DC, DW, DL-A, DL-B or DL-C zone and where footnote (f) to Table 6.2.1 applies;
- A temporary tent may be used on a seasonal outdoor patio during the period 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 a seasonal outdoor patio.”

b) Part 16 of By-law 2020, DEFINITIONS, be amended by:

ii. Inserting a new definition for Patio, Seasonal Outdoor in alphabetical order, to read as follows:

- **“Patio, Seasonal Outdoor** – A temporary outdoor area associated with a permitted restaurant, as well as the following uses:
 - Banquet Hall
 - Community Institution, except those in any residential zone identified in Part 2 – Residential Zones
 - Convenience/Specialty Food Store
 - Convention/Conference Centre

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- Entertainment Establishment
 - Food Processing and Manufacturing
 - Hotel
 - Night Club
 - Recreational Establishment; and
 - Supermarket/Grocery Store
2. This By-law shall expire on March 21, 2026 in accordance with Section 39 of the Planning Act.
3. That By-laws 2020.427 and 2020.438, being By-laws to amend Zoning By-law 2020, as amended, to permit temporary outdoor patios because of the COVID-19 Pandemic recovery efforts are hereby repealed.

ENACTED AND PASSED THIS 21 day of March, 2023.

_____ MAYOR
Marianne Meed Ward

_____ CITY CLERK
Kevin Arjoon