

The Corporation of The City of Burlington

City of Burlington By-law 2020.463

A By-law to amend By-law 2020, as amended for Outdoor Patios.
File No.: 520-08/23 (PL-05-24)

Whereas Section 34(1) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, states that Zoning By-laws may be passed by the councils of local municipalities; and

Whereas the Council of the Corporation of the City of Burlington approved the Recommendations in report PL-05-24 on February 13, 2024, for city-initiated general amendments to Zoning By-law 2020, as amended.

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

1. PART 1 of By-law 2020, as amended, General Conditions and Provisions, Section 2.20, Public Authority is amended by:
 - (i) Adding: excluding subsection (v) “Outdoor Patios”

2. PART 1 of By-law 2020, as amended, General Conditions and Provisions, Section 2.21 Uses Permitted in All Zones, is amended by:
 - (i) Adding:
 - “(v) Outdoor Patio

 - (i) Permitted in association with the following uses, except those in any Residential Zone identified in Part 2 – Residential Zones, and any exception numbers associated with these zones, unless specifically permitted:
 - i. Restaurant use
 - ii. Banquet Hall
 - iii. Convenience/Specialty Food Store
 - iv. Convention/Conference Centre
 - v. Entertainment Establishment
 - vi. Food Processing and Manufacturing
 - vii. Hotel
 - viii. Night Club
 - ix. Recreational Establishment
 - x. Supermarket/Grocery Store
 - xi. Brewery, Distillery, Winery or any use involved in the manufacturing of beer, wine or spirits, as licensed by the Alcohol and Gaming Commission in a GE1, BC1 or BC2 zone; and

- xii. Community Institution
- (ii) An outdoor patio shall be set back at least 10 metres from the DRL, DRM, and URM Zones, any Residential Zone identified in Part 2 – Residential Zones, and any exception numbers associated with these zones, excluding the RO4 and RAL4-493 Zones.
 - (iii) An outdoor patio is not permitted in a side yard or rear yard abutting a DRL, DRM, or URM Zone, any Residential Zone identified in Part 2 – Residential Zones, or any exception numbers associated with these zones, excluding the RO4 and RAL4-493 Zones.
 - (iv) An outdoor patio located at least 1.8 m above grade or on the roof of a building is only permitted in the CR, CE, CC1, DC, DW, DL-A, DL-B, and DL-C zones, and is not permitted on lands abutting a DRL, DRM, or URM Zone, any Residential Zone identified in Part – 2 Residential Zones, or any exception numbers associated with these zones, excluding the RO4 and RAL4-493 Zones.
 - (v) An outdoor patio shall maintain a seating capacity of a minimum of 1.1 square metres per person.
 - (vi) An outdoor patio may not be used to provide any recreational or entertainment use or activity, except when located in a DC, DL-A, DL-B or DL-C Zone and where footnote (f) to Table 6.2.1 applies;
 - (vii) An outdoor patio shall not be located within a required landscape area or landscape buffer, except when located in a MXG, MXC, MXE or MXT(m) Zone.
 - (viii) An outdoor patio shall not be located within an internal walkway, sidewalk, or required parking area or space including accessible parking spaces or associated accessible parking pathways.
 - (ix) Notwithstanding Subsection viii. above, an outdoor patio that is temporary may be located within a required parking area or space, internal walkway, sidewalk, or other hard surfaced area excluding a drive aisle, provided that:
 - i. The outdoor patio, including any structures, appurtenances, or physical extensions, is in place on a seasonal basis only between April 15 to October 31; and
 - ii. The outdoor patio does not occupy or obstruct access to any accessible parking spaces or associated accessible parking pathways; and
 - iii. The outdoor patio located on an internal walkway or sidewalk shall maintain an unobstructed pedestrian clear path with a minimum width of 1.8 metres; and

- iv. Notwithstanding Part 1, Section 2.22, a temporary tent may be used on an outdoor patio.
3. PART 1 of By-law 2020, as amended, General Conditions and Provisions, Section 2.25, Off-Street Parking and Loading Requirements, Table 1.2.6 is amended by:
 - (i) Deleting: “Restaurant: Outdoor Patio”; and
 - (ii) Replacing it with “Outdoor Patio”
4. PART 2 of By-law 2020, as amended, Residential Zones, Section 20.2, Accessory Uses and Regulations, Subsection (a) is amended by:
 - (i) Deleting: “Outdoor, Sidewalk, Terrace Patio”; and
 - (ii) Replacing it with: “Patio, Outdoor subject to Part 1, Section 2.21, Subsection (v)”
5. PART 3 of By-law 2020, as amended, Employment Zones, Section 2, Table 3.2.1 is amended by:
 - (i) Adding: “Outdoor Patio” to the column listing “Uses” under “Service Commercial” and “√(k)” to the corresponding “BC1”, “BC2”, “GE1” and “GE2” column listings.
6. PART 3 of By-law 2020, as amended, Employment Zones, Section 2, Footnote to Table 3.2.1 is amended by:
 - (i) Adding: “(k) Subject to Part 1, Section 2.21, Subsection (v)”
7. PART 4 of By-law 2020, as amended, Commercial Zones, Section 2, Table 4.2.1 is amended by:
 - (i) Deleting: “Terrace Patio”; and
 - (ii) Adding: “Outdoor Patio” to the column listing “Uses” under “Service Commercial” and “√(k)” to the corresponding “CR”, “CE”, “CC1”, “CC2”, “CN1” and “CN2” column listings.
8. PART 4 of By-law 2020, as amended, Commercial Zones, Section 2, Footnote to Table 4.2.1 is amended by:
 - (i) Adding: “(k) Subject to Part 1, Section 2.21, Subsection (v)”

9. PART 4 of By-law 2020, as amended, Commercial Zones, Section 3, Prohibited Uses is amended by:
 - (i) Deleting: “Side Walk Patio”
10. PART 4 of By-law 2020, as amended, Commercial Zones, Section 4.7, Patio - Outdoor is amended by deleting Section 4.7 in its entirety and renumbering the remaining Sections accordingly.
11. PART 4 of By-law 2020, as amended, Commercial Zones, Section 5.11, Patio - Outdoor is amended by deleting Section 5.11 in its entirety and renumbering the remaining Sections accordingly.
12. PART 4 of By-law 2020, as amended, Commercial Zones, Section 6.9, Patio - Outdoor is amended by deleting Section 6.9 in its entirety and renumbering the remaining Sections accordingly.
13. PART 4 of By-law 2020, as amended, Commercial Zones, Section 7.7, Patio – Outdoor is amended by deleting Section 7.7 in its entirety and renumbering the remaining Sections accordingly.
14. PART 5 of By-law 2020, as amended, Mixed Use Corridor Zones, Section 2, Table 5.2.1 is amended by:
 - (i) Adding: “Outdoor Patio” to the column listing “Uses” under “Service Commercial” and “√(s)” to the corresponding “MXG”, “MXC”, “MXE” and “MXT(m)” column listings.
15. PART 5 of By-law 2020, as amended, Mixed Use Corridor Zones, Section 2, Footnotes to Table 5.2.1 is amended by:
 - (i) Adding: “(s) Subject to Part 1, Section 2.21, Subsection (v)”
16. PART 5 of By-law 2020, as amended, Mixed Use Corridor Zones, Section 4.10, Outdoor Patios is amended by deleting Section 4.10 in its entirety and renumbering the remaining Sections accordingly.
17. PART 6 of By-law 2020, as amended, Downtown Mixed-Use Centre Zones, Section 2A, Table 6.2.1 is amended by:
 - (i) Deleting: “Terrace Patio”; and

- (ii) Adding: “Outdoor Patio” to the column listing “Uses (a)” under “Service Commercial” and “√(j)” to the corresponding “DC”, “DW”, “DL-A & DL-B” and “DL-C” column listings.
- 18. PART 6 of By-law 2020, as amended, Downtown Mixed-Use Centre Zones, Section 2A, Footnotes to Table 6.2.1 is amended by:
 - (i) Adding: “(j) Subject to Part 1, Section 2.21, Subsection (v)”
- 19. PART 6 of By-law 2020, as amended, Downtown Mixed-Use Centre Zones, Section 4.9, Outdoor Patios is amended by deleting Section 4.9 in its entirety and renumbering the remaining Sections accordingly.
- 20. PART 7 of By-law 2020, as amended, Uptown Mixed-Use Centre Zones, Section 2, Table 7.2.1 is amended by:
 - (i) Adding: “Outdoor Patio” to the column listing “Uses” under “Service Commercial” and “√(m)” to the corresponding “UCR1”, “UCR2”, “UC”, “UE”, “UCR3”, “URH”, “UMXE” and “UOP” column listings.
- 21. PART 7 of By-law 2020, as amended, Uptown Mixed-Use Centre Zones, Section 2, Footnote to Table 7.2.1 is amended by:
 - (i) Adding: “(m) Subject to Part 1, Section 2.21, Subsection (v)”
- 22. PART 7 of By-law 2020, as amended, Uptown Mixed-Use Centre Zones, Section 4.9, Outdoor Patios is amended by deleting Section 4.9 in its entirety and renumbering the remaining Sections accordingly.
- 23. PART 9 of By-law 2020, as amended, North Aldershot Zones, Section 3, Table 9.3.1 is amended by:
 - (i) Adding: “Outdoor Patio” to the column listing “Uses” and “√(i)” to the corresponding “SNA” and “CNA” column listings.
- 24. PART 9 of By-law 2020, as amended, North Aldershot Zones, Section 3, Footnote to Table 9.3.1 is amended by:
 - (i) Adding: “(i) Subject to Part 1, Section 2.21, Subsection (v)”
- 25. PART 10 of By-law 2020, as amended, Parks and Open Spaces Zones, Section 4.1, Permitted Uses is amended by:

(i) Adding: “Outdoor Patio, subject to Part 1, Section 2.21, Subsection (v)”

26. PART 16 of By-law 2020, as amended, Definitions, is amended by:

(i) Deleting the definition of Patio, Outdoor in its entirety, and replacing it with:

“Patio, Outdoor

An outdoor area which provides tables and seating for patrons to consume food and/or beverages on-site.”

(ii) Deleting the definition of Patio, Sidewalk in its entirety

(iii) Deleting the definition of Patio, Terrace in its entirety

27. That By-law 2020.455, being a By-law to amend Zoning By-law 2020, as amended, to permit temporary seasonal outdoor patios through a temporary use by-law is hereby repealed.

When no notice of appeal is filed pursuant to the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, this By-law shall be deemed to have come into force on the day it was passed.

If one or more appeals are filed pursuant to the provisions of the *Planning Act*, as amended, this By-law does not come into force until all appeals have been finally disposed of, and except for such parts as are repealed or amended in accordance with an order of the Ontario Land Tribunal this By-law shall be deemed to have come into force on the day it was passed.

ENACTED AND PASSED thisday of 2024.

_____MAYOR

_____CITY CLERK

EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.463

By-law 2020.463 amends Parts 1, 2, 3, 4, 5, 6, 7, 9, 10, and 16 of the City's Zoning By-law 2020, as amended, for the purpose of city-initiated general amendments regarding Outdoor Patios.

For further information regarding By-law 2020.463, please contact Nikolas Wensing of the Burlington Community Planning Department at (905) 335-7777, extension 7385.