



COMMUNICATION C2.

ITEM NO. 6

COMMITTEE OF THE WHOLE (2)

April 12, 2022

DATE: April 8, 2022

TO: Mayor and Members of Council

FROM: Gus Michaels, Deputy City Manager, Community Services

**RE: COMMUNICATION – Committee of the Whole (2), April 12, 2022
Item 6, Report No. 19
POST COVID-19 BY-LAW SUPPORT FOR BUSINESSES**

Recommendation

The Deputy City Manager, Community Services recommends:

1. That Staff Recommendation 1 and 2 of the Report be amended to read as follows:
 1. THAT By-Law 094-2020, as amended, being the temporary use by-law to permit Temporary Outdoor Patios, be amended to add “and By-law 001-2021” after “By-law 1-88” to subsections 1(a) and 1(b) and to replace subsection 1(d) with language to provide that the By-law be repealed on January 1, 2023;
 2. THAT City-wide Zoning By-laws 1-88 and 001-2021 be amended to permit temporary Outdoor Patios and the expansion of existing outdoor patios, accessory to existing Eating Establishment Uses for a period to end on January 1, 2023.

Background

Staff are proposing to extend the temporary patio initiative to January 1, 2023. Staff propose to make amendments to: By-law 096-2020, as amended, which sets out eligibility and regulatory requirements; By-law 094-2020, as amended, which amended the City’s Zoning By-law 1-88 by introducing the temporary use for temporary outdoor patios; City-wide Zoning By-law 001-2021 to permit temporary outdoor patios and the expansion of existing outdoor patios; and By-law 095-2020, as amended, which exempts temporary outdoor patios accessory to Eating Establishments and Banquet Halls from Site Plan Control.

With respect to Recommendation 1 of the Report, By-Law 094-2020, as amended, references the City’s enacted zoning By-law 1-88. The revised Recommendation 1 in this communication adds a reference to By-law 001-2021 should this By-law be enacted during the period of this temporary measure.

Currently, Recommendation 2 of the Report recommends public notice and a public hearing to have the matter considered; however, under Ontario Regulation 345/20

under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*, S.O. 2020, c. 17, process and timelines relating to zoning by-law amendments for outdoor patios are currently exempt from sections 39 and subsections 34 (12) to (14.3), (14.5) to (15) and (19) of the *Planning Act*, R.S.O., 1990, c. P. 13, and paragraphs 4 and 5 of subsection 6 (9) of Ontario Regulation 545/06 under that Act. These exemptions under the Regulation are in force until April 27, 2022. As such, Council's decision with respect to these amendments is not subject to the typical notice requirements for zoning by-laws, and any further amendment to By-law 094-2020, as amended, is final and not subject to appeal to the Ontario Land Tribunal. Therefore, public notice and a public hearing are not required for Council to effect the recommended amendments.

For more information, contact Rudi Czekalla-Martinez, Manager, Policy and Business Planning, ext. 8782.

Respectfully submitted by:

A handwritten signature in blue ink, appearing to read "Gus Michaels".

Gus Michaels,
Deputy City Manager, Community Services