

The Corporation of the City of Owen Sound

By-law No. 2020-087

A By-law to amend Zoning By-law No. 2010-078 to authorize temporary restaurant/bar patios as a temporary use of land in the City of Owen Sound (ZBA 32)

WHEREAS section 34 of the *Planning Act*, R.S.O. 1990, c.P.13 (the "Planning Act") permits the council of a local municipality to pass a by-law specifying the use to which lands, buildings or structures may be put, prohibiting uses and regulating construction; and

WHEREAS section 39 of the Planning Act permits the council of a local municipality to pass a by-law under section 34 to authorize the temporary use of land, buildings or structures for specific periods of time; and

WHEREAS on April 12, 2010, the Council of The Corporation of the City of Owen Sound (the 'City') passed Zoning By-law No. 2010-078 to implement the City's Official Plan and to regulate the use of land in the City; and

WHEREAS City Council is desirous of adopting a temporary use by-law, pursuant to section 39 of the Planning Act, for all lands within the City of Owen Sound to authorize temporary restaurant/bar patios; and

WHEREAS such amendment to Zoning By-law No. 2010-078 will maintain the terms and intent of the City of Owen Sound Official Plan; and

WHEREAS Ontario Regulation 345/20 made under the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9 allows that a by-law to authorize the temporary use of land for a restaurant or bar patio under section 39 of the Planning Act is exempt from public engagement procedures required under subsections 34(12) to (14.3), (14.5) to (15) and (19) of the Planning Act and paragraphs 4 and 5 of subsections 6(9) of O. Reg. 545/06 under that Act; and

WHEREAS on July 27, 2020, City Council passed a resolution directing staff to bring forward a by-law to amend Zoning By-law No. 2010-078 to authorize temporary restaurant/bar patios as a temporary use of land in the City, in consideration of staff report CS-20-084;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:


1. For the purposes of erecting a temporary patio with accessory structures, including fencing, furniture, tents, planters, and safety barriers, Zoning By-law 2010-078 is temporarily amended by adding the following provisions:

5.10.1 Temporary Use of Land for Outdoor Patios

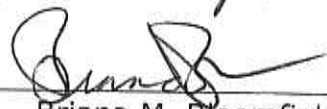
- a. The provisions of this section apply to all lands within the City of Owen Sound.
- b. A temporary patio with accessory structures, including fencing, furniture, tents, planters, and safety barriers, shall be permitted for the purposes of consuming food and drink primarily or as accessory to the following permitted uses:
 - Restaurant
 - Drinking Establishment
 - Community Lifestyle Facility
 - Hotel

- Marina
 - Long Term Care Facility
 - School
 - Day Nursery
 - Any other use where food and drink is sold or offered for consumption.
- c. Notwithstanding the site and building regulations of the subject zone and the provisions of Sec. 5.9 (Accessory Buildings and Structures), the following regulations shall apply:
- i. Minimum Setback from a lane or street line 3.0 m
 - ii. Minimum Setback from an interior lot line 0.9 m
 - iii. Maximum Lot Coverage N/A
 - iv. All other regulations shall apply
- d. Sec. 5.10 (Outdoor Patios) of the Zoning By-law does not apply to temporary patios.
- e. Notwithstanding the provisions of Sec. 5.18.2 and 5.18.3 the following parking provisions shall apply to lands containing a temporary patio:
- i. For temporary patios located on lands within the C1 zone, a temporary patio is permitted to occupy 100 percent of parking provided on site.
 - ii. For temporary patios located on lands in all other zones, a temporary patio is permitted to occupy 15 percent of parking provided on site.
- f. No temporary patio shall be permitted to encumber a required barrier free parking stall or barrier free path of travel.
2. This By-law shall expire on November 1, 2020 pursuant to section 39(2) of the Planning Act.
3. This by-law shall come into full force and effect on the date it is passed at which time all by-laws, policies and resolutions that are inconsistent with the provisions of this by-law are hereby amended or repealed insofar as it is necessary to give effect to the provisions of this by-law.

FINALLY PASSED AND ENACTED this 27th day of July, 2020.



Mayor Ian C. Boddy



Briana M. Bloomfield, City Clerk