

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 4316EF-22**

A BY-LAW TO AMEND ZONING BY-LAW 4316-09, AS AMENDED, PURSUANT TO SECTION 34 AND 39 OF THE *PLANNING ACT*, R.S.O. 1990, c. P.13, AS AMENDED, TO PERMIT THE TEMPORARY USE OF LAND, BUILDINGS OR STRUCTURES WITHIN THE TOWN OF NIAGARA-ON-THE-LAKE.

WHEREAS the Government of Ontario responded to the impacts of the COVID-19 outbreak on the hospitality sector by allowing restaurants and bars to temporarily create or extend outdoor patio spaces to safely accommodate patrons and staff;

AND WHEREAS the Alcohol and Gaming Commission of Ontario (AGCO) allows that businesses may temporarily extend or add a temporary physical extension of their licensed premises until January 1, 2023;

AND WHEREAS the Council for the Corporation of Niagara-on-the-Lake has an approved Temporary Patio Program to support restaurants and bars that allows expansions onto public and private property and requires operators to apply for and receive a permit for such a temporary patio;

AND WHEREAS Town Council has extended the Temporary Patio Program until January 1, 2023;

AND WHEREAS Town Council has directed Staff to provide a recommendation report by December 2022 on the potential continuation of the Temporary Patio Program beyond January 1, 2023;

AND WHEREAS Section 39 of the *Planning Act*, as amended, authorizes Municipal Councils to pass by-laws to permit temporary land uses for specific period of time;

AND WHEREAS *Ontario Regulation 345/20* under the *Emergency Management and Civil Protection Act* exempts a by-law authorizing the temporary use of land for a restaurant or bar patio under section 39 of the *Planning Act* from subsections 34(12) to (14.3), (14.5) to (15) and (19) of that Act and paragraphs 4 and 5 of subsections 6 (9) of *Ontario Regulation 545/06* under that Act;

AND WHEREAS *Ontario Regulation 345/20* will be ending on April 27, 2022 in accordance with the Government of Ontario's lifting of other public health measures associated with COVID-19;

AND WHEREAS this By-law conforms to the Town of Niagara-on-the-Lake Official Plan.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE enacts as follows:

1. The extension of restaurant and bar patios may be permitted onto public and private lands, subject to the Temporary Patio Program requirements, without application of any provisions of Zoning By-law 4316-09, as amended.
2. This Temporary Use By-law applies to all lands within the urban area boundaries (Old Town, Virgil, St. Davids, Queenston and Glendale) of the Town of Niagara-on-the-Lake subject to By-law 4316-09, as amended.
3. This Temporary Use By-law expires on February 28, 2023.

READ A FIRST, SECOND AND THIRD TIME THIS 25TH DAY OF APRIL 2022.

LORD MAYOR BETTY DISERO

TOWN CLERK RALPH WALTON