



NOTICE OF REMOTE ELECTRONIC PUBLIC MEETING

The City's Planning, Building & Development Department is processing a zoning by-law amendment.

**Zoning By-law Amendment – City File AM-2021-003
General Amendments to Zoning By-law No. 79-200
Outdoor Patios and Sidewalk Cafes**

REMOTE ELECTRONIC COUNCIL MEETING

The Province has established rules for public gatherings due to the Covid-19 emergency. As a result, the size of public gatherings is restricted in City facilities to ensure public safety. To address these restrictions, City Council is holding Public Meetings remotely and electronically.

A Remote Electronic Public Meeting of Council has been scheduled for:

Date: Tuesday, March 2nd, 2021

Time: 4:30 PM

**Place: Council Chambers, City Hall, 4310 Queen Street (COUNCIL & LIMITED STAFF ONLY)
Visit niagarafalls.ca to watch the Council Meeting (PUBLIC)**

Any public individual/group interested in making comments on this application or viewing and/or participating in this meeting are encouraged to use the methods noted further below.

PROPOSED AMENDMENT

A temporary use by-law is proposed to permit greater flexibility in establishing outdoor patios and sidewalk cafés as temporary accessory uses operated in conjunction with a business where food or drink is served, sold or offered. The by-law is intended to temporarily allow restaurants, bars and other similar businesses to open and expand outdoor patios and sidewalk cafés to assist in providing a safe environment for patrons once these facilities are permitted to open.

The proposed by-law would permit an outdoor patio or sidewalk café accessory to the following uses in commercial and industrial zones, where such use is currently permitted under the zoning of the property:

- Bake shop
- Beer, wine or liquor store
- Drive-in restaurant
- Hotel
- Place of entertainment
- Private club
- Restaurant
- Winery
- Licensed establishment
- Nightclub
- Adult entertainment parlour

The proposed by-law includes the following regulations and exemptions for outdoor patios and sidewalk cafés:

- Permit temporary accessory structures, including tents and air supported structures, in conjunction with an outdoor patio or sidewalk café;
- Require an Accessible Exterior Path of Travel in accordance with the Accessibility for Ontarians with Disabilities Act;
- Remove restrictions on the maximum allowable capacity of the outdoor patio;
- Exempt an outdoor patio from the parking requirements;
- Permit an outdoor patio to locate within a required parking area, parking lot, parking space or manoeuvring aisle of a use the outdoor patio is accessory thereto, provided such outdoor patio does not block any fire route or emergency access; and
- Require any enclosure, fence, wall or structure erected to contain an outdoor patio or sidewalk café to be removed at the expiration of the proposed by-law.

The by-law is proposed to be in effect until December 31st, 2022.

An outdoor patio or sidewalk café established under this by-law will still be required to meet other applicable requirements of the City and the Province, including, but not limited to, compliance with Noise By-law (No. 2004-105), liquor licensing and licensing of sidewalk cafés.

PLANS & DOCUMENTS

A copy of the proposed bylaw may be viewed at niagarafalls.ca/planning.

HAVE YOUR SAY

Public input on applications is invited. During this time, written comments are the preferred method of receiving public input. Written comments may be sent by mail or email. You can also provide oral input by joining the electronic meeting.

WRITTEN SUBMISSION

Please provide written input, or to request notice of Council's decision, by mailing your comments to the Director of Planning, Building & Development, City Hall, 4310 Queen Street, Niagara Falls, Ontario, L2E 6X5 or send an email to aherlovitch@niagarafalls.ca on or before **March 2nd, 2021**.

ORAL SUBMISSION

To participate in the remote electronic public meeting please pre-register with the City Clerk by sending an email to billmatson@niagarafalls.ca before 4:30 pm on **March 1st, 2021**. All registrants will be provided with instructions on how to use your computer, tablet or phone to participate in the remote electronic public meeting. Registrants will be notified of Council's Decision.

VIEW THE MEETING

The remote electronic Public Meeting can be live-streamed on the City's webpage of the Council Meeting Schedule at niagarafalls.ca/councilvideos on the day of the event. The meeting will also be archived on the same webpage for viewing after the event.

MORE INFORMATION

For more information please contact Andrew Bryce, Manager of Current Planning at (905)356-7521, extension 4246, between the hours of 8:30 a.m. and 4:30 p.m. or by email anytime at abryce@niagarafalls.ca.

A copy of the Planning, Building & Development Department's Recommendation Report on the application will be available at niagarafalls.ca/planning after 4:00 p.m. on February 25th, 2021.

LEGAL NOTICE

Section 34 of the Planning Act

If you disagree with Council's decision on the Zoning By-law Amendment application, you can appeal it to the Local Planning Appeal Tribunal (LPAT). However, if a person or public body would otherwise have an ability to appeal the decision of the City of Niagara Falls to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the City of Niagara Falls before the by-law is passed, the person or public body is not entitled to appeal the decision of the Niagara Falls City Council to the Local Planning Appeal Tribunal.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Niagara Falls in respect to the proposed by-law before the by-law is passed, the person or public may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

If you rent your property to seven (7) or more tenants, please post a copy of this notice in a location on your property which is visible to all of the residents.

Dated at the City of Niagara Falls this 6th day of February, 2021.



Alex Herlovitch, MCIP, RPP
Director of Planning, Building & Development

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CITY OF NIAGARA FALLS

By-law No. 2021 - xx

A by-law to amend By-law No. 79-200, as amended, to provide for the temporary use of lands for outdoor patios and/or sidewalk cafés as an accessory use within certain zones of the City of Niagara Falls.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:

1. That By-law No. 79-200 as amended, is hereby further amended, as follows:
 - 1.1. An outdoor patio or sidewalk café may be permitted as an accessory use to the following:
 - a) Section 8.1.1 - (a) bake shop; and (g) restaurant;
 - b) Section 8.2.1 - (c) bake shop; (k) drive-in restaurant; (p) hotel; (z) place of entertainment; (cc) private club; (gg) restaurant; and (jj) tavern;
 - c) Section 8.4.1 - (c) bake shop; (h) drive-in restaurant; (o) place of entertainment; (q) restaurant; (t) tavern; and (w) beer, wine or liquor store;
 - d) Section 8.5.1 – (d) bake shop; (j) drive-in restaurant; (o) hotel; (x) place of entertainment; (bb) private club; (dd) restaurant; (gg) tavern; (kk) licensed establishment; and (ll) nightclub;
 - e) Section 8.6.1 – (d) bake shop; (f) beer, wine or liquor store; (l) drive-in restaurant; (q) hotel; (w) place of entertainment; (y) private club; and (bb) restaurant;
 - f) Section 11.1.1 – (o) winery; (p) adult entertainment parlour; and (s) brewery;
 - g) Section 11.2.1 – (z) winery; (aa) adult entertainment parlour and (dd) brewery;
 - h) Section 11.3.1 – (oo) winery; and (pp) adult entertainment parlour; and (ss) brewery;
 - i) Section 11.4.1 – (p) winery; (q) adult entertainment parlour; and (s) brewery;
 - j) Section 8.3.1 – (a) Any use, listed in a) to i) inclusive of Section 1.1 of By-law 2021-xx, where such use is lawfully being carried on the date of the passing of By-law No. 79-200 upon such land or in any building or structure erected thereon;
 - k) Section 8.8.1 – (a) Any use, listed in a) to i) inclusive of Section 1.1 of By-law No. 2021-xx, where such use is lawfully being carried on the date of the passing of By-law No. 79-200 upon such land or in any building or structure erected thereon; and

- l) Any use listed in clauses a) to i) inclusive of Section 1.1 of By-law No. 2021-xx, where such use is permitted under a site specific regulation under Section 19.
- 1.2. Section 4, General Provisions, clause 4.13 is hereby amended to add: Temporary accessory structures, including tents and air supported structures, shall be permitted accessory to an outdoor patio and a sidewalk café in any yard for the duration of this by-law, subject to compliance with the Ontario Building Code and all other regulations of By-law No. 79-200.
- 1.3. An outdoor patio or sidewalk café encroaching into the municipal property or road allowance where a municipal sidewalk is present, shall maintain an Accessible Exterior Path of Travel in accordance with Integrated Accessibility Standards of the Accessibility for Ontarians with Disabilities Act.
- 1.4. Section 4, General Provisions, clause 4.25A is hereby amended to add the addition of the following clauses:
- Subclause (a) of Section 4.25A shall not apply for an outdoor patio established or erected for the duration of this by-law.
- Notwithstanding subclause (e) of Section 4.25A, an outdoor patio shall be exempt from the requirements for the provision of parking spaces for the duration of this by-law.
- 1.5. Notwithstanding Section 4.19.1(a), an outdoor patio may be located within a required parking area, parking lot, parking space or maneuvering aisle of a use the outdoor patio is accessory thereto, except an outdoor patio shall not occupy any accessible parking spaces nor shall an outdoor patio or sidewalk café block any fire route or emergency access.
- 1.6. Notwithstanding any other regulation contained in By-law No. 79-200, an enclosure, fence, wall or structure erected to contain an outdoor patio or sidewalk café shall not remain beyond the duration of this by-law. In the case of a conflict with any other agreement, the shortest time period shall apply.
- 1.7. The regulations of Section 4, General Provisions, clause.4.33.2(c) shall not apply regarding the maximum duration a tent or air supported structure may be erected for outdoor patios or sidewalk cafes.
- 1.8. Nothing in By-law No. 2021-xx shall exempt a sidewalk café from any requirement of an agreement to operate such sidewalk café on a municipal property or road allowance right of way granted by the Corporation of the City of Niagara Falls or the Regional Municipality of Niagara.
- 1.9. Notwithstanding the policies of the Corporation regarding fees to occupy municipal property, road allowance or sidewalks, the Director of Planning, Building and Development is hereby authorized to waive the fee with regard to temporary outdoor patios or sidewalk cafes;

- 1.10. Notwithstanding the policies and by-laws of the Corporation, the Director of Municipal Works is hereby authorized to waive the fees associated with Road Occupancy or other permits to facilitate the temporary patio expansions into the municipal roadway or street right-of-way.

The provisions of the by-law shall expire on December 31, 2022.

Read a First, Second and Third time; passed, signed and sealed in open Council this 2nd day of March, 2021.

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WILLIAM G. MATSON, CITY CLERK

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JAMES M. DIODATI, MAYOR

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