

**THE CORPORATION  
OF THE  
TOWN OF NIAGARA-ON-THE-LAKE  
BY-LAW NO. 4316EG(2)-24**

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 municipalities approve temporary outdoor extensions of licensed premises as of January 1, 2023 for a period of up to 8 months;

**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 passed Temporary Use By-law 4316EG(1)-23 on February 28, 2023 to allow the Temporary Patio Program to operate without application of any Zoning By-law provisions;

**AND WHEREAS** Temporary Use By-law 4316EG(1)-23 expires on February 28, 2024;

**AND WHEREAS** Town Council has extended the Temporary Patio Program for the 2024 season;

**AND WHEREAS** Town Council has directed Staff to prepare a Seasonal Patio Program;

**AND WHEREAS** Town Council has directed Staff to extend the Temporary Use By-law until February 28, 2025;

**AND WHEREAS** Section 39 of the *Planning Act*, as amended, authorizes Municipal Councils to pass by-laws to permit temporary land uses for a specific period of time and to extend such By-laws for further periods of not more than three years each;

**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 permit requirements, for a maximum of 8 months, without application of any provisions of Zoning By-law 4316-09, as amended.
2. Upon expiration of a permit issued under the Temporary Patio Program, the land owner/patio operator will be required to remove the patio from the public and/or private lands.
3. 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.
4. This Temporary Use By-law expires on February 28, 2025.

READ A FIRST, SECOND AND THIRD TIME THIS 27TH DAY OF FEBRUARY 2024.

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LORD MAYOR GARY ZALEPA

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TOWN CLERK GRANT BIVOL