

Attachment-2 Temporary Outdoor Patio Resolutions

WHEREAS the ongoing COVID-19 pandemic continues to evolve and is causing significant economic effects across the world and locally in Guelph; and

AND WHEREAS on March 17, 2020, an emergency related to the COVID-19 outbreak was declared in the whole of the Province of Ontario, pursuant to Section 7.0.1 of the *Emergency Management and Civil Protection Act*, as set out in Order in Council 518/2020 (“Provincial Declaration”);

AND WHEREAS on March 26, 2020 Head of Council Mayor Cam Guthrie declared a local state of emergency within the City of Guelph pursuant to section 4(1) of the *Emergency Management and Civil Protection Act*;

AND WHEREAS pursuant to the Provincial Declaration, restaurants, bars, cafes and other food service establishments have been significantly limited in their operations, which has resulted in substantial local economic impacts; and

AND WHEREAS effective June 12, 2020 at 12:01 am, pursuant to Directives issued under the Provincial Declaration, parts of the Province of Ontario including Guelph and Wellington County will be permitted to offer outdoor dine-in services at restaurants, bars and other establishments, specifically including patios, curbside, parking lots and adjacent properties, while remaining prohibited from seating patrons indoors and remaining subject to physical distancing requirements as prescribed by provincial and local public health authorities;

AND WHEREAS in conjunction with the Provincial Directives, certain Provincial regulations have been amended to permit, on a time-limited basis, the service of alcohol on temporary patio premises including those established in private parking lots and other adjacent outdoor spaces;

AND WHEREAS the City’s Zoning By-law (1995)-14864 regulates outdoor commercial patios on private property and establishes required parking capacities for restaurants and retail stores; and

AND WHEREAS the City, together with local businesses, has committed to identifying measures to assist the economic recovery of local businesses impacted by COVID-19 while committing to operating within the guidance of public health and Provincial Directives;

THEREFORE BE IT RESOLVED THAT

1. That the Temporary Seasonal Patio Program as described in 2020-74 be approved.
2. For the period from June 12, 2020 to November 1, 2020, staff are directed to temporarily suspend enforcement of such provisions of the Zoning By-law (1995)-14864 which conflict with Provincial Directives with respect to licensed outdoor dining capacity and the establishment of temporary outdoor dining premises, and in particular to suspend enforcement of:
 - (a) restrictions for licensed capacity of outdoor commercial patios in section 4.17.1 which are more restrictive than the temporary Provincial requirement of 1.11 square metres per person; and
 - (b) restrictions in required parking numbers in section 4.13.4 of the Zoning By-law in connection with a an establishment which has an approved application for a Temporary Patio, and which are operated in conformity with all applicable laws, including the Temporary City of Guelph Guidelines for outdoor patios and all other relevant Zoning By-law requirements.
3. The temporary suspension of enforcement of Zoning By-law (1995)-14864 as outlined above shall be strictly time-limited and shall not be interpreted as an authorization for any Temporary Outdoor Patio which is operated beyond these limited timelines or which operates in contravention of any other applicable law and/or of the Temporary Patio Guidelines established by the City.
4. Operation of a permitted Temporary Outdoor Patio between June 12, 2020 and November 1, 2020 pursuant to this Resolution does not permit the continued use of the land, buildings and/or structures for the purpose temporarily authorized, establish a legal non-conforming use, or entitle any person to an exemption from the Zoning By-Law beyond November 1, 2020.

5. Staff be directed that any fee associated with the approval of applications in connection with the City of Guelph's Temporary Patio Pilot Program including, but not limited to, fees listed in the User Fee By-law (2019) – 20460, be waived until October 31, 2020.
6. The Chief Administration Officer, or designate, be delegated authority until October 31, 2020, to implement, administer and revise any City Council approved form, guideline or requirement associated with the City of Guelph's Temporary Patio Pilot Program, including any modifications which may be necessary to the forms prescribed in connection with Commercial Patio Premises by the City Lands Encroachment By-law (2009) 18799.
7. Staff shall be directed to conduct further consultations with the community and to prepare a draft temporary use by-law as authorized under section 39 of the *Planning Act* in connection with this Resolution, and shall schedule a public meeting in connection therewith as soon as practical.