

CORPORATION OF THE TOWN OF RENFREW
BY-LAW NO. 26-2021

Being a Temporary Use By-law to regulate the use of restaurant or bar patios during the period of the COVID-19 emergency within the Town of Renfrew pursuant to Section 39 of the Planning Act and Ontario Regulation 345/20.

WHEREAS under subsection 39 of the Planning Act, temporary use by-laws may be passed by the councils of local municipalities; and

WHEREAS By-law No. 46-2010 regulates the use of lands and the character, location and use of buildings and structures within the Town of Renfrew pursuant to Section 34 of the Planning Act; and

WHEREAS the Province has issued Ontario Regulation 345/20 on July 2, 2020 exempting temporary use by-laws with respect to restaurant bars or patios from certain provisions of the Planning Act in order to streamline the enactment of those by-laws; and

WHEREAS the Council of the Corporation of the Town of Renfrew deems it appropriate to amend enact a temporary use by-law with respect to restaurant bars or patios in order to facilitate the safe reopening of such facilities during the COVID-19 emergency.

NOW THEREFORE the Council of the Corporation of the Town of Renfrew enacts as follows:

1. THAT for the purposes of this by-law, "restaurant bar or patio" means an area that is not an enclosed public spaces or an enclosed workplace and that meets the following criteria:
 - a) The public is ordinarily invited or permitted access to the area, either expressly or by implication, whether or not a fee is charges for entry, or the area is worked in or frequented by employees during the course of their employment, whether or not they are acting in the course of their employment at the time.
 - b) Food or drink is served or sold or offered for consumption in the area, or the area is part of, or operated in conjunction with, an area where food or drink is served or sold or offered.
 - c) The area is not primarily a private dwelling.

2. THAT despite any provision of Zoning By-law 46-2010 to the contrary, a restaurant bar or patio shall be permitted to be established or expanded on the same property as a restaurant.

3. THAT permission to establish or expand a restaurant bar or patio pursuant to this by-law shall be subject to the following:
 - a) Submission of a site plan which shall be to the satisfaction of the Town, and which may be amended by the Town from time to time.
 - b) Establishment of the restaurant or bar patio in accordance with the approved site plan.
 - b) Entering into any agreements or memorandums of understanding as may be required by the Town and in a form acceptable to the Town.
 - c) Compliance with all other Town, Provincial, County, and Health Unit requirements in respect of restaurant bars or patios as may be established from time to time.

4. THAT any establishment or expansion of a restaurant bar or patio, and any temporary structures accessory thereto, shall be permitted notwithstanding that they may not conform with the provisions of Zoning By-law 46-2010 in respect of setbacks, coverage, landscaped open space, minimum parking requirements, or any other performance standard normally required to be met.
5. THAT any provision of Zoning By-law 46-2010 normally applicable to a restaurant on the property, that would be contravened as a result of the establishment or expansion of a restaurant bar or patio under this by-law, shall be deemed not to apply for the term of this by-law.
6. THAT the Director of Development and Works or the Town Clerk is hereby authorized to execute any agreement or memorandum of understanding required pursuant to this by-law on behalf of the Town.
7. Upon expiry of this By-law, the provisions of Zoning By-law 46-2010 in respect of restaurant bars or patios shall apply, and no use established under this by-law shall benefit from non-conforming status in respect of Zoning By-law 46-2010, pursuant to Section 39(4) of the Planning Act.
8. In accordance with Ontario Regulation 345/20, this by-law shall come into force on the date of passing by the Council of the Corporation of the Town of Renfrew.
9. This by-law shall expire on January 1, 2022 at 3:00 am.

Read a first and second time this 27th day of April, 2021.

Read a third and final time this 27th day of April, 2021.

Don Eady, Mayor

Kim R. Bulmer, Clerk