

ZONING BY-LAW AMENDMENT – OUTDOOR COMMERCIAL PATIOS

ACS2021-PIE-EDP-0042

CITY WIDE

REPORT RECOMMENDATIONS

- 1. That Agricultural and Rural Affairs Committee and Planning Committee recommend Council approve an amendment to Section 85 of Zoning By-law 2008-250 as detailed in Document 1.**
- 2. That Planning Committee and Agricultural and Rural Affairs Committee approve the Consultation Details Section of this report be included as part of the 'brief explanation' in the Summary of Written and Oral Public Submissions, to be prepared by the Office of the City Clerk and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to the *Planning Act* 'Explanation Requirements' at the City Council Meeting of December 8, 2021, subject to submissions received between the publication of this report and the time of Council's decision.**

David Wise, Program Manager, Zoning and Intensification Services, Planning, Infrastructure and Economic Development Department (PIED) presented an overview of the report and answered questions from the Committee.

Robert Sandercott, Planner II, Planning Services, and Mark Young, Program Manager, Public Realm & Urban Design, of PIED, were also present and responded to questions.

Cheryl Parrott (Hintonburg Community Association) addressed the Committee to share concerns on the report. Screening between patios and residential areas need to attenuate sound. She expressed concerns about the effectiveness of By-law Services at enforcing sound complaints, the carrying of alcohol between

a business and non-contiguous patio, and the public being able to identify who is operating a patio if they have complaints.

The following written submission was received by, and is filed with, the Office of the City Clerk, and distributed to Committee Members:

- Cheryl Parrott & Wayne Rodney (Hintonburg Community Association) letter dated December 5, with concerns

Following discussion on this item, the Committee CARRIED the report recommendations as amended by the following motion:

Motion N° PLC 2021-54/01

Moved by Councillor J. Leiper, on behalf of Councillor M. Fleury

WHEREAS there is a desire to ensure that outdoor patios operate as good neighbours particularly where located near residential uses,

WHEREAS the intent of the proposed regulations is to prohibit the use of amplified sound systems for patios located within 30 m of a residential zone, and it is necessary to account for amplified sound sources not directly located on an outdoor patio;

AND WHEREAS Staff recognize that there exist additional concerns with respect to the operation of outdoor commercial patios that may not be appropriately covered by zoning regulations;

THEREFORE BE IT RESOLVED that Planning Committee amend Document 1 by revising the first line of item (1)(b) so that it reads as follows:

"Where an outdoor commercial patio is within 30 metres of a residential zone, it is not permitted to be served by an amplified system, directly or indirectly, for music or entertainment purposes."

BE IT FURTHER RESOLVED THAT there be no further notice pursuant to Subsection 34 (17) of the *Planning Act*.

BE IT FURTHER RESOLVED THAT that Staff be directed to develop a "good neighbour" information document for outdoor commercial patios located in both the right-of-way and/or private lands, to cover issues

**related to the screening, noise, and other related operational matters for
the 2022 patio season.**

CARRIED