

Outdoor Commercial Patios – Potential Zoning By-law Changes

Outdoor Commercial Patio (OCP)	Advantages	Disadvantages	Actions
<p>Maintain the current regulations in ALL Municipal Zoning By-laws</p>	<ul style="list-style-type: none"> • The restriction of live entertainment, commercial entertainment and commercial recreation on an OCP allows the complaints to be a Zoning By-law infraction. • Having the restriction in the regulations is an immediate trigger for land owner or applicants to understand that commercial entertainment or recreation is prohibited regardless of what the noise by-law states. • Amendments to this requirement are a public process. 	<ul style="list-style-type: none"> • The land use restriction is relevant to noise issues. Having both a Noise By-law and restrictions in the Zoning By-law may be confusing and over regulating. • Will have to apply for a minor variance to have live music / entertainment / recreation which results in additional costs and time to applicants. • Illegal operations which will require MLE action in response to complaints . 	<p>No Planning Action.</p>
<p>Allow for non-amplified entertainment (acoustic live entertainment, TV – no audio)</p>	<ul style="list-style-type: none"> • Will allow a form of entertainment without opening up permissions for all forms of entertainment on an OCP. 	<ul style="list-style-type: none"> • May not reduce the amount of Noise complaints. • Not as clear as a prohibition, if some form of entertainment is permitted, illegal OCP uses may continue to occur. 	<ul style="list-style-type: none"> • Zoning By-law amendment would be required. • A definition for or clarification to non-amplified entertainment may be necessary.

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Temporary Use By-law (City Wide)	<ul style="list-style-type: none"> • Allows the OCP regulations to be tested on a temporary basis. • Requires businesses to comply with the regulations after Temporary Use By-law expires. • Allows staff to identify any interpretation / implementation issues and make necessary amendments following the horizon of the Temporary Use By-law 	<ul style="list-style-type: none"> • Need to amend 7 Municipal Zoning By-laws for a Temporary Use. • Would need to establish monitoring mechanism (how are the new regulations working / not working). • Confusion for applicants / business owners. 	<ul style="list-style-type: none"> • Zoning By-law amendment required for 7 Municipal Zoning By-laws. • Public engagement and education required to explain the temporary permissions. • Alternatively, the CMU Zones could include the Temporary Use regulations as it applies to the Commercial areas which will be in Q1 2017.
Temporary Use By-law (Area and/or Property Specific)	<ul style="list-style-type: none"> • Allows the OCP regulations to be tested on a temporary basis in temporary areas. • Staff can determine appropriate areas to allow live entertainment / recreation etc. • Monitoring the impacts on a smaller area is easier. • If the regulations are impacting the residential areas staff has the opportunity to make changes to the areas, the 	<ul style="list-style-type: none"> • Staff would have to identify key areas and justify the Temporary Use regulations for each area. • Gives additional permissions to some uses / locations. • Not a permanent solution, additional actions would be required. • Confusion for applicants / business owners. 	<ul style="list-style-type: none"> • Planning analysis for allowing the live entertainment and recreation • Justification for allowing the uses on a temporary basis. • Criteria for monitoring the impacts. • Public engagement process to educate business owners. • Zoning By-law Amendment for 7

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	<p>criteria, and bring them forward in an amendment to the By-law at the horizon of the Temporary Use By-law. Alternatively, no action could be taken and the identified areas would have to comply to the regulations of the By-law.</p>		<p>Municipal Zoning By-laws.</p> <ul style="list-style-type: none"> • Additional work required upon the horizon of the Temporary Use By-law.
Radial Distance Separation	<ul style="list-style-type: none"> • Identify a separation distance from sensitive land use for outdoor patios that have commercial entertainment or commercial recreation including live or recorded music or dance facilities.. This regulation could allow some patios to have music etc where they are separated from sensitive land uses. 	<ul style="list-style-type: none"> • The extent of the separation distances will dictate the number of patios with music that could be permitted. 	<ul style="list-style-type: none"> • Planning analysis for allowing the live entertainment and recreation • Justification for allowing the uses on a temporary basis. • Criteria required to determine appropriate radial separation distances. • Public engagement process to educate business owners. • Zoning By-law Amendment for 7 Municipal Zoning By-laws.

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<p>Repeal the regulation as it relates to certain areas (area specific mapping)</p>	<ul style="list-style-type: none"> • Would allow Planning and MLE to establish areas where the regulation should apply. • Allow for different types of regulations for different areas ie. Acoustic only (non- amplified), amplified, TVs with / without sound etc. 	<ul style="list-style-type: none"> • Need to establish criteria to decide which areas will be considered. • Where lands fall just outside boundaries established a minor variance application would be required. • Zoning enforcement will be based on areas. Current status would allow equal enforcement of either the noise by-law or Zoning infraction. • If problems arise as a result of the changes to the OCP regulations a Zoning By-law Amendment would be required to implement restrictions again. 	<ul style="list-style-type: none"> • Establish justification for the specific areas. • Requires a Zoning By-law Amendment (Public Process) with Special Figures for 05-200. • Will also need to amend all other Municipal By-laws and mapping. • May be most appropriate to wait for the implementation of the CMU Zones to implement this change as the By-law is set up for special figures.
<p>Repeal the Prohibition of Commercial Entertainment and Recreation City Wide</p>	<ul style="list-style-type: none"> • Removing the restriction will allow the Noise By-law to be the only applicable regulation. This would allow some flexibility to the application and the limitations. • Flexibility in enforcement (Municipal order, Charge, Suspension of Business 	<ul style="list-style-type: none"> • This will open up the uses on the OCP which may result in land use impacts which may require additional locational requirements / restrictions abutting residential / institutional uses. • This would be a significant departure from the existing permissions. 	<ul style="list-style-type: none"> • City Wide Zoning By-law Amendment for 7 Municipal Zoning By-laws (Public Process) • Will need to evaluate the land-use impacts and whether or not there are additional Zoning , Licensing or other Municipal restrictions

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	License etc.) <ul style="list-style-type: none"> • Enforcement can proceed immediately by charge under the Noise By-law. • Noise By-law can include exemptions, subject to terms and conditions, including mandatory noise monitoring. 	<ul style="list-style-type: none"> • OCP are permitted with any use (considered as an accessory Use) 	and or regulations that are required as a result of removing the provision.