

## Entertainment / Noise on Outdoor Patios Survey

AJAX	REGULATIONS	Contact: <i>Tami Abott, MLE Officer</i> Info: 905-619-2529 x3360 <a href="mailto:tami.abott@ajax.ca">tami.abott@ajax.ca</a>
<b>Current Zoning Provision *</b>	<ul style="list-style-type: none"> <li>Outdoor patios regulated – allowed in prestigious employment areas or where grandfathered in downtown central area</li> <li>Must not abut residential zone</li> </ul>	
<b>Current Noise By-law Provision</b>	<ul style="list-style-type: none"> <li>Noise from all outdoor patios regulated through separate <b>License By-law</b></li> <li>By-law: <a href="https://www.ajax.ca/uploads/3/Doc_634581772993447308.pdf">https://www.ajax.ca/uploads/3/Doc_634581772993447308.pdf</a></li> </ul>	
<b>Enforcement</b>	<ul style="list-style-type: none"> <li><b>License By-law</b> – regulating hours of operation, amplified devices, hours alcohol may be served</li> <li>Successful - complaints remedied by placing more stringent conditions – re-offenders license suspended or charged</li> </ul>	
<b>Exemptions (permit)</b>	<ul style="list-style-type: none"> <li>Exemptions permits in Noise By-law not applicable</li> <li>License process in place</li> </ul>	
<b>Additional notes</b>	Ajax Accessory Outdoor Patio Study – establishing License BY-law for outdoor patios <ul style="list-style-type: none"> <li>Only 12 licensed premises – 2 flanking residential areas have more stringent conditions</li> </ul>	

BURLINGTON	REGULATIONS	Contact: <i>Clara Lipnicky, Zoning Examiner</i> Info: 905--7731 x 7412, <a href="mailto:Clara.lipnicky@burlington.ca">Clara.lipnicky@burlington.ca</a>
<b>Current Zoning Provision *</b>	<ul style="list-style-type: none"> <li>45m from any residential zone</li> <li>No recreational or entertainment permitted from all Outdoor Patios</li> </ul>	
<b>Current Noise By-law Provision</b>	<ul style="list-style-type: none"> <li>Point of reception – likely to disturb the inhabitants</li> <li>Prohibited 11pm -7am (9am Sundays)</li> <li>Technical standards of NPC-205 if outside of restricted areas and places</li> </ul>	
<b>Enforcement</b>	Noise and Nuisance By-law	
<b>Exemptions (permit)</b>	None applicable to outdoor patios	
<b>Additional notes</b>		

GUELPH	REGULATIONS	Contact: <i>Randy Berg, Supervisor, Licensing and By-law Services</i> Info: 519-822-1260 x 2878, <a href="mailto:randy.Berg@guelph.ca">randy.Berg@guelph.ca</a>
<b>Current Zoning Provision *</b>	Outdoor Patios / restaurants (licensed) allowed. Regulated abutting residential property, size and buffering	
<b>Current Noise By-law Provision</b>	<ul style="list-style-type: none"> <li>Point of reception – likely to disturb the inhabitants</li> <li><a href="http://guelph.ca/wp-content/uploads/NoiseControlBylaw.pdf">http://guelph.ca/wp-content/uploads/NoiseControlBylaw.pdf</a></li> </ul>	
<b>Enforcement</b>	Noise By-law	
<b>Exemptions (permit)</b>	Application for Exemption to Council	
<b>Additional notes</b>	Downtown Business District was previously exempt. Recent change to include in the Noise By-Law.	

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<b>KINGSTON</b>	<b>REGULATIONS</b>	Contact: <i>Greg McLean, Policy and Program Coordinator</i> Info: 613-546-4291 x1336, <a href="mailto:gmclean@cityofkingston.ca">gmclean@cityofkingston.ca</a>
<b>Current Zoning Provision *</b>	Patio restaurants facing onto a residential side street prohibited after 11:00 p.m, and less than 60m away. Commercial patios, (By-Law 87-136) is silent to noise but does indirectly consider noise by distance, location, time	
<b>Current Noise By-law Provision</b>	Point of reception – likely to disturb the inhabitants	
<b>Enforcement</b>	Noise By-law.	
<b>Exemptions (permit)</b>	None applicable to outdoor patios	
<b>Additional notes</b>	Most complainants in commercial areas reside above street level	

<b>KITCHENER</b>	<b>REGULATIONS</b>	Contact: <i>Steve Vrentzos, Supervisor of Enforcement</i> Info: 519-741-2200 x 7374, <a href="mailto:steve.vrentzos@kitchener.ca">steve.vrentzos@kitchener.ca</a>
<b>Current Zoning Provision *</b>	None applicable	
<b>Current Noise By-law Provision</b>	Point of reception – likely to disturb the inhabitants	
<b>Enforcement</b>	Noise By-law	
<b>Exemptions (permit)</b>	None applicable to outdoor patios	
<b>Additional notes</b>		

<b>LONDON</b>	<b>REGULATIONS</b>	Contact: <i>Heather Chapman, Manager, Municipal Law Enforcement</i> Info: 519-661-2050 x 5292, <a href="mailto:hchapman@london.ca">hchapman@london.ca</a>									
<b>Current Zoning Provision *</b>	Outdoor Patios regulated by capacity, location, lighting, loading. Non-amplified acoustical music permitted – amplified/electronic music (live or recorded) prohibited										
<b>Current Noise By-law Provision</b>	<ul style="list-style-type: none"> <li>• Point of reception – likely to disturb the inhabitants</li> <li>• Technical standards of NPC-205 if outside of restricted areas and places</li> </ul>										
<b>Enforcement</b>	Zoning By-law										
<b>Exemptions (permit)</b>	None applicable to outdoor patios										
<b>Additional notes</b>	<p>London study – Entertainment on Outdoor Patios – terms of reference for project</p> <ul style="list-style-type: none"> <li>• Acoustic music only</li> <li>• Non-amplified entertainment</li> <li>• Television screens permitted, but with no audio</li> <li>• Noise bylaw provisions and enforcement would remain in effect</li> </ul> <p>London Free Press Poll (unofficial survey) Should bars and restaurants be allowed to have live entertainment in outdoor seating areas?</p> <table border="0"> <tr> <td>34%</td> <td>655 votes</td> <td>Yes</td> </tr> <tr> <td>13%</td> <td>246 votes</td> <td>Maybe -- it depends how loud the music was</td> </tr> <tr> <td>53%</td> <td>1043 votes</td> <td>No</td> </tr> </table>		34%	655 votes	Yes	13%	246 votes	Maybe -- it depends how loud the music was	53%	1043 votes	No
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<b>MARKHAM</b>	<b>REGULATIONS</b>	Contact: <i>Tom Wilkinson, Provincial Offences Supervisor</i> Info: 905-477-7000 x 2790
<b>Current Zoning Provision *</b>	Patios and roof top patios are Prohibited abutting residential zones, musical instruments or other mechanical or electrical music equipment and theatrical performances prohibited abutting a residential zone.	
<b>Current Noise By-law Provision</b>	<ul style="list-style-type: none"> <li>• Point of reception – likely to disturb the inhabitants</li> <li>• Technical standards of NPC-205 if outside of restricted areas and places</li> <li>• <a href="https://www.markham.ca/wps/wcm/connect/markhampublic/8d995959-8698-4ba2-b549-01215b1c8ada/bylaw_2003137_080905.pdf?MOD=AJPERES&amp;CACHEID=8d995959-8698-4ba2-b549-01215b1c8ada">https://www.markham.ca/wps/wcm/connect/markhampublic/8d995959-8698-4ba2-b549-01215b1c8ada/bylaw_2003137_080905.pdf?MOD=AJPERES&amp;CACHEID=8d995959-8698-4ba2-b549-01215b1c8ada</a></li> </ul>	
<b>Enforcement</b>	Noise By-law preferred method	
<b>Exemptions (permit)</b>	None applicable	
<b>Additional notes</b>		

<b>MISSISSAUGA</b>	<b>REGULATIONS</b>	Contact: <i>Michael Foley, Supervisor (Acting Manager)</i> Info: 905-615-4311, <a href="mailto:Michael.foley@mississauga.ca">Michael.foley@mississauga.ca</a>
<b>Current Zoning Provision *</b>	None for outdoor patios, but all types of Restaurants must be 60 m from residential property and must obtain site specific by-law for outdoor patio	
<b>Current Noise By-law Provision</b>	Nuisance By-law: <ul style="list-style-type: none"> <li>• Point of reception – likely to disturb the inhabitants</li> <li>• <a href="http://www.mississauga.c/file/COM/nuisance.PDF">http://www.mississauga.c/file/COM/nuisance.PDF</a></li> </ul>	
<b>Enforcement</b>	Enforced through Nuisance By-law (same as Noise By-law)	
<b>Exemptions (permit)</b>	None. Allowed by Committee of Adjustment for Minor variance only	
<b>Additional notes</b>	Considering enacting <b>Entertainment License</b> to regulate by location and type of entertainment	

<b>NIAGARA</b>	<b>REGULATIONS</b>	Contact: <i>Franco Piscitelli, Manager of Bylaw Services</i> Info: 905-356-7521 x4262, <a href="mailto:fpiscitelli@niagarafalls.ca">fpiscitelli@niagarafalls.ca</a>
<b>Current Zoning Provision *</b>	None.	
<b>Current Noise By-law Provision</b>	<ul style="list-style-type: none"> <li>• Point of reception – likely to disturb the inhabitants</li> <li>• <a href="https://www.niagarafalls.ca/pdf/by-laws/noise_by-law.pdf">https://www.niagarafalls.ca/pdf/by-laws/noise_by-law.pdf</a></li> </ul>	
<b>Enforcement</b>	Noise By-law. Outdoor patios are located in the Tourist District away from residential areas and less likely to result in Noise complaints. Not much enforcement needed.	
<b>Exemptions (permit)</b>	Noise by-law - by application to Council	
<b>Additional notes</b>		

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<b>OAKVILLE</b>	<b>REGULATIONS</b>	Contact: <i>Selena Campbell, Supervisor, Licensing and By-law Services</i> Info: 905-845-6601 x 3256, <a href="mailto:selena.campbell@oakville.ca">selena.campbell@oakville.ca</a>
<b>Current Zoning Provision *</b>	Does not regulate outdoor patios	
<b>Current Noise By-law Provision</b>	<ul style="list-style-type: none"> <li>• Point of reception – likely to disturb the inhabitants from 7pm -7am</li> <li>• Point of reception – no greater than 45dBA from 7am – 7pm</li> <li>• Varied time &amp; day (weekends, holidays)</li> <li>• <a href="http://bylaws.oakville.ca/Bylawsweb.nsf/Bylaws/2008-098/\$FILE/2008-098.pdf?OpenElement">http://bylaws.oakville.ca/Bylawsweb.nsf/Bylaws/2008-098/\$FILE/2008-098.pdf?OpenElement</a></li> </ul>	
<b>Enforcement</b>	Noise By-law	
<b>Exemptions (permit)</b>	None applicable to outdoor patios	
<b>Additional notes</b>		

<b>OTTAWA</b>	<b>REGULATIONS</b>	Contact: <i>Roger Chapman, Chief By-Law &amp; Regulatory Svc;</i> Info: 613-580-2424 x41362 ✉ Zoning: <i>Mitchell LeSage; Mitchell.lesage@ottawa.ca</i>
<b>Current Zoning Provision *</b>	Regulated by: <ul style="list-style-type: none"> <li>• Zone type/location</li> <li>• distance from residential zone – 30m or abutting yard</li> <li>• buffering/screening</li> </ul> <a href="http://ottawa.ca/en/residents/laws-licenses-and-permits/laws/city-ottawa-zoning-law/outdoor-commercial-patios-sec-85">http://ottawa.ca/en/residents/laws-licenses-and-permits/laws/city-ottawa-zoning-law/outdoor-commercial-patios-sec-85</a>	
<b>Current Noise By-law Provision</b>	<ul style="list-style-type: none"> <li>• Point of reception – likely to disturb the inhabitants from 11pm -7am</li> <li>• Point of reception – no greater than 45dBA from 7am – 11pm</li> <li>• Additional prohibition by time &amp; day of week</li> <li>• By-Law: <a href="http://ottawa.ca/en/residents/laws-licenses-and-permits/laws/noise-law-law-no-2004-253">http://ottawa.ca/en/residents/laws-licenses-and-permits/laws/noise-law-law-no-2004-253</a></li> </ul>	
<b>Enforcement</b>	Noise By-Law preferred method	
<b>Exemptions (permit)</b>	None applicable to outdoor patios	
<b>Additional notes</b>		

<b>ST. CATHARINES</b>	<b>REGULATIONS</b>	Contact: <i>Judy Pihach/Heather Salter</i> Info: 905-688-5600,
<b>Current Zoning Provision *</b>	<ul style="list-style-type: none"> <li>• Commercial patios regulated by distance 30m from residential</li> <li>• Music prohibited</li> </ul>	
<b>Current Noise By-law Provision</b>	Point of reception – likely to disturb the inhabitants Prohibitions for amplified sound after 11 pm	
<b>Enforcement</b>	Noise By-law.	
<b>Exemptions (permit)</b>	Require sidewalk patios to enter into licence agreements that includes a provision prohibiting “objectionable noise” and amplified music - licence may be revoked for contraventions.	
<b>Additional notes</b>		

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<b>TORONTO</b>	<b>REGULATIONS</b>	Contact: <i>Jessica Walters, Senior Policy and Research Officer, Policy and Strategic Support Municipal Licensing and Standards</i> Info: 416-392-8794, <a href="mailto:Jwalter2@toronto.ca">Jwalter2@toronto.ca</a>
<b>Current Zoning Provision *</b>	All Outdoor Patios regulated by: <ul style="list-style-type: none"> <li>• distance – 30 metres from the edge of a café perimeter to the closest lot in a Residential Zone</li> <li>• hours of operation (11pm or 2am)</li> </ul>	
<b>Current Noise By-law Provision</b>	<ul style="list-style-type: none"> <li>• Point of reception – likely to disturb the inhabitants</li> <li>• Municipal Code: <a href="http://www.toronto.ca/legdocs/municode/1184_591.pdf">http://www.toronto.ca/legdocs/municode/1184_591.pdf</a></li> </ul>	
<b>Enforcement</b>	Rely on simple noise (by-law) provisions - association to Business/liquor license as enforcement tool to suspend license for significant re-offender.	
<b>Exemptions (permit)</b>	Exemption Permit provisions for noise intended for construction, special occasion (single event) – not intended for extended use in outdoor patios	
<b>Additional notes</b>	The City of Toronto is conducting a review of the Noise provisions of the Municipal Code, currently in approval stage. Addresses in part the use of exemption permits to regulate noise in public parks; and review of noise measurements.	

<b>VAUGHAN</b>	<b>REGULATIONS</b>	Contact: <i>Nicolino Brusco, A/Supervisor By-law Enf &amp; Property Standards</i> Info: 905-832-2281 x8282 <a href="mailto:Nicolino.brusco@vaughan.ca">Nicolino.brusco@vaughan.ca</a>
<b>Current Zoning Provision *</b>	<ul style="list-style-type: none"> <li>• Amplified devices prohibited in Outdoor Patios</li> <li>• All Outdoor Patios require Site Plan approval</li> </ul>	
<b>Current Noise By-law Provision</b>	<ul style="list-style-type: none"> <li>• Point of reception – likely to disturb inhabitants</li> <li>• Noise assessment pursuant to NPC-205, Stationary Sources measured in any dwelling house, apartment house, or any other type of residence in a residential area</li> <li>• By -law: <a href="https://www.vaughan.ca/cityhall/by_laws/Bylaws/96-2006.pdf">https://www.vaughan.ca/cityhall/by_laws/Bylaws/96-2006.pdf</a></li> </ul>	
<b>Enforcement</b>	Both Zoning & Noise B-law	
<b>Exemptions (permit)</b>	Exemption permits in Noise By-law – limited to Special Events & Construction – outdoor patios does not meet criteria	
<b>Additional notes</b>		

<b>WATERLOO</b>	<b>REGULATIONS</b>	Contact: <i>Alex Semple</i> Info: 519-778-8529, <a href="mailto:alex.semple@waterloo.ca">alex.semple@waterloo.ca</a>
<b>Current Zoning Provision *</b>	None specific to outdoor patios	
<b>Current Noise By-law Provision</b>	<ul style="list-style-type: none"> <li>• Point of reception – likely to disturb inhabitants</li> <li>• Noise assessment pursuant to NPC-205, Stationary Sources outside of restricted times and place</li> </ul>	
<b>Enforcement</b>	Noise By-law to administer and enforce	
<b>Exemptions (permit)</b>	None	
<b>Additional notes</b>		

\*Specific questions to Zoning provisions:

- 1. Does your municipality establish specific areas (i.e. entertainment districts)?**
  - a) Are there separate requirements in an Entertainment District vs outside Entertainment District?**

<b>Ajax</b>	Yes. Outdoor patios allowed in prestigious employment areas or where grandfathered in downtown central area
<b>Burlington</b>	No.
<b>Guelph</b>	No.
<b>Kingston</b>	No.
<b>Kitchener</b>	No.
<b>London</b>	No. Do not have identified Entertainment Districts but recently reviewing the possibility of establishing Music, Entertainment and Culture Districts
<b>Markham</b>	No. Outdoor patios cannot abut residential properties
<b>Mississauga</b>	No. Port Credit has permitted them in some limited zones.
<b>Niagara</b>	No.
<b>Oakville</b>	Not answered
<b>Ottawa</b>	Yes. Has zoning that reflects the specific areas of the city which would allow for things like bars and restaurants, and their respective patios (i.e. Traditional Mainstreet - TM, Mixed Use Downtown - MD zones). a) Yes. Site specific zoning & minor variance
<b>St. Catharines</b>	No.
<b>Toronto</b>	Yes - there are many Business Improvement Areas in the city, including an Entertainment District BIA 1(a) No, the same regulations apply everywhere
<b>Vaughan</b>	Not specifically. Indirectly, entertainment facilities are permitted in certain zones
<b>Waterloo</b>	Not applicable

- 2. Are patios (non-licensed) and commercial patios defined separately/regulated separately?**

<b>Ajax</b>	No
<b>Burlington</b>	No.
<b>Guelph</b>	No.
<b>Kingston</b>	No.
<b>Kitchener</b>	Not applicable
<b>London</b>	No
<b>Markham</b>	No
<b>Mississauga</b>	Generally speaking, patios are not permitted
<b>Niagara</b>	Not applicable
<b>Oakville</b>	Not answered
<b>Ottawa</b>	Only one: Outdoor commercial patio means an outdoor seating area, operated as part of a restaurant, bar, place of assembly or nightclub.
<b>St. Catharines</b>	No.
<b>Toronto</b>	Currently there are no separate regulations, however we are looking to distinguish between the two in the By-law review currently in process
<b>Vaughan</b>	No
<b>Waterloo</b>	Not applicable

3. What regulations exist to recognize temporary or seasonal patios?

<b>Ajax</b>	Outdoor Patio Licensing By-law
<b>Burlington</b>	Zoning regulations
<b>Guelph</b>	None
<b>Kingston</b>	None
<b>Kitchener</b>	None
<b>London</b>	Zoning regulations
<b>Markham</b>	None.
<b>Mississauga</b>	Only by Minor Variance through zoning
<b>Niagara</b>	None
<b>Oakville</b>	Not answered
<b>Ottawa</b>	Patios on private property which are not temporary can be open all year round Patios in the right-of-way have timeframes that are regulated by Encroachment By-law.
<b>St. Catharines</b>	None
<b>Toronto</b>	All sidewalk patios are considered seasonal. With few exceptions, none are permitted to operate year-round and must be removed from the sidewalk once the patio season is over (Nov. 15 – April 15). Toronto is developing criteria that will allow seasonal winter cafes.
<b>Vaughan</b>	None
<b>Waterloo</b>	None

4. Are there distances/separations from residential or other locational requirements?

<b>Ajax</b>	Yes. Must not abut residential zone
<b>Burlington</b>	Yes. 45m from residential property
<b>Guelph</b>	Yes. Regulated abutting residential property, size and buffering
<b>Kingston</b>	Yes. Other Area” apply right up to the boundary between an “Other Area” and a “Residential Area”,
<b>Kitchener</b>	Yes. In Downtown Zone, Mixed Use Corridor Zone or Commercial-Residential Zone <ul style="list-style-type: none"> <li>• minimum of 30.0 metres from any Residentially or Institutional zone</li> <li>• in a Commercial Zone or Industrial Zone, set back a minimum of 3.0 metres from any lot line abutting a street in Commercial/Industrial Zone</li> </ul>
<b>London</b>	Yes. Separation by criteria established in zoning by-law, site specific zoning, or condition in new developments
<b>Markham</b>	No.
<b>Mississauga</b>	Yes. Restaurants must be 60m away from a residential zone.
<b>Niagara</b>	Yes. <b>Draft Comprehensive Zoning Bylaw:</b> 3.22.4 Entertainment: No music (whether performed live or recorded), dancing or other forms of entertainment shall be permitted on an outdoor patio if it is located within 120 metres of a Residential Zone measured from the nearest point of the outdoor patio to the nearest point along any Residential Zone boundary and shall be subject to the City's Noise By-Law
<b>Oakville</b>	Not answered
<b>Ottawa</b>	An outdoor commercial patio is prohibited facing or abutting a residential zone unless: <ul style="list-style-type: none"> <li>• minimum 30 metres from the residential zone and screened and physically separated from the residential zone</li> <li>• outdoor commercial patio is located 75 metres or more from a residential zone</li> </ul>
<b>St. Catharines</b>	Yes. 30m from residential
<b>Toronto</b>	Yes. Separation distances in the Municipal Code match those in the ZBL: 30-metres from the edge of a café perimeter to the closest lot in a Residential Zone.
<b>Vaughan</b>	Yes. Cannot abut residential property
<b>Waterloo</b>	Yes.

5. What by-laws are silent on outdoor commercial patios (i.e. let the principle use regulate and the noise by-law apply?)

<b>Ajax</b>	Not answered
<b>Burlington</b>	Zoning by-law prohibits all recreational or entertainment activities from outdoor patios
<b>Guelph</b>	Zoning by-law silent to noise
<b>Kingston</b>	Zoning By-law is silent on noise but does indirectly consider noise by regulating Outdoor Patio restaurants facing onto a residential side street must be cleared and closed by 11pm Site Application Approval required for outdoor patio.
<b>Kitchener</b>	Zoning by-laws silent to outdoor patios
<b>London</b>	London’s zoning by-law dictates the type of entertainment permitted. No restrictions in the Noise By-law for outdoor patios.
<b>Markham</b>	Patios and roof top patios are Prohibited abutting residential zones, musical instruments or other mechanical or electrical music equipment and theatrical performances prohibited abutting a residential zone.
<b>Mississauga</b>	Noise By-law does not apply to permitted use under Zoning (Minor Variance)
<b>Niagara</b>	Not applicable. However, <b>Draft Comprehensive Zoning Bylaw: 3.22.4</b> Entertainment: No music (whether performed live or recorded), dancing or other forms of entertainment shall be permitted on an outdoor patio if it is located within 120 metres of a Residential Zone measured from the nearest point of the outdoor patio to the nearest point along any Residential Zone boundary and shall be subject to the City’s Noise By-Law.
<b>Oakville</b>	Not answered
<b>Ottawa</b>	Regulated by: <ul style="list-style-type: none"> <li>• zone/location</li> <li>• distance from residential zone – 30m or abutting yard</li> <li>• buffering/screening</li> </ul>
<b>St. Catharines</b>	Not answered
<b>Toronto</b>	Operating hours regulated according to the type of street patio it is located on, as determined by its physical characteristics. If residential character, the patio must be closed and cleared of patrons by 11:00pm. If commercial character, the operating hours are un-regulated, the regulation of operating hours in these instances falls to the Liquor Licensing Act which is 2:00am.
<b>Vaughan</b>	None
<b>Waterloo</b>	Zoning By-law