

Item 6.6  
PED16155a



# Hamilton

Entertainment on Outdoor Commercial Patios –  
Amendments to the Zoning By-laws and Noise  
By-law –

**Planning Committee Meeting,  
January 17, 2017**

## Planning Committee June 2016:

- *“That Planning Division staff be directed to hold a statutory Public Meeting in October 2016 for the purposes of determining public submissions on potential changes to the Zoning By-law, identified in Appendix “A” to Report PED16155, respecting live and recorded music and dance facilities.”*

## **Presentation**

- *Proposed Zoning By-law changes (Joanne Hickey-Evans)*
- *Proposed Noise By-law changes (Robert Ustrzycki)*

## Zoning By-law Definitions and regulations

- Outdoor Commercial Patio is defined as any outdoor area used in conjunction with any establishment licensed under the *Liquor Licence Act* R.S.O. 1990
- live and / or recorded music not permitted on Outdoor Commercial Patios
- Other regulations deal with location of patios and seating capacity.
- Outdoor patio associated with a non-licensed establishment is not subject to the Zoning By-law general provisions applicable to “Outdoor Commercial Patios”.

## Research into 10 other municipalities

- there is not a consistent approach for location of patios or entertainment on Outdoor Commercial Patios and the neighbourhood impacts.
- **Location** - Most municipalities establish a minimum distance (e.g. 30-45 m) between a patio and a Residential/Institutional/Open Space zone; only permitted in front yard;
- **Entertainment on patios** – 4 municipalities prohibit commercial entertainment ; London and Burlington have made recent changes

## Different Options Explored

- Option 1 – Status Quo
- Option 2a – Temporary Use By-laws for specific urban and rural areas
- Option 2b - Temporary Use By-laws for the entire City
- Option 3 – Delete the Prohibition for Outdoor Entertainment from all Zoning By-laws

## **Preferred Option 2a – Temporary Use By-laws for specific urban and rural areas**

- Establish Temporary Use By-law for seven pilot project areas (urban) and 18 specific properties in the rural area
- Urban pilot project areas - concentrations of 5+ patios generally within 50 m of the property line from each other
- Rural area licenced establishment mainly golf courses, restaurants,
-

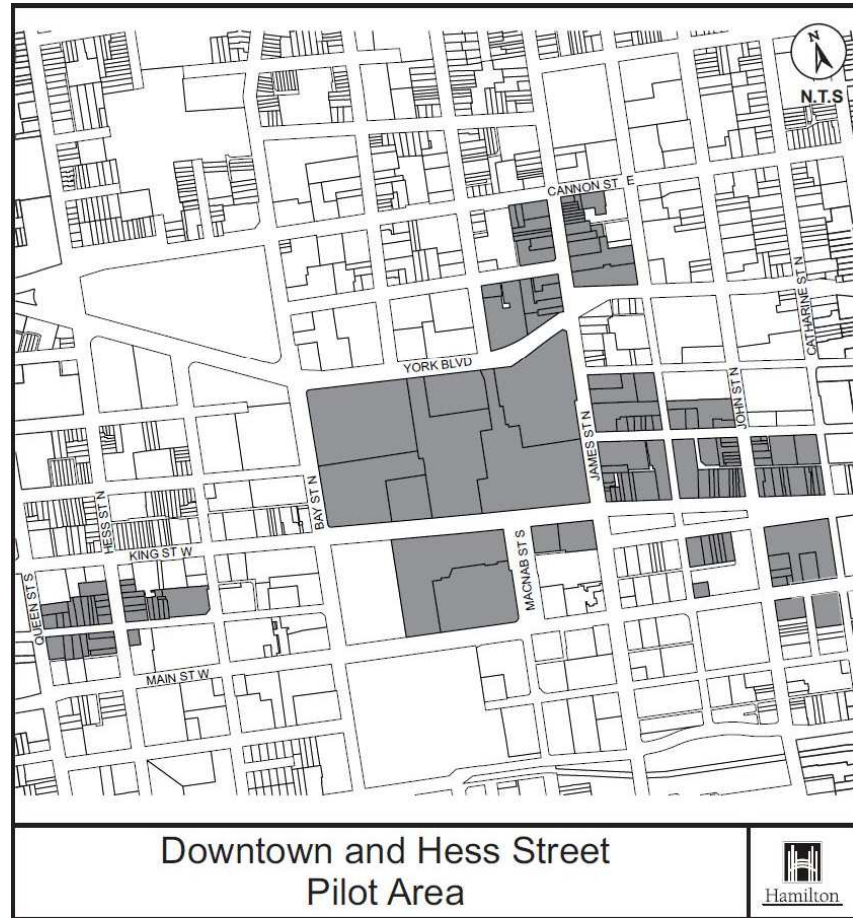
# Proposed Zoning By-law Changes (Cont'd)

- Zoning By-law Amendments would temporarily delete the regulation to prohibit entertainment on the patio
- Owner would be required to obtain a permit for activities on the patio from MLE
- Not all restaurants/clubs within these pilot project areas have outdoor patios at the present time
- By-laws affected:
  - Zoning By-law No. 6593 (Hamilton)
  - Zoning By-law No. 3581-86 (Dundas)
  - Zoning By-law No 05-200



Hamilton

# Pilot Project Areas (Urban)

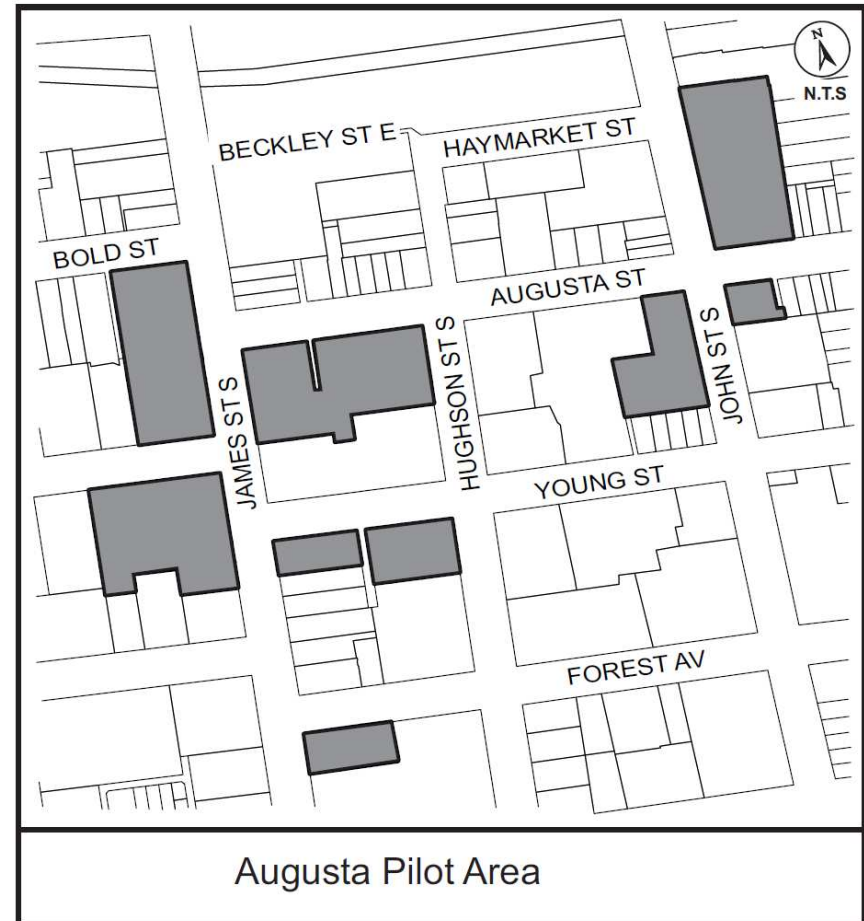
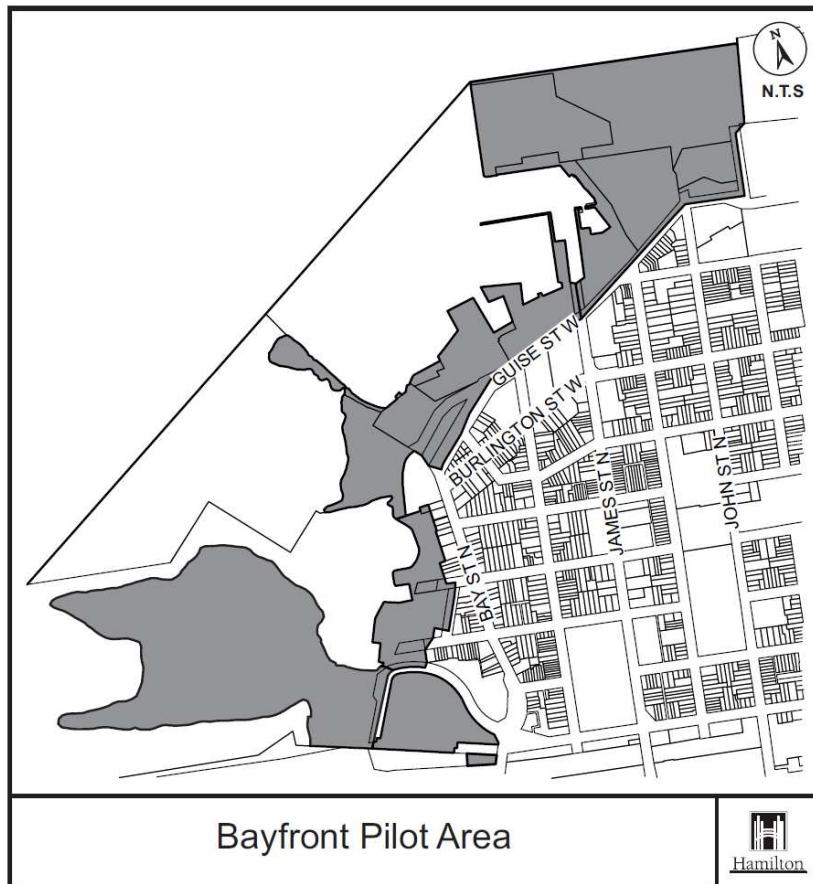






Hamilton

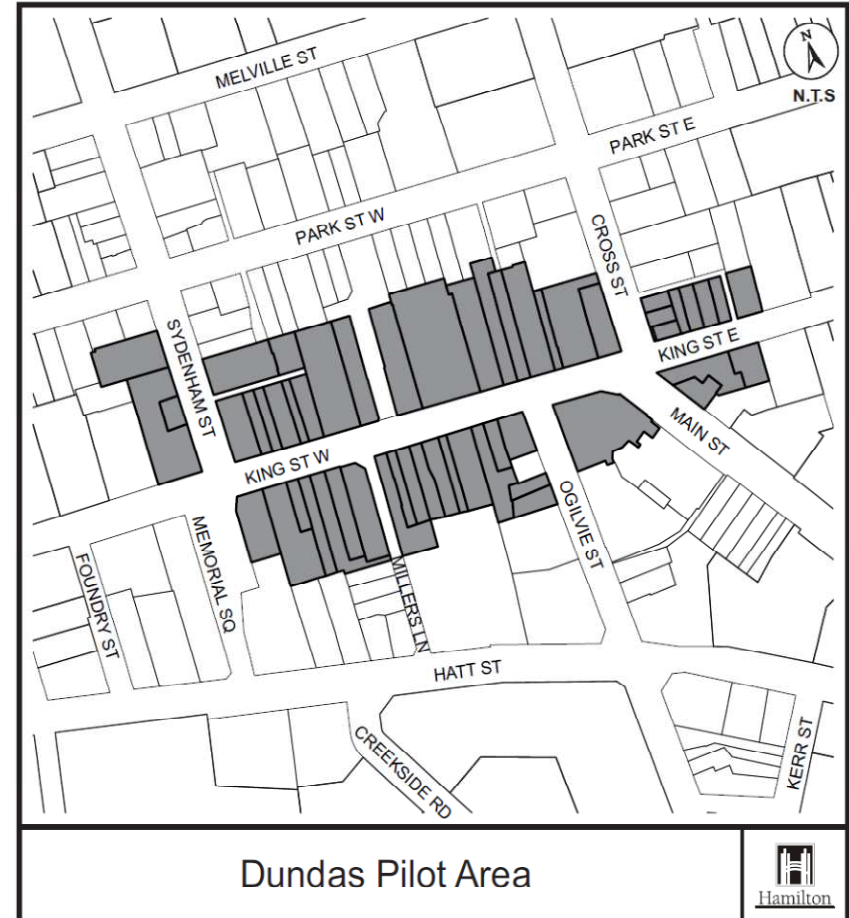
# Pilot Project Areas (Urban)





Hamilton

# Pilot Project Areas (Urban)



# Pilot Project Areas (Rural)

Lands zoned P4 and have outdoor patios

- Golf courses — 14 properties
  - Restaurants — 2 properties
  - Clubs — 1 property
  - Campground - 1 property
- 
- Note: Copetown Woods golf course's address should be changed from 1450-1472 2<sup>nd</sup> Concession Rd w to 1430 2<sup>nd</sup> Concession Rd w



Hamilton

# Noise Control By-law

General provisions creates an offence that prohibits:

*“... noise that is likely to disturb the inhabitants of the City.”*

AND deems, in part, that:

*“... a radio, amplifier, speaker or other similar device [related to music entertainment] that is clearly audible at a point of reception is considered to be unreasonable noise.”*

## Current Noise Control By-law:

- Authorizes the MLE Director to grant, refuse and revoke an exemption permit, and impose conditions specific to the application.
- Conditions to each permit may vary to the circumstances
- Appeals to the application are made before the Planning Committee.



# Permit Applications

Applicants provide additional information to the facts routinely collected, i.e.:

- a Certificate of Compliance by a certified acoustic consultant/engineer;
- a detailed Floor Plan

\$300 application fee

## Key Elements:

- Thursday to Saturday, 11am – 11pm;
- Noise restricted to a maximum equivalent sound level (Leq) 60 dBA measured at the permit holder's property line





Hamilton

# Noise Level Chart

## LEVELS OF NOISE In decibels (dB)

| PAINFUL & DANGEROUS   |     |   |
|---|-----|---|
| Use hearing protection or avoid                                   | 140 | <ul style="list-style-type: none"> <li>Fireworks</li> <li>Gun shots</li> <li>Custom car stereos (at full volume)</li> </ul> |
|   | 130 | <ul style="list-style-type: none"> <li>Jackhammers</li> <li>Ambulances</li> </ul>   |
| UNCOMFORTABLE   |     |   |
| Dangerous over 30 seconds   | 120 | <ul style="list-style-type: none"> <li>Jet planes (during take off)</li> </ul>  |
| VERY LOUD   |     |   |
| Dangerous over 30 minutes   | 110 | <ul style="list-style-type: none"> <li>Concerts (any genre of music)</li> <li>Car horns</li> <li>Sporting events</li> </ul> |
|   | 100 | <ul style="list-style-type: none"> <li>Snowmobiles</li> <li>MP3 players (at full volume)</li> </ul>                         |
|   | 90  | <ul style="list-style-type: none"> <li>Lawnmowers</li> <li>Power tools</li> <li>Blenders</li> <li>Hair dryers</li> </ul>    |
| Over 85 dB for extended periods can cause permanent hearing loss. |     |   |
| LOUD  |     |   |
|   | 80  | <ul style="list-style-type: none"> <li>Alarm clocks</li> </ul>  |
|   | 70  | <ul style="list-style-type: none"> <li>Traffic</li> <li>Vacuums</li> </ul>  |
| MODERATE  |     |   |
|   | 60  | <ul style="list-style-type: none"> <li>Normal conversation</li> <li>Dishwashers</li> </ul>                                  |
|   | 50  | <ul style="list-style-type: none"> <li>Moderate rainfall</li> </ul>   |
| SOFT  |     |   |
|   | 40  | <ul style="list-style-type: none"> <li>Quiet library</li> </ul>   |
|   | 30  | <ul style="list-style-type: none"> <li>Whisper</li> </ul>   |
| FAINT   |     |   |
|   | 20  | <ul style="list-style-type: none"> <li>Leaves rustling</li> </ul>   |