

## **Review of Zoning Regulations for Outdoor Patios on Private Property - Supplementary Report**

**Date:** November 7, 2023

**To:** City Council

**From:** Chief Planner and Executive Director, City Planning

**Wards:** All

### **SUMMARY**

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This supplementary report recommends four amendments as they relate to entertainment on outdoor patios. Each amendment will permit entertainment on these outdoor patios in compliance with the proposed city-wide regulations limiting entertainment to 10 percent of the outdoor patio area and to require outdoor patios providing entertainment in Employment Industrial Zones to be located on a lot abutting a major street.

### **RECOMMENDATIONS**

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The Chief Planner and Executive Director, City Planning, recommends that:

1. City Council amend Attachment 1 to the report (October 6, 2023) from the Chief Planner and Executive Director, City planning, for City-wide Zoning By-law 569-2013 by inserting in Sections 8(E), 9(E) and 10(E) the words "if it is located on a lot abutting a major street on the Policy Areas Overlay Map, and" so that they now read "may be used to provide entertainment such as performances, music and dancing, if it is located on a lot abutting a major street on the Policy Areas Overlay Map, and provided the outdoor patio is not located above the first storey of the building and the entertainment area does not exceed 10% of the outdoor patio area."

2. City Council amend Attachment 2 to the report (October 6, 2023) from the Chief Planner and Executive Director, City Planning, for the Former General Zoning By-laws by inserting in Section 2(D) so that it reads " If the outdoor patio is on a lot in an industrial zone, it must be located on a major street to be able to provide entertainment." So that it now reads "The outdoor patio may be used to provide entertainment such as performances, music and dancing, provided the outdoor patio is not located above the first storey of the building and the entertainment area does not exceed 10% of the

outdoor patio area. If the outdoor patio is on a lot in an industrial zone, it must be located on a major street to be able to provide entertainment."

3. City Council amend Attachment 6 to the report (October 6, 2023) from the Chief Planner and Executive Director, City Planning for 1118 Queen Street East by deleting Section 4(C).

4. City Council amend Attachment 7 to the report (October 6, 2023) from the Chief Planner and Executive Director, City Planning for 229 Richmond Street West by deleting and replacing Section 5(B) so that it reads "entertainment such as performances, music and dancing does not exceed 10% of the outdoor patio area" and deleting and replacing Section 6(B) so that it reads "entertainment such as performances, music and dancing does not exceed 10% of the patio area".

5. City Council determine that pursuant to Subsection 34(17) of the Planning Act, no further public notice is to be given in respect of the proposed amendments.

## **FINANCIAL IMPACT**

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The financial implications resulting from the recommendations included in this report are set out in staff Final Report dated October 6, 2023 ([Item PH7.2](#)).

## **EQUITY IMPACT STATEMENT**

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The Equity Impact Statement for this matter is set out in staff Final Report dated October 6, 2023 ([Item PH7.2](#)).

## **DECISION HISTORY**

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The decision history of this matter is set out in staff Final Report dated October 6, 2023 ([Item PH7.2](#)).

## **COMMENTS**

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As described in the staff report, staff propose that city-wide regulations for entertainment on outdoor patios in Employment or Industrial Zones be restricted to lots abutting major streets. The proposed amendments to Attachments 1 and 2 add reference to major streets which were omitted in error.

The proposed permanent zoning by-law amendment for an outdoor patio at 1118 Queen Street East was not intended to carry-forward the prohibition of entertainment such as performances, music and dancing. Staff recommend deleting Section 4(C) in Attachment 6 to permit entertainment on this outdoor patio, consistent with the Review of Zoning Regulations for Outdoor Patios on Private Property - Supplementary Report

proposed City-wide permissions for entertainment and to remove the prohibition of entertainment which was drafted in error.

The proposed extension to the temporary use by-law for an outdoor patio at 229 Richmond Street West was not intended to carry-forward the prohibition of entertainment, such as performances, music and dancing. Staff recommend replacing Section 5(B) and 6(B) in Attachment 7 to permit entertainment such as performances, music and dancing on the outdoor patio to no more than 10 percent of the outdoor patio area consistent with the proposed City-wide permissions for entertainment and to remove the prohibition of entertainment which was drafted in error.

## **CONTACT**

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## **SIGNATURE**

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