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**Date** June 16, 2022 **Report No.** 2022-437

**To** Chair and Members  
Planning Advisory Committee

**From** Nicole Wilmot, MCIP, RPP  
Chief Planner and Director of Planning and Development Services  
People, Legislated Services & Planning

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## 1.0 Type of Report

Consent Item ☐  
Item For Consideration ☒

## 2.0 Topic **Amendment to the City of Brantford Zoning By-law 160-90 respecting a By-law for Seasonal Outdoor Patios and to Rescind the Temporary Use By-law for Recreational Vehicles – PZ-17-2022 – City Wide [Financial Impact – None]**

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## 3.0 Recommendation

- A. THAT the Planning Advisory Committee receive this Report as information and provide feedback to be considered for the Recommendation Report to Committee of the Whole – Planning and Administration and Council.

## 4.0 Purpose

The purpose of this Report is to establish permanent temporary regulations for outdoor seasonal patios to assist in continued economic recovery after the Declaration of Emergency. Planning Staff are recommending that, notwithstanding Table 6.1 of the By-law, a temporary outdoor patio shall not contribute to the required parking calculations for a restaurant or other business,

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and may occupy space that would otherwise be required for parking subject to the following regulations:

1. Outdoor patios shall not obstruct required works or infrastructure, such as ramps, fire routes, fire hydrants, water curb stops and drive aisles or disturb any existing vegetation.
2. Any recreation and/or entertainment uses on temporary outdoor patios shall not be amplified and shall not cause a nuisance to neighbouring residents by unreasonably disturbing the peace.
3. The provision of accessible parking and associated walkways shall be maintained at all times.
4. Proposed temporary outdoor patio must be adjacent to the existing restaurant or business.
5. Proposed temporary outdoor patio must be set back a minimum of 5 m from a Residential Zone.
6. Notwithstanding any of the requirements above, the Police Chief, Fire Chief, General Manager of Public Works or Chief Building Official may impose further conditions or requirements that they deem appropriate to safeguard public safety or mitigate nuisances.
7. Outdoor temporary patios shall only be permitted seasonally from the months May 1<sup>st</sup> to October 31<sup>st</sup> in each calendar year.

Further, the Temporary Use By-laws (15-2021 and 16-2021) which permitted the use of motor homes and travel trailers (recreational vehicles) for temporary occupancy in order to provide an alternative form of accommodation so as to quarantine away from others in the household is also being considered. As per Council's direction, Planning Staff recommends that those by-laws be repealed in their entirety, which will remove the permission of using such vehicles.

On June 14, 2022 Planning Staff presented recommendations to the Committee of the Whole – Planning and Administration (COW) regarding the matters identified in this Report. Due to timing and the lapsing of the grace period identified in this Report, it was necessary to bring a Report to COW then to the Planning Advisory Committee. Consultation with PAC on City-wide zoning by-law amendments is a requirement. However, in this instance the PAC meeting was scheduled after COW. In this regard, Planning Staff will then provide Council with a memorandum regarding this Report in advance of the Council meeting on June 28, 2022 to further assist in the decision-making process by including PAC's response.

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## 5.0 Background

### Patios (Private and On-street)

At a Special City Council meeting held on June 16, 2020, and as amended on November 24, 2020, City Council passed a resolution to allow for the establishment or expansion of private outdoor patios and on-street patios until Council had the opportunity to review a temporary use by-law or until the expiry date of January 1, 2022. City Council further directed Planning Staff to prepare a report regarding the application of a Temporary Use By-law to address Section 6.18 of the Zoning By-law 160-90 respecting the parking requirements associated with the establishment or expansion of outdoor patios.

The Provincial Patio Order (O. Reg. 345/20) allowed municipalities to pass or amend these by-laws quickly to address local circumstances and needs as they evolved. That Order ended on April 27, 2022. Council passed By-law 62-2021 on March 23, 2021, which established a three-month grace period once the Declaration of Emergency is terminated.

At the time of writing this Report, there were approximately 30 temporary outdoor private patio applications that have received approval through the City's Patio Policy over the course of 2020 to present. Most businesses over this timeframe are the same applicant/owner, and had reapplied year over year. No on-street patios have been established at this time. Review and approval of patios are administered through Planning Policy- 005 Patio Brantford – Private Patio Policy (**Appendix A**), and Planning Policy 004 Patio Brantford – On-Street Patio Policy (see **Appendix B**). Previously these Corporate Policies were labeled as an 'Emergency Pandemic Recovery Policy', that reference is proposed to now be removed. To assist businesses in their continued economic recovery, no fees are collected for these applications. However in the future, this will be revisited through a comprehensive review of the Planning and Development Services fee schedule.

### Recreational Vehicles (motor homes and/or travel trailers)

In response to resident/front line worker concerns regarding utilization of recreational vehicles for isolating during the pandemic, Council approved a Temporary Use By-law for recreational vehicles at the April 28, 2020 Council Meeting, which was further amended by Council on November 24, 2020 which directed Planning Staff to prepare a temporary use by-law. To date, there had been 10 registrants licensed to utilize recreational vehicles for isolation purposes.

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For Committee's information, at the November 24, 2020 Council Meeting, Council amended the resolution by striking the words *"until the Declaration of Emergency of the Head of Council for The Corporation of the City of Brantford expires or is otherwise terminated"* and inserted the words *"for a period of time, potentially extending beyond the Declaration of Emergency, as recommended by Planning Staff but not before the Declaration of Emergency expires or has been terminated"*. The temporary use by-law was approved by Council on January 26, 2021. As mentioned earlier in this Report, Council terminated the Declaration of Emergency on March 23, 2022, this Report recommends that the temporary use by-laws be repealed.

## 6.0 Input From Other Sources

### 6.1 Technical Liaison Response

This application was circulated to external agencies and internal departments, including the Building Department, Elections, Licensing and Administrative Services, Public Works Commission, the City's Accessibility Coordinator, the Fire Department and Police Services for review. No significant comments or concerns were raised with the proposed zoning by-law amendment or repealing by-laws. Those comments can be found in **Appendix C** and are further discussed in Section 9.2 of this Report.

Planning Staff also consulted with the Chamber of Commerce. The Chamber provided a letter to the City dated May 17, 2022. They did not comment on the proposed repealing by-laws. With respect to patios, the Chamber is very supportive of this City initiative and the proposed patio regulations, (see **Appendix D**) with one proposed modification respecting item 6. in Section 5 of this Report; which states:

*Notwithstanding any of the requirements above, the Police Chief, Fire Chief General Manager of Public Works or Chief Building Official may impose further conditions or requirements that they deem appropriate to safeguard public safety or mitigate nuisances.*

The Chamber has requested the following wording be included in the above regulation: *"The official will consult with business owners to establish the requirements and timelines, as well as balance public safety with supply chain and operational restrictions"*. In Staff's opinion, this additional wording is not required as the patio submissions which are applied for through the Planning and Development Services Department has an obligation to consult with businesses and the Economic

Development and Tourism Department and includes circulation to the noted agencies for review of each patio location. Staff make every attempt to work with the applicants to balance any restrictions while ensure operational timeliness are met, which was a concern raised by the Chamber for the inclusion of this added wording. Staff also reached out to the Chamber of Commerce to confirm that consulting with the business owners/applicants is part of our standard process to ensure that applications are reviewed and approved promptly and that any concerns are addressed early in the process and mitigated.

## **6.2 Public Response**

While in general, Public Information Meetings are required for Zoning By-law Amendments, in was unnecessary in this instance. There has not been any major concerns raised over the last two years in which the City has regulated temporary patios. Further, Staff emailed and mailed all of the licensed registrants for Recreational Vehicles as well as each business owner that had applied for a patio application with the City. Notice of this public hearing was published in the Civic News and on the City's website, in advance of the minimum statutory notice requirements pursuant to the *Planning Act*. Notice of the proposed regulations were also shared on the City's various social media platforms. At the time of writing this Report, no comments have been received.

## **7.0 Analysis**

### **7.1 Proposed Zoning Regulations**

Outdoor patios contribute to the total occupant load that is used to calculate the off-street parking requirements for a restaurant and some businesses. For example, full service restaurants are required to provide 1 parking space per 4 persons of permitted capacity. If a full service restaurant were to establish an outdoor patio, their off-street parking requirements would increase. Further, satisfying parking regulations may reduce the available space necessary to make an outdoor patio viable for some business locations.

In recognizing that these requirements may keep some restaurants and businesses from establishing an outdoor patio, the temporary use by-law, included a notwithstanding clause for Table 6.1 of the By-law, wherein a temporary outdoor patio shall not contribute to the required parking calculations

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for a restaurant or other business, and may occupy space that would otherwise be required for parking subject to the following regulations:

1. Outdoor patios shall not obstruct required works, such as ramps, fire routes, fire hydrants, curb stops and drive aisles or disturb any existing vegetation;
2. The provision of accessible parking and associated walkways shall be maintained at all times; and,
3. Notwithstanding any of the requirements above, the Police Chief, Fire Chief, General Manager of Public Works, or Chief Building Official may impose further conditions or requirements that they deem both reasonable and appropriate to safeguard public safety or mitigate nuisances.

Planning Staff are proposing the same regulations with some minor changes in the first regulation to include the words “*or infrastructure*” and “*water curb stops*” as well as including the additional following four regulations:

1. Any recreation and/or entertainment uses on temporary outdoor patios shall not be amplified and shall not cause a nuisance to neighbouring residents by unreasonably disturbing the peace.
2. Proposed temporary outdoor patio must be adjacent to the existing restaurant or business.
3. Proposed temporary outdoor patio must be set back a minimum of 5 m from a Residential Zone.
4. Outdoor temporary patios shall only be permitted seasonally from the months May 1 to October 31 in each calendar year.

Since the establishment of the Patio Brantford Policies in June 2020, the By-law Enforcement Division of the Building Department has received only a few complaints relating to outdoor patios. Complaints over the last two years were related to noise, and smoking violations. No complaints related to parking were received, which is the subject of this by-law. In Planning Staff’s opinion, the 2020 and 2021 patio seasons demonstrated that exempting outdoor patios from parking regulations did not result in any significant issues or negative impacts, and were overall a success. The proposed regulations will formalize these exemptions. This will assist restaurants and businesses recovering from the economic impacts of lockdown measures, provide safer areas for customers where physical distancing can be maintained, while contributing to a vibrant street life and public spaces.

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The new Comprehensive Zoning By-law project is well under review. Through that process, and monitoring of the current provisions, consideration will be made to further modify, replace and update provisions based on best practices in the preparation of the new Zoning By-law. Also, as noted previously, the use of recreational vehicles during an emergency response can also be further reviewed through the new Comprehensive Zoning By-law.

## **7.2 Consideration of Input**

### Accessibility Coordinator

The City's Accessibility Coordinator identified that there were no concerns with the proposed regulations, however a request was made to include a provision that all patios are accessible. In this regard, Planning and Development Services Staff identified that the current and proposed Corporate Patio Policies (see **Appendix A and B**) provides that all patios must include entrances that must be compliant with the Accessibility for Ontarians with Disabilities Act (AODA). The accessibility Coordinator is satisfied with this as it addresses any accessibility concerns. On-going review and monitoring will be coordinated and further addressed through the Comprehensive Zoning By-law project in consultation with the City's Accessibility Coordinator.

### Economic Development and Tourism

Economic Development and Tourism (ED&T) Staff identified concern with the following proposed regulation when proposed regulations were originally circulated:

Any recreation and/or entertainment uses are not permitted on temporary outdoor patios.

ED&T Staff collaborated with Planning Staff by conducting some research as it related to outdoor entertainment on patios, in that regard, the main concern was generally related to the amplification of music/entertainment.

ED&T Staff requested the allowance of non-amplified noise, and specifying decibels and time restrictions on patios. ED&T does not believe that the scale of the patios necessitates amplified noise, and would want to encourage artists/performers, rather than just loud streamed music or large bands. They acknowledge that it would be preferred to provide space for artists that does not limit restaurants to provide entertainment on patios.

Their research included the following:

- [Hamilton's Temporary Outdoor Patio Program](#) permits music/sound without amplification. Amplified music/sound can be permitted with a Noise Exemption Permit.
  - They tested this with a temporary pilot program that basically noted that as long as no one was disturbed by the noise, a noise permit wasn't required. Sound level had to be limited to 60 dBA. Context [here](#).
- [Toronto](#) permits amplified music on patios (started in summer 2020 and was extended into 2022) – introduced as a COVID-19 recovery effort in four wards, then expanded to eight wards.
- Commercial patios permit amplified music in the [City of London](#), but regulated by dBA and timing.

ED&T Staff conclude that the proposed regulation (as amended) would align with Goal 3, Strategic Action H of the *Municipal Cultural Plan*:

- Goal 3: Provide and develop space for cultural and artistic activities.
  - Strategic Action 3H: Create and facilitate increased opportunities to showcase local art, heritage, artists, writers and performers in municipal facilities, at civic events, and in public spaces.

Planning Staff has considered this request and comment in consultation with the Building Department and propose that the regulation be amended as follows:

*Any recreation and/or entertainment uses on temporary outdoor patios shall not be amplified and shall not cause a nuisance to neighbouring residents by unreasonably disturbing the peace.*

This amended provision provides an opportunity for local artists to perform on outdoor patios without amplification of music/entertainment and includes a provision that would address or limit any potential impacts to residential neighbours with respect to noise. This is an easier approach rather than Staff having to measure decibels, and Chapter 554 – Noise Control addresses the matter of timing (i.e. when noise must stop).

#### Clerks and Building Services

With respect to patios, the Building Department received two complaints in 2020 and two complaints in 2021 which related to smoking and noise. The owners were cooperative in all instances. With respect to Recreational Vehicles, any complaints which were received were resolved by way of the registry or moving the recreational vehicle.



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Planning Staff are of the opinion that the temporary use by-law for patios was successful and that some complaints occurred from time to time. The proposed regulations are more robust than the temporary use provisions and will be further amended to address the matter of noise.

## **8.0 Financial Implications**

There are no direct municipal financial implications respecting this application.

## **9.0 Conclusion**

The purpose of this City-initiated Zoning By-law amendment is to implement permanent zoning regulations for temporary outdoor patios so that restaurants and businesses affected by COVID-19 can continue their economic recovery. Planning Staff support exempting parking restrictions for temporary outdoor patios as it is temporary in nature and has been demonstrated to not negatively impact adjacent land uses. These temporary zoning provisions recommended by Staff represent good planning, and also ensure that businesses can continue their operations and further assists them by catering to their customers whom may still not be comfortable with dining indoors. In the opinion of Staff, these regulations promote a sense of added community, character and vibrancy. The Planning Department supports the proposed zoning amendment and recommends approval of the proposed patio provisions and Corporate Policies related to them and the repealing of the by-laws related to the use of recreational vehicles for isolating purposes.



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Nicole Wilmot, MCIP, RPP  
Chief Planning and Director of Planning and Development Services  
People, Legislated Services and Planning

Prepared By:

Joe Muto, MCIP, RPP, Manager of Development Planning

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**APPENDIX A – Patio Brantford - Private Patio Policy**

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<b>POLICY NUMBER: PLANNING-005</b>
<b>SUBJECT:</b> Patio Brantford - Private Patio Policy

**POLICY STATEMENT:**

The City of Brantford is making it easier for businesses to establish temporary outdoor dining or retail areas to continue with on-going economic recovery. These guidelines provide a step-by-step process for establishing temporary patios (dining or retail) on private commercial properties.

**RELATED POLICY PROCEDURES/GUIDELINES:****CRITERIA**Location

- a) Patios are permitted in commercial areas and can complement food service businesses such as restaurants, bakeries, farmers markets, grocery stores and shopping centres.

Required Applications and Permits

- b) Provided the patio is temporary in nature, is constructed on grade, not enclosed by a building or structure, and does not require the installation of permanent fixtures that would alter the grading of the property, no permits or fees are required. However, if a wood deck is proposed and supported above grade (columns/beams) a building permit will be required.
- c) If there is an approved site plan agreement registered on the property, the Planning Department will require a redlined site plan for the file; however

no formal site plan amendment (including fee) will be required.

- d) For patios that are permanent in nature and contain buildings or structures and alter the grading of the property, a site plan control application/amendment, building permit and site alteration permit may be required.
- e) Applicants shall consult with the Planning Department about their proposals, and shall provide a sketch, patio location, photos, and owner/tenant authorization (where applicable).

### Design Standards

#### Accessibility

- f) The patio, including entrances, must be compliant with the Accessibility for Ontarians with Disabilities Act (AODA).

#### Structural

- g) Patios can include patio umbrellas, however overhead assemblies of any kind including but not limited to any fabric roof coverings, or trellis-type shade structures may require further approvals from the City.
- h) If an enclosure or structure is proposed on the patio, a site plan amendment or a building permit may be required. Individuals should consult with the Building Department.

#### Visual

- i) Proposals for patios must contain a perimeter guard or fence so that individuals can utilize these spaces safely.
- j) Fencing can be constructed out of wood, metal, vinyl/plastic, glass or a similar material, and securely installed.
- k) The use of art, planter boxes and landscaping is encouraged to improve the aesthetics of a patio.

#### Additional Criteria

- l) The applicant shall have a valid business license in good standing with the City of Brantford (where applicable), including consent by the property owner if applicable.
- m) The applicant is responsible for all requirements of the Alcohol and Gaming Commission of Ontario pursuant to the sale and service of

alcohol (where applicable).

- n) The patio shall not negatively impact drainage and storm water runoff.
- o) If a gate is proposed to the patio, all gates must swing into the patio space and not obstruct walkways. No entertainment or amusement shall be permitted on the patio.
- p) No obstructions from the patio can extend into abutting walkways and drive aisles to avoid conflicts with pedestrians or vehicles.
- q) At the end of each business day, the commercial establishment is required to clean walkways in and around the outdoor patio area and remove debris to a covered refuse receptacle.
- r) Access to Fire Department connections or exits from adjacent buildings must be maintained, including any occupancy load restrictions.

#### Approval Process and Requirements

- s) Consult with Planning Staff regarding your proposed patio on private property.
- t) If there is an approved site plan associated with the property, no formal site plan amendment (including fee) will be required, however, a redlined site plan/sketch is to be provided to the Planning Department confirming:
  - Location of the patio on the subject property including dimensions and details about visual appearance and providing photos of the proposed patio location;
  - The patio meets AODA requirements; and,
  - If required, Planning Staff will direct you to the Building Department for a building permit and/or Development Engineering for a site alteration permit.

Date of Enactment:	Related By-law Number/Staff Report Number:
Review and Amendment Dates:	Department Responsible for Review:
Date of Next Review:	Applicable Legislation/Legislative Authority:

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**APPENDIX B – Patio Brantford - Temporary On-Street Patio Policy**

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<b>POLICY NUMBER: PLANNING-004</b>
<b>SUBJECT:</b> Patio Brantford – On-Street Patio Policy

**POLICY STATEMENT:**

The City of Brantford's On-Street Patio Policy allows businesses to establish temporary seasonal patios by using on-street parking. The policy will assist in the on-going economic recovery for local businesses seeking to re-establish operations. The temporary On-Street Patio Policy fits with the City's goals to promote and build on the distinctive character and locational advantages of Brantford while creating a vibrant streetscape. These patios can be used as commercial (dining or retail) or passive parklet-style spaces.

**RELATED POLICY PROCEDURES/GUIDELINES:****CRITERIA**Location

- a) On streets with existing on-street parking.
- b) Where the on-street patio can be located directly in front of the associated business:
  - a. Consideration will be given to patios that extend up to one parking space past the business's frontage provided neighbouring businesses have given consent.
- c) Proposals must not obstruct underground utility access, electrical transformer vaults, utility boxes, parking meters, loading zones, transit stops, fire hydrants, crosswalks, emergency vehicle routes, as well as

snow plow operations and waste collection and other infrastructure.

- d) Accessible parking spaces are not eligible to be used as on-street patios.
- e) Proposals must not obstruct the intersectional sight lines on any roads, and must be reviewed by the Engineering Department.
- f) Patio proposals will be dependent on the road classification (i.e. road speed), and subject to approval by the Engineering Department.

### Design Standards

#### Accessibility

- a) The patio, including entrances, must be compliant with the Accessibility for Ontarians with Disabilities Act (AODA).
- b) The patio base must have an accessible transition at the sidewalk and curb to permit easy access and avoid tripping hazards by means of decking that is flush with the sidewalk.

#### Structural

- a) The owner/operator shall provide a floor structure that accommodates the crown of the road and provides a level surface for the deck that is flush with the adjacent curb and sidewalk. Sample drawings are attached to this Policy.
- b) Patios may utilize umbrellas, however overhead assemblies including but not limited to any fabric roof coverings, or trellis-type shade fixtures are not permitted.
- c) The owner/operator of the on-street patio is responsible to ensure that any materials that are proposed to be used in the construction of the on-street patio is free of deterioration such as rotting, cracking, splitting, or any other deterioration that may affect the structural integrity and/or performance of the platform or any portion thereof.

#### Visual

- a) Patio installations must be set back from the travelled portion of the roadway by a physical barrier at a distance determined by the Engineering Department.
- b) To ensure visibility to moving traffic and parking cars, installations must be buffered using a temporary wheel stop at a desired distance of 1.2 metres (48") from each end. This standard must be included in the notice and

plans provided to neighbouring businesses for consent.

- c) Lighting will be subject to review and will be designed and installed in such a way as to not create a visual or physical distraction to travelling public on the sidewalk or roadway. For example, patio lantern-style light fixtures may be permitted, while larger format flood lighting may not.
- d) The use of art is encouraged to improve the aesthetics of the standard patio enclosures.

#### Additional Criteria

- a) The applicant shall have a valid business license in good standing with the City of Brantford (where applicable), including consent by the property owner if applicable.
- b) The applicant is responsible for all requirements of the Alcohol and Gaming Commission of Ontario pursuant to the sale and service of alcohol (where applicable).
- c) Copy of Insurance Certificate as required pursuant to the Temporary Patio License.
- d) All gates must swing into the patio space and not obstruct the sidewalk or travelled portion of the roadway.
- e) No umbrellas or other treatments can extend into the sidewalk or travelled portion of the roadway.
- f) Applicants must provide notice to adjacent business neighbours of their proposals, if available; provide the Planning Department with acknowledgement.
- g) Promotional signage/advertising will not be permitted on any patio or adjacent sidewalk, along the entire length of the patio, which may include neighbouring businesses.
- h) No entertainment or amusement shall be permitted on the patio.
- i) At the end of each business day, the owner/operator is required to clean the sidewalk in and around the outdoor patio area and remove debris to a covered refuse receptacle. Garbage cannot be placed in City waste receptacles.
- j) The City of Brantford will have the right to maintain the municipal property in order to carry out repairs or maintenance to the municipal property. Where possible, the City of Brantford will provide written notice five (5) days prior to entering. The City has the right at any time to suspend the

permit and undertake removal of the patio at the applicant's expense.

- k) Access to Fire Department connections or exits from adjacent buildings must be maintained.

#### Application Requirements

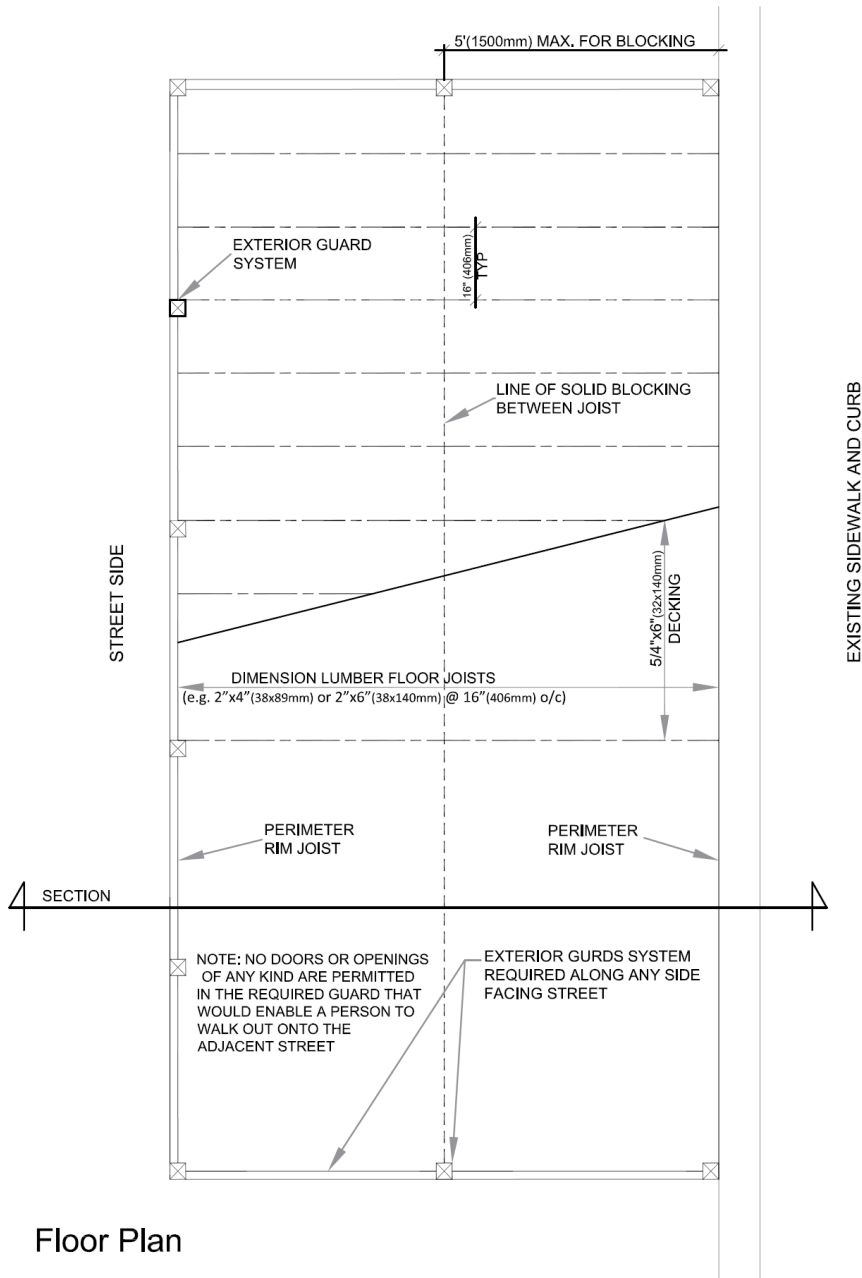
- a) Prepare plans and drawings of the proposed installation(s) using metric dimensions and standard drafting templates, in conjunction with the plans provided in this Policy.
- b) Complete the On-Street Patio Occupancy Permit Application.
- c) Enter into a Temporary Patio License with the City.

#### Approval Process

- a) Submit your Permit application, as above, and five (5) copies of the required plans and drawings and photos of the proposed patio location to the Planning Department.
- b) Revise application in response to Staff comments, if necessary.
- c) Clear conditions of approval and receive a Temporary Patio License.
- d) Install on-street patio.
- e) Contact City Staff re: inspection.
- f) Obtain final approval by the Planning Department.

Date of Enactment:	Related By-law Number/Staff Report Number:
Review and Amendment Dates:	Department Responsible for Review:
Date of Next Review:	Applicable Legislation/Legislative Authority:

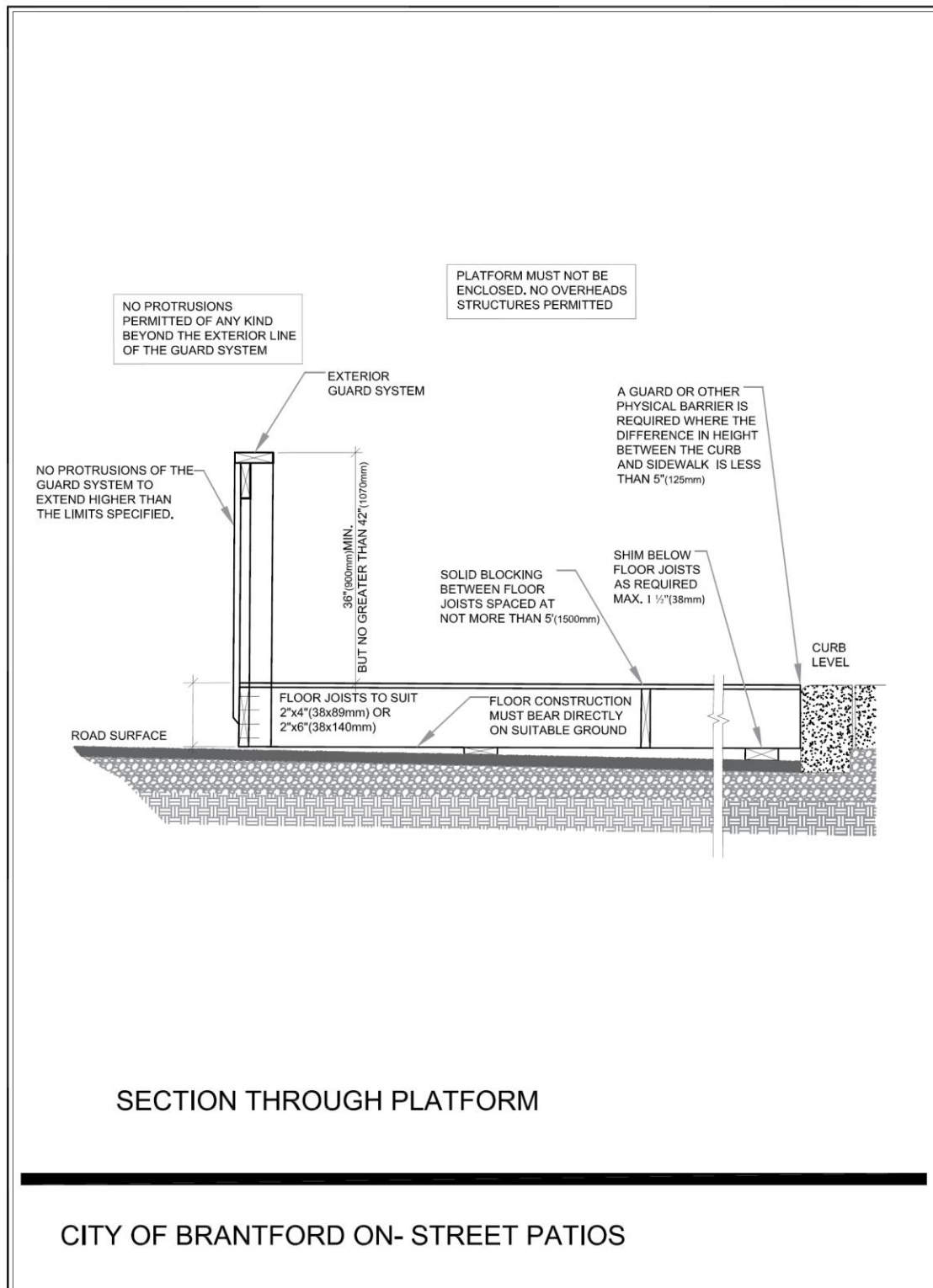




Floor Plan

## CITY OF BRANTFORD ON- STREET PATIOS

Schedule B – Concept Patio Plan (Cross Section)



## APPENDIX C

### Agency and Department Comments

Agency/Department	Comments/Remarks
Economic Development and Tourism (ED&T)	<p>ED&amp;T raised a point respecting the proposed regulation respecting <i>any recreation and/or entertainment uses are not permitted on temporary outdoor patios</i>.</p> <p>They recommend permitting non-amplified noise, but not amplified noise at this time, specifying dBA and time restrictions. I don't think the scale of the patios necessitates amplified noise, and what we would want to encourage is performers, rather than just loud streamed music blaring or huge bands. It would be nice to provide space for artists that isn't limited by barriers that restaurants would have to deal with if applying for a noise exemption.</p> <ul style="list-style-type: none"> <li>• <a href="#">Hamilton's Temporary Outdoor Patio Program</a> permits music/sound without amplification. Amplified music/sound can be permitted with a Noise Exemption Permit. <ul style="list-style-type: none"> <li>○ They tested this with a temporary pilot program that basically noted that as long as no one was disturbed by the noise, a noise permit wasn't required. Sound level had to be limited to 60 dBA. Context <a href="#">here</a>.</li> </ul> </li> <li>• <a href="#">Toronto</a> permits amplified music on patios (started in summer 2020 and was extended into 2022) – introduced as a COVID-19 recovery effort in four wards, then expanded to eight wards.</li> <li>• Commercial patios permit amplified music in the <a href="#">City of London</a>, but regulated by dBA and timing.</li> </ul> <p>This recommendation aligns with Goal 3, Strategic Action H of the <i>Municipal Cultural Plan</i> (attached):</p> <ul style="list-style-type: none"> <li>• Goal 3: Provide and develop space for cultural and artistic activities.</li> </ul>

	<ul style="list-style-type: none"><li>○ Strategic Action 3H: Create and facilitate increased opportunities to showcase local art, heritage, artists, writers and performers in municipal facilities, at civic events, and in public spaces.</li></ul>
Accessibility Coordinator	While the inclusion of the clause stating accessible parking and walkways must be maintained is fantastic. Comment was also provided regarding the inclusion of accessible access to the patio (i.e. no steps).
Building Department	<p>The Department received only a few complaints last summer. One was in relation to Spices on Sydenham which was for smoking and another one other in West Brant. The owners were cooperative in both of those cases. We also had some inquiries in relation to live music on patios and we simply directed people to the provincial guidelines at the time.</p> <p>With respect to 235 Market Street (the Gentlemen's Club) was at times a challenge but complied with music complaints when they were asked to turn it down or off in some cases.</p> <p>With respect to Recreational Vehicles, any complaints which were received were resolved by way of the registry or moving the recreational vehicle.</p>
Clerks	We have no concerns with the removing the Recreational Vehicle By-law. Staff have not received any comments or concerns regarding this for quite some time.

*Agencies are advised at the time of circulation for comment that they are considered as having no objection to an application if they do not reply within the time limit provided. If additional time is required in which to comment they are to contact planning staff.*

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## APPENDIX D – Letter from Chamber of Commerce



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### Submission to the City of Brantford from the Chamber of Commerce Brantford-Brant

Joe Muto  
Manager of Development Planning  
People, Legislated Services and Planning  
City of Brantford  
58 Dalhousie Street - City Hall  
Brantford, ON N3T 2J2 P.O. Box 818

CC: Mayor Kevin Davis  
Downtown Brantford Business Improvement Area

RE: Temporary Use By-law (62-2021) **Temporary Patio Allowances**

Friday, May 13, 2022

Dear Mr. Muto,

Thank you for the opportunity to comment on the noted by-law and the recommended changes proposed by staff, for the re-evaluation of the by-law due to the termination of the state of emergency in the City of Brantford.

The Chamber enthusiastically supports recommendation of Planning Staff that the Council approved regulations in the by-law become permanent to allow for temporary, seasonal outdoor patios in spaces that would otherwise be required for parking.

The Chamber is aware that many residents and businesses throughout Ontario found that temporary patios created a sense of community, improved the atmosphere around businesses, allowed for more “eyes on the street” and created a safer and more dynamic environment around businesses.

The Chamber has heard from businesses that some temporary patios are difficult to keep safe and intact from curious neighbours, and that they are also increasingly hard to staff due to the widely reported labour shortage, especially in the hospitality sector. However, business should be





provided the opportunity to address those challenges at their locations, and seek support where required, rather than rolling back this opportunity for growth, commerce, and street-side vitality. As such, the Chamber applauds city efforts to be forward-thinking in creating vibrancy in the public realm and providing longer term predictability to the hospitality sector as they recover economically from pandemic-related restrictions.

The Chamber requests consideration of a change to #6 in the regulations as follows:

**Proposed:** "6. Notwithstanding any of the requirements above, the Police Chief, Fire Chief or Chief Building Official may impose further conditions or requirements that they deem appropriate to safeguard public safety or mitigate nuisances."

**Requested:**

"6. Notwithstanding any of the requirements above, the Police Chief, Fire Chief or Chief Building Official may impose further conditions or requirements that they deem appropriate to safeguard public safety or mitigate nuisances. *The official will consult with business owners to establish the requirements and timelines, as well as balance public safety with supply chain and operational restrictions.*"

The Chamber is pleased to discuss in more detail.

Respectfully submitted,

Paul Bisanti  
Chamber of Commerce Brantford-Brant  
President  
[pbisanti@lanca.com](mailto:pbisanti@lanca.com)

David Prang  
Chamber of Commerce Brantford-Brant  
CEO  
[david@brcc.ca](mailto:david@brcc.ca)

