

**To: Mayor Marianne Meed Ward and Members of Council**

**From: Jenna Puletto Special Business Area Co-ordinator**

**Date: July 11, 2019**

**Re: Amendment to Zoning By-law 2020 to extend the temporary use to permit entertainment/recreational uses on outdoor patios in the downtown (PB-35-19)**

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The purpose of this memo is to follow up on some questions of staff which came from the conversation around City Building Report PB-35-19, a report recommending an amendment to Zoning By-law 2020 to extend the temporary use to permit entertainment/recreational uses on outdoor patios in the downtown.

PB-35-19 recommends that entertainment / recreational uses be permitted on Downtown patios for an additional 3-year period subject to the following conditions:

- Prohibiting the operation of any electronic device intended to amplify sound
- Permitting the outdoor entertainment / recreational uses between the hours of 12:00pm until 10:00pm
- Prohibiting the outdoor entertainment / recreational uses after 6:00pm on Sundays and Holidays
- Limiting the outdoor entertainers to one entity at a time (i.e. only one band or one group or one musical act can perform on a patio at any given time)
- The outdoor entertainment/recreational uses remain subject to all other City By-Laws in effect, including the City's Nuisance and Noise By-Law.

Mayor Meed Ward requested an amendment to the conditions to permit the amplification of instruments such as keyboards, given the ambient noise present at many Downtown patios. Staff has heard that many entertainers come equipped with portable amplifying devices and that the practice of using amplifying devices has been occurring in the Downtown over the duration of the pilot. Given the time parameters and other limitations included in the list of conditions above, as well the lack of complaints for the duration of the pilot program, staff recommends that the condition prohibiting the operation of any electronic device intended to amplify sound be removed. As such, the by-law will be amended to include the following conditions:

- Permitting the outdoor entertainment / recreational uses between the hours of 12:00pm until 10:00pm
- Prohibiting the outdoor entertainment / recreational uses after 6:00pm on Sundays and Holidays
- Limiting the outdoor entertainers to one entity at a time (i.e. only one band or one group or one musical act can perform on a patio at any given time)
- The outdoor entertainment/recreational uses remain subject to all other City By-Laws in effect, including the City's Nuisance and Noise By-Law.

Additionally, staff will begin the review to extend these permissions city-wide and will provide a report to Council with recommendations in the Fall.

Sincerely,

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