



Commercial Rooftop Patios

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Agenda

- What is in place today?
- Municipal Scan
- Proposed regulations
- Licensing By-law coordination
- Questions



The Current Situation

The Town's Zoning By-law 2010-40 defines a *Patio, Commercial Rooftop* as, "any portion of a rooftop dedicated as a seasonal outdoor serving area that is an accessory use to a restaurant, bar restaurant, or banquet hall".

While the Town's ZBL defines this use, it does not list it as a permitted use nor does it provide for any rules or regulations

The existing tools currently in place to regulate outdoor patios include the Municipality's Zoning By-law, Noise By-law, licensing requirements and the Alcohol and Gaming Commission of Ontario (AGCO).

Motion from earlier in 2020 requesting a public meeting to review regulations regarding Commercial Rooftop Patios.

Municipal Scan

Municipality (in York Region)	Regulations
Aurora, King Township, East Gwillimbury, Whitchurch-Stouffville, Richmond Hill	No regulations
Vaughan	Ensures that maximum height for the zone is maintained. Prohibited adjacent to residential zone or use
Georgina	Not permitted as of right (outside Covid times) requires a Minor Variance.
Markham	Prohibited adjacent to a residential zone or use. Music and entertainment prohibited when abutting a residential zone or use.

Municipal Scan Continued ⁶

Municipality	Regulations
Barrie	A guard rail is required and seating cannot be placed within 1m of building edge.
Waterloo	Only permitted in zones which permit restaurant, café, or bake shop. Prohibited within 40m of low rise residential lot line. Cannot extend beyond roof of building. (1.8m) tall Acoustical Wall required if abutting lot is zoned residential or contains a dwelling unit . Max floor area of 50sq.m per building. Roofed area cannot be fully enclosed and cannot exceed 20% of patio area. Primary access must be interior (to and from the bldg.) Cannot have live entertainment (music, dancing, etc.)
London	Maximum size is 50% of the capacity of the restaurant or 50 persons which ever is greater
Milton	Located directly above the restaurant Not permitted on any lands abutting a residential zone

The Proposed Regulations

This is the Public Meeting for amending Zoning By-law 2010-40 & 2019-06 with the following regulations:

Restaurants, banquet halls, and other commercial uses shall be permitted to include a commercial rooftop patio as an accessory use, provided that the commercial rooftop patio that complies with the following:

- A commercial rooftop patio is prohibited in association with an adult entertainment parlour;
- The design shall be established in accordance with an approved site plan addressing matters such as lighting, landscaping, noise, etc.;
- A commercial rooftop patio must comply with any applicable requirements of municipal by-laws, including the Town's licensing and noise by-laws, and must comply with all applicable requirements of the Ontario Building Code.

By-laws

Regulating commercial rooftop patios: a meeting of the Zoning By-law and the Licensing By-law

- Licensing By-law: human behavior (signage, hrs of op, music/noise, lighting, location proximity to other businesses or zones, etc).
- Zoning By-law physical aspects (location, use association, etc.)

But also:

- Building Code safety aspects (guard rails, safety exits etc.)
- Noise By-law

Process

- A modified “quick site plan” process
- Exempt from pre-consultation meetings
- submission of a site plan drawing only for review by staff
- Could be bumped up to SPRC as a matter of course or as requested by a member of Council to obtain design recommendations,
- “permit/approval” from Clerk under Licensing By-law
- Applicant signs Site Plan Undertaking
- Building permit required



Questions?

