

Memorandum: Commercial Rooftop Patios

March 1, 2021

To: Mayor and Members of Council

From: Jason Unger, Director, Planning & Building Services

Re: **Amendment to proposed Site Plan Guidelines for Commercial Rooftop Patios and Business Licence By-law**

At the February 22, 2021 Committee of the Whole meeting, Council reviewed the Commercial Rooftop Patio staff report. Comments received at the meeting included clarifying that noise mitigation may be required regardless of the location of the commercial rooftop patio. Specifically, that a noise wall will be required if the rooftop patio is within 40m of a residential property, and that it may still be required if the patio is beyond 40m from a residential property.

Accordingly, the amended site plan manual guidelines now read as follows:

“When reviewing a Commercial Rooftop Patio Council and staff shall consider that:

1. Any noise impacts of a Commercial Rooftop Patio must be mitigated.
 - a. A noise mitigation wall will be required when a Commercial Rooftop Patio is located within 40m of the property line of an adjacent residential property.
 - b. Commercial Rooftop Patios located over 40m from the property line of an adjacent residential property may also require a noise mitigation wall where deemed necessary by the Town.

A “noise mitigation wall” is generally a solid translucent or opaque barrier of a minimum of six feet in height for the purpose of noise reduction.”

We believe this will ensure that all applicants are notified at the earliest part of the process that they may need to provide a noise wall.

For additional information, please contact Meghan White, Senior Planner, Development at mwhite@newmarket.ca

In addition to an amended site plan manual, Town staff has also made changes to the proposed Business Licence By-law by:

1. Amending Section 8.4(4) to state: *No **Owner** or **Operator** shall operate or permit the occupancy of any **Outdoor Serving Area** between the hours of 1:00 a.m. and 11:00 a.m.*

This section has been amended to revert the hours of operation back to what is currently enacted by by-law with no regulatory changes proposed.

2. Amending Section 8.5(6) to state: *Every **Commercial Rooftop Patio** shall be required to install a solid, translucent, or Opaque Barrier that is a minimum of 1.8m in height along its perimeter for the purpose of noise reduction and security, unless otherwise authorized by the Town.*

This section has been amended to remove the locational requirement relating to a sound reduction wall of a Commercial Rooftop Patio within 40m of an adjacent residential property. This section will now require all Commercial Rooftop Patios have a sound reduction wall, unless otherwise permitted by the Town (i.e. through the site plan process).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Unger', with a checkmark-like flourish at the end.

Jason Unger, MCIP, RPP
Director, Planning & Building Services