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**File: Z-8625  
Chuck Parker**

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING &amp; ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: CITY OF LONDON DOWNTOWN BUSINESS IMPROVEMENT AREA AND OLD EAST VILLAGE COMMUNITY IMPROVEMENT AREA  PUBLIC PARTICIPATION MEETING ON Monday, July 18, 2016</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of the City of London relating to the Downtown Business Improvement Area and Old East Village Community Improvement Program Area: the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on July 26, 2016 to amend Section 50.2 (Temporary Zone) of Zoning By-law No. Z.-1, in conformity with the Official Plan, to temporarily allow, notwithstanding the regulations of Section 4.18 5) of the General Provisions Section, amplified music and dancing on outdoor patios within the Downtown Business Improvement Area and Old East Village Community Improvement Program Area for a two month temporary period from August 1, 2016 until September 30, 2016.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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1. Planning Entertainment Uses for Downtown Revitalization (April 9, 1996, August 26, 1996 and September 30, 1996)
2. Regulation of Noise from Outdoor Patios and/or Restaurants/Taverns (June 2001)
3. Residential-Entertainment Interface Study –Preliminary Report (June 21,2004)
4. London’s Cultural Prosperity Plan (2013).
5. London Music Strategy (August 27, 2014)
6. “Our Move Forward” – London’s Downtown Plan (Council adopted April 14, 2015)
7. Potential Culture Districts in the City of London ( SPPC - June 9, 2015)
8. Potential Culture Districts in the City of London – Study Terms of Reference (SPPC – October 26, 2015)
9. Music, Entertainment and Culture District Study – Study Status Report (SPPC – March 21, 2016)

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**PURPOSE AND EFFECT OF RECOMMENDED ACTION**

The purpose and effect of this zoning by-law amendment will be to temporarily remove the application of Section 4.18 5) to allow the City to monitor the impact of music and dancing on patios in the Downtown and Old East Village during the summer festival season, particularly during Country Music Week September 8-11, 2016. This test period will be used to gather information for the consideration of permanent changes through the Music, Entertainment and Culture District Background Study scheduled to be completed by December 2016 with any changes implemented for the 2017 event season.

**RATIONALE**

1. The amendment conforms to the intent of Section 19.4.5 (Temporary Use By-laws) of the Official Plan.
2. The amendment will be used to monitor impacts of temporarily permitting amplified music and dancing on outdoor patios in two parts of the City, which will provide inputs into possible long term changes recommended through the Music, Entertainment and Culture District Study for the 2017 event season.

**BACKGROUND**

**Date Application Initiated:** May 24, 2016

**REQUESTED ACTION:** On May 31, 2016 Council resolved;

*“17. That the Civic Administration **BE DIRECTED** to proceed with a City initiated Zoning By-law Amendment to, notwithstanding the regulations set out in Section 4.18 5) of Zoning By-law Z-1, as amended, permit amplified music and dancing on existing outside patios in the Downtown Business Improvement Area and Old East Village, for a period of August 1 to September 30, 2016. (2016-D14) (17/10/PEC)”*

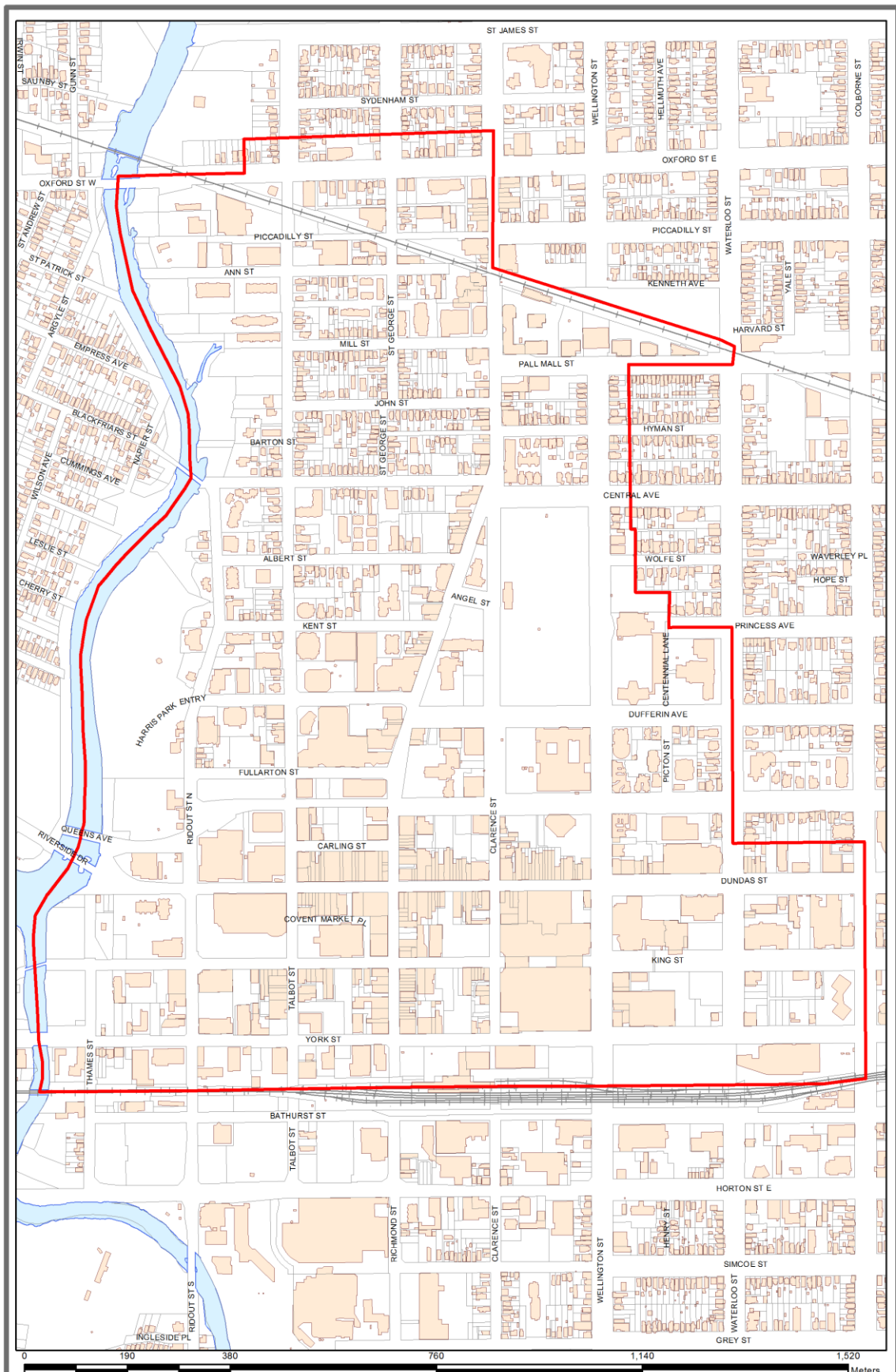
The request for the amendment came from a letter dated May 19, 2016 from the Culture Office and Community and Economic Innovation Division of the City of London

**SIGNIFICANT DEPARTMENT/AGENCY COMMENTS**

None to date

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**LOCATION MAP**

Subject Site : Downtown Business Improvement Area  
 Applicant: City of London  
 File Number : Z-8625

Planner : CP  
 Created By : MB  
 Date : 2016/02/16

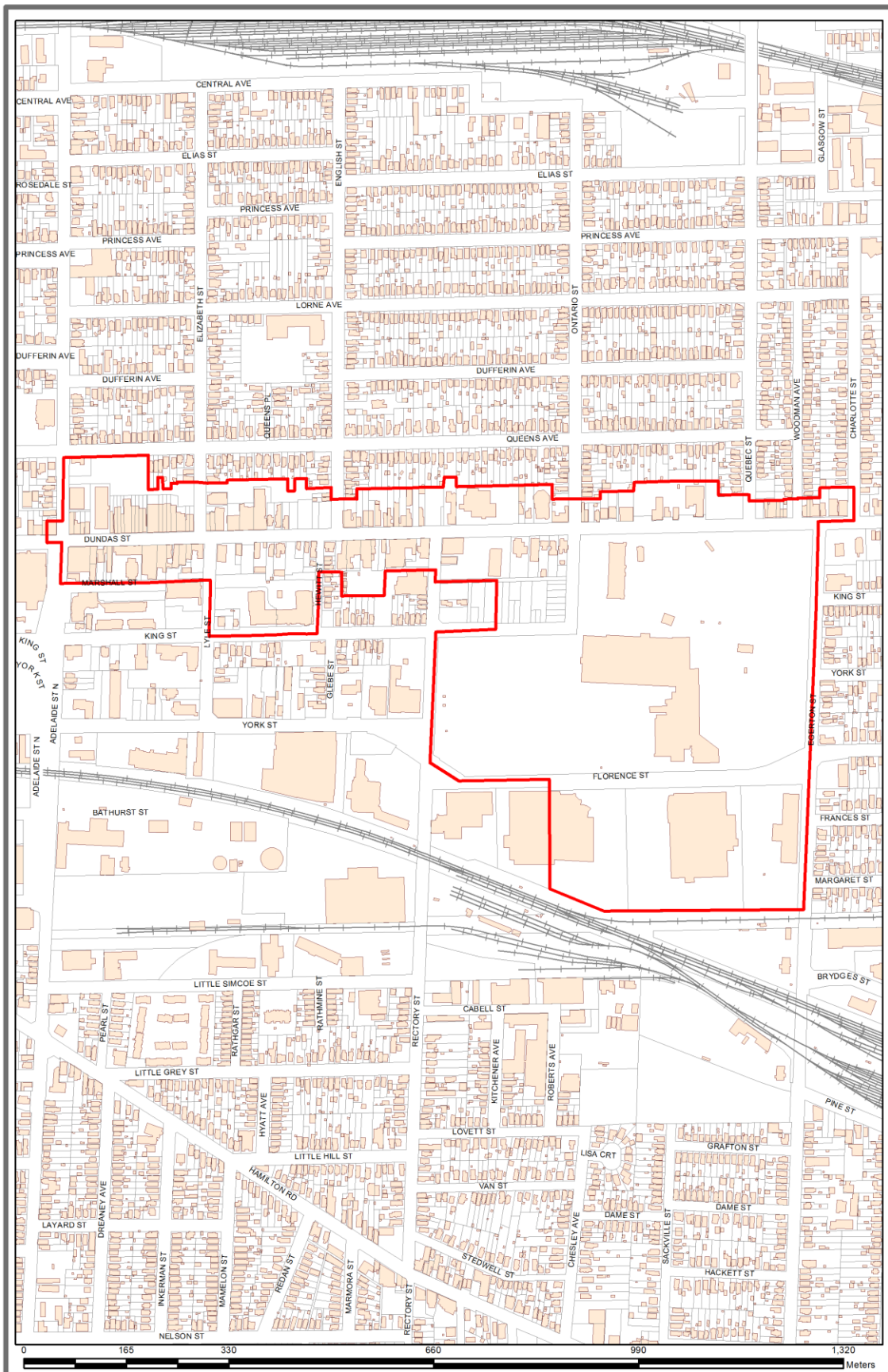
**Legend**

Subject Site



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**LOCATION MAP**

Subject Site : Old East Village Community Improvement Project Area  
 Applicant: City of London  
 File Number : Z-8625

Planner : CP  
 Created By : MB  
 Date : 2016/02/16

**Legend**

Subject Site

Prepared by : Graphics & Information Services , Planning Division  
 Corporation of the City of London  
 File=planning/projects/p\_locationmaps/MXDs



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<b>PUBLIC LIAISON:</b>	On June 22, 2016, a public notice was sent out to 15,400 homes, apartments and businesses within and around the two identified areas. Notice of Application was also published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on June 2 <sup>nd</sup> , June 16 <sup>th</sup> and June 23 <sup>rd</sup> . The notice was also posted on the City website.	No replies were received
<b>Nature of Liaison:</b> Downtown BIA and Old East Village CIPA – Temporarily Remove the Application of Section 4.18 5) of Zoning By-law Z-1 from August 1, 2016 until September 30, 2016 to allow amplified music and dancing on outdoor patios. The purpose and effect of this zoning by-law amendment will be to temporarily remove the application of this clause to allow the City to monitor the impact of music and dancing on patios during the Downtown and Old East Village festival season, particularly during Country Music Week September 8-11, 2016. This test period will be used to gather information for the consideration of permanent changes through the Music, Entertainment and Culture District Background Study scheduled to be completed by December 2016 with any changes implemented for the 2017 event season.		
<b>Responses:</b> None to date		

**PLANNING HISTORY**

Section 4.18 (Outdoor Patio Associated with a Restaurant or Tavern) has remained largely unchanged since Zoning By-law Z-1 came into force July 1, 1993 except for a title change and addition of words to subsection 5) in 2004. The restrictions on new patios next to residential uses have continued to be applied since that date. All patios in existence before that date are considered legal conforming uses.

The issue of noise emanating from patios, especially next to residential uses, was the subject of planning reviews in 2001 (Z-6072/City of London) and 2004. The first review was initiated in response to residents' complaints about excessive noise from bars and restaurants in the Richmond Row area. Issues of noise, hours of operation and the regulation of noise were raised. A number of options were considered; however no changes were made. A Task Force was established and was to make recommendations to Planning Committee by February 2002.

In 2004 a Residential/Entertainment Interface Study was initiated which included Downtown and Richmond Row. Again a number of options were considered including changes to the Zoning By-law, Noise By-law, Licensing By-law and Liquor License process. Additional words (highlighted below in grey) were added to clause as such;

**5) ENTERTAINMENT**

*No amplified or electronic music (whether performed live or recorded), dancing or other forms of entertainment shall be permitted, with the exception of non-amplified acoustical music. (Z.-1-142303)*

That clause has been in place since 2004.

**ANALYSIS**

Council has directed administration to study the possible establishment of Music, Entertainment and Culture Districts as a potential tool for municipalities to use to draw performers and tourists to specific areas of the City making it more vibrant. It may be advantageous for London to have such Districts, given the various venues that are already in place that support these activities including Budweiser Gardens, the Grand Theatre, Harris Park, Fanshawe College Centre for Digital and Performance Arts, the Palace Theatre, numerous bars and eateries, various streets

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and squares that host many festivals and celebrations during summer months, among others. A vibrant District can attract tourists and encourage the assembly of City residents and make a significant contribution to a healthy City economy. In 2015 Council gave direction to staff to review the possibility of establishing such districts to make the City more vibrant and attractive for employees and outside investors.

Planning staff prepared a Terms of Reference for the study, received Council approval and then proceeded to prepare the study. On March 21, 2016 a status report was submitted to Strategic Priorities and Policy Committee (SPPC). In the report there were two sections relating to the use of 2016 events, specifically Country Music Week, as test events for the monitoring of impacts as justification for any changes for the 2017 event season.

“Country Music Week” will be the largest non-sporting event London has ever held and it is an opportunity to see what issues arise, if any, as a result of the size and complexity of the event. There are approximately 35 sanctioned events and more than 35 unsanctioned events that will run in conjunction with “Country Music Week” from September 8-11<sup>th</sup>, 2016. It will involve both indoor and outdoor music and entertainment in various locations and closure of some Downtown streets. The intent is to use the opportunity presented by the event to seek removal of perceived barriers for a limited time, monitor what happens and then evaluate what changes are needed for future events.

Temporarily “lifting” the application of Section 4.18 5) to allow amplified music and dancing on patios within Downtown and Old East Village does this. The Director of Culture and Entertainment Tourism, the London Music Industry Development Officer and the Acting Director- Community and Economic Innovation all recognize that these 2016 events, including “Country Music Week” could provide a good opportunity to test possible changes which included going beyond acoustical music on patios.

In addition to Section 4.18 5), which relates to noise on outdoor patios, there are a number of other variables which the City could monitor for all events during the 2016 summer event season which could also provide inputs into the overall Music, Entertainment and Culture District Study. These could include;

1. Number of Noise Complaints, both from indoor and outdoor sources;
2. Number of parking infractions;
3. Number of road closure complaints;
4. Number of garbage complaints;
5. Liquor infractions;
6. Downtown pedestrian counts;
7. Number of people attending the event; and,
8. Economic Impacts, increase in downtown business at stores, restaurants and hotels.

Following all of these summer events, this information will be collected and reported back to the Committee and changes considered through the study.

Similarly, relevant information has also been collected from the “Rock the Park” event last year. Both deal with the issue of citizen/neighbor impact. At the same time the staff report on “Country Music Week” is presented to the Committee we will also report back on the survey of the “Rock

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the Park” event as requested by the Committee resolution on April 21, 2015. In 2015 Council allowed the “Rock the Park” event to occur on five consecutive days and, following the event, a consultant was hired to complete a survey of 300 nearby and city residents.

However, the intent of the subject zoning amendment is to allow amplified music and dancing on outdoor patios in specific areas for a temporary period. All other regulations of Section 4.18 would still apply namely;

**4.18 OUTDOOR PATIO ASSOCIATED WITH A RESTAURANT OR TAVERN**

*(Z.-1-051390)*

*Notwithstanding any other provisions of this By-Law, the following shall apply to an outdoor patio associated with a permitted restaurant:*

**1) CAPACITY**

*No outdoor patio shall accommodate more than 50 percent (50%) of the licenced capacity of the restaurant with which the patio is associated, or 50 persons, whichever is the greater.*

**2) LOCATION**

- a) No outdoor patio shall be permitted where any lot line adjoins lands which are in a residential zone class which is not in combination with another zone, or is separate therefrom by a lane.*
- b) Notwithstanding the provisions of Paragraph (a), where only the rear lot line adjoins a residential zone class which is not in combination with another zone, or is separated therefrom by a lane, an outdoor patio shall be permitted in the front yard.*
- c) No outdoor patio shall be located above the elevation of the floor of the first storey of the principal building where the lot adjoins a residential zone class which is not in combination with another zone, or is separated therefrom by a lane.*

**3) LIGHTING**

*Any outdoor lighting shall be directed toward or onto the patio area and away from adjoining properties and streets.*

**4) LOADING**

*Notwithstanding Subsection 4.13 (Loading Space Requirements), no loading space shall be required for an outdoor patio restaurant.*

**6) PARKING**

*Parking spaces shall be required for the gross floor area associated with the outdoor patio at the same ratio as for restaurants. There is no parking requirement for those outdoor patios associated with an adjacent restaurant zoned Downtown Area (DA).*

*(Z.-1-97534)*

**CONCLUSION**

The temporary zone applicable to two parts of the City would allow monitoring of the impact of temporarily permitting amplified music and dancing on outdoor patios and possibly lead to permanent changes thereafter, beginning in 2017.

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<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
<b>W.J. CHARLES PARKER M.A. SENIOR PLANNER - URBAN REGENERATION</b>	<b>JIM YANCHULA, MCIP, RPP MANAGER, URBAN REGENERATION</b>
<b>RECOMMENDED BY:</b>	
<b>JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>	

June 17, 2016  
cp

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**Bibliography of Information and Materials  
Z-8625**

**Reference Documents:**

Ontario. Ministry of Municipal Affairs and Housing. *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended.

Ontario. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement*, 2014.

City of London. *Official Plan*, June 19, 1989, as amended.

City of London. *Zoning By-law No. Z.-1*, May 21, 1991, as amended.

**Correspondence: (all located in City of London File No. Z-8625)**

**City of London -**

**Departments and Agencies -**

**Other -**

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**Appendix "A"**

Bill No. (number to be inserted by Clerk's Office)  
2016

By-law No. Z.-1-16\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to allow amplified music and dancing on outdoor patios in the Downtown BIA and Old East Village CIPA on a temporary basis.

WHEREAS the City of London has applied to amend Section 50 (Temporary Uses) of Zoning By-law Z-1 and would affect the areas shown on the maps attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

- 1) Section Number 50.2 of the Temporary (T) Zone is amended by adding the following Special Provision:

) T- ( )

Notwithstanding the regulations in Section 4.18 5) of the General Provisions Section, amplified music and dancing on outdoor patios within the Downtown Business Improvement Area (BIA) and Old East Village Community Improvement Plan Area (CIPA) may be permitted for a two month temporary period from August 1, 2016 until September 30, 2016.

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

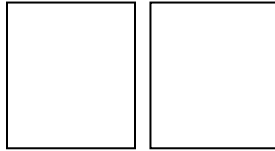
This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on July 26, 2016.

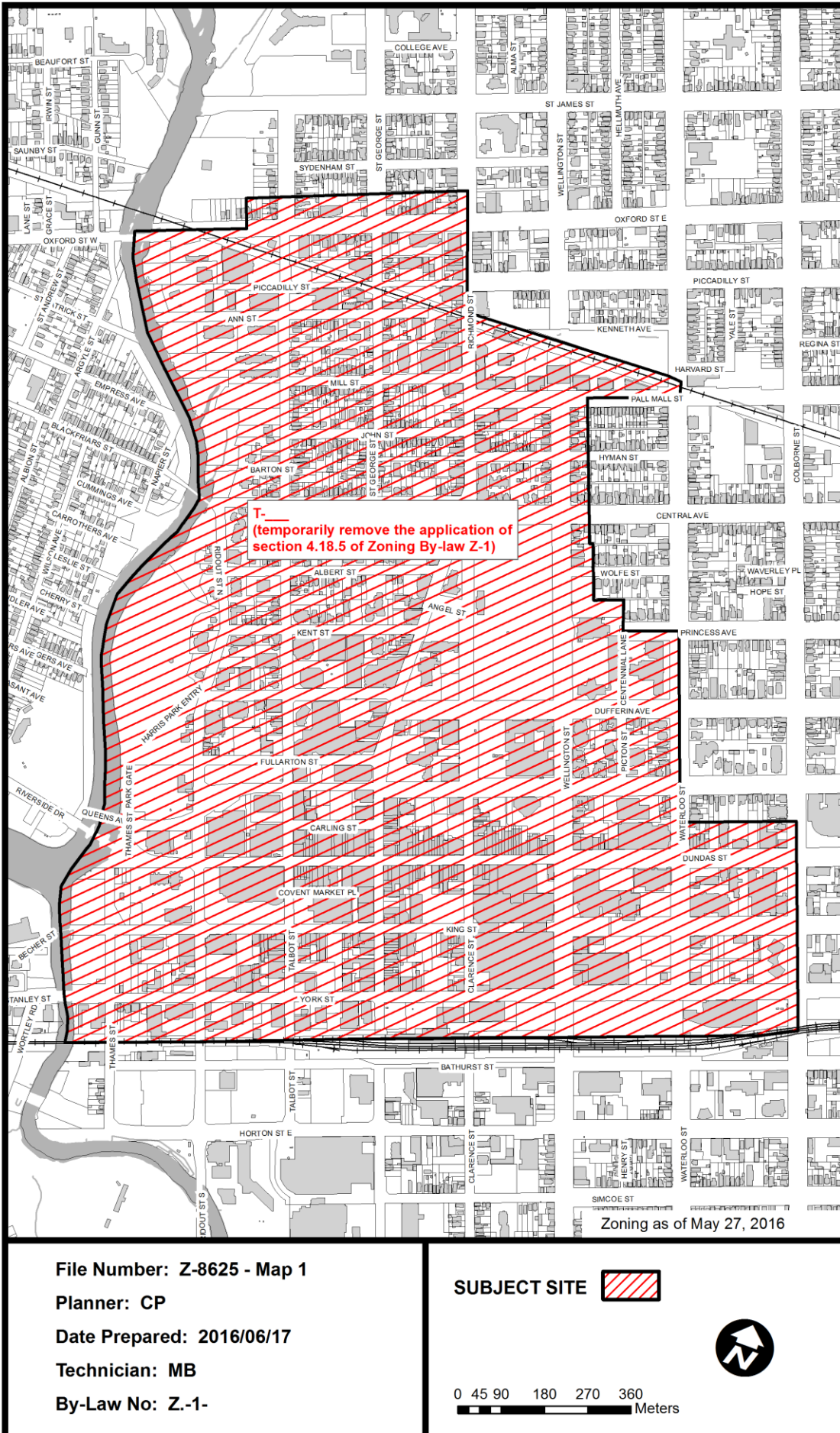
Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First Reading - July 26, 2016  
Second Reading – July 26, 2016  
Third Reading - July 26, 2016



**AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z-1)**

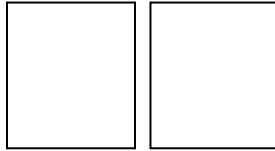


File Number: Z-8625 - Map 1  
 Planner: CP  
 Date Prepared: 2016/06/17  
 Technician: MB  
 By-Law No: Z-1-

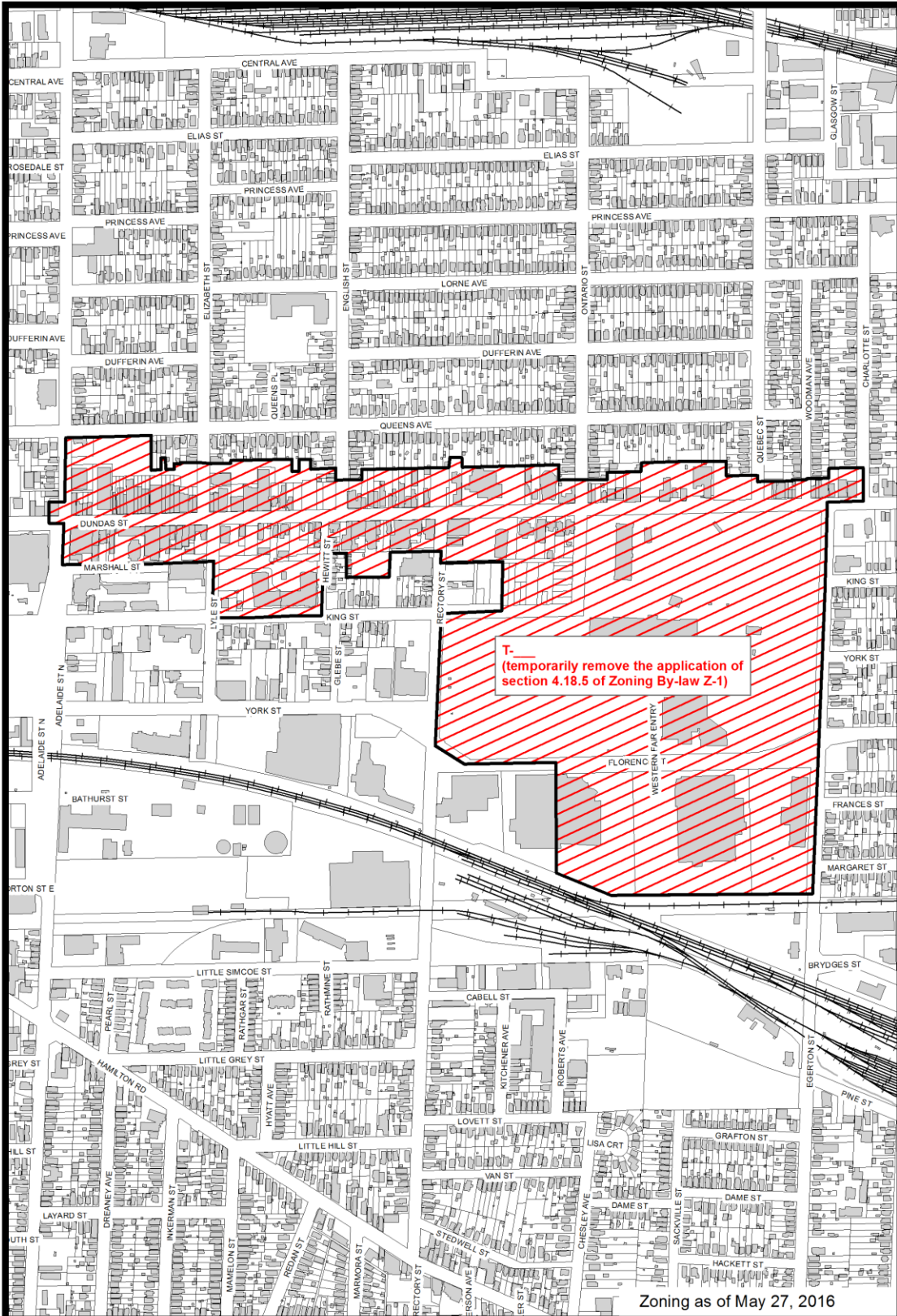
SUBJECT SITE 





0 45 90 180 270 360  
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**AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)**



<p>File Number: Z-8625 - Map 2  Planner: CP  Date Prepared: 2016/06/17  Technician: MB  By-Law No: Z.-1-</p>	<p><b>SUBJECT SITE</b> </p>  <p>0 37.5 75 150 225 300  Meters</p>
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