

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: CITY OF LONDON DOWNTOWN BUSINESS IMPROVEMENT AREA AND OLD EAST VILLAGE COMMUNITY IMPROVEMENT AREA RESULT OF APPEAL TO THE ONTARIO MUNICIPAL BOARD MEETING ON MONDAY, NOVEMBER 14, 2016

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, the following report **BE RECEIVED** to update Council on the status of the zoning by-law amendments initiated by Council and the resultant appeals to those zoning by-law amendments.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

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)

PURPOSE AND EFFECT OF PROPOSED ZONING BY-LAW AMENDMENT

The purpose and effect of the proposed zoning by-law amendment was to temporarily remove the application of Section 4.18 5) of Zoning By-law Z-1 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 was to 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.

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BACKGROUND

On May 31, 2016 Council gave direction, at the request of the Culture Office of the City of London, for Planning staff to process a City-initiated zoning by-law amendment with public circulation. On June 22, 2016 a Notice of Public Meeting was sent to over 15,000 residents. Londoner, website and social media notice was also provided. A public participation meeting was held July 18, 2016 before the Planning and Environment Committee (PEC) and on July 26, 2016 Council resolved;

19. That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of the City of London, the proposed attached, revised, by-law (Appendix "A") BE INTRODUCED at the Municipal Council meeting to be held 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 legally in place as of July 26, 2016 within the Downtown Business Improvement Area and Old East Village Community Improvement Program Area for a temporary period not to exceed September 30, 2016;

it being pointed out that the Planning and Environment Committee reviewed and received the following communications with respect to these matters:

- *communications submitted to the Planner; and,*
- *a communication dated July 15, 2016, from A.M. Valastro, 1-133 John Street;*

it being further pointed out that at the public participation meeting associated with this matter, the individuals indicated on the attached public participation meeting record made oral submissions regarding this matter;

it being noted that the public input was received and considered by Municipal Council, which had the effect of the Municipal Council's decision being to undertake this matter as a pilot and the Municipal Council is looking for the public's feedback on this pilot;

it being further noted that the Municipal Council approves this application for the following reasons:

- *the amendment conforms to the intent of Section 19.4.5 (Temporary Use By-laws) of the Official Plan; and,*
- *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. (2016-D09) (19/13/PEC).*

Notice of the Passing of the Zoning By-law amendment was sent August 4, 2016. The City received two appeals in response, on August 17th and August 19th, 2016.

On October 4, 2016 the City received a letter indicating that the Ontario Municipal Board had closed the file because “ *upon review of the file, it has been determined that the Board does not have jurisdiction to hear the appeals as By-law Z-1-162501 was in effect until September 30, 2016*” (see Appendix “A”).

The Council approved zoning by-law amendment was to be temporarily applied between the date the By-law came into force and September 30, 2016. Once that date had passed with no hearing scheduled, there was no longer any reason to argue the merits of the amendments.

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

October 20, 2016
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Patios\statusofappealsreportoct2016.docx

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APPENDIX “A”

**Environment and Land Tribunals
 Ontario**
 Ontario Municipal Board
 655 Bay Street, Suite 1500
 Toronto ON M5G 1E5
 Telephone: (416) 212-6349
 Toll Free: 1-866-448-2248
 Fax: (416) 326-5370
 Website: www.elto.gov.on.ca

**Tribunaux de l’environnement et de
 l’aménagement du territoire Ontario**
 Commission des affaires municipales
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 655 rue Bay, suite 1500
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 Site Web: www.elto.gov.on.ca



October 4, 2016

via EMAIL

The Clerk
 City of London
 P.O. Box 5035
 City Hall, 300 Dufferin Avenue
 London, ON N6A 4L9
 csaunder@london.ca

Subject:	Case Number:	PL160886
	File Number:	PL160886
	Municipality:	City of London
	By-Law Number:	Z.-1-162501
	Property Location:	Downtown BIA And Old East Village CIPA
	Appellants:	Steven Beauchemin, AnnaMarie Valastro

Upon review of the file, it has been determined that the Board does not have jurisdiction to hear the appeals as By-law Z.-1-162501 was in effect until September 30, 2016.

The Board’s file is now closed.

Yours truly,

 Kimberly Livingstone
 Case Coordinator, Planner
 (416) 326-6773

c.c.
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 Nicole Hall, nhall@london.ca
 AnnaMarie Valastro, bettyboop07@execulink.com