

Options to Address Covid-19 Impacts on Live Music Venues and Artists

A response to Item EC20.11 of the March 25, 2021 meeting of the Economic and Community Development Committee



Economic and Community Development Committee Item EC20.11 (March 25, 2021)

- 1) Review zoning and licensing regulations to allow live music venues to operate as dance studios, gyms, or other businesses in relation to Ontario's COVID-19 response framework; and
- 2) Review and make any recommendations with respect to the Noise By-law with regards to artists and musicians working from home



Existing zoning compliance review process

Submit a
zoning review
application...
receive notice

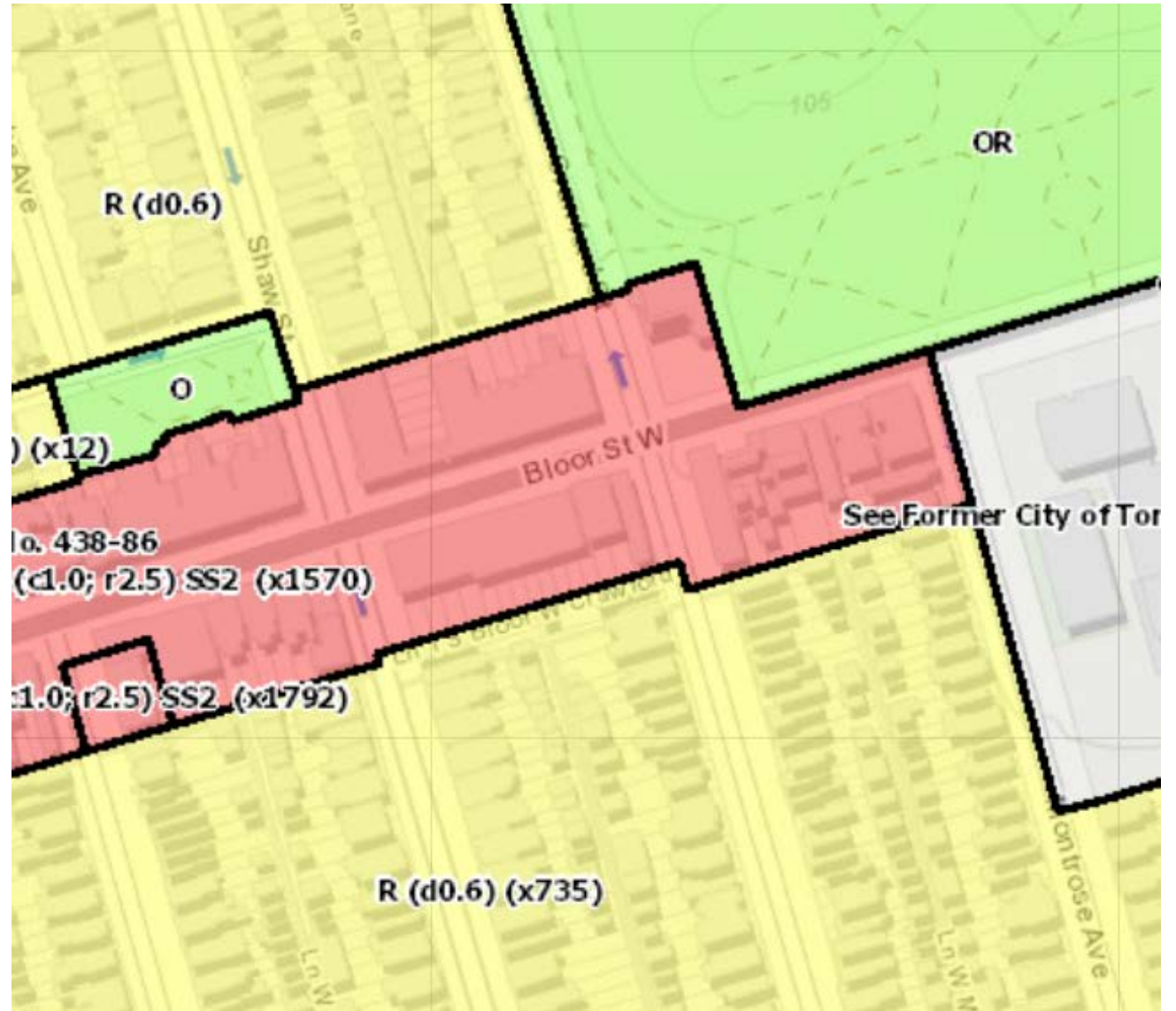
No zoning
deficiencies=
proceed to
building permit
(as required)

Zoning
deficiencies=
revise proposal
or seek
approval

CR- Commercial Residential Zone

Existing live music venues are primarily located in the CR-Residential Zone, which permit a wide range of non-residential uses.

CR zones are those shaded in red, like in the example on the right



Live Music Venue (Place of Entertainment)

Zoning

In most cases, a live music venue can pursue an interior use conversion without the need for special planning approvals...



- Art Gallery
- Artist Studio
- Dance Studio (Performing Arts Studio)
- Gym (Recreation Use)
- Tutoring Centre (Education Use)

Where a proposed change in use does not comply with zoning

Available options include:

- 1) Revise the proposal to comply
- 2) Committee of Adjustment
- 3) Zoning By-law Amendment Application
- 4) Temporary Use By-law

Provincial Regulations

Reviewing the specified change of use categories:

Art gallery, artist studio, education use, massage therapy, performing arts studio, personal service shop, recreation use, wellness centre

- **Provincial public health restrictions are separate and distinct from zoning and licensing regulations**

Step 1 (Lockdown/Grey)

- In Step 1/Lockdown/Grey, only massage therapy would have been permitted to open

Step 2 (Restrict/Control/Orange/Red)

- All the requested potential use categories are permitted to open, but with capacity restrictions



Business Licensing Regulations

- Businesses must also ensure compliance with the City's Licensing By-law, and ensure they obtain the proper licence (if applicable) and adhere to any licensing requirements.
- If a venue intends to operate as a different business type that *does not* require a licence, they may elect not to renew their current license (if they are currently required to have one).
- If a venue intends to operate as a different business type that *does* require a licence, the business operator must ensure they have appropriate licence.
- During the pandemic, businesses should also ensure that their operations are in compliance with the Reopening Ontario Act, 2020, other public health measures.



Artists and Musicians working from home

Zoning – Defined Terms

Performing Arts Studio

- “means **premises** used for the rehearsal of performing arts, such as music, dance or theatre.”



Production Studio

- “means **premises** used for producing live broadcasts, motion pictures, or audio or video recordings or transmissions.”



Generally Distinguishing Between Zoning Primary and Ancillary Uses

A normal enjoyment of the home

- Practicing a musical instrument
- Practicing singing using a microphone
- Occasionally inviting a band member over to practice
- The rehearsal facilities are not made known to the general public

A “performing arts studio” or “production studio”

- A band regularly practicing, making extensive use of rehearsal equipment such as speakers, amps and mixers
- The rehearsal facilities are advertised, or the public is made aware of them

Interaction with the Noise By-law

- The Noise By-law regulates the *level* of sounds, not the content or where it is being played
- It is therefore important to consider, that while an activity may fall under the category of “normal enjoyment of the home” for zoning regulations, the maximum sound decibel level must still be complied with
- Amendments to the Noise By-law are not required to allow musicians to work from home

Conclusions

- In most cases, if a business wishes to change its operations during increased public health restrictions, they will not need special planning permission to do so.
- Determination of compliance with the zoning by-law for a proposed change in use is accomplished through a zoning review application
- Where a use does not comply, it can be revised in an attempt to comply, or it can proceed to a Committee of Adjustment application where that is not possible
- A change in a business use may also require a new business licence
- A change to the Noise By-law is not required to accommodate artists working from home, because it is the decibel level that must be complied with, and the location of the noise is not the relevant factor (unless it is explicitly operating as a non-residential use in a residential zone, per zoning regulations)

Thank you

