

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

From: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic Development

Subject: Housekeeping Amendment to Zoning Bylaw Z.-1 (City-wide)
(Z-9679)
Public Participation Meeting

Date: January 30, 2024

Recommendation

That, on the recommendation of the Director, Planning and Development, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on February 13, 2024, to amend Zoning By-law Z.-1, by correcting errors and omissions, adjusting and adding definitions, and amending general provisions and definitions.

IT BEING NOTED that the above noted amendments are being recommended for the following reasons:

- i. The recommended amendment is consistent with the Provincial Policy Statement, 2020;
- ii. The recommended amendment conforms to the general intent of *The London Plan*, including but not limited to the City Building Policies;
- iii. The recommended amendment support's Council's commitment to supporting streamlined planning and building approvals, avoiding unnecessary processes and increasing the supply of housing.

Executive Summary

Summary of Request

The recommended amendments to Zoning By-law Z.-1 are intended to correct errors and omissions, adjust and add definitions, and make minor amendments to the general provisions of the Zoning By-law.

Purpose and Effect of Recommended Action

The purpose and effect of the amendment is to amend the Zoning By-Law to streamline regulations related to frequently approved Minor Variance applications. The amendment will also update regulations affected by provincial policy changes, as well as edit wording for interpretation issues.

Linkage to the Corporate Strategic Plan

This recommendation supports the following Strategic Areas of Focus:

- **Housing and Homelessness**, by increasing the efficiency and consistency of planning and development processes, supporting faster/streamlined approvals and increasing the supply of housing with a focus on achieving intensification targets.

Analysis

1.0 Background Information

Zoning By-law Z.-1 was originally introduced in 1993. The By-law regulates zoning across the City through general provisions, zones, and site-specific provisions. The Zoning By-law is regularly amended through site-specific Zoning By-law amendments initiated by properties owners or their agents. It is also occasionally amended more generally through City-initiated Zoning Bylaw applications to address changes to policy and legislation, to introduce new or revised regulation on a city-wide or area-wide basis, and to fix minor interpretation errors and make minor regulation adjustments.

The proposed amendments, attached as Appendix A, intend to update regulations in the Zoning By-law to address changes in provincial policy, interpretation issues in zoning, and provide minor revisions to regulations which are frequently approved minor variances by the Committee of Adjustment.

A series of minor changes are necessary to ensure that Zoning By-law Z.-1 stays up to date and any issues raised about the usability and applicability of Zoning By-law regulations are addressed.

1.1 Minor Variances

A minor variance is a tool provided for through the Planning Act that allows an applicant to vary Zoning By-law regulations in specific instances. Minor variances can vary provisions such as setbacks or maximum height, allow for expansion of uses or variations to definitions, such as in cases where a definition requires more details than the Zoning By-law's definition.

Variances are governed by section 45 of the Planning Act, and fall into four categories: Section 45(1) "general" variances for varying the Zoning By-law regulations, 45(2)(a)(i) expansions to legal non-conforming uses, 45(2)(a)(ii) conversions from one legal non-conforming use to another, and 45(2)(b) variances to definitions where the Zoning By-law uses general terms.

Minor variances are recommended by staff and approved or refused by the Committee of Adjustment based on the criteria outlined in the Planning Act. For example, section 45(1) variances are evaluated by four tests for appropriateness:

- The variance must maintain the general intent and purpose of the Official Plan;
- The variance must maintain the general intent and purpose of Zoning By-law;
- The variance must be minor in nature; and,
- The variance must be desirable for the appropriate development or use of the subject lands.

2.0 Discussion and Considerations

2.1 Purpose of the Amendment

The purpose of this Zoning Bylaw amendment is to revise several regulations that are considered problematic from a process or interpretation perspective. This amendment will also modify regulations that are commonly the subject of minor variances, and particularly those that the Committee of Adjustment deems to be minor in nature through approvals. This amendment also provides staff the opportunity to review the definitions and general provisions of the Zoning Bylaw to make changes where there have previously been concerns around the interpretation of regulations, or where the regulations conflict with each other, other municipal policies or changes to provincial legislation. Lastly, this amendment provides the opportunity to simplify language so that the bylaw is more easily read and interpreted by both staff and the public.

The scope of this amendment focuses only on Section 2 – Definitions and Section 4 – General Provisions. No amendments are proposed for zone-specific or site-specific regulations. Suggestions for amendments were received from the public, the

development and building industry, municipal staff and through observation and analysis of past Committee of Adjustment applications and decisions. The following provides a general summary of identified changes.

2.2 Community and Industry Engagement

On November 8, 2023, Notice of Application was circulated to internal staff, external agencies and interested parties. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on November 16, 2023. Draft changes to Zoning By-law Z.-1 were sent upon request for review and feedback. Section 3 of this report includes the proposed changes and rationales for the changes.

Feedback from the development and homebuilding industry was received through monthly Customer Service and Process Improvement (CSPI) reference group meetings from August 2023 to December 2023, as well as through individual communications with interested developers and planning consultants. Comments raised by the industry included: reducing process and variances to increase speed of housing approvals, increasing flexibility of regulations related to Additional Residential Units, revising regulations related to new and innovative building typologies, addressing common exclusions from heights and encroachments, addressing common barriers to infill and intensification in urban areas, and building in flexibility that was once afforded through the site plan process for developments of 10 units and less.

Feedback and comments have also been received from the public, through Committee of Adjustment involvement, as well as through questions and comments from ward Councillors. Comments raised by the public included: a desire to avoid variances where only interior changes or minor changes are proposed, clarification of language to meet true intent of regulations, bicycle parking, and addressing recent Provincial legislation changes related to medical clinics and reduced site plan authority.

All comments have been considered in the preparation of this Zoning Bylaw amendment and those items that are of a housekeeping (minor) nature have been incorporated.

Items related to Additional Residential Units are being addressed through a separate amendment also scheduled for the January 30, 2024 Planning and Environment Committee meeting.

Comments received that were not seen as minor or housekeeping in nature have been relayed to the ReThink Zoning project team for consideration in the comprehensive Zoning Bylaw development.

2.3 Minor Variance Review

Staff have reviewed variances received and processed between 2020 and 2023 to determine trends, such as frequent variances and commonly approved variances. A total of 635 applications were received (136 in 2020, 181 in 2021, 161 in 2022, and 157 in 2023). Almost 200 of the variances were on properties located within the Primary Transit Area, which has a separate set of regulations.

The most common variance type were interior side yard setbacks, front and exterior side yards and garage widths. Other trends were identified, such as all variances to building depth being approved or approved with conditions, an emergence of variances for second storey decks based on new building forms, and for driveways and accessible parking spaces for small scale residential development no longer subject to site plan approval.

The primary sections identified for minor variance-related changes are Section 4 (General Provisions), specifically Sections 4.19 (Parking), 4.23 (Primary Transit Area), and 4.27 (Yard Encroachments Permitted).

2.4 Legislative Changes

Staff regularly monitor changes to provincial legislation, to inform updates to our own policies and regulations. In some cases, targeted specific London Plan and/or Zoning Bylaw amendments are required, but in other instances the changes are monitored over time to evaluate any unintended consequences. In 2022, Bill 23, *More Homes Built Faster Act*, introduced changes to the Planning Act eliminating site plan approvals for developments ten units and less. This change reduced the flexibility for certain zoning provisions to be determined through a Site Plan Application, such as driveway width requirements.

Another legislative change staff had received public comments about was Bill 60, *Your Health Act*, which allows an expanded range of surgeries to happen at private clinics. Where this change is impacted by zoning is that occasionally surgeries may require an overnight stay, which is currently prohibited in the definition of 'clinic' in the Zoning Bylaw.

2.4 Interpretation Issues

Planning and Building staff were engaged during the compilation of this zoning amendment to identify any interpretation, typological or definition issues that cause recurring trouble for development and building applications. Some of these issues included encroachments of building elements such as second storey decks and below grade amenity space that were not previously identified in Section 4.27, roof top amenity space not being exempt from height measurement in Section 4.9, and the definition of shipping containers in Section 2 not specifically excluding shipping containers converted to habitable space.

Other minor interpretation issues that have been cleaned up in the proposed amendment include clarification for sight triangles, one-foot reserves, bicycle parking calculations, spelling and grammatical errors, and the simplification of regulations requiring contextual calculations.

2.5 Bicycle Parking

At the Planning and Environment Committee on January 9, 2024, the committee recommended the inclusion of short-term bicycle parking for townhouse developments. At the time of finalizing this report, a Council decision had not yet been made. Staff had already identified bicycle parking as a technical site plan concerns that warrants inclusion in the Zoning Bylaw. Text amendments to clarify and simplify the bicycle parking regulations and exemptions are also proposed. Therefore, this amendment proposes that short-term (visitor) bicycle parking is required at a rate of 0.1 space per unit for townhouse and cluster developments of eleven units or more, that would be subject to Site Plan approval.

2.6 Policy Context

The Planning Act and the Provincial Policy Statement, 2020

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the *Provincial Policy Statement, 2020 (PPS)*. The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the *PPS*.

The mechanism for implementing Provincial policies is through the Official Plan, The London Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) approval of The London Plan, the City of London has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in The London Plan analysis below.

The London Plan

Our Tools in The London Plan outlines that City Council may choose to amend the Zoning Bylaw where it is determined that the assumptions and conditions on which the regulations were based have changed, existing regulations need to be refined because of further study, and/or amendments are necessary to implement changes to provincial legislation and statutes. Requests for amendments to the Zoning Bylaw from a person or public body, may also be considered.

Staff are satisfied that the proposed amendments contained in the recommended bylaw attached as Appendix A are consistent with The London Plan policies including Our Strategy, City Building Policies and Our Tools. The amendments are minor in nature and are in the public interest as they reduce barriers for development and increase transparency and accessibility of regulations for the general public.

3.0 Proposed Amendments

The following table outlines proposed amendments to the Zoning Bylaw. Text is bold for added text and strikethrough for deleted text. Rationale for each amendment is provided in the third column. The recommended by-law attached as Appendix A includes the final clean text recommended to be included in the Zoning Bylaw.

Section Number	Proposed Change	Rationale for Proposed Change
2	“OBLIGATED ORGANIZATION” means the Government of Ontario, the Legislative Assembly, a designated public sector organization, a large organization, and a small organization, as outlined in the Accessibility for Ontarians with Disabilities Act (AODA).	Add definition of “obligated authority” under the Accessibility for Ontarians with Disabilities Act (AODA) to clarify accessible parking requirements for smaller scale developments.
2	“MAJOR STREET” means an Arterial Road, and a Rapid Transit Boulevard, Civic Boulevard, Urban Thoroughfare, or Main Street as identified in The London Plan.	Add definition to assist in transitioning from old to new street classification system.
2	"ACCESS CONTROL RESERVE" means a municipally-owned parcel of land used to control access to a right of way. For the purpose of this by-law an access control reserve shall not be considered as a lot.	New definition to clarify where a one-foot reserve exists, the abutting lot should treat it as a right-of-way and not an intervening property (e.g., exterior side yard depths, not interior).
2	b) fronts an open street and is a separate parcel of land without any adjoining lands being owned by the same owner or owners as at the date of the passing of this By-Law, but does not include an ACCESS CONTROL RESERVE; or	Companion amendment to the new definition for 'Access Control Reserve'.
2	"CLINIC" means a building or part thereof, other than a hospital, used by medical doctors, dentists, optometrists, podiatrists, chiropractors and/or drugless practitioners, the practice of health discipline, radiological technicians, registered psychologists and their staff for the purpose of public or private medical, surgical, physiotherapeutic or	Bill 60 introduced the <i>Integrated Community Health Services Centres Act, 2023</i> which, among other things, allows for an expanded range of surgeries to occur at clinics, outside of

Section Number	Proposed Change	Rationale for Proposed Change
	<p>human health and may include administrative offices, waiting rooms, treatment rooms, laboratories, ophthalmic dispensers, pharmacies, blood donor facilities, specimen collection centres and dispensaries directly associated with the facility, but does not include overnight accommodation or operating rooms and does not include a CLINIC, METHADONE.”</p> <p>"CLINIC, OUTPATIENT" means a clinic where day surgery and medical treatment is performed; however, no overnight accommodation shall be provided.</p>	<p>hospitals. This would in some cases include overnight stays while recovering.</p>
2	<p>“SHIPPING CONTAINER” means a pre-manufactured (primarily of metal) box that is designed to facilitate the transportation of goods by one or more means of transportation and includes (but is not limited to) intermodal shipping containers and transport box trailers, and does not include containers that have been modified to be used as habitable space.</p>	<p>Clarifies definition of shipping container to not include habitable space.</p>
2	<p>"PUBLIC USE", when used in reference to a building, structure, use or lot, means a building, structure, use or lot used by a public agency to provide a service to the public. Public agencies comprise:</p> <p>a) the Government of Canada, the Government of Ontario, or a municipal corporation;</p> <p>b) any ministry, department, commission, authority, board or agency established by the Government of Canada, or the Government of Ontario, or a municipality;</p> <p>or</p> <p>c) any public utility.</p>	<p>Provides flexibility for interpreting public uses to include agencies, boards and commissions of the City, including for example, London Middlesex Community Housing.</p>
4.1 2)	<p>LOT COVERAGE</p> <p>The total lot coverage of all accessory buildings or structures on a lot shall not exceed 10 percent (10%) of the lot area of the said lot. In agricultural zones the size of accessory buildings is limited to 25% of the size of the main farm dwelling excluding main farm buildings such as barns, greenhouses, stables and driving sheds. The percent coverage's of accessory buildings and structures are included in the percentage total coverage permitted on a lot.</p>	<p>Remove ‘main farm’ for clarification and interpretation.</p>
4.1 4) a)	<p>a) no accessory building or structure shall be permitted within a required front yard or the required exterior side yard;</p>	<p>Clarification and interpretation.</p>
4.1 4) b)	<p>b) when such accessory building or structure is within a residential zone and is located in an interior side yard or a rear</p>	<p>Added: "within a residential zone and is" to clarify confusion, because</p>

Section Number	Proposed Change	Rationale for Proposed Change
	yard, it shall be no closer than 0.6 metres (2.0 feet) to the side lot line and rear lot line. Where the height exceeds 4.0 metres (13.1 feet) but in no case more than 6 metres (19.7 feet), the side and rear lot line setback shall be increased by the difference in the height above 4.0 metres (13.1 feet);	the following policy 4.1 4) c) says "...within a non-residential zone and is..." which makes this policy only applicable to residential sites. However, if someone read this policy in isolation, they may miss this discrepancy.
4.1 4) d)	d) when such accessory building or structure is wholly or partly located in an exterior side yard, or a rear yard abutting a street, the minimum setback shall not be less than the required front exterior side yard setback for the zone in which the lot is located;	Clarification and interpretation.
4.9	Any height limitations of this By-Law shall not apply to place of worship spires, belfries, cupolas, mechanical penthouses, outdoor rooftop amenity space and domes which are not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, solar collectors, windmills, bulkheads, hydro, radio, television or microwave towers and antenna and similar features or necessary mechanical appurtenances or electrical supply facilities usually situated above the roof level; nor to any industrial apparatus such as silos, cracking towers, or conveyors; nor any main agricultural buildings or structures, such as barns, grain elevators and storage bins, grain dryers or windmills. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve	Exempts outdoor rooftop amenity space from being included in 'height'
4.19 6) b)	b) For uses subject to site plan control, the driveway widths shall be determined in the site plan approval process and agreement. For uses other than those described in Subsection 4.19(6)(a) and not subject to site plan approval, parking aisles shall have a minimum unobstructed width of 6.5m , driveways and parking aisles shall have a minimum unobstructed width of 6.0 metres where two-way traffic is permitted and 3.0 metres (9.8 feet) where only one-way direction of traffic flow is permitted and is clearly indicated by signs, pavement markings or both but does not apply to stacked parking. The minimum unobstructed width for driveways leading to a rear yard parking area for residential uses less than five (5) units is 3.0 metres, except where the property is accessed from an arterial road (major street), in which case a	Reduction to permit minimum (6.5m) parking aisle width consistent with transportation guidelines. Reduction to permitted minimum (6.0m) driveway where site plan is no longer required, consistent with transportation guidelines. Introduce flexibility for new or expanded multi-unit residential development up to four units to not require a two-way driveway and to avoid variances for driveway width where site plan is no longer required.

Section Number	Proposed Change	Rationale for Proposed Change
	minimum driveway width of 6.0 metres is required.	New regulation excludes development on arterial roads where reversing onto the street is unsafe in the event of an ingress/egress conflict.
4.19. 10) b)	Mental Medical /Dental	Replaces typological error within table 2 times - pg 103.
4.19. 10) c)	Where parking spaces are provided, in any development owned and maintained by an obligated organization under the Accessibility for Ontarians with Disabilities Act , accessible parking spaces shall also be provided. Off street parking areas shall have a minimum number of accessible parking spaces as follows:	Amend for clarification to reflect requirements of <i>Integrated Accessibility Standards</i> under the <i>Accessibility for Ontarians with Disabilities Act (AODA)</i> . Accessible parking space minimums apply only to developments owned and maintained by obligated organizations and not to all development. Clarifies that small-scale developments owned by an individual versus being owned and maintained by a company do not require Type A accessible spaces. Definition of 'Obligated Organization' also added with reference to AOD Act, in the event this definition changes.
4.19. 14) a) i)	Apartment buildings and lodging houses (with five eleven or more residential units) shall provide 1.0 bicycle parking space per residential unit, allocated as 0.9 long-term bicycle parking spaces per dwelling unit and 0.1 short-term bicycle parking spaces per unit.	Revise to require bicycle parking spaces where site plan is required for eleven or more units, consistent with the intent of Bill 23. Revise wording for clarity between long-term spaces and short-term spaces whereas the current wording makes the allotment unclear whether to round or not.
4.19. 14) a) iii)	iii) Cluster single detached dwellings with eleven or more residential units, cluster townhouse dwellings with eleven or more residential units and cluster stacked townhouse dwellings with eleven or more residential units, shall provide 0.1 short-term bicycle parking spaces per dwelling unit.	Add short-term bicycle parking requirement for cluster single-detached and cluster townhouse developments with eleven or more units. Short term bicycle parking required only, the expectation is that long-term would be located

Section Number	Proposed Change	Rationale for Proposed Change
		within individual units and/or garages.
4.19. 14) b)	Residential Development Exemptions: Notwithstanding clause 4.19.14.a) to the contrary, bicycle parking shall not be required for Conversions of existing space to residential units, or where there are ten (10) or less residential units on a property. Single detached dwellings; semi-detached dwellings; duplex dwellings; triplex dwellings; fourplex dwellings; townhouse dwellings; stacked townhouse dwellings; street townhouses; cluster townhouses; farm dwellings.	Exemption for bicycle parking requirements for all developments not subject to site plan approval for consistency and to remove cluster singles and townhouses.
4.19 14) c)	Mental Medical/Dental	Replaces typological error within table 2 times - pg 110.
4.21	Wager Road CN Rail Right of Way	Replace Wager Road with CN Rail Right of Way in third column of table (page 121). Wager Road does not exist.
4.23 1. a)	a) The Maximum Front and Exterior Side Yard setbacks shall be established as follows: i. 6.0 metres; for front and/or exterior side yards adjacent to arterial roads (major streets); i. ii. the average setback of the two (2) closest residential buildings to the subject site oriented to the same street, within the same block, on the same side of the street; ii. where the setbacks of the two (2) closest buildings to the subject site from (i) above differ by 5.0 metres or greater – the average of the four (4) closest residential buildings oriented to the same street, within the same block, on the same side of the street; iii. 6.0m where the subject site is within a block with fewer than two the required number of existing residential buildings; from (i) or (ii) above, the average setback of all residential buildings oriented to the same street, within the same block, on the same side of the street; iv. Subsection 4.23.1(a) i, ii and iii shall not apply to additions to existing buildings. Notwithstanding 4.23.1(a)i.,ii., iii., where an existing building has a front yard setback and/or exterior side yard setback that is greater than the adjacent buildings, the existing front and/or exterior side yard setback shall be	Add a 6.0m requirement specific to properties on arterial roads to set the future context for redevelopment and consistency. Delete the second step in establishing maximum setback to avoid onerous calculations where no consistent setback exists. Add a 6.0m requirement where there is only one or no existing buildings for consistency. Clarify wording for existing buildings to avoid unnecessary variances when constructing additions. Adjust number for all subsections.

Section Number	Proposed Change	Rationale for Proposed Change
	regarded as the maximum setback that applies to the building;	
4.23 1. b)	<p>The Minimum Front and Exterior Side Yard setbacks shall be established as follows:</p> <p>i. The smallest Main Building setback that exists from (i), (ii) or (iii);</p> <p>i. 3.0 metres; for front and/or exterior side yards adjacent to arterial roads (major streets).</p> <p>ii. The smallest Main Building setback of the four (4) closest residential buildings to the subject site oriented to the same street, within the same block, on the same side of the street, but never less than 1.0 metre.</p> <p>iii. The minimum setback for a Private Garage shall be 6.0 metres, or the setback of the Main Building, whichever is greater.</p> <p>iv. Notwithstanding 4.23.1(b) i. and ii., where an existing building has a front yard setback and/or exterior side yard setback that is less than the adjacent buildings, the existing front and/or exterior side yard setback shall be regarded as the minimum setback that applies to the building.</p>	<p>Adds standard setback for arterials in PTA - 3.0m to avoid averaging, which is not the context we want to provide in these instances.</p> <p>Add flexibility by measuring the minimum setback from the (up to) 4 closest buildings, while protecting for encroachments with a minimum of 1.0m.</p> <p>Renumber renaming regulations.</p>
4.23.2	<p>a) 1.2 metres; for any portion of the side yard adjacent to a part of the building not exceeding two storeys in height, plus 0.6 metres for each storey or part thereof above two storeys; except that, where no private garage is attached to the dwelling, one side yard shall be 3.0 metres.</p> <p>b) Where parking is provided in the side or rear yard, the minimum setback of the opposite side yard may be reduced to a minimum of 0.6 metres for any portion of the side yard adjacent to a part of the building not exceeding two storeys in height, plus 0.6m for each storey or part thereof above two storeys.</p> <p>a) 1.2 metres minimum; where a private garage is attached and accessed from the front yard.</p> <p>b) Where parking is provided in the interior side or rear yard, and accessed from a driveway to the interior side yard, the minimum setback of the opposite side yard may be reduced to a minimum of 0.6 metres.</p> <p>c) Where parking is provided in the interior side or rear yard and accessed by a rear laneway or from an exterior side yard in the case of a corner</p>	<p>Clarify for different setbacks based on garage/parking location – attached, interior side yard driveway, or rear yard access.</p> <p>Excludes corner lots / lots accessing parking from side/rear/alley.</p>

Section Number	Proposed Change	Rationale for Proposed Change
	property, interior side yard setbacks can be a minimum of 0.6 metres.	
4.23.3	The maximum building depth shall not exceed 60% of the actual lot depth. Minimum rear yard setbacks outlined in Table 5.3, Table 6.3 and Table 7.3 still apply.	Very few variances. Rear yard setback and coverage control most aspects of depth.
4.23.4	The maximum residential attached garage width (interior walls) shall not exceed 4.0 metres or 50% of the building façade width, whichever is greater.	Only applies regulation to attached garages. Allows flexibility for narrow lots to include a single car garage
4.23.5	Notwithstanding 4.23.1, where buildings are constructed on lots fronting onto a new street, the minimum and maximum front yard setback, and exterior side yard setback, and garage width will be established by the underlying zone regulations.	Avoid variances where existing new lot widths cause an issue with providing garages.
4.24	Where land is, or has been, dedicated as a sight triangle, the resulting lot fabric shall not act as a lot line for the purpose of setbacks, and will be interpreted as the relevant front, rear or exterior side yard, as measured from the mid-point of the dedication.	Added as new paragraph at the end of section 4.24 Clarifies that there do not need to be additional setbacks specific to the sight triangle lot fabric. Also ensures that the sight triangle lot line is not interpreted to be a regular lot line or it could create confusion, for example as the front yard as it would be the shortest lot line abutting a right of way.
4.27 (5)	Open or covered but unenclosed decks or porches not exceeding one storey in height	Removes 'not exceeding one storey' to recognize new building design with supported second and third storey decks/balconies.

Conclusion

The recommended amendment will adjust wording and regulations in a way which will reduce unnecessary minor variance applications and interpretation issues Planning and Development staff currently face. This amendment will streamline processes, saving time and reducing issues faced by staff and applicants for Minor Variance applications, and development processes involving the Zoning By-law in general.

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**Reviewed by: Britt O'Hagan, MCIP, RPP
Manager, Current Planning**

**Recommended by: Heather McNeely, MCIP, RPP
Director, Planning and Development**

**Submitted by: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic Development**

Appendix A – Zoning Bylaw Amendment

Bill No. (number to be inserted by Clerk's Office)
2023

By-law No. Z.-1-

A by-law to amend By-law No. Z.-1 to
modify Section 2 and Section 4

WHEREAS this application conforms to the Official Plan;

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

- 1) Section 2 is amended by adding the definition for “Obligated Organization” to include the following:

“OBLIGATED ORGANIZATION” means the Government of Ontario, the Legislative Assembly, a designated public sector organization, a large organization, and a small organization, as outlined in the Accessibility for Ontarians with Disabilities Act (AODA).

- 2) Section 2 is amended by adding the definition for “Major Street” to include the following:

“MAJOR STREET” means an Arterial Road, and a Rapid Transit Boulevard, Civic Boulevard, Urban Thoroughfare, or Main Street as identified in The London Plan.

- 3) Section 2 is amended by adding the definition for ‘Access Control Reserve’ to include the following:

“ACCESS CONTROL RESERVE” means a municipally-owned parcel of land used to control access to a right of way. For the purpose of this by-law an access control reserve shall not be considered as a lot.

- 4) Section 2 is amended by modifying part b) of the definition of ‘Lot’ and replacing it with the following:

b) fronts an open street and is a separate parcel of land without any adjoining lands being owned by the same owner or owners as at the date of the passing of this By-Law, but does not include an ACCESS CONTROL RESERVE; or

- 5) Section 2 is amended by modifying the definition of ‘Clinic’ to remove exclusions of overnight stays, replacing it with the following:

“CLINIC” means a building or part thereof, other than a hospital, used by medical doctors, dentists, optometrists, podiatrists, chiropractors and/or drugless practitioners, the practice of health discipline, radiological technicians, registered psychologists and their staff for the purpose of public or private medical, surgical, physiotherapeutic or human health and may include administrative offices, waiting rooms, treatment rooms, laboratories, ophthalmic dispensers, pharmacies, blood donor facilities, specimen collection centres and dispensaries directly associated with the facility, and does not include a CLINIC, METHADONE.”

- 6) Section 2 is amended by modifying the definition of ‘Clinic, Outpatient’ to remove exclusions of overnight stays, replacing it with the following:

“CLINIC, OUTPATIENT” means a clinic where day surgery and medical treatment is performed.

- 7) Section 2 is amended by modifying the definition of 'Shipping Container' to exclude shipping containers modified to be used as habitable space by replacing it with the following:

"SHIPPING CONTAINER" means a pre-manufactured (primarily of metal) box that is designed to facilitate the transportation of goods by one or more means of transportation and includes (but is not limited to) intermodal shipping containers and transport box trailers, and does not include containers that have been modified to be used as habitable space.

- 8) Section 2 is amended by modifying the definition of 'Public Use' to include municipally-established organizations in the list of bodies considered as public uses by replacing it with the following:

"PUBLIC USE", when used in reference to a building, structure, use or lot, means a building, structure, use or lot used by a public agency to provide a service to the public. Public agencies comprise:

- a) the Government of Canada, the Government of Ontario, or a municipal corporation;
- b) any ministry, department, commission, authority, board or agency established by the Government of Canada, or the Government of Ontario, or a municipality;
- c) any public utility, or (Z.-1-051390)

- 9) Section 4.1 is amended by modifying 4.1 2) to exclude a mention of main farm dwellings, replacing it with the following:

2) LOT COVERAGE

The total lot coverage of all accessory buildings or structures on a lot shall not exceed 10 percent (10%) of the lot area of the said lot. In agricultural zones the size of accessory buildings is limited to 25% of the size of the dwelling excluding main farm buildings such as barns, greenhouses, stables and driving sheds. The percent coverage's of accessory buildings and structures are included in the percentage total coverage permitted on a lot.

- 10) Section 4.1 is amended by modifying 4.1 4) to clarify the required yards, replacing 4.1 4) a), b), and d) with the following:

4) LOT REQUIREMENTS OR LOCATION

Accessory buildings or structures are permitted in the following locations: (Z.-1-051390)

- a) no accessory building or structure shall be permitted within a required front yard or the required exterior side yard;
- b) when such accessory building or structure is within a residential zone and is located in an interior side yard or a rear yard, it shall be no closer than 0.6 metres (2.0 feet) to the side lot line and rear lot line. Where the height exceeds 4.0 metres (13.1 feet) but in no case more than 6 metres (19.7 feet), the side and rear lot line setback shall be increased by the difference in the height above 4.0 metres (13.1 feet);
- d) when such accessory building or structure is wholly or partly located in an exterior side yard, or a rear yard abutting a street, the minimum setback shall not be less than the required exterior side yard setback for the zone in which the lot is located;

- 11) Section 4.9 is amended by modifying the current regulation to exclude outdoor rooftop amenity space, by replacing it with the following:

Any height limitations of this By-Law shall not apply to place of worship spires, belfries, cupolas, mechanical penthouses, outdoor rooftop amenity space and

domes which are not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, solar collectors, windmills, bulkheads, hydro, radio, television or microwave towers and antenna and similar features or necessary mechanical appurtenances or electrical supply facilities usually situated above the roof level; nor to any industrial apparatus such as silos, cracking towers, or conveyors; nor any main agricultural buildings or structures, such as barns, grain elevators and storage bins, grain dryers or windmills. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve.

12) Section 4.19 is amended by modifying 4.19 6) b) and replacing it with the following:

- b) For uses subject to site plan control, the driveway widths shall be determined in the site plan approval process and agreement. For uses other than those described in Subsection 4.19(6)(a) and not subject to site plan approval, parking aisles shall have a minimum unobstructed width of 6.5m, driveways shall have a minimum unobstructed width of 6.0 metres where two-way traffic is permitted and 3.0 metres (9.8 feet) where only one-way direction of traffic flow is permitted and is clearly indicated by signs, pavement markings or both but does not apply to stacked parking.

The minimum unobstructed width for driveways leading to a rear yard parking area for residential uses less than five (5) units is 3.0 metres, except where the property is accessed from an arterial road (major street), in which case a minimum driveway width of 6.0 metres is required.

13) Section 4.19 is amended by modifying two references in the table to "Mental / Dental" changing it to "Medical / Dental" 4.19 10) b).

14) Section 4.19 is amended by modifying 4.19 10) c) to include reference to obligated organizations under the AODA, replacing it with the following:

- c) Accessible parking spaces

Where parking spaces are provided, in any development owned and maintained by an obligated organization under the Accessibility for Ontarians with Disabilities Act, accessible parking spaces shall also be provided. Off street parking areas shall have a minimum number of accessible parking spaces as follows:

15) Section 4.19 is amended by modifying 4.19 14) a) i) to simplify bicycle parking requirements, replacing it with the following:

- a) Residential Development
 - i) Apartment buildings and lodging houses with eleven or more residential units shall provide 0.9 long-term bicycle parking spaces per dwelling unit and 0.1 short-term bicycle spaces per unit.

16) Section 4.19 is amended by adding a new section on bicycle parking requirements for cluster dwellings, 4.19 14) a) iii), including the following:

- iii) Cluster single detached dwellings with eleven or more residential units, cluster townhouse dwellings with eleven or more residential units, and cluster stacked townhouse dwellings with eleven or more residential units, shall provide 0.1 short-term bicycle parking spaces per dwelling unit.

17) Section 4.19 is amended by modifying 4.19 14) b) i) to remove cluster and townhouse developments and simplify language, replacing it with the following:

- b) Residential Development Exemptions

- i) Notwithstanding clause 4.19.14.a) to the contrary, bicycle parking shall not be required for Conversions of existing space to residential units, or where there are ten (10) or less residential units on a property.

18) Section 4.19 is amended by modifying two references in the table to “Mental / Dental” changing it to “Medical / Dental” 4.19 14) c).

19) Section 4.21 is amended by modifying the third column of the Street Classifications – Specific Roads Table to replace ‘Wager Road’ with ‘CN Rail Right of Way’, with the following:

STREET	FROM	TO	STREET CLASSIFICATION
Huron Street	Adelaide Street North	CN Rail Right of Way	Arterial

20) Section 4.23 is amended by deleting the existing text of 4.23.1. to reestablish minimum and maximum requirements for front and exterior side yard setbacks in the Primary Transit Area, replacing it with the following:

4.23.1 Front and Exterior Side Yard Setback

- a) The Maximum Front and Exterior Side Yard setbacks shall be established as follows:
 - i. 6.0 metres; for front and/or exterior side yards adjacent to arterial roads (major streets);
 - ii. the average setback of the two (2) closest residential buildings to the subject site oriented to the same street, within the same block, on the same side of the street;
 - iii. 6.0 metres; where the subject site is within a block with fewer than two (2) existing residential buildings;
 - iv. notwithstanding 4.23.1(a)i.,ii. and iii., where an existing building has a front yard setback and/or exterior side yard setback that is greater than the adjacent buildings, the existing front and/or exterior side yard setback shall be regarded as the maximum setback that applies to the building.
- b) The Minimum Front and Exterior Side Yard setbacks shall be established as follows:
 - i. 3.0 metres; for front and/or exterior side yards adjacent to arterial roads (major streets);
 - ii. The smallest Main Building setback of the four (4) closest residential buildings to the subject site oriented to the same street, within the same block, on the same side of the street, but never less than 1.0 metre;
 - iii. The minimum setback for a Private Garage shall be 6.0 metres, or the setback of the Main Building, whichever is greater.
 - iv. Notwithstanding 4.23.1 (b)i. and ii., where an existing building has a front yard setback and/or exterior side yard setback that is less than the adjacent buildings, the existing front and/or exterior side yard setback shall be regarded as the minimum setback that applies to the building.

21) Section 4.23 is amended by deleting the existing text of 4.23.2. to reestablish setback requirements for interior side yard setbacks in the Primary Transit Area and replacing it with the following:

4.23.2 Interior Side Yard Setbacks

- a) 1.2 metres minimum; where a private garage is attached and accessed from the front yard.
- b) Where parking is provided in the interior side or rear yard, and accessed from a driveway to the interior side yard, the minimum setback of the opposite side yard may be reduced to a minimum of 0.6 metres.
- c) Where parking is provided in the interior side or rear yard and accessed by a rear laneway or from an exterior side yard in the case of a corner property, interior side yard setbacks can be a minimum of 0.6 metres.

22) Section 4.23 is amended by deleting 4.23.3 Building Depth and renumbering the remaining subsections, as identified below in 23) and 24).

23) Section 4.23 is amended by modifying 4.23.4, renumbering it and adding the term 'attached garage', replacing it by the following:

4.23.3 Garage Width

The maximum residential attached garage width (interior walls) shall not exceed 4.0 metres or 50% of the building façade width, whichever is greater.

24) Section 4.23 is amended by modifying 4.23.5, renumbering it and including garage width, replacing it by the following:

4.23.4 Notwithstanding 4.23.1 and 4.23.3, where buildings are constructed on lots fronting onto a new street, the minimum and maximum front yard setback, exterior side yard setback, and garage width will be established by the underlying zone regulations.

25) Section 4.23 is amended by renumbering 4.23.5 to 4.23.4.

26) Section 4.24 is amended to clarify sight triangles by adding the following paragraph at the end of the section:

Where land is, or has been, dedicated as a sight triangle, the resulting lot fabric shall not act as a lot line for the purpose of setbacks, and will be interpreted as the relevant front, rear or exterior side yard, as measured from the mid-point of the dedication.

27) Section 4.27 is amended by modifying row (5) of the table by removing 'not exceeding one storey in height', replacing it with the following:

	Structure	Yards in Which Projection is Permitted	Maximum Projection Permitted into Required Yard Under Zone Regulations
(5)	Open or covered but unenclosed decks or porches	All	3.0 metres (9.8 feet) provided projection is no closer than 1.2 metres (3.9 feet) to lot line, except that where the lot line abuts an OS4 or OS5 Zone the projection shall be no closer than 3.0 metres (9.8 feet) to the lot line.

28) This Amendment shall come into effect 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.

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.

PASSED in Open Council on February 13, 2024 subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – February 13, 2024
Second Reading – February 13, 2024
Third Reading – February 13, 2024

Appendix B – Community Engagement

On November 8, 2023, Notice of Application was circulated to internal staff, external agencies and interested parties. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on November 16, 2023.

Draft changes to Zoning By-law Z.-1 were sent upon request for review and feedback. Section 3 of this report includes the proposed changes and rationales for the changes. One email comment was received.

Meetings with Customer Service and Process Improvement Reference Group

- August 30, 2023
- September 13, 2023
- October 4, 2023
- November 8, 2023

Public Comments

From: Carrie O'Brien

Sent: Wednesday, January 3, 2024 10:32 AM

To:

Subject: Zoning (Z.-1) Tweaks - Prior to Comprehensive Zoning By-law review

Not sure if Mike submitted these as part of the LDI package, but we want to ensure they are considered as part of the Z.-1 tweaks. They're "pain point" items that could alleviate a lot of unnecessary zoning by-law amendment and minor variance applications, and ultimately increase the number of units brought to market in the short term.

I've grouped them based on the categories presented in our previous meeting.

To Promote ARU & other forms of gentle intensification:

- **Increase the max permitted density of the R6-5 zone**
 - The R6-5 zone permits a range of development up to and including apartment buildings but the max density is only 35 upha.
 - We propose to increase the density to 75 upha (on a 1 ha block that could result in an additional 40 units).
 - If there is concern with blanketly increasing the density, it could be tied to the abutting street classification (i.e. based on the permissions within Table 11 of the London Plan)
 - To give context, we max out our 4 storey (Talu) product at 75 upha with adequate (1.25+) surface parking.
 - The max height is already basically there (12.0m), although it should be increased to 4 storeys = 15m, per comment below.
- **Driveway widths/parking - Section 4.19 h)**
 - Extra units (associated with ARU's) need extra parking; need to revised the by-law to allow permitted drawing width of up to 6m or 8m (depending on lot frontage) if an ARU permit has been issued (notwithstanding the normal "lesser of" requirement)
- **R5 (town zone)**
 - Standardize the max density across all variations = 60 upha
 - We encounter a lot of sites that require rezoning or MV because they were previously approved at R5-4, it's not maximizing density potential or available servicing

New Zones for key intensification areas along RT corridors:

No (simple) suggestions. Requires further/more detailed analysis.

Correcting common issues that result in frequent MV and ZBA applications:

- **Encroachment corrections for 2nd storey deck/balcony**

- Ex. town houses at 530 Gatestone, 990 Deveron, 925 Deveron, 1870 Evans + at least 3 more upcoming Ironstone files
 - 2nd storey amenity space has structural supports to the ground level, therefore staff have indicated it is a deck not a balcony and subject to the provisions below
- Section 4.27 (General Provisions – Yard Encroachments)... clause (5) limits encroachments to “open or covered but unenclosed decks or porches not exceeding one storey in height”
- **Reflect proper height**
 - Ex. 1515 & 1555 Agathos (470 Edgevalley)
 - Replacing measurements with “storeys” or updating the height maximums to reflect 9-10ft ceiling heights with basement units (both the storey reference and measurement is usually how it’s implemented through submitted ZBA’s now)
 - 3.7m per floor would provide sufficient breathing room
 - Suggestion example: 4 storeys (15m)
- **Front & Exterior Yard Setbacks**
 - Bring it down to 1m minimum to align with London Plan policies (we are NOT supportive of a maximum setback)
- **PTA Garage Widths**
 - Ex. Pond Mills (33M-800) – minor variance needed for the whole subdivision; and will need one for the west side of Evans in 33M-818 and 33M-831 (Summerside)
 - Issue: Section 4.23.4 garage widths cannot exceed 50% of the building façade. This presents an issue on 9m (30ft) lots
 - Two requests:
 - Eliminate (or update 4.23.5 to also include driveway widths)
 - Clean up the figure – despite the language indicating Highbury is the boundary, the boundary in Figure 4.23 extends to Evans Boulevard
- **Driveway widths:**
 - Streets By-law and Z.-1... update to reflect the agreement the Development Industry reached with the City ages ago (with Matt F.)

Any questions, please let me know. I’m happy to supplement with additional information.

Regards,
Carrie