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Urban Designer: Britt O'Hagan

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING DIRECTOR, LAND USE PLANNING AND CITY PLANNER
SUBJECT:	RESIDENTIAL INFILL ANALYSIS ITEM FOR DIRECTION ON DECEMBER 14, 2015

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, in response to the Council resolution of September 15, 2015 the following actions be taken relating to concerns regarding infill projects within the Old South neighbourhood:

- a) the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting to be held on December 21, 2015, to establish an interim control by-law (in conformity with the Official Plan) for the purpose of prohibiting the construction of new residential dwelling units and the construction of major additions to residential buildings within the Low Density Residential designation of the Old South neighbourhood and outside of the Wortley Village - Old South Heritage Conservation District, as defined in the proposed By-law, for a period of one year; and,
- b) the Civic Administration **BE DIRECTED** to undertake a study to review Official Plan policies, the Z.-1 Zoning By-law, the Site Plan By-law and current planning and development processes related to new residential dwellings and residential building additions, within the area that is the subject of the Interim Control By-law described in clause a), above, and report back on a preferred approach and process to address the concerns that have been identified.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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- Residential Intensification Policies, Report to PEC November 26, 2012
- Proposed Official Plan and Site Plan Control By-law Amendments, Residential Intensification Policies, Report to PEC January 16, 2012.
- Proposed Modifications to Official Plan Amendment No. 438, Report to PEC September 28, 2009

RATIONALE

1. A significant number of new residential dwellings and major residential building additions have been constructed within the Old South neighbourhood that are incompatible with existing neighbourhood character and do not represent good planning. This new development is having a significant impact on residential properties within various parts of the Old South Neighbourhood.
2. It has been demonstrated that the current regulations of the Official Plan, Zoning By-law and Site Plan By-law applicable to the Old South neighbourhood are not sufficient to properly plan for such uses so that they are compatible with the character of the neighbourhood and so that they represent good planning.
3. Without invoking the proposed Interim Control By-law, incompatible development will likely

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continue to be constructed within the Old South neighbourhood during the process of studying potential new processes and planning tools that can be used to address and avoid such incompatible residential development.

4. A review of the current Official Plan policies, the Zoning By-law, the Site Plan By-law and planning and development processes will be undertaken over the next year to identify deficiencies that may be contributing to concerns of incompatible development, inappropriate intensity and disregard for neighbourhood character in existing low density residential neighbourhoods.
5. Based on this study, an overall approach to address and avoid such incompatible residential development within this area will be recommended to Municipal Council and amendments may be initiated to the Official Plan, Zoning By-law and/or Site Plan By-law.
6. The Old South neighbourhood boundary to be used for the interim control by-law is consistent with the planning district boundary identified within Schedule ** of the Official Plan. It circumscribes the area within which the issue of incompatible development has been identified. Limiting the interim control by-law to this neighbourhood ensures that the prohibitions established by the interim control by-law are not applied to a wider area where the noted issues of incompatible development have not been identified.
7. The interim control by-law only applies to lands within the Old South neighbourhood that are designated Low Density Residential as the identified issues only relate to such lands, and do not relate to lands with other Official Plan land use designations.
8. The interim control by-law does not apply to lands within the Wortley Village - Old South Heritage Conservation District as the applicable Heritage Conservation District Plan prevents issues of incompatible development.

BACKGROUND

At its meeting held on September 15, 2015, Municipal Council resolved:

That the following actions be taken with respect to recent and future residential development:

- a) *the Civic Administration **BE DIRECTED** to report back to a future meeting of the Planning and Environment Committee providing an evaluation of the impact of recent residential demolitions and the subsequent new construction on Langarth Street East and Garfield Avenue with respect to applicable planning policies (such as but not limited to: demolition permits, lot severances, lot coverage area, side and rear lot proximity, streetline setbacks, infill and intensification, design/character/massing); and,*
- b) *the Civic Administration **BE DIRECTED** to report back to the Planning and Environment Committee, within 60 days, providing policy options which may include, but not limited to, urban design guidelines, public site plan review processes, public notification policies or an interim control by-law that could be immediately implemented to ensure that new residential development, within existing neighbourhoods, is appropriate, consistent and complementary to the character and scale of the surrounding neighbourhood. (2015- D09) (14/20/PEC)*

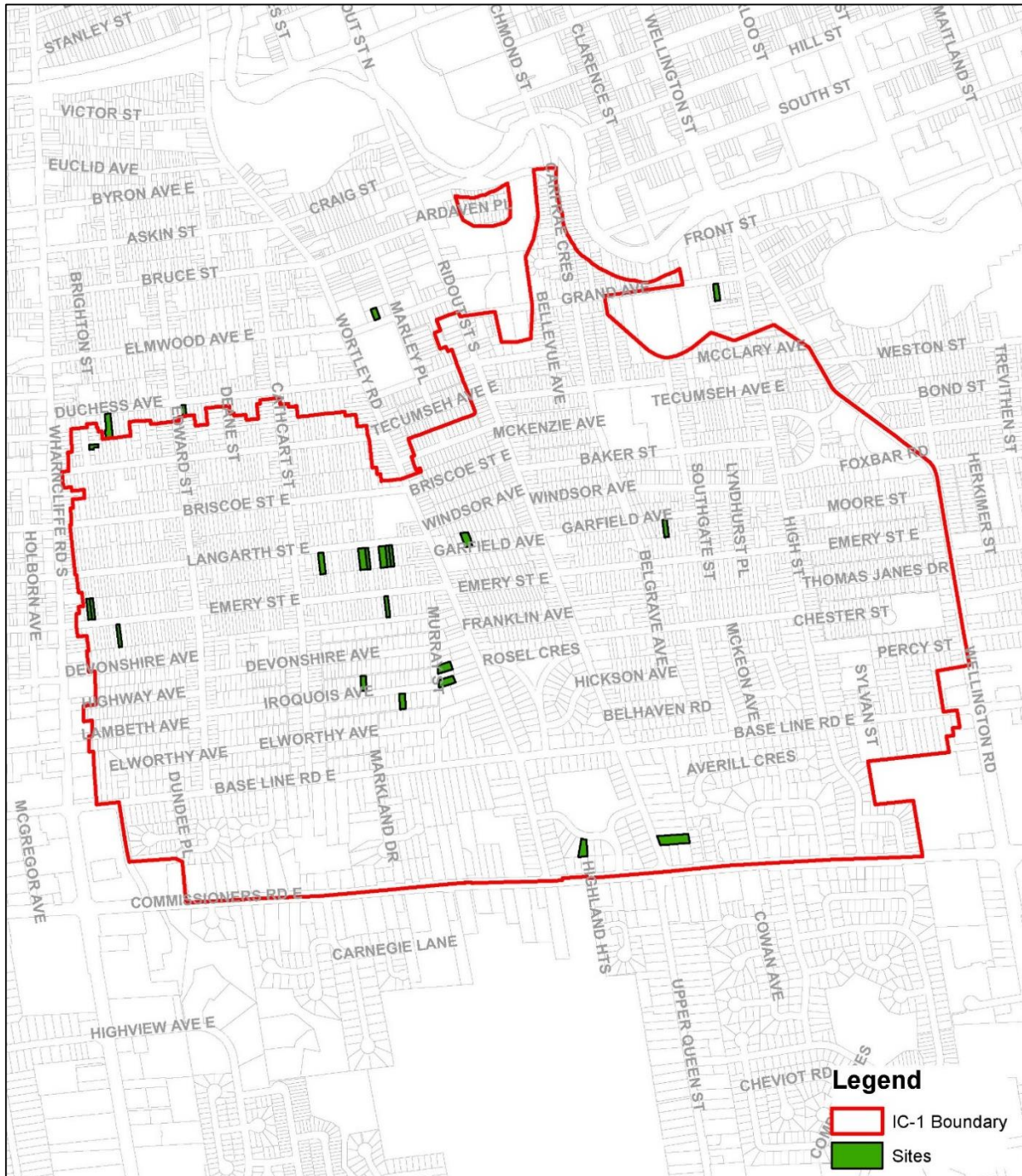
ANALYSIS

25 properties were selected in the Old South neighbourhood based on building permits issued between 2011 and 2015. Of these 25 properties, 18 were new buildings and seven were major additions to existing buildings. This selection captured developments on Langarth Street East and

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Garfield Avenue, which was the primary area of interest outlined in the Council resolution. Additional new buildings and additions in close proximity were captured to compare and identify a more broad range of concerns, if any.



Planning and Development Processes

The selected properties were reviewed to determine whether they were subject to any of the following public or semi-public planning processes:

1. Official Plan Amendments (Authority: City Council)
2. Zoning By-law Amendments (Authority: City Council)
3. Severances (Authority: Consent Authority)
4. Minor Variances (Authority: Committee of Adjustment)
5. Heritage Alteration Permits (Authority: City Planner or City Council)
6. Site Plan Approval (Authority: Development Services)

The results are summarized in the Findings section below.

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Neighbourhood Character Compatibility

The Official Plan contains many policies that address form issues relating to compatibility. Planning principles outlined in Section 2.3.1 of the Official Plan speak to promoting compatibility in terms of scale, intensity and potentially related impacts, as well as promoting attractive, functional and accessible design that sensitive to the scale and character of surrounding uses. These policies and principles aim to ensure that new development is sensitive to, and a good fit within, existing neighbourhoods.

A good example is found below, excerpted from policy 3.7.3 of the Official Plan that sets out the criteria that should be used when assessing compatibility of intensification projects:

Built Form Elements:

- i) how the building(s) addresses the street;*
- ii) street wall and treatment of grade level;*
- iii) roof top and cornice lines;*
- iv) location of entrances and other openings;*
- v) relationship of the building(s) to the street at intersections; and,*
- vi) design for comfort and safety (i.e. privacy, lighting, sun and wind protection, etc.)*

Massing and Articulation:

- i) the rhythm of at-grade openings;*
- ii) setbacks;*
- iii) transition to adjacent uses/buildings, and among buildings within the site;*
- iv) transition of scale;*
- v) street proportion / street sections (building to street ratio); and*
- vi) shadowing caused by mid-rise and tall buildings should be minimized and impacts on adjacent private amenity areas (natural light and privacy for example) should be minimized.*

Architectural Treatment:

- i) style;*
- ii) details;*
- iii) materials; and*
- iv) colours.*

It should be clear that these policies may not be applicable where there are proposals for an addition to an existing residential building or where a residential dwelling unit is demolished and a new unit is constructed.

For the purposed of this study, a set of 13 criteria was established based on the Intensification Policies of the Official Plan, other City of London design guidelines and a preliminary review of infill policies and guidelines from other jurisdictions in Canada. These criteria were used to evaluate how well recent developments fit within the character of the existing neighbourhood, and to regularize those results. The criteria for each address was marked on a pass or fail basis in terms of how well it fit within the characteristics of the neighbouring buildings, and not necessarily whether it conformed to the zoning regulations.

Criteria

1. Street Setback / Streetline – The distance the building is set back from the street or property line relative to the other buildings on the street.
2. Side Yard Setback – The distance the building is set back from the side property lines. Generally, the amount of space between adjacent buildings.
3. Lot Coverage – The proportion of the property that is covered by the building.
4. Scale / Massing – The relative size of the building in relation to neighbouring buildings and structures.
5. Rhythm – Spacing of repetitive façade elements on the streetscape, including windows, doors, projecting bays, heights of roofs, cornices, porches, etc.
6. Height – The height of roofs, cornices, chimneys, towers, covered porches, etc.
7. Material – Materials that are traditionally used in the neighbourhood and on buildings within the streetscape character sample.
8. Roof Shape – Certain roof shapes and pitches may be common on specific streetscape.

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9. Details / Ornamentation – Older buildings may have elaborate architectural detail and ornamentation that may be used as the basis for more contemporary ornamentation on new buildings.
10. Garages – The location, size, scale and materials used for garages and secondary buildings.
11. Parking - The number of parking spaces, width of driveways and amount of paved surface in the side and front yards.
12. Boulevard Trees – The removal and/or preservation of boulevard trees to accommodate driveways, services, etc.
13. Private Trees – The removal and/or impact of on-site mature trees in the front, side and rear yards.

These criteria provided a rational basis for evaluating the degree to which each new building or substantial addition was compatible within the surrounding context of the neighbourhood. As described in Official Plan policies, fit and compatibility are fundamental requirements of new development within existing neighbourhoods in order for such development to represent good planning. The results are summarized in the Findings section below.

FINDINGS

Planning and Development Processes

The following summarizes the planning and development processes that were associated with the development and redevelopment of the evaluated properties.

Total Properties Evaluated	25	
Zoning By-law Amendments	0	
Official Plan Amendments	0	
Heritage Permits	0	
In Heritage District now	3	12%
Site Plan	8	32%
Consents	10	40%
Minor Variances	11	44%

New Buildings	18	
Consent, MV & Site Plan	6	33%
Consent & MV	1	6%
Consent Only	3	17%
MV & Site Plan	2	11%
Minor Variance Only	6	33%
Additions	7	
Minor Variance	3	43%

Official Plan and Zoning Amendments

No properties evaluated in the study area were subject to an Official Plan amendment or Zoning By-law amendment related to their development or redevelopment.

Heritage

No properties were designated or listed as heritage properties, or adjacent to heritage properties and therefore, no heritage permits were required. Three of the properties are now located within the Wortley Village - Old South Heritage Conservation District. The district came into effect in 2015, after the properties were developed or redeveloped (37 Duchess Ave, 73 Duchess Ave and 152 Elmwood Ave E).

Consents

Nine of the properties were the results of severances. This includes four pairs of buildings (three on Langarth St E and one on Emery St E) and one lot severed from a property with an existing building (179 Langarth St E). There is an application to sever 22 Garfield Ave, which will create a new lot and retain a lot with an existing building that is currently under construction. The public planning process for some of these developments was not initiated until after demolition and the lodging of the consent for the second building.

A variety of conditions were attached to severances. The following is a summary of relevant conditions.

- 173 Langarth St E - Tree planting, removal, and protection consistent with Site Plan

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175 Langarth St E - Tree planting, removal, and protection consistent with Site Plan

189 Langarth St E - Public Site Plan

191 Langarth St E - Public Site Plan

22 Garfield Ave - Open Application. The following conditions have been requested: a maximum street set back of 4.5m; the garage portion of the building be a maximum of 50% of the total building frontage; and the garage be setback 1m from the non-garage portion of the building frontage.

Minor Variance

Eleven of the properties required minor variances to the zoning regulations (seven of which were associated with a previous or concurrent severance). The most common variance request was for a reduction in side yard setbacks. Other variances included a request for a reduction in lot frontage (119 Grand Ave), and a request for a reduction in front yard setback (219 Emery St E).

Two minor variance applications for side yard setbacks (20 and 22 Emery St E) were rejected by the Committee of Adjustment.

A variety of conditions were attached to minor variances. The following is a summary of relevant conditions.

179 Langarth St E – Elevations and a plan to be approved by the City Planner

185 Langarth St E – A condition requiring a maximum building setback of 7m was removed

187 Langarth St E – A condition requiring a maximum building setback of 7m was removed

189 Langarth St E – Elevations and a plan to be approved by the City Planner

191 Langarth St E – Elevations and a plan to be approved by the City Planner

119 Grand Ave – A Neighbourhood Character Statement and Compatibility Report were required

Site Plan

Eight of the new buildings went through the Site Plan Approvals process. All of these were triggered by the Intensification Policies of the Official Plan. Two properties involved the addition of units - erecting a duplex in place of a single family home (152 Elmwood Ave), and converting a duplex into a triplex (119 Grand Ave); and six properties involved the creation of new lots. Three severed properties were not required to obtain Site Plan Approval because they were divided prior to 2012 when the Intensification Policies were updated to include this requirement (20 and 22 Emery St E, 179 Langarth St E).

Neighbourhood Character Compatibility

The following summarizes the evaluation of each property based on its compatibility with the existing neighbourhood character. For the purpose of this summary, properties that met fewer than 40% of the criteria were considered to have substantial compatibility issues. Properties that met 60% of the criteria or higher were generally considered to be compatible with the neighbourhood character.

Overall, roof shape, garages and parking were the biggest concerns for all evaluated properties. Street setbacks, side yard setbacks, height, and boulevard trees were the criteria that best fit into the neighbourhood, overall.

New Buildings

The most common concerns for buildings not being compatible with the neighbourhood were roof shape, details and ornamentation, presence and size of garages, size of parking areas, and the removal of trees on private property.

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Compatibility Evaluation - New Buildings

	1. Street Setback	2. Side Yard Setbacks	3. Lot Coverage	4. Scale / Massing	5. Rhythm	6. Height	7. Material	8. Roof Shape	9. Details / Ornamentation	10. Garages	11. Parking	12. Boulevard Trees	13. Private Trees	Percent of Criteria Met	Consent	Minor Variance
22 Garfield Ave	●	●	●									●		31	●	
20 Emery St E	●	●	●	●	●	●	●	●	●					69	●	●
22 Emery St E	●	●	●	●	●	●	●	●	●					69	●	●
179 Langarth St E	●		●	●	●	●	●	●	●			●	●	76	●	●
173 Langarth St E		●	●			●						●		31	●	
175 Langarth St E		●	●			●						●		31	●	
185 Langarth St E				●		●	●							23	●	●
187 Langarth St E				●		●								15	●	●
189 Langarth St E			●	●	●	●	●					●	●	53	●	●
191 Langarth St E			●	●	●	●	●					●	●	53	●	●
119 Grand Ave	●	●	●	●		●	●	●	●	●		●		77		●
152 Elmwood Ave E	●				●		●			●	●		●	46		
73 Duchess Ave	●				●			●	●		●	●	●	54		
37 Emery St E	●	●	●	●	●	●	●						●	62		
137 Langarth St E		●	●			●								23		
9 Mountsfield Dr	●	●	●	●	●	●	●	●	●			●		77		
388 Murray St	●	●		●	●	●	●	●	●	●				69		
462 Ridout St S	●	●	●		●			●	●	●		●	●	69		
New Buildings (%)	61	61	72	61	61	78	61	44	44	22	11	56	39			

- Met Criteria
- Compatible with Neighbourhood Character
- Not Compatible

Less than half of the properties presented concerns with street setbacks, side yard setbacks, lot coverage and building heights. However, properties that raised concerns about setbacks and coverage were clustered on Langarth St E.

All new buildings that met 40% or less of the compatibility criteria were located on Langarth St E and Garfield Ave.



Buildings that do not fit in with prevailing roof shapes, parking area sizes, garage size and scale of the neighbourhood

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Buildings that incorporate garages into a streetscape with very few garages, but are compatible with the roof shapes, ornamentation, materials, scale and setbacks in the neighbourhood.



A building that successfully takes cues from the neighbourhood in terms of scale, massing, materials, parking configuration, architectural details and ornamentation.

Additions

The most common concern for additions not being compatible with the neighbourhood was roof shape. Lot coverage, scale, massing and height were also concerns.

Setbacks, garages and tree retention (boulevard and private) were generally not issues for additions; as the existing structure and site layout would dictate where the addition could go.

Compatibility Evaluation – Additions

	1. Street Setback	2. Side Yard Setbacks	3. Lot Coverage	4. Scale / Massing	5. Rhythm	6. Height	7. Material	8. Roof Shape	9. Details / Ornamentation	10. Garages	11. Parking	12. Boulevard Trees	13. Private Trees	Percent of Criteria Met	Consent	Minor Variance
37 Duchess Ave	●	●										●	●	31		●
219 Emery St E	●	●	●	●	●	●	●		●	●	●	●	●	92		●
179 Garfield Ave	●	●	●		●		●		●	●	●	●	●	77		
158 Iroquois Ave	●		●	●	●	●	●	●	●	●		●	●	85		
179 Iroquois Ave	●	●		●	●	●	●	●	●	●	●	●	●	92		
16 Lockyer St	●	●								●	●	●	●	46		●
392 Murray St		●										●		15		
Additions (%)	86	86	43	43	57	43	57	29	57	71	57	100	86			

- Met Criteria
- Compatible with Neighbourhood Character
- Not Compatible

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A side addition that is not compatible with the neighbourhood or the existing building in terms of scale, massing, garages, parking or materials and architectural detail.



A building that successfully adds a side addition with garage to a streetscape while maintaining an appropriate scale, materials, garage size and parking area.

Correlation between Planning Applications and Compatibility

80% of properties subject to a consent had substantial compatibility issues with the neighbourhood character.

67% of successful minor variances had substantial compatibility issues with the neighbourhood character. Where minor variances were refused by the Committee of adjustment, the resulting buildings were generally a good fit within the neighbourhood (20 and 22 Emery St E).

All properties that were granted both consents and minor variances, had substantial compatibility issues with the neighbourhood character. These properties were all located on Langarth St E.

ACTIONS

- It's recommended that an Interim Control By-law be introduced for the Old South neighbourhood, excluding the Wortley Village-Old South Heritage Conservation District and excluding the Medium Density, High Density and all Commercial designations.**

The Old South neighbourhood has experienced increased infill activity over the past five years. Most of the activity has resulted in smaller scale infill applications that are occurring via new lot creation and the subsequent construction of new dwellings on those lots, along with new dwellings on the remnant parcel. The resulting built form and site development for many of these projects is too intense, creating issues related to compatibility and neighbourhood character fit. The area identified for the purposes of the Interim Control By-law has experienced an increased volume of these types of developments. As such, Civic Administration requires time to review current practices, by-laws and policies to ensure that processes are in place to appropriately review infill applications for their overall design and fit into the Old South neighbourhood.

The study area, as shown on the attached Interim Control By-law, is generally bounded by Wharncliffe Road South, the Thames River and CN Rail line, Wellington Road and Commissioners Road East.

Section 38 of the *Planning Act* allows municipalities to pass an Interim Control By-law to prohibit the use of land buildings, and structures that would otherwise be permitted by the Zoning By-law for a period of one year where Council has directed, by by-law or resolution, that a review or study be undertaken in respect of land use policies in the municipality. The Interim Control By-law may

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be extended for a subsequent year provided the total period of time does not exceed two years from the date of the passing of the initial by-law.

The purpose of an Interim Control By-law is to provide time for a municipality to undertake a study of the land use policies relating to a subject matter within the entire municipality or a defined area therein. The Interim Control By-law prevails over the provision of the current Zoning By-law thereby limiting the use of land so as to avoid the continuation or exacerbation of the issues that are the subject of the study, until the results of the study are known and actions to amend policies, by-laws, or restore the status quo have been completed. If at the end of the effective period for the interim control by-law, policy or by-law amendments have not been adopted pursuant to the study, the original zoning returns to effect. The interim control by-law can only address permitted uses of the land.

Policy 19.9.1 of the Official Plan provides for Interim Control By-laws in the City of London as follows:

Where Council has, by by-law or resolution, directed that a study be undertaken regarding its land use planning policies for the City or any defined area or areas thereof, it may pass an Interim Control By-law prohibiting the use of land, buildings or structures within the area defined by the By-law, except for such uses as are set out in the By-law. An Interim Control By-law shall apply for a limited period of time subject to the provisions of the Planning Act.

Requirements for the Interim Control By-law include Council directing that a study be undertaken, and that the by-law must specify the period of time that it will be in effect, not to exceed one year. In addition, the interim control by-law must specify the area to which the by-law applies.

Passing an Interim Control By-law does not require any prior notice; however, the notice of adoption must be given within 30 days of the passing of the by-law by means of publication in the newspaper or by mail to the property owners within 120 metres of the lands to which the by-law applies. Anyone who receives notice can appeal within sixty days of the passing of the by-law.

Advantages

- An Interim Control By-law will restrict the continuation or exacerbation of the issue that has been identified by Council and Staff;
- The status quo will be maintained for the duration of the Interim Control By-law period with permissions for minor alterations and additions; and,
- Time will be provided for staff to undertake a review of the policies and regulations applied to the area.

Disadvantages

- An Interim Control By-law restricts the zoning rights of property owners in the area; and
- It could attract a legal challenge, through appeal, that may detract from resources available to undertake the study.

2. A review of the current Civic Administration Review Processes be completed.

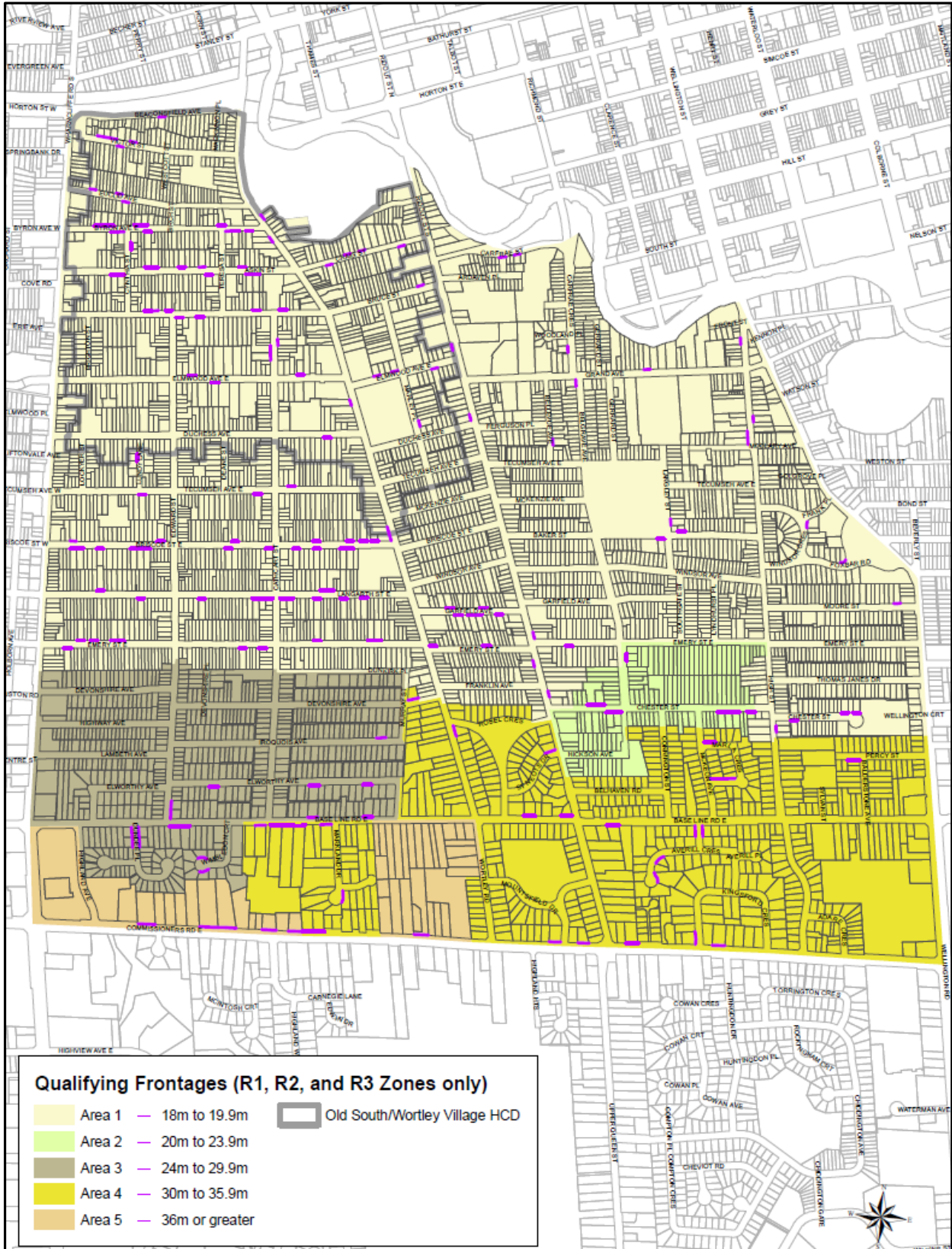
Concerns about the compatibility of recent developments in the neighbourhood relate to potential deficiencies in municipal policies, regulations and processes. In some cases, property owners may be able to circumvent public planning processes, whether intentionally or not, because the existing by-laws do not specify regulations for planning review of new development related to a single building on a single lot that does not represent intensification. In existing neighbourhoods, property owners are permitted to demolish and reconstruct a single family dwelling anywhere on their property within the building envelope prescribed by the zoning, without going through a public planning process to assess compatibility of design and fit. They may build to one side of the property with the intent to sever the property into two lots at some unspecified future date. The public planning and consultation process is not initiated until the City receives an application to sever the property, which may not be until after the first building has already been constructed.

Similarly, single properties may be redeveloped at a much greater size and scale than the demolished buildings without any review process to "catch" such proposals for consideration of such compatibility measures. If there is no intent to sever a portion of the property, or seek minor variances from the zoning, no public consultation is required.

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Based on a preliminary review of the property characteristics in the neighbourhood, a significant number of properties have a lot frontage which is double that of the required minimum frontage for the respective zone. In essence, this means that each of these properties could be severed into two properties while still meeting the zoning regulations.



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3. A review of the current Zoning By-law regulations be completed.

Based on the above analysis, zoning regulations may be too expansive when applied to mature neighbourhoods with an existing character. The three dimensional building envelope that is permitted by existing zoning in the study area, allow for the construction of buildings that do not fit into the neighbourhood in terms of their height, mass, scale, setbacks and proportions. More study is required to better understand the current zoning and changes that may be required.

4. A study to determine the need for urban design guidance, changes to the Site Plan By-law or alternative zoning measures, such as the development permit system be completed.

Current zoning regulations are also silent on items such as maximum setbacks, roof shape, garage location, massing and architectural detail. It is evident that Official Plan policies relating to neighbourhood character and compatibility may not be adequately implemented through the existing zoning regulations. It may be necessary to develop urban design guidelines or alternative zoning measures to address this deficiency. Changes to the site plan by-law may also be needed. Further study is required to assess need and opportunities.

5. Amendments to the Official Plan may be required to permit the use of the tools noted above.

This analysis has determined that the Residential Infill Policies of the Official Plan are allowing for public participation in these matters when new lots or units are created. Given this, the Official Plan policies may need to be amended to implement the changes to zoning and approval processes, or to use tools such as urban design guidelines, a revised Site Plan By-law or a development permit system, if those are the preferred directions to address the current issue.

Next Steps

More study is required to build upon this preliminary analysis. More detailed assessment of the problem and the drivers of this problem is required. Then, an evaluation of the best approach is required leading to amendments to processes, policies, or regulations. Depending on the tools chosen to address the above noted concerns, it is anticipated that the study and development of appropriate measures will be completed within 12 months.

CONCLUSION

From this preliminary study and analysis of recent developments in the Old South neighbourhood, there are a number of factors that are contributing to the issues of incompatibility with the neighbourhood character.

Civic administration are unable to capture and review the development of a single building on a single lot, prior to the lodging of related planning applications, if any are even warranted. This is a concern in mature neighbourhoods because there is no implementation tool for Official Plan policy related to redevelopment. Public participation and design review need to be triggered at the earliest stage possible.

The current zoning regulations do not account for the existing character and context of mature neighbourhoods when dealing with heights, setbacks and coverage, amongst other factors. The current zoning regulations are also silent on many criteria that relate to the character of the neighbourhood, including roof shape, scale, garage and parking prominence, massing and architectural ornamentation.

The recent development trends in the Old South neighbourhood are also an immediate concern as the cumulative effects of lot creation and residential redevelopment are drastically altering the character of existing streetscapes in the neighbourhood. Through the proposed studies noted above, it is believed that more appropriate tools can be applied to ensure new development is a positive fit within the neighbourhood.

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RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP DIRECTOR, LAND USE PLANNING AND CITY PLANNER	

December 14, 2015

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**APPENDIX A
Interim Control By-law**

Bill No. _____
2016

By-law No. C.P-_____

A by-law to establish interim control provisions for the City of London to prohibit the construction of buildings and major additions to existing buildings within portions of the Old South neighbourhood for an interim period of one year in order to allow for the completion of a planning study to identify and evaluate options for amendments to planning policies, regulations and processes that will prevent incompatible forms of residential development.

WHEREAS subsection 38 of the *Planning Act, R.S.O. 1990 c. P.13*, as amended, permits the Council of a municipality to pass an interim control by-law where the Council has directed that a review or study be undertaken in respect of land use planning policies within the municipality or in any defined area or areas thereof;

AND WHEREAS Section 19.9.1 of the City of London Official Plan allows for the passing of an interim control by-law;

AND WHEREAS Council of The Corporation of the City of London deems it appropriate to enact such interim control by-law;

AND WHEREAS a planning study is necessary in order to determine the appropriate land use policies, regulations and processes required to prevent incompatible forms of residential development within the Low Density Residential designation of the Old South Neighbourhood in the City of London as shown on Schedule "A" attached hereto;

AND WHEREAS the proposed interim control by-law conforms to the City of London Official Plan;

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

1. The lands shown shaded on Schedule "A" to this By-law, identified on map IC-1 are the lands affected by this By-law and are established as and declared to be an interim control area.
2. Notwithstanding any provision of City of London Zoning By-law Z.-1, or any other By-law to the contrary, and except for such lawful uses as the land is being used for on the date of passing of this By-law, while this By-law is in force and effect no person shall, within the interim control area established by this By-law, use any land for the purposes of :

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- a. the construction of any building ; or,
 - b. the construction of any addition to an existing building that would result in an increase of more than 20% to the residential gross floor area of that building as it existed on the day of the passing of this By-law.
3. Despite section 2, above, nothing shall prevent the construction of a building or structure or addition to an existing building or structure, on lands within the interim control area established by this By-law where a building permit has been issued for the construction of such building or structure in accordance with the *Building Code Act*, 1992, S.O. 1992, c.23 prior to the date of passing of this By-law.
 4. This By-law shall not apply to prevent the renovation or repair of any existing building within the interim control area established by this By-law, provided that such renovation or repair does not increase by more than 20% the residential gross floor area of that building as it existed on the date of the passing of this By-law.
 5. For the purposes of this By-law, the terms "building" and "residential gross floor area" contained in this By-law shall have the same meaning as the terms "BUILDING" and "FLOOR AREA, GROSS RESIDENTIAL" contained in City of London Zoning By-law Z.-1.
 6. Schedule "A", map IC-1 attached hereto forms part of this By-law.
 7. This By-law shall come into force and take effect immediately upon the final passing thereof and shall be in effect for a period of twelve months from the date of the passing of this By-law unless otherwise extended in accordance with provisions of the *Planning Act*, R.S.O. 1990, c.P13, as amended.

PASSED in Open Council on December 21, 2015.

Matt Brown
Mayor

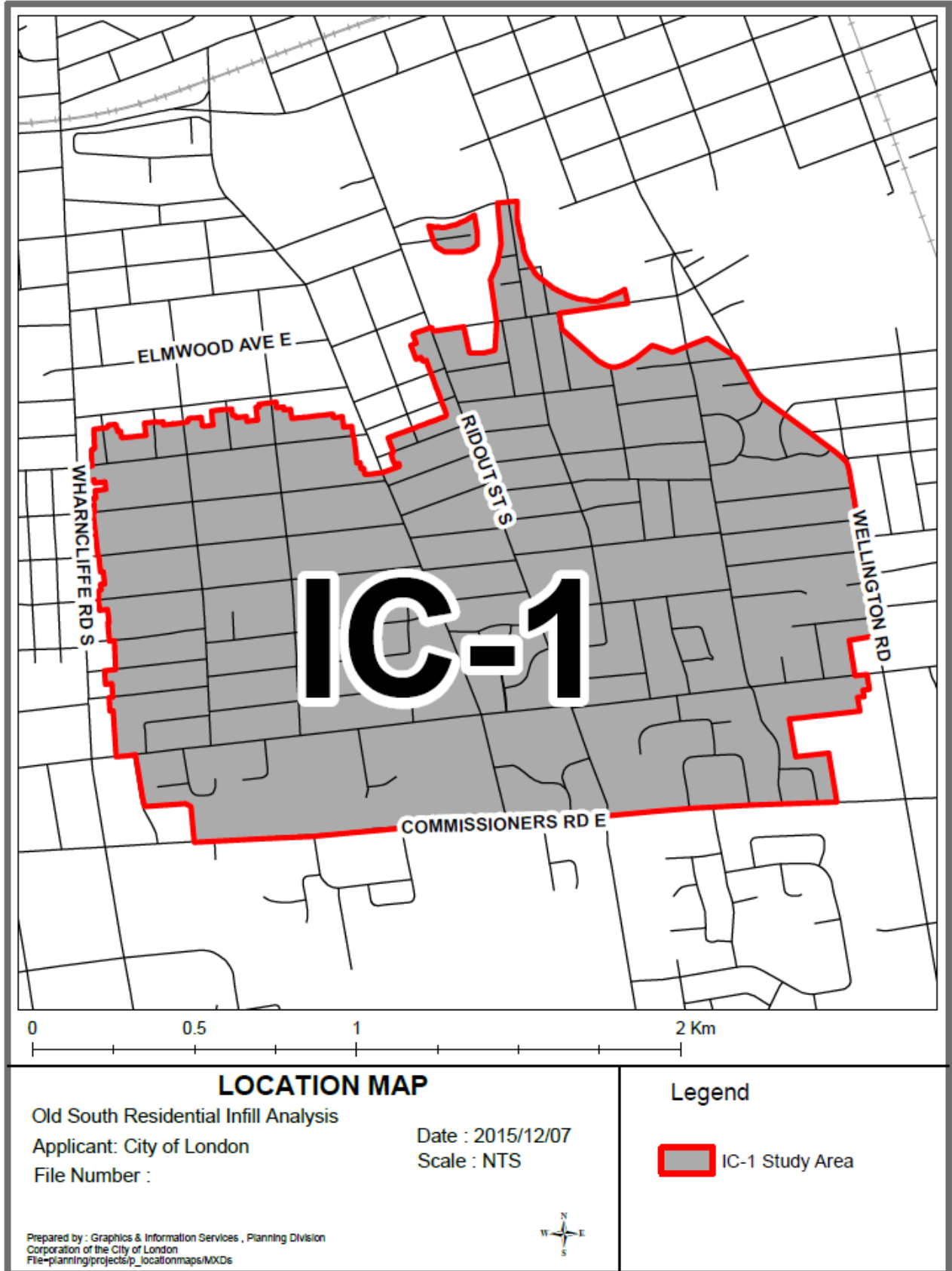
Catharine Saunders
City Clerk

First Reading – December 21, 2015
Second Reading – December 21, 2015
Third Reading - December 21, 2015

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Urban Designer: Britt O'Hagan

SCHEDULE "A"



LOCATION MAP

Old South Residential Infill Analysis

Applicant: City of London

File Number :

Date : 2015/12/07

Scale : NTS

Legend

IC-1 Study Area

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

