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Planner: E. Ling

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE MEETING ON JUNE 20, 2016
FROM:	GEORGE KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT:	CONSIDERATION OF CITY-INITIATED AMENDMENTS TO THE Z.-1 ZONING BY-LAW

RECOMMENDATION

That, on the recommendation of the Manager, Development Services and Planning Liaison, Civic Administration **BE DIRECTED** to consider amending portions of the Z.-1 Zoning By-law, provide notice of possible amendments and report on recommended amendments, where appropriate, at future public participation meetings before the Planning and Environment Committee.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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None

PURPOSE AND EFFECT OF RECOMMENDED ACTION

Seeking consent to initiate research regarding potential technical and housekeeping amendments to the Z.-1 Zoning By-law, and to report back with recommendations at a future public participation meetings before the Planning and Environment Committee.

BACKGROUND

The need for technical amendments to Zoning By-law Z.-1 has been identified by staff through interpretation, the implementation of Site Plan Approval, and a review of minor variances that have been requested at the Committee of Adjustment. In some cases, current zoning regulations are considered vague and in need of clarification. In other instances, the current regulation is outdated, frequently amended, or allows for an unintended "loophole" in the By-law. These errors and technical issues result in a lack of clarity when interpreting the By-law (for both City staff and applicants), and may lead to increases in the number of recurring applications for minor variance.

The initial considerations are primarily within the General Provisions (Section 4) of the Zoning By-law. The purpose of this report is to introduce these initial amendments and seek direction to proceed with further evaluation, public notice, and to report back at a future public participation meeting. Rather than one comprehensive report, two or three separate reports will be brought back to PEC so that common issues and can be considered together, as required. A brief description of the initial sections to be examined as part of this report is identified below:

- One foot (0.3m) reserves and lots (Section 2 - Definitions)

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- Access to loading spaces (Section 4.13.5)
- Accessible parking requirements (Section 4.19.10)
- Lots reduced by public acquisition (Section 4.14)
- Yards where parking areas permitted (Section 4.19.4)
- Bicycle parking incentive (Section 4.19.16.7)
- Maximum building heights in industrial zones (Sections 40, 41 & 42)
- Converted dwelling regulations in R2 and R3 zones (Sections 6 & 7)
- Consider food, beverage and small scale manufacturing/processing in a wider range of zones (Industrial & Commercial Zones)
- Maximum lot coverage regulation in R1Low Density Residential Zones (Sections 5 & 6)
- Setback for drive-through facilities (Section 4.35)

This list is not exhaustive, but represents the first and most top-of-mind updates that Staff have identified, from the perspective of Development and Compliance Services and Planning Services. Should investigation reveal that no change is recommended, based on research, discussions with other departments, and stakeholders, that recommendation will be reported to Committee.

ONE FOOT (0.3m) RESERVES AND LOT DEFINITION
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Purpose and Effect:

The purpose for reviewing the use of the “one foot reserve” is to consider revising the way it has been interpreted in instances where it forms an exterior side yard. The effect of the change would be to allow the “one foot reserve” to act as the access control tool it was meant to be, and not as a lot, as it has been interpreted. Currently, interpreting the reserve as a lot impacts setbacks, neighbourhood design and character, and adds to administrative time and effort.

Background:

The “one foot reserve” (heretofore referred to as 0.3m reserve) is a common planning/engineering tool used to restrict access to development prior to the issuance of building permits. The lifting of these reserves is an administrative exercise undertaken by the land owner by way of by-law. A Municipality typically agrees to lift a reserve once satisfied that all the conditions of a subdivision or development agreement have been met.

The 0.3m reserve has been interpreted as a lot, and has from time to time negated the regulations and intent of the “exterior side yard” setback, which requires a greater setback from a lot line in order to create a consistent street line and ensure an adequate sight triangle is maintained on, typically, corner lots. A technical amendment is required to ensure 0.3m reserve blocks are clearly defined and regulated in the by-law for their intended use.

Staff will work with the Legal Services, Realty Services (Geomatics), Planning Services, Urban Design, and Development and Compliance, Zoning to research the impact and ensure any proposed change does not negatively affect other areas or processes.

ACCESSIBLE PARKING SPACES

Purpose and Effect:

As written, painted and signed “Type A” accessible parking spaces are to be required for all development in the City of London, including single detached dwellings. The purpose and effect of reviewing this section is to consider limiting those requirements to instances where signage is necessary, in line with the Building Code and the Accessibility for Ontarians with Disabilities Act (AODA).

Background:

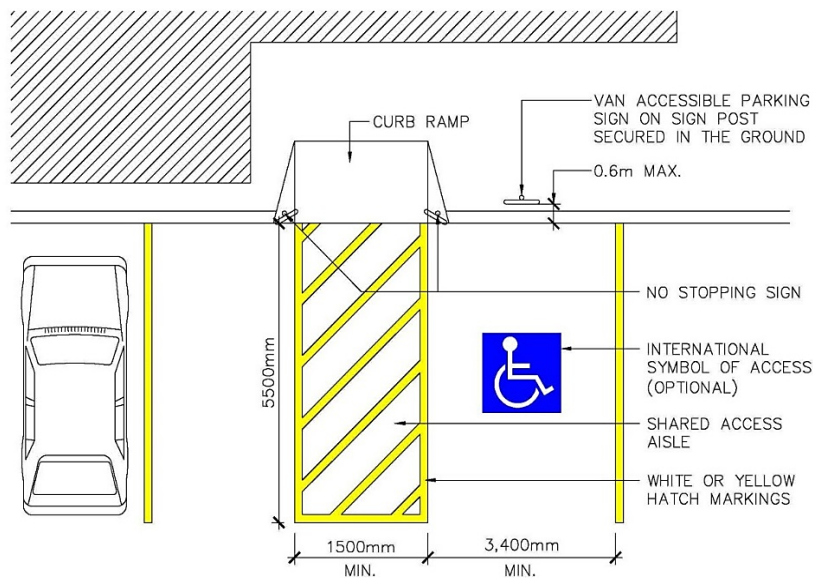
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Section 4.19 (10) (c) of Z.-1 states that: “where parking spaces are required, in any development, accessible parking spaces shall be provided. Off street parking areas shall have, “one parking space for the use of persons with disabilities, which meets the requirements of a Type A parking space, where there are 12 parking spaces or fewer”

The current wording does not differentiate between single detached, semi-detached, duplex and multi-family or commercial forms of development, as was contemplated by the AODA regulations and the Ontario Building Code. A technical correction is required, to more accurately align the Zoning regulation with the Site Plan Control By-law and other regulations.

FIGURE 7.1: PARKING SPACE FOR PERSONS WITH DISABILITIES (TYPE A)



Staff will collaborate with Building Division, Site Plan, Zoning and the Accessibility Advisory Committee, to ensure any recommended changes do not create unforeseen problems or contravene the AODA.

LOADING SPACE REQUIREMENTS (4.13) AND ACCESS TO LOADING SPACES (4.13.5)

Purpose and Effect:

In older, built-up industrial and commercial areas there are few opportunities to manoeuvre vehicles anywhere but the adjacent road; however, this is not currently permitted under Z.-1. The purpose and effect of the review is to determine if allowing the use of the road allowance for vehicle manoeuvring would create/exacerbate problems in existing industrial and commercial areas. This in turn could make the reuse of existing lands and buildings easier, and alleviate the need for granting a minor variance to those potential users.

Background:

Loading spaces (for the loading and unloading of vehicles) are required within many commercial zones and any industrial zone where the receiving, shipping, loading or unloading of animals, goods, wares, merchandise or raw materials occurs. The owner is required to “provide and maintain, on the same lot, facilities comprising one or more loading spaces in accordance with the provisions of this Subsection.”

As Section 4.13.5 implies, manoeuvring of vehicles on city streets is not permitted. Unfortunately, in some of the older “built-up” commercial and/or industrial areas, buildings

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have been constructed that do not have adequate off-street land available to introduce on site loading spaces.

Our practice has been to permit the use of the road allowance through minor variance for specified streets and/or addresses that get written into the By-law. Staff will collaborate with Planning Services, Urban Regeneration, Transportation Engineering, By-law Enforcement, Site Plan and other pertinent departments to ensure any proposed change will not have unintended consequences.

LOTS REDUCED BY PUBLIC ACQUISITION (4.14) AND YARDS WHERE PARKING AREAS ARE PERMITTED (4.19.4)

Purpose and Effect:

The purpose of this review is to confirm the intent of the by-law with regard to terms such as “parking area”, “driveway” and “aisle”. The effect will be to bring consistency to those applications where a clear understanding of the definitions will assist in making calculations and development decisions regarding access, parking and manoeuvring.

Background:

Sections 4.14, 4.19.4 and the Definitions in Section 2.0 regarding *Access Driveway*, *Aisle*, *Driveway*, *Parking Area*, and *Parking Coverage* are confusing when it comes to interpretation and implementation. Clarity needs to be established as to which elements of a “parking area” are used for the various parking calculations, interpretations and definitions. This will add consistency to our site plan approval process and clarity when dealing with applications that trigger the acquisition of lands, and/or the adaptive reuse of buildings.

Staff will review with representatives from Zoning, Site Plan, and other pertinent departments to get feedback and ensure any potential change to the by-law will have the effect that the City desires.

BICYCLE PARKING INCENTIVE (4.19.16.7)

Purpose and Effect:

The purpose of reviewing this section is to determine the whether the existing incentive is achieving what the City intended it to. Recently, large numbers of bicycle racks have been used in commercial developments in order to alleviate the parking requirements. Changes to this section could provide both a reduction in the parking requirement and desirable, logical, and useful cycling infrastructure.

Background:

The Bicycle Parking Incentive was introduced as part of the adoption of the Bicycle Master Plan in 2005. As outlined in the original Staff Report, “the intent of (Section 4.19.16.7) is to provide an incentive for the provision of additional bicycle parking spaces above and beyond the prescribed minimum standard in a non-residential development scenario.” While few developments have availed themselves of the incentive, we have recently seen some developments that took the reduction to the extreme as far as provision of additional bicycle parking spaces. However, at a five-to-one “replacement” ratio, the good intentions of the incentive can add up to an excessive number of short term bicycle spaces quickly.

Staff will work with Transportation Engineering, the Cycling Advisory Committee, the Transportation Demand Manager, and other stakeholders to solicit input on best practices and to help draft and test any potential amendments prior to making recommendations.

MAXIMUM BUILDING HEIGHTS IN INDUSTRIAL ZONES (LI, GI, HI)

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Purpose and Effect:

As industrial needs change, so to do the heights and shapes of the buildings that house the manufacturing processes. The purpose of this review is to examine if there is a need for changes to the height restrictions in Industrial zones, and if so, what are appropriate? Consideration will be made where industrial and residential lands are in close proximity, and with regard to other height-sensitive land uses (i.e. the airport, parks, etc.). The effect of a change could be to reduce the number of constraints that industrial developments can face when considering locating in London.

Background:

The maximum building height regulations in the industrial zones can be restrictive. In some cases they permit heights that are equivalent to, or less than, those found in Low Density Residential areas. Efficiencies in manufacturing and increased land costs have given rise to processes which often require or can incorporate a more vertical form of development. Allowing industry to build to suit their needs may alleviate the need for a variance in order to permit the necessary height and strengthen some of our industrial attraction and retention efforts.

Staff will work with various stakeholders, Staff and Service Areas to determine if limits are necessary, and if so what is appropriate, safe and reasonable with regard to setting maximum heights in industrial areas?

RESIDENTIAL R2 & R3 ZONES AND CONVERTED DWELLING REGULATIONS

Purpose and Effect:

There are two residential zones in the Z.-1 that permit “converted dwellings”; the Residential R2 and R3. Unfortunately, the two zones do not treat converted dwellings the same way. Confusion arises when variances are (sometimes) required to permit a converted dwelling, and clarity and consistency regarding converted dwellings needs to be introduced into the by-law.

Staff will work with Legal Services, Development & Compliance, Zoning and Building, Planning Services, Urban Design, and other pertinent service areas to ensure any recommended changes to the Z.-1 bring clarity to the existing situation and do not create any unintended circumstances as the result of those changes. Secondary dwelling units, Residential Rental Licensing, Site Plan, etc. all have the potential to be impacted by any changes to “converted dwelling” regulations.

SMALL-SCALE FOOD, BEVERAGE AND MATERIAL MANUFACTURING & PROCESSING

Purpose and Effect:

Small scale manufacturing, especially with regard to food and beverage processing, has become the most frequent inquiry through Development and Compliances, Zoning, Licensing, Service London Business, and Business Liaison. The purpose of this review is to consider making changes to the Zoning By-law to facilitate small-scale manufacturing and processing industries and to broaden potential locations, including traditionally commercial areas.

Background:

Over the last several years, countless inquiries have been made to Development and Compliance Services and Service London Business with regard to what staff have termed “small-scale manufacturing”. These are typically comprised of fledgling, artisanal, startup manufacturing and processing businesses that have a commercial element to them (they sell

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their products directly from the place of manufacture) but that are *interpreted* to be an industrial use, based on the limitations of our existing by-law. Brewers, distillers, coffee roasters, bakers, and other artisans who do not necessarily seek to operate traditional retail stores, restaurants, etc. are being discouraged from locating in our older/core commercial areas and even some light industrial areas.

Staff will work in conjunction with Planning Services, Development & Compliance, Zoning, the Business Improvement Areas, and other stakeholders to investigate and consider making changes to the Zoning By-law with regard to small-scale and '*artisanal*' manufacturing of a variety of products in order to facilitate the development of this sector in London.

MAXIMUM LOT COVERAGE REGULATION

Purpose and Effect:

The maximum lot coverage requirement applies to various forms of development, to establish a building envelope which, in conjunction with other regulations (i.e. building setbacks, landscaped open space, building height), provide parameters for the massing of buildings on a development site. A review is proposed, to determine whether there is merit in adjusting the maximum lot coverage requirement in the standard Zone variations of By-law Z.-1, particularly for residential zones that applied within the Low Density Residential designation.

Background:

In recent month, several Zoning By-law amendment applications have been received by the City to establish a higher lot coverage in newly developing single detached residential areas. While the current Zone variations allow for a range of coverages (from 30% to 45%), coverages of up to 50% have been proposed in some areas, based on the house designs that are being proposed. Increases have been approved for some lots and areas through minor variances or Zoning amendments.

Based on recent application activity, it would be appropriate to consider the need for changes to the standard Zone variations for low density housing forms. If a City-wide Zoning amendment is not considered appropriate at this time, direction could be provided to the comprehensive Zoning review that will be undertaken following the adoption of the London Plan.

DRIVE THROUGH FACILITIES - SETBACK FROM ULTIMATE ROAD ALLOWANCE

Purpose and Effect:

The purpose for reviewing the current drive-through facility provisions is to help provide clarification and resolve the inconsistent interpretation of where drive-through facilities should be located on a subject site through the site plan process. Sites are to be designed to provide safe uninterrupted pedestrian access to a building from the public right-of-way and to ensure proposed development is oriented in a manner which creates a positive streetscape and interface with the public realm through landscaping and clear access points for pedestrians.

Background:

The current provisions in the Zoning By-law leave room for interpretation of where drive through facilities should be located. Section 4.35 of the By-law states:

The City's preferred location for drive-through facilities is in the rear and/or interior side yard. Drive-through facilities may only be permitted in the front and/or exterior side yard if there are no other design alternatives and/or to address safety considerations. If the drive-through facility is located in the front yard, a landscape plan and building elevation plan is required to illustrate a

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minimum 3 metre landscaped buffer between the edge of the drive-through lane and the ultimate road allowance all to the satisfaction of the Manager of Site Plan Control.

The ability to consider design alternatives provides the opportunity to justify a drive-through within front and exterior side yards, creating an undesired interface between the buildings and the public right-of-way.

Staff will consider amendments to the by-law which would eliminate confusion during the site plan process, and more effectively implement pedestrian oriented measures in conjunction with drive-through facilities by potentially removing the ability for drive-through facilities to locate in the front and exterior side yards.

SUMMARY AND CONCLUSION

Issues have been identified with Zoning regulations which have caused unnecessary delay, increased development process timelines, and inconsistent interpretations of By-law Z.-1. Individual reviews will be undertaken, in partnership with various internal/external agencies and interested parties, in order to ensure there are no trickle-down or unintended effects, if and when amendments are recommended.

Reports which include recommended actions/amendments, will be brought to future public meetings at the Planning and Environment Committee. Where no action or change is recommended, a report will be brought forward indicating why.

PREPARED BY:	RECOMMENDED BY:
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REVIEWED AND CONCURRED BY:	
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