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<b>TO:</b>	<b>CHAIR AND MEMBERS – PLANNING &amp; ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>JOHN M. FLEMING DIRECTOR, LAND USE PLANNING AND CITY PLANNER</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: CITY OF LONDON CITY WIDE  MEETING ON APRIL 16, 2012</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Director of Land Use Planning and City Planner, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on May 1, 2012 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change Zoning By-law Z.-1 Section 4.14 by removing the words “has been” , “and the location of any permitted building or structure relative to the required side or rear yards”, and to include the word and “density” in the last paragraph by:

- (a) **DELETING** the last paragraph of Section 4.14; and
- (b) **INSERTING** in its place *“In the case of a road widening dedication, the land that will be dedicated shall be included in any calculation for the purpose of determining lot area, coverage, height, parking, landscaped open space, floor area, floor area ratio and density provided any building or structure is located wholly within the boundary of the land remaining after the dedication”.*

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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August 15, 2011- Report submitted to the Built and Natural Environment Committee (now PEC) by the Director of Land Use Planning and City Planner.

<b>BACKGROUND</b>
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The London Development Institute had submitted a letter to Council on August 30, 2011 requesting further discussion with staff regarding the proposed amendment.

On August 30, 2011 Municipal Council resolved:

*I hereby certify, that the Municipal Council, at its session held on August 29 and 30, 2011 referred clause 23 of the 19th Report of the Built and Natural Environment Committee back to the Civic Administration for further consideration.*

*Clause 23 reads as follows:*

23. That, on the recommendation of the Director of Land Use Planning and City Planner, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting to be held on August 29, 2011 to amend Section 4.14 of the Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the Zoning By-law Z.-1 by:

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- a) removing the words "has been, and "the location of any permitted building or structure relative to the required side or rear yards"; and,
- b) to include the word "density" in the last paragraph by:
  - i) deleting the last paragraph of Section 4.14; and,
  - ii) by inserting in its place "In the case of a road widening dedication, the land that will be dedicated shall be included in any calculation for the purpose of determining lot area, coverage, height, parking, landscaped open space, floor area, floor area ratio and density provided any building or structure is located wholly within the boundary of the land remaining after the dedication";

<b>ANALYSIS</b>
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Planning Staff, representatives from the London Development Institute and the London Home Builders Associate have met (see attached letter). LDI and LHBA agree that it is appropriate at this time for Municipal Council to enact the proposed amendment to Zoning By-law Z.-1 and that staff will include existing road widening policies for further review during the City's current Official Plan review process.

<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
<b>CRAIG SMITH – PLANNER COMMUNITY PLANNING AND URBAN DESIGN</b>	<b>JIM YANCHULA, MCIP, RPP MANAGER OF COMMUNITY PLANNING AND URBAN DESIGN</b>
<b>RECOMMENDED BY:</b>	
<b>JOHN M. FLEMING, MCIP, RPP DIRECTOR, LAND USE PLANNING AND CITY PLANNER</b>	

April 5, 2012  
CS/  
Attached

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**Appendix "A"**

Bill No. (number to be inserted by Clerk's Office)  
2012

By-law No. Z.-1-\_\_\_\_\_

A by-law to amend Section 4.14, the Lots Reduced by Public Acquisition of By-law No. Z.-1.

WHEREAS the City of London has applied to amend Section 4.14, last paragraph, of the Z.-1 Zoning By-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Section 4, General Provisions, to By-law No. Z.-1 is amended by removing the words "has been" and "the location of any permitted building or structure relative to the required side or rear yards" and to include the words "density" in the last paragraph Section 4.14 by:
  - a) **DELETING** the last paragraph of Section 4.14; and
  - b) **INSERTING** in its place "*In the case of a road widening dedication, the land that will be dedicated shall be included in any calculation for the purpose of determining lot area, coverage, height, parking, landscaped open space, floor area, floor area ratio and density provided any building or structure is located wholly within the boundary of the land remaining after the dedication*".

This By-law shall come into force and be deemed to come into force in accordance with section 34 of the *Planning Act, R.S.O. 1990, c. P.13*, either upon the date of the passage of this by-law or as otherwise provided by the said subsection.

PASSED in Open Council on May 1, 2012.

Joe Fontana  
Mayor

Cathy Saunders  
City Clerk

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First Reading - May 1, 2012  
Second Reading - May 1, 2012  
Third Reading - May 1, 2012

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Appendix A

# London Development Institute

March 26, 2012

By Email

City of London  
300 Dufferin Avenue  
London, Ontario  
N6A 4L9

Attn.: Craig Smith, Planner

**Re: Proposed Amendment to Section 4.14 of Zoning By-law Z-1, Road Widening Dedications**

Dear Mr. Smith,

Thank you for the opportunity to discuss the effects of the proposed changes to Section 4.14 of the zoning by-law on matters related to road widening by expropriation or land dedication through the Site Plan approval process.

It is understood that OPA #438 removed the need for the term “has been” in the zoning by-law by removing the use of delayed road widening dedications which permitted the owner to continue to use the area of the dedication until the City required the land at a future date. The proposed language of the zoning amendment does provide clarity on this point and that the dedicated lands are to be used when calculating lot coverage, size and density at the time that the dedication is taken.

We appreciate the fact that the City has the authority to widen the right-of-way of a road through the powers of the Planning Act but there is some confusion when one section of the zoning by-law is dealing with two distinct sections of the Act. In our discussions there was a commitment made by staff to review the road widening dedication procedures through site plan approval in Section 41 of the Planning Act during the Official Plan (OP) Update to determine if it warrants a separate section in the zoning by-law.

We will continue to work with staff during the OP Update to resolve this issue.

Sincerely,

**London Development Institute**



**Jim Kennedy**  
President, LDI