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File: Z-8744
Planner: E. LING

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	GEORGE KOTSIFAS MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES, AND CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: THE CITY OF LONDON TO AMEND THE ZONING BY-LAW FOR INDUSTRIAL LAND USES WITH REGARD TO HEIGHT, PARKING RATE, ACCESS TO LOADING AREAS, AND MANOEUVRING ON CITY STREETS. PUBLIC PARTICIPATION MEETING ON JULY 17, 2017

RECOMMENDATION

That, on the recommendation of the Manager, Development Planning the following actions be taken with respect to the zoning by-law review of industrial regulations pertaining to height, parking, loading areas, and manoeuvring on city streets, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on July 25, 2017 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, **TO:**

- i. Amend Sections 40 Light Industrial (LI), table 40.3, 41 General Industrial (GI), table 41.3, and 42 Heavy Industrial (HI), table 42.3 of the Z.-1 Zoning By-law to change the height and setback regulations for industrial buildings.
- ii. Add, to the bottom of tables 40.3, 41.3, and 42.3, the following footnote: *"It being noted that lands within the approach, outer, or transitional surface(s) of the London International Airport are subject to the London Airport Zoning Regulations, Chapter 93 of the Aeronautics Act."*
- iii. Amend Section 4.19 b) 'Parking Standard Areas 2 and 3 parking requirements are as follows', to permit a parking rate of 1/200m² for the following uses: Advanced Manufacturing Industrial Uses, Advanced Manufacturing Educational Uses, and Manufacturing Establishments.
- iv. Amend Section 4.13 LOADING SPACE REQUIREMENTS, subsection 5) "ACCESS TO LOADING SPACES" by adding the following paragraph to the end of the subsection:

On roads identified as "secondary collector" or "local street" in the Zoning By-law, and where the existing premises are zoned to permit Industrial use(s) vehicles may be permitted to manoeuvre into loading areas using the road allowance where necessary. Where a new building is proposed, the development shall provide sufficient space for the manoeuvring of vehicles on the lot so as not to obstruct or otherwise cause a hazard on adjacent streets.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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Consideration of City-Initiated Amendments to the Z.-1 Zoning By-law – June 20, 2016

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the recommended action is to amend specific regulations for industrial

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development and assist new and existing businesses, and employment lands, to be more flexible with regard to operations in London.

RATIONALE

Businesses which develop and occupy industrial buildings are subject to a highly competitive environment where they must almost always seek the lowest cost and shortest time period from concept to production.

Efficiency and flexibility are vital to attracting and retaining industrial clients in the current marketplace. The recommendations herein are made with the intent of furthering goals outlined in the Provincial Policy Statement, City of London Official Plan, London Plan, London’s Strategic Plan, and Community Economic Road Map through amending industrial regulations impacting municipal industrial development efforts.

1. The recommended amendments are consistent with, and will serve to implement, the policies of the Provincial Policy Statement, 2014 (2014 PPS), which promotes cost-effective development patterns and standards to minimize land consumption and servicing costs. As well, the 2014 PPS directs planning authorities to... “take into account the needs of existing and future businesses.”
2. The recommended amendments are consistent with, and will serve to implement, the policies of the Official Plan by encouraging an efficient utilization of land within industrial areas, providing for the continuation and improvement of inner-city industrial lands, and providing opportunities within existing industrial areas for new, compatible industries.

Furthermore, as the Official Plan states, the transportation system shall be designed to provide for parking that is, “...adequate for the land uses (it) supports, and developed to a standard which promotes compatibility with adjacent land uses. Council may consider a policy to limit the maximum amount of parking spaces to support a proposed development.”

3. The recommended amendments are consistent with, and will serve to implement, the policies of the London Plan by demonstrating that we understand the needs and demands of the sectors we hope to attract, and by creating a competitive industrial advantage for London which supports the growth of industrial sectors.

As well, the London Plan states that the Zoning By-law is to ensure that excessive amounts of parking are not required. Requirements may be lower within those place types and parts of the city... that are close to employment areas, office areas, and other uses that generate high levels of attraction.

The recommended amendments are consistent with, and serve to implement, the London Plan with regard to the accommodation of on-site truck movements for loading, unless it is deemed appropriate to utilize streets where there are no viable alternatives.

4. The recommended amendments are consistent with, and serve to implement the Community Economic Road Map, and in turn the Strategic Plan, by supporting opportunities for economic growth and by working to streamline the industrial development process.
5. The recommended amendments are consistent with the general intent of the Z.-1 Zoning By-law, which provides regulations for Industrial zones and land uses.

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BACKGROUND

Date Application Accepted: March 6, 2017	Agent: The Corporation of the City of London
REQUESTED ACTION: Review Zoning By-law Z.-1 to consider amendments to Industrial Zones regarding building heights, parking rates and requirements, and loading and manoeuvring on city streets.	

PLANNING HISTORY

Industrial Building Heights

June 28, 2010; Zoning By-law Amendment to allow for increased heights for various lots/buildings on Bradley, Bonder and Boyd (Innovation Park), zoned Light Industrial (LI2).

May 13, 2011; Variance to permit a building height of 45m where 15m is the maximum in the Light Industrial (LI2) Zone.

June 21, 2011; Variance for 2429 Bradley Avenue N to permit an increased building height in a Light Industrial (LI2) zone.

May 27, 2013; Variance to permit a building height of 19m where 15m is the maximum permitted in the Light Industrial (LI2) Zone.

August 15, 2016; Variance to permit a building height of 18m where 15m is the maximum in the Light Industrial (LI2) Zone.

Minimum Parking Standards

September 27, 2012; Zoning By-law Amendment passed to reduce the amount of parking required in a Light Industrial (LI2) zone.

Access to Loading Spaces / Maneuvering on City Streets

December 20, 2010; Zoning By-law Amendment to allow for the maneuvering of vehicles on specific City streets: Neptune Cres., Sovereign Cres., Sovereign Cres. between Gore Rd. and Trafalgar St., and Tartan Dr. between Sovereign Rd. and Neptune Cres.

February 21, 2012; Zoning By-law Amendment to allow for the maneuvering of vehicles on specific City streets at 45 Artisan’s Crescent.

Other Related Reports

June 24, 2016; Council Direction to initiate a review of the Zoning By-law, as identified.

March 6, 2017; Circulation of Notice of Application regarding Z-8744 to consider the amendments outlined herein.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

No significant departmental comments have been received.

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PUBLIC LIAISON:	On March 16, 2017, Notice of Application was published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> . Notice was also circulated to the London Economic Development Corporation, as well as internal departments.	0 replies were received
Nature of Liaison: To consider amendments of and/or new regulations for the City of London Z.-1 Zoning By-law pertaining to off-street loading spaces, maneuvering on city streets, vehicular parking requirements in industrial zones and increasing overall heights in industrial zones.		
Responses: No responses have been received.		

ANALYSIS

Industrial Building Heights

Typically, industrial buildings have been single level or one storey structures. Single level industrial buildings have been considered “functional and efficient” and their construction and use has been driven based entirely on financial and user considerations. Conventional single level industrial buildings have traditionally offered the benefits of low cost, efficient design and maximum flexibility of use. Where a second level or mezzanine has been included it has typically been used for related office space.

In recent years many innovative industrial processes have begun to require a higher intensity of land use and taller industrial structures. Industries including high-tech, food processing, and some warehousing applications have found it beneficial and necessary to build up, rather than out. Construction trends are changing in order to adapt to demands for modern equipment and improved efficiencies. Industries today are often seeking 15-20m of interior “clear height”, while the Industrial zone regulations in London range from 12m-24m of maximum height, depending on the zone. Our maximum height measure is taken from grade to the top of the proposed building - on the exterior.

The “Light Industrial” zone currently permits a maximum of 15.0m in all variations, with “General” and “Heavy” Industrial zones permitting greater heights, in most cases (See Table below). Some neighbouring municipalities have amended their Zoning By-laws to permit heights that exceed 15.0m in Industrial zones, while others have done away with maximum heights altogether, citing that setbacks and land availability are better suited to regulating height than is a cap. For example;

City	“Light” Industrial	“General” Industrial	“Heavy” Industrial
Brantford	11m (industrial-commercial)	15m	30m
Chatham-Kent	15m	No Maximum	30m (prestige)
Kitchener	9m (industrial-residential)	No Maximum	No Maximum
Strathroy-Caradoc	15m	No Maximum	No Maximum
Stratford	30m	30m	30m
Waterloo	18m	18m	18m
Windsor	14m	20m or lot line	10m
Woodstock	15m + 1m for every 0.5m	15m	15m +
London	15m	24m	12-24m

Notwithstanding that London lies somewhere in the middle with regard to maximum heights, our regulations have caused some industrial clients to go through additional planning processes

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(minor variance or rezoning). London's current height limitations have been identified as a potential obstacle for future industrial growth.

Where industrial lands abut residential lands, staff recommend maintaining the status quo with regard to maximum heights and setback distances. Where Industrial lands do not abut lands zoned residential, staff recommend increasing the maximum height restriction for industrial zones to 50m, while at the same time amending the front, side, and rear yard setback regulations to create a land use pattern in keeping with the London Plan. Furthermore the requirements of the *London Airport Zoning Regulations* (Chapter 93 of the Aeronautics Act) - which restricts the heights of all buildings within proximity to the airport - will continue to do so, as described therein. A note will be added to the Zoning By-law regarding these regulations.

Permitting heights of up to 50m for industrial premises that do not abut residential zones will enable industries that require a more vertical form of development to have greater flexibility, to reduce the need for additional planning processes, and to provide greater certainty regarding our attraction and retention efforts. Maintaining the status quo with regard to lands abutting residential zones will limit the impact that taller structures may have on sensitive land uses. Amending the side yard setbacks will allow for a more efficient use of land, create a more pedestrian oriented form of development, and implement the policies of the London Plan with regard to street design.

Minimum Parking Standards

When considering the best practices of other municipalities with regard to parking, Montreal, Toronto and Ottawa are often at the forefront of Canadian innovation. Each of these cities have undertaken comprehensive reviews of their minimum parking standards - even calling into question the idea of minimum standards at all - to ensure that they are in line with their overall transportation goals regarding modal split, reduction of vehicular trips, and increased transportation options; including cycling and public transit.

In London, as in most North American cities, the parking minimum for any given development varies according to its location within the city. The Zoning By-law distinguishes between three "Parking Areas" (1, 2, 3,) as well as land use (e.g. restaurant, apartment, manufacturing establishment). Current parking requirements are based on the proximity of the land use to the "core", where it is assumed more transport options are readily available.

Minimum parking standards are based on peak demand, thereby over-estimating "typical" demand. Required parking areas are often underutilized, they can contribute to a land use pattern that is detrimental to walking, cycling, and transit use, and they consume large amounts of land.

In the Industrial context, employers are cognizant of their needs with regard to staff parking. Innovation, automation and advances in efficiency have reduced some of the need for employees on site, yet our parking rates have remained unchanged and do not attempt to address the individual needs of the 'Manufacturing Establishments' themselves.

Economic development partners such as the LEDC, as well as existing and potential industrial stakeholders, have indicated that the City of London requires excessive amounts of parking. This has made it more challenging for industries to expand in situ because in order to do so they must take into account expanding parking areas as part of their long-term plans, based on an assigned minimum rather than real need. Site specific planning applications, such as minor variances or Zoning By-law amendments to reduce parking requirements, are time consuming and somewhat uncertain processes in a competitive marketplace.

It is for these reasons that Staff recommend reducing the minimum parking rate for *Advanced Manufacturing Industrial Uses, Advanced Manufacturing Educational Uses, and Manufacturing Establishments* to one space per 200m² (1/200m²) or fraction thereof. It being noted that *Manufacturing Establishment* is used to set the parking rate for *Food, Tobacco and Beverage*

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Processing Industries, Manufacturing and Assembly Industries, Paper and Allied Products Industries, Pharmaceutical and Medical Products Industries, Primary Metals Industries, Printing, Reproduction and Data Processing Industries, Processed Good Industries, Raw Metals Processing Industries, and Research and Development Establishments.

Access to Loading Spaces / Maneuvering on City Streets

Currently Section 4.13.5 of the Zoning By-law indicates that certain land uses must "...provide sufficient space to permit the maneuvering of vehicles on the lot so as not to obstruct or otherwise cause a hazard on adjacent streets. However, in two instances, Z-7781 (2010), and Z-7967 (2012) the Zoning By-law was amended in order to accommodate maneuvering within the city road allowance, specifically:

4.13.5 Vehicles may be permitted to maneuver into loading areas on Neptune Crescent, Sovereign Crescent, Sovereign Crescent between Gore Road and Trafalgar Street, and Tartan Drive between Sovereign Road and Neptune Crescent using the road allowance. Z-7781(2010)

Vehicles may be permitted to maneuver into loading areas at 45 Artisans Crescent using the Artisans Crescent road allowance. Z-7967 (2012)

The rationale for both previous amendments was similar, including several points that when extrapolated to other older or existing industrial areas and situations, deserve to be considered on a broader policy basis. Primarily it was observed that due to the small lots, lack of local traffic, and loading areas which are only accessible where the road allowance is utilized, that the amendments were appropriate. Further, the fact that "...most traffic in the subdivision is destination oriented resulting in familiarity with vehicles using the road to back into a loading area, allowing vehicles to access loading facilities by using the public street (was) not expected to create traffic safety concerns." The conclusion was that making these specific amendments would maintain the viability of these areas as Industrial/Employment areas, as intended by through the Official Plan.

In keeping with this conclusion, the 'Form Policies for All Industrial Place Types' of the London Plan indicate that, "(s)ites will be large enough to accommodate on-site truck movements for loading, unless it is deemed appropriate to utilize streets where there are no viable alternatives."

Therefore, Staff recommend a Zoning By-law amendment to Section 4.13 LOADING SPACE REQUIREMENTS, subsection 5) "ACCESS TO LOADING SPACES", adding the following paragraph to the end of the subsection:

On roads identified as "secondary collector" or "local street" in the Zoning By-law, and where the existing premises are zoned to permit Industrial use(s) vehicles may be permitted to manoeuvre into loading areas using the road allowance where necessary. Where a new building is proposed, the development shall provide sufficient space for the manoeuvring of vehicles on the lot so as not to obstruct or otherwise cause a hazard on adjacent streets.

It should be noted that the street classifications referred to in the Z.-1 Zoning By-law are not the same as those identified in the London Plan on "Map 3 – Street Classifications", nor throughout. Because the Z.-1 Zoning By-law will continue to be in force and effect until it is replaced by a new comprehensive by-law, this difference will have to be rectified on a case-by-case basis where the London Plan provides a different level of detail or requires a different standard than the Z.-1.

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CONCLUSION

The recommended amendments herein will serve the evolving and often unique space requirements of a greater variety of industrial clients when considering London for development. The amendments will also assist existing industries when they seek to expand, and underutilized industrial areas to be reused in order to make more efficient use of land, maintaining diverse opportunities for Industrial space and users.

PREPARED BY:	REVIEWED BY:
ETHAN LING, DEVELOPMENT POLICY COORDINATOR DEVELOPMENT & COMPLIANCE SERVICES	MARK HENDERSON DIRECTOR, BUSINESS LIAISON DEVELOPMENT & COMPLIANCE SERVICES
RECOMMENDED BY:	SUBMITTED BY:
LOU POMPILII, MCIP, RPP, MANAGER, DEVELOPMENT PLANNING	GEORGE KOTSIFAS, MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

June 13, 2017
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Responses to Public Liaison Letter and Publication in “The Londoner”

<u>Telephone</u>	<u>Written</u>

No Written Responses have been received.

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Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
 2017

By-law No. Z.-1-17 _____

A by-law to amend By-law No. Z.-1 Section 40 (Light Industrial), Section 41 (General Industrial), Section 42 (Heavy Industrial), and Section 4 (General Provisions) to change the text and regulations.

WHEREAS The Corporation of the City of London intends to amend regulations in By-law No. Z.-1 pertaining to industrial uses within industrially designated areas within the City of London

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. Amend Section 40 Light Industrial, Table 40.3, by replacing Lines 5, 6, 7 and 11, and inserting a new line 12, with the following, renumbering the remaining lines:

TABLE 40.3 LIGHT INDUSTRIAL (LI) ZONE REGULATIONS FOR LI ZONE VARIATIONS

Column A		B	C	D	E	F	G	H	I	J	K
Line 1	ZONE VARIATIONS	LI1	LI2	LI3	LI4	LI5	LI6	LI7	LI8	LI9	LI10
5	FRONT & EXTERIOR SIDE YARD DEPTH (m) MINIMUM	1.5m minimum									
6	INTERIOR SIDE & REAR YARD DEPTH (m) MINIMUM	15.0	25.0	15.0	15.0	15.0	25.0	25.0	25.0	15.0	15.0
7		1.2m per 3.0m of main building height, or fraction thereof, for buildings between 0-29.9m in height. 12.0m for buildings 30.0m to 50.0m in height.									
11	HEIGHT (m) MAXIMUM	15.0m***									
12		50.0m***									

*** Lands within the approach, outer, or transitional surface(s) of the London International Airport are subject to the London Airport Zoning Regulations, Chapter 93 of the *Aeronautics Act*.

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2. Amend Section 41 General Industrial, Table 41.3, by replacing Lines 5, 6, 7 and 11, and inserting a new line 12, with the following, renumbering the remaining lines:

TABLE 41.3 GENERAL INDUSTRIAL (GI) ZONE REGULATIONS FOR GI ZONE VARIATIONS

Column A		B	C	D
Line 1	ZONE VARIATIONS	GI1	GI2	GI3
5	FRONT & EXTERIOR SIDE YARD DEPTH (m) MINIMUM	1.5m minimum		
6	INTERIOR SIDE & REAR YARD DEPTH (m) MINIMUM	ABUTTING A RESIDENTIAL ZONE	40.0m	60.0m
7		ABUTTING A NON-RESIDENTIAL ZONE	1.2m per 3.0m of main building height, or fraction thereof, for buildings between 0-29.9m in height. 12.0m minimum for buildings 30.0m to 50.0m in height.	
11	HEIGHT (m) MAXIMUM	ABUTTING A RESIDENTIAL ZONE	24.0m**	
12		ABUTTING A NON-RESIDENTIAL ZONE	50.0m**	

** Lands within the approach, outer, or transitional surface(s) of the London International Airport are subject to the London Airport Zoning Regulations, Chapter 93 of the *Aeronautics Act*.

3. Amend Section 42 Heavy Industrial, Table 42.3, by replacing Lines 5, 6, 7, and 13, and inserting a new Line 14, with the following, renumbering the remaining line(s):

TABLE 42.3 PROPOSED HEAVY INDUSTRIAL (HI) ZONE REGULATIONS FOR HI ZONE VARIATIONS

Column A		B	C	D	E	
Line 1	ZONE VARIATIONS	HI1	HI2	HI3	HI4	
5	FRONT & EXTERIOR SIDE YARD DEPTH (m) MINIMUM	1.5m minimum				
6	INTERIOR SIDE & REAR YARD DEPTH (m) MINIMUM	ABUTTING A RESIDENTIAL ZONE	60.0m	40.0m	40.0m	90.0m
7		ABUTTING A NON-RESIDENTIAL ZONE	1.2m per 3.0m of main building height, or fraction thereof, for buildings between 0.0-29.9m in height. 12.0m minimum for buildings 30.0m to 50.0m in height.			
13	HEIGHT (m) MAXIMUM	ABUTTING A RESIDENTIAL ZONE	24.0m**	12.0m**	12.0m**	24.0m**
14		ABUTTING A NON-RESIDENTIAL ZONE	50.0m**			

** Lands within the approach, outer, or transitional surface(s) of the London International Airport

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are subject to the London Airport Zoning Regulations, Chapter 93 of the *Aeronautics Act*.

4. Section 4.19 b) 'Parking Standard Areas 2 and 3 are amended by replacing the pertinent parking regulations with the following:

	Parking Standard Area 2	Parking Standard Area 3
Advanced Manufacturing Industrial Uses	1 per 200m ²	1 per 200m ²
Advanced Manufacturing Educational Uses	1 per 200m ²	1 per 200m ²
Manufacturing Establishments	1 per 200m ²	1 per 200m ²

5. Section 4.13 **LOADING SPACE REQUIREMENTS**, subsection 5) "ACCESS TO **LOADING SPACES**" is amended by adding the following paragraph at the end of the current subsection:

On roads identified as "secondary collector" or "local street" in the Zoning By-law, and where the existing premises are zoned to permit Industrial use(s) vehicles may be permitted to manoeuvre into loading areas using the road allowance where necessary. Where a new building is proposed, the development shall provide sufficient space for the manoeuvring of vehicles on the lot so as not to obstruct or otherwise cause a hazard on adjacent streets.

6. 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.

7. 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. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on July 25, 2017.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading - July 25, 2017
 Second Reading - July 25, 2017
 Third Reading - July 25, 2017