

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: FANSHAWE MOTORS EASTERN PORTION OF 1357 HYDE PARK ROAD PUBLIC PARTICIPATION MEETING ON DECEMBER 4, 2017

**RECOMMENDATION**

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of Fanshawe Motors relating to the eastern portion of the property located at 1357 Hyde Park Road the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting December 12, 2017 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Holding Residential R1 Special Provision (h•h-100•R1-13(6)) Zone, **TO** a Holding Residential R4 Special Provision (h•h-100•R4-4( )) Zone.

**EXECUTIVE SUMMARY**

**Summary of Request**

The purpose and effect of the requested Zoning By-law Amendment is to permit the development of seven townhouse dwellings, on a block to be created with frontage on the future Finley Crescent.

**Summary of Recommended Action**

Planning Staff recommend that City Council adopt the requested Zoning By-law Amendment to the Residential R4-4 Zone with a revision that the requested special provision to allow up to 52% lot coverage be revised to allow up to 45% lot coverage. The existing holding provision is recommended to remain on the subject property which does not allow the site to be developed until the necessary services, including water and vehicular access, are available.

**Rationale of Recommended Action**

Staff have reviewed the requested Zoning By-law Amendment application and find that it is consistent with the Provincial Policy Statement and conforms with the existing Official Plan policies as well as the Council-adopted London Plan policies that apply to the subject site.

Staff have worked with the applicant to reduce the requested maximum lot coverage from 52% to 45%, to allow for a better fit with the properties to the north and south of the subject site. The properties to the north and south of the subject site are currently in a Residential R4-4 Zone which permits a maximum lot coverage of 35%. These properties are subject to a Zoning By-law Amendment application that is currently under review for a requested special provision to increase the maximum permitted lot coverage from 35% to 45% (Z-8850). A reduction in the maximum lot coverage to 45% would allow for a consistent form with the townhouses on the adjacent properties, should the Zoning By-law Amendment on the adjacent sites be approved. The applicant

is supportive of this revision and this revision is incorporated into the recommended zoning.

The site is currently not serviced and does not have access to a public road. The existing holding provision, which is proposed to be retained, prohibits development until the necessary services are in place.

## ANALYSIS

### 1.0 Site at a Glance

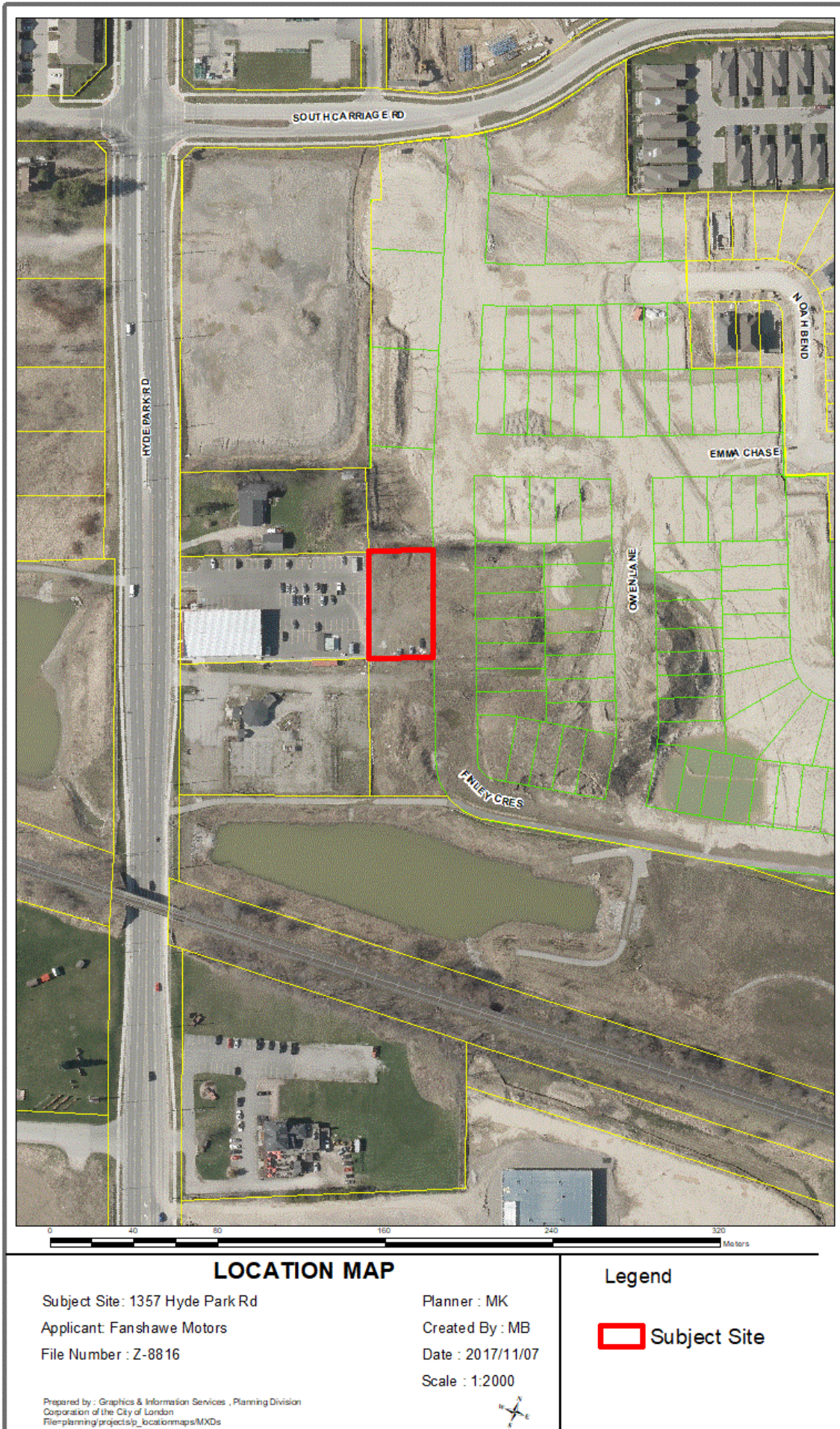
#### 1.1 Property Description

The subject site is located on the east side of Hyde Park Road, south of South Carriage Road. The subject site has an area of approximately 0.137 hectares. The subject site is currently vacant, however is part of a larger property at 1351-1357 Hyde Park Road that includes an automotive use (Fanshawe Motors). The automotive use is located on the western portion of the property and is not subject to this Zoning By-law Amendment application. A consent application was submitted concurrently to separate the subject site from the Fanshawe Motors facility (B.036/2017). This consent application has been approved, subject to conditions, and is currently subject to the Planning Act appeal period which is set to expire on December 4, 2017.

The larger property at 1351-1357 Hyde Park Road has frontage on Hyde Park Road, however the portion of the property that is subject to this Zoning By-law Amendment application will not have access to Hyde Park Road once it is severed. The lands immediately east of the subject site are part of a draft-approved plan of subdivision. The portion of the site requested to be rezoned is expected to front onto a future Neighbourhood Street, Finley Crescent, when the adjacent draft-approved plan of subdivision (Kenmore Subdivision) receives final approval and is built out.

The adjacent Kenmore Subdivision includes zoning that permits single detached dwellings on the lands immediately east of the subject site, on the opposite side of the future Finley Crescent. These lands are currently undeveloped. The lands to the north and south are also currently undeveloped and are also part of the Kenmore Subdivision. These lands are zoned R4-4 and permit street townhouses. The recommended zoning is intended to implement the same range of uses as are permitted to the north and south and facilitate a consistent form of development on the west side of the future Findley Crescent. A Zoning By-law Amendment application (Z-8850) has been submitted for the lands north and south of the subject site to allow for a special provision to be added to the R4-4 zone designation to permit up to 45% lot coverage. The existing Zoning By-law designation on the site permits up to 35% lot coverage. This Zoning By-law Amendment application is currently under review.

### 1.2 Location Map



### **1.3 Current Planning Information** (see more detail in Appendix D)

- Official Plan Designation – Low Density Residential (LDR)
- The London Plan Place Type – Neighbourhoods
- Existing Zoning – Holding Residential R1 Special Provision (h•h-100•R1-13(6)) Zone

### **1.4 Site Characteristics**

- Current Land Use – Undeveloped residential land
- Frontage – 30 metres (100 feet) (on the future Finley Crescent)
- Depth – 45 metres (148 feet)
- Area – 0.137 hectares (0.33 acres)
- Shape – Rectangular

### **1.5 Surrounding Land Uses**

- North – Undeveloped land zoned to permit a mixture of residential dwelling types, including townhouses, that is part of a draft-approved plan of subdivision. This site is subject to a Zoning By-law Amendment application (Z-8850) to permit up to 45% lot coverage which is currently under review.
- East – Undeveloped land zoned to permit single-detached dwellings that is part of a draft-approved plan of subdivision.
- South – Undeveloped land zoned to permit a mixture of residential dwelling types, including townhouses, that is part of a draft-approved plan of subdivision. This site is subject to a Zoning By-law Amendment application (Z-8850) to permit up to 45% lot coverage which is currently under review.
- West – Automotive use (Fanshawe Motors), further west is Hyde Park Road.

## **2.0 Description of Proposal**

### **2.1 Development Proposal**

The requested development contemplates seven townhouses with typical building lengths of approximately 17.4 metres and frontages of approximately 6.5 metres. Typical front yard setbacks of 6 metres and a typical rear yard setback of approximately 7 to 7.6 metres are requested. The requested row of townhouses would have side yard setbacks of approximately 2.4 to 2.7 metres. The requested townhouses would be required to be built in compliance with the required setbacks of the recommended zoning designation.

### 3.0 Relevant Background

#### 3.1 Planning History

April, 2000 – City Council adopts the Hyde Park Community Plan and Urban Design Guidelines pursuant to Section 19.2.1 of the Official Plan as a guideline document for the review of Official Plan, Zoning By-law amendment, plans of subdivision and other Planning Act development applications within the Hyde Park Community. Associated amendments to the Official Plan to apply appropriate land use designations consistent with the Community Plan were also approved at that time. An updated Hyde Park Community Plan was adopted by City Council in 2002.

January, 2011 – City Council recommends that the Approval Authority be advised that City Council supports the draft plan of subdivision at 225 South Carriage Road and 1331 Hyde Park Road (Kenmore Subdivision) subject to conditions that must be completed prior to registration. The decision on this draft plan of subdivision was appealed to the Ontario Municipal Board by Sydenham Investments. This appeal was withdrawn on September 13, 2013.

March, 2012 - Report to Planning and Environment Committee relating to the Hyde Park Road Commercial Review Official Plan and Zoning Review 1331-1369 and 1364-1420 Hyde Park Road recommending no action be taken to replace the existing Multi-Family, Medium Density Residential designation in the Official Plan and Urban Reserve (UR3) Zone in the Zoning By-law with a commercial designation and zoning on the subject properties.

City Council subsequently resolved that notwithstanding the recommendation of the Director, Land Use Planning and City Planner, the Civic Administration be directed to initiate an Official Plan Amendment to apply a commercial land use designation to the lands located at 1351, 1357, and 1369 Hyde Park Road. The June, 2013 Official Plan Amendment (detailed below) implemented Council's direction.

June 2013 – City Council adopts an Official Plan Amendment to change the designation of the west portion of 1351-1357 and 1369 Hyde Park Road from Multi-Family, Medium Density Residential to Main Street Commercial Corridor and applied a Chapter 10 Special Policy to the west portion of 1351-1357 Hyde Park Road to permit the existing auto repair garage use.

June 2013 – City Council adopts a Zoning By-law Amendment to change the zoning of the western part of 1351-1357 Hyde Park Road from Urban Reserve (R3) Zone to a Holding Business District Commercial Special Provision (h•BDC2(\_\_)) Zone which includes a special permission to permit an automobile repair garage with a reduced front yard setback and to change the zoning of the east part of 1351-1357 Hyde Park Road (the subject site) from an Urban Reserve (UR3) Zone to a Holding Residential Special Provision (h•h-100•R1-13(6)) Zone.

September, 2013 – Draft plan of subdivision approved for the Kenmore Subdivision, subject to a number of conditions that were required to be approved prior to final approval and registration. This draft plan of subdivision approval was set to expire in September, 2016.

August, 2014 - Consent application approved for 1351-1357 Hyde Park Road to convey a portion of 1351-1357 Hyde Park Road to 255 South Carriage Road for the purpose of the future Finley Crescent expansion, and retain the remainder of the property for the purpose of an existing automobile repair garage (B.021/14). This consent was registered in 2015.

October, 2016 – City Council recommends the approval authority be advised that Council supports proposed revisions to the draft plan of subdivision at 225 South Carriage Road and 1331 Hyde Park Road (Kenmore Subdivision) and a 3 year extension to the expiry of the draft plan of subdivision. City Council also adopts Zoning By-law Amendments associated with this draft plan of subdivision, including the rezoning for the properties to the north and south of the subject site from a Holding Residential R1 Special Provision (h•h-100•R1-3(14)) Zone to a Holding Residential R4 Special Provision (h•h-100•R4-4(\_\_)) Zone which permits street townhouses.

August, 2017 – Consent (B.036/2017) and Part Lot Control (P-8821) applications were submitted concurrently with this planning application for the subject site.

### 3.2 Requested Amendment

The requested Zoning By-law Amendment is to rezone the site from Holding Residential R1 Special Provision (h•h-100•R1-13(6)) Zone, with permissions limited to single detached dwellings, to a Holding Residential R4 Special Provision (h•h-100•R4-4(\_\_)) Zone which permits street townhouses, with a special provision to allow for lot coverage up to 52%. The Holding Zone that applies to the property would continue to remain in-effect. The Holding Zone prohibits development until a looped watermain system is constructed and a second public access is available, to the satisfaction of the City Engineer, to ensure there is adequate water service and appropriate access.

Staff have worked with the applicant to reduce the maximum lot coverage to 45% to be consistent with the townhouses that are proposed on the adjacent north and south sites, should the Zoning By-law Amendment for those sites be approved. As such, the recommended Zoning By-law Amendment includes a provision to allow for a maximum 45% lot coverage to improve the fit of the development within the townhouses proposed adjacent to the subject site. The applicant has indicated that they support this revision.

Consent and part lot control applications were submitted concurrently with the Zoning By-law Amendment application. The requested consent application is to sever 1,577.9 square metres (the subject site) from 1351-1357 Hyde Park Road for the purpose of future residential use and to retain 4,591 square metres for the purpose of the existing automobile repair establishment (B.036/2017). The part lot control application is for the development of the requested townhouses (P-8821). The consent application has been approved, subject to conditions, and the part lot control application is currently under review with a report anticipated for the December 4, 2017 Planning and Environment Committee meeting.

### 3.3 Community Engagement

A Notice of Application was sent to property owners within a 120 metre radius of the subject site on September 20, 2017, and was published in *The Londoner* on September 21, 2017. The Notice of Application was for the initial request to rezone the property to a Holding Residential R4 (h•h-100•R4-4) Zone to permit street townhouses with a Holding Zone that would continue to apply to the property which would prohibit development until a looped watermain system is constructed and a second public access is available.

The application was revised to a request a Holding Residential R4 Special Provision (h•h-100•R4-4(\_\_)) Zone, with the Special Provision requested to permit up to 52% lot coverage whereas the R4-4 Residential Zone permits up to 35% lot coverage. The revised Zoning By-law Amendment request was specified in the Notice of Public Meeting that was sent to property owners within a 120 metre radius of the subject site on November 8, 2017, and was published in *The Londoner* on November 9, 2017.

A sign indicating the possible land use change was also placed on the subject lands on Hyde Park Road.

As of the date of this report, no public responses had been received to the Notice of Application or the Notice of Public Meeting.

### **3.4 Policy Context** (see more detail in Appendix C)

#### *Provincial Policy Statement, 2014*

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development, setting the policy foundation for regulating the development and use of land. The subject site is located within a settlement area as identified in the PPS. The PPS identifies that settlement areas shall be the focus of growth and development, however this intensification is not intended to be uniform (Policy 1.1.3.1, 1.1.3.2). Policy 4.7 states that the Official Plan is the most important vehicle for implementing the PPS.

All decisions of Council affecting land use planning must be consistent with the PPS.

#### *City of London 1989 Official Plan ("Official Plan")*

The City of London 1989 Official Plan ("Official Plan") implements the policy direction of the PPS and contains objectives and policies that guide the use and development of land within the City of London. The Official Plan assigns specific land use designations to lands, and the policies associated with those lands use designations provide for a general range of permitted uses.

The subject site is located within the "Low-Density Residential" land use designation in the Official Plan. Development in the Low-Density Residential land use designation is intended to enhance the character and amenity of residential areas by directing higher intensity uses to locations where existing land uses are not adversely affected (Policy 3.1.2). Permitted uses in this land use designation include single-detached, semi-detached, and duplex dwellings with a maximum density, generally, of 30 units per hectare (Policy 3.2.1; 3.2.2). Multiple attached dwelling, such as townhouses, are permitted subject to Policy 3.2.2.

#### *Hyde Park Community Plan and Design Guidelines*

In 2000, City Council adopted the Hyde Park Community Plan and Urban Design Guidelines pursuant to Section 19.2.1 of the Official Plan as a guideline document for the review of Official Plan, Zoning By-law Amendment, plans of subdivision and other Planning Act development applications within the Hyde Park Community. An updated Hyde Park Community Plan was adopted by City Council in 2002.

Policy 3.5.12 in the Official Plan indicates that in the area bounded by Fanshawe Park Road West on the North, CN Rail line to the south, the former City Boundary (pre-1993) to the east and the former CN railway spur line to the west, design guidelines have been developed through the Community Plan process which encourage street-oriented development and discourage noise attenuation walls along arterial roads. New development should be designed and approved consistent with the design guidelines in the Hyde Park Community Plan.

The subject site is identified as appropriate for Low Density Residential land uses in the Community Plan. The Urban Design Guidelines provide further direction on building orientation and site design.

### *The London Plan*

The London Plan is the new Official Plan for the City of London and has been adopted by City Council and approved by the Ministry with modification, but is not yet in force in effect due to appeals to the Ontario Municipal Board.

The subject site is located within the Neighbourhoods Place Type in the London Plan, and will have frontage on a future Neighbourhood Street, Finley Crescent. Permitted uses in this place type on this street classification include single-detached, semi-detached, duplex, converted dwellings, townhouses, secondary suites, home occupations, and group homes. These developments are permitted to have a maximum height of 2.5 storeys. No commercial uses are permitted in this place type for developments located on this street classification.

The subject site is located within the Urban Growth Boundary. No Urban Place Types, including Neighbourhoods, are permitted outside of the Urban Growth Boundary. While it is located within the Urban Growth Boundary, the subject site is located outside of the Built-Area Boundary, which represents the existing built-up area of the City. The London Plan emphasizes growing “inward and upward” within the Built-Area Boundary. While greenfield forms of development are still permitted, there will be a greater emphasis on encouraging and supporting growth within the existing built-up area of the City (Policy 79).

The London Plan identifies that neighbourhoods are to be planned for diversity and mix, and should avoid a segregation of different housing types, intensities, and forms (Policy 918). All planning and development applications are to be evaluated based on a number of factors, including the degree to which the proposal fits its context. This does not mean that a proposed use must be the same as development in the surrounding context, rather it must be sensitive to, and compatible with, its context (Policy 1578).

## **4.0 Key Issues and Considerations**

### **4.1 Sensitivity to Surrounding Neighbourhood and Fit within Surrounding Context**

The requested residential development must be sensitive to the surrounding neighbourhood and fit within the surrounding context.

#### *Provincial Policy Statement, 2014 (PPS)*

Section 1.1.3.1 of the PPS indicates that “*Settlement Areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted”. It also states that “New development taking place in *designated growth areas* should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allows for the efficient use of land, *infrastructure*, and *public service facilities*”(1.1.3.6). The Official Plan is intended to implement this and set out appropriate land use designations and policies (4.7).

The subject site is located within a Settlement Area and is within the designated growth boundary, as identified in the Official Plan and London Plan. It is outside of the existing built up area. The requested zoning permissions to allow the development of townhouses is consistent with the PPS policies that requires new development outside of the existing built up area to have a compact form, when compared to the single-detached dwellings that is permitted by the existing zoning. The proposed building type also conforms with the in-force Official Plan and London Plan designations and policies that apply to the subject site, including the requirement to be compatible with its context, further demonstrating that the requested Zoning By-law Amendment is consistent with the PPS.



### *The 1989 Official Plan*

The subject site (the eastern portion of 1357 Hyde Park Road) is located within the Low Density Residential designation in the Official Plan. Low Density Residential designations permit single-detached, semi-detached, and duplex dwellings. Multiple attached dwellings, such as the requested townhouses, are permitted subject to Sections 3.2.2.

Section 3.2.2 requires that development in Low Density Residential designations shall have a low-rise, low coverage form that minimizes problems of shadowing, view obstruction and the loss of privacy. Net residential densities will have an approximate upper limit of 30 units per hectare, however in certain instances development may exceed 30 units per hectare. Similar to Residential R1, R2, and R3 Zones, densities are not calculated on a “units per hectare” basis for dwellings located on an individual lot. Throughout the City, Residential R4 Zones are applied in both Low Density Residential (LDR) and Multi-Family, Medium Density Residential (MFMDR) land use designations.

The requested zoning to permit townhouses with a maximum height of 10.5 metres (approximately 2.5 storeys) conforms with these Official Plan requirements. The requested Zoning By-law Amendment includes a special provision to allow for up to 52% lot coverage. Planning Staff have worked with the applicant to reduce this maximum permitted coverage to 45%. Both the sites immediately north and south of the subject site have Residential R4-4 Zoning with a maximum permitted lot coverage of 35%. Both of these sites are subject to a Zoning By-law Amendment application to increase this maximum permitted lot coverage to 45% (Z-8850). Through discussions with the applicant, it was agreed to reduce the recommended special provision of the maximum permitted lot coverage to 45% to be consistent with the adjacent properties, should the Zoning By-law Amendment on the adjacent properties be approved. The recommended Zoning By-law Amendment, attached to this report, has revised the requested Special Provision to allow for a maximum lot coverage of 45%.

### *Hyde Park Community Plan*

The Hyde Park Community Plan contemplates the subject site as a Low Density Residential use. The requested townhouses are consistent with what would be intended for this land use.

### *The London Plan*

The subject site is within the Neighbourhoods Place Type in the London Plan. The London Plan identifies that Neighbourhoods will be planned for a diversity and mix and should avoid the broad segregation of different housing types, intensities, and forms. The London Plan indicates that all planning applications will be evaluated for the degree to which the proposal fits its context. This does not mean that a proposed use must be the same as development in the surrounding context, rather it means that it will be sensitive to, and compatible with, its context.

The requested zoning that would allow townhouses as a permitted use conforms with the London Plan policy of planning for diversity and mix within Neighbourhoods, contributing to the mixture of dwelling types in a Neighbourhood that is planned to be primarily single-detached dwellings. The proposed townhouse use is also compatible with the surrounding context as the adjacent north and south parcels are also planned for townhouses. The recommended reduction in the maximum lot coverage to 45% is intended to allow for consistency with the townhouses to the north and south of the

subject site, should the Zoning By-law Amendment for the adjacent properties be approved.

The subject site is designated Neighbourhoods which will have frontage on Finley Crescent, a future Neighbourhood Street. For Neighbourhoods designated properties on Neighbourhood Streets, townhouses are a permitted use with a maximum height of 2.5 storeys. The recommended Zoning By-law Amendment would limit the permitted uses to uses that are consistent with these requirements.

## 4.2 Site Servicing

The subject site (the eastern portion of 1357 Hyde Park Road) is currently not adequately serviced by municipal infrastructure. Before development can proceed on the site, the site will need to be adequately serviced.

### *Provincial Policy Statement, 2014 (PPS)*

Policy 1.1.3.3 of the PPS requires Planning Authorities to identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated. Among the matters that must be taken into account is the availability of suitable existing or planned *infrastructure* required to accommodate the projected needs. Policy 1.4.3(d) also requires that new development be directed to locations where appropriate levels of *infrastructure* and *public service facilities* are or will be available to support current and projected needs. The subject site is currently not serviced, however when the adjacent Kenmore Subdivision is completed, servicing will be available on Finley Crescent that would allow an opportunity for the applicant to service the subject site. Planning Staff recommend that the existing Holding Zone be retained on the subject site to require that the site is adequately serviced before any future development of the site can proceed.

### *The 1989 Official Plan*

Consistent with the PPS, the Official Plan indicates in Policy 2.6.4.1(iii) that development approvals may be refused if there is insufficient existing or planned servicing capacity to accommodate the requested use within a reasonable time frame. The development approval is considered to be appropriate in this instance, as the development could be serviced via services from Findley Crescent when the adjacent draft-approved plan of subdivision is registered and built-out.

The Official Plan indicates that holding provisions may be used to ensure that necessary servicing features of municipal works are in place prior to development (Policy 19.4.3). Consistent with this policy, Planning Staff are recommending that the Holding Zone remain on the property until it is adequately serviced so that development cannot proceed in advance of the necessary services being provided.

### *The London Plan*

Policy 450 of the London Plan requires that planning and development proposals that will not have access to the necessary civic infrastructure within a three year period will be considered premature. In this instance, the requested development is appropriate as the adjacent Kenmore subdivision is draft approved and, when completed, will provide access to the necessary services for the property. A Holding Zone is recommended to remain on the property, which will not allow development on the subject site to proceed until the necessary services are provided.

More information and detail is available in Appendix B and C of this report.

<b>CONCLUSION</b>
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The recommended Zoning By-law Amendment, as revised with a maximum lot coverage of 45%, is supportable by Staff, as it is consistent with the policies of the PPS and conforms to the policies of the Official Plan. It would permit a form of residential development that fits within its surrounding context. The amended zoning permissions for the subject site would be similar to the Zoning By-law permissions for the lots immediately north and south of the subject site, allowing for a development that fits within the surrounding context. The requested development also makes efficient use of future servicing, as it could be serviced from the future Finley Crescent that has been approved through the adjacent Kenmore Subdivision. As the subject site is not currently serviced, the existing holding provision is recommended to remain on the property which would not allow the lot to be developed until the necessary services are in place.

<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
<b>MICHELLE KNIERIEM, MCIP, RPP CURRENT PLANNING</b>	<b>MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, CURRENT PLANNING</b>
<b>RECOMMENDED BY:</b>	
<b>JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>	

November 14, 2017

MK/mk

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Appendix "A"

Bill No. (number to be inserted by Clerk's Office)  
2018

By-law No. Z.-1-18\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1357 Hyde Park Road.

WHEREAS Fanshawe Motors has applied to rezone an area of land located at 1357 Hyde Park Road, as shown on the map attached to this 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) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1357 Hyde Park Road, as shown on the attached map comprising part of Key Map No. A101, from a Holding Residential R1 Special Provision (h●h-100●R1-13(6)) Zone, to a Holding Residential R4 Special Provision (h●h-100●R4-4(\_\_\_\_)) Zone.
- 2) Section Number 8.4 d) of the Residential R4 (R4-4) Zone is amended by adding the following Special Provision:

R4-4( )      1357 Hyde Park Road

- a) Regulation:
  - i) Lot Coverage 45%  
(% Maximum)

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.

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.

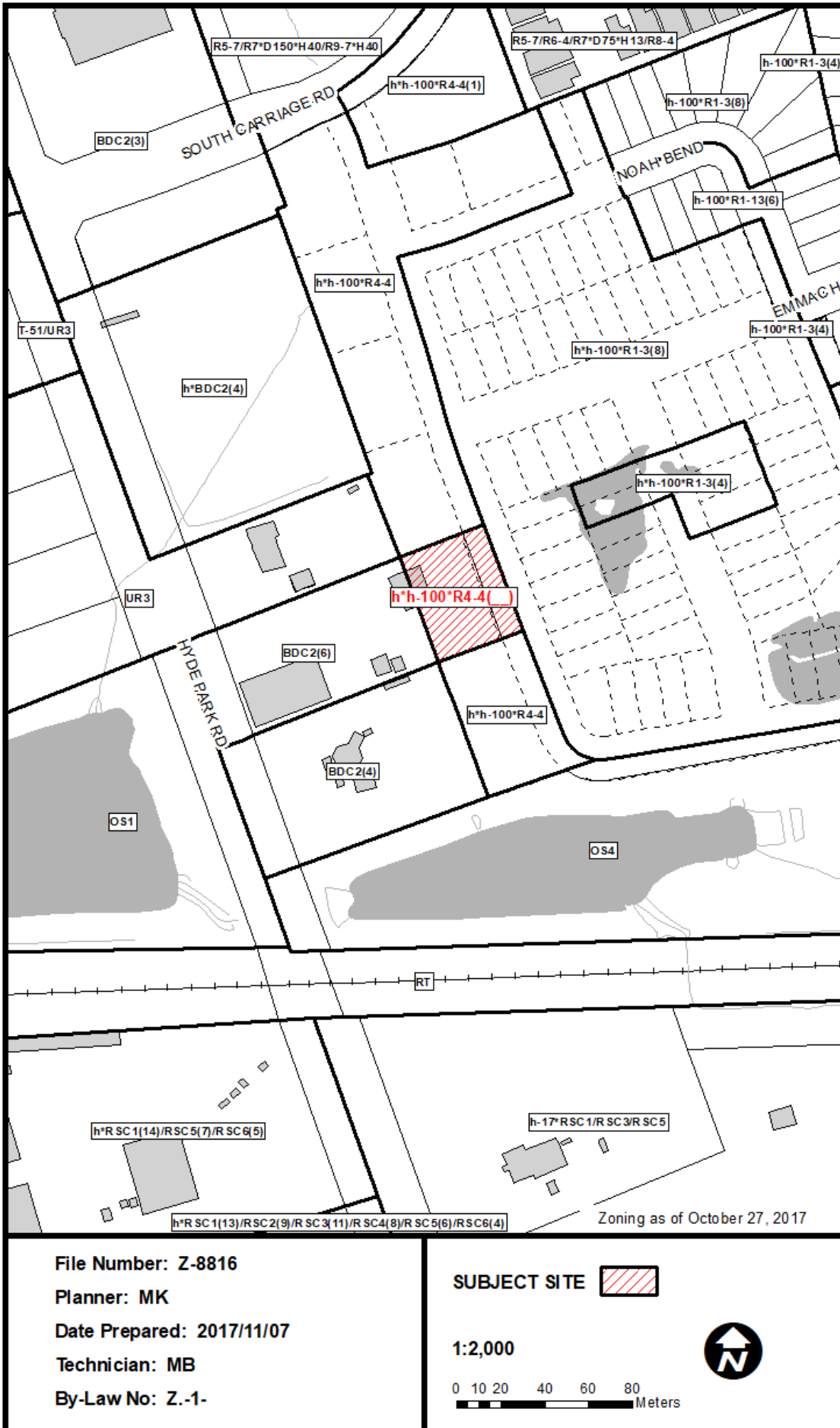
PASSED in Open Council on December 12, 2017.

Matt Brown  
Mayor


Catharine Saunders  
City Clerk

First Reading - December 12, 2017  
Second Reading - December 12, 2017  
Third Reading - December 12, 2017

**AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)**



File Number: Z-8816  
 Planner: MK  
 Date Prepared: 2017/11/07  
 Technician: MB  
 By-Law No: Z.-1-

SUBJECT SITE 

1:2,000

0 10 20 40 60 80 Meters



Geodatabase

## Appendix “B” – Community Engagement

<p><b>Public liaison:</b> On September 20, 2017, a Notice of Application was sent to 6 property owners in the surrounding area. Notice of Application was also published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on September 21, 2017. Notice of Public Meeting including a revised Zoning By-law Amendment were sent to 6 property owners in the surrounding area and published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on November 8, 2017 and on November 9, 2017 respectively. A “Planning Application” sign was also posted on the site.</p> <p>No replies were received.</p>
<p><b>Nature of Liaison:</b></p> <p>The purpose and effect of the requested Zoning By-law amendment is to permit the development of seven townhouse dwellings, on a block to be created with frontage on the future Finley Crescent.</p> <p>Possible change to Zoning By-law No. Z.-1 by amending the zone of the rear portion of the subject property <b>FROM</b> a Holding Residential R1 Special Provision (h•h-100•R1-13(6)) Zone, which permits a single detached dwelling, <b>TO</b> a Holding Residential R4 Special Provision (h•h-100•R4-4(__)) Zone, which permits street townhouse dwellings with a special permission to allow for up to 52% lot coverage. The holding provisions will ensure that servicing issues are addressed prior to development.</p> <p>A separate Planning Act application will be required to create the lots for each townhouse dwelling.</p>
<p><b>Responses:</b> No public comments were received in response to the proposed application.</p>

### Agency/Departmental Comments

#### Development Services (Engineering)

The City of London’s Environmental and Engineering Services Department offers the following comments with respect to the aforementioned Official Plan and Zoning By-Law amendments application:

#### Transportation Division:

No comments for the re-zoning application.

The following items are to be considered during the development application approval stage:

- Road widening dedication of 18.0m from centre line required along Hyde Park Road.
- Access for proposed lots is to be to Finley Crescent.

#### SWED:

No comments for the re-zoning application.

The following items are to be considered during the development application approval stage:

- The retained parcel is tributary to the existing 525mm storm sewer on Hyde Park Road.

#### General:

As part of the re-zoning application, the applicant shall revise the Justification Report to ensure the lot frontages mentioned within the text match the site plan provided. The report refers to the lot frontages as being 5.5m which is not acceptable. This will not

provide enough space for the proper installation and future maintenance of the private services and utilities to each lot. As part of the part lot control application, the acceptable lot frontage width will be reviewed and commented on at that time.

WADE and Water Division have no comments for the re-zoning application.

### **Upper Thames River Conservation Authority**

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies in the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006)*. These policies include regulations made pursuant to Section 28 of the *Conservation Authorities Act*, and are consistent with the natural hazard and natural heritage policies contained in the *Provincial Policy Statement (2014)*. The *Upper Thames River Source Protection Area Assessment Report* has also been reviewed in order to confirm whether the subject lands are located in a vulnerable area. The Drinking Water Source Protection information is being disclosed to the Municipality to assist them in fulfilling their decision making responsibilities under the Planning Act.

### **Conservation Authorities Act**

These lands are not affected by any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the *Conservation Authorities Act*.

### **Drinking Water Source Protection**

#### **Clean Water Act**

The *Clean Water Act (CWA)*, 2006 is intended to protect existing and future sources of drinking water. The Act is part of the Ontario government's commitment to implement the recommendations of the Walkerton Inquiry as well as protecting and enhancing human health and the environment. The CWA sets out a framework for source protection planning on a watershed basis with Source Protection Areas established based on the watershed boundaries of Ontario's 36 Conservation Authorities. The Upper Thames River, Lower Thames Valley and St. Clair Region Conservation Authorities have entered into a partnership for The Thames-Sydenham Source Protection Region.

The Assessment Report for the Upper Thames watershed delineates three types of vulnerable areas: Wellhead Protection Areas, Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas. Mapping which identifies these areas is available at: [http://maps.thamesriver.on.ca/GVH\\_252/?viewer=tsrassessmentreport](http://maps.thamesriver.on.ca/GVH_252/?viewer=tsrassessmentreport)

Upon review of the current assessment report mapping, we wish to advise that there are *no vulnerable areas* identified for this area.

### **Recommendation**

The UTRCA has no objections to this application.

### **London Hydro Engineering**

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.

## Appendix “C”- Policy Context

The following policy and regulatory documents were considered in their entirety as part of the evaluation of the requested land use change. The most relevant policies, by-laws and legislation are identified as follows:

### **Provincial Policy Statement (2014)**

Policy 1.1.3.1: Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

Policy 1.1.3.2: Land use patterns within settlement areas shall be based on:

a) densities and a mix of land uses which:

1. efficiently use land and resources;
2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
3. minimize negative impacts to air quality and climate change, and promote energy efficiency;
4. support active transportation;
5. are transit-supportive, where transit is planned, exists or may be developed; and
6. are freight-supportive; and

b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

Intensification and redevelopment shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

Policy 1.1.3.6: New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

Policy 1.4.3: Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;

b) permitting and facilitating:

1. all forms of housing required to meet the social, health and wellbeing requirements of current and future residents, including special needs requirements; and
2. all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;

c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;

d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use

Policy 4.7: The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans.



Official plans shall identify provincial interests and set out appropriate land use designations and policies. To determine the significance of some natural heritage features and other resources, evaluation may be required.

Official plans should also coordinate cross-boundary matters to complement the actions of other planning authorities and promote mutually beneficial solutions. Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with this Provincial Policy Statement. The policies of this Provincial Policy Statement continue to apply after adoption and approval of an official plan.

### **City of London Official Plan (1989)**

Policy 2.6.4.1(iii): The City will apply the following policies to the planning, review and approval of development applications and servicing proposals:

(iii) Development approvals may be refused if there is insufficient existing or planned servicing capacity to accommodate the proposed use within a reasonable time frame.

Policy 3.1.2(i): Low Density Residential Objectives

i) Enhance the character and amenities of residential areas by directing higher intensity uses to locations where existing land uses are not adversely affected.

Policy 3.2.1: The primary permitted uses in areas designated Low Density Residential shall be single detached; semi-detached; and duplex dwellings. Multiple-attached dwellings, such as row houses or cluster houses may also be permitted subject to the policies of this Plan and provided they do not exceed the maximum density of development permitted under policy 3.2.2. Residential Intensification may be permitted subject to the provisions of policy 3.2.3. Zoning on individual sites would not normally allow for the full range of permitted uses.

Policy 3.2.2(i): Development within areas designated Low Density Residential shall have a lowrise, low coverage form that minimizes problems of shadowing, view obstruction and loss of privacy.

i) The development of low density residential uses shall be subject to appropriate site area and frontage requirements in the Zoning By-law. These requirements may vary in areas of new development according to the characteristics of existing or proposed residential uses, and shall result in net densities that range to an approximate upper limit of 30 units per hectare (12 units per acre). Densities in established low density residential areas, such as the Central London District, where dwelling conversions, existing apartment buildings, infill development, and the conversion of non-residential buildings have occurred or may be permitted, may exceed 30 units per hectare. The calculation of residential density is described in policy 3.6.10.

Policy 3.5.12: In the area bounded by Fanshawe Park Road West on the North, CN Rail line to the south, the former City Boundary (pre-1993) to the east and the former CN railway spur line to the west, design guidelines have been developed through the Community Plan process which encourage street-oriented development and discourage noise attenuation walls along arterial roads. New development should be designed and approved consistent with the design guidelines in the Hyde Park Community Plan.

Policy 19.4.3: The Zoning By-law may contain holding provisions in accordance with the Planning Act. Lands subject to these provisions shall be identified by the holding symbol "h" preceding the zone symbol on the map. The use(s) of land, buildings, or structures that are permitted when the holding symbol is removed shall be specified in the Zoning By-law.

## **The London Plan**

Policy 79: The London Plan places an emphasis on growing “inward and upward” to achieve a compact form of development. This should not be interpreted to mean that greenfield forms of development will not be permitted, but rather there will be a greater emphasis on encouraging and supporting growth within the existing built-up area of the city.

Policy 450: Provision of reliable, coordinated, and cost-effective civic infrastructure is a primary function of a municipality. Civic infrastructure delivers the services that make our city run smoothly – providing the water we drink, the power we use, as well as effective management of rainwater, sewage, and solid waste. Civic infrastructure is also critical to the City’s prosperity as it facilitates growth and development, which in turn creates economic opportunities and jobs. Finally, infrastructure protects our air, water, and natural heritage and helps us to develop safe and healthy communities.

Policy 918: We will realize our vision for the Neighbourhoods Place Type by implementing the following in all the planning we do and the public works we undertake:

1. Through the review of all planning and development applications, neighbourhoods will be designed to create and enhance a strong neighbourhood character, sense of place and identity.
2. Neighbourhoods will be planned for diversity and mix and should avoid the broad segregation of different housing types, intensities, and forms.
3. Affordable housing will be planned for, and integrated into, all neighbourhoods.
4. Housing forms will be encouraged that support the development of residential facilities that meet the housing needs of persons requiring special care.
5. Mixed-use and commercial uses will be permitted at appropriate locations within neighbourhoods to meet the daily needs of neighbourhood residents.
6. Live-work opportunities will be planned for at appropriate locations within neighbourhoods.
7. Street networks within neighbourhoods will be designed to be pedestrian, cycling and transit-oriented, giving first priority to these forms of mobility.
8. Schools, places of worship and other small-scale community facilities to support all ages will be permitted in appropriate locations within neighbourhoods.
9. Facilities to support neighbourhood urban agricultural systems may be integrated into neighbourhoods.
10. Public parks and recreational facilities will be designed to support a strong sense of identity and place and to serve as a meeting place with appropriate infrastructure to attract and support neighbourhood residents of all ages and demographics.
11. Our public spaces and facilities within neighbourhoods will be designed to be accessible to all populations.
12. Neighbourhoods will be designed to protect the Natural Heritage System, adding to neighbourhood health, identity and sense of place.
13. Requirements for intensification will be established to respect existing community character and offer a level of certainty, while providing for strategic ways to accommodate development to improve our environment, support local businesses, enhance our physical and social health, and create dynamic, lively, and engaging places to live.

Policy 1578: All planning and development applications will be evaluated with consideration of the use, intensity, and form that is being proposed. The following criteria will be used to evaluate all planning and development applications:

1. Consistency with the Provincial Policy Statement and in accordance with all applicable legislation.
2. Conformity with the Our City, Our Strategy, City Building, and Environmental policies of this Plan.
3. Conformity with the policies of the place type in which they are located.
4. Consideration of applicable guideline documents that apply to the subject lands.
5. The availability of municipal services, in conformity with the Civic Infrastructure chapter of this Plan and the Growth Management/Growth Financing policies in the Our Tools part of this Plan.

6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated. Depending upon the type of application under review, and its context, an analysis of potential impacts on nearby properties may include such things as:

- a. Traffic and access management.
- b. Noise.
- c. Parking on streets or adjacent properties.
- d. Emissions generated by the use such as odour, dust, or other airborne emissions.
- e. Lighting.
- f. Garbage generated by the use.
- g. Loss of privacy.
- h. Shadowing.
- i. Visual impact.
- j. Loss of views.
- k. Loss of trees and canopy cover.
- l. Impact on cultural heritage resources.
- m. Impact on natural heritage features and areas.
- n. Impact on natural resources.

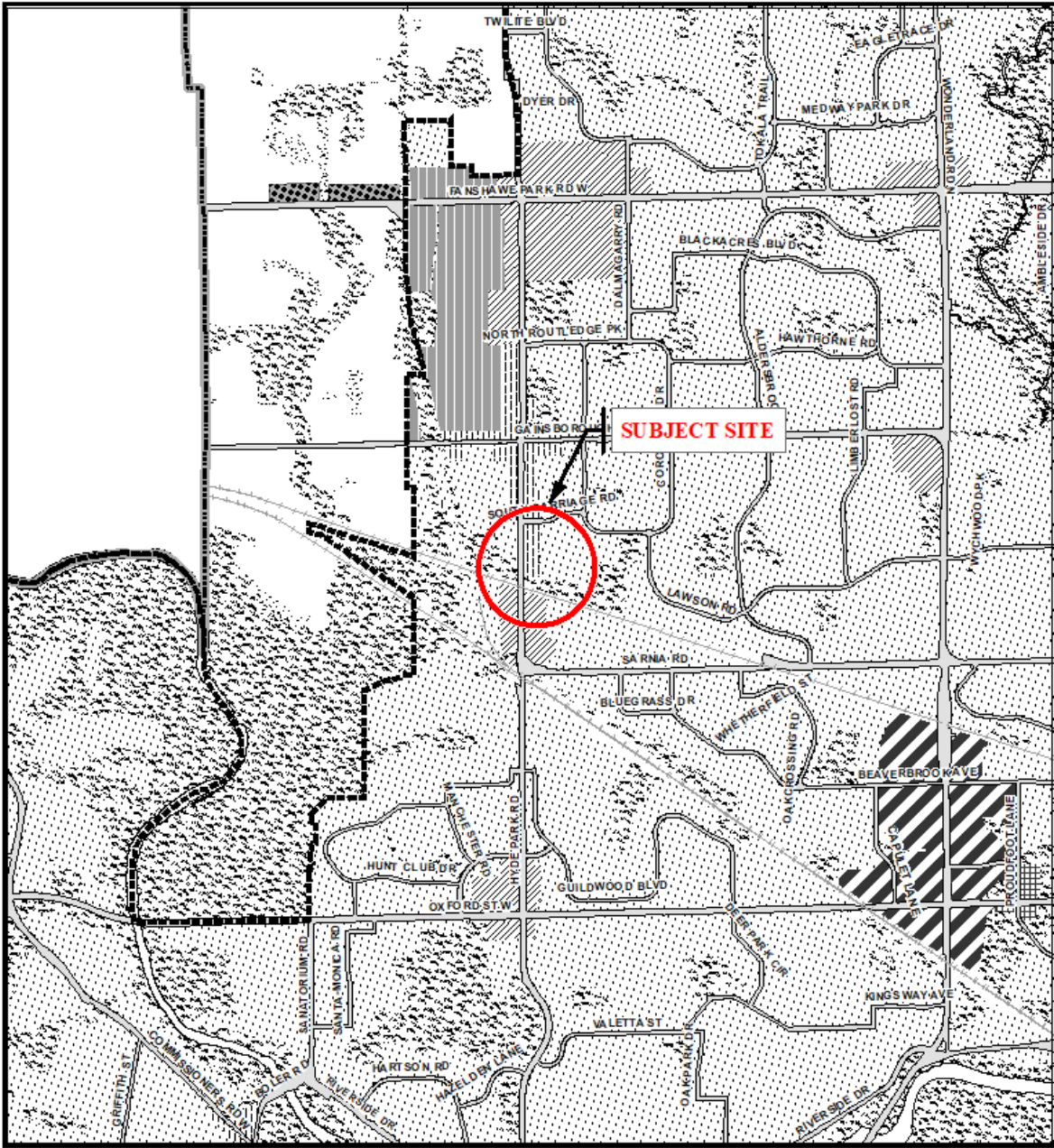
The above list is not exhaustive.

7. The degree to which the proposal fits within its context. It must be clear that this not intended to mean that a proposed use must be the same as development in the surrounding context. Rather, it will need to be shown that the proposal is sensitive to, and compatible with, its context. It should be recognized that the context consists of existing development as well as the planning policy goals for the site and surrounding area. Depending upon the type of application under review, and its context, an analysis of fit may include such things as:

- a. Policy goals and objectives for the place type.
- b. Policy goals and objectives expressed in the City Design chapter of this Plan.
- c. Neighbourhood character.
- d. Streetscape character.
- e. Street wall.
- f. Height.
- g. Density.
- h. Massing.
- i. Placement of building.
- j. Setback and step-back.
- k. Proposed architectural attributes such as windows, doors, and rooflines.
- l. Relationship to cultural heritage resources on the site and adjacent to it.
- m. Landscaping and trees.
- n. Coordination of access points and connections.

The above list is not exhaustive.





**Legend**

- |                        |                          |   |
|------------------------|--------------------------|---|
| Downtown               | Future Community Growth  | Environmental Review                    |
| Transit Village        | Heavy Industrial         | Farmland                                |
| Shopping Area          | Light Industrial         | Rural Neighbourhood                     |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management Resource Recovery Area |
| Urban Corridor         | Commercial Industrial    | Urban Growth Boundary                   |
| Main Street            | Institutional            |   |
| Neighbourhood          | Green Space              |   |

*This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.*

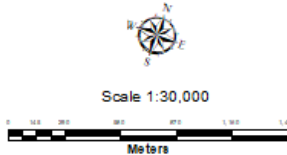
*At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.*

**CITY OF LONDON**

Planning Services /  
Development Services

**LONDON PLAN MAP 1  
- PLACE TYPES -**

PREPARED BY: Planning Services

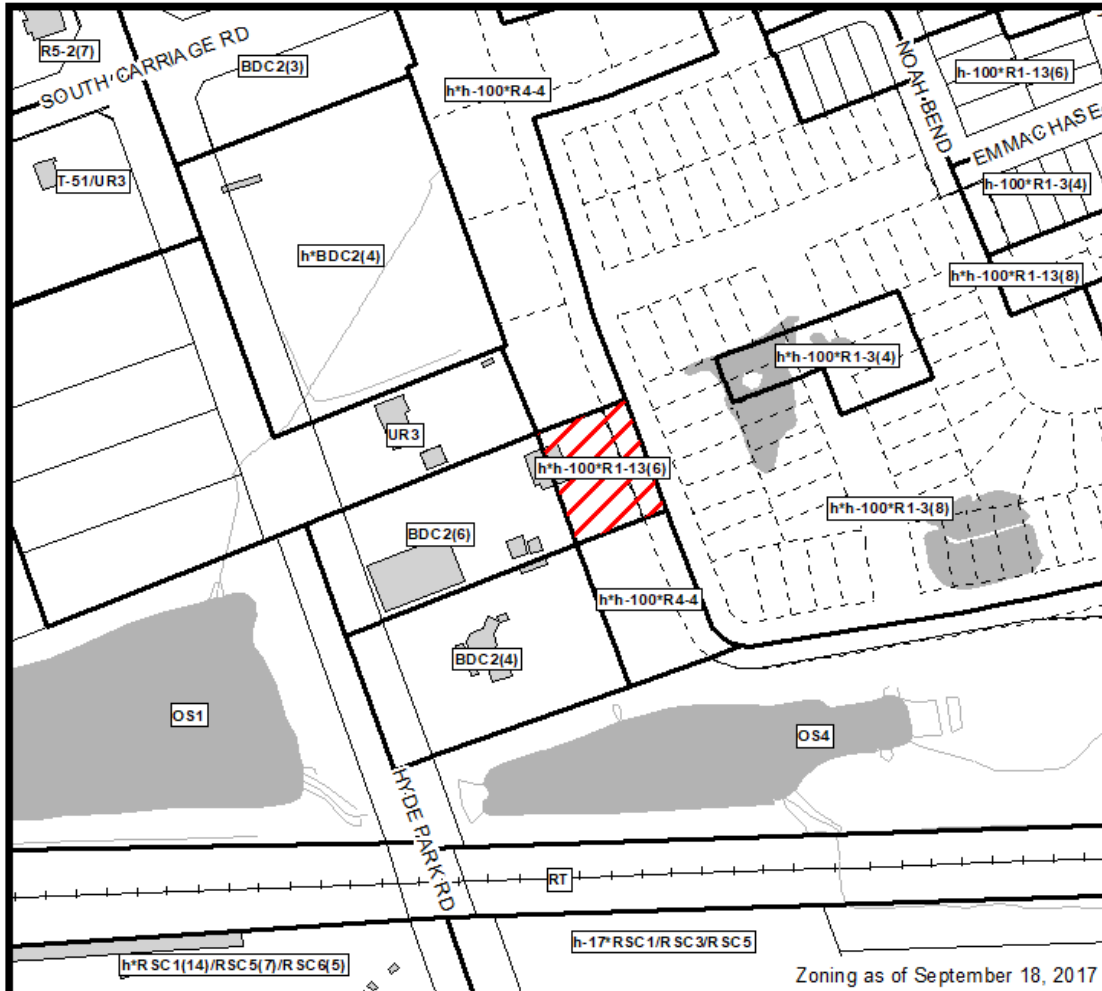



**File Number:** Z-8816

**Planner:** MK

**Technician:** MB

**Date:** November 7, 2017



 **COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h\*h-100\*R1-13(6)**

1) **LEGEND FOR ZONING BY-LAW Z-1**

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>R1 - SINGLE DETACHED DWELLINGS</li> <li>R2 - SINGLE AND TWO UNIT DWELLINGS</li> <li>R3 - SINGLE TO FOUR UNIT DWELLINGS</li> <li>R4 - STREET TOWNHOUSE</li> <li>R5 - CLUSTER TOWNHOUSE</li> <li>R6 - CLUSTER HOUSING ALL FORMS</li> <li>R7 - SENIOR'S HOUSING</li> <li>R8 - MEDIUM DENSITY/LOW RISE APTS.</li> <li>R9 - MEDIUM TO HIGH DENSITY APTS.</li> <li>R10 - HIGH DENSITY APARTMENTS</li> <li>R11 - LODGING HOUSE</li> <br/> <li>DA - DOWNTOWN AREA</li> <li>RSA - REGIONAL SHOPPING AREA</li> <li>CSA - COMMUNITY SHOPPING AREA</li> <li>NSA - NEIGHBOURHOOD SHOPPING AREA</li> <li>BDC - BUSINESS DISTRICT COMMERCIAL</li> <li>AC - ARTERIAL COMMERCIAL</li> <li>HS - HIGHWAY SERVICE COMMERCIAL</li> <li>RSC - RESTRICTED SERVICE COMMERCIAL</li> <li>CC - CONVENIENCE COMMERCIAL</li> <li>SS - AUTOMOBILE SERVICE STATION</li> <li>ASA - ASSOCIATED SHOPPING AREA COMMERCIAL</li> <br/> <li>OR - OFFICE/RESIDENTIAL</li> <li>OC - OFFICE CONVERSION</li> <li>RO - RESTRICTED OFFICE</li> <li>OF - OFFICE</li> </ul> | <ul style="list-style-type: none"> <li>RF - REGIONAL FACILITY</li> <li>CF - COMMUNITY FACILITY</li> <li>NF - NEIGHBOURHOOD FACILITY</li> <li>HER - HERITAGE</li> <li>DC - DAY CARE</li> <br/> <li>OS - OPEN SPACE</li> <li>CR - COMMERCIAL RECREATION</li> <li>ER - ENVIRONMENTAL REVIEW</li> <br/> <li>OB - OFFICE BUSINESS PARK</li> <li>LI - LIGHT INDUSTRIAL</li> <li>GI - GENERAL INDUSTRIAL</li> <li>HI - HEAVY INDUSTRIAL</li> <li>EX - RESOURCE EXTRACTIVE</li> <li>UR - URBAN RESERVE</li> <br/> <li>AG - AGRICULTURAL</li> <li>AGC - AGRICULTURAL COMMERCIAL</li> <li>RRC - RURAL SETTLEMENT COMMERCIAL</li> <li>TGS - TEMPORARY GARDEN SUITE</li> <li>RT - RAIL TRANSPORTATION</li> <br/> <li>"h" - HOLDING SYMBOL</li> <li>"D" - DENSITY SYMBOL</li> <li>"H" - HEIGHT SYMBOL</li> <li>"B" - BONUS SYMBOL</li> <li>"T" - TEMPORARY USE SYMBOL</li> </ul> |
|--|---|

**CITY OF LONDON**  
PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

**ZONING  
BY-LAW NO. Z-1  
SCHEDULE A**



THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

FILE NO:  
Z-8816 MK

MAP PREPARED:  
2017/11/07 MB

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## Appendix "E" - Additional Reports

### ***Application By: Kenmore Homes (London) Inc. 225 South Carriage Road & 1331 Hyde Park Road Public Participation Meeting on January 31, 2011 at 5:00 p.m. (Planning and Environment Committee)***

This report recommended the Approval Authority be advised that City Council support the draft plan of subdivision at 225 South Carriage Road and 1331 Hyde Park Road (Kenmore Subdivision) subject to conditions that must be completed prior to registration. Council adopted the recommendations in this report, subject to revision of the proposed conditions for the draft plan of subdivision. The decision on this draft plan of subdivision was appealed to the Ontario Municipal Board by Sydenham Investments. This appeal was withdrawn on September 13, 2013.

### ***Hyde Park Road Commercial Review Official Plan and Zoning Review 1331-1369 and 1364-1420 Hyde Park Road Public Participation Meeting on Monday, March 26, 2012 (Planning and Environment Committee)***

This was a report to Planning and Environment Committee relating to the Hyde Park Road Commercial Review Official Plan and Zoning Review 1331-1369 and 1364-1420 Hyde Park Road recommending no action be taken to replace the existing Multi-Family, Medium Density Residential designation in the Official Plan and Urban Reserve (UR3) Zone in the Zoning By-law with a commercial designation and zoning on the subject properties.

City Council subsequently resolved that notwithstanding the recommendation of the Director, Land Use Planning and City Planner, the Civic Administration be directed to initiate an Official Plan Amendment to apply a commercial land use designation to the lands located at 1351, 1357, and 1369 Hyde Park Road. The June, 2013 Official Plan Amendment (detailed below) implemented Council's direction.

### ***Application By: City of London and Fanshawe Motors Ltd. 1351 & 1357, and 1369 Hyde Park Road Public Participation Meeting on Monday, June 18, 2013 (Planning and Environment Committee)***

This report recommended the adoption of Official Plan and Zoning By-law Amendments for 1351-1357 Hyde Park Road and 1369 Hyde Park Road.

Staff recommended the adoption of an Official Plan Amendment to change the designation of the west portion of 1351-1357 and 1369 Hyde Park Road from Multi-Family, Medium Density Residential to Main Street Commercial Corridor and applies a Chapter 10 Special Policy to the west portion of 1351-1357 Hyde Park Road to permit the existing auto repair garage use.

Staff also recommended the adoption of a Zoning By-law Amendment to change the zoning of the western part of 1351-1357 Hyde Park Road from Urban Reserve (R3) Zone to a Holding Business District Commercial Special Provision (h●BDC2(\_\_\_)) Zone which includes a special permission to permit an automobile repair garage with a reduced front yard setback and to change the zoning of the east part of 1351-1357 Hyde Park Road (the subject site) from an Urban Reserve (UR3) Zone to a Holding Residential Special Provision (h●h-100●R1-13(6)) Zone.

The Official Plan and Zoning By-law Amendments were adopted by City Council in June, 2013.

### ***Request for Extension and Revision of Draft Approval and Zoning By-law Amendment 225 South Carriage Road Draft Approved Plan 39T-08502 Kenmore Homes (London) Inc. Public Participation Meeting on October 31, 2016 (Planning and Environment Committee)***

This report recommended the approval authority be advised that council supports proposed revisions to the draft plan of subdivision at 225 South Carriage Road

(Kenmore Subdivision) and a 3 year extension to the expiry of the draft plan of subdivision. City Council also adopted Zoning By-law Amendments associated with this draft plan of subdivision, including the rezoning for the properties to the north and south of the subject site from a Holding Residential R1 Special Provision (h●h-100●R1-3(14)) to a Holding Residential R4 Special Provision (h●h-100●R4-4(\_\_\_)) zone which permits street townhouses.