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**Z-8036**  
**Chuck Parker**

<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>CITY OF LONDON ZONING BY-LAW REVIEW  ZONING BY-LAW AMENDMENTS TO IMPLEMENT COMMERCIAL POLICY CHANGES ARISING FROM 2006 OFFICIAL PLAN REVIEW  PUBLIC PARTICIPATION MEETING ON Monday, August 20, 2012</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Director, Land Use Planning and City Planner, the following actions be taken with respect to the zoning by-law review undertaken by the City of London relating to various lands designated for commercial land use in the Official Plan:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on August 28, 2012 to amend Zoning By-law No. Z-1, in conformity with the Official Plan, to delete Sections 21.1 (Regional Shopping Area), 22.1 (Community Shopping Area), 23.1 (Neighbourhood Shopping Area), 24.1 (Associated Shopping Area Commercial), 25.1 (Business District Commercial), 26.1 (Arterial Commercial), 27.1 (Highway Service Commercial) and 28.1 (Restricted Service Commercial) and replace these sections, identify the Official Plan designations that are implemented by the Zones and the purpose and intent of the zones.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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|----------------------|--|
| February 13, 2006    | “Draft Terms of Reference for the 2006 Official Plan Review” to Planning Committee             |
| October 16, 2006     | “Information Report, Commercial Policies Review – Request for Proposals” to Planning Committee |
| July 9, 2007         | “Commercial Policy Review Background Studies” to Planning Committee                            |
| September 10/24 2007 | “Draft Official Plan Policies – Commercial Policy Review” to Planning Committee                |
| February 25, 2008    | Official Plan Review – By-law to Amend Official Plan to Planning Committee                     |

<b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b>
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The City is initiating a zoning by-law review of the commercial zones to make changes to implement the new commercial Official Plan policies approved by the Minister of Municipal Affairs on December 17, 2009. On March 3, 2008 Council approved Official Plan Amendments

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which reduced the number of commercial designations from twelve to seven. When Zoning By-law Z-1 was developed in the early 1990's a specific zone was developed for each commercial Official Plan designation and now, because of the recent changes, amendments are required.

**RATIONALE**

1. The recommended zoning by-law amendments are in conformity with the revised Official Plan commercial land use designations.

**BACKGROUND**

**Why are changes needed?**

When Council approved the existing Official Plan on June 19, 1989 the Official Plan contained twelve (12) commercial designations including;

- 1) Downtown;
- 2) Regional Shopping Area;
- 3) Community Shopping Area;
- 4) Neighbourhood Shopping Area;
- 5) Associated Shopping Area Commercial;
- 6) Business District;
- 7) Arterial Mixed Use District;
- 8) Restricted Service Commercial;
- 9) Highway Service Commercial;
- 10) Commercial Policy Area;
- 11) Automobile Service Station; and,
- 12) Convenience Commercial.

Through the use of the Official Plan between 1989 and 2005 the development industry, real estate agents, planning staff and the public found the number of designations, and the specificity of those designations, difficult to deal with. By 2005 there were over twenty (20) site specific commercial policy amendments out of 147 (14%) in Chapter 10 of the Official Plan and some others scattered throughout the individual designation sections.

In addition, between 1989 and 1993 Zoning By-law Z-1 was developed to implement the Official Plan designations. Zoning By-law Z-1 was developed to replace the five (5) former CP By-laws which had been in place since 1929 and 1947. Over the years those by-laws had become outdated and had developed to a stage where every zone was developed on a site specific basis, sometimes with site plans attached to the individual by-laws. In the 1980's an attempt was made to develop a by-law (CP-1000 for Central London) which included zones with standard permitted uses and regulations which could be applied to similar areas and not individual sites.

Similarly, the original intent of Zoning By-law Z-1 was to develop one by-law that applied to the entire City. To improve clarity and understanding one zone was developed for each designation. Within each zone there were a number of zone variations which included uses which were grouped according to use characteristics, size, parking requirements, traffic generating capacity, hours of operation, environmental impacts etc. The only exception was with the Commercial Policy Area designation which was comprised of those commercial areas which had a mixture of different uses and functions. Dundas Street East is a good example. Various zones were used to implement this commercial land use designation.

Since By-law Z-1 was approved by Council on July 1, 1993 there have been a total of over 300 site specific special provisions zones created in the commercial zones, 65% of which added or

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deleted permitted uses. The complete summary is provided below;

**Table 1 – Special Provision Zone Variations to Commercial Zones  
(as of May 30, 2012)**

Zone	Permitted Uses	Regulations	Both	Total
<b>Regional Shopping Area (RSA)</b>	1	1	0	2
<b>Community Shopping Area (CSA)</b>	2	10	1	13
<b>Neighbourhood Shopping Area (NSA)</b>	3	14	4	21
<b>Associated Shopping Area Commercial (ASA)</b>	9	27	10	46
<b>Business District (BDC)</b>	14	6	11	31
<b>Arterial Mixed Use District (AC)</b>	15	10	11	36
<b>Restricted Service Commercial (RSC)</b>	32	30	31	93
<b>Highway Service Commercial (HS)</b>	12	2	8	22
<b>Convenience Commercial (CC)</b>	20	5	12	37
<b>Automobile Service Station (SS)</b>	1	2	0	3
<b>TOTAL</b>	<b>109 (36%)</b>	<b>107 (35%)</b>	<b>88 (29%)</b>	<b>304</b>

A decision was made in 2005 to include a commercial policy review as part of the five-year review of the Official Plan mandated by the *Planning Act* in 2006. Urban Metrics Inc/Meridian Planning Consultants were hired to do background work, prepare options and recommend Official Plan policy changes. Planning staff prepared the revised Commercial Official Plan policies.

The new commercial hierarchy, and associated policies, were approved by Council on March 3, 2008. Besides reducing the number of designations the new policies included both planning objectives and urban design objectives for each designation.

The revised policies provide for two forms of commercial development, nodes or corridors, while reducing the number of commercial designations to nine (9) including;

Nodes:

- 1) Downtown;
- 2) Enclosed Regional Commercial Node;
- 3) New Format Regional Commercial Node;
- 4) Community Commercial Node;
- 5) Neighbourhood Commercial Node;
- 6) Convenience Commercial; and,
- 7) Automobile Service Station.

Corridors:

- 8) Mainstreet Commercial Corridor; and,
- 9) Auto-Orientated Commercial Corridor.

The introductory paragraph for each implementing zone in Zoning By-law Z-1 still refer to the previous land use designations. The purpose of this review is to revise these introductory paragraphs for each implementing zone to correspond to the new land use designations. The introductory paragraph to Section 20, the Downtown Area (DA) Zone, will not need to be changed as neither the name nor the policies of the Downtown land use designation changed.

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**2. The Process for Change**

As indicated above Council approved the new commercial policies on March 3, 2008 and the Ontario Municipal Board approved them January 7, 2010 after the appeal period ended. Section 26 (9) of the Ontario *Planning Act* states that;

*No later than three years after a revision under subsection (1) or (8) (Updating Official Plans) comes into effect, the council of the municipality shall amend all zoning by-laws that are in effect in the municipality to ensure that they conform with the official plan. 2006,c.23,s.13.*

The deadline for implementing changes is January 7, 2013. Planning staff are intending to amend Zoning By-law Z-1 in two stages. The first stage will involve changes to the commercial zone introductory paragraphs so that the existing zones can be used in the interim to implement the new designations. The second stage will involve a comprehensive review of all commercial zones with full public review and notice. This process could take approximately one year and will be undertaken following the RETHINK LONDON project.

<b>SIGNIFICANT DEPARTMENT/AGENCY COMMENTS</b>
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On March 21, 2012 the proposed amendments were circulated to agencies and other City departments.

<b>PUBLIC LIAISON:</b>	Notice of zoning review was published in the “Living in the City” section of the London Free Press on March 24 and 31 2012.	none
<b>Nature of Liaison:</b> Change Zoning By-law Z.-1 Sections 21.1 (Regional Shopping Area),22.1 (Community Shopping Area), 23.1 (Neighbourhood Shopping Area), 24.1(Associated Shopping Area Commercial), 25.1 (Business District Commercial), 26.1 (Arterial Commercial), 27.1 (Highway Service Commercial) and 28.1 (Restricted Service Commercial) to clearly identify the new Official Plan designations they implement and the purpose and intent of the zones. Names of the zones may change and some other minor amendments may also be made.		
<b>Responses:</b> none		

<b>ANALYSIS</b>
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The introductory paragraphs of the commercial zones have been revised to specifically identify the Official Plan designations they implement and give a flavor of the types of uses and form envisioned. The Downtown (DA), Convenience Commercial (CC) and Automobile Service Station (SS) have not been changed because the Official Plan designations and names have not been changed and comprehensive reviews of Official Plan policies and zoning by-law regulations are planned.

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<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
<b>W.J. CHARLES PARKER SENIOR PLANNER - CITY PLANNING AND RESEARCH SECTION</b>	<b>GREGG BARRETT MANAGER - CITY PLANNING AND RESEARCH SECTION</b>
<b>RECOMMENDED BY:</b>	
<b>JOHN M. FLEMING DIRECTOR, LAND USE PLANNING AND CITY PLANNER</b>	

July 18, 2012  
cp

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Review\planningreport.docx

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**Appendix "A"**

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

By-law No. Z.-1-12\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to make changes to the introductory paragraphs of some commercial zones.

WHEREAS the City of London has initiated a zoning review for lands within the City of London, 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) Sections 21.1, 22.1, 23.1, 24.1, 25.1, 26.1, 27.1 and 28.1 of Zoning By-law Z-1 are amended by deleting the existing text under the existing title and replacing it with the following;

) **21.1 GENERAL PURPOSE OF THE RSA ZONE**

This Zone is primarily intended to implement the Enclosed Regional Commercial Node designation in Section 4.3.5 of the Official Plan. The Associated Shopping Area Commercial (ASA) Zone may also be used to zone commercial areas adjacent to the shopping centre node and also implement the Enclosed Regional Commercial Node designation.

The RSA Zone provides for and regulates a wide range of regional-scale, specialized, comparison shopping retail and personal service uses, as well as some office, commercial recreation and community facilities uses, which are suited to a location within an enclosed shopping centre building. Limits are placed on the amount of office and entertainment space. Other shopping centre and stand-alone buildings are allowed on a limited basis normally near the perimeter of the property to satisfy urban design goals to create a street edge and screen large surface parking lots. The permitted uses are the same for all RSA Zone variations, however, variations of the zone occur based on maximum permitted gross leasable floor area.

) **22.1 GENERAL PURPOSE OF THE CSA ZONE**

This Zone is primarily intended to implement the Community Commercial Node designation in Section 4.3.7. of the Official Plan. The Associated Shopping Area Commercial (ASA) Zone may also be used to zone commercial areas adjacent to the shopping centre node and implement the Community Commercial Node designation.

The CSA zone provides for and regulates a wide range of community-scale retail and personal service uses, as well as some office, commercial recreation, community facilities and commercial school uses, which serve the needs of the community or a number of neighbourhoods located within convenient walking and/or driving distance. Either enclosed or unenclosed shopping centres are the permitted form of development. Stand-alone buildings which are not part of a shopping centre may also be permitted at appropriate locations normally near the perimeter of the property to satisfy urban design goals to create a street edge and screen large surface parking lots. The CSA6 Zone variation is used for this purpose. The permitted uses are the same for all CSA Zone variations; however, variations of the zone are differentiated based on maximum permitted gross leasable floor area. High density residential uses may also permitted by applying a Residential R8 or Residential R9 Zone.

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)     **23.1     GENERAL PURPOSE OF THE NSA ZONE**

This Zone is normally intended to implement the Neighbourhood Commercial Node designation in Section 4.3.8 of the Official Plan. The Associated Shopping Area Commercial (ASA), Highway Service Commercial (HS) and Restricted Service Commercial (RSC) may also be used in special circumstances to implement the Neighbourhood Commercial Node designation.

The NSA zone provides for and regulates a range of neighbourhood-scale retail, personal service and office uses which are primarily intended to provide for the convenience shopping and service needs of nearby residents. Zone variations of the zone are differentiated based on uses and maximum permitted gross leasable floor area for certain defined uses. Shopping centres are the permitted form of development; however, stand-alone buildings may also be permitted at appropriate locations normally near the perimeter of the property to satisfy urban design goals to create a street edge and screen parking lots. The NSA5 Zone variation is used for this purpose. A limited range of automotive uses may be permitted by using the Automobile Service Station (SS) Zone. High density and medium density residential uses may also be permitted by applying the appropriate zone.

)     **24.1     GENERAL PURPOSE OF THE ASA ZONE**

This Zone is normally intended to implement the Auto-Orientated Commercial Corridor designation in Section 4.4.2 and the New Format Regional Commercial Node designation in Section 4.3.6 but also for development at the periphery of the Enclosed Regional Commercial Node designation in Section 4.3.5, the Community Commercial Node designation in Section 4.3.7 and the Neighbourhood Commercial Node designation in Section 4.3.8 of the Official Plan depending on the scale and location of the use. The ASA1 to ASA7 Zone variations are intended to implement the Auto-Orientated Commercial Corridor designation and the ASA8 Zone variation the New Format Regional Commercial Node designation. The variations generally group uses in the ASA1 (retail/convenience/personal service), ASA2 (retail/semi light industrial), ASA3 (offices), ASA4 (community facilities), ASA5 (automotive), ASA6 (large traffic generating uses), ASA7 (theatres) and ASA8 (large format retail) Zone variations.

The ASA Zone provides for and regulates a wide range of retail, personal service, community facility, automotive and office uses. Uses permitted in the ASA Zone are differentiated through the use of zone variations on the basis of their function, intensity, customer draw, proximity to residential uses and potential impacts.

)     **25.1     GENERAL PURPOSE OF THE BDC ZONE**

This Zone is normally intended to implement the Main Street Commercial Corridor designation in Section 4.4.1 of the Official Plan. The Zone provides for and regulates a mix of retail, restaurant, neighbourhood facility, office and residential uses located along pedestrian-oriented business districts in older parts of the City and in hamlets or small business areas in rural areas. Normally buildings are located near the street line with parking to the rear. The uses in this zone, which are intended to provide for the shopping needs of nearby residents, and cater to certain specialty shopping needs, have been differentiated on the basis of their function, intensity and potential impacts. (Z-1-051390)

The BDC Zone variation provides for a wide range of compatible office, retail, facility and residential uses which are appropriate in all Business District Commercial Zone variations. In addition to the uses provided for under BDC an expanded range of uses may be permitted at appropriate locations through the use of other zone variations in BDC1 (larger scale uses) and BDC2 (institutional/facility type uses). Automotive uses are not permitted in the zone.

)     **26.1     GENERAL PURPOSE OF THE AC ZONE**

This Zone is normally intended to implement the Auto-Oriented Commercial Corridor designation in Section 4.4.2 of the Official Plan. This zone provides for and regulates a mix of small scale retail, office, personal service and automotive uses located along

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arterial roads which serve both vehicular and pedestrian trade. This zone tends to be applied in older areas of the City where auto-orientated uses have existed for some time and in areas along arterial roads that serve both a local and broad market area. The uses of this zone, which reflect the nature of existing development in an area, have been differentiated on the basis of their function, intensity and potential impacts.

The main AC Zone variation accommodates a compatible range of existing residential and accessory uses. In addition to the uses provided for under the AC zone variation an expanded range of uses may be permitted at appropriate locations through the use of other zone variations. The AC1 (offices), AC2 (small retail/personal service), AC3 (institutional/facility uses), AC4 (broader range of uses) and AC5 (automotive) Zone variations can all be used where circumstances warrant.

) **27.1 GENERAL PURPOSE OF THE HS ZONE**

This Zone is normally intended to implement the Auto-Oriented Commercial Corridor designation in Section 4.4.2 of the Official Plan. The Zone provides for and regulates a range of commercial and service uses which cater to the needs of the travelling public. They tend to be located on major arterial roads with high traffic volumes at major entrances to the City. Offices are not generally permitted.

Uses which may be permitted in the Highway Service Commercial Zone are differentiated through zone variations on the basis of their function, intensity and potential impacts. The main HS Zone variation permits a restricted range of automobile-oriented, convenience commercial and service uses which are appropriate for all areas. An expanded range of uses may be permitted in appropriate locations through the use of zone variations. The HS1 (larger assembly uses), HS2 (automotive), HS3 (commercial recreation) and HS4 (hotel/motel) can be applied in appropriate locations. Application of a zone variation may be restricted due to the amount of traffic generated and/or the effect of the uses on the adjacent land uses.

) **28.1 GENERAL PURPOSE OF THE RSC ZONE**

This Zone is normally intended to implement the Auto-Oriented Commercial Corridor designation in Section 4.4.2 of the Official Plan. The Zone provides for and regulates a range of moderate intensity commercial uses, and trade service uses, which may require significant amounts of land for outdoor storage or interior building space and a location on major streets.

The wide range of uses which are provided for in the Official Plan have been differentiated on the basis of function, intensity and potential impacts. More intensive light industrial uses with associated retail, wholesale or service functions are permitted in the RSC5 Zone variation.

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.



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PASSED in Open Council on August 28, 2012.

Joe Fontana  
Mayor

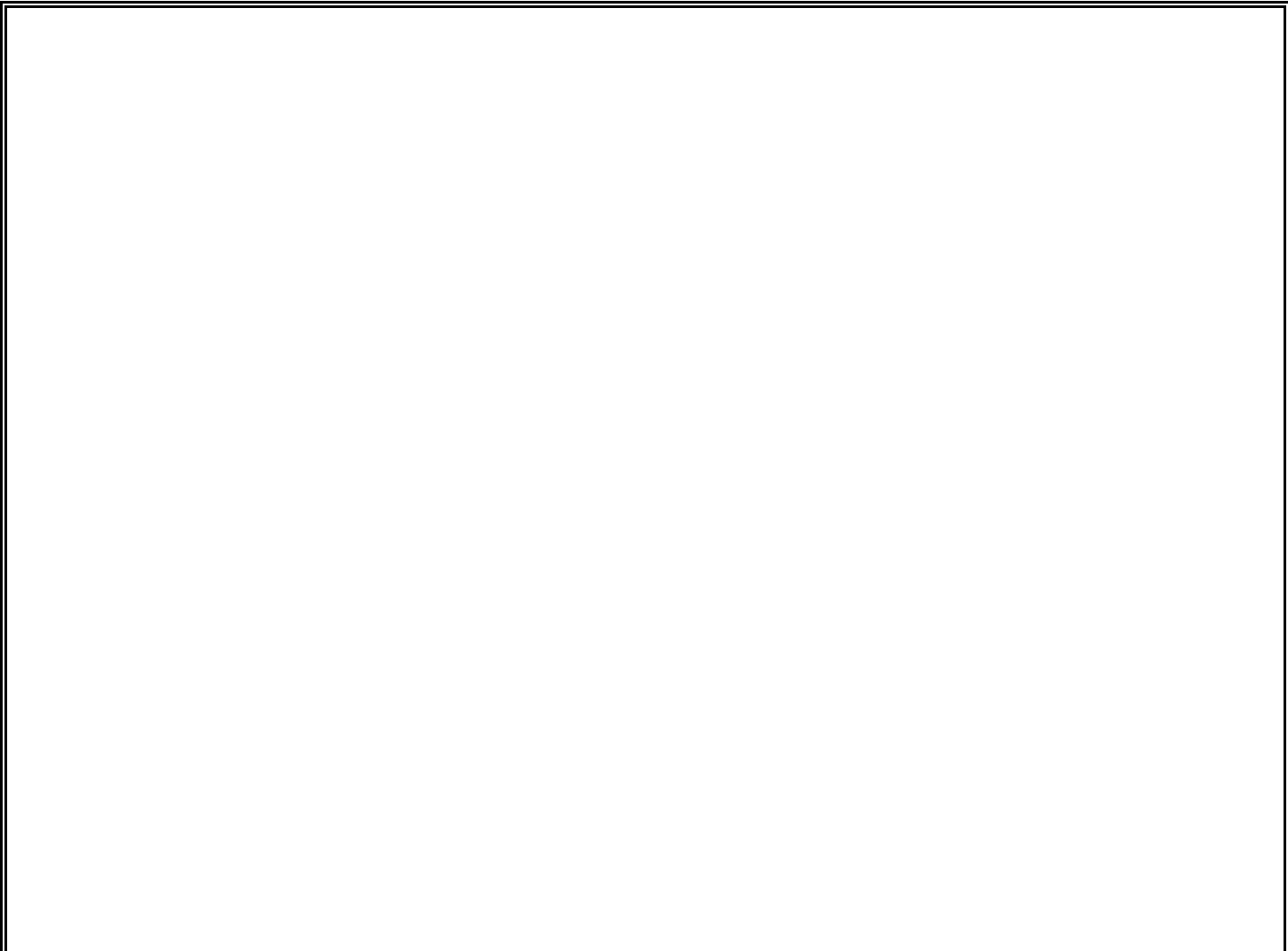
Catharine Saunders  
City Clerk

First Reading - August 28, 2012  
Second Reading - August 28, 2012  
Third Reading - August 28, 2012

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Technician:

Date Prepared:

File Number/Planner:

Scale: 1:5000

Site: 

**North**

