

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: John M. Fleming
Managing Director, Planning and City Planner

Subject: ReThink Zoning Terms of Reference

Meeting on: May 13, 2019

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the attached Terms of Reference for ReThink Zoning, which is the process to prepare a new zoning by-law to replace the existing Zoning By-law No. Z.-1 **BE APPROVED.**

Executive Summary

These Terms of Reference provide the guiding principles, goals, and objectives for ReThink Zoning, which is the process we will implement to prepare a new Zoning B-law that will replace the existing zoning by-law no. Z.-1.

The Terms of Reference are included in the appendix to this report and describe the overarching goal, objectives, desired outcomes, work plan, project team, and engagement strategy for the project.

Report

Why ReThink Zoning in London?

The London Plan was approved by City Council in June, 2016 and provides a vision for the type of City London will become. The London Plan addresses many aspects of city building, and one of the central pieces of the plan is the different Place Types that make up the city structure. Achieving this vision requires development within each Place Type to contribute to that goal, which requires there to be a zoning by-law that is consistent with and supportive of the London Plan.

ReThink Zoning is the process of writing a new zoning by-law for London. It is also an opportunity to consider development regulations support the goals and vision for the city that have been established in the London Plan. When the London Plan was being developed through the ReThink London engagement process, a community conversation took place around the type of City Londoners want. ReThink Zoning is the continuation of that conversation and moves it into a new phase where instead of asking what kind of city we want London to become, our new focus is on how we will get there.

Using the name ReThink Zoning for this process is important to set the tone for the project. ReThink Zoning was chosen for two main reasons:

1. To link this project to the successful and award-winning undertaking that was *ReThink London*. By continuing to use the word “ReThink” a clear connection is made between the London Plan and this process, it signals to Londoners that the work we did through ReThink London is continuing to frame the planning decisions we make. It also limits the potential for the discussion to return to the city building principles that are addressed in the Plan.
2. To encourage creativity and innovation. Zoning is an important regulatory tool we have to implement their official plans by ensuring development is consistent with the plan. The London Plan, includes policies for development on individual properties, and the new regulatory tool will establish the planning permissions to achieve that policy direction. By rethinking zoning, we can consider approaches

to regulation that have been successfully applied elsewhere or original ideas explored that are uniquely suited to the London Plan's approach.

Does London Need a New Zoning By-law?

The London Plan has been adopted by Council and approved by the Province, and it is currently moving through the Local Planning Appeal Tribunal (LPAT) appeals process. Through a decision made by the LPAT in August, 2018 the majority of the London Plan policies are in force. Therefore, the City is required to update by-laws necessary to implement the vision, goals, key directions, and other policies of the London Plan.

There are two main reasons to replace Zoning By-law Z.-1 now that the London Plan has been approved. They are:

1. The *Planning Act* requires a zoning by-law to conform to the in-force official plan.
2. The current Z.-1 Zoning By-law was used as a tool to implement the 1989 Official Plan, and is therefore not aligned with the policies of the London Plan.

1. Compliance with the *Planning Act*

The *Planning Act* requires that all by-laws must comply with an official Plan. Section 24(1) of the *Act* states that, "*despite any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections (2) and (4), no by-law shall be passed for any purpose that does not conform therewith.*" Because Zoning By-law Z.-1 was written and approved as a tool to implement the 1989 Official Plan its regulations work to achieve the policies of that Plan. The London Plan includes a new vision for the city and new policies that in some cases require different forms of development. Therefore, a new by-law that conforms to the new plan is required.

In addition, Section 26(9) of the *Act*, which deals with updates to an official plan, states that, "*No later than three years after a revision under subsection (1) or (8) 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.*" Therefore, because the official plan has been entirely rewritten, in order to comply with this requirement the zoning by-law must be replaced to conform to The London Plan.

2. Implementing the London Plan

The second reason to replace Zoning By-law Z.-1 is to achieve The London Plan's vision, values, key directions, and other policy objectives. The London Plan includes a new city structure, a new approach to city building, and new ideas about what kind of city London should grow to become. It has replaced the traditional concept of Land Use Designations with Place Types, which consider the use, intensity, and form of development equally to achieve great places throughout the city.

The London Plan was developed through a multi-year process of conversation and engagement with Londoners. Now that those conversations have resulted in the London Plan, we must update the zoning regulations that are inherently linked to the implementation of the Plan.

Draft Terms of Reference – What We Heard

City Council received draft Terms of Reference in August, 2018 and gave direction to staff to circulate the draft to key stakeholders and to allow for public comments about the project. In the months following that direction, the main message that we heard was to include opportunities for meaningful engagement throughout the process. This has been reflected in the attached terms of reference, which include a long period of public engagement and conversation around the issue of how we should apply zoning in London.

Meetings were held with the London Area Planning Consultants, the Urban League of London, and with the London Development Institute and London Home Builders Association. In each meeting the need for public and stakeholder engagement was identified as key to the project's success. In addition to public engagement events, a

stakeholder working group will be formed to provide a forum for regular feedback from key stakeholders throughout the process. This group will meet regularly beginning in the public engagement phase of the process, which follows the release of a background information report.

Advisory Committees were also circulated the terms of reference and asked to provide comments. Comments from the Environmental and Ecological Planning Advisory Committee identified a need to include environmental protection in the objectives and desired outcomes as well as within the required skillsets of the project team. This has been incorporated into these sections. Comments from advisory committees that pertain to the contents of the by-law that will be prepared will be kept until the appropriate phase of this project.

Terms of Reference

The terms of reference provide an overview of the project and offer a transparent view of what work will be done in what timeframe to prepare new zoning for London. The Terms of Reference take a high-level view of the project, as their purpose is to guide the way we complete the work plan by grounding it in an overarching goal, objectives, and desired outcomes.

The draft terms of reference are separated into five sections:

1. An Introduction to the project
2. Goals, Objectives, and Desired Outcomes
3. Work Plan
4. Project Team
5. Community Engagement

1. Introduction

The introduction establishes the purpose of the project and why the project is necessary.

2. Goals, Objectives, and Desired Outcomes

This section provides guiding principles for this project, to ensure that all who are involved are working towards the same end.

3. Work Plan

The proposed work plan is separated into two phases. Phase 1 includes background research and consultation, with the outcome of Phase 1 being a decision on the type of by-law and the approach to be taken. Phase 2 will include preparation of the by-law.

Details are provided for Phase 1, but it is recognized that Phase 2 will depend in large part on the outcomes of Phase 1 so only general information is provided. A deliverable of Phase 1 includes detailed terms of reference for Phase 2.

4. Project Team

Three teams are identified in the terms of reference:

- Project team – includes City staff and consultants who will complete the work for this project. This team will be led by City Planning and will also include consultants and key City staff who work with zoning.
- Steering Committee – this team includes senior leaders and managers whose portfolios interface with zoning matters. This team will offer guidance and advise to the project team at key decision points in the project.
- Technical Resource Group – this team will be comprised of staff from various City Service Areas who will contribute to various stages of the project. They represent other disciplines whose input is important for the success of the project and staff with special expertise to contribute.

The terms of reference includes information regarding the hiring of consultants, who will be a part of the project team. Required skills and experience are outlined in the terms of reference as well as a summary of expectations and responsibilities.

5. Community Engagement Strategy

This section overviews the strategy to provide opportunities for community input and to ensure information is available and accessible with regards to this project.

Next Steps

Following the approval of these terms of reference staff will immediately begin working on the project. The first step will be to develop a request for proposals and retain a consultant to assist with delivery of the work plan.

Prepared by:	Justin Adema, MCIP, RPP Planner II, Planning Policy
Submitted by:	Gregg Barrett, AICP Manager, Long Range Planning and Sustainability
Concurred By:	George Kotsifas, P. Eng Managing Director, Development and Compliance Services and Chief Building Official
Concurred By:	Kelly Scherr, P.Eng, MBA, FEC Managing Director, Environmental and Engineering Services and City Engineer
Concurred By:	Barry R. Card Managing Director, Corporates Services and City Solicitor
Recommended by:	John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner

May 6, 2019

JA/ja

Appendix – ReThink Zoning Terms of Reference

1.0 ReThinking Zoning in London

In 2011, the City of London – including Council, staff, and all of its citizens – began a conversation about the future of our city. It started with a call to action on the importance of civic engagement in a successful local government, and ended in June, 2016 when City Council adopted the London Plan – a new plan for growth and development in our city.

The London Plan is the culmination of a community conversation, it represents the shared vision, values, and goals for all Londoners. The Plan’s key directions are a summary of this vision for the City, and the rest of plan provides a framework to achieve that vision. The next step in the process of planning our city is to examine tools that help us realize the vision we have set.

One important tool to achieving the planning framework articulated in The London Plan is the zoning by-law. London’s current zoning by-law is dated, having been prepared following the approval of the 1989 Official Plan to help implement that Plan. With The London Plan we have a new, more strategic approach to City Building that requires a new by-law for its implementation.

ReThink Zoning is a continuation of the original conversation about how Londoners want to see their City grow – only the focus has now shifted from broader policy matters to more technical questions about how we should realize the vision. Instead of asking Londoners what kind of city do you want to live in, we will be working with Londoners to determine how we should get there and how each development across the city should be considered.

1.1 Planning Act Requirements

The *Planning Act* is the applicable legislation for planning matters in Ontario. It requires the City of London to have an Official Plan and permits the City to regulate development through zoning in order to implement the Plan. The *Act* says that no by-law shall be passed that does not conform with the Official Plan (Section 24(1)). The *Act* also requires that when an Official Plan is updated after a comprehensive review, a municipality shall update the zoning by-law within three years of coming into effect (Section 26(9)). Because The London Plan completely replaces the 1989 Official Plan, it is necessary that a new by-law be prepared that conforms to and implements its policies within three years.

1.2 Implementing the London Plan

The London Plan provides a strategic approach to development in London that is based on City Building policies, a City Structure Plan, and a variety of place types. The City Building Policies provide the over-arching direction for how we will grow as a city over the life of the Plan and define the shape, character and form of the City. The City Structure Plan identifies five key foundations that inform the other policies of the Plan: The Growth Framework, The Green Framework, The Mobility Framework, The Economic Framework, and The Community Framework. Each place type is planned to play a unique role within the City Structure and has its own identity and character. The place types work together to create a complete city. All aspects of the place type must contribute to the achieving the Plan’s objectives, including the use, intensity, and form of every building and parcel of land.

Zoning is the tool that we currently use to regulate the land use, intensity, and form of development. Therefore, zoning should be viewed as an extension of the Plan and a mechanism to meet its city building goals. A zoning tool that is linked intrinsically to the policy direction of the London Plan is necessary for the implementation of the Plan.

2.0 Overarching Goal, Objectives, and Desired Outcomes

This is a major project that will have a lasting impact on how London will be shaped to meet the vision established in The London Plan. This section describes the guiding principles for the project.

2.1 Overarching Goal

To continue the momentum of ReThink London, implement the London Plan, and foster the growth and development of a great city.

2.2 Objectives

- To create the best implementation tool to fit London's current and future needs
- To implement The London Plan's vision, values, and key directions
- To implement The London Plan place types in terms of use, intensity, and form
- To create a user-friendly and plain language document while recognizing the regulatory nature of the by-law
- To make use of new technologies available for the application and administration of zoning
- To allow for flexible application of the by-law while maintaining a level of certainty and predictability
- To create a tool that allows for efficient planning processes

2.3 Desired Outcomes

- Quality developments across the City that contribute to our city-building goals
- Efficient planning processes that result in great neighbourhoods
- A by-law that can be understood by all users involved in the planning process – including developers, professionals, community groups, and the general public
- A by-law that meets all legislative requirements, is defensible on its planning merits, and includes clear, enforceable regulations.
- A by-law that is intrinsically linked to The London Plan with obvious connections to the use, intensity, and form requirements of the place types as well as the City Building, Environmental Policies, and Our Tools parts of the Plan.

3.0 Work Plan

ReThink Zoning will not be a mere update to the current Zoning By-law Z.-1 to reflect London Plan place types. Through this process we will consider the full range of possibilities that are available under the *Planning Act* and will look carefully at approaches being taken in other cities, to see whether there are opportunities to improve on how we regulate development in our city. The work plan includes time for this research to be completed and analyzed, and needs to be flexible to allow later stages to fit with whatever direction or approach is identified as the best fit in London. To achieve this, a two-phase work plan is proposed. Details are provided in these terms of reference for Phase One, however Phase Two will be refined after the details of the types of tools and approaches will be utilized has been confirmed through Phase One. Detailed Terms of Reference for Phase Two are included as a deliverable in Phase One.

3.1 Phase One

Phase One will provide an opportunity to investigate alternate approaches to development regulation and determine what tools should be used to implement the London Plan to achieve its goals.

Tasks to be completed in Phase One include:

- Prepare an RFP and work plan for the completion of Phase One
- Retain a consultant(s) to work collaboratively with staff to complete Phase One
- Complete background research with regards to:
 - Ontario legislated requirements for zoning, including options available to municipalities for the implementation of Official Plans
 - The London Plan policies and directions, in regards to compatibility with different development regulation options available in Ontario
 - Best practices from North America and other comparable parts of the world
 - Review existing Zoning By-law No. Z.-1 to identify areas of strength or concern, determine what is working and what needs improvement in the new by-law to achieve the overall goals

- Engagement with key stakeholders to assess strengths and weaknesses of our current by-law and the desired outcomes of a new by-law
- Public engagement program to listen to ideas, concerns, and suggestions from Londoners
- Identify key elements/components/areas to be addressed through the new zoning by-law
- Recommend the best zoning approach to implement the policy directions of The London Plan
- Prepare Terms of Reference for Phase 2 – the preparation of the by-law, based on the direction provided by Council

Deliverables to be submitted in Phase One include:

Deliverable	Assignment
● Terms of Reference (Phase 1) – to include Community Engagement Strategy for Phase 1	Prepared by staff
● Request for Proposal (RFP) for consultant to undertake Phase 1	Prepared by staff
● Background Paper – overview of research and engagement findings and linkages to The London Plan	Prepared by consultants
● Recommendation Report – Analysis of issues, recommended tool, draft terms of reference for Phase 2	Prepared by staff, based on recommendations from the consultants
● Terms of Reference (Phase 2) – to include Community Engagement Strategy for Phase 2	Prepared by staff

3.2 Phase Two

Phase Two is when the new by-law will be prepared, based on the approach confirmed through Phase One. The information in this section is general in nature and will be clarified in the detailed Terms of Reference to be prepared in Phase One.

Tasks that will be completed in Phase Two include:

- Prepare a detailed inventory of existing development
 - Review land use
 - Review intensity – may include height, gross floor area, coverage, floor plate area, density in units per hectare, number of bedrooms, parking, floor area ratio
 - Review form – may include site layout (parking, landscaping, orientation, setbacks, and building location on a site), and buildings (massing, step-backs, materials, architecture)
 - Identify and analyze patterns of development to assist in property-appropriate zoning tools
 - Where appropriate, use new technologies to obtain this information (may include LiDAR, remote sensing, or other technologies)
- Analyze and recommend technologies for the administration and presentation of zoning information
 - Explore opportunities of GIS based applications
- Prepare outline of by-law, consideration to be given to:
 - Organization – chapters, types of zones, etc
 - Layout – use of tables, figures, illustrations, document design, etc
- Prepare and test sample zones against existing conditions and potential development opportunities
- Prepare first draft of by-law, provide opportunity for stakeholder and public comments
- Prepare second draft of by-law, circulate for stakeholder and public comments
- Review required amendments to other city by-laws/documents resulting from the replacement of the current zoning by-law

- Prepare final by-law for approval

Deliverables to be prepared in Phase Two include:

Deliverable	Assignment
• Inventory and analysis of existing development	Deliverables will be prepared collaboratively by a City staff and consultants. Specific assignments to be confirmed through Phase Two Terms of Reference.
• Mapping/zoning data overview and recommendation	
• First Draft By-law	
• Second Draft By-law	
• Results of public and stakeholder feedback	
• Amendments to other City by-laws and documents	
• Final By-law for approval	

3.3 Project Scope

The nature of large projects such as ReThink Zoning often includes “scope creep” resulting from the encroachment of additional tasks than was originally planned. It is important to ensure that the scope of this project remains focused in order to achieve the milestones identified in the Project Schedule.

3.4 Project Schedule

Work to be completed	Target completion date
Terms of Reference and RFP for Consultant(s)	Q2, 2019
Retain consultants	Q3, 2019
Background Paper	Q1, 2020
Public Engagement	Q1-Q3, 2020
Recommendation Report	Q4, 2020
Terms of Reference – Phase 2	Q4, 2020
Phase 2	2020-2021 – details to be determined based on Phase Two Terms of Reference.

4.0 Project Teams

Staff from various departments within the Corporation as well as a co-nsulting team will contribute to the success of ReThink Zoning. This section describes the roles of staff and the consultant to be retained on the project.

4.1 City Staff

This project is part of the City Planning work plan and will be completed under the guidance of the Managing Director, Planning and City Planner as Corporate lead and project sponsor. As a major Corporate project, the participation and perspectives of staff from City Planning, Development & Compliance Services, Legal & Corporate Services and Engineering & Environmental Services will be essential to project delivery. The Project Manager will be the Manager, Planning Policy and the Project Coordinator will be a Planner in Planning Policy. At the outset, three groups of staff will be established to contribute to the completion of this important project.

4.1.1 Steering Committee

The Steering Committee will be made up of senior leaders at the City and managers whose service areas interface with the Zoning By-law. The role of the Steering Committee will be to provide input, advice, and guidance to the Project Team and will

be particularly involved at any key decision point during the project. The Steering Committee will include:

- Managing Director, Planning and City Planner (Steering Committee Chair)
- Managing Director, Development and Compliance Services and Chief Building Official
- Managing Director, Environmental and Engineering Services and City Engineer
- Managing Director, Corporate Services and City Solicitor
- Manager, Long Range Planning and Sustainability
- Director, Development Services
- Manager, Planning Policy (Project Manager)

4.1.2 Project Team

The project team includes City staff and consultants who will be working closely on the project. Project team members or their designates will develop the project components and recommendations that will be considered by the Steering Committee. Through the Project Manager, recommendations from the project team will be brought to the Steering Committee for consideration. Team members will be required to participate in the project on a regular basis. The Project Manager and Project Coordinator will provide leadership to this team and will be the primary source of information and communications on behalf of the project team. The makeup of the project team will include:

- Manager, Planning Policy (Project Manager) – City Planning
- Planner, Planning Policy (Project Co-ordinator) – City Planning
- Manager, Long Range Planning & Sustainability – City Planning
- Manager, Current Planning – Development & Compliance Services
- Manager, Development Services (Site Plan) – Development & Compliance Services
- Manager, Zoning and Public Property Compliance – Development & Compliance Services
- Solicitor II, Legal and Corporate Services

Project team participants may also include other members of City Planning and Development & Compliance staff, depending on the project component and expertise required.

4.1.3 Technical Resource Group

Most internal Service Areas and divisions will contribute at some point during this project. They will not be required to play a major role for all phases of the project but will provide input as needed. Individuals from various Service Areas will be identified to participate in the project as needed.

4.2 Hiring Consultants

Given the scope and complexity of this project, consultants will be retained to support staff in completing the work plan and providing specialized expertise throughout the process. A request for proposals will be prepared and issued following the approval of these terms of reference.

Contracts for this project may be divided into the project phases, recognizing that the zoning approach will be identified at the end of Phase One and may require specific knowledge and experience not anticipated at this time.

The selected consultant(s) will have a strong background in planning implementation, and should have an understanding of different approaches to zoning. The consultant team will need to be able to understand The London Plan vision, values, key directions, and policies and identify ways to achieve its objectives through regulation. The consultant team will demonstrate the values that guide all planning decisions in London – these are to be accountable, be collaborative, demonstrate leadership, be inclusive, be innovative, and think sustainably.

It is anticipated that there will be a team of consultants retained as multiple areas of expertise will be required. Some of the specialized areas include:

- City planning – ReThink Zoning is a planning review first and foremost. It is required that the lead consultant will include professional planners that understand the implications of use, intensity, and form as well as environmental protection.
- Urban design – The London Plan integrates urban design into the planning process and approaches to regulation that consider how to ensure an engaging and attractive public realm will be important.
- Mapping/GIS – new and innovative approaches to the mapping components of the zoning by-law are encouraged, and it is expected that the consulting team will bring expertise on this issue.
- Community engagement – public input is important to the success of this project. Effective engagement with the community must be integrated into all parts of the project.
- Application review processes – implementation of the new by-law must work for those who are applying and interpreting the by-law, therefore consideration of this and other administrative matters must be included. The consulting team should have experience and insight into how the new by-law would be “operationalized”.

4.2.1 Expectations and responsibilities

The consulting team will work closely with the Project Manager and Project Team to complete the work plan for this project. Deliverables will be submitted to the Project Team who will coordinate with the Steering Committee and make recommendations, based on the information provided by the consultants, to City Council. The Work Program section of this report identifies what tasks will be led by the consultant team.

4.3 Project Governance and Reporting

Responsibility for reporting and delivery of this project will lie with City Planning. City Council is the approval authority and will provide final direction for this project. Reports will be brought to the Planning and Environment Committee, which will host public participation meetings related to the project. The Planning and Environment Committee will recommend to Council, who will make the decision when required.

5.0 Community Engagement Strategy

This project requires input from a variety of stakeholders, agencies, and the public if it is to be successful. This project will give direction to the way we grow as a city and will shape our neighbourhoods, urban centres, and other places within London. While the intent is not to engage in a discussion about first principles – issues like the city structure and the vision for each place type have been established through The London Plan – there is plenty of opportunity for stakeholders and the public to help shape our approach to how we implement the Plan.

Equally important during this project is the availability of information. Londoners will want to know where this project stands, what opportunities they have to participate, and how changes to the zoning by-law could affect their properties and communities. Through the various tools available, including the city website, social media, open houses, traditional advertising, and other approaches, we will strive to provide up-to-date and useful information to the public regarding the project.

All members of the public are invited to participate throughout the ReThink Zoning process. Some key stakeholders have been identified and will be invited to meet with staff and discuss the options to replace our zoning by-law. A stakeholder working groups will be established to review and comment at each step in the process. Key stakeholders include:

- All City Service Areas
- Advisory Committees to Council
- Public agencies – eg: London Economic Development Corporation, Upper Thames River Conservation Authority, London Hydro, London Housing Development Corporation, Ministry of Municipal Affairs.
- Community organizations – eg: business improvement areas, the Urban league of London, neighbourhood associations, ratepayer groups.

- The Development Industry – eg: London Development Institute, London Home Builders Association, London Association of Planning Consultants, and other members of the Building and Development Liaison Forum.