



ZONING

Considerations for London

Zoning: Considerations for London

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Where are we going?



Executive Summary

Introduction

In 2016, the City of London adopted a new Official Plan – The London Plan. This Plan outlines the direction for growth and change for the City of London for the next 20 years. The new approach of The Plan not only defines a new vision but a new way of achieving that vision. Defined by a place-based approach that differentiates neighbourhoods and types of development from each other with unique policies for each, the next question is: how to implement those changes?

The primary implementation tool is the zoning by-law, which outlines standards and regulations that apply for all types of development and sets the expectation for how proposed development is considered and later constructed. This report is intended to outline opportunities for how a new zoning by-law could best implement The London Plan and provide an overview of the requirements for creating a zoning by-law in Ontario. The City currently uses By-law Z.-1; however, this By-law is required to be updated to align with The London Plan in accordance with the *Planning Act*. The City has taken this opportunity to assess what the most appropriate, zoning approach is, and what can be learned from how other places undertake zoning.

The following chapters provide background information on where zoning came from, the different approaches or types of zoning, the zoning tools available in Ontario, and best zoning

practices from municipalities in Canada and the U.S. Together, these provide the information needed for London to ReThink Zoning.



some things to think about as you read this report...

What zoning approach makes the most sense for London?

What are the most important parts of The London Plan to regulate?

What do you like most about the different zoning approaches?

What best practices resonate with you that you think should be considered in London?

How did we get here?



History of Zoning

Early Zoning Approaches

Zoning was first established in the early 20th century to define rules for development and change. The 1916 New York City Building Resolution is most commonly recognized as the first comprehensive zoning by-law in North America; however, Westmount, a suburb of Montreal, Quebec, established their own zoning code in 1909 demonstrating that zoning was desirable on both sides of the border. Despite the intention at the time to establish a system

of planning that included both zoning and comprehensive planning, it was zoning that was established first as property concerns were more immediate. Comprehensive planning that provided a holistic approach for municipalities followed much later beginning in the 1920s and growing significantly after WWII. Historically, zoning came before planning in both practice and theory.

In the early 1900s, when few controls existed to shape and inform development, change was rather haphazard and sporadic with no clear overarching planning. As a result, development tended to have negative impacts beyond the property boundaries that impacted the 'general welfare' of the public at large. Concerns about public health, fire prevention, social mixing (particularly between classes), open space provisions, access to sunlight, protecting property values, and quality architecture were the primary drivers for zoning. By establishing defined standards for development, these concerns could be addressed at a broader scale than previously existed on a site-by-site basis. For example, in New York City, the 1916 Building Resolution included provision for volume, massing, height, footprint, sunlight and use restrictions that shaped the tiered buildings and art deco style characteristic of the New York skyline and reinforced 5th Avenue as an upper-class shopping district.

In Westmount, Quebec, zoning protected the larger estates from encroaching apartment



what exactly is zoning?

Zoning is a tool that can be used to design and plan your city. Zoning allows local governments to set rules for where new buildings should go, what types of buildings they can be and what activities can happen there (use), as well as requirements for other things such as size (intensity), and building and site design (form).

Origins of Use-Based (Euclidean) Zoning

buildings similarly separating social classes and included architectural controls that has contributed to the area's current status as an Architectural Heritage Area. However, zoning did not establish clear parameters for the provision of open space, and neither was it successful in fully mitigating financial externalities associated with development. Ultimately, the desire to protect property values by limiting more dense forms of housing was one of the primary goals and the single-detached residential zone was born. The use of zoning as the primary land use control mechanism was further solidified in the 1926 landmark decision of the Euclid versus Ambler case heard by the United States Supreme Court. This case determined that industrial uses should be separated from residential uses to protect the 'health, safety and general welfare' of the public.

This case was critical in two respects:

- 1) It established the zoning strategy of defining and separating uses (hence, 'Euclidean' or 'use-based' zoning); and,
- 2) It defined the balance between public and private rights over land use controls.

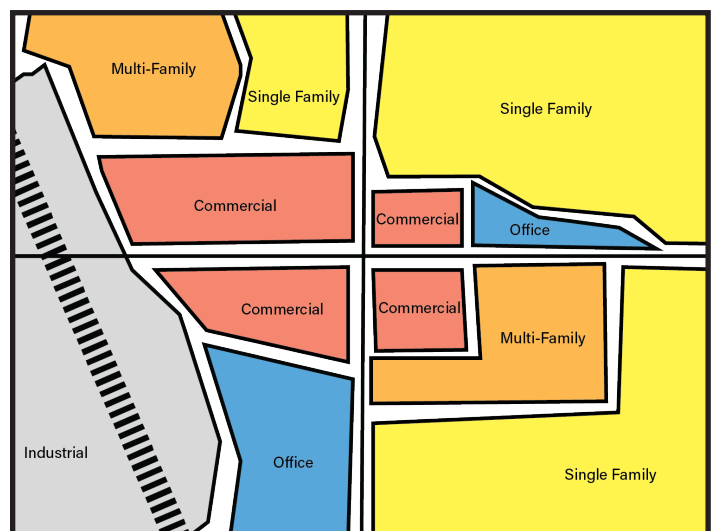
The former has contributed to sprawling growth patterns resulting from separating land area and uses (industrial, commercial, residential, etc.). The latter reinforced an effective method of applying broad restrictions on private land, for example, zoning in favor of the 'public good' (Note: The use of the phrase 'for the health, safety and general welfare' is still included in many zoning by-laws today as the legal terminology that establishes the authority of the by-law).



something to think about as you read this report...

How can use-based zoning implement The London Plan?

Is there anything missing from use-based zoning in your vision for London?



Zoning in Canada

Zoning in Canada most often falls to municipalities through the authority granted by the Province, such as the *Planning Act*. While most of the land within a city is governed through these local zoning by-laws, lands owned by the Crown (either Provincial or Federal) or those activities under the jurisdiction of another level of government (such as rail lines) are exempt from municipal zoning regulations.

Most zoning by-laws throughout Ontario and Canada are use-based by-laws primarily distinguished by the residential, commercial, and industrial use classifications. Similar to the Euclidean model in the United States, Canada has approached zoning historically by defining zones through uses or activities. As new models and approaches to zoning emerged, Canadian cities have integrated these approaches identified and outlined in Chapter 3 to varying degrees. Today, most zoning by-laws use a mixture of these zoning approaches, yet still remain primarily use-based in both theory and practice.

The foundational use-base approach has remained entrenched in zoning by-laws throughout Canada due to requirements of the Provincial legislation, which mandates uses, but also because zoning is integrated with other systems, such as financial systems and social systems. Originally, the use classifications in zoning were considered as a hierarchy with some types of development being prioritized higher than others. This relates to the social or class-based rationale underlying

early zoning. While the hierarchy is not explicitly used today, an underlying perception of use classifications remains.

In Canada, the application of the 'health, safety, and general welfare' is more commonly understood as 'quality of life.' The legal maxim guiding the balance of public, or common law, and private property rights is, "use your own property in such a manner as not to injure that of another". The exact application of this balance is implicit in the standards in each zoning by-law.

As municipalities shift to address the changing needs of cities, environments, and people today and in the future, use-based zoning is proving more and more insufficient. Sprawl, lack of environmental considerations, social discrimination, and limited design standards, are some of the limitations of use-based zoning. Cities are looking for better ways to implement the vision they have for their community and neighbourhood. To accomplish this, new ideas and approaches are needed throughout Canada.

” As municipalities shift to address the changing needs of cities...use-based zoning by itself is insufficient.

What should we consider as we ReThink Zoning?

3

Primary Considerations For Zoning By-laws

Tools

A zoning tool is the mechanism that holds the regulations and standards and reflects the processing requirements defined in the *Planning Act*. Two tools in Ontario are:

1 The zoning by-law & site plan by-law

2 The community planning permit system

These tools are further outlined in [Section 5](#) and should not be confused with a zoning approach. As outlined in the *Planning Act*, each tool is defined by the framework for the regulations, the application process, and rules about amendments and appeals.

The zoning approach is the 'what is required' and the zoning tool is the 'how it is assessed'. Together, they inform development outcomes.

Approaches

A zoning approach informs the types of regulations that you would find in either a zoning by-law or community planning permit by-law. There are four general approaches including:

1 Use-based (Euclidean) zoning

2 Incentive zoning

3 Performance zoning

4 Form-based zoning

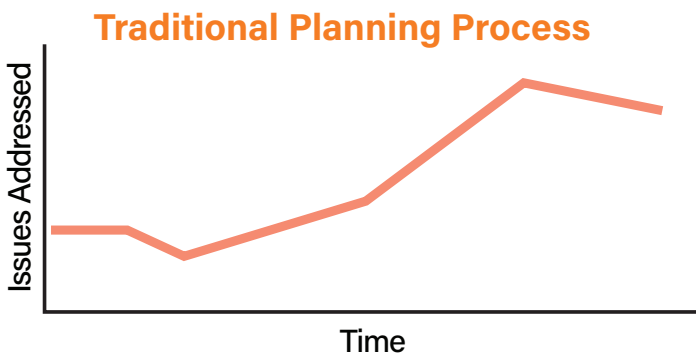
These approaches are used across North America regardless of the tool and are further outlined in [Section 4](#). These approaches are not defined by the *Planning Act*, however, the language of the *Act* can inform or enable some more than others.

Most by-laws across North America include all of these approaches in varying ways as each lends itself to different interpretations of how change can happen or how to maintain the status quo.

Application Process

The London Plan is ultimately implemented through the application process that results in land use changes. The *Planning Act* determines the processing timelines and requirements for the zoning by-law / site plan by-law or community planning permit by-law options. These requirements determine the overall time and general framework for applications, which informs how applications are processed.

Overall, in complex systems, such as development, best practices have identified the importance of early collaboration. With multiple stakeholders and analysis required to assess an application, setting expectations early on in the process can reduce challenges emerging later on. The early stages of the process are where opportunities for change exist. As time goes on, investment increases making changes harder to accommodate, and the difficulty to accommodate changes can lead to perceptions of inflexibility. Early collaboration avoids this situation and has the greatest opportunity to address multiple issues or concerns.

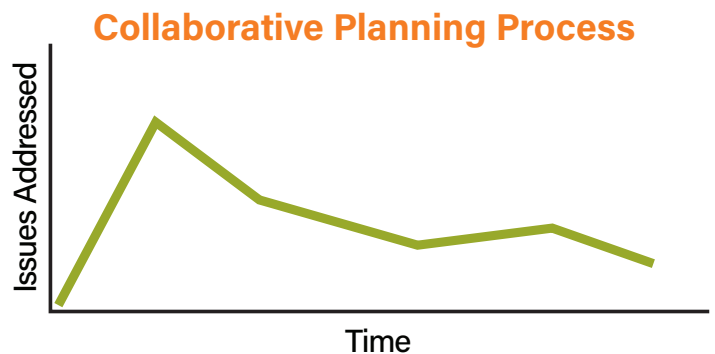


Traditional Process

The traditional planning application process is based on submitting information and addressing issues as they arise until a satisfactory proposal is ready for a decision. This process tends to see issues addressed later in the process when there are fewer opportunities for revision. This challenges collaborative efforts at problem solving.

Collaborative Process

The collaborative process focuses on early identification of issues and collaborative solutions with multiple stakeholders. In practical terms, this process puts emphasis on pre-application stages.



Standards and Processes

When considering zoning changes, the first piece often considered is the standards themselves - the specific requirements for density, height, setbacks, uses, etc. While important for any by-law, zoning is also the process of change as applied in practice through development applications. In other words, the implementation tool for the Official Plan must also be implemented. Therefore, any zoning by-law review must include two primary considerations:

1 The standards or regulations

2 The application and appeal processes



something to think about...

Are there pieces of the zoning by-law that need to be clear and measured? If so, what are they?

Are there pieces that can be more flexible and therefore discretionary? If so, what are they?

Both are directly informed by the *Planning Act* (the Act), which defines the overall framework for the zoning by-law standards as well as any process considerations or requirements. The Act provides the broad requirements that either must or could be included, thereby enabling local responses within that framework. The Act does not define the specific standards or additional process considerations that are unique within local contexts. As such, by intention, there is flexibility on how the provincial requirements of the Act are reflected locally.



Qualitative and Quantitative Standards

The inclusion of both qualitative and quantitative standards has marked zoning by-laws since the beginning. Noting the difference between them and how they relate to desired planning outcomes will inform the approach used in the zoning by-law.

Quantitative standards are easier to enforce as they are objective and measurable. The use of numbers in defining certain site or building requirements either means a development clearly is or is not in alignment. Quantitative measures can apply easily to some types of standards such as height or density but are less easily applied to elements of design or architecture that are typically informed by the local context, existing streetscape, or character of a place. In this case, qualitative standards have traditionally been considered more appropriate. Form based codes have helped to shift design characteristics from a qualitative standard to a measurable, quantitative one (see below on Certainty and Flexibility).

However, the lack of definition or measurability also means greater use of discretion, which in turn also requires a clear process and criteria for making decisions. The first application of

discretionary measures was in Westmount, Quebec, in 1916 with their design review committee. The architectural elements that could not be easily quantified were evaluated by a select group of people considered to have expertise or knowledge of the subject matter. The level of discretion between a major and minor variance is also reflected in the process differences between an amendment and minor variance process, the level of scrutiny and public involvement in the review of the application, the defined decision maker (either a democratically elected Council or Council's delegate), and finally, the appeal options.

Form based zoning provides additional options for how best to quantify key design standards, however, these standards also need to be place-based to reflect the local character. Performance zoning is another alternative on how to address qualitative standards by defining clear outcomes rather than specific design standards.

London's current by-law uses both qualitative and quantitative standards, and the question moving forward is the degree to which each standard should be used. No matter the approach, the importance is to consider whether and where a planning policy is best implemented through quantitative or qualitative measures and how that relates to the decision-making process.

Certainty and Flexibility

Similarly, the zoning by-law reflects the balance between certainty and flexibility both in terms of development standards and processes. Certainty is generally understood as predictability whereas flexibility is where and how discretion can be applied. The zoning by-law establishes the types and standards of development that are permitted or allowed 'by-right' or without requiring permission from the municipality (or other level of government). Within that same context, there are also standards that do require permission and are therefore allowed only at the discretion of the municipality (or other level of government). What is permitted is certain whereas what is discretionary is 'flexible.'

The goal of the zoning by-law and the associated processes for managing development changes are to align what is certain (and therefore permitted) as well as what is flexible (and therefore discretionary) with the desired planning outcomes. The consideration of both the standards and processes are key as a given standard may be considered discretionary, but flexibility in practice may actually be decreased if the process is limited or restrictive to the point where a given standard is, in effect, not possible.



The balance of certainty and flexibility within the zoning by-law will directly relate to the development outcomes. The key in a by-law review is how to apply both certainty and flexibility to achieve the goals of the Official Plan.

What other approaches are out there?

4

Contemporary Zoning Approaches

Types of Zoning

Over the last century, additional zoning approaches have been developed to try to address the gaps or limitations of use-based zoning, such as the provision of community amenities or market inequalities in housing. Today, the various zoning options are typically grouped into four types: use-based zoning (outlined in the previous chapter), incentive zoning, performance zoning and form-based zoning. Most zoning by-laws, while remaining rooted in a use-based foundation,

integrate one or more of these alternatives to varying degrees. Each zoning approach is further outlined in this chapter.

It is extremely rare to have one of these approaches applied by itself. Most zoning by-laws in practice are a mix of each to varying degrees.

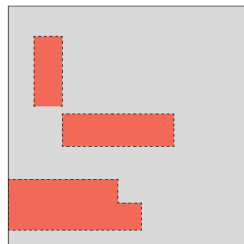
Use-Based Zoning



- A zone for each type of land use.
- Land use zoned subject to different regulations.

- Commercial
- Administrative
- Residential
- Industrial
- Green space

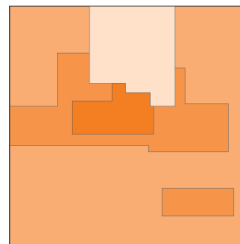
Incentive Zoning



- Rewards for development in defined areas.
- Promote the provision of amenities.

- Incentives
- No incentives

Performance Zoning



- Sets land use intensity restrictions.
- Flexibility in forms and functions of land use developments.

- High density
- Average density
- Low density
- No development

Form-Based Zoning



- Focuses on physical characteristics.
- Defined as a form of urban identity.

- Downtown
- Uptown
- East Side
- Historical district
- Manufacturing district

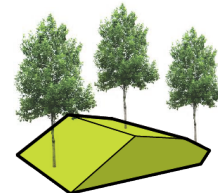
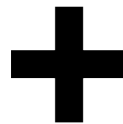
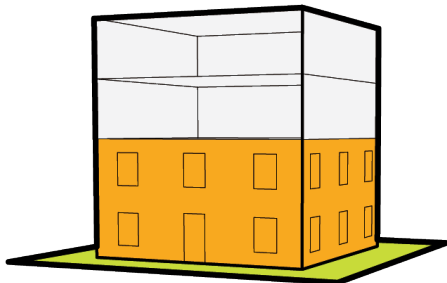
Image adapted from Cambridge Systems

Incentive Zoning

After use-based zoning, incentive zoning was one of the first alternative zoning approaches developed in the 1960s. Using Euclidean or use-based zoning as a baseline, the City of Chicago worked with office tower developers to allow greater height or density if additional open space was provided at the base of the tower. Incentive zoning is generally a negotiation to gain public amenities or social needs in exchange for additional height or density beyond the normal

Incentive zoning is a way to fill the gaps in use-based zoning to achieve additional community amenities or respond to market inequalities by negotiating for additional density.

Image adapted from Los Angeles Code Reform Project



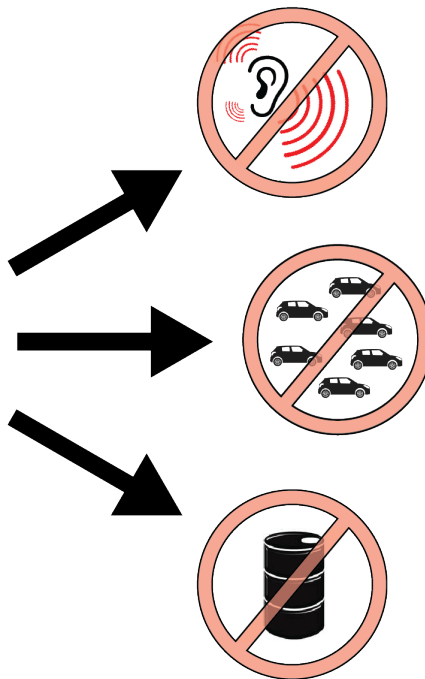
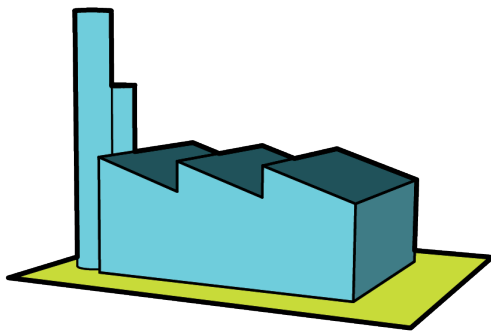
zoning rules. Today, incentive zoning is most commonly used in inclusionary housing programs for affordable housing, such as in Vancouver or Montreal, the former as a mandatory approach and the latter as a voluntary one. The effectiveness of incentive zoning is closely tied to land values, which can either help or hinder an incentive approach and affect how the approach is applied over time with market fluctuations.

In Ontario, Section 37 of *The Planning Act* has enabled bonus zoning, where increased height and density may be provided in exchange for public benefits. In London, this has been used to secure affordable housing, heritage preservation, underground parking, and enhanced site design.

Performance Zoning

Performance zoning was first introduced in 1980 by Lane Kendig in his notable book by the same name. Performance zoning is the practice of allowing more varied uses based on defined outcomes, known as performance standards, to promote greater compatibility. These standards can include traffic generation, noise, lighting levels, and stormwater runoff. By using more complex measurements, additional time and inputs are required to evaluate applications and a higher degree of technical knowledge is required to apply these measurements. One criticism of performance zoning is that it does not relate directly to the look and feel of development. As a result, it has typically been used sparingly where those impacts are more important.

However, this approach has recently begun to grow in popularity. Fremont, California, has set a precedent to follow by adopting much broader performance standards focused on defined outcomes rather than regulating how the outcomes are achieved. Officials in Fremont started with a set of goals - a certain number of jobs, a certain number of homes (including affordable homes), and critically, strict standards for a low carbon footprint. Their intent is to provide clarity on the end goals but allow flexibility in how developers or landowners achieve these standards. This approach is less 'you can do this because this is a permitted use' and more 'if you can achieve these standards, you can decide on the use!'



Performance zoning regulates development outcomes rather than physical standards.

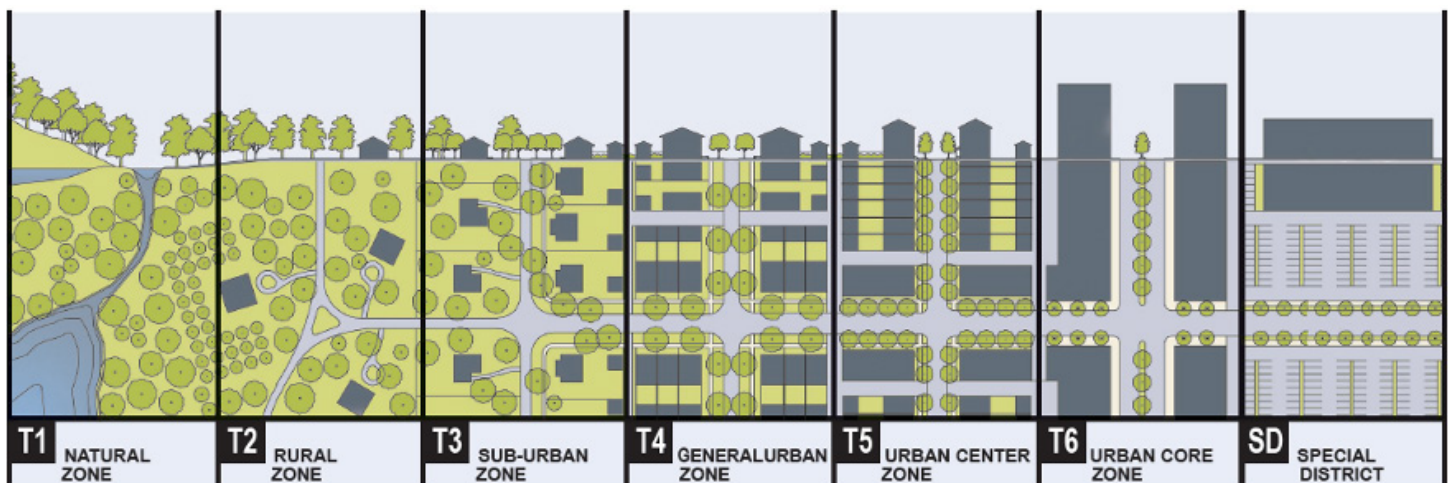
Image adapted from Los Angeles Code Reform Project

Form Based Zoning

Form based codes, a neo-traditional urbanist approach of the 1990s, de-emphasizes uses occurring on a site or within a building in lieu of standards that guide the look and feel of a space instead. The Transect is the ecological based transition of how a community changes from a natural form (T1 Zone) through to a higher density urban core form (T6 Zone). Shown in both plan view and section view, the Transect illustrates the varying forms that includes the building, the street, and the environment. The various transect zones are intended to be calibrated for each place it is applied.

The most notable example of a form based code is Miami 21, although many communities throughout the U.S. have adopted a similar approach often guided by the open source version of the SmartCode. Attempts to adopt form based codes have occurred throughout Canada, however, the fundamental separation of land use and transportation in the Canadian context requires a Canadian adaptation north of the border.

The Transect is one of the most well known illustrations of form based codes.



Source: Form Based Codes Institute

London's Current Zoning By-law

Like most by-laws in North America, London's current Zoning By-law includes the four different zoning approaches to varying degrees. The following overview provides a snapshot of London's current zoning situation demonstrating the approaches used - setting the stage for ReThinking Zoning.



Easy to Use and Understand

- This by-law follows a traditional format requiring cross-referencing between sections
- The number of uses have increased over time, unintentionally leading to complications with interpretation of the by-law
- Intended to provide objective standards that are easy to measure and interpret



Supports Clear Development Outcomes

- Development outcomes are achieved through negotiation throughout the process
- Clarity could be increased throughout the document to be more easily understood by applicants, members of the public, staff, and decision makers
- Minor variances are common and could be reduced with flexible standards and an ability to apply discretion particularly in non-standard infill situations



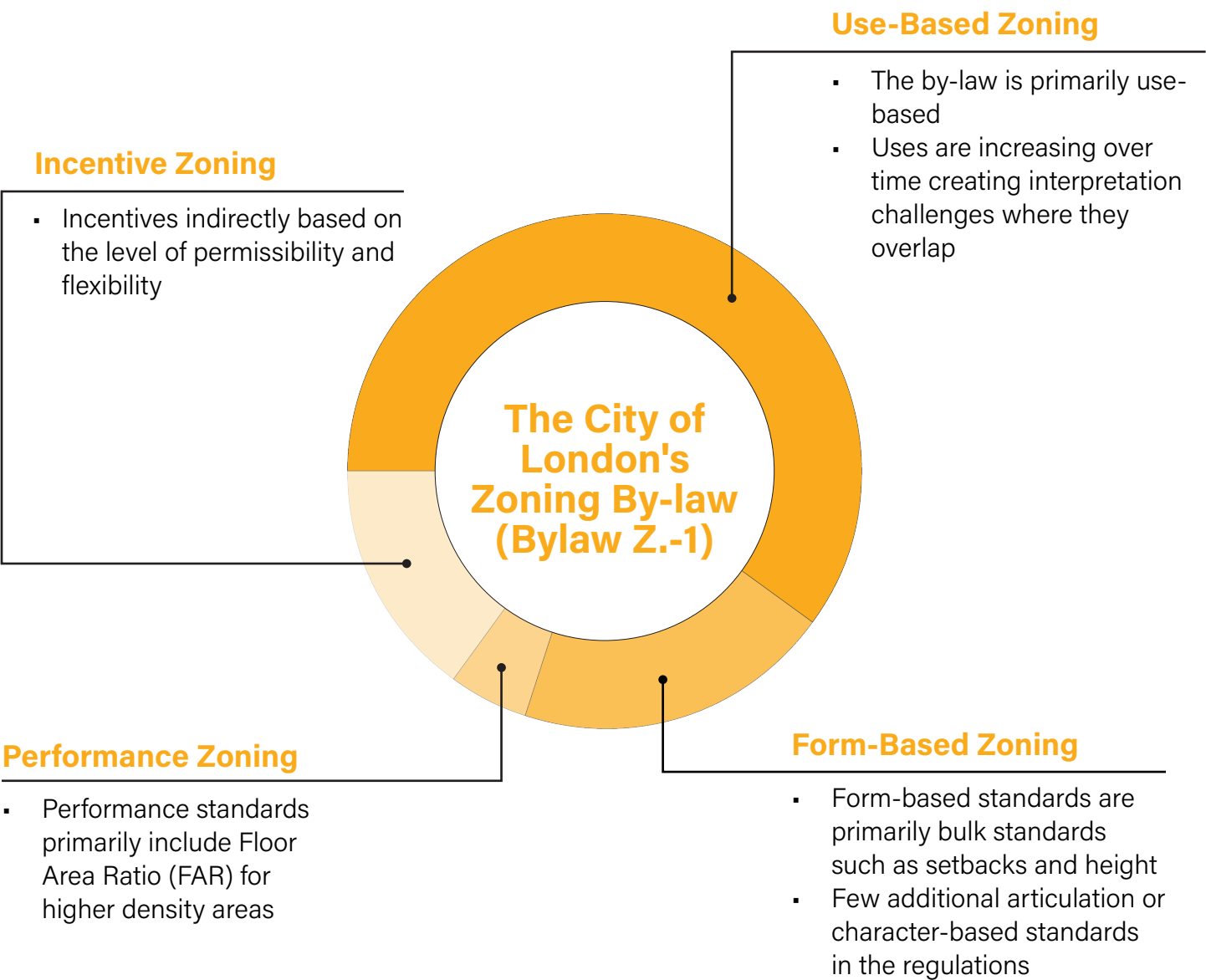
Balances Use, Intensity, and Form

- The By-law is primarily use-based
- Form or character standards are limited to setbacks, height, and similar bulk standards
- Intensity is measured through uses (i.e by defining uses at different scales such as a corner store versus a big box store) which increases challenges in interpretation and does not facilitate growth over time particularly where the scales overlap



Supports Wise Planning Decisions

- The zoning by-law and The London Plan currently do not align resulting in implementation challenges and increased negotiation and zoning by-law amendments



How can we design and plan cities in Ontario?



Ontario's Planning Legislation

Planning Framework

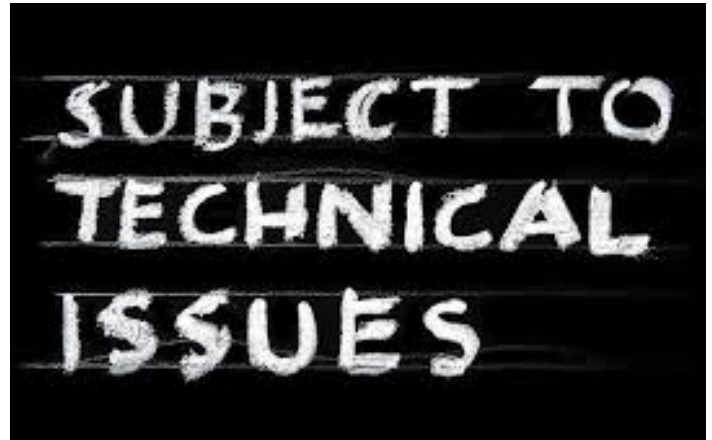
The Ontario planning framework outlines a clear hierarchy from the *Planning Act* through to the official plans and implementation requirements. The hierarchy identifies the relationship between the province and municipalities whereby the municipal plans (the official plan), fall within the overall direction set out by the Province. The official plan is then implemented through several tools. In terms of zoning, the Province provides the choice of two tools:

1 Zoning By-law / Site Plan By-law

2 Community Planning Permit System (CPPS)

Each of these implementation tools above must conform to the official plan and be consistent with provincial policy. With either option in place, the municipality can then review and consider development applications either in the form of a site plan application (and potentially a zoning by-law amendment or minor variance application) or a development permit application, depending on the implementation option used by the municipality. The final step is the appropriate building and related permits prior to construction; the final step is the same for either option.

To ReThink Zoning, the relevant aspects of the planning framework are two implementation options: the Zoning By-law and Site Plan By-law or the Community Planning Permit System (CPPS). A description and overview of each option is provided in this chapter with a comparative summary and considerations for the City.



All zoning by-laws are subject to the Provincial legislation which enables municipalities to apply local solutions.

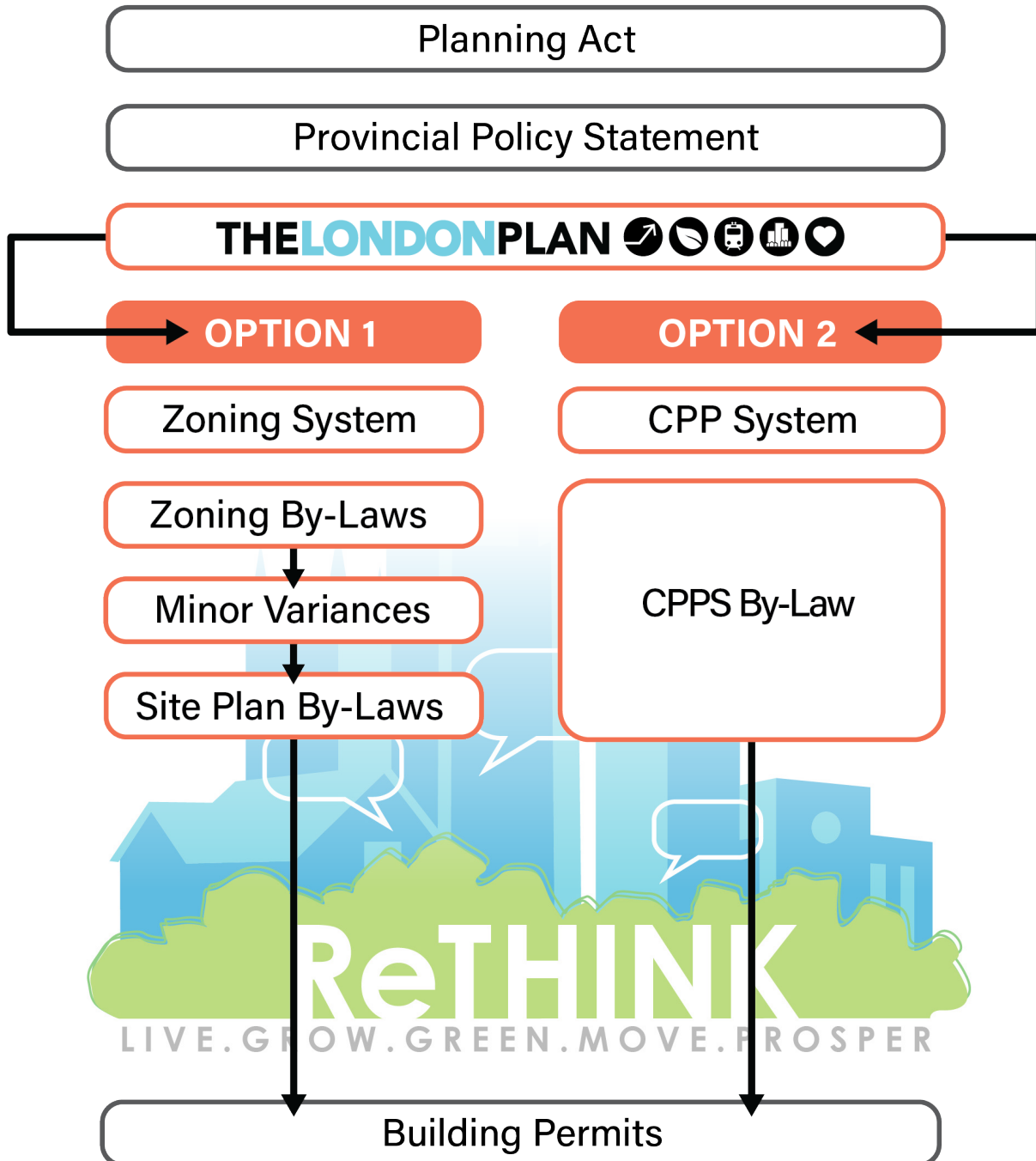


something to think about...

Which option will best achieve The London Plan?

What do these options mean to you?

Managing change is a three-way balance between the needs of the municipality, the development industry, and the community, based on input embodied in the zoning by-law



Tool Option 1: Zoning By-Law and Site Plan By-Law

Overview

The first option is through the zoning by-law (and associated amendment process), followed by the site plan (more clearly outlined in the site plan by-law), and could include minor variances where the development does not fully conform to the zoning by-law.

A zoning by-law outlines the standards for both existing and future development as well as defining the requirements for how change is managed. Often changes by way of development applications require an amendment(s) to the zoning by-law to change the development permissions from the current zoning to a different zone or district that would allow for a proposed development. The site plan by-law is a more detailed implementation tool that helps further shape the form and functionality of the

development proposal beyond the scope of the zoning by-law. Minor variances may be granted by the committee of adjustment on building height, lot area / width, setbacks, landscaping, parking and loading, as well as uses that are similar in nature to those already permitted in the zoning by-law.

The requirements in the Act are the foundation for any zoning by-law in Ontario by outlining the mandatory requirements for any municipality. However, how those requirements are met are unique to the local context and individual zoning by-law. The Act enables municipalities to respond to local conditions while providing a clear framework for everyone.

While a zoning by-law may include any or all of the items listed, it is not required to include everything. Furthermore, the zoning approach is not defined by the Act beyond the requirement for defining uses. How those are defined or applied as well as the application of alternative zoning approaches allows for local solutions for implementation while still achieving the mandatory requirements in the Act.

The Act also defines processing requirements for amendments, site plans, and minor variances, which are time dependent and include requirements for applications as well as criteria for decision making. These processes cannot be adjusted for local conditions.

OPTION 1

Zoning System

Zoning By-Laws

Minor Variances

Site Plan By-Laws

Key Considerations

1 Application of the Act

The Act also requires uses to be included determining that, in some capacity, a use-based approach must be part of any zoning by-law in Ontario. The language in the Act is primarily limiting as opposed to permissive. Half of the zoning by-law requirements begin with either 'prohibiting' or 'restricting' and the other half of the terms include 'regulating,' 'requiring,' 'specifying,' or 'authorizing.' The former are strictly exclusionary and the latter, while somewhat more positive in connotation, only allow relatively minor tolerances within the overall scope of a zoning by-law. The zoning by-law framework is reminiscent of the early zoning by-laws that were primarily focused on protecting property values and limiting future development. While both technically enable the same outcomes, Option 1 requires a shift in perspective to apply best practices.

” Zoning by-laws are rigid and do not provide for any discretion... and cannot address every development condition in practice.

2 Lack of flexibility and discretion

Zoning By-laws are rigid and do not provide for any discretion in how they are applied through the site plan or building permit review process. The minor variance or zoning by-law amendment processes can be applied to change the zoning requirements, recognizing that the standards in the zoning by-law (and potentially the site plan by-law) cannot address every development condition in practice.

3 Multiple by-laws required for implementation

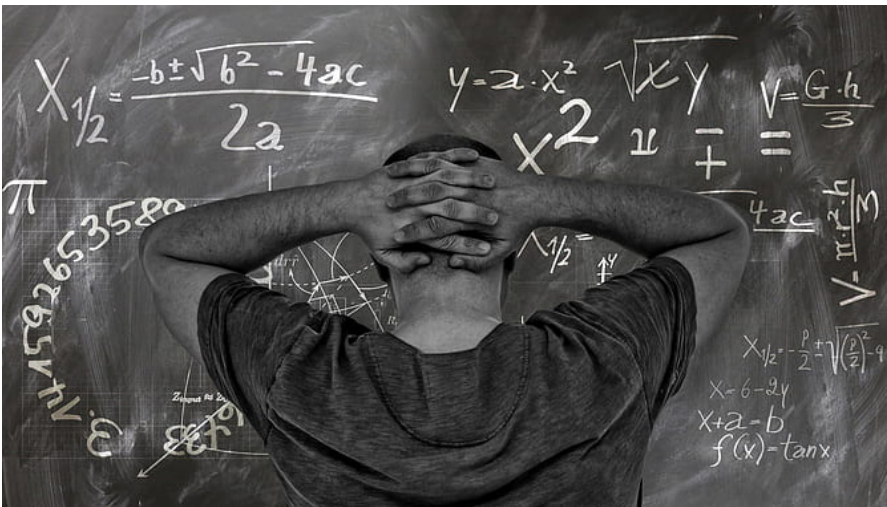
This option also requires that the zoning by-law and site plan by-law are consistent. Given the scope of each by-law and the lack of flexibility, there is often overlap, duplication, and inconsistencies. It can be challenging for municipalities, applicants, or the community to fully understand the process and requirements from the outset.

4 Multiple applications

This option also requires up to three applications for every development proposal. Each application has an associated timeframe and decision making process. Each development proposal is subject to multiple reviews with potentially changing expectations as the application progresses. As a result, additional issues arise and require more resources with little clarity for all involved. As the applications progress, the ability to change them decreases thereby increasing the potential for conflicts rather than early collaboration.

5 Tried and Tested

As the most widely used of the two options throughout Ontario, the positive and negative outcomes are known and understood. As compared to the CPPS, this option has been thoroughly tried and tested so both risks and liabilities are understood. Whether positive or negative, there is comfort in what is known.



Requiring multiple by-laws increases the potential for confusion, duplication, process inefficiencies and red tape.

Tool Option 2: Community Planning Permit System (CPPS)

Overview

The Community Planning Permits System (CPPS) is an alternative approach to the zoning and site plan process authorized by the *Act*. Formerly known as the Development Permit System (DPS), the CPPS replaces both the zoning by-law and site plan bylaw in one Community Planning Permit By-law. Similar to the zoning by-law, the CPPS outlines the standards for both existing and future development as well as defining the requirements for how change is managed. However, unlike zoning by-laws, the *Act* allows for discretionary uses (provided certain criteria outlined in the by-law are met), conditional approvals and variances thereby eliminating the minor variance process included in Option 1. Additionally, CPPS provides opportunities to regulate landscaping and vegetation removal, site alteration, and façade improvements. In practice, one application is used per development proposal called a development permit.

The development permit process provides the ability to grant approval, set conditions or require

additional information, but is limited to whatever is defined in the CPPS by-law. With the additional upfront work in drafting the CPPS by-law to get to a level of certainty of use, intensity, and form, municipalities have the option with the CPPS to keep those standards unchanged for five years after adoption in order to maintain the intended vision for the community while also streamlining the application process.

In many ways, the CPPS system is an entirely separate system with different terminology, language, and processes. It is possible that municipalities could have a zoning by-law apply in certain locations with the CPPS in another location. As a result, two separate planning systems could be administered; however, it is also possible for the CPPS to be applied city-wide. Alternatively, a CPPS could be used to address certain 'conditions', for example, residential intensification projects of a defined scale within established areas.

Furthermore, the positive language supports a regulatory framework that is geared towards what is desirable. This may seem minor on the surface, but the language used, whether positive or negative, reinforces an initial frame of reference. It is easy to read the CPPS standards and understand that it is intended to support the planning policy goals.

OPTION 2

CPP System

CPPS By-Law

Key Considerations

1 Certainty and discretion

The CPPS can provide greater certainty for both the regulations as well as the application process for the lands subject to that system. By combining the zoning by-law, the site plan, and minor variance process, the CPPS offers a 'one-stop-shop' through the approvals process.

The CPPS option provides a clear framework for the application of discretion, and by extension, qualitative measures. While qualitative measures can be used in Option 1 with the zoning by-law, the process of actually applying discretion is less clear and therefore requires additional consideration of both the standards and the process to ensure a greater level of certainty. In the CPPS, by combining the standards and the process, the use of discretion is directly linked and maintained consistently for all applications.

” The CPPS acts as a 'one-stop-shop' for all standards... and provides a clear framework for the application of discretion.

2 Flexible zoning approach

The CPPS includes permitted uses similar to a zoning by-law, but also allows for the integration of a form-based zoning approach. These additional form considerations could allow for aspects of the CPPS to share similarities with a form-based code. The form-based language makes the CPPS most easily applied to areas or types of development that are similarly based on form. For example, historical areas where form and character preservation are the primary goal, the CPPS is easily translated to those standards. However, the CPPS can be applied to any form-based approach.

The CPPS also enables performance zoning by identifying the link to development outcomes. While zoning approaches are not specific in the Act requirements for Option 1, the CPPS regulations are more explicitly enabling of alternative zoning approaches.

3 Geographical scope

With four examples of an approved CPPS in Ontario, three are municipal-wide and one is for a heritage preservation area. It is possible for the CPPS to be applied at varying scales, either limited to a specific area or at the municipal scale. However, where the CPPS is applied at the municipal scale, the standards in the by-law must reflect the varying character and types of development throughout the municipality. In this way, the by-law must directly link to the Official Plan. Where a CPPS is not applied city-wide, the zoning by-law would apply to the remainder of the municipality thereby requiring two systems as the CPPS cannot function as a sub-zone or layer of the zoning by-law.

4 Five year 'freeze'

Once adopted and the appeal period to the Province has lapsed, City Council has the ability to limit applications to amend the Community Planning Permit By-law for five years. Appeals are limited to the applicant of a given site. If Council deems an amendment worthy of consideration, the entire by-law is open for review by all parties and can include third party appeals to the by-law itself.

The five year 'freeze' is intended to provide a greater level of certainty for the community to maintain development outcomes in line with the Official Plan. With zoning often being the first opportunity for planning to respond to changing conditions on the ground, a CPPS system requires additional oversight by Council to determine if the change is worth opening the by-law, which would in turn allow for third party appeals at the same time.

” The five year 'freeze' is intended to provide a greater level of certainty for the community to maintain development outcomes in line with the Official Plan.

Considerations & Comparisons

	Option 1: Zoning By-Law / Site Plan By-Law (ZBL)	Option 2: Community Planning Permit System (CPPS)
Application Name	Site Plan Application, which must conform with zoning Zoning By-law Amendment or Minor Variance applications may also be required	Community Planning Permit Community Planning Permit By-Law Amendment may also be required for applications outside the range of possible variation
Authority	The <i>Planning Act</i> established with a zoning by-law and site plan by-law	The <i>Planning Act</i> and an amendment to the Official Plan established with single by-law
Language in the <i>Planning Act</i>	The requirements in the <i>Act</i> tend to be more limiting in nature with terms such as 'prohibiting' or 'restricting'	The requirements in the <i>Act</i> tend to be more permissive and flexible
Scope	To define the planning, zoning, and process requirements	
Process	At minimum requires review of two by-laws, but may also include additional steps such as minor variances or subdivision	One document and one application, but may also include a community planning permit by-law amendment
Discretion	Limited discretion, Zoning By-law is rigid. Any deviation from zoning requires a Zoning By-law Amendment or Minor Variance application	Discretion is defined with additional discretionary uses and variance considerations that may be different from the minor variance zoning by-law amendment requirements of the <i>Act</i>

Continued...	Option 1: Zoning By-Law / Site Plan By-Law (ZBL)	Option 2: Community Planning Permit System (CPPS)
Scale	City-wide unless by exception	Can be city-wide or a defined boundary within a city If it is not city-wide, Option 1 would regulate land where the CPPS does not apply
Appeals	Appeals to both the by-law and individual applications can be made by anyone including third parties	Appeals to the by-law can be made by anyone including third parties. Appeals to individual applications are limited to the subject landowner.
By-law Amendments	Potential for a two-year freeze on amendments to the Zoning By-law	Potential for a five-year freeze on amendments to the CPPS Flexibility to apply amendment restrictions to some aspects of the CPPS By-law
Zoning Approach Options*	Most easily applied to use-based zoning Also includes supportive language for form based zoning	Must include uses, but includes supportive language for form based zoning and performance zoning

**Note: The Act does not define a zoning approach, but the language in the Act can relate more closely to one approach over another.*

**How are
development
outcomes
being achieved
elsewhere ?**

6

Best Practices from Canada and the U.S.

The six municipalities identified here have integrated the four zoning approaches in different and unique ways, pushing the envelope of what is possible and better implementing the goals of the community. Each presents an opportunity for London to learn from in a new zoning by-law that implements The London Plan.

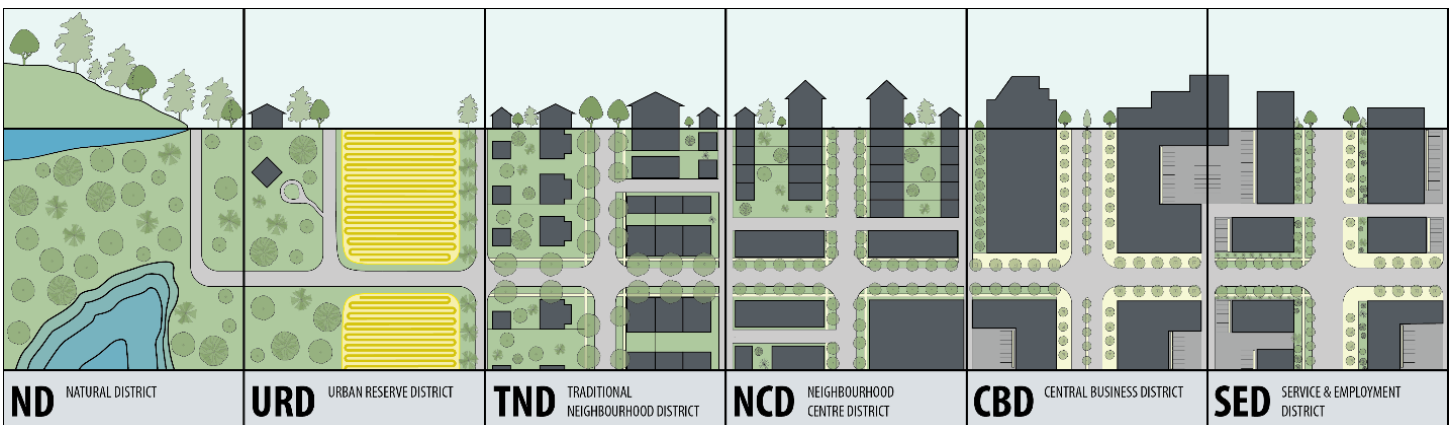
High River, Alberta

Located south of Calgary, the Town of High River was the first municipality in Alberta to successfully adopt a municipal-wide hybrid land use by-law (the Alberta term for a zoning by-law) in 2016. Following the flood in 2015, Council and Administration realized their current land use by-law was ineffective in helping landowners rebuild. The process was cumbersome and lengthy, and did not support the re-creation of what was lost or the vision of the future envisioned in the comprehensive plan. As a result, they wanted a new by-law—one that could support redevelopment in an easy-to-use, innovative way. To achieve those goals, the hybrid by-law emerged from both the use- and form-based approaches, and with an emphasis on what the Town wanted to become as opposed to what it was at the time the by-law was drafted.

The High River Land Use By-law was the first of its kind to be based entirely on the user experience. The by-law itself was restructured based on how

an average citizen would understand and read it. The Town's original 37 land use districts with few uses were reduced to six districts, all with a simplified number of defined uses. Specific use-based standards were developed based on each district as opposed to municipal-wide standards, and design standards were included to provide clear direction on those building elements that were most important to the community. Parking minimums were removed entirely and maximum site area requirements for parking were introduced in their place. Applicants were asked to propose the amount of parking they required for their business and on-street parking could be considered in certain circumstances.

The clearly defined standards and permissibility have reduced processing times and resulted in applications for new development by (and for) the community that the previous by-law would have prohibited. Following adoption of the by-law, a monitoring program was established to



capture adjustments that could not be foreseen in the development stage. This ensured that a high level of customer service was maintained. It also supported the refinement of clearly defined processes. Instead of struggling to achieve the legislated processing time for a development permit within 40 days, the Town is now averaging two-weeks for most applications that meet the complete application requirements.

In the four years since the bylaw was adopted, the Town is now seeing development applications that the previous by-law would not have permitted. A drive-in theatre has been proposed as an interim use on the fringe of the Town where urban-style development has yet to be planned. And a new community theatre with a kitchen and second storey living space has been approved in the historic downtown. It is the combination of the three uses that makes the project viable. In the primarily use-based approach of the previous bylaw, the project would not have been allowed

as the philosophy of separation would have considered those uses incompatible. However, the form-based approach and simplification of uses de-emphasizes the use and instead focuses on the form at a scale appropriate to High River's historic downtown.

” The clearly defined standards and permissibility have reduced processing times and resulted in applications that the previous by-law would have prohibited.



High River, Alberta



Easy to Use and Understand

- This by-law is one of the easiest to use as all regulations are within each district eliminating cross-referencing
- Large visual graphics and the transect help users to understand the intent of each district and how it relates within the Town
- Additional graphics or tables could be added for additional explanation or visual aides



Supports Clear Development Outcomes

- Has resulted in new development in line with community vision and expectations
- Clear policy link to comprehensive plan
- Has streamlined application processes with the average development permit processed in two weeks



Balances Use, Intensity, and Form

- Simplified uses increase focus on built form and public realm
- Use standards in each district are based on the appropriate intensity levels in each district
- Standards are re-oriented to relate to the street rather than based solely on the use



Supports Wise Planning Decisions

- Regulations directly link to the strategic direction and policy of the Town
- Mixed use and compact form requirements support alternative forms of transportation, efficient service delivery, economic development and housing choice
- Natural areas are protected and sustainable development measures are enabled

Incentive Zoning

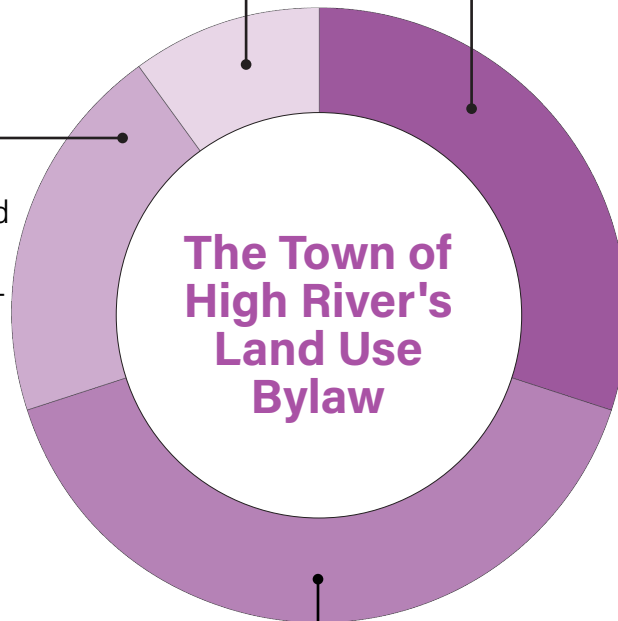
- Incentives indirectly based on the level of permissibility and flexibility

Use-Based Zoning

- Uses are a legislative requirement
- Uses have been simplified and categorized for ease of use and understanding

Performance Zoning

- Performance standards based on size, scale, and compatibility
- No typical performance-type ratios



Form-Based Zoning

- Districts are based on the transect
- Building standards oriented to the street based on pedestrian use
- Some building design standards throughout

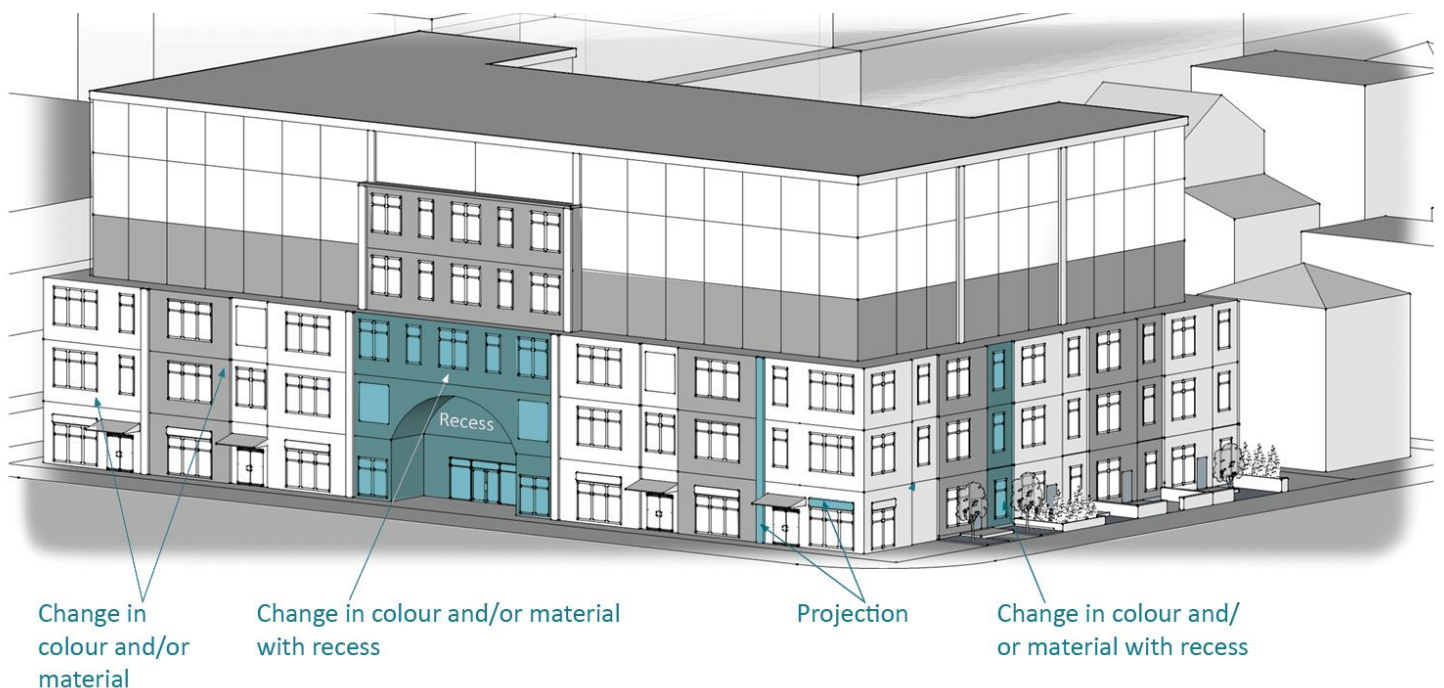
Halifax, Nova Scotia

Halifax is the largest municipality in Canada to use a hybrid code through the Downtown Halifax Secondary Planning Strategy and Land Use By-law (2006). The new planning framework integrated policy, a hybrid by-law, and building design standards. With 21 new developments in the centre city within seven years of adoption, the outcome of this Plan was an increase in design standards throughout the downtown at a pace not previously seen in Halifax. The approach decreased conflict between the community and developers, and re-focused decisions on clearly defined standards.

Due to the Downtown Halifax Plan exceeding its implementation targets, the areas where a hybrid

code will be used is being expanded with the Centre Plan (established communities) initiative. With its September 2019 adoption, the Centre Plan Policy and Land Use By-law sets a new zoning precedent for larger municipalities. It is important to note that the regulations were developed through extensive consultation with community, stakeholders, and committees.

The Centre Plan includes the central pre-1960 developments in Halifax proper as well as Dartmouth. Like High River, the Centre Plan Policy and Land Use By-law proposes a reduced number of land use districts, additional permitted uses, clear building and site-design requirements



(presented graphically and in text), and three clearly defined application processes, dependent on the location and type of application.

These quantifiable standards have removed the requirement for a design review committee in the established neighbourhoods. The 2006 Downtown Halifax Secondary Planning Strategy allows for a shortened application timeframe, due to the regulations in the Halifax Charter. This timeframe can be accommodated with clearly defined requirements for a complete application, which have the added benefit of vetting speculative applications that could not meet the complete application standards. Beyond the downtown area, the design standards proposed in Halifax are not as stringent, but they are still clearly defined. This approach reflects a balance of higher design standards without significantly adding costs in strategic locations such as main streets.

Additionally, the proposed by-law includes a density bonusing requirement and two performance zoning measures. The community identified the need for affordable housing, which is the sole trigger to access density bonusing. Performance measures were added for both wind and shadowing, as those elements were considered necessary to design appropriate large-scale buildings even though they are not easily quantifiable.

As a result of the initial Centre City approach and zoning requirements, including a three month

application timeframe enabled by their Charter combined with clear and predictable application requirements, the Municipality has seen far more high quality development applications than before. Many of these applications are currently under construction, such as The Alexander and The Pearl developments (shown below).



The Alexander by Killam Properties



The Pearl by Grafton Developments

Halifax, Nova Scotia



Easy to Use and Understand

- The by-law maintains the traditional format, but uses graphics and visualizations to help users
- Also uses tables to clearly convey information
- Use tables are particularly easy to read and understand



Supports Clear Development Outcomes

- The new zoning by-law has resulted in significant development in the Centre City where the original zoning was established
- Application process is more predictable as opposed to decisions on a case-by-case basis with amendments to the zoning bylaw in most applications
- Has streamlined application processes with development permits for major downtown / mixed use projects being processed within three months



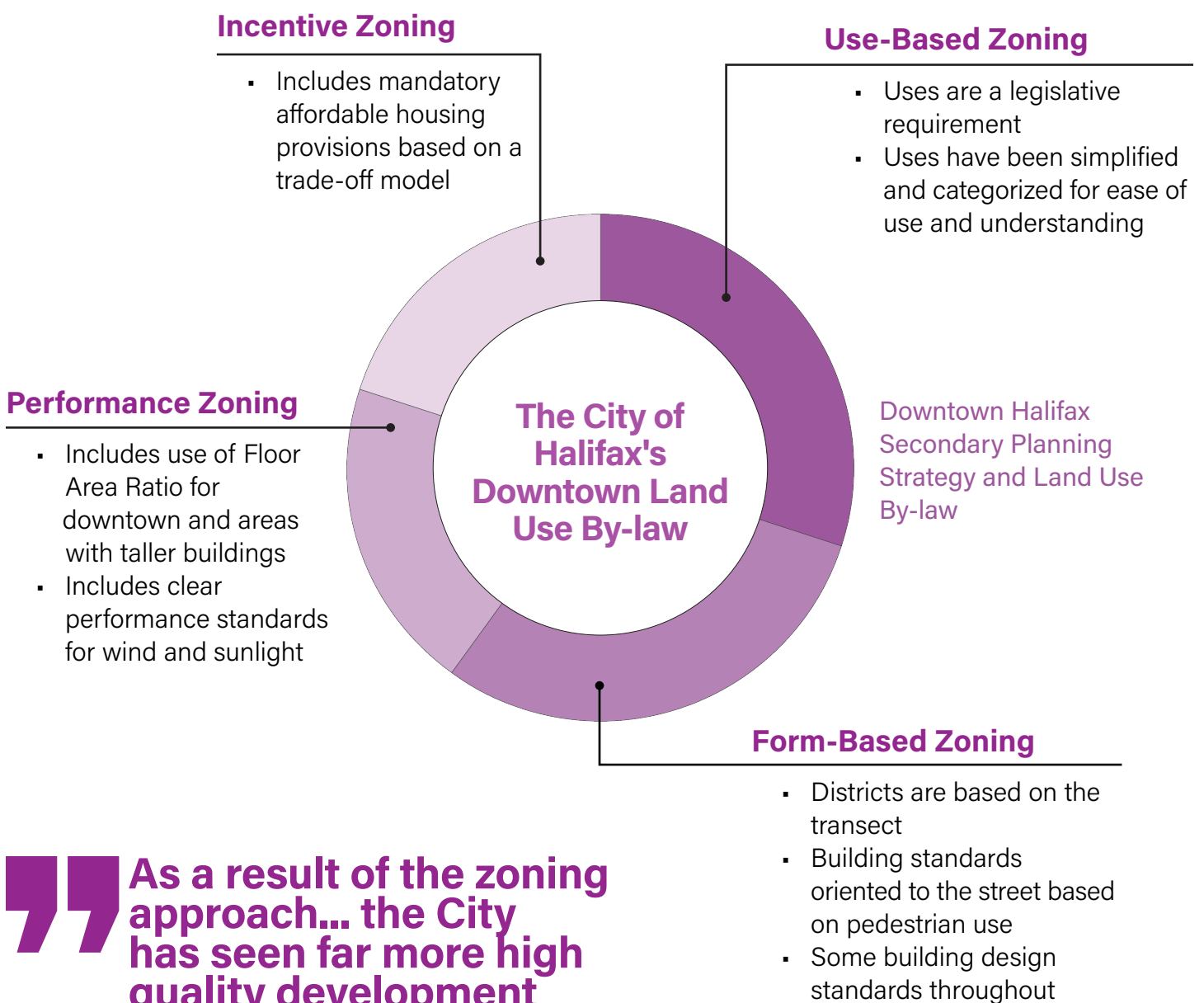
Balances Use, Intensity, and Form

- Simplified uses increase focus on built form and public realm
- Use standards in each district are based on the appropriate intensity levels in each district
- Uses performance standards such as FAR, wind, and shadowing standards, to regulate intensity and form



Supports Wise Planning Decisions

- Regulations directly link to the strategic direction and policy for the Municipality
- Mixed use requirements support alternative forms of transportation, efficient service delivery, economic development and housing choice
- Clear policy link to the comprehensive plan so regulations are directly implementing policy



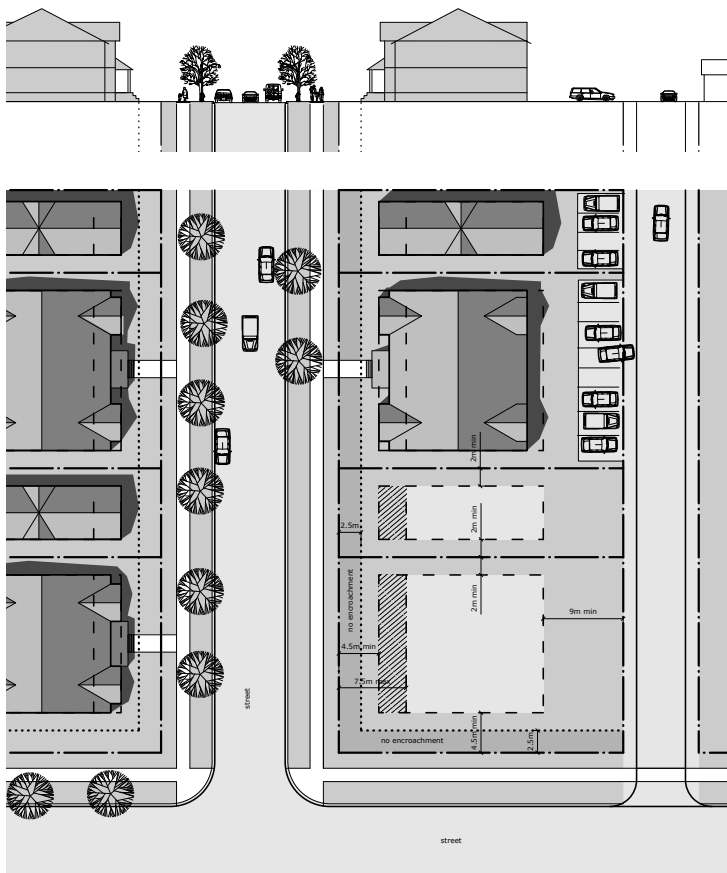
” As a result of the zoning approach... the City has seen far more high quality development applications than before.

LaSalle, Ontario

LaSalle, Ontario, adopted new form-based districts into their zoning code in 2005 in addition to development standards for streets throughout the Town. The new districts are included in their traditional use-based by-law as alternative land use districts that are based primarily on form. Three zoning typologies were added including the Residential Zone, the Mixed Use / Commercial Zones, and the Employment Area Zones. Within each of these categories are 2-3 land use districts

with various housing, office, or retail forms. These districts were specifically designed for the Bouffard and Howard Planning Districts within the Town.

The illustrated zoning by-law includes large graphics, in both plan and section view as shown below, in addition to precedent images to provide users with clear visual examples of how the text regulations are incorporated. The block scale



Town of LaSalle - illustrated zoning by-law
 Townhouse/Multi-unit Zone
Multi-unit Buildings **TND-R2**
 Accessed via Lane Residential

29.1.4 Zone Provisions for Multi-unit Buildings, Duplex, Triplex, Fourplex, Fiveplex and Sixplex Dwellings, Accessed via Lane

- a) **Lot Size & Building Height**
 The minimum lot frontage shall be 15m for a duplex, and 22m for any other multiple unit building with more than 2 dwelling units. The minimum lot depth shall be 32m. The maximum building height shall be 11m.
- b) **Front Yard Build Within Zone**
 The main front wall of the building shall be built within 4.5m and 7.5m of the front lot line.
- c) **Side Yards**
 For an interior lot the minimum interior side yard shall be 2m. For a corner lot, the exterior side yard shall be a minimum of 4.5m.
- d) **Rear Yard**
 The minimum rear yard shall be 9m.
- e) **Porches/Steps**
 Steps and porches may encroach to within 2.5m of the front lot line and/or the exterior side lot line. A 2m minimum depth of porch is required. A no encroachment zone from the front and exterior lot lines of 2.5m is established.
- f) **Landscape**
 A minimum of 30% of the lot shall be usable, landscaped open space.
- g) **Parking**
 A minimum of 1.5 parking spaces are required per dwelling unit. No parking is allowed within the front or exterior side yard.



approach to the graphics provides additional understanding of the context for how different lot sizes and building types can be integrated and applied.

However, these districts are in addition the existing use-based districts and regulations in La Salle, resulting in two potential sets of regulations. The application of the form-based districts require lands to be re-zoned first. In a comprehensive bylaw review, the adoption of the bylaw would re-zone the lands thereby enabling the use of the new regulations immediately. In this case, the rezoning is considered on a case-by-case basis.

Where they are applied, the design standards are incredibly clear with simplified regulations for the building form, public realm, and street standards, which integrate best practices in planning. In the greenfield portions of the Bouffard and Howard Planning Districts, the Town recently approved two subdivisions for around 700 homes. These new developments include all of the housing typologies outlined in the three form-based residential districts from single detached to apartments. Construction has yet to start, but planning to date reflects the form of development presented in the zoning by-law except where lot sizes or shapes do not easily conform to the standards.

” The design standards are incredibly clear with simplified regulations for the building form, public realm, and street standards, which integrate best practices in planning.

LaSalle, Ontario



Easy to Use and Understand

- The form-based districts are highly visual with plan and section graphics as well as precedent images
- The other land districts have few if any graphics or visual support tools and the by-law is still structured legally rather than visually for the user



Supports Clear Development Outcomes

- Clear standards and regulations are included in the form-based districts that guide applicants and reviewers to the same outcomes
- Using two zoning approaches in one document adds complexity to administer, but likely shifts development priorities to the Bouffard and Howard Planning Districts



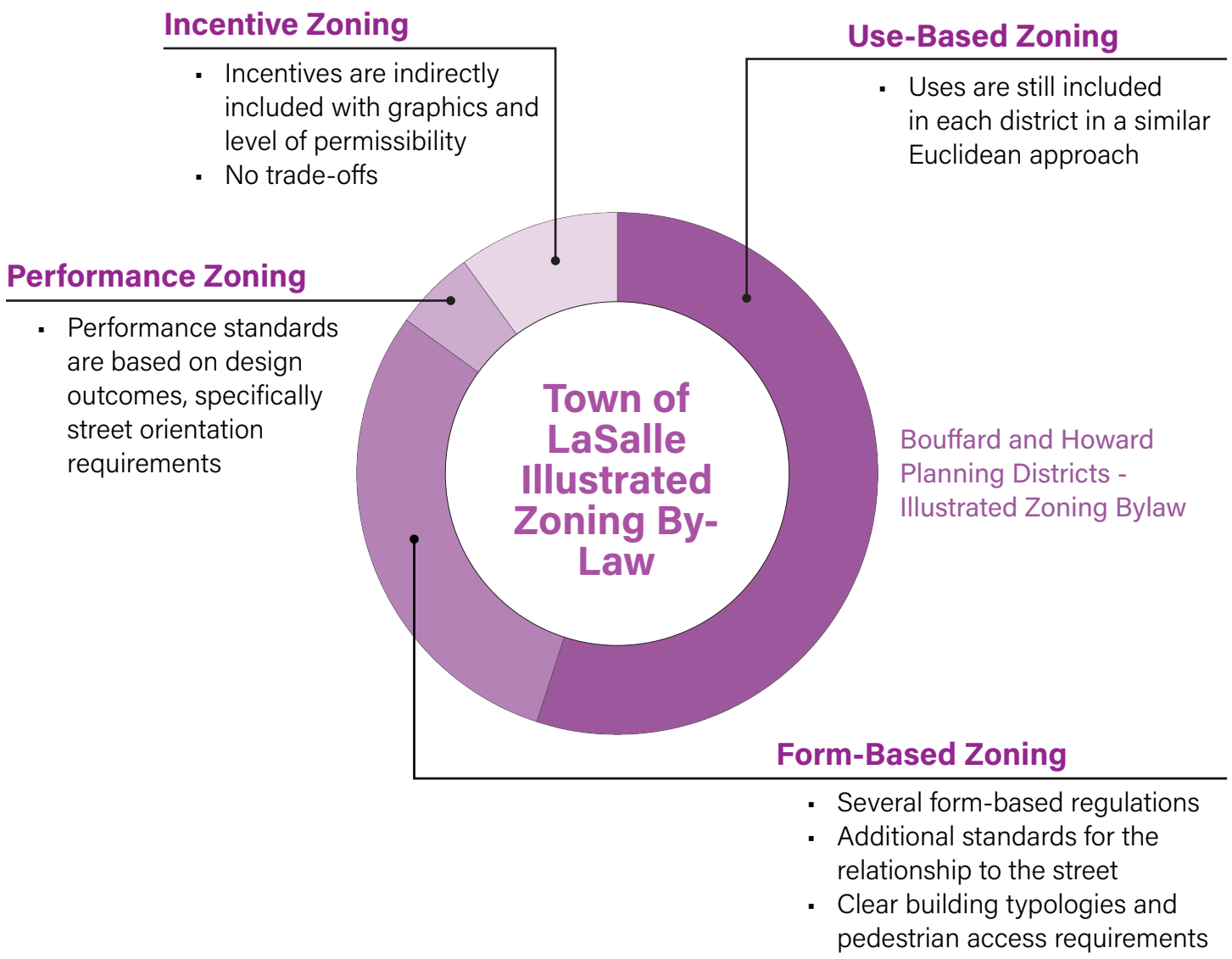
Balances Use, Intensity, and Form

- The form-based districts characterize building typologies as uses, which could be further clarified
- Intensity standards are minimal with form and use standards guiding the regulations



Supports Wise Planning Decisions

- The form-based districts relate directly to neighbourhood policy enabling a clear implementation tool
- The form-based zones are a step towards increasing density and housing choice, but is still limited to primarily low-density forms
- The opportunity for mixing uses is increased in the employment zones



Gananoque, Ontario

The Town of Gananoque, Ontario, approved their Development Permit By-law in 2011. This By-law uses Ontario's Development Permit System (DPS), now known as the Community Planning Permit System (CPPS), which was changed after the Town's By-law was adopted. The Development Permit By-law according to the Town is "a streamlined process that combines applications (zoning, site plan, and minor variance) into one application, provides details of exterior design on new applications, discretionary uses, and an up front planning process".

The Town's Development Permit By-law is relatively unique within Ontario as one of four municipalities that have implemented this legislative option. As per the By-law itself, "it differs from traditional land use regulations by allowing discretionary uses, conditional approvals, variations to standard requirements, control of exterior design elements and control over the



removal of vegetation in specific areas. This provides staff and Council with flexibility within the context of the By-Law to review development proposals and provide approvals without further site specific amendments to this By-Law."

The By-law divides the Town into twelve Development Permit Areas with two overlays. Each Development Permit Area includes both permitted and discretionary uses with clear standards for different forms of development. The interpretation of each Development Permit Area is supported with pictures of the types of development currently located throughout the Area. The By-law also includes general provisions for certain uses (or activities) for types of development throughout the Town. This format is very similar to other provinces with discretionary uses and conditions such as British Columbia and Alberta. As per the Provincial Regulation for the CPPS (formerly DPS), the By-law does not allow third party appeals once adopted, although it can be amended with Council's consent, which is one of the reasons for strong pre-application and complete application requirements. Coupled with an overall shorter mandated timeframe of 45 days

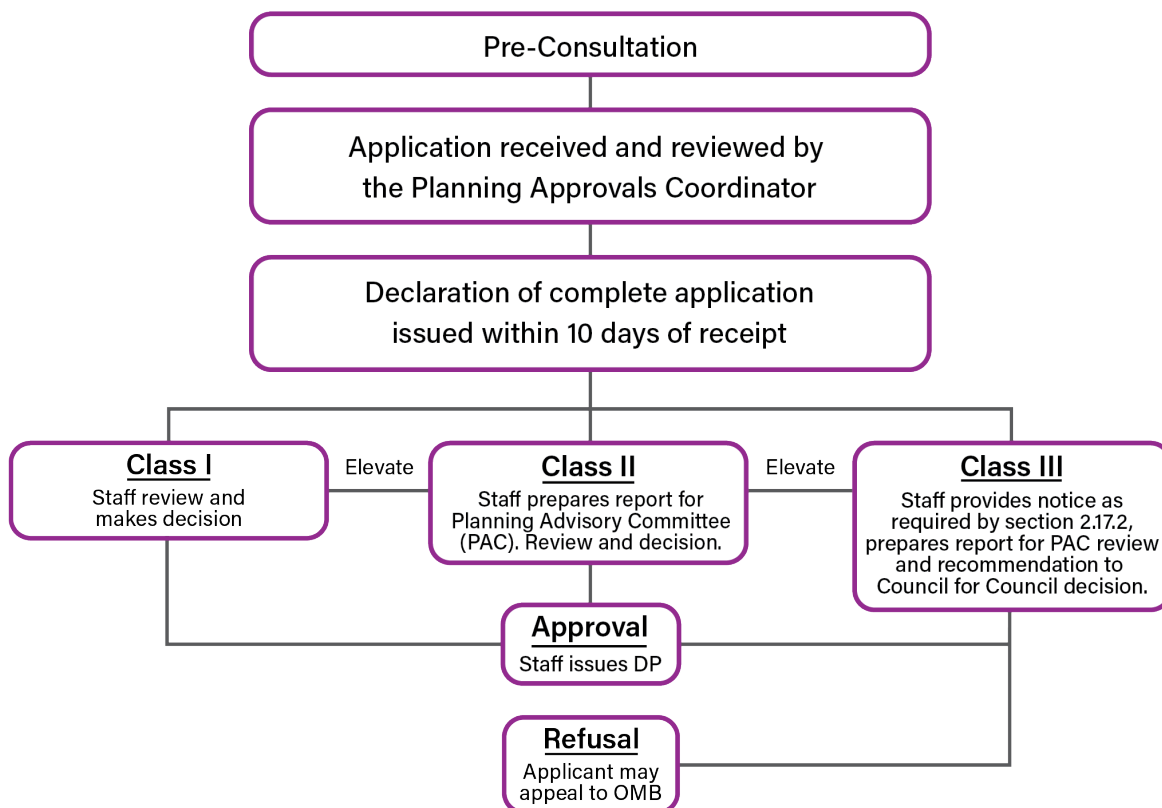
Development Permit Classes define clear decision-making processes for applications based on complexity.

to a decision, the upfront collaboration increases early changes with clearly defined expectations reducing conflicts and using the 45 days for minor adjustments.

A unique aspect of the By-law is the inclusion of Development Permit Classes. The CPPS Regulation allows not only for the use of discretion and conditions, but also the option to download decisions to a committee or staff, as directed by Council. The Development Permit Classes in the By-law identify the process for approval and decision-making where Class I applications allow staff to make decisions, Class II applications go to

the Planning Advisory Committee with review by staff, and Class III are decided on by Council with review by Committee and staff. Each application can be elevated for decision if needed. See the flowchart below for an overview of the Classes and application processes.

The overall structure of the Development Permit Areas and use classifications is scalable to larger municipalities and provides flexibility to address unique neighbourhoods and more specific development requirements. Staff commented that after using it, they would not choose the zoning by-law tool again.



Gananoque, Ontario



Easy to Use and Understand

- The by-law simplifies the division of land to twelve clear development permit areas (similar to a district or zone)
- Tables are added throughout to summarize the standards for different types or forms of development
- Additional images provide context



Supports Clear Development Outcomes

- Has streamlined application processes by combining zoning, site plans, and minor variances, into one application
- Limitation on appeals once the by-law is adopted increases the importance of early collaboration and consultation
- Discretionary uses and conditions on approvals clarify requirements while adding flexibility



Balances Use, Intensity, and Form

- Addition of discretionary uses provides further flexibility to address changes to communities over time
- Intensity and form standards specific to each Development Permit Area



Supports Wise Planning Decisions

- Development Permit Classes focus application or development types to the appropriate level of review and consideration
- Processes are streamlined and front-end loaded to enable early collaboration
- Development Permit Areas and division of the Town is related directly to the Official Plan linking outcomes with the policy

Incentive Zoning

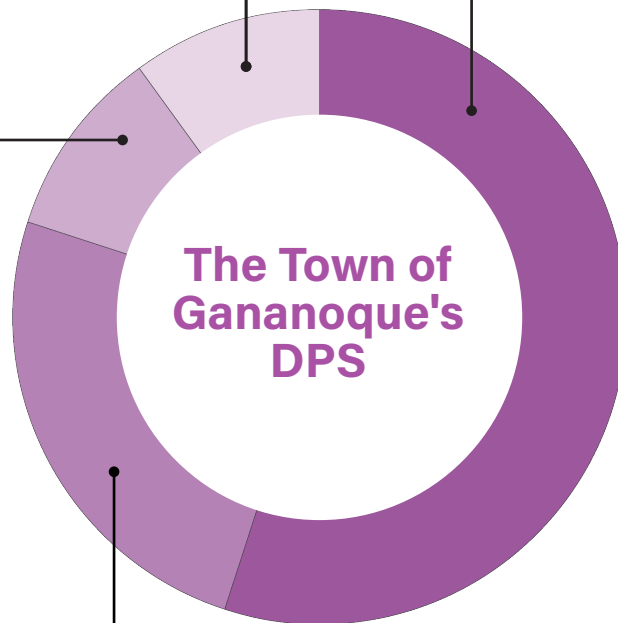
- Incentives indirectly based on the level of permissibility and flexibility

Use-Based Zoning

- Uses are still the primary method for defining standards
- Districts have been simplified with a mix of uses

Performance Zoning

- Some performance standards added to uses through General Provisions
- No typical performance-type ratios



Form-Based Zoning

- Form standards are included; still relate to the use
- Building design standards use traditional height, setback, and massing
- Use of images and photographs add context to the regulations

Brampton, Ontario

Like many other municipalities in Ontario, the City of Brampton's Comprehensive Zoning By-law follows a traditional use-based approach. While the existing Zoning By-law has seen some revisions and updates since its adoption in 2004, a comprehensive review has not been undertaken and some of the provisions date back to the 1980s.

There are 69 zones in the By-law and of these 42 are residential zones identified by different naming formats and provisions. The City is currently undertaking a comprehensive review of their Zoning By-law to address changes and trends in planning policy, better align the Zoning By-law with the Official Plan, and create a more user-friendly document.

Brampton was one of the first municipalities in

Ontario to implement a Community Planning Permit System (CPPS), formerly known as a Development Permit System (DPS), following the Province's approval of its use in 2007. As a newer system, the City applied the tool to specifically manage change while preserving the historic character in the Main Street North DPS. The By-law is area-specific, encompassing approximately 80 buildings along Main Street North from Church Street East to Vodden Street. This unique corridor is distinguished by mature street trees and heritage characteristics. The north and south ends of the CPPS By-law area are identified as gateways and supports more intensive commercial and residential development.

Regulations within the Main Street North DPS include typical requirements such as land



Southside Towns approved with the City's Comprehensive Zoning By-law

uses, setbacks, and building heights along with elements more commonly found in form-based codes, such as minimum wall lengths and building stepping regulations. The Main Street North DPS does not include the option made available by the *Act* for discretionary uses in alignment with the intent to preserve the form and activities currently occurring.

The City is currently reviewing its city-wide Zoning By-law and is specifically considering another area-specific Community Planning Permit By-law along Queen Street West. Conversely to the intent for Main Street North, the purpose of the CPPS in Queen Street West would be to revitalize and encourage development and change. In both cases, the form considerations more easily enabled by the CPPS coupled with a shorter

application timeframe support both goals, with the standards and regulations catered to each unique area.

While the *Planning Act* allows for municipalities to enact a 5-year freeze on changes to the CPPS, the City of Brampton opted not to include this provision, allowing for opportunities to amend the Development Permit By-law.

Reflection on the Main Street North and lessons for any future CPP By-law is to add more clarity. Staff commented that the Main Street North was presented in an overly complicated manner that could be simplified to add greater clarity. They are otherwise satisfied with the CPPS and would consider applying it to more areas throughout the City.



Visualization of the future of Main Street North

” The Main Street North DPS was implemented to achieve the City's goals of stimulating development and revitalizing the area while maintaining its historic character.

Brampton, Ontario



Easy to Use and Understand

- The City applies to systems within its jurisdiction so the standards are location-specific
- The DPS is highly visual, but complex
- The current Comprehensive Zoning By-law requires significant cross-referencing with highly technical language and few visualizations



Supports Clear Development Outcomes

- The DPS is clearly implementing historic preservation goals, but has yet to support revitalization efforts as change is minimal



Balances Use, Intensity, and Form

- Little balance as one by-law is heavily focused on use while the other is highly focused on form



Supports Wise Planning Decisions

- The application of two systems each highly focused on different approaches is challenging for staff to implement, the community to understand, or the development industry to implement

Incentive Zoning

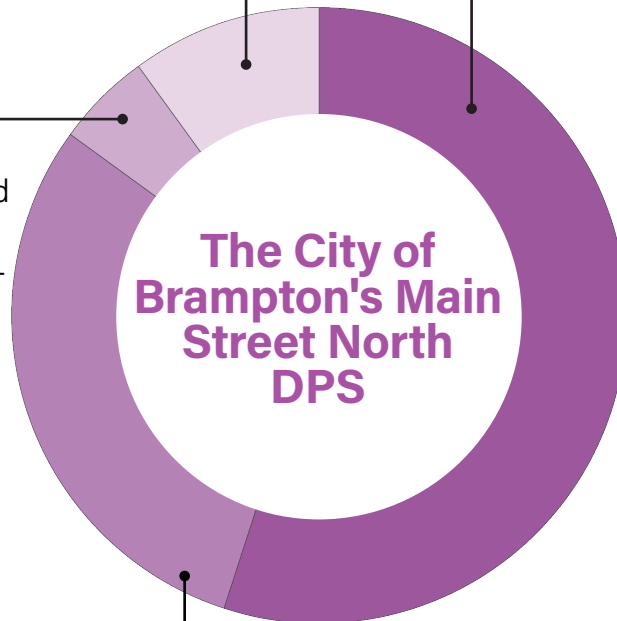
- Incentives indirectly based on the level of permissibility and flexibility

Use-Based Zoning

- The Comprehensive Zoning By-law is primarily use-based
- The DPS includes uses, but is primarily form-based within its subject geographical scope

Performance Zoning

- Performance standards based on size, scale, and compatibility
- No typical performance-type ratios



Form-Based Zoning

- The Comprehensive Zoning By-law uses traditional methods of regulating form such as height, setbacks, and parking
- The DPS focuses on form standards geared to historic preservation

Miami, Florida

Miami and surrounding Dade County experienced a population boom in the 1990s that continued growing into the late 2010s. With this unbridled growth, reactionary development burgeoned throughout the city leading to increased sprawl. In the wake of the 2008 recession, development paused in Miami and the opportunity to prepare for the next wave was apparent. City Planning Staff commissioned Duany Plater-Zyberk & Company (DPZ), the thought leaders behind the form-based code and authors of the SmartCode, to overhaul the existing land-use ordinance and create a form-based code to lead Miami into the next century. This was the impetus for Miami 21.

Miami 21 (the Code) was approved in 2008 and is considered ground breaking because it marked the first form-based code ever to be applied citywide in a metropolitan area of this magnitude. It put the principles of New Urbanism and Smart Growth to the test at an unprecedented scale. Using the Transect and the Smart Code as its organizing framework, the new code focuses on regulating development to create pedestrian-friendly public spaces and to providing physical predictability for developers and residents. The Code includes incentives to minimize areas devoted to parking, encourages green building standards, historic preservation, the redevelopment of brownfield sites, and the development of additional public open space through an open space trust fund.

The framework for Miami 21 centers on two components: The Code and the Atlas. The Code sets forth standards for each Transect Zone and is organized into 8 articles, including Definitions; Building Form & Public Space/Street Standards. The Atlas (the Regulating Plan) is the official zoning map that accompanies the Code. The Zoning Atlas illustrates the designated transect zone for each property and is regulated by the Code.

As a building block for the Code, the City of Miami is divided into 6 Transect Zones, which are used to identify and organize a continuum of the physical environment ranging from the least to the most urban. Each zone of the transect regulates building disposition, configuration, function and intensity as well as the share of different uses to be accommodated in a building, standards for landscaping and parking, the transition of each property with the public realm and justifiable

“The web-based code is user-friendly and approachable. ...it clearly articulates the vision for Miami 21 and provides context to the prescriptive nature of form-based codes.”

connections across the different zones of the transect. The predictability of the Code is intended to diminish the need for zoning amendments, therefore reducing processing times and focuses on long term development objectives.

The web-based Code is user-friendly and approachable. The website provides access to a repository of clear and easy to use information on the best practises in planning and urban design. For example, the Illustrated Principles of Good Planning details several leading principal in planning that have been incorporated into the zoning regulations coupled with real images on a timed-loop transitioning from all-to-common bare and dull streetscapes to vibrant and active street frontages. This supplemental information clearly articulates the vision for Miami 21 and provides context to the prescriptive nature of form-based

codes, affirming the intended outcome of the development standards.

The minimum parking requirements of the previous car-oriented zoning ordinance are still haunting the Code and leading to the demand for more high-design multi-story parking structures in Miami. The City has taken measures to relax parking minimums by up to 50 percent in transit-accessible areas and 100 percent reduction for buildings under 10,000 square feet. The desired outcome of this change is to encourage small-scale infill development throughout the City.

Since the implementation of the Code in 2010 and a steady recovery from the 2008 recession, Miami's Wynwood District in particular has been undergoing a period of revitalization and intensification.



Development proposals in the Wynwood District

Miami, Florida



Easy to Use and Understand

- The bylaw is complex with layers of regulations
- After the bylaw was approved, the online tools and map-based options make the information more accessible and easier to understand



Supports Clear Development Outcomes

- Includes prescriptive standards for building and street standards
- Has required amendments since adoption to continue to reduce parking standards and support better transit oriented development requirements



Balances Use, Intensity, and Form

- Simplified uses increase focus on built form and public realm
- Includes a strong focus on form standards of both public and private spaces
- Not a clear application of intensity requirements



Supports Wise Planning Decisions

- Clearly focused on how Miami should grow in the 21st century
- Provides options and flexibility for development through several incentives
- Still working to reduce minimum parking standards that continue to affect sprawl

Incentive Zoning

- Incentives for green building, open space, historic preservation, parking reductions, and brownfield redevelopment
- Includes a trust fund for open space
- Uses transfer of development rights for historic preservation

Use-Based Zoning

- Uses are simplified and minimized, but still used

Miami 21

Performance Zoning

- Shifted Floor Area Ratio (FAR) to Floor Lot Ratio (FLR) to capture parking and gross building size to encourage high density development in transit areas

Form-Based Zoning

- Districts are based on the transect
- Includes building standards and typologies
- Standards for the public realm
- Regulating plan includes relationship to street

What does this all mean for London?



Putting It All Together

ReThinking Zoning

Today many zoning by-laws have been amended or adjusted over time to be a hodgepodge of different standards and approaches with implicit embedded outcomes that are not reflective of the current policy environment. Zoning by-laws are the epitome of a living document and while needing to be changed over time, the overall approach and standards need to be directly related to the policy goals as implemented through the application process.

The four approaches (use-based, incentive, performance, and form-based) are not necessarily independent of one another. Rather, the future of zoning is a comprehensive re-think of how these approaches can be applied within the provincial legislative framework and best function as the implementation tool for planning within the City. Both require an understanding of the historic influences that can contradict today's planning goals as well as the opportunities embedded in each of the approaches to define the best approach for London's next zoning by-law.

By re-thinking the zoning by-law holistically,



the *Act* provides the foundation as well as the opportunity for better application of the implementation options. To do so will require the deliberate and strategic intention to consider and adhere to the requirements of the *Act*, while considering those requirements within a positive frame of reference that builds trust and reflects the inclusionary nature of The London Plan. In other words, despite the restrictive nature of the requirements, how can a new by-law reframe the standards and processes to enable what is necessary to build a successful community?

The zoning by-law and site plan by-law or a community planning permit by-law (CPPS) tools are a unique aspect of planning in Ontario. With the choice of two systems, each municipality has the ability to select the tool / system most applicable to their local conditions and the development outcomes envisioned in the Official Plan.

Within the *Act*, uses must still be defined, but the level of detail or specificity of the uses can be determined in the by-law. For example, uses



something to think about...

How should a new by-law reframe the standards and processes necessary for a successful community?

Zoning Options

can be simplified with broad definitions allowing greater flexibility over time or they can be highly specific adding certainty for a given point in time.

The *Act* also allows for various form considerations such as height, density, design standards, floor area, spacing, frontage standards, etc. In fact, the *Act* is more permissible in regards to form standards than many other provinces. Both options include form standards, however, the CPPS includes additional form options over a zoning by-law.

The question of how quantitative or qualitative standards or measures are used within the by-law is reflective of the planning goals in the Official Plan as opposed to any requirements of the *Act*. Qualitative measures and the use of discretion is a fact of community building. The CPPS is better aligned to address and apply discretion in a consistent manner.

“ The *Act* is more permissible in regards to form standards than many other provinces. ”

The ability to define discretionary uses and add conditions to permits allows for more flexibility for a municipality to oversee specific development requirements and considerations. The rigidity of the zoning by-law lends itself well to standardized greenfield development, but is challenged in irregular infill scenarios. The flexibility of the CPPS is better able to address these situations, which are anticipated by The London Plan.

Despite questions about the applicability as a municipal-wide tool, Gananoque's structure is flexible enough to be scaled to a larger municipality. The CPPS could also be applied to defined areas with a municipal-wide zoning by-law similar to Brampton.

Two concerns that have been raised with the CPPS include how amendments are made within the first five years after adoption as well as the concerns on limiting third party appeals. In regards to amendments, Council has the ability to determine if or how the five year 'freeze' applies in London, a decision that can be supported through public and stakeholder engagement. A zoning by-law can also include a two year 'freeze', which would require a similar engagement approach. In regard to appeals, the restriction is on applications and not on the by-law itself. As a result, upfront buy-in is critical to the success of any new by-law.

Lessons from Elsewhere

The six municipalities identified have integrated the four zoning approaches in different and unique ways, pushing the envelope of what is possible and better implementing the goals of the community. Each presents an opportunity for London to learn from in a new by-law that implements The London Plan.

High River

The simplification and de-regulation evident in High River demonstrates how focusing on key priorities and outcomes can result in positive change.

Gananoque

The By-law is unique as a successful municipal-wide use of the CPPS in a scalable model with use classifications, discretion, and process clarity and efficiency.

Halifax

The integration of form and use coupled with clear application standards and processing timelines have significantly increased the quality and number of development projects.

Brampton

The use of the CPPS for differing goals (heritage preservation and status quo versus change and new development) demonstrates how the CPPS can be used for a variety of development outcomes.

LaSalle

The illustrative form-based zones demonstrate the opportunity for shifting qualitative design measures to clear quantifiable standards in Ontario.

Miami

The successful transition of the complex municipal-wide form-based code to a clear online tool demonstrates the importance of usability.

Key Takeaways

1. How uses are defined in a by-law can significantly affect interpretation, the application of other zoning approaches, and the application process. Each municipality was different in how they approached uses.
2. The integration of the application process in the by-law review can significantly affect development outcomes. It has the ability to increase change in areas where revitalization is desired, or can limit change where preservation is the goal.
3. Whether the by-law itself is designed to be user-friendly or tools are used afterward to increase usability, the transparency and understanding of the by-law by anyone is important. Illustrations and graphics enhance usability.
4. Zoning approaches can be used to strategically affect development outcomes and should be applied with intention.
5. The Town of Gananoque's municipal-wide CPPS is scalable for any size municipality. Their use of discretion, clear conditions, development permit areas, and use classifications related to a clear decision-making process, is a model to consider for London.



Zoning: Considerations for London
