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TO	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	GEORGE KOTSIFAS, P. Eng. MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT:	REVIEW OF HOLDING PROVISION REQUIREMENTS IN ZONING BY-LAW Z-1 MEETING ON TUESDAY MARCH 19, 2013

RECOMMENDATION

That on the recommendation of the Manager of Development Services and Planning Liaison, an amendment **BE PREPARED** which will implement requirements for the "h" holding provision under the "General Provisions" Section of Zoning By-law Z.- 1, and brought back for consideration to a future public participation meeting at Planning and Environment Committee.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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None

PURPOSE

This report is presented in response to questions from applicants and members of Committee concerning the timing and need for applications to remove the "h" holding provision based on the finalization of subdivision agreements and development agreements.

The purpose of this report is to initiate a review, and recommend changes to Zoning By-law Z.-1 that will streamline the holding provision removal process and reduce the need for the removal of site specific holding provisions.

BACKGROUND

Section 36 of the Planning Act provides municipal councils with the authority to pass by-laws for the purpose of applying and removing holding ("h") symbols, in conjunction with any use permitted by Zoning, to identify specific requirements that need to be addressed before a development can take place. Under the requirements in Section 36, holding provisions can only be removed by an amendment adopted by municipal council and not administratively.

Section 19.4.3. of the City of London Official Plan describes the purpose of holding provisions as follows:

Holding provisions may be used to ensure that necessary servicing features or municipal works are in place prior to development; to protect environmentally significant areas or specific natural features from adverse impacts; to ensure that floodproofing measures are being incorporated into a development; to ensure that bank stabilization and other erosion protection measures are in place prior to development; to allow mitigating measures to be applied to development which may experience negative impacts from transportation and utility corridors, landfill sites, methane gas sites, sewage treatment plants, or adjacent industrial uses or extractive areas; to allow mitigating measures to be applied to development which will have an impact on street level winds in the Downtown Area; to ensure that the values, attributes and integrity of protected heritage properties

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are retained; or to ensure that development takes a form compatible with adjacent land uses so that issues identified as a condition of approval can be implemented.

Matters that are commonly addressed through the application of holding provisions include: urban design; noise & vibration studies; traffic impact studies; municipal infrastructure requirements; servicing studies; land consolidations; site remediation; environmental impact studies; and minimum distance separation. Currently, there are at least 148 holding provisions identified in By-law Z.-1, many of which are similar in nature.

In addition to addressing requirements that are specific to a particular site or development, the general “h” provision has been applied in to zoning in new plans of subdivision and developments that require approval under the Site Plan Control Area By-law. This has been the practice in recent years because unlike subdivision agreements and development agreements, zoning is identified as “Applicable Law” under the Building Code. The purpose of the “h” provision is stated in Section 3.8 of the Zoning By-law:

Purpose: To ensure the orderly development of lands and the adequate provision of municipal services, the “h” symbol shall not be deleted until a subdivision agreement or development agreement is entered into for the lands in question with the City of London.

The “h” provision is used as a safeguard to ensure that no development proceeds until such time as a subdivision agreement or development agreement is entered into with the City. While this is an appropriate measure to implement, it is a routine requirement that should apply City-wide. Requiring a site specific application to remove the “h” provision on individual properties would not be necessary if the requirement of the “h” provision was identified as a General Provision in the Zoning By-law.

There are several potential benefits of implementing the “h” provision requirement in the General Provisions section of the By-law. The most obvious benefit would be an improved timeline for development approvals. The typical timeframe to process an application through the Committee and Council system of three to four weeks would be eliminated and development could potentially commence as soon as the development agreement or subdivision agreement has been executed. There would also be a potential cost savings to the applicant (\$1,000 fee), and less staff resources required to process applications.

One additional benefit of implementing the “h” provision under the General Provisions of the By-law is that it will apply on a City-wide basis. Currently, the zoning on most developed areas of the City does not include the “h” symbol. Including the requirement under the General Provisions would ensure that it is applied in an equitable manner.

While incorporating the “h” provision requirement under the General Provisions would reduce the number of applications, other holding provisions that are specific to a particular subdivision or development site would continue to apply. For example, applications would continue to be required to remove the “h-5” provision, which requires a public site plan meeting; and the “h-129” provision, which requires the completion of a hydraulic floodway analysis.





There may be other changes that can be made to clarify and provide for a more selective use of holding provisions. Currently there are more than 148 holding provisions in Section 3.8 of the Zoning By-law and while some of these are site specific, there may be an opportunity to establish standardized wording for holding provisions that occur on a repeated basis.

Through ReThink London, alternative means for implementing zoning will be considered. This will include a more comprehensive review of holding provisions along with other planning and zoning tools. It would be appropriate to review the use and effectiveness of holding provisions as part of the ReThink process.

In the interim, it would be worthwhile to review the current format and wording of existing holding provisions to identify improvements that may be appropriate in Section 3.8 of the By-law.

CONCLUSION

The holding provision requirements in By-law Z.-1 are in need of review. In particular, changes are being recommended to implement the "h" provision requirements under the General Provisions section of the By-law, and eliminate the need for site specific amendments on individual properties. This change is technical in nature and will not eliminate the need to enter into required subdivision agreements and development agreements. The proposed changes will be liaised and brought back for consideration to a future public participation meeting.

PREPARED & RECOMMENDED BY:	REVIEWED BY:
	
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SUBMITTED BY:	RECOMMENDED BY:
	
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