

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: Gregg Barrett
Director, Planning and City Planner

Subject: ReThink Zoning Update

Meeting on: November 30, 2020

Recommendation

That, on the recommendation of the Director, Planning and City Planner, the following report **BE RECEIVED** for information.

Executive Summary

ReThink Zoning is the process for delivering a new Zoning By-Law that will conform with The London Plan and contribute to achieving its vision for growth over time. Phase One of the project, to prepare background research and initiate a public engagement program, is underway.

The purpose of this report is to introduce the key issues to be addressed through the upcoming public engagement program. The report also includes a progress update and description of next steps for the project.

The London Plan contains the policy framework that will guide growth and development in London for the next twenty years. The ReThink Zoning process will determine what zoning regulations need to be applied to achieve that vision through development on individual parcels across the city. The engagement program that makes up a large part of ReThink Zoning will begin by reiterating the vision and key directions of The London Plan, and determining what planning principles and approaches need to be reflected through zoning regulations. From there, the engagement process will include detailed analysis of what zoning regulations should apply within the various place types to achieve their specific visions.

This upcoming first stage of public engagement will therefore focus on education about how zoning works, including a conversation about the types of buildings and activities that should be permitted (use), how much building or activity should be permitted (intensity), and where and how buildings should be situated or designed (form).

The above topics will be introduced in a manner accessible to the public, and lead into meaningful public and stakeholder engagement over the course of the coming months. This will be done in the context of The London Plan's policy directions and place types, and how its vision can be achieved through zoning. This discussion, which will occur with the broader public as well as internal and external stakeholders, will enable staff to complete some of the necessary background work to start writing the new by-law.

Report

1.0 Background

The London Plan was approved by Municipal Council in June 2016 and provides a vision for how London will evolve over the next twenty years. ReThink Zoning is the process of preparing a new zoning by-law for London. One of the key objectives of the new by-law will be to achieve the vision and policies of 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 continues that conversation and moves it into a new stage where instead of asking what kind of city we want London to become, our new focus is on how we will continue to get there. The London Plan provides direction on many zoning matters, and this will be the exercise to prepare the new zoning by-law that will fully implement that vision.

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. The Terms of Reference for ReThink Zoning, which were approved by Council in May 2019, identified that the project would be carried out in two phases. The first phase would involve choosing a direction for the zoning by-law, and the second would involve drafting a by-law based on that approach.

As part of Phase One, the project schedule had identified that broad public engagement would begin in spring 2020. However, due to the ongoing pandemic and internal refinement of the engagement approach that process was delayed. This report marks the beginning of the public engagement program.

This updated engagement approach blends some of Phases One and Two as described in the Terms of Reference. By undertaking a more comprehensive engagement on clearer key zoning topics in the coming months, Staff can use the feedback to complete some of the work initially intended for Phase Two. This will also allow for more in-depth exploration of specific topics, such as a review of parking standards, for example. This approach will help to advance the project.

1.1 Previous Reports

August 13, 2018 – ReThink Zoning Terms of Reference Report to Planning & Environment Committee

City Council received a 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. Staff then held meetings with a variety of stakeholders, and in each meeting the need for public and stakeholder engagement was identified as key to the project's success. Advisory Committees were also circulated the terms of reference and asked to provide comments.

May 13, 2019 – ReThink Zoning Terms of Reference Report to Planning & Environment Committee

Based on feedback from engagement, updated terms of reference were presented to the Planning & Environment Committee that identify opportunities for meaningful public and stakeholder engagement throughout the process. The Terms of Reference were approved during the May 21 meeting of Council and include a detailed overview of the project goals, work plan, and deliverables.

June 22, 2020 – ReThink Zoning Phase One Update (Postponed)

This report included an update on the engagement strategy. Discussion of this report was postponed, a revised update is provided at this time.

1.2 Phase 1 to Date

Consultants were retained to provide background information and research and assist in advancing the public engagement program.

The intent was to initiate broad-level public engagement in the spring of 2020, and move into a more specific, issues-based engagement in the fall of 2020. This project schedule has been amended to reflect necessary changes due to COVID-19 and feedback received on the engagement approach.

2.0 ReThink Zoning Phase One Discussion Topics

2.1 Overview

Zoning manages physical change, and our new zoning by-law will be a valuable tool that will help to achieve the change envisioned through the policies of The London Plan.

This section describes key concepts and challenges that will be addressed through ReThink Zoning. These concepts will also be introduced to the public using plain language, and will set up engagement on a variety of zoning topics.

2.2 Zoning in Ontario

Zoning is a tool that allows us to set rules for development on individual properties, to direct what types of buildings and activities are permitted (use), how much building or activity is permitted (intensity), and where and how those building should be situated or designed (form).

The authority for municipalities to regulate the use of land through zoning is derived from the Planning Act. The Act states that “zoning by-laws may be passed ... for prohibiting the use of land... except for such purposes as may be set out in the by-law” (s. 34(1)). The Provincial Policy Statement is authorized through the Planning Act and describes the matters of provincial interest in municipal land use planning matters. A municipal Official Plan is used to manage and direct physical change and its effects within a municipality, and decisions made must be consistent with the Provincial Policy Statement. Finally, a zoning by-law is an important tool that can be used to implement the policies of an official plan.

2.3 Implementing The London Plan

In London, the current Zoning By-law no. Z.-1 was prepared following the approval of the 1989 Official Plan and includes direct links to the policies of that plan, including specific references in zone categories to the Land Use Designation it is intended to implement. The planning approach of the 1989 Official Plan, which focuses on land use, is carried forward in the existing zoning by-law.

Zoning By-law no. Z.-1 has proven to be a successful tool for implementing the objectives of the 1989 Official Plan. The By-law was created with an emphasis on land use, while also considering intensity. The current by-law only minimally addresses the built form. The 1989 Official Plan also contains many specific land use designations, and Zoning By-law Z.-1 includes 47 separate zone variations that implement these policies.

The new zoning by-law will have to conform with the new policies of the London Plan, and will be written to help achieve its vision, in much the same way that Zoning By-law Z-1 implements the policies of the 1989 Official Plan.

2.4 The London Plan Approach

The London Plan is considerably different from its predecessor in terms of its planning approach and framework. The London Plan places greater emphasis on urban form in its planning approach and includes policies that direct the use, intensity, and form of development. Instead of land use designations, the London Plan seeks to establish a sense of place through different Place Types that apply to parts of the city and support a broader city structure plan.

Some key elements of The London Plan’s Approach include:

- A mosaic of great places. Each place type has its own character and function in the city, and each place type includes policies that lay out a vision and a path to realize that vision.
- Linking development and mobility. Linking development to the street classification is part of creating distinct place types. This is evident in various place types, such as Rapid Transit Corridors, Urban Corridors, Main Streets. The Neighbourhoods Place Type allows different use, intensity, and form based on the street classification.
- Flexibility and certainty. The Plan was designed with the intent of requiring fewer amendments. It allows for interpretation while ensuring reasonable expectations of what can be built.
- Context-sensitive approach. Tables are provided that show the potential uses, intensity of those uses, and forms with the various Place Types. There is also a table of heights for the various Place Types. The Plan also requires the

application of evaluation criteria and other policies to ensure that development is compatible and fits within its context.

- Plan for sustainability. A considerable portion of our greenhouse gas emissions come from transportation and housing. The London Plan draws a link between how we build our city and how we move. Responding to the climate emergency is embedded throughout the Plan but especially in the Key Directions, City Structure, and Environmental Policies.

Since zoning is a tool to implement the Official Plan, the challenge for ReThink Zoning is to develop new regulations that further implements this new planning approach of the London Plan.

Key questions for the general layout and approach of the Zoning By-law include:

- What are the key issues that should be addressed through the public consultation process in drafting the new zoning by-law?
- How can the zoning by-law contribute to the City's response to key issues like housing affordability, climate change mitigation, or the regeneration of urban neighbourhoods?
- How should the new by-law manage change where the London Plan policies don't always match the existing forms of development in an area?
- How can the layout for the new by-law be structured to improve readability and usability?
- How can the by-law new by-law provide greater flexibility to potentially lessen the need for amendments or reduce administrative processes?

2.5 Zoning for Use, Intensity, and Form

As described below, The London Plan contains considerable direction on Use, Intensity, and Form. The intent of ReThink Zoning is not to reconsider that direction, but rather to explore how they can be implemented in the regulations of the zoning by-law,

Intensity

The London Plan calls for a city structure that is focused "inward and upward" and directs growth to a series of nodes and corridors. The ReThink Zoning process will explore how changes to intensity should be managed in the new zoning by-law. This includes examining intensity (i.e. how much and how big) and developing regulations and applying them to place types.

Table 7 of The London Plan presents examples for how intensity can be regulated. These include things like gross floor area, which might be used to regulate commercial development, or number of bedrooms, which might be used to regulate residential development. How these regulations are described will affect the readability of the by-law and how they are implemented will shape future development.

The London Plan also contemplates different levels of intensity in different place types. A range of heights for each place type is provided through Table 8, and each place type also contains policy directions on intensity. In addition to determining the intensity regulations in the by-law generally, it will be necessary to examine the existing height and intensity permissions in Z.-1 and compare them to those contemplated in The London Plan

Key questions for Zoning for Intensity include:

- What level of height or intensity should be permitted as-of-right in the zoning by-law, and what levels of intensity contemplated in a Place Type require a future planning permission?
- What current zoning regulations are effective to ensure the right intensity of development for each Place Type, and what new regulations should be considered?
- Other zoning regulations have an impact on the ability to achieve more intense forms of development. For example, requirements for parking,

landscaped areas, and setbacks may impact the intensity that can be achieved on a site. How should these issues be regulated in the zoning by-law?

Form

Through the City Building policies and individual Place Type policies, the London Plan sets up form as a key consideration to be implemented through the zoning by-law. Table 7 also includes examples of measures that may be used to implement form policies. Form is an important element to be addressed in the zoning by-law in that it directs how our city will look and feel, and in many cases, functions. Form includes things like the size and scale of buildings, massing, location and design of different parts of buildings. While the Planning Act has limitations on how matters related to form can be regulated through the zoning by-law, it will be necessary to set out regulations that will direct form for each place type to implement the policies of The London Plan. Regulations addressing form have been added to the 1989 Official Plan and Z.-1 over time. The consideration of form is important, as The London Plan includes greater opportunities for intensification in established areas.

Key questions for Zoning for Form include:

- To what degree should form considerations be a part of the zoning considerations? How much should built form be a site plan control matter?
- What current zoning regulations are effective to ensure the right form of development for each Place Type, and what new regulations should be considered?
- How can we ensure an appropriate form when permitting increases in height or density, given that bonus zoning is no longer permitted by the Planning Act?
- To what degree should form considerations be based on the surrounding context?

Use

Along with intensity and form, land use is a primary component regulated by zoning, and this has traditionally been the primary consideration in zoning. The current zoning by-law assigns list of permitted uses for development on each parcel. The way uses are defined plays a role in how the by-law will be interpreted and implemented. For example, By-law Z.-1 imbeds intensity considerations and very specific detail within use definitions, which has led to an increase in the number of defined uses. The London Plan takes a different approach to land uses than the 1989 Official Plan in that it does not list specific uses that may be permitted, but rather identifies the use classification or family of uses, and describes the scale that could be permitted in different place types. Table 7 contains examples of measures that may be used to implement use policies. Each Place Type in The London Plan contains policies on permitted uses, however, in many cases policies are broad and, and these would be made specific to properties in the zoning by-law. The Neighbourhoods Place Type is unique in that it includes a table (Table 10), which provides a range of permitted uses based on street classifications.

Key questions for Zoning for Use include:

- How broad or specific should the definitions be for different land uses?
- What types of uses need to be defined in detail, and which can be regulated based on broader definitions?
- Are there current zoning definitions for land uses are effective? Are there use definitions should be changed?

2.6 The London Plan Place Types

As introduced above, The London Plan contains place types and these provide direction on how use, intensity, and form will be regulated in different parts of the city. All lands within London are assigned a place type, and these replace the land use designations of the 1989 Official Plan.

The place types of the London Plan give direction for the appropriate use, intensity, and form to create a sense of place. For example, the Shopping Area Place Type applies to many of the city’s commercial centres and contemplates redevelopment to create mixed-use areas that include, retail, service, office and residential uses. In addition, The London Plan provides policy direction for these centres to become less automobile oriented in their design. The London Plan also contemplates potential heights of up to six storeys, where in many cases the current zoning By-law permits less height. How the new zoning by-law will address this will be part of the public consultation process.

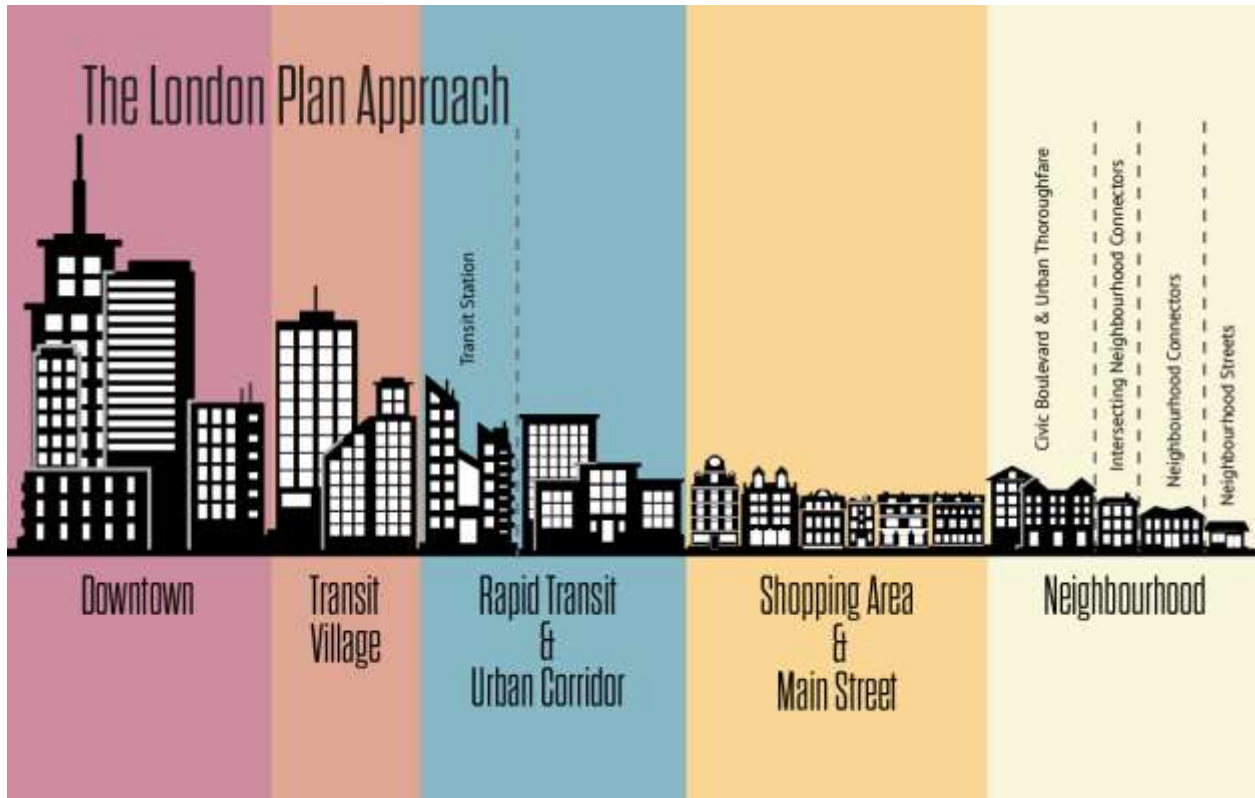


Figure 1: London Plan Place Types Transect

Phase One engagement will include a review of the policy direction and the exploration of general regulations for each place type. Phase Two will result in the development of specific regulations for each Place Type.

3.0 Engagement Strategy

3.1 Overview

The London Plan is the culmination of the ReThink London engagement process. The intent of the ReThink Zoning public consultation process is to implement the Plan’s vision through the development of the new zoning by-law, and ask how the new zoning by-law can achieve this vision. Intensification, for example, is contemplated within neighbourhoods. This policy has been established in the Plan; how this can be best achieved will be determined through the regulations of the new zoning by-law. When considering our neighbourhoods, what are the regulations that support an appropriate transition to the new forms of development contemplated by the Plan?

Public and stakeholder engagement is a key component for creating a successful zoning by-law, and communications plans and engagement materials have been prepared by Communications and the external consultants will be used in the public consultation program.

Consultation will include the general public, with more focused stakeholder engagement with community-based organizations like the Urban League, as well as development organizations, like London Development Institute and the London Home Builders Association.

Due to the changes to the timeline, Phase One public and stakeholder engagement will now take place from December 2020 into 2021. Initial conversations and questions will be focused on providing education on zoning, on ensuring that interested parties can

engage in their preferred method throughout the project, and focus on regulations regarding use, intensity, and form.

3.2 Revised Engagement Tools

As a result of social distancing measures and event closures in response to COVID-19, staff have considered other approaches to in the engagement program using primarily online means. In consultation with Communications, the consultant team, and the Steering Committee, these additional engagement tools will provide for a robust consultation process:

- **Get Involved Website** – getinvolved.london.ca is the online engagement platform used by the City of London for a variety of projects, and is powered by Bang the Table. Bang the Table uses eight tools to enable participation in public processes and to help governments make informed decisions based on feedback. The tools can allow users to engage in discussions, upload pictures or respond to surveys, among other things. The Get Involved Website will act as a hub where social media posts are directed to.
- **Social Media** – Broad, engaging content can be posted using our existing handles on Twitter, Facebook, and Instagram to draw the general public to our Get Involved portal. Posts can be visual, plain language and educational, which is key at this stage of the process.
- **Webinars** – This technique allows staff to conduct a virtual ‘town hall’-type meeting, with a format that is conducive to in-depth educational sessions or panel discussions. A ‘questions and answers’ format can be used as well. The use of a moderator can ensure that sessions are timely and focused.
- **Video Conferencing** – Video conferencing technology allows us to hold meetings with stakeholders to discuss the project while in-person meetings are not possible. Staff will utilize software that can facilitate web conferencing without an account, allows for a meeting to be split up into separate sub sessions or breakout rooms, then return the meeting back together for group discussion. Other features can also allow users to share and collaborate on a whiteboard within a meeting. Meetings can be recorded and shared online for those unable to attend.

The techniques above lend themselves well to providing a common understanding of the key messages, themes and tools described in this report. The above list is not exhaustive, and with guidance from Communications, staff are exploring additional tools such as radio discussions, interviews, and live streaming.

While the ongoing situation has necessitated changes to the engagement strategy, new tools can be used as an opportunity to better connect with the public and maintain the engagement outcomes and goals. The materials disseminated through Bang the Table and the City’s social media platforms will ensure that participants learn about relevant issues in order to make informed responses as more opportunities for in-person engagement become available. Throughout the public engagement process, in-depth meetings will also be held with key internal and external stakeholders on more technical zoning matters.

Staff remain committed to working towards improved community consultation, a better understanding of the impacts of zoning within the community, and obtaining input from stakeholders and the public that will inform staff recommendations for the project. This can only be accomplished through ensuring that tools are made available to all stakeholders, and that consistent messaging is used across multiple platforms to tell a story and build an understanding of the vision of The London Plan and how it will be implemented in our neighbourhoods.

4.0 Next Steps

4.1 Overview

The public and stakeholder engagement will begin following the receipt of this report. The goals of this engagement program are to educate the public about zoning issues,

explore the types of engagement most preferred by the public, and explore how changes to use, intensity, and form can occur within the context of place types.

4.2 Phase One

The remaining tasks to be completed in ReThink Zoning Phase One include:

- Public and stakeholder engagement, which involves:
 - Consulting internal and external stakeholders to identify those components of the current by-law that are working and those that could be improved.
 - A public engagement program to provide general information on zoning, to obtain ideas from Londoners on how they can engage, as well as on regulations for use, form, and intensity
 - The creation of a report with highlights what we heard from the engagement process. It will capture what we did, who we heard from, and what we heard, containing both high-level and detailed insights.
- Recommendation reports on key topics and the drafting of initial content into a draft by-law
- Preparing the Terms of Reference for Phase 2 – the preparation of the by-law

The engagement to be undertaken over the coming months will inform Phase Two, which will then ultimately result in a new zoning by-law for the City of London.

Task	Status
Retain consultants	Completed
Information Report to PEC	November 30, 2020
Public and Stakeholder Engagement	Q4 2020 – Q2 2021
Recommendations on Topics and Compilation of Content into By-law	Q4 2020 – Q2 2021
Terms of Reference – Phase 2	Q2 2021

4.3 Phase Two

Phase Two is when the new by-law will be prepared, based on the findings of Phase One. The approach and timing for Phase Two will be clarified in the detailed Terms of Reference to be prepared in Phase One.

Deliverables to be prepared in Phase Two include:

- Continuation of content creation based on Phase One engagement findings
- Continuation of public and stakeholder engagement
- Inventory and analysis of existing development
- 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

Specific tasks and timelines will be confirmed through the Phase Two Terms of Reference.

Through the engagement plan it is expected that reports will be brought to City Council that summarize the input received on a variety of themes and issues, and these issues will begin to build the pieces of the by-law such that when a consultant is retained for Phase Two of this project we will have a clear direction for the preparation of the new zoning by-law.

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November 23, 2020

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