



TORONTO STAFF REPORT

December 5, 2002

To: Planning and Transportation Committee

From: Commissioner of Urban Development Services

Subject: Revised Zoning By-law Project Resourced with City Staff

Purpose:

The objective of the Zoning By-law Project is to produce a single, comprehensive zoning by-law for the entire City. During the 2002 budget approval process, future year funding of the Project was deferred pending a report to the Planning and Transportation Committee on a revised project plan that uses City staff rather than consultants. This report provides a new work plan for the completion of the Project using seconded City staff, and a revised budget envelope for the entire Project.

Financial Implications and Impact Statement:

The Zoning By-law Project was submitted in 2002 as multi-year Special Corporate Project (Transitions Project). City Council approved first year funding of \$466,000 with a request for a report on a revised Project scope that uses City staff, prior to authorizing future year funding. The Project work plan has been revised to use City staff, on a secondment basis. The Project timeline now extends to 2006. A budget envelope for the remaining four years of the Project of \$6,909,000 is required with second year funding in the amount of \$1,587,600 being requested as part of the 2003 Capital Budget for Urban Development Services. The total five year cost of the Project will be \$7,375,000.

The Chief Financial Officer and Treasurer has reviewed this report and concurs with the financial impact statement.

Recommendations:

It is recommended that:

- (1) Council endorse the continuation of a project to develop a single, comprehensive Zoning By-law for the entire City, using staff on a secondment and back-fill basis, under the lead of the Commissioner of Urban Development Services;

- (2) The proposed funding for the Zoning By-law Project be forwarded to the Budget Advisory Committee for its review during consideration of the 2003 Capital Budget; and
- (3) The Commissioner of Urban Development Services report annually on the status of the work and budget of the Zoning By-law Project to the Planning and Transportation Committee indicating any changes in the scope or timelines of the project and the general findings to date.

Background:

At its meeting held on March 4 through to the March 8, 2002, City Council approved the Urban Development Services Operating and Capital Budget and in so doing adopted the following recommendations from a staff report:

1. The 2002 funding request for Phase 2 of the New Zoning By-law Project in the amount of \$1,052,000 be deferred and be considered as part of the 2003 Capital Budget for Urban Development Services;
2. The Commissioner of Urban Development Services report to the Planning and Transportation Committee on a revised zoning by-law project that uses City staff, any funding requirements related thereto and the saving associated with the implementation of a new comprehensive Zoning By-law.

Last year, City Council approved funding for the first year of this project in the amount of \$466,000. It was presented as a multi-year-phased project with an estimated budget forecast of \$6.272 million, with most of the budget allocated to consultants.

The Budget Advisory Committee, in its review of this project, raised two issues related to timing and structure. The Committee indicated that Phase 2 of the Project should not begin until Council approved the new Official Plan and the recommendations of Phase 1 of the Project. With respect to the structure of the Project, the Committee was concerned with the extensive reliance on the use of consultants rather than utilizing staff expertise. Consequently, the Committee asked for a further report to Planning and Transportation Committee on how the Zoning By-law Project might be revised to involve more staff, and to Budget Advisory Committee on the funding required to undertake the Project using City staff.

Comments:

As with Official Plans, the new City inherited a patchwork of zoning by-laws. There are currently 5 comprehensive zoning by-laws covering the former cities of East York, North York, York, Etobicoke and Toronto. Scarborough has a comprehensive zoning by-law for its industrial zones but the remainder of the city is divided into 30 community or neighbourhood zoning by-laws. In total, there are 41 independent or area specific zoning by-laws that need to be amended when city-wide amendment is contemplated. Working with and maintaining these multiple zoning by-laws in the amalgamated City has proven difficult, time consuming and resource intensive. "One window" access to zoning information is virtually impossible under these circumstances. The new Community Council boundaries have further complicated the delivery of services related to the Zoning By-law, as the boundaries of the existing by-laws have

remained the same. This affects service delivery in City Planning, including Committee of Adjustment, Building and Municipal Licensing and Standards.

Every property in the City is affected by the Zoning By-law and, as a result, every Department in the City that deals with property related matters. Easy access to information on zoning is currently difficult to achieve. Not only are there 41 independent or area specific zoning by-laws, there are also several different formats employed. Only some of the by-laws are available electronically. For example, the Etobicoke Zoning Code can be viewed on the City's web site. A single, comprehensive zoning by-law will permit the opportunity for on-line service that is accessible by both staff and the public. Geographic integration and rationalization of the zoning by-laws will facilitate the transition of other related City policies into a seamless unified framework.

Expected Benefits:

- A single, simplified zoning by-law will permit the public to attain information and assistance at any of the District offices and by any of the staff members that regularly work with zoning;
- Cost savings in the time spent in processing applications, the cost of administering and maintaining 41 different by-laws, and the cost associated with passing City-wide amendments can be achieved;
- Improved turnaround time in the various steps of the development approval process;
- The learning curve down-time and potential for misinterpretations associated with staff transfers within UDS to different parts of the City can be reduced;
- The Licensing by-law can be aligned more closely to the Zoning By-law, which will better ensure proper issuance of licences;
- New as-of-right zoning in growth areas such as 'the Avenues' will provide appropriate massing, scale and site standards for new buildings as part of the implementation of the Official Plan; and
- A single, comprehensive zoning by-law will permit the opportunity for on-line service that is accessible by both staff and the public.

Project Approach:

The objective of the Project is to create a single zoning by-law for the entire City. Much of the work in achieving this objective can be considered more technical than substantive in terms of the changes contemplated. That is to say, the aim of the Project is not to create or confer new zoning permissions on most properties in the City, but rather to develop a 'common language' for expressing the existing zoning permissions. Of course, there will be some new zoning permissions created especially along 'the Avenues' as predicated by the new Official Plan.

However, in the stable residential areas, standards will remain unchanged, although the wording expressing the provision maybe altered. Where new zoning standards are contemplated, such as the Avenues, an extensive public consultation program is planned.

Owing to the significance zoning changes have with respect to private property rights and the sheer complexity of the many and varied regulations, adopting a new zoning by-law for the entire City at one time may not be practical or prudent. Instead, the approach advocated by the Project is to design and create a new zoning by-law 'shell'. This 'shell' would contain the basic structure and elements of a zoning by-law, such as, definitions and general provisions, but will not apply to any area of the City. As existing zone provisions are reviewed and changes, if any, approved, those would be added to the 'shell' thereby generally bringing the new Zoning By-law into force in the City. Similarly, when new zoning standards are developed through studies of the Avenues, these would be added to the new Zoning By-law.

Work Plan:

The Project is divided into 4 distinct work streams lead by teams of seconded staff from the Urban Development Services Department. Including this year (funding was approved last year to begin the Project), the Project will take five years to complete.

Part One involves the review of existing by-laws, comparing and contrasting the various provisions to determine similarities and issues related to differences. It will be lead by a team primarily from the Building Division, with Municipal Licensing and Standards staff and City Planning staff. The bulk of this work will occur in the first two years of the Project. In the later stages of the Project, this same team will provide input into the development of any new provisions or standards.

Part Two involves creation of the new zoning by-law 'shell', the development of new provisions and standards for the Avenues and the review of general City-wide zoning issues. This team will be lead by the City Planning Division with the participation of Building Division and Municipal Licensing and Standards Division staff in the interpretation of new standards and provisions. At the beginning of Part Two of the Project, much of the time will be spent on developing the 'shell' structure and provisions. Now that the new Official Plan has been approved, the Avenue studies will begin in 2003.

Part Three involves the review of parking and loading standards. These standards typically apply to type of use and are difficult to review and apply by zone. This work will be lead by the Transportation Planning Section of City Planning in conjunction with Works and Emergency Services. Owing to the labour-intensive effort required in reviewing and developing standards, especially with respect to survey work, it is expected that consultants will be used for this part of the work plan. This work will begin next year with the development of terms of reference.

Part Four involves the design and creation of an electronically based system that could contain maps that could be linked to the text of the new Zoning By-law. The system will need to be able to link with the Department and Corporate business and data systems. The design phase will begin next year but the bulk of the work will occur in years 3 and 4. This Part will be lead by the

Business Support Services Division of Urban Development Services with participation from Works and Emergency Services and Corporate Services.

Budget:

Year One

The 2002 approved budget was \$466,000. These funds have been used to begin work on Parts One and Two.

Year Two

The budget request for 2003 is \$1,587,600. These funds will be used in part to back-fill positions for work associated with Part One, compiling, comparing and contrasting of existing by-law provisions. In Part Two, work will begin on developing new provisions specifically related to definition of terms, permitted uses in various zone categories and development of a general provisions section. A Communications Strategy outlining the approach for public participation in the Project will be prepared in 2003. Work preparing new zoning standards on the Avenues that have undergone a study process with full public participation will begin in 2003. Part Three involves the development of the terms of reference describing the nature and extent of the parking and loading standards review. Work will also begin on Part Four, the design of the electronically-based zoning system.

Year Three

In 2004, the anticipated budget request is \$2,251,300. Work in Part One will involve staff completing any work remaining from comparing and contrasting of existing zones and will also examine the issues resulting from the work in Part One. Continuing Part Two work will focus primarily on the Avenues and completing the public participation process involving those sections of the new by-law begun in the previous year. Part Three involves continued work on developing parking and loading standards where required. Part Four work begins the creation of the data management system. This involves the creation of digital zones maps on a geographically based information system that will allow the text of the Zoning By-law to be linked to any specific property. This will involve the work of five staff.

Year Four

In 2005, the anticipated budget is \$2,084,900. Part One work should be completed although two team members will be seconded to assist in the interpretation of the provisions and standards being developed through Part Two. Part Two work will involve completion of zoning associated with Avenue studies and work will begin at integrating the thousands of site specific by-laws. Part Four will involve staff completing the e-based zoning management system.

Year Five

In 2006, the anticipated budget is \$984,300. This is the wrap-up year. Staff involved in each of the four Parts of the Project will be seconded to wind-down the Project and prepare for final public participation.

Public Consultation:

The public will be consulted throughout the process of preparing the new zoning by-law. A Communications Strategy will be prepared as part of the work in 2003 and will be presented to the Planning and Transportation Committee for its review, comment and endorsement.

In addition to public consultation, since the Zoning By-law affects most City operations, all Departments will be consulted throughout the process. Some Departments that are more affected by the outcome of this Project will be given an opportunity to participate directly.

Savings Associated with a New Comprehensive Zoning By-law:

Benefits can accrue at the individual application level resulting from faster processing because of a better defined and less complicated by-law. This will mean less time spent reviewing building permit applications, Committee of Adjustment applications and zoning by-law amendment applications. The new zoning by-law will also eliminate redundancies and obsolescence resulting in fewer minor rezoning and variance applications (but not zoning clearance work since a review is required prior to a building permit).

Rationalizing and integrating the provisions within all the existing by-laws into a new and simplified by-law would permit greater efficiencies in the administering and maintaining zoning through out the City. It will permit staff to work on an application from any part of the City without the need to spend time training to become familiar with the provisions of a different zoning by-law. It will permit easier staff back up due to illness or vacation in order to maintain a consistent level of service. It will mean general cost savings in production and maintenance of a single by-law. Each of the existing zoning by-laws employ different formats and different methods of maintenance. The annual maintenance costs currently vary, however, annual savings could be achieved with a one single, comprehensive by-law.

Currently, City-wide amendments are particularly cumbersome and extremely time and resource consuming. These type of amendments require the assembly of a staff team, usually from both City Planning and Building Divisions of Urban Development Services familiar with the existing 41 zoning by-laws, to consider the implications of the City-wide amendment. The amount of work involved varies depending upon the complexity of the amendment in terms of the number of sections of the existing by-laws that are affected. Nonetheless, a thorough review of each existing zoning by-law is required each time before a City-wide amendment is passed. It is anticipated that City-wide amendments will increase in order to deal with matters of consistency across the City and to implement the policies of the new Official Plan. A new single, comprehensive zoning by-law will help reduce annual costs related to City-wide amendments.

Conclusions :

During consideration of the 2002 Urban Development Services Operating and Capital Budget, City Council requested that the Zoning By-law Project be revised to use City staff and report back to Planning and Transportation Committee on this new approach. The aim of the Project is to develop a single zoning by-law for administrative efficiencies, long term cost savings and improved public services. Some new zoning permissions will be introduced in the areas where growth is anticipated, following from the new Official Plan policies. Using a staff based approach, the creation of a single, comprehensive zoning by-law will take approximately 5 years to complete.

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