



STRONG NEIGHBOURHOODS AND COMPLETE COMMUNITIES: A NEW APPROACH TO ZONING FOR APARTMENT NEIGHBOURHOODS

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PART 5

TOWARDS A SYNCHRONIZED POLICY FRAMEWORK: CONTEMPLATING A NEW ZONING FRAMEWORK FOR APARTMENT NEIGHBOURHOODS

Building on the City of Toronto's legacy of pro-active planning, this report contemplates the merits of a new base zoning category for Apartment Neighbourhoods that allows for a wide range of commercial and institutional uses, as well as new performance-based zoning tools as an alternative to the current collection of inappropriately restrictive zoning designations and rigorous site-specific regulations.

The proposed approach to zoning draws from the structure and intent of current zoning standards within the City of Toronto, such as the generally more permissive Commercial Residential Zones often used for new condominium developments. Apartment Neighbourhoods can also draw lessons from the performance-based zoning standards found in the Kings' "Reinvestment Areas" and the context-driven urban-design standards emerging from Avenue studies throughout the city.

Moving forward from the existing legacy zoning, new standards could focus on creating land use and built form regulations that are able to respond to changing local needs and allow a steady evolution of neighbourhood character.

Images:

Opposite: Typical apartment neighbourhood (Top) and new mixed-use development, including older and newer high-rise buildings, Mississauga, Ontario, 2010.

The following is a comparison of current “legacy zoning” in apartment neighbourhoods, as compared to the more recent approaches to zoning found in the ‘Kings’ (near King Street West and Spadina Avenue and King Street East and Parliament Street) and ‘the Avenues’ (major street across the city identified for renewal):

Zone Standard	‘Legacy’ Zoning	‘The King’s’ Reinvestment Areas	Avenues
Density: GFA	Total GFA; disaggregated GFA per land use	None	None
Density: units	Maximum restricted to original unit count	None	None
Height	Maximum restricted to original approved height	Uniform height limit reinforces existing built character	Associated with ROW width; angular planes enforce setbacks to achieve good transition
Coverage	Typically less than 40%	None	None
Land use	Highly restrictive	Broadly permissive	Retail required at grade



Closing The Gap Between Policy And Potential

Barriers to change and investment in apartment neighbourhoods are not solely limited to, nor the principal responsibility of, the existing zoning framework. A multitude of socio-economic issues, demographic issues, real-estate capital market issues, site constraints and other forces shape and influence all communities, including apartment neighbourhoods. Furthermore, zoning constraints are not unique to apartment neighbourhoods, as evidenced by the multitude of zoning by-law amendments processed annually throughout the city.

This study does not therefore seek to suggest that a zoning solution alone will be a panacea for revitalizing apartment neighbourhoods.

A new approach to zoning is, however, a critical and important part of the solution. This study seeks to identify those barriers to apartment neighbourhood renewal that are within the jurisdiction of municipal planning policy, and recommends possible approaches to eliminating or reducing these barriers. The approaches proposed in this study build on the City of Toronto's tradition of pro-active planning that is witnessed by the innovative zoning approaches in the Kings' Secondary Plans and the ongoing Avenue studies, with an ultimate goal of closing the gap between policy and potential in the city's apartment neighbourhoods.

Recommendations: A Tiered Approach To Apartment Zoning

The proposed approach to zoning in apartment neighbourhoods is presented in three tiers. The first tier focusses on broadening land use permissions to enable a wide range of community, commercial and institutional activities. Tier 1 also proposes to reduce barriers to minor building alterations. This tier is envisioned to be broadly applicable across most or all apartment neighbourhoods in the city. The second tier would expand on this to permit as-of-right changes to the physical form of the building or property in order to accommodate modest additions or small buildings to house new uses. Tier 3 is intended to support more significant changes, such as new mixed-use infill development, and is therefore envisioned to apply only to select apartment neighbourhoods in the city and only after the completion of detailed planning studies similar to those being undertaken for the Avenues.



Images:

Opposite: Conversion of ground floor of apartment tower for café and terrace, Berlin, Germany, 2009.

Top: Outdoor fresh food market in apartment neighbourhood, Stockholm, Sweden, 2011.

Below: Visualization of outdoor market and new community buildings, North Kipling, 2006.



TIER 1: BROADENING LAND USE PERMISSIONS

The first tier of zoning change, designed for shorter term implementation, focuses primarily on changes in land use. It's intended to broaden the range of as-of-right primary and conditional land uses in as-built apartment neighbourhoods. Tier 1 zoning changes would remove the need for a zoning by-law amendment for minor alterations of sites, existing building interiors and small additions that do not trigger amendments to an existing Site Plan Agreement. Tier 1 would cover the sorts of minor interior renovations, temporary accessory structures and changes in permitted land uses that are necessary to establish home-run businesses in apartment units, run small business or community services from ground-floor areas, or locate temporary vendor display spaces and outdoor markets on existing apartment properties.

The first tier of zoning change could include the following features:

- Similar to the approach used in the Commercial-Residential (CR) zone of the draft Harmonized Zoning By-law 1156-2010, and consistent with the former Reinvestment Area (RA) zone created for the "Kings" precincts, a new "Apartment Residential Commercial" zone could establish a much broader list of principal, conditional and ancillary uses than are currently permitted in either the Residential Apartment (RA) zones or in the site-specific zoning by-laws that currently regulate development in apartment neighbourhoods. These broader permitted use provisions would take precedence over the more limited permitted uses contained within any applicable site-specific by-laws.
- In-force site-specific zoning by-laws would continue to regulate total gross floor area (GFA), building height, and all development setbacks for individual properties, thereby requiring significant changes to follow the zoning by-law amendment or minor variance process.
- Where a site-specific zoning by-law limits the amount of non-residential gross floor area, an exception would be made to allow a portion of the building interior to be converted from residential to non-residential use.
- Currently onerous on-site parking requirements would be harmonized with the new parking requirements of the Comprehensive Zoning By-law, unlocking the potential to dedicate underused parking to meet the needs of new non-residential uses, or to re-purpose underused parking areas to support new uses. Additionally, a similar approach to the City's current "Downtown Parking and Loading Zone" could be used. This permits on-site parking requirements to be met off-site in a municipally and/or privately operated parking lot within 300 metres of the property.



Images:

Top: Fresh food venter in apartment neighbourhood, Halle-Neustadt, Germany, 2006.

Opposite, Top: "IdeaStore" Community Centre addition to tower block, London, UK, 2006.

Opposite, Middle: Retail conversion and addtiaion to apartment, Sydney, Australia, 2012.

Opposite, Bottom: Scadding Court mobile vending market, Toronto, 2012.

The Tier 1 recommendations would affect primarily the permitted use portions of existing site-specific by-laws. Existing built form controls, including limits on building GFA, height, and all setbacks, would remain intact. The intent of Tier 1 is to limit the number of planning and development applications needed to permit either permanent indoor uses or temporary outdoor uses, that create minimal physical impact, yet which provide meaningful economic opportunities.

TIER 2: SIMPLIFYING & REDUCING DEVELOPMENT APPROVALS

The second tier of zoning changes would complement the first tier described above. This second tier would continue to permit the wider range of uses recommended for a new “Apartment Residential Commercial” zone in Tier 1. However, Tier 2 would seek to further simplify the approvals process for changes that contribute to creating more complete communities. Tier 2 would apply where the change in use also entails a minor change in the physical form of the building or property that would otherwise violate certain provisions of the existing site-specific zoning by-law. This may include, for example a reduction in the building setbacks, changes to the gross floor area as a result of a building addition, changes to the minimum parking requirement or to the available parking supply, and so on. Tier 2 could apply to a subset of apartment neighbourhoods whose site conditions would be amenable to allowing such changes to occur as-of-right, without necessitating a by-law amendment or minor variance application.

These applications for minor variances may address, for example, a minor decrease in minimum required development setbacks in order to permit the construction of a small-scale, ground floor convenience store within a new podium at the base of an existing building. Prior to enactment of the Tier 1 zoning changes described above, this Tier 2 commercial proposal would most certainly have triggered a full zoning by-law amendment, introducing risk and costs that may have delayed and even jeopardised the proposal.



TIER 3: CLOSING THE POLICY GAP - THE 'AVENUES' APPROACH

Tier 3 represents a longer-term opportunity. Tier 3 proposes the incremental replacement of the dated, prescriptive built form standards of current site-specific zoning by-laws. In their place, new site- or area-specific zoning regimes would be that are more suitable and supportive to apartment neighbourhood renewal. This zone is referred to here as an "Apartment Neighbourhood Reinvestment" Zone.

Rather than continue to entrench the as-built development form and site plan as the current site-specific zoning does, new precinct-scale planning studies, similar in scope and objective to the City's Avenues studies, would be undertaken to create individually tailored "Apartment Neighbourhood Reinvestment" zones with new site-specific zoning regulations. These planning studies, and their related new zoning standards, would consider potential for larger, infill development on under-utilized apartment sites. Whether institutional, residential, community use, or mixed-use, new development potential would be explored and embedded in updated zoning standards that look to the future potential of individual sites, rather than reinforce the past.

Depending on the specific conditions of the site, these new Tier 3 "Apartment Neighbourhood Reinvestment" zoning standards may consider:

- additional land use permissions, beyond those already permitted under Tier 1;
- changes to required setbacks to property lines, and/or between taller building elements, with due consideration of built form transition, shadow impact, and architectural design;
- increasing maximum allowable site coverages to enable infill development on under-utilized open spaces, in areas that are already well-served by community parks;
- removing or updating site-specific restrictions on maximum gross floor areas to allow for infill development or building expansions;
- removing upset limits on the number of permitted housing units in order to enable new infill development opportunities, while still maintaining current on-site rental unit supply as a baseline minimum; and/or
- increasing allowable building heights, with due consideration of built form transition, shadow impact and architectural design.



Images:

Above: Family terrace housing built as base of tower block, London, UK, [Karakusevic Carson, 2010].

Opposite, Top: Community centre built in centre of apartment neighbourhood, Berlin, Germany, 2009.

Opposite, Bottom: New housing and community centre built with open area surrounding tower block, London, UK, 2009.

SUPPORTING MEASURES

The above tiered approach to zoning change in apartment neighbourhoods is intended to facilitate renewal and investment in these communities. To improve the chances for success, these zoning changes could be supported by additional policy and planning measures, such as:

- design guidelines to ensure the placement of any new buildings or structures provides added value for overall neighbourhood design, such as creating usable community outdoor space, paths and connections;
- incentives for not-for-profit and affordable development models to provide needed affordable housing options;
- mechanisms to ensure that infill developments support community neighbourhood improvements projects; and
- provisions for long term neighbourhood planning so that infill housing and mixed-use developments contribute to the achievement of long term neighbourhood visions.



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