SUBJECT: City-initiated amendment to Zoning By-law 2020 – parking for multi-unit business parks

TO: Committee of the Whole

FROM: Community Planning Department

Report Number: PL-13-24

Wards Affected: All

Date to Committee: March 4, 2024

Date to Council: March 19, 2024

Recommendation:

Approve the proposed amendments to Zoning By-law 2020 as provided in Appendix A of community planning department report PL-13-24; and

Enact By-law 2020.469 as contained in Appendix A of community planning department report PL-13-24; and

Deem that the amending Zoning By-law will conform to the Official Plan for the City of Burlington.

PURPOSE:

The purpose of this report is to recommend approval of city-initiated amendments to Zoning By-law 2020, attached as Appendix A to this report. The proposed amendments include changes to:

- Update the term “Multi-Use Business Park” to “Multi-Unit Business Park”;
- Revise the definition of Multi-Unit Business Park to capture multi-unit developments located within zones that permit industrial and other uses; and
- Simplify the parking requirements for Multi-Unit Business Parks.

These amendments will facilitate shared parking and streamline the approval process when a unit changes to a new use within an existing multi-unit business park.

Vision to Focus Alignment:

- Create all-inclusive, thriving, vibrant, healthy, connected, and safe communities

- Deliver quality services to meet the diverse needs of our customers and foster the highest quality of life

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Background and Discussion:

In 2019, Zoning By-law 2020 was amended to establish new parking standards (i.e., the number of off-street parking spaces required) for a variety of different use categories (refer to Report PB-65-19). The new parking standards were determined after completing a City-wide Parking Review which included field observations, comparison with peer municipalities, and a review of best practices. Regarding multi-unit industrial developments, the review aimed to address outdated parking requirements that were noted to be a barrier preventing new tenants from locating within these developments. The Zoning By-law was subsequently amended to add a new use category and parking standard for this type of development as follows:

Use/Definition	Minimum Parking Standard
Multi-Use Business Park A combination of four or more industrial or office uses with individual exterior entrances, in one or more buildings on one or more parcels of land, designed as an integrated, planned development having common off-street parking and driveways.	3 spaces per 100 m^2 of gross floor area where more than 30% of the building is used for office space, or 2 spaces per 100 m^2 of gross floor area where less than 30% of the building is used for office space

This approach was intended to reduce parking requirements and allow for parking to be shared amongst different units within the same multi-use business park, taking advantage of different parking demand patterns to reduce the total amount of parking that would be needed if parking spaces were not shared. However, this approach has proven to be to be ineffective at supporting shared parking and the parking requirements for multi-use business parks remain a barrier for changing tenants within these developments. Staff have identified the following key issues with implementing the current requirements:

1) The definition for Multi-Use Business Park is too restrictive.

   The definition captures developments with a combination of industrial and office uses only; however, there are often additional types of uses in these developments including retail, service commercial, and recreation uses. This limits the applicability of the multi-use business park parking standard and means that the required parking must be calculated for each unit separately based on

the standards that apply to individual uses. Calculating required parking in this way does not acknowledge that parking can be shared amongst uses and can therefore result in a total parking requirement that may not be possible to achieve in an existing development, limiting flexibility for units to change to new uses.

2) The existing parking standard for Multi-Use Business Parks is too high.

   The standard varies based on the percentage of gross floor area (GFA) devoted to office use within a development. This means that each time a tenant changes, the use and floor area of each unit must be confirmed to determine the total make up of office space versus industrial space – once the total GFA of building consists of 30 per cent or more of office space, a higher standard of 3 spaces per 100 m^2 of GFA applies to all industrial and office units within the development. As a result, applying the multi-use business park parking standard often results in a higher number of parking spaces being required compared to applying the industrial standard to industrial units and the office standard to office units. This means the parking standard for multi-use business parks is not facilitating shared parking for these developments.

3) Verifying parking requirements when a unit changes to a new use in a Multi-Use Business Park is too complicated.

   A Zoning Clearance Certificate is required when there is an internal renovation, conversion of floor area, change of use, or business license application within an industrial/commercial/institutional development. Within a multi-use business park, the Zoning Clearance Certificate application has an additional requirement for a detailed parking analysis to determine if the existing/proposed number of parking spaces complies with the zoning requirements. Due to the limitations of the current definition and parking standard for multi-use business parks as discussed above, applicants must submit information to confirm the use and floor area of each unit on the property, including a breakdown of defined areas within each individual unit (e.g., the area of a unit used for retail and the area used for office). It is often difficult for applicants to gather the complete information required for each unit. The review process is also challenging for staff who commonly need to help applicants and often complete two parking calculations (i.e., one based on the multi-use business park standard where it applies, and one based on the standards for individual uses) to determine the minimum number of parking spaces required by the Zoning By-law.

Strategy/process/risk

Given the issues experienced with implementing the existing parking requirements for multi-use business parks, this report recommends approval of amendments to Zoning By-law, 2020, attached as Appendix A.

Policy Framework

The proposed Zoning By-law Amendment is subject to the policies of the Provincial Policy Statement (2020), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), Halton Region Official Plan, City of Burlington Official Plan (1997, as amended), and the new City of Burlington Official Plan (2020).

Provincial Policy Statement (PPS), 2020

The Provincial Policy Statement (PPS) provides broad policy direction on land use planning and development matters of provincial interest. All planning decisions must be consistent with the PPS.

The PPS promotes the achievement of healthy, livable, and safe communities through various means. This includes by promoting efficient development and land use patterns; accommodating an appropriate and market-based mix of land uses; preparing for the regional and local impacts of a changing climate; and promoting the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.

Planning staff have considered the policies of the PPS regarding the proposed zoning by-law amendments and are of the opinion that it is consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), 2020

The Growth Plan provides a framework for managing growth and achieving complete communities in the Greater Golden Horseshoe with access to transit networks, protected employment areas and an increase in the amount and variety of housing available. It is the opinion of staff that the proposed zoning by-law amendments conform with the Growth Plan.

Halton Region Official Plan (ROP)

The Halton Region Official Plan (ROP) outlines a long-term vision for Halton’s physical form and community character. To achieve that vision, the ROP identifies an Urban Area and a Regional Urban Structure that are intended to manage growth in a manner that fosters complete communities, enhance mobility across Halton, address climate change, and improve housing affordability, sustainability, and economic prosperity. All planning decisions in Halton Region, which includes the City of Burlington, must conform to the ROP. The ROP includes policy 83.2(6) which requires local

municipalities to plan for employment areas promoting intensification and increased densities in employment areas, including by minimizing surface parking. Staff are of the opinion that the proposed zoning by-law amendments conform with the ROP.

Burlington Official Plan, 1997

The City's Official Plan (1997, as amended) outlines a long-term vision of the community and quality of life for Burlington residents and provides policy direction to the public and private sectors on land use, development, and resource management matters to guide the future planning and development of the City towards the desired community vision.

Part II, Section 3 Transportation, subsection 2.2.2 includes policies relevant to the proposed amendments to parking standards, including:

- Reduced parking standards may be permitted subject to evaluation by the city of the appropriateness of such standards; and
- Opportunities for the sharing of parking in mixed use developments will be considered.

The proposed amendments to the Zoning By-law will reduce the parking standards for multi-unit business parks and facilitate shared parking.

Burlington Official Plan, 2020

On Nov. 30, 2020, Halton Region issued a Notice of Decision approving a new City of Burlington Official Plan (2020) ("the new OP"). While the majority of the new OP remains subject to appeals and not in effect, staff note that Chapter 6, Section 6.2 Multimodal Transportation, includes policies that encourage opportunities for the sharing of parking. This is consistent with the proposed zoning by-law amendments, which will facilitate shared parking amongst units within multi-unit business parks.

Zoning By-law Amendment

The proposed amendments to Zoning By-law 2020 are attached as Appendix A and staff's explanation for each change is attached as Appendix B.

The amendments include changing the term "Multi-Use Business Park" to "Multi-Unit Business Park" and revising the definition to capture multi-unit developments within the BC1, BC2, GE1, GE2, MXE, and UMXE Zones where industrial and other uses are permitted. The proposed definition is inclusive of all permitted uses within these zones. This means that the parking standard can apply to an entire development, without the need to calculate parking requirements for each use.

The proposed amendments also include adding a new regulation to allow more flexibility for a unit to change to a new use within an existing development without the need to provide additional parking or complete the detailed parking analysis currently required through the Zoning Clearance Certificate process. When a use changes to another

permitted use within an existing multi-unit business park, the number of existing parking spaces shall be deemed to conform with the parking requirements of the Zoning By-law, provided the change in use does not include an external addition or the erection of a new building which could reduce the existing parking supply. This approach acknowledges that parking can be shared amongst units and places the onus on businesses/landlords to determine if there is adequate parking supply within an existing development.

The amendments also include establishing a new parking standard, which would apply to new or enlarged multi-unit business parks. This standard is structured as a flat rate of 2 spaces per 100 m^2 of GFA, which is a reduction from the current requirements and will support shared parking in these developments. The flat rate is also easier to implement and will allow flexibility for a unit to change to another permitted use without the need for the detailed parking analysis.

The proposed amendments are intended to address the key issues with the current approach to parking in the Zoning By-law. These amendments will facilitate shared parking for multi-unit business parks, which is a more efficient use of parking supply. The amendments will also simplify the parking requirements for both applicants and staff to improve service delivery by streamlining the approval process of a Zoning Clearance Certificate when a unit changes to a new use within a multi-unit business park.

Financial Matters:

Not applicable.

Climate Implications:

On April 23, 2019, Burlington's City Council unanimously passed a motion to declare a climate emergency. Broadly, the city has set out frameworks to provide for innovative solutions and opportunities to address appropriate land use while making better use of existing land, infrastructure and services. The proposed amendments aim to right size parking supply and facilitate shared parking to ensure the efficient use of land.

Engagement Matters:

In accordance with the policies of the City's Official Plan and the provisions of the *Planning Act* for Zoning By-law amendments, notice of the statutory public meeting was provided by way of a newspaper notice in the Hamilton Spectator 30 days prior to the

public meeting. A letter outlining the proposed amendments was also sent to all relevant external agencies 30 days in advance of the public meeting.

Conclusion:

The recommended city-initiated amendments to Zoning By-law 2020 will simplify the parking requirements and facilitate shared parking amongst units within a multi-unit business park. These amendments will support improved service delivery by streamlining the approval process when a unit changes to a new use within an existing development.

Respectfully submitted,

Victoria Coates, MCIP, RPP

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Appendices:

A. Zoning By-law Amendment 2020.469 (520-01/24)
B. Proposed zoning by-law amendments and staff explanation

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.