Agenda
Environmental Stewardship and Action
Community Advisory Committee

8th Meeting of the Environmental Stewardship and Action Community Advisory Committee
July 5, 2023, 3:00 PM
Committee Room #5

The City of London is situated on the traditional lands of the Anishinaabek (AUh-nish-in-ah-bek), Haudenosaunee (Ho-den-no-show-nee), Lūnaapéewak (Len-ah-pay-wuk) and Attawandaron (Add-a-won-da-run).

We honour and respect the history, languages and culture of the diverse Indigenous people who call this territory home. The City of London is currently home to many First Nations, Métis and Inuit today.

As representatives of the people of the City of London, we are grateful to have the opportunity to work and live in this territory.

The City of London is committed to making every effort to provide alternate formats and communication supports for meetings upon request. To make a request specific to this meeting, please contact advisorycommittee@london.ca.

Pages

1. **Call to Order**
   1.1 Disclosures of Pecuniary Interest

2. **Scheduled Items**

3. **Consent**
   3.1 7th Report of the Environmental Stewardship and Action Community Advisory Committee
   3.2 Resignation - P. Almost
   3.3 Ministry of the Environment, Conservation and Parks (MECP) review of the Environmental Assessment (EA) for the expansion of the W12A Landfill
       https://www.ontario.ca/page/w12a-landfill-expansion-project
   3.4 Notice of Application - ReThink Zoning

4. **Sub-Committees and Working Groups**

5. **Items for Discussion**
   5.1 Yard and Lot Maintenance By-law PH-9

6. **Adjournment**
Environmental Stewardship and Action Community Advisory Committee
Report

7th Meeting of the Environmental Stewardship and Action Community Advisory Committee
June 7, 2023

Attendance
PRESENT: B. Samuels (Chair), D. Allick, I. ElGhamrawy, A. Hames, C. Hunsberger, C. Mettler, N. Serour, L. Vuong and A. Whittingham and H. Lysynski (Committee Clerk)

ABSENT: P. Almost, M. Griffith and L. Paulger


The meeting was called to order at 3:01 PM

1. Call to Order
1.1 Disclosures of Pecuniary Interest
That it BE NOTED that no pecuniary interests were closed.

2. Scheduled Items
2.1 Climate Emergency Action Plan 2022 Progress Report
That it BE NOTED that the Environmental Stewardship and Action Community Advisory Committee received the presentation appended to the Added Agenda from J. Stanford, Director, Climate Change, Environment and Waste Management and held a general discussion with respect to the Climate Emergency Action Plan 2022 Progress Report.

2.2 Stormwater Engineering Waterway Projects: We're More Than Just Ponds
That it BE NOTED that the Environmental Stewardship and Action Community Advisory Committee received a presentation appended to the Added Agenda from S. Chambers, Division Manager, Stormwater Engineering, and held a general discussion with respect to Stormwater Engineering Waterway Projects.

3. Consent
3.1 6th Report of the Environmental Stewardship and Action Community Advisory Committee
That it BE NOTED that the 6th Report of the Environmental Stewardship and Action Community Advisory Committee, from its meeting held on May 3, 2023, was received.

That it BE NOTED that the Municipal Council resolution adopted at its meeting held on May 16, 2023, with respect to the 4th Report of the Animal Welfare Community Advisory Committee, was received.
4. **Sub-Committees and Working Groups**
   None.

5. **Items for Discussion**
   None.

6. **Adjournment**
   The meeting adjourned at 5:18 PM.
June 25, 2023

To: Mayor and Council, City of London  
From: Patricia Almost, Environmental Stewardship Action and Community Advisory Committee

I sincerely regret that, due to significant personal and family reasons, I have had to limit my engagement and participation with the Environmental Stewardship Action and Community Advisory Committee (ESACAC) over the last few months.

I have continued to review all documents provided to me and continue to have confidence that my extensive experience with London based environmentally-related issues provide me with valuable insights to share with the committee, Council and the community.

However, considering ongoing efforts by Council to fill available seats on various Community Advisory Committees, I believe that this provides an opportunity to replace me.

Therefore, I request Council consider and approve my resignation.

I thank my colleagues for their support. I wish them the best in pursuing the mandate of the ESACAC and I regret my absence over the last few months.

My best regards to all.

Sincerely,
Patricia Almost
NOTICE OF PLANNING APPLICATION

Zoning By-Law Change

New Comprehensive Zoning By-law – ReThink Zoning

File: Z-9619
Applicant: Corporation of the City of London

What is Proposed?
New City-Wide Comprehensive Zoning By-law
• specific rules for all properties that restrict the use, intensity and form of land, buildings, or structures.
• implements the policy direction of the City’s newest Official Plan, known as The London Plan
• replaces and repeals the existing comprehensive Zoning By-law, known as Zoning By-law No. Z.-1

Please provide any comments by October 2023
ReThink Zoning Project Team
ReThinkZoning@london.ca
519-930-3500
Planning & Development, City of London
300 Dufferin Avenue, 6th Floor,
London ON PO Box 5035 N6A 4L9
File: Z-9619
london.ca/planapps

If you are a landlord, please post a copy of this notice where your tenants can see it. We want to make sure they have a chance to take part.

Date of Notice: June 5, 2023
Application Details

Requested Zoning By-law Change

The Corporation of the City of London is considering a new comprehensive Zoning By-law that will affect all lands within the municipal boundary of the City of London. The purpose and effect of the proposed new comprehensive Zoning By-law is to establish the rules that restrict the use, intensity and form of land, buildings, or structures in the City of London.

“Use” is the main purpose or activity on a property or in a building or structure. “Intensity” is how much activity and the size of building or structure. “Form” is the shape and location of a building or structure. The proposed new comprehensive Zoning By-law may include rules that provide alternative standards to incentivize certain forms of development to achieve municipal housing goals, positive climate actions and improve resiliency to climate change impacts.

The proposed new comprehensive Zoning By-law is an implementation tool that will implement the policies of the City of London’s newest Official Plan – The London Plan and repeal the existing comprehensive Zoning By-law No. Z.-1.

The existing Zoning By-law is available at london.ca.

Planning Policies

The proposed new comprehensive Zoning By-law must conform to the policies of the Official Plan, London’s long-range planning document. The proposed new comprehensive Zoning By-law will apply city-wide to all properties that are located in all Place Types in The London Plan.

How Can You Participate in the Planning Process?

You have received this Notice because someone has applied to change the zoning of land located within 120 metres of a property you own, or your landlord has posted the notice of application in your building. The City reviews and makes decisions on such planning applications in accordance with the requirements of the Planning Act. The ways you can participate in the City’s planning review and decision making process are summarized below.

See More Information

You can review additional information and material about this application by:

- Contacting the Rethink Zoning Project Team listed on the first page of this Notice; or
- Viewing the application-specific page at london.ca/planapps
- Opportunities to view any file materials in-person by appointment can be arranged through the file Planner.

Reply to this Notice of Application

We are inviting your comments. The next opportunity for consultation will be from June 2023 to October 2023 on a proposed working draft Zoning By-law document. Comments received will be considered prior to the completion of the proposed new comprehensive Zoning By-law and as we prepare a report that will include Planning & Developments staff’s recommendation to the City’s Planning and Environment Committee. Planning considerations usually include such matters as land use, development intensity, and form of development.

Attend an Open House Meeting

An Open House will be scheduled later for the purpose of providing interested members of the public an opportunity to review and ask questions about the proposed new comprehensive Zoning By-law. The City will send you another notice inviting you to attend this Open House, which is required by the Planning Act. Notice of this Open House and a future Public Meeting described below, may be given together or separately. Attendance at this Open House meeting does not create a right to appeal the decision of Council to the Ontario Land Tribunal.

Attend a Future Public Participation Meeting

The Planning and Environment Committee will consider the proposed new comprehensive Zoning By-law on a date that has not yet been scheduled. The City will send you another notice inviting you to attend this Public Meeting, which is required by the Planning Act. You will also be invited to provide your comments at this Public Participation Meeting. A neighbourhood or community association may exist in your area. If it reflects your views on this application, you may wish to select a representative of the association to speak on your behalf at the Public Participation Meeting. Neighbourhood Associations are listed on the Neighbourgood website. The Planning and Environment Committee will make a recommendation to Council, which will make its decision at a future Council meeting.
What Are Your Legal Rights?

Notification of Council Decision
If you wish to be notified of the decision of the City of London on the new comprehensive Zoning By-law, you must make a written request to the City Clerk, 300 Dufferin Ave., P.O. Box 5035, London, ON, N6A 4L9, or at docservices@london.ca. You will also be notified if you speak to the Planning and Environment Committee at the Public Meeting about this application and leave your name and address with the Clerk of the Committee.

Right to Appeal to the Ontario Land Tribunal
If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of the City of London to the Ontario Land Tribunal but the person or public body does not make oral submissions at a Public Meeting or make written submissions to the City of London before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a Public Meeting or make written submissions to the City of London before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

For more information go to https://olt.gov.on.ca/appeals-process/forms/.

Notice of Collection of Personal Information
Personal information collected and recorded at the Public Participation Meeting, or through written submissions on this subject, is collected under the authority of the Municipal Act, 2001, as amended, and the Planning Act, 1990 R.S.O. 1990, c.P.13 and will be used by Members of Council and City of London staff in their consideration of this matter. The written submissions, including names and contact information and the associated reports arising from the public participation process, will be made available to the public, including publishing on the City’s website. Video recordings of the Public Participation Meeting may also be posted to the City of London’s website. Questions about this collection should be referred to Evelina Skalski, Manager, Records and Information Services 519-661-CITY(2489) ext. 5590.

Accessibility
Alternative accessible formats or communication supports are available upon request. Please contact plandev@london.ca for more information.
July 5, 2023

**Review of the Yard and Lot Maintenance By-law PH-9**

This motion is being proposed by the City of London Environmental Stewardship and Action Community Advisory Committee (ESACAC) whose mandate includes the maximization of the retention of trees and natural areas. This motion aims to prioritize the well-being of our community, protect biodiversity, uphold constitutional rights, improve by-law enforcement, enhance public information, and mitigate legal risks.

**That Municipal Council BE REQUESTED to pass a motion, in the spirit of the following, to direct staff to undertake a review of the Yard and Lot Maintenance By-law PH-9:**

Whereas, biodiversity loss is a growing concern that requires immediate attention and action from municipal authorities;

Whereas, the Yard and Lot Maintenance By-law PW-9 poses conflicts with other objectives of the City of London to conserve natural heritage and biodiversity (Environmental Policies, the London Plan 2022), to mitigate and adapt to climate change (Climate Emergency Action Plan, 2022), and to create liveable, complete street designs (London Complete Streets Design Manual, s2.5 Green Infrastructure 2018);

Whereas, Londoners are increasingly engaging in environmental stewardship including maintaining boulevard-facing gardens, Low-Impact Development (LID) such as rain gardens, and naturalization projects;

Whereas, there is a lack of easily accessible public information regarding the Yard and Lot Maintenance By-law PW-9 and its enforcement, hindering residents' understanding of their responsibilities and the City's expectations;

Whereas, there have been concerns raised regarding poor and inconsistent complaint-driven enforcement of the Yard and Lot Maintenance By-law PW-9 leading to mischaracterizations of by-law provisions, destruction of private property and potential negative impacts on the City’s reputation and liveability;

Whereas, the Yard and Lot Maintenance By-law PW-9 and Naturalized Areas and Wildflower Meadows policy include imprecise and prescriptive language that is not reproducible in enforcement, and therefore poses legal risks to the City that could potentially result in litigation and financial burdens;

Whereas, the Ontario Court of Justice has found other municipal by-laws similar in effect to the City of London’s Yard and Lot Maintenance By-law PH-9 to be void for vagueness and uncertainty in their language and for unjustifiably violating the freedom of expression guaranteed by section 2(b) of the Canadian Charter of Rights and Freedoms, 1982;

Therefore, be it resolved that the London City Council directs municipal staff to undertake a comprehensive review of the Yard and Lot Maintenance By-law PW-9 and related policies;
Be it further resolved that the review should address the following aspects:

1. Clarifying the intent and purposes of the By-law;
2. Providing statistics on enforcement of the By-law and assessing the effectiveness of enforcement processes and procedures;
3. Identifying and addressing any legal risks associated with the By-law, aiming to minimize potential litigation and financial burdens on the City;
4. Comparing the By-law’s alignment with other City policies and strategies, particularly those related to natural heritage, complete street designs, and the Climate Emergency Action Plan;
5. Consulting with Indigenous communities about the By-law and prohibited plants;
6. Evaluating and improving mechanisms and public education to ensure consistent enforcement and compliance with the By-law;

Be it further resolved that the municipal staff present their findings and recommendations to Council within a reasonable timeframe, allowing for further discussion and potential amendments to the Yard and Lot Maintenance By-law PW-9;

Be it further resolved that enforcement of the Yard and Lot Maintenance By-law PW-9 in cases where there is not an immediate safety risk be paused while the By-law’s legal validity is under review;

Be it further resolved that the City hold a Public Participation Meeting (PPM) to invite feedback from the community on the Yard and Lot Maintenance By-law PW-9 and staff recommendations.
References

1. City of London Yard and Lot Maintenance By-law  
   https://london.ca/by-laws/yard-lot-maintenance-law-pw-9

2. City of London Naturalized Areas and Wildflower Meadows Policy  
   https://london.ca/council-policies/naturalized-areas-wildflower-meadows

3. By-laws for Biodiversity: Ecological Design Lab at the University of Toronto  
   https://ecologicaldesignlab.ca/project/by-laws-for-biodiversity/

4. City of Toronto, Model By-law (enacted in 2021)  
   https://ecologicaldesignlab.ca/project/model-by-law/  
   https://www.toronto.ca/legdocs/municode/1184_489.pdf

5. City of Kitchener, Boulevard Beautification guide  

6. City of Ottawa (2023), Updates to the Use and Care of Roads By-law 2003-498  

7. Judicial Summary: Naturalised Gardens and Municipal Standards By-Laws  
   https://johnsankey.ca/charter.html

8. CBC (2022): Couple's win forces Smiths Falls to revisit approach to 'naturalized' lawns  

9. Bell v. Toronto (City) (1996), case before the Superior Court of Justice  
   http://northcountrynotes.org/jason-rohrer/natureOnTrial/bell_v_toronto.html

10. David Donnelly MES LLB (2021), letter regarding the proposed amendments to the City of Toronto Municipal Code, Chapter 489 “Grass and Weeds”  

11. Nina-Marie Lister (2023), Deputation to Prince Edward County, Committee of the Whole: Draft bylaw on Lawn Naturalization  