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File: Z-8208
Planner: Mike Corby

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: SOUTHSIDE CONSTRUCTION MANAGEMENT LTD 797 YORK STREET PUBLIC PARTICIPATION MEETING ON OCOTBER 29, 2013

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Southside Construction Management Ltd. relating to the property located at 797 York Street. The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on November 5, 2013 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Community Shopping Area (CSA1) Zone, which provides for and regulates a wide range of community-scale retail and personal service uses, as well as some office, commercial recreation, community facilities and commercial school uses, which serve the needs of the community or a number of neighbourhoods located within convenient walking and/or driving distance **TO** a Community Shopping Area Special Provision (CSA1(_)) Zone to permit Commercial/Private Schools and Offices with a maximum gross floor area 2,000m² (21,527.8 sq. ft.);

PREVIOUS REPORTS PERTINENT TO THIS MATTER

“None”

PURPOSE AND EFFECT OF RECOMMENDED ACTION
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The purpose and effect of the requested Zoning By-law amendment is to increase the gross floor area restriction for office and private/commercial school uses to a maximum of 2,000m² (21,527.8 sq. ft.) each.

RATIONALE

- i) The proposal is consistent with the policies of the Provincial Policy Statement, 2005, which promote healthy, liveable and safe communities by accommodating an appropriate range and mix of employment uses;
- ii) The proposal is in keeping with the policies of the City of London Official Plan relating to the scale of uses and objectives of the Auto Oriented Commercial Corridor;
- iii) The recommended zone promotes the feasibility of Office and Commercial school uses by increasing the gross floor area for each use on the subject site.
- iv) The expanded gross floor area will have no negative effects on the surrounding area and will optimize a large underutilized site.

BACKGROUND

Date Application Accepted: June 18, 2013	Agent: Zelinka Priamo Ltd. (Michelle Doornbosch)
REQUESTED ACTION: Change Zoning By-law Z.-1 FROM a Community Shopping Area (CSA1) Zone which permits a wide range of community-scale retail and personal service uses, as well as some office, commercial recreation, community facilities and commercial school uses, which serve the needs of the community, TO a Community Shopping Area (CSA1(_)) Zone which permits the same uses but will increase the gross floor area for office and private/commercial school uses to 2,000m ² (21,527.8 sq. ft.) each.	

SITE CHARACTERISTICS:
<ul style="list-style-type: none">• Current Land Use - Commercial/Retail• Frontage – 55 m• Depth – 130 m (approx)• Area – 1.4 ha• Shape – Irregular

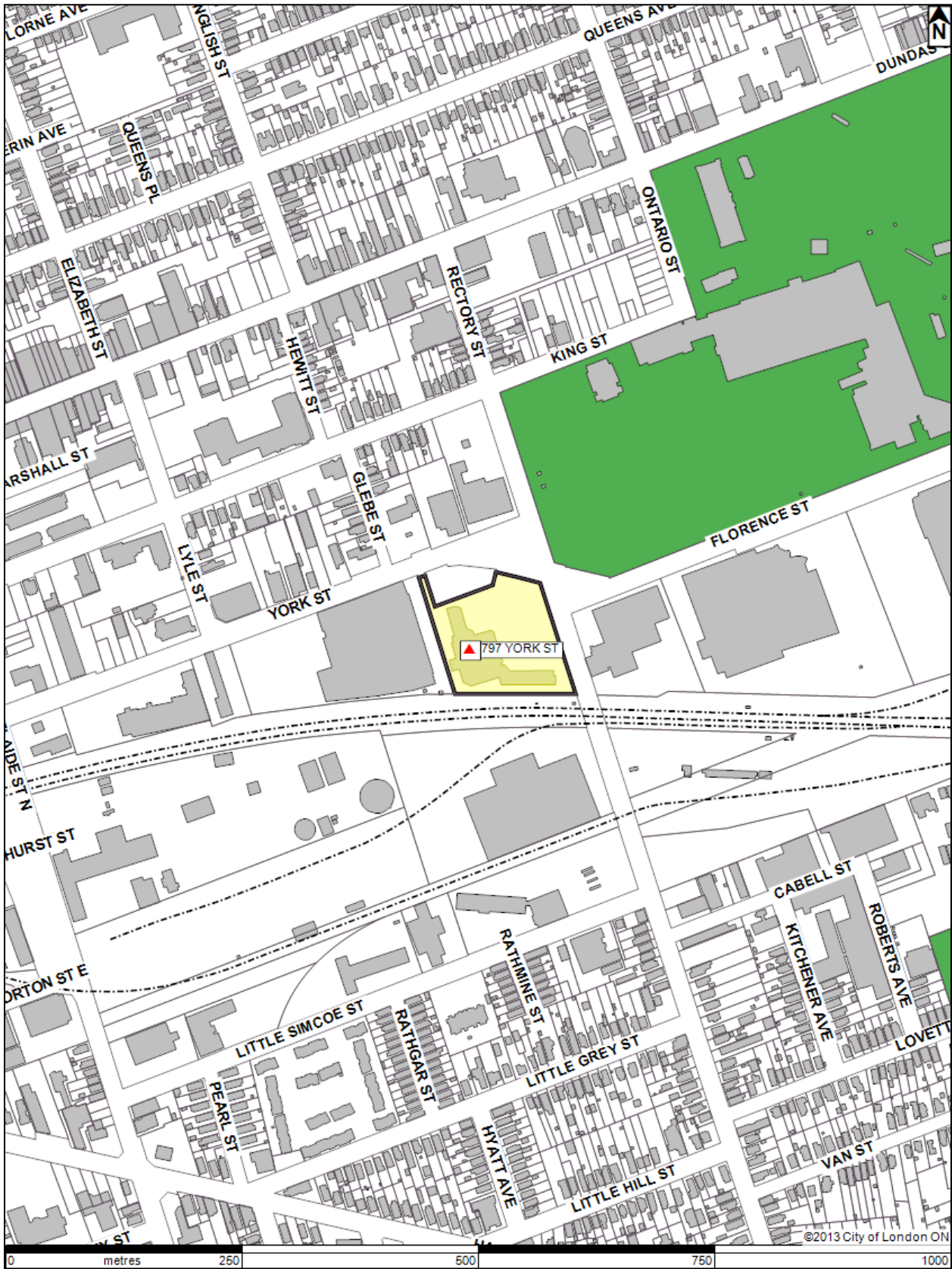
SURROUNDING LAND USES:
<ul style="list-style-type: none">• North - Moderate Intensity Commercial uses, and Trade Service uses• South - Railway/ BMO Soccer Field and Light Industrial• East - Western Fair• West - Service Office

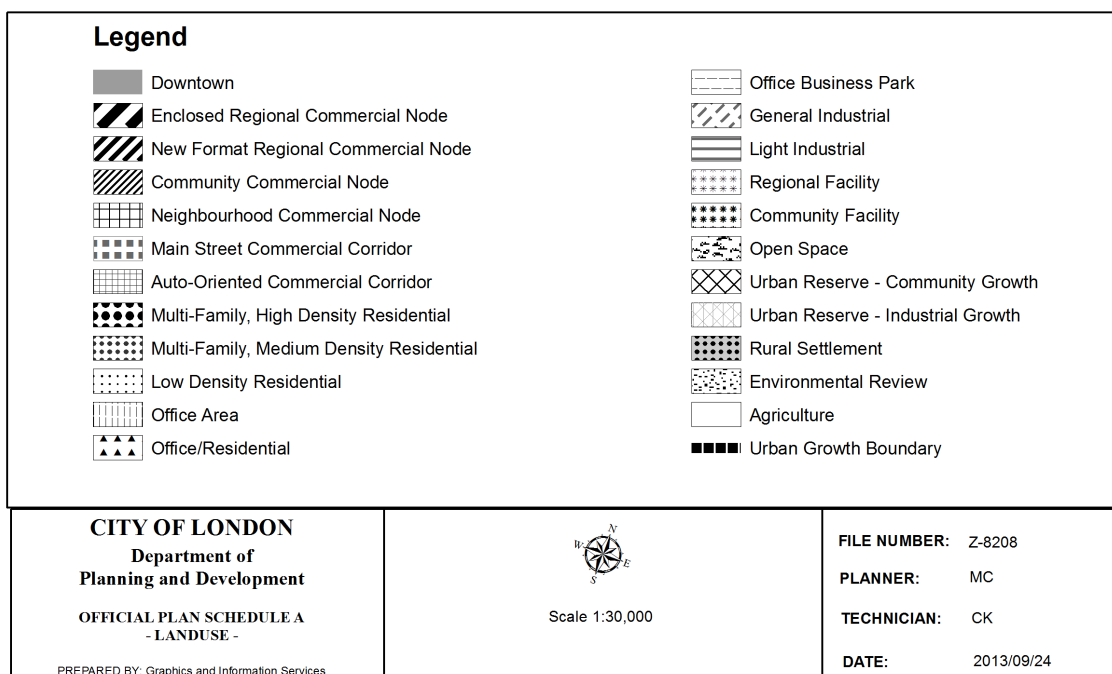
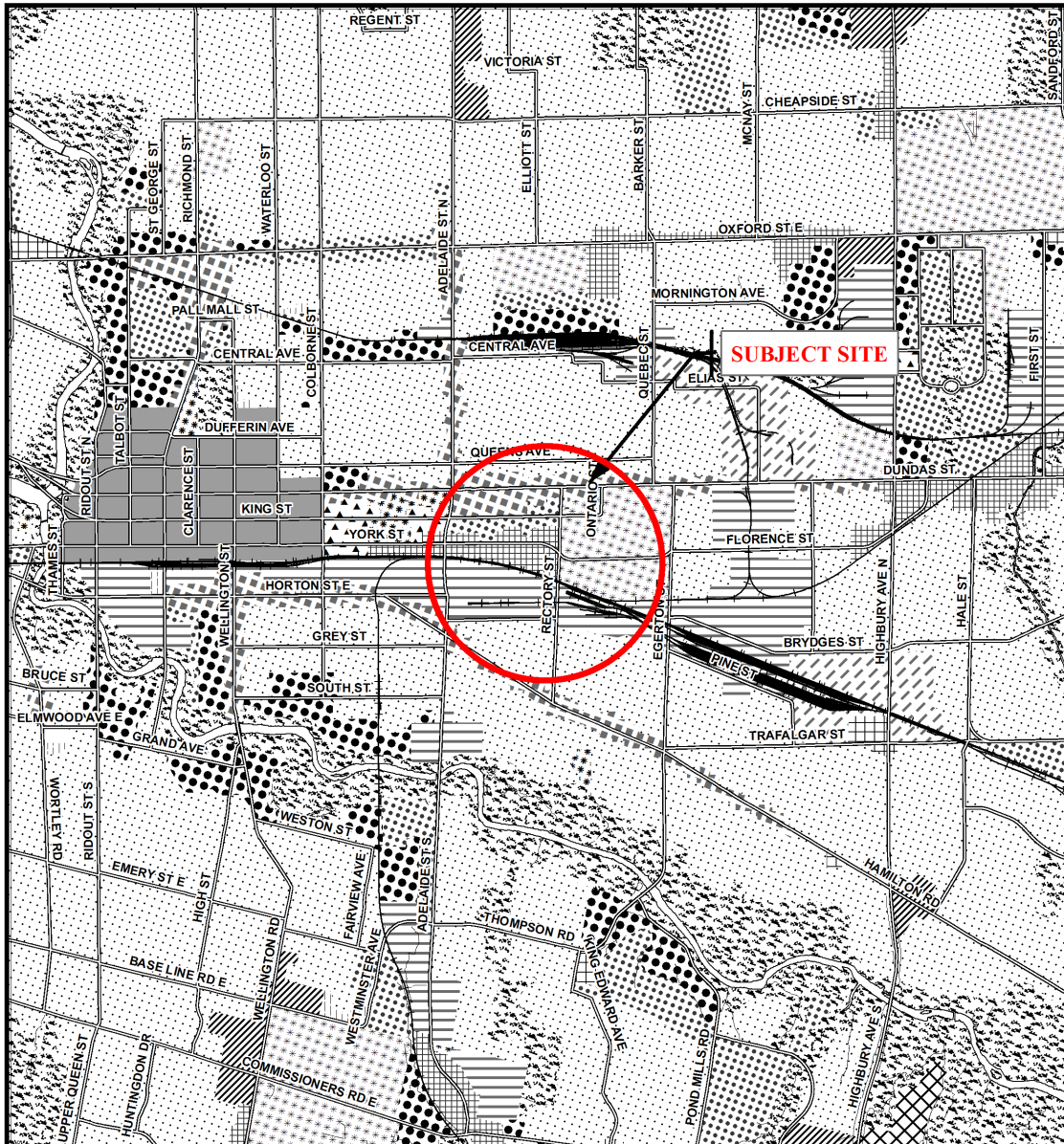
OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)
<ul style="list-style-type: none">• Auto Oriented Commercial Corridor
EXISTING ZONING: (refer to Zoning Map)
<ul style="list-style-type: none">• CSA1

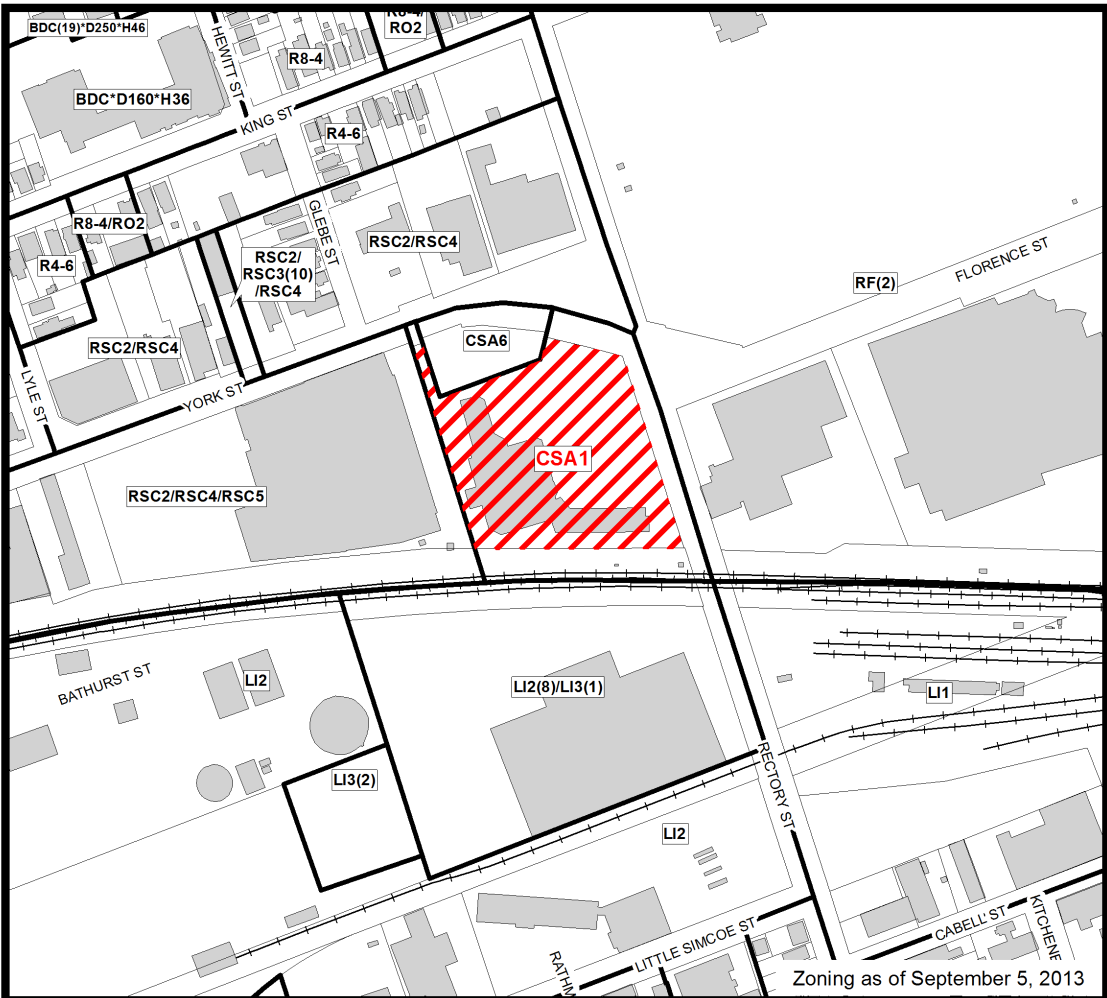
PLANNING HISTORY

The subject site was developed in 1989 and the main tenant was a grocery store. The grocery store vacated the subject site 8 years ago and that unit has remained vacant since that time. Other units on the property are seeing high rates of turnover or long vacancy periods.

Location Map







COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: CSA1

1) LEGEND FOR ZONING BY-LAW Z-1

- R1 - SINGLE DETACHED DWELLINGS

R2 - SINGLE AND TWO UNIT DWELLINGS

R3 - SINGLE TO FOUR UNIT DWELLINGS

R4 - STREET TOWNHOUSE

R5 - CLUSTER TOWNHOUSE

R6 - CLUSTER HOUSING ALL FORMS

R7 - SENIOR'S HOUSING

R8 - MEDIUM DENSITY/LOW RISE APTS.

R9 - MEDIUM TO HIGH DENSITY APTS.

R10 - HIGH DENSITY APARTMENTS

R11 - LODGING HOUSE

DA - DOWNTOWN AREA

RSA - REGIONAL SHOPPING AREA

CSA - COMMUNITY SHOPPING AREA

NSA - NEIGHBOURHOOD SHOPPING AREA

BDC - BUSINESS DISTRICT COMMERCIAL

AC - ARTERIAL COMMERCIAL

HS - HIGHWAY SERVICE COMMERCIAL

RSC - RESTRICTED SERVICE COMMERCIAL

CC - CONVENIENCE COMMERCIAL

SS - AUTOMOBILE SERVICE STATION

ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

- OR - OFFICE/RESIDENTIAL

OC - OFFICE CONVERSION

RO - RESTRICTED OFFICE

OF - OFFICE

RF - REGIONAL FACILITY

CF - COMMUNITY FACILITY

NF - NEIGHBOURHOOD FACILITY

HER - HERITAGE

DC - DAY CARE

OS - OPEN SPACE

CR - COMMERCIAL RECREATION

ER - ENVIRONMENTAL REVIEW

OB - OFFICE BUSINESS PARK

LI - LIGHT INDUSTRIAL

GI - GENERAL INDUSTRIAL

HI - HEAVY INDUSTRIAL

EX - RESOURCE EXTRACTIVE

UR - URBAN RESERVE

AG - AGRICULTURAL

AGC - AGRICULTURAL COMMERCIAL

RRC - RURAL SETTLEMENT COMMERCIAL

TGS - TEMPORARY GARDEN SUITE

RT - RAIL TRANSPORTATION

"h" - HOLDING SYMBOL

"D" - DENSITY SYMBOL

"H" - HEIGHT SYMBOL

"B" - BONUS SYMBOL

"T" - TEMPORARY USE SYMBOL

2) ANNEXED AREA APPEALED AREAS

CITY OF LONDON

PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

ZONING
BY-LAW NO. Z-1
SCHEDULE A



THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

FILE NO:
Z-8208 MC

MAP PREPARED:
2013/09/24 CK

1:3,524
0 15 30 60 90 120
Meters

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File: Z-8208
Planner: Mike Corby

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

City of London Environmental and Parks Planning

The Environmental and Parks Planning Section has reviewed the zoning amendment application for 797 York Street and offers the following comments to be considered in your decision:

- *There are no natural heritage or environmental concerns with the application.*
- *Parkland dedication has not been collected for the subject lands.*
- *If the owner of the property undertakes a significant redevelopment of the site or significant land use changes parkland dedication, in the form of cash-in-lieu consistent with the requirements of the Planning Act, will be required as a condition of site plan.*

City of London Transportation Planning & Design Division

The change in land use to permit a school and office space will generate less traffic than the grocery store use that was on the site in the past. So the existing transportation infrastructure should be able to accommodate the new uses. The only caveat would be if the building was to expand to the extent that traffic generated would exceed the grocery store use so our comments/logic is not absolute.

CN Rail

CN recommends the following protective measures for non-residential uses adjacent Main Lines (note some are requirements):

A minimum 30 metre building setback, from the railway right-of-way, in conjunction with a 2.5 metre high earthen berm or 2.0 metres for a secondary main line, is recommended for institutional, commercial (ie. office, retail, hotel, restaurants, shopping centres, warehouse retail outlets, and other places of public assembly) and recreational facilities (i.e. parks, outdoor assembly, sports area).

- *A minimum 15 metre building setback, from the railway right-of-way, is recommended for heavy industrial, warehouse, manufacturing and repair use (i.e. factories, workshops, automobile repair and service shops).*
- *A minimum 30 metre setback is required for vehicular property access points from at-grade railway crossings. If not feasible, restricted directional access designed to prevent traffic congestion from fouling the crossing may be a suitable alternative.*
- *A chain link fence of minimum 1.83 metre height is required to be installed and maintained along the mutual property line. With respect to schools and other community facilities, parks and trails, CN has experienced trespass problems with these uses located adjacent to the railway right-of-way and therefore increased safety/security measures must be considered along the mutual property line, beyond the minimum 1.83 m high chain link fence.*
- *Any proposed alterations to the existing drainage pattern affecting Railway property require prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.*
- *While CN has no noise and vibration guidelines that are applicable to non-residential uses, it is recommended the proponent assess whether railway noise and vibration could adversely impact the future use being contemplated (hotel, laboratory, precision manufacturing). It may be desirable to retain a qualified acoustic consultant to undertake an analysis of noise and vibration, and make recommendations for mitigation to reduce the potential for any adverse impact on future use of the property.*
- *For sensitive land uses such as schools, daycares, hotels etc, the application of CN's residential development criteria is required.*
- *There are no applicable noise, vibration and safety measures for unoccupied buildings, but chain link fencing, access and drainage requirements would still apply.*

PUBLIC LIAISON:	On July 19, 2013, Notice of Application was sent to 32 property owners in the surrounding area. Notice of Application was also published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on July 25, 2013. A “Possible Land Use Change” sign was also posted on the site.	No replies were received
Nature of Liaison: The purpose and effect of the requested Zoning By-law amendment is to remove the existing gross floor area restriction for office and private/commercial school uses. Change Zoning By-law Z.-1 FROM a Community Shopping Area (CSA1) Zone which permits a wide range of community-scale retail and personal service uses, as well as some office, commercial recreation, community facilities and commercial school uses, which serve the needs of the community, TO a Community Shopping Area (CSA1(_)) Zone which permits the same uses but will increase the gross floor area restriction for office and private/commercial school uses to 2,000m ² (21,527.8 sq. ft.) each.		
Responses: None		

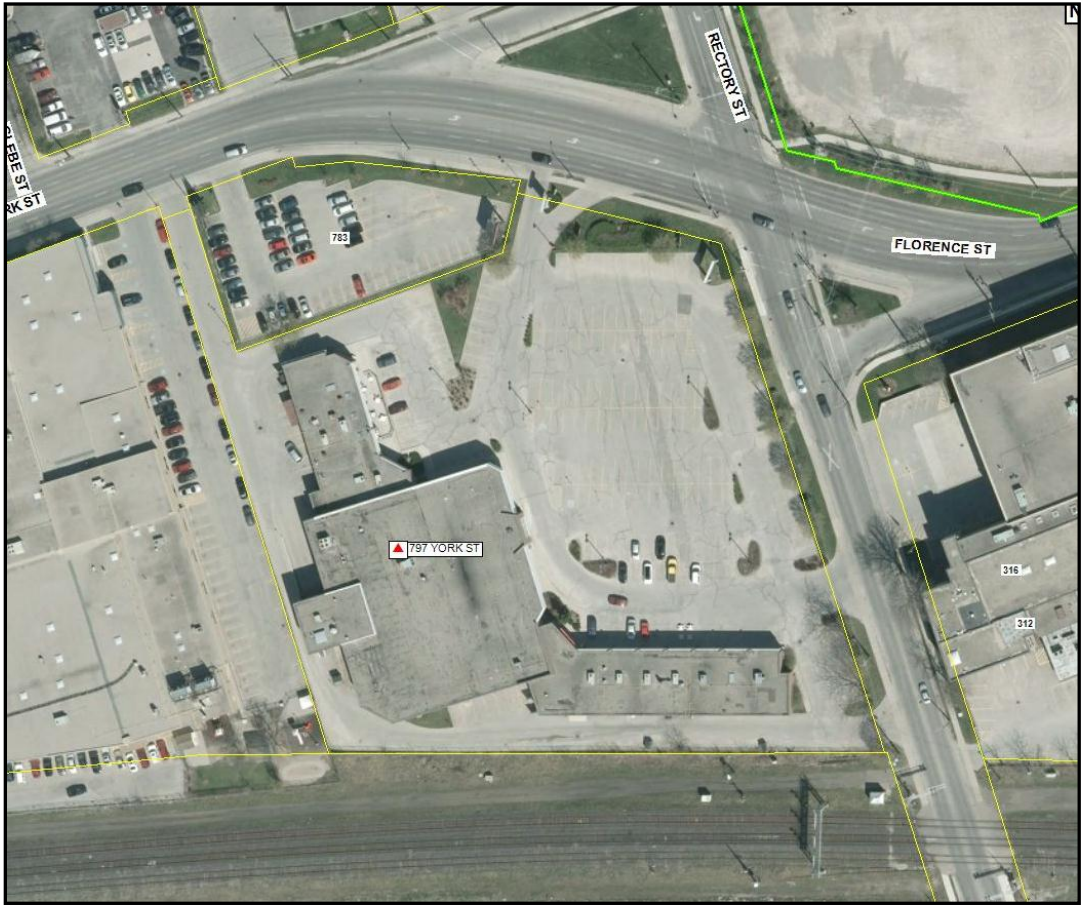
ANALYSIS

Subject Site

The subject site is located at 797 York Street on the southwest corner York and Rectory Streets. The property is irregular in shape and does not include the parking lot at 783 York Street which sits in the north part of the property along York Street. The lands are approximately 1.4 hectares in size with a large multi-tenant building on the site. The building is approximately 3,780m² with a total of 225 parking stalls.

Nature of Application

The purpose and effect of the requested Zoning By-law amendment is to allow for the subject site to permit additional office space in the existing building and provide the potential for a large commercial/private school. In order to proceed a rezoning application is required to increase the existing gross floor area restriction from 15% of the existing building (567m²) to 2,000m² (21,527.8 sq. ft.) for office and commercial/private school uses.



PPS

The policies of the PPS promote healthy, liveable and safe communities by: encouraging efficient development and land use patterns which sustain the financial well-being of the municipality; accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses) and other land uses; and, promoting cost effective development standards to minimize land consumption and servicing costs.

The proposed rezoning will maintain the existing development and land use pattern in the area and will allow the owner to operate the subject site in a manner that is compatible with the surrounding land uses. The increase in gross floor area for commercial/private schools and offices to a maximum gross floor area of 2,000m² (21,527.8 sq. ft.) will help sustain the financial well-being of the municipality, create employment opportunities and help support the other uses which currently exist in the area.

The proposal also satisfies section 1.1.3.3 of the PPS which ensures that planning authorities identify and promote opportunities for intensification and redevelopment where it can be appropriately accommodated.

The proposal will effectively use the building on the site and existing infrastructure thereby maximizing the utility of the existing infrastructure as well as reducing the need for land consumption or expansion of the settlement area. The development will help bring more vitality and regeneration to an area that has seen limited re-investment in the past.

Official Plan

The zoning of the subject site does not conform to the underlying Official Plan designation of Auto Oriented Commercial Corridor. However, many of the uses in this zone are permitted in the designation and those that are not can be considered generally compatible with the surrounding area. The Official Plan contemplates situations where the zoning does not conform

Agenda Item #	Page #

File: Z-8208
Planner: Mike Corby

to the designation. Section 19.5.2. (Uses Non-Conforming to the Official Plan) provides an opportunity to expand or enlarge uses without the need for an Official Plan amendment where the uses are recognized as a permitted use in the Zoning By-law provided that the expanded use can meet specific criteria. The proposed amendment meets the specific criteria outlined below for the following reasons:

Nuisances

The recommended additional permitted gross floor area and potential addition to the building for the commercial/private school and office space would not create any additional nuisances to the surrounding area as these uses generally to do not create air, noise or water pollution problems and do not involve hazardous activities or substances when operating. No new additional uses are being permitted on the subject site which are not currently permitted so no new impacts or nuisances are being introduced.

Compatibility

The expanded office and commercial school gross floor area will remain compatible with the surrounding area as many of the adjacent land uses are office type uses and no new uses which may be incompatible are being added to the subject site. The existing building is only 25 years old and the property is well landscaped and maintained. After the departure of the grocery store as the main tenant a high level of vacancy has followed. The proposal creates an opportunity for the building to attract an anchor tenant on the site. The surrounding area is all developed and this proposal does not interfere with the development of conforming uses in the surrounding area.

Maintenance of Existing Role

The proposed application to expand both the gross floor area of the commercial school and office use will not detract from the general intent of the existing Auto Oriented Commercial Corridor designation. Section 4.4.2.1 Planning Objectives of the Official Plan outlines the Auto Oriented Commercial Corridor designation objectives as well as the function and form that should be developed.

The increase in gross floor area for offices and commercial/private schools will facilitate the development of complementary uses as it will attract more activity and bring more people to the area. The increase in tenants will promote more service commercial uses on the site optimizing the uses in the existing building. The existing building and site configuration lends itself to facilitating the integration of large office and commercial/private school uses. The site is configured in a manner with common access points and a large amount of existing parking given that it serviced the requirements of a grocery store and other service commercial uses in the past. The extra gross floor area and increase in activity generated will help facilitate stability on the subject site and support and strengthen the overall health of the Auto Oriented Commercial Corridor. The existing development and configuration is in keeping with Auto Oriented Commercial Corridors goals and objectives as it is oriented toward automobiles and vehicular traffic and the existing uses also benefit from the higher levels of traffic.

As per section 4.4.2.3 “Function” of the Official Plan, the Auto Oriented Commercial Corridor designation is intended to function with a mix of retail, auto and commercial uses, office and remnant residential uses. The intent of the policies is to promote the clustering of similar service commercial uses having similar functional characteristics and requirements, and to avoid the extension of strip commercial development. There are existing TD offices located next door to the west as well as the Western Fair District Administration offices to the east across the road. The additional gross floor area will create the clustering of similar uses in this section of the corridor in the form of offices and the subject property can also accommodate smaller scale mixed uses to help the site and surrounding area function appropriately. The potential for a commercial school on the subject site adds to the mix of uses that the designation encourages.

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File: Z-8208
Planner: Mike Corby

The proposed re-zoning also provides the subject site the ability to develop with a mix of retail and commercial uses if the owner chooses at a later date. The increase in gross floor area creates more opportunity for office and commercial/private school uses to be developed on the site in an effort increase the usability of the property. The existing form of the development is in keeping with the Auto Oriented Commercial Corridor as it is geared toward automobiles and vehicular traffic. The increase in gross floor area is specific to office and private/commercial uses and will enhance the property's ability to serve the local market and the greater area.

Section 4.4.2.6.7 "Office Buildings" of the Auto Oriented Commercial Corridor policies specifically speaks to the height and scale of office buildings within the designation. These policies state that office uses shall be limited through regulations in the Zoning By-law to a size which is compatible with surrounding land uses and which does not exceed the neighbourhood scale of development, approximately 2,000m² (21,527.8 sq. ft.) in size. The Zoning By-law will limit floor areas for individual office uses in keeping with the intent that large office uses be located within the Downtown or Office Area designations. The height of the building has already been pre-determined through the existing structure but has been compatible with the area for years. The recommended amendment can still be considered in keeping with the scale in the area as the two large office buildings on either side of the subject site are similar in nature.

Planning Impact Analysis

A planning impact analysis is also required for the expansion or enlargement of the non-conforming use. Planning Impact Analysis is used to determine the appropriateness of a proposed change in land use, and to identify ways of reducing any adverse impacts on surrounding land uses. Section 4.5.2. (Scope of Planning Impact Analysis) outlines the criteria that will be considered when evaluating applications.

When reviewing the relevant criteria of section 4.5.2, it was determined that the application to expand the gross floor area of the permitted office and commercial/private school uses was appropriate. As previously identified in the evaluation, the intent of the existing designation is still maintained and no new uses are being introduced. The additional gross floor area being recommended will promote the re-use of an underutilized building. The recommended 2,000m² (21,527.8 sq. ft.) of gross floor area for office uses is in keeping with the permitted size and scale of office uses in the Auto Oriented Commercial Corridor designation.

The subject site is a corner lot which fronts an arterial and secondary collector road and the rear of the property abuts a railway track. To west of the subject site is a large office building which is the only land use directly abutting the subject site. In terms of compatibility with surrounding land uses, there is limited potential for impacts based on the surrounding features. It is also important to recognize that the application is for an increase in gross floor area for uses which are already permitted and not a request for new land uses. The owner is contemplating a future addition to the existing building for the commercial school use however, the building's existing configuration would allow for an addition with minimal impacts to the site and surrounding area. Any future addition would require site plan approval and conformity to the Site Plan By-law and requirements of CN rail.

Given the corner lot location, the subject site also provides multiple access points for vehicles and the property is of sufficient size to accommodate the increase in intensity created by the additional gross floor area. Previously, the site was used by a grocery store which would have operated at higher intensity than the proposed uses generating higher levels of traffic.

The existing Auto Oriented Commercial Corridor along York Street, and specifically around the subject site, has limited opportunity to accommodate the requested increase in gross floor area given the vacancy on the subject site compared to other sites in the area. The office and commercial school uses will generate comparable or less traffic than the grocery store. Potential traffic would be minimal or less than what previously existed as identified by the City's transportation division. Therefore the increase in gross floor area for the requested uses should be considered as having no additional impacts on the city streets, pedestrians or vehicular

Agenda Item #	Page #

File: Z-8208
Planner: Mike Corby

safety and surrounding properties. The only possible concern would be if the building was to expand to the extent that traffic generated would exceed the previous grocery store use where by a traffic study may be required through the site plan process.

The existing constraints posed by the environment include the rail line abutting the site which generates some noise, ground borne vibration, and rail safety concerns. The subject site was developed in conformity with the site plan guidelines that previously applied to the subject site when it was first built. The site plan approval process will not be a requirement as a result of the re-zoning application which will permit an increase in the gross floor area for office and commercial/private schools. The increase in permitted gross floor area is not considered “development” given that no construction is proposed at this time. Though the potential for internal alterations exists it would not have the effect of substantially increasing the usability of the structure compared to the previous grocery store and other permitted uses. If an addition is built, it will be required to go through the site plan process where fencing, and curb cut concerns and potential noise and vibration concerns can be address for the site.

Zoning

It is recommended that the zoning on the property will remain a Community Shopping Area (CSA1) zone with the addition of a special provision. The special provision is to permit an increase in gross floor area for office and commercial/private school uses which are already permitted uses under the existing zoning. The recommended rezoning will increase the gross floor area from 15% of the building area to a maximum of 2,000m² (21,527.8 sq. ft.) which equals 53% of the existing building for commercial/private school uses and offices in keeping with the Auto Oriented Commercial Corridors policies.

<div>CONCLUSION</div>

Staff is recommending approval of the proposed application. The proposal is consistent with the policies of the Provincial Policy Statement, 2005, which promote healthy, liveable and safe communities by accommodating an appropriate range and mix of employment uses and is in keeping with the policies of the City of London Official Plan relating to the scale of uses and objectives of the Auto Oriented Commercial Corridor. The additional gross floor area of already permitted uses will have no negative effects on the surrounding area and creates the opportunity to reduce vacancy on the site and contribute to the health of the commercial corridor.

Agenda Item #Page #

File: Z-8208
Planner: Mike Corby

PREPARED BY:	REVIEWED BY:
MIKE CORBY, PLANNER II COMMUNITY PLANNING AND DESIGN	MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, PLANNING REVIEW COMMUNITY PLANNING AND DESIGN
SUBMITTED BY:	RECOMMENDED BY:
JIM YANCHULA, MCIP, RPP MANAGER, COMMUNITY PLANNING AND DESIGN	JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER

September 16, 2013
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Report.docx

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File: Z-8208
Planner: Mike Corby

Bibliography of Information and Materials Z-8208

Request for Approval:

City of London Zoning By-law amendment Application Form, completed by Zelinka Priamo Ltd., July 5th, 2013.

Reference Documents:

Ontario. Ministry of Municipal Affairs and Housing. *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended.

Ontario. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement*, March 1, 2005.

City of London. *Official Plan*, June 19, 1989, as amended.

City of London. *Zoning By-law No. Z.-1*, May 21, 1991, as amended.

Zelinka Priamo Ltd. *Planning Justification Report*, July 3, 2013.

Correspondence: (all located in City of London File No. Z-8208 unless otherwise stated)

City of London -

Page, B., City of London Environmental & Parks Planning. Memo to Mike Corby, July 19, 2013.

Postma R., City of London Forestry. E-mail to Mike Corby, July 23, 2013.

Couvillon A., City of London Transportation Planning & Design Division. E-mail to Mike Corby, September 23, 2013.

Departments and Agencies -

Creighton C., UTRCA. Letter to M. Corby. August 15, 2013.

Beshro R., CN Rail. Email to M. Corby. July 25, September 23, 2013.

Dalrmplye, D., London Hydro. Memo to M. Corby. July 22, 2013.

Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2013

By-law No. Z.-1-13_____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 797 York
Street.

WHEREAS Southside Construction Management Ltd. has applied to rezone an
area of land located at 797 York Street, as shown on the map attached to this by-law, as set out
below;

AND WHEREAS this rezoning conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London
enacts as follows:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands
located at 797 York Street, as shown on the attached map compromising part of Key Map
No. A108, from a Community Shopping Area (CSA1) Zone to a Community Shopping Area
Special Provision (CSA1()) Zone.
- 2) Section Number 22.3 of the Community Shopping Area (CSA1) Zone is amended by
adding the following Special Provision:
-) CSA1 () 797 York Street

a) Regulation[s]

Gross Floor Area for2,000m² (21,527.8 square feet)
Offices (max)

Gross Floor Area for2,000m² (21,527.8 square feet)
Commercial or
Private Schools (max)

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of
convenience only and the metric measure governs in case of any discrepancy between the two
measures.

This By-law shall come into force and be deemed to come into force in accordance with Section
34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law
or as otherwise provided by the said section.

PASSED in Open Council on November 5, 2013.

Joe Fontana
Mayor

Agenda Item #	Page #

File: Z-8208
Planner: Mike Corby

Catharine Saunders
City Clerk

First Reading - November 5, 2013
Second Reading - November 5, 2013
Third Reading - November 5, 2013

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)

