

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee
From: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic Development
Subject: Amendments to the Zoning By-law and Site Plan Control By-law Related to House-Keeping and Sustainability
File Number: Z-9804
Public Participation Meeting
Date: December 3, 2024

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to implementing house-keeping amendments and sustainability measures as follows:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting December 17, 2024 to amend By-law C.P.-1455-541, as amended, entitled the "Site Plan Control By-law", to add the following:
- i) Exempt classes of development for less than 10 residential units, portables associated with school boards, colleges and universities;
 - ii) Remove references to mandatory pre-application consultation;
 - iii) Require bird-friendly standards for city facilities design standards; and
 - iv) Encourage a minimum amount of native species for landscaping.
- (b) The proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting December 17, 2024 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, *The London Plan*, to add the following:
- i) A minimum number of electric vehicle charging stations for new development;

IT BEING NOTED, that the above noted amendments are being recommended for the following reasons:

- i) The proposed amendments align the Site Plan Control By-law with recent Provincial changes.
- ii) The proposed sustainability measures implement *The London Plan* policies that encourage bird-friendly design, native planting species and future-ready developments that can accommodate electrical vehicle charging.

IT BEING FURTHER NOTED, that Civic administration will report back to Council with an update regarding the Green Development Guidelines in Q1 2025. Staff will review the legislative framework and municipal best practices to implement sustainable building construction features, and provide a scope and timeline for the preparation of the Guidelines.

Executive Summary

Summary of Request

This report provides an amendment to the Site Plan Control By-law and the Z.-1 Zoning By-law to implement Council directed sustainability measures. A house-keeping amendment is also proposed to reflect recent provincial changes, including changes to exempted classes of development and mandatory pre-application consultation.

Linkage to the Corporate Strategic Plan

This recommendation will contribute to the advancement of Municipal Council's 2023-2027 Strategic Plan in the following ways:

- Making London one of the greenest and most resilient cities in Canada in alignment with the Council-declared climate emergency and the Climate Emergency Action Plan.

Analysis

1.0 Background Information

1.1 Council Resolution

On January 23, 2024 Municipal Council resolved that:

a) the Civic Administration BE DIRECTED to update by Q3 2024 the Site Plan Control By-law and/or Zoning By-law to include the following requirements:

- i) 5% of the required parking spaces for buildings over 40 units be roughed in for EV charging;*
- ii) minimum 50% native species for landscaping, with no invasive species planted should be considered during plant selection criteria, and for staff to create a preferred list; and,*
- iii) short-term bicycle parking requirement at a rate of 0.1 space / unit for townhouse developments. Where feasible, bicycle parking should be centrally located to serve all units;*

b) the Civic Administration BE DIRECTED to include CSA A460 (bird friendly) standard in all city facilities building design standards;

c) the CSA A460 standard BE USED as a reference by staff in building design and construction;

d) the Civic Administration BE DIRECTED to review the legislative framework and municipal best practices to adopt a by-law through section 97.1 of the Municipal Act to implement sustainable building construction features, including but not limited to, energy efficiency, water conservation and green roofs, and report back to Council with options and recommendations, including identifying any required Official Plan, Zoning By-law and Site Plan Control Bylaw amendments; and,

e) the Civic Administration BE DIRECTED to report back to Council within Q3 2024 with a short update regarding the scope and timeline of the Green Development Guidelines and Green Parking Lot Guidelines, and the above items;

This report is in response to the council direction for items: a) i) ii) iii) and b), to implement sustainability measures. A house-keeping amendment is also proposed to reflect recent provincial changes to the Site Plan Control By-law.

A separate report will address items d) and e) which will include a separate consultation process.

1.2 Planning History

Bill 23: *More Homes Built Faster Act, 2022*, received Royal Assent on November 28, 2022. Part of Bill 23 reduced the scope of site plan control approvals, including exempting residential buildings containing no more than 10 units from site plan control.

Bill 97: *Helping Homebuyers, Protecting Tenants Act, 2023*, received Royal Assent on June 8, 2023. Part of Bill 97 reintroduced the option of site plan control approval for any land within a prescribed area.

Bill 185: *Cutting Red Tape to Build More Homes Act, 2024*, received Royal Assent on June 6, 2024. Part of Bill 185 exempted universities from the *Planning Act* and removed mandatory pre-application consultation.

January 21, 2019. Report to Planning & Environment Committee: [Bird Friendly Development](#)

2.0 Discussion and Considerations

2.1 Proposal

Updates and amendments are proposed to the Z.-1 Zoning By-law and the Site Plan Control By-law to integrate Council directed changes and house-keeping amendments to align with Provincial legislation.

2.2 Internal and Agency Comments

The proposed amendments were circulated for internal comments and public agencies to review. Detailed internal and agency comments are included in Appendix “D” of this report.

2.3 Public Engagement

Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on November 14, 2024.

There was 1 response received during the public consultation period. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

Concerns expressed by the public relate to:

- Provide 100% native plant species
- Implement bird-friendly design for all buildings
- Electric car parking is still based on non-renewable energy sources
- Proposed amendments do not go far enough

Detailed public comments are included in Appendix “C” of this report.

2.4 Policy Context

The Planning Act and the Provincial Planning Statement, 2024

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the *Provincial Planning Statement, 2024 (PPS)*. The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the *PPS*.

The mechanism for implementing Provincial policies is through the Official Plan, *The London Plan*. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) approval of *The London Plan*, the City of London has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in *The London Plan* analysis below.

It is staff’s opinion that the application is consistent with the *Planning Act* and the *PPS*, as the proposed amendments promote green infrastructure to support energy conservation and efficiency; and facilitate the maintenance or improvement of the diversity of natural features in an area. (PPS, 2.9, c) d); 4.1.2).

The London Plan, 2016

The City Building Policies within *The London Plan* include policies for the 'Green and Healthy City' which is an environmentally friendly city that imposes minimal impact on the environment, consumption of water and energy and reduces waste outputs. New developments will be planned to be 'future ready' to accommodate the future use of electric vehicles (TLP 729). As part of the Forest City policies native tree species are preferred for planting, recognizing that non-native species play an important role where native species do not survive and grow well in urban conditions or for specific landscape objectives (TLP 401_3). The City Design policies identify that efforts should be made to design buildings and use materials that minimize bird strikes on high-rise buildings (TLP 304).

3.0 Financial Impact/Considerations

None

4.0 Key Issues and Considerations

House-Keeping Amendments

4.1 Exempt Classes of Development

The Province has enacted legislative changes that exempt certain classes of development from the various requirements of the *Planning Act* through Bills 23, 97, and 185.

10 Units or Less

Residential developments with 10 or fewer units are now exempt from Site Plan Approval as per Bill 23: *More Homes Built Faster Act, 2022*. Amendments are proposed to the Site Plan Control By-law to reflect these changes and align with the provincial direction to list residential developments with 10 or fewer units as exempt from Site Plan Approval.

10 Units or Less In A Prescribed Area

Through Bill 97, the *Helping Homebuyers, Protecting Tenants Act, 2023*, further amendments were made to the *Planning Act* intended to recognize instances where site plan control could be a helpful tool to address land use sensitivity and compatibility matters. It reinstated the option for site plan control for residential developments of 10 units or fewer within proximity of a 'prescribed area'; which is 120m of a shoreline or 300m of a railway line.

Site plan approval within 300m of a rail corridor would allow for Noise and Vibration Studies to be completed and any mitigation measures to be captured through a Development Agreement such as warning clauses or requiring design features such as air conditioners. Lands that are along higher-order (arterial) roads would similarly require noise studies and mitigation as lands in proximity to rail corridors; however, where there are 10 residential units or less are not required to go through site plan approval.

Site plan approval within 120m of a shoreline, wetland, inland lake, river or stream valley would allow consideration and review of site layout and design and controls such features as grading, garbage storage location, snow storage location, and landscaping to ensure a sensitive fit. Lands that are regulated by a Conservation Authority will continue to require permits for development within regulated areas which ensures the review of site design and layout where there are notable features. Additionally, the zoning by-law continues to apply, which controls site layout through regulations like building setbacks, and building permits continue to be required.

Staff are not recommending site plan approval be required for residential developments with 10 or fewer units in a prescribed location. Staff are of the opinion that continuing to

exempt these developments will continue to facilitate low-rise residential developments by maintaining efficiencies in homebuilding that are consistent with Bill 23. All other commercial, institutional, industrial and residential developments with greater than 10 units are required to obtain Site Plan Approval prior to building permit.

Portables

The *Planning Act* currently exempts the placement of a portable classroom on a school site of a district school board if the school site was in existence on January 1, 2007. An amendment is proposed to the Site Plan By-law to list this exemption to be consistent with the *Planning Act*. The placement of portable classrooms on a school site that was not in existence prior to January 1, 2007 will continue to require site plan approval.

Colleges and Universities

The *Cutting Red Tape to Build More Homes Act, 2024* known as Bill 185 exempted publicly-assisted universities from the *Planning Act*, including Site Plan Approval. Colleges have been previously exempted and continue to be exempted from Site Plan Approval. An amendment is proposed to recognize this change and list Universities and Colleges as exempted classes of development from Site Plan Approval.

Proposed Amendment 5: Exempt Classes of Development

REVISE

- (a) *Residential development, redevelopment or intensification with ten (10) or fewer residential units per property. ~~A building or structure which is constructed, erected or placed on a freehold lot for the purpose of a single detached dwelling unit or a semi-detached dwelling unit or a duplex dwelling, except a single sideyard dwelling unit and except where the approval of plans or drawings is required as a condition of provisional consent or a condition of a Minor Variance decision or otherwise required by the Official Plan.~~*

DELETE

- (b) *~~An addition or alteration to a building or structure mentioned in Clause (a) except a single side yard dwelling unit and except where the approval of plans or drawings is required as a condition of provisional consent or a condition of a Minor Variance decision or otherwise required by the Official Plan.~~*

NO CHANGE

- (b) Agricultural and farm related buildings, building additions, building alterations or structures that are utilized in farming operations but not including agricultural-commercial or industrial operations such as farm equipment sales and service, farm supply sales and agricultural storage, service or supply establishments.
- (c) Sand and gravel pits located in the City.

NEW

- (d) *The placement of a portable classroom on a school site of a district school board if the school site was in existence on January 1, 2006.*
- (e) *Publicly-assisted universities, colleges and universities federated or affiliated with a publicly-assisted university as defined in section 1 of the Ministry of Training, Colleges and Universities Act*
- (f) *Colleges as an agent of the Provincial Crown of Ontario pursuant to the Ontario Colleges of Applied Arts and Technology Act, 2002.*

4.2 Mandatory Pre-Application Consultation

An amendment is proposed to reflect the provincial changes through Bill 185 that changed pre-application consultation from mandatory to voluntary. Text has been removed from section 1.2 that requires a mandatory request for site plan consultation. While no longer mandatory, staff continue to follow the Pre-Application Consultation process to provide preliminary review, and ensure the applicant is aware of any comments, issues or opportunities with a project.

Proposed Amendment 1.2: Request for Consultation Package

1.2. Request for Consultation Package

The Request for Consultation summarizes the Applicant's concept plan and assumptions for developing their site. Submission of a Site Plan Request for Consultation constitutes the Applicant's formal request to initiate Mandatory Consultation as required under the City's Planning Pre-consultation By-law, C.P. 1469-217. A Request for consultation Package includes:

Council Directed Amendments

4.3 Electric Vehicle Charging Ports

Council Direction: 5% of the required parking spaces for buildings over 40 units be roughed in for EV charging

An amendment is proposed to Zoning By-law Z.-1 to implement the Council direction to include a minimum number of electrical vehicle charging ports. The amendment is proposed to apply to new development only and will not be required for existing buildings that are retrofit, conversions or changes of use. A minimum of 5% of the provided vehicle parking spaces will be required to be electrical vehicle charging ports. The location of where vehicle charging ports is proposed to be flexible to allow the most practical delivery of electricity. Surface parking, structured or underground parking spaces are all acceptable locations, with equipment permitted in any yard. There are 3 levels of charging including:

Level 1 charging includes plugging in a standard cord set that comes with all EVs into a wall socket. This is the slowest level of charging (110 Volts/15 Amps) with an approximately 8 km range per hour of charging.

Level 2 charging is the most common level of charging with similar requirements to a clothing dryer or stove. Level 2 chargers can be installed in homes and commercial facilities by licensed electricians. They charge slightly faster than Level 1 chargers (240 Volts/30 Amps) with approximately 35 km range per hour of charging.

Level 3 charging/direct current (DC) is the fastest level of charging (400 Volts/100 Amps). Level 3 stations charge a battery from empty to 80% in 30-45 minutes with approximately 250 km range per hour of charging.

A review of other municipal approaches has shown the majority include provisions for the electric charging stations within their Zoning By-laws.

Municipality	Approach	Details
City of Hamilton	Zoning By-law	100% of all parking spaces for single detached, semi-detached, street townhouse, duplex, triplex, fourplex, dwelling unit, multiple dwellings. 50% of all parking spaces for new development for all other uses. (NB: Electric vehicle regulations under appeal)

City of Kitchener	Zoning By-law	<p>20% of parking spaces designed to permit the future installation of electric vehicle supply equipment for multiple dwellings.</p> <p>17.5% of parking spaces for non-residential and large residential care facilities where not located within a building shall be designed to permit future installation of electric vehicle supply equipment. 2.5% of parking spaces shall be electric vehicle parking spaces.</p>
City of Guelph	Draft Zoning By-law	<p>20% minimum of total required parking spaces for apartment and mixed-use buildings as electric vehicle parking spaces.</p> <p>80% of total required parking spaces for apartment, townhouse, and mixed-use buildings provided as designed electric vehicle parking spaces.</p> <p>10% of required parking spaces for non-residential uses provided as electric vehicle parking spaces and 20% provided as designed electric vehicle parking spaces.</p> <p>(Designed = allows for future installation)</p>
City of Brantford	Draft Zoning By-law	<p>1% of required parking spaces in mixed-use, residential mid-rise, residential high-rise, institutional, commercial and employment zones provide level 2 or 3 charging facilities.</p>
City of Barrie	Draft Zoning By-law	<p>Increase in the maximum number of parking spaces permitted where the parking spaces provided are electric vehicle ready.</p>
City of Mississauga	Zoning By-law	<p>1.0 of the required parking spaces for detached, linked, semi, street townhouse, duplex, triplex, back to back and stacked townhouse dwellings</p> <p>20% of total required parking spaces or 1.0 space whichever is greater for condo and apartment resident parking</p> <p>10% of total required parking spaces or 1.0 space whichever is greater for condo and apartment visitor parking</p> <p>20% of total required parking spaces or 1.0 space whichever is greater for back to back, stacked towns without a garage or drive-way</p>

Proposed Amendment Z.-1 section 2:

ELECTRIC VEHICLE CHARGING STATION– means a parking space with electric vehicle supply equipment.

ELECTRIC VEHICLE SUPPLY EQUIPMENT – means a complete assembly consisting of conductors, connectors, devices, apparatus, and fittings installed specifically for the purpose of power transfer and information exchange between the branch circuit and electric vehicle, and includes Level 1 (110 Volts/15 Amps), Level 2 (240 Volts/30 Amps), and/or Level 3 (400 Volts/100 Amps) charging.

Proposed Amendment Z.-1 section 4.19.16

16) ELECTRIC VEHICLE CHARGING STATIONS

Any vehicle parking space can be an electric vehicle charging station. For new residential and mixed-use developments with more than 40 residential units, a minimum of 5% of the provided vehicle parking spaces shall be provided as level 1, 2 or 3 electrical vehicle charging stations. Where an addition or expansion of an existing building is proposed, the electric vehicle charging stations shall only apply to the addition or expansion where there are more than 40 residential units. This regulation does not apply to a change of use or an adaptive reuse of an existing building.

Proposed Amendment Z.-1 section 4.27(10):

4.27(10) YARD ENCROACHMENTS PERMITTED			
	Structure	Yard in Which Projection is Permitted	Maximum Projection Permitted into Required Yard Under Zone Regulations
(10)	<i>Electric Vehicle Supply Equipment</i>	<i>All</i>	<i>Unlimited</i>

4.4 Native Species

Council Direction: Minimum 50% native species for landscaping, with no invasive species planted should be considered during plant selection criteria, and for staff to create a preferred list.

An amendment is proposed to implement the Council direction to encourage a minimum of 50% of native species for landscaping with no invasive species. The amendment will apply to each vegetation type, including woody plants (trees and shrubs), and herbaceous plants (annuals and perennial non-woody plants) provided as native species, while also prohibiting invasive species plantings. In accordance with *The London Plan* policies, it is acknowledged that not all planting environments are conducive to utilizing native species and non-native species are preferable in certain situations. Non-native species could be preferred for constrained sites where there are limited native soil volumes or limited maintenance and watering available, or for high intensity development sites where native species may grow too large to be appropriate. The recommended amendment encourages native plantings, though defers to the industry experts and professional landscape architects preparing and reviewing the plans to determine the most appropriate plant species for the site context. A list of native species plantings is being prepared to serve as a resource to industry experts.

Proposed Amendment 9.4.v) Plant Selection

- (iv) *hardiness and suitability to the local environment;*
- (v) *a minimum of 50% of each vegetation type (woody plants and herbaceous plants), encouraged to be provided as native species ~~with a preference for native species~~ over non-native species, with a preference for plantings that support pollinators.*
- (vi) *~~(prohibit the use of non-~~ Invasive plants as listed in the city of London Boulevard Tree Protection By-law, Design Specifications and Requirements Manual, and the Property Standards By-law are prohibited; and*
- (vii) *Availability.*

4.5 Short-term Bicycle Parking

Council Direction: short-term bicycle parking requirement at a rate of 0.1 space / unit for townhouse developments. Where feasible, bicycle parking should be centrally located to serve all units

Short-term bicycle parking is generally located outdoors whereas long-term bicycle parking accommodates overnight and longer duration parking generally found indoors or within a structure. The Z.-1 Zoning By-law was updated in February, 2024 through by-law Z.-1-243185 to require short-term bicycle parking for medium density development forms such as cluster townhouse developments whereas previously they were exempt. The requirement applies to developments with greater than 10 units as those developments require site plan approval which is the appropriate mechanism to implement the bicycle parking to the standards listed within the Site Plan Control By-law. There is no amendment proposed as the Z.-1 Zoning By-law was recently updated to achieve the intent of the Council direction and includes short-term bicycle parking rates for townhouse developments (with greater than 10 units).

4.6 Bird Friendly Design Standards

Council Direction: the Civic Administration BE DIRECTED to include CSA A460 (bird friendly) standard in all city facilities building design standards

An amendment to the Site Plan Control By-law is recommended to require implementation of the 'CSA A460:19 Bird-friendly Building Design' for new municipal facilities. The CSA 460 is a standard that addresses bird-friendly design in both new construction and existing buildings to reduce bird collisions with buildings. The standard provides bird-friendly design requirements for glazing, building-integrated structures and overall building and site design. New municipal facilities like fire stations, community facilities and municipal offices will be required to implement the bird friendly design standards to the greatest extent feasible, while allowing for some flexibility where a facility may require alternative design measures for safety or function.

In November, 2019, a report to the Planning and Environment Committee proposed Bird-Friendly Development amendments to the Site Plan Control By-law. Amendments included the addition of objectives to provide bird-friendly design and reduce mortality from bird-building collisions, and directive lighting to reduce skyglow and light pollution. The 2019 report was prepared in response to The Green Standards for Light Pollution and Bird-Friendly Development which was prepared as a joint initiative of several City advisory committees, and included a working group of building industry and ecology representatives. The CSA A460:19 Bird-friendly Building Design Standards was referenced through that process, and continues to be a resource for Site Plan review.

Proposed Amendment 2.1 Objective (d) (iv)

- (d) To provide bird-friendly design of a site for:
 - (i) conservation of resident and migratory bird species
 - (ii) reduced mortality from bird-building collisions
 - (iii) reduced negative impacts on natural heritage
 - (iv) *all new municipal facilities should adhere to CSA A460 standards to the greatest extent possible.*

4.7 Green Development Guidelines and Green Parking Lot Guidelines

Civic administration will report back to Council with an update regarding the Green Development Guidelines in Q1 2025. Consultation will follow.

Conclusion

The recommended amendments to implement Council direction are consistent with the PPS 2024, conform to *The London Plan* and will facilitate sustainable outcomes. House-

keeping amendments will also update the Site Plan Control By-law to align with recent Provincial Changes.

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Appendix A – Amendment to the Site Plan Control By-law

Bill No. (number to be inserted by Clerk's Office)
2024

By-law No. C.P.-1455-541

A by-law to amend C.P.-1455-541, as amended, entitles "Site Plan Control By-law"

WHEREAS Section 41(3) of the *Planning Act*, R.S.O. 1990, provides that, where in an Official Plan an area is shown or described as a proposed site plan control area, the council of the local municipality may designate a site plan control area;

AND WHEREAS Bill 23 amended the *Planning Act* to exempt residential developments of 10 units or less from requiring Site Plan approval;

AND WHEREAS Municipal Council by resolution has directed staff to amend the Site Plan Control Manual to include guidance on sustainability features;

AND WHEREAS Municipal Council of The Corporation of the City of London passed Bylaw C.P.-1455-541 on June 26, 2006 being a by-law to designate a Site Plan Control Area and to delegate Council's power under Section 41 of the *Planning Act*, R.S.O. 1990 c. P.13;

AND WHEREAS it is deemed expedient to amend the said By-law;

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

1. By-law C.P.-1455-541, as amended, is hereby further amended as deleting and replacing paragraph 1 as follows:

WHEREAS Section 41 of the *Planning Act*, R.S.O. 1990, c.P.13 provides in part that, where in an official plan an area is shown or described as a proposed site plan control area, the council of the local municipality in which the proposed area is situate may, by by-law, designate the whole or any part of such area as a site plan control area and shall appoint an officer, employee or agent of the municipality as an authorized person.

2. By-law C.P.-1455-541, as amended, is hereby further amended as deleting and replacing section 5. 'Exempt Classes of Development' as follows:

The following classes of development may be undertaken without the approval of plans and drawings otherwise required under Subsection 41(4) or (5) of the Act, and this by-law does not apply to such classes:

- (a) Residential development, redevelopment or intensification with ten (10) or fewer residential units per property.
- (b) Agricultural and farm related buildings, building additions, building alterations or structures that are utilized in farming operations but not including agricultural-commercial or industrial operations such as farm equipment sales and service, farm supply sales and agricultural storage, service or supply establishments.
- (c) Sand and gravel pits located in the City.
- (d) The placement of a portable classroom on a school site of a district school board if the school site was in existence on January 1, 2006.

(e) Publicly-assisted universities, colleges and universities federated or affiliated with a publicly-assisted university as defined in section 1 of the Ministry of Training, Colleges and Universities Act

(f) Colleges as an agent of the Provincial Crown of Ontario pursuant to the Ontario Colleges of Applied Arts and Technology Act, 2002.

3. By-law C.P.-1455-541, as amended, is hereby further amended as deleting and replacing section 9. 'Exercise of Power' as follows:

The exercise of the powers, authority or appointment delegated or made under Section 8 of this by-law is subject to the following:

(a) An appointed officer shall approve the plans and drawings referred to in Subsection (41)(4) of the Act except where,

(i) the proposed facilities, works or matters shown on the plans and drawings are not consistent with the Provincial Planning Statement, are not consistent with the policies of the Official Plan and other Council approved policy, do not comply with the zoning by-law and any other applicable by-law.

(ii) where submission requirements of the application under Section 7 of this by-law are incomplete.

(b) As a condition to the approval of plans and drawings referred to in Subsection 41(4) of the Act, the appointed officer may require that the Owner of the land enter into one or more agreements referred to in Paragraph (7)(c) of this by-law.

(c) The powers or authority under Clauses 41(7)(b) and (c) of the Act with respect to any of the facilities, works or matters mentioned in Paragraphs 1, 2, 3, 7, 8 and 9 of Clause 41(7)(a) of the Act shall be exercised by an appointed officer on the advice of the Deputy City Manager, Environment and Infrastructure or their delegate.

(d) The provisions of the Site Plan Design Manual shall be applied in each circumstance as it arises with such variations or modifications as the circumstances may require so long as each applicable provision is given effect according to its true intent and purpose.

(e) The form or wording of the agreement in Schedule 2 shall be used with such variations or modifications as circumstances may require so long as the substance is not changed or affected and any variance from Schedule 2, not being in manner or substance, does not affect the regularity of any agreement. In addition to this, other clauses may be added as required by the appointed officer.

(f) (i) At the time of considering a zoning or rezoning of a property or properties, the Planning and Environment Committee may as part of their recommendation to City Council require that a site plan public meeting be held to receive comments regarding the site plan, building elevations, landscape plan and any requirements of the development agreement by placing a holding provision with the proposed zone without further notice or by adding a direction for staff to hold a public meeting at Planning and Environment Committee and based on the public meeting Council should advise the appointed officer of any items to consider in their reviews as raised by the public and/or as advised by Council; or

(ii) In some cases, Official Plan Policies may require a site plan public meeting. In these cases, the appointed officers will request that the Planning and Environment Committee convene a public meeting on behalf of the appointed officers to obtain input from the public and receive advice from Council and

subsequently report to the appointed officers the results of the public meeting and any comments of Council; or

(iii) When, in connection with a specific application, City Council passes a by-law to revoke the powers under Section 8 of this By-law, a public site plan meeting shall be convened by the Planning and Environment committee and the Owner shall be afforded an opportunity to be heard at a public meeting of the Planning and Environment Committee, for the purpose of considering the plans and drawings and requirements pertaining to the development. The Planning and Environment Committee shall provide a recommendation to Council concerning the approval of the plans and drawings pertaining to the development and any requirements under Subsection 41(7) of the Act, including the provision of any agreement required; or

(iv) In any case where development has been the subject of a public site plan meeting and that development does not proceed, a further public site plan meeting will be required when a new site plan application is made for the same lands. In cases where an application is made to make minor amendments in keeping the general intent of the plans approved by Council, the appointed officers may approve these changes and may add any additional clauses to the agreement without the need for a further public site plan meeting except as otherwise directed by Council.

4. Schedule 1 to By-law C.P.-1455-541, as amended, is hereby further amended as deleting and replacing paragraph 1 in section 1.2 'Request for Consultation Package' as follows:

The Request for Consultation summarizes the Applicant's concept plan and assumptions for developing their site. A Request for consultation Package includes:

5. Schedule 1 to By-law C.P.-1455-541, as amended, is hereby further amended as deleting and replacing section 2.1. 'Objective' as follows:

To demonstrate the extent to which the massing and conceptual design of new developments is designed to:

- (a) provide a comfortable and pleasing environment for the intended uses in terms of buildings orientation, form and siting;
- (b) be consistent with or complimentary to existing buildings that are to be retained; and
- (c) be consistent with or complimentary to existing streetscapes.
- (d) To provide bird-friendly design of a site for:
 - (i) conservation of resident and migratory bird species
 - (ii) reduced mortality from bird-building collisions
 - (iii) reduced negative impacts on natural heritage
 - (iv) all new municipal facilities should adhere to CSA A460 standards to the greatest extent possible.

6. Schedule 1 to By-law C.P.-1455-541, as amended, is hereby further amended as deleting and replacing section 9.4 (a). 'Plant Selection' as follows:

The selection of plant material should be based on the following criteria.

- (a) Year Round and Seasonal Interest:
 - (i) colour of leaves, flowers, bark, stems, berries, cones;
 - (ii) height of planting through to maturity;
 - (iii) form and shape, particularly of tree species and by providing a tree canopy appropriate to the space;
 - (iv) foliage density in terms of penetration of sunlight through the tree;

- (v) hardiness and suitability to the local environment;
- (vi) a minimum of 50% of each vegetation type (woody plants and herbaceous plants), encouraged to be provided as native species over non-native species, with a preference for plantings that support pollinators;
- (vii) Invasive plants as listed in the city of London Boulevard Tree Protection By-law, Design Specifications and Requirements Manual, and the Property Standards By-law are prohibited; and
- (viii) Availability.

PASSED in Open Council on December 17, 2024 subject to the provisions of PART VI.1 of the *Municipal Act*, 2001.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – December 17, 2024
Second Reading – December 17, 2024
Third Reading – December 17, 2024

Appendix B – Zoning Bylaw Amendment

Bill No. (number to be inserted by Clerk's Office)
2024

By-law No. Z.-1-

A by-law to amend By-law No. Z.-1.

WHEREAS this amendment to the Zoning By-law Z.-1 conforms to the Official Plan;

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

1. Section Number 2 of Definitions is amended by adding the following definitions:

ELECTRIC VEHICLE CHARGING STATION– means a parking space with electric vehicle supply equipment.

ELECTRIC VEHICLE SUPPLY EQUIPMENT – means a complete assembly consisting of conductors, connectors, devices, apparatus, and fittings installed specifically for the purpose of power transfer and information exchange between the branch circuit and electric vehicle, and includes Level 1 (110 Volts/15 Amps), Level 2 (240 Volts/30 Amps), and/or Level 3 (400 Volts/100 Amps) charging.

2. Section Number 4 of the General Provisions is amended by adding the following Regulation:

4.19.16 ELECTRIC VEHICLE CHARGING STATIONS

Any vehicle parking space can be an electric vehicle charging station. For new residential and mixed-use developments with more than 40 residential units, a minimum of 5% of the provided vehicle parking spaces shall be provided as level 1, 2 or 3 electrical vehicle charging stations. Where an addition or expansion of an existing building is proposed, the electric vehicle charging stations shall only apply to the addition or expansion where there are more than 40 residential units. This regulation does not apply to a change of use or an adaptive reuse of an existing building.

3. Section Number 4 of the General Provisions is amended by adding the following Regulation:

4.27(10) YARD ENCROACHMENTS PERMITTED

	Structure	Yard in Which Projection is Permitted	Maximum Projection Permitted into Required Yard Under Zone Regulations
(10)	Electric Vehicle Supply Equipment	All	Unlimited

4. This Amendment shall come into effect 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 December 17, 2024 subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – December 17, 2024
Second Reading – December 17, 2024
Third Reading – December 17, 2024

Appendix C – Public Engagement

From:

Sent: Friday, November 15, 2024 2:33 PM

To: Phillips, Tristan <trphillips@london.ca>; Wise, Sonia <swise@london.ca>

Subject: [EXTERNAL] Re: Z-9804 - City-Wide: Green Development Standards and House-keeping Amendments - ZBA Notice of Application and PPM

Thank You for the opportunity to comment on the City-Wide Green Development Standards.

What is being proposed is a disappointment. Where other municipalities are embracing green infrastructure policies from the perspective of climate change, clean energy, species decline, and Low Impact Development (flooding) requirements, it is curious why the City of London is so shy to do the same.

Bird Friendly Windows

Bumble Bee Gardens has clients throughout SW Ontario, many in the City of London, but mostly in the City of Toronto where bird friendly windows are common place in new development. We cannot say if this is happening through policy or common practice, but we do know the City has, over many years, made a conscious decision to promote Toronto as a bird friendly city by advocating for wide spread action to prevent bird collision, especially during migration season.

It is common now to see buildings with bird friendly windows, and many tall building participate in the Lights Out Program during migration season. Participants in the Lights Out Program shut their lights in the top half of their buildings. It is striking the level of participation from both commercial and residential towers.

That hard work seems to be missing in London. It is unclear whether this meek policy is a reflection of the character of Council or a submissiveness to developers.

For example, why are you suggesting that only municipal buildings require bird friendly windows? It is easy to comply with a bird friendly window policy because it only requires placing a transparent film on windows with small tinted 'dots'. There should be no pushback.

Native Plants

New development should be required to plant 100% native plant species because native plants seed out. Bumble Bee Gardens specializes in creating native plant gardens professionally for private clients, and a proper garden plan would not plant more than 50% of a garden area with native plants. If you filled an entire garden space with native plants in the first year, the garden would be overgrown within three years - the length of time it takes for the initial plants to seed out. After which, the garden would need to be thinned out.

The policy should state that all open space be planted with 100% native plants because a native plant garden should never be over planted initially. The plants are alive - not sterile - and will produce additional plants going forward. In this respect, it is less expensive to create a native plant garden because you plant only 50% of the garden capacity initially. It takes approx. 5 years before the garden would be considered 'full' and need thinning.

The idea that nurseries would not be able to supply native plants if the policy required 100% native plant stock, has it backwards. The policy should require 100% native plants because the open space should only be planted at 50% capacity. Otherwise, there may not be enough native plants to support pollinators.

Electric Cars

Electric cars are very polluting and require scarce non-renewable minerals that must be mined, therefore the life cycle of electrical cars have dire environmental consequences. Electric cars are only as clean as the electrical grid. In Ontario, that is gas and nuclear. Electrical vehicles are just replacing one non-renewable fuel for another non-renewable source. It may be better to drive high efficiency gas-powered cars than electrical cars. Nonetheless, requiring new development to provide recharging stations is neither here nor there. A savvy landlord would automatically offer electrical hookups as a selling point.

Policy falls short.

These policies fall short of any significant gains in what can be easily described as an emergency. Dramatic species declines, especially in birds, is well documented and not disputed. The impacts of climate change are undeniable, and yet there is no policy regarding open green space in new development or requirements for renewable energy such as solar panels. It is strikingly absent. There is no acknowledgement of the value of green space in producing oxygen, providing habitat or mitigating the impacts of climate change on a micro level. London has examples of new development where many of these features have been successfully incorporated. Why then not make them policy?

Strikingly absent is an awareness of the lack of open space in which to implement these policies. Without open space, the native plant policy cannot be implemented and without space large enough to support canopy trees, there would certainly be a lack of birds. Large trees also cool temperatures and produce oxygen - two attributes needed for human health.

There is no leadership in this policy or even a basic understanding of what needs to be achieved and how to achieve it. Please give it more thought.

Sincerely,

Sandra Rouleau, on behalf of Bumble Bee Gardens

Appendix D – Internal and Agency Comments

Bell Canada: November 18, 2024

No comments or concerns

UTRCA: November 14, 2024

City of London – Development Services
P.O. Box 5035
London, Ontario N6A 4L9
Attention: Sonia Wise (via email)

Re: Application to Amend a Community Improvement Plan - File No. O-9804

Applicant: The Corporation of the City of London

City-Wide: Green Development Standards and House-keeping Amendments

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies within the Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006), Section 28 of the *Conservation Authorities Act*, the *Planning Act*, the Provincial Planning Statement (2024), and the Upper Thames River Source Protection Area Assessment Report.

PROPOSAL

The City of London is proposing both a Site Plan Control Area By-law and Zoning By-law Amendment to aid in the implementation of Green Development Standards and various house-keeping amendments across the municipality.

Specifically, the amendments proposed to the Site Plan Control Area By-law are for the purpose of implementing Council direction and house-keeping and include:

- Updating the list of exempted development classes;
- Removing the mandatory requirement of pre-application consultation;
- Encouraging 50% native species plantings; and
- Requiring implementation of bird-friendly design for new municipal buildings.

Additionally, proposed amendments to the Z.-1 Zoning By-law include:

- Requiring a minimum amount of electric vehicle charging stations.

DELEGATED RESPONSIBILITY AND STATUTORY ROLE

Provincial Planning Statement, 2024

The UTRCA has the provincially delegated responsibility for the natural hazard policies of the PPS, as established under the “Provincial One Window Planning System for Natural Hazards” Memorandum of Understanding between Conservation Ontario, the Ministry of Natural Resources and Forestry (MNRF) and the Ministry of Municipal Affairs and Housing. Accordingly, the Conservation Authority represents the provincial interest in commenting on development applications with respect to natural hazards and ensures that applications are consistent with the PPS.

The UTRCA’s role in the development process is comprehensive and coordinates our planning and permitting interests. Through the plan review process, we ensure that development applications meet the tests of the Planning Act, are consistent with the PPS, conform to municipal planning documents, and with the policies in the UTRCA’s Environmental Planning Policy Manual (2006). Permit applications must meet the requirements of Section 28 of the Conservation Authorities Act and the policies of the UTRCA’s Environmental Planning Policy Manual (2006). This approach ensures that the principle of development is established through the Planning Act approval process

and that a permit application can be issued under Section 28 of the Conservation Authorities Act once all of the planning matters have been addressed.

CONSERVATION AUTHORITIES ACT – *Section 28 Regulations*

Areas within the City of London are regulated by the UTRCA in accordance with Ontario Regulation 41/24, made pursuant to Section 28 of the *Conservation Authorities Act*. The regulation limit is comprised of various riverine hazard features and wetlands.

The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL (2006)

The UTRCA's Environmental Planning Policy Manual is available online at:

<https://thamesriver.on.ca/wp-content/uploads/EnvPlanningPolicyManual-update2017.pdf>

NATURAL HAZARDS

As indicated, the UTRCA represents the provincial interest in commenting on Planning Act applications with respect to natural hazards. The PPS directs new development to locate and avoid natural hazards. In Ontario, prevention is the preferred approach for managing hazards in order to reduce or minimize the risk to life and property. This is achieved through land use planning and the Conservation Authority's regulations with respect to site alteration and development activities.

The UTRCA's natural hazard policies are consistent with the PPS and those which are applicable to the subject lands include:

3.2.2 *General Natural Hazard Policies*

These policies direct new development and site alteration away from hazard lands. No new hazards are to be created and existing hazards should not be aggravated. The Authority does not support the fragmentation of hazard lands which is consistent with the Provincial Policy Statement (PPS) and is intended to limit the number of owners of hazardous land and thereby reduce the risk of unregulated development etc.

3.2.3 *Riverine Flooding Hazard Policies*

These policies address matters such as the provision of detailed flood plain mapping, floodplain planning approach, and uses that may be allowed in the flood plain subject to satisfying UTRCA permit requirements.

3.2.4 *Riverine Erosion Hazard Policies*

The Authority generally does not permit development and site alteration in the meander belt or on the face of steep slopes, ravines and distinct valley walls. The establishment of the hazard limit must be based upon the natural state of the slope, and not through re-grading or the use of structures or devices to stabilize the slope.

3.2.6 *Wetland Policies*

New development and site alteration is not permitted in wetlands. Furthermore, new development and site alteration may only be permitted in the area of interference and /or adjacent lands of a wetland if it can be demonstrated through the preparation of an Environmental Impact Study (EIS) that there will be no negative impact on the hazard, hydrological and ecological function of the feature.

DRINKING WATER SOURCE PROTECTION – *Clean Water Act*

For policies, mapping and further information pertaining to drinking water source protection; please refer to the approved Source Protection Plan at:

<https://www.sourcewaterprotection.on.ca/approved-source-protection-plan/>

COMMENTS AND RECOMMENDATION

As indicated, certain lands within the City of London are regulated by the UTRCA. Prior to advancing any proposal for new development within areas regulated by the UTRCA, including but not limited to development that would aide in the implementation of the proposed Green Development Standards and / or the installation of electric vehicle charging stations, the UTRCA may require a Section 28 permit application. The UTRCA encourages early engagement and consultation to determine the presence of any regulated areas and the associated requirements of applicable approval and permitting processes.

The UTRCA has ***no objections*** to this application.

Thank you for the opportunity to comment.

Yours truly,

UPPER THAMES RIVER CONSERVATION AUTHORITY