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File: OZ-8219
Planner:
L. Maitland

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	CITY-WIDE OFFICIAL PLAN/ZONING BY-LAW REVIEW CITY OF LONDON PUBLIC PARTICIPATION MEETING ON MARCH 25, 2014

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions **BE TAKEN** as a result of the City-wide Official Plan/Zoning By-law review of the non-industrial uses in industrial areas in the City of London:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on April 1, 2014 to amend the Official Plan to add policy to restrict non-supportive non-industrial uses under Section 7.1.1 of the Industrial Objectives; remove private clubs and commercial recreation establishments as permitted uses from Section 7.2.2 of the General Industrial designation; add restrictions to the location of secondary uses in Section 7.3.2 of the Light Industrial designation; and to add policies to Section 7.6 of the Planning Impact Analysis to require the consideration of the impact of non-industrial uses on the potential of industrial development and to limit the location of sensitive land uses in industrial areas.
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on April 1, 2014 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan as amended in part (a) above, **TO:**
 - i) Amend Section 2 (Definitions) to replace the existing definition for "Church" with a new definition for "Place of Worship."
 - ii) Amend Section 2 (Definitions), Section 3 (Zones and Symbols), Section 4 (General Provisions), Section 12 (Residential R8 Zone), Section 20 (Downtown Area (DA) Zone), Section 25 (Business District Commercial (BDC) Zone), Section 26 (Arterial Commercial (AC) Zone), Section 31 (Regional Facility (RF) Zone), Section 32 (Community Facility (CF) Zone), and Section 33 (Neighbourhood Facility (NF) Zone) to replace "Church" with "Place of Worship";
 - iii) Add new regulations to the Light Industrial (LI) and General Industrial (GI) zones to restrict the location of non-industrial uses;
 - iv) Add new regulations to limit the size of ancillary retail uses and determine access points in the Light Industrial (LI) and General Industrial (GI) zones; and
 - v) Remove private clubs and commercial recreation establishments as permitted uses in the GI1 zone variation.
- (c) that staff **BE DIRECTED** to initiate a Zoning By-law amendment to add the Light Industrial (LI3) zone variation to the property located at 1565 North Routledge Park.

IT BEING NOTED that 1565 North Routledge Park, 1920 and 1930 Blue Heron Drive have been added to the list of exempted properties previously identified.

AND IT BEING FURTHER NOTED that the property located at 457 Southdale Road West is being addressed as part of site-specific Zoning By-law amendment (Z-8314).

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PREVIOUS REPORTS PERTINENT TO THIS MATTER

Report (OZ-8219) - December 10, 2013 – Previous report on this matter outlining in more detail the analysis behind the proposed Official Plan and Zoning By-law amendments (attached as Appendix D).

Report (Z-7529) - 8 Cuddy Boulevard was prepared in 2009 recommending approval for a Bio-gas plant. Opposition was raised regarding the effect of the gas plant on the adjacent commercial recreation facility located in an industrial area.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the proposed recommendations is to clarify how non-industrial secondary uses should appropriately support the industrial areas in which they locate. The proposed amendments remove day cares and private clubs from the General Industrial designation. The proposed recommendations limit the location of possibly sensitive land uses to arterial and primary collector roads and at least 300m from General Industrial and Heavy Industrial Zones. The proposed recommendations also add requirements for ancillary commercial in Light Industrial zones. Furthermore the proposed recommendations through definitional changes the distinction between assembly halls and what are currently defined as Churches while replacing the definition of Church with a new one: Place of Worship.

RATIONALE

1. Industrial lands as employment areas are to be protected in accordance with the Provincial Policy Statement (2005).
2. Industrial area policy in the Official Plan allows for some non-industrial uses in industrial areas as secondary uses.
3. Non-industrial uses in industrial areas should support and not interfere with the industrial areas. Recently non-industrial uses have interfered with the ability of non-industrial uses to locate in established industrial areas.
4. Policy changes are necessary to ensure the loss of industrial land to non-industrial uses, in particular sensitive uses, are limited and where applicable removed from industrial areas.
5. Further policy changes are required to control where non-industrial uses locate when they do locate within industrial areas.
6. The definition of Church is outdated and does not account for the full diversity of religious practice within the City of London and needs to be changed to distinguish them from Assembly Halls.

BACKGROUND

Date Application Accepted: August 13, 2013	Agent: City of London
REQUESTED ACTION: Review of policy regarding non-industrial uses in industrial areas.	

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

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London Hydro: No Objection

Environmental and Parks Planning: No Concerns

Wastewater: No Comment

PUBLIC LIAISON:	Notice of Application was published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on September 5, 2013.	2 replies received
<p>Nature of Liaison: Change the Official Plan by: adding policy to restrict non-supportive non-industrial uses under Section 7.1.1 of the Industrial Objectives; removing as permitted uses private clubs, and commercial recreation establishments from Section 7.2.2 of the General Industrial designation; and adding policy to require the consideration of non-industrial uses impacts on the potential of industrial development to Section 7.6 of the Planning Impact Analysis.</p> <p>Change Zoning By-law Z.-1 by: replacing the existing definition for “CHURCH” with a new definition for “PLACE OF WORSHIP”; amending Section 2 (Definitions), Section 3 (Zones and Symbols), Section 4 (General Provisions), Section 12 (Residential R8 Zone), Section 20 (Downtown Area (DA) Zone), Section 26 (Arterial Commercial (AC) Zone), Section 31 (Regional Facility (RF) Zone), and Section 33 (Neighbourhood Facility (NF) Zone) to replace “church” with “place of worship”; adding new regulations to the Light Industrial (LI) Zone to restrict the location of non-industrial uses; adding new regulations for require ancillary retail uses in the Light Industrial (LI) zone; and removing as permitted uses private clubs and commercial recreation establishments from the G11 zone variation.</p>		
<p>Responses: The first response received cautioned about new zoning that would preclude the possibility for necessary, unique and large-scale commercial recreation centers in all industrial areas. The respondent went on to add that limiting commercial recreation to arterial roads would in some instances make them economically unfeasible.</p> <p>The second response questioned the limitation on commercial recreation establishments locating on primary collectors and arterials. They commented (as did the first) with a particular site in mind, in this case one which had recently been zoned with the intent to allow a commercial recreation use but which would be not allow commercial recreation use were the proposed amendments to go through as written.</p>		

ANALYSIS

Council’s Direction

On December 10, 2013 the Planning and Environment committee referred the attached report (Appendix D) back to staff with the guidance that staff needed to “incorporate the properties located at 457 Southdale Road West, 1920 and 1930 Blue Heron Drive”.

The first property, 457 Southdale Road West, is to be addressed through a separate By-law amendment. The proposed changes to the By-law to clarify the definition of Assembly Hall uses would prevent the development of a Place of Worship on this site. Given that this is a site specific request within the Commercial Recreation Zone addressing it through OZ-8219 was deemed inappropriate. Zoning By-law amendment Z-8314 provides the necessary special provisions to allow for the development.

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The final two properties, 1920 and 1930 Blue Heron Drive, have been addressed through a change to attached By-law from the one presented to council December 10, 2013. The proposed By-law presented on December 10, 2013 excluded a number of properties, given recent council decisions regarding the permitted uses on those sites. Council directed that the properties located at 1920 and 1930 Blue Heron Drive were to be added to the list of exempted properties.

Protecting Industrial Areas

The intent of the industrial land use designation is to identify appropriate lands and locations for industrial operations and industrial jobs. Industrial manufacturing has long been the basis of the Southwestern Ontario economy

Industrial operations do not conduct their business in isolation. For industrial areas to function efficiently and effectively some uses which support industrial uses should be located in and around industrial areas. These support uses allow industrial workers and business to operate without traversing unnecessarily long distance to reach required daily services. To maintain a high-level of efficiency, non-industrial uses in an industrial area should be limited and, when allowed, related to the conduct of industrial operations so as not to hinder the employment potential of industrial lands.

The report of December 10, 2013 addresses sensitive uses within industrial areas. This includes removing them from the General Industrial Zone and designation and limiting their location within the Light Industrial Zone and designation. That report also brought forth clarification of the definition of Assembly Halls and "Place of Worship" as a definition to replace "Church".

The protection of industrial lands for industrial uses is an important element of maintaining the economic vitality of the City of London. Industrial areas require support services however the ability to operate without land use conflicts and in areas where nuisance impacts can be avoided is important in maintaining the prime industrial function of these areas. Permitting non-industrial uses to locate within industrial areas may prevent the efficient development of the industrial area or may sterilize large areas from being developed as industrial uses.

CONCLUSION

The proposed and attached amendments both promote the protection of industrial land while addressing the specific requests of council for the properties located at 457 Southdale Road West, 1920 and 1930 Blue Heron Drive. The property at 457 Southdale Road West is to be addressed by Z-8314 while 1920 and 1930 Blue Heron Drive are incorporated through their addition to the list of exempted properties in the attached by-law. The proposed policy changes protect existing industrial lands by limiting the range and location of permitted non-industrial uses in industrial areas.

The property located at 1565 North Routledge Park has been added to the list of exempted properties in anticipation of the Zoning By-law amendment to add commercial recreation uses to this property.

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PREPARED BY:	SUBMITTED BY:
LEIF MAITLAND PLANNER I POLICY PLANNING & PROGRAMS	GREGG BARRETT, AICP MANAGER POLICY PLANNING & PROGRAMS
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

March 3, 2014
LM/LM
Attached

List of Appendices:

- A. Proposed Official Plan Amendment
- B. Proposed Zoning By-law Amendments
- C. Table of Non-Industrial Uses in Industrial Areas
- D. OZ-8219 Report to Planning and Environment Committee December 10, 2013

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Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2014

By-law No. C.P.-1284-_____

A by-law to amend the Official Plan for the City of London, 1989 relating to the location of non-industrial uses on lands designated for industrial uses.

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

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990, c.P.13.*

PASSED in Open Council on April 1, 2014.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading - April 1, 2014
Second Reading - April 1, 2014
Third Reading - April 1, 2014

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AMENDMENT NO.

to the

OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To add a policy in Section 7.1.1 of the City of London Official Plan to limit non-industrial uses in industrial designations to only those which support industrial businesses.
2. To remove private clubs and commercial recreation establishments from the list of permitted uses in Section 7.2.2 of the Official Plan.
3. To add a policy to Section 7.6 of the Official Plan to ensure non-industrial uses in industrial areas do not impact and prevent future industrial development in their vicinity.

B. LOCATION OF THIS AMENDMENT

1. This Amendment applies to all lands located within the City of London.

C. BASIS OF THE AMENDMENT

Industrial lands as employment lands are to be protected in accordance with the Provincial Policy Statement (2005). Industrial policies in the Official Plan allow for some non-industrial uses in industrial areas as secondary uses to serve and compliment the industrial area. Non-industrial uses in industrial areas should support and not interfere with the efficient operation of industries in industrial areas. The proposed policy changes are necessary to reduce the loss of industrial land to non-industrial uses.

D. THE AMENDMENT

The Official Plan for the City of London is hereby amended as follows:

1. Amend Section 7.1.1 (Objectives for All Industrial Designations) of the Official Plan by adding:
 - _) Limit non-industrial uses in industrial areas to those that directly support the industrial area.
2. Amend Section 7.2.2 (Uses Permitted by Site Specific Zoning) of the Official Plan by deleting “iv) private clubs and commercial recreation establishments” and “vii) day care centres”.
3. Amend Section 7.3.2 (Uses Permitted by Site Specific Zoning) of the Official Plan by adding removing the “:” after the words “Planning Impact Analysis” and adding “. These uses are not permitted within 300m of any lands zoned for General Industrial (GI) or Heavy Industrial (HI) uses.”

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4. Amend Section 7.6.2 i) (Planning Impact Analysis) of the Official Plan by adding under i) (General Proposals) the following as new clauses:

- (_) For non-industrial uses within industrial designations the potential of the proposed uses to deter future industrial development; and,
- (_) Secondary uses which may be considered as sensitive land uses are not to be located within 300m of an area designated General Industrial and are located on either a primary collector or arterial road.

and deleting the “and” at the end of clause “(d)” and adding an “and,” at the end of clause “(e)”.

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Appendix "B"

Bill No.
2014

By-law No. Z.-1-14_____

A by-law to amend Section 2 (Definitions), Section 40 (Light Industrial (LI) Zone) and Section 41 (General Industrial (GI) Zone) of By-law No. Z.-1 to address non-industrial uses in the City of London.

WHEREAS **The Corporation of the City of London** intends to add new regulations in By-law No. Z.-1 pertaining to non-industrial uses within industrially designated areas within the City of London;

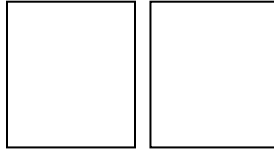
AND WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by clerk's office) these zoning changes will conform to the Official Plan;

AND WHEREAS the Municipal Council has recently approved zoning changes on the properties located at 1920 and 1930 Blue Heron Drive, 1828 Blue Heron Drive, 1615 North Routledge Park, 1565 North Routledge Park, 1069 Clarke Road, and 1030 Elias Street that would not be consistent with these changes, these properties located at 1920 and 1930 Blue Heron Drive, 1828 Blue Heron Drive, 1615 North Routledge Park, 1069 Clarke Road, and 1030 Elias Street are exempt from this By-law.

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

1. Section 2 (Definitions) of Zoning By-law Z.-1 is amended by adding the sentence: *"This does not include a Place of Worship."* to the end of the definition for "ASSEMBLY HALL".
2. Section 2 (Definitions) of Zoning By-law Z.-1 is amended by deleting the existing definition for "CHURCH".
3. Zoning By-law Z.-1 is amended by, deleting each instance of the text "church" and replacing with the text "place of worship" and deleting each instance of the text "churches" and replacing with the text "places of worship".
4. Section 2 (Definitions) of Zoning By-law Z.-1 is amended by adding as a new definition for "PLACE OF WORSHIP" the following:

"PLACE OF WORSHIP" means a building, including but not limited to churches, synagogues, mosques, gurdwaras, mandirs, longhouses and temples, owned or occupied by a religious congregation or religious organization and dedicated exclusively to worship and related religious, social and charitable activities, with or without a hall, auditorium, convent, monastery, office of a faith leader, cemetery, school, day care or a dwelling unit for the faith leader as uses accessory thereto.



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5. Section 40.3 2) (Regulations) of the Light Industrial (LI) Zone of Zoning By-law Z.-1 is amended by deleting the existing regulations and adding the following new regulation.

1) RETAIL SALES AS AN ANCILLARY USE

Retail sales of goods are permitted as an ancillary use to manufacturing and assembly; food, tobacco and beverage processing; printing, reproduction and data processing and processed good industries provided that;

- a) the ancillary use is located within the main building or unit occupied by the industrial use;
- b) the ancillary use does not exceed 25% of the gross floor area (GFA) of the unit or 100m² (1076 sq. ft.) and does not exceed 30 m² (323 sq. ft.) in total if retail goods are not manufactured on site;
- c) the ancillary retail use provide off-street parking spaces at the retail rate in Section 4.19 (Parking) of this By-law; and,
- d) the ancillary retail use is accessible via the front of the building.

6. Section 40.3 (Regulations) of the Light Industrial (LI) Zone of Zoning By-law Z.-1 is amended by adding the following new regulation.

_) SECONDARY USES

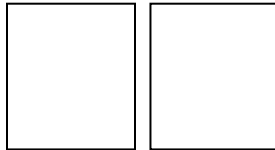
a) The following uses may not locate within 300m of any General Industrial (GI) Zone variation or any Heavy Industrial (HI) Zone variation and are required to have access from an arterial or primary collector road:

- i) Assembly halls;
- ii) Places of Worship;
- iii) Commercial recreation establishments;
- iv) Day care centres;
- v) Private clubs;
- vi) Private parks;
- vii) Clinics;
- viii) Convenience service establishments;
- ix) Convenience stores;
- x) Day care centres;
- xi) Financial institutions;
- xii) Medical/dental offices;
- xiii) Personal service establishments;
- xiv) Restaurants.
- xv) Hotels; and
- xvi) Motels.

b) Section 40.3 () a) does not apply to the properties located at 1920 and 1930 Blue Heron Drive, 1828 Blue Heron Drive, 1615 North Routledge Park, 1565 North Routledge Park, 1069 Clarke Road, and 1030 Elias Street.

7. Table 40.3 (Regulations) of the Light Industrial (LI) Zone of Zoning By-law Z.-1 is amended by adding to Table 40.3 row 2 columns B, C, D, E, F, G, H, I, J and K the words “and Section 40.3” as illustrated below

	A	B	C	D	E	F	G	H	I	J	K
2	PERMITTED USES	See Section 40.2(1) and Section 40.3	See Section 40.2(2) and Section 40.3	See Section 40.2(3) and Section 40.3	See Section 40.2(4) and Section 40.3	See Section 40.2(5) and Section 40.3	See Section 40.2(6) and Section 40.3	See Section 40.2(7) and Section 40.3	See Section 40.2(8) and Section 40.3	See Section 40.2(9) and Section 40.3	See Section 40.2(10) and Section 40.3



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8. Section 41.2 1) (Permitted Uses) of the General Industrial (GI) Zone, to By-law No. Z.-1 is amended by deleting the words “e) commercial recreation establishments” and “j) private clubs” from the GI1 zone variation.

9. Section 41.3 (Regulations) of the General Industrial (GI) Zone of Zoning By-law Z.-1 is amended by deleting the existing regulations and adding the following new regulations.

“2) RETAIL SALES AS AN ANCILLARY USE

Retail sales of goods are permitted as an ancillary use to manufacturing and assembly; food, tobacco and beverage processing; printing, reproduction and data processing and processed good industries provided that;

- a) the ancillary use is located within the main building or unit occupied by the industrial use;
- b) the ancillary use does not exceed 25% of the gross floor area (GFA) of the use of unit or 100m² (1076 sq. ft.) and does not exceed 30 m² (323 sq. ft.) in total if retail goods are not manufactured on site;
- c) the ancillary retail use provide off-street parking spaces at the retail rate in Section 4.19 (Parking) of this By-law; and,
- d) the ancillary retail use is accessible via the front of the building.”

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 April 1, 2014.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

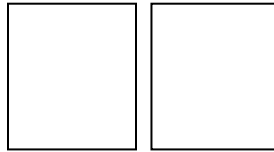
First Reading - April 1, 2014
Second Reading - April 1, 2014
Third Reading - April 1, 2014

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Appendix "C"
Table of Non-industrial Uses in Industrial Areas.
(Based on research from the 2013 Yellow Pages)

No.	Use Type	NAME	LOCATION	OFFICIAL PLAN	ZONE
1	Place of Worship	Connections Community Church	14-2018 Mallard Rd	LI	h-17 * LI1(3)
2	Place of Worship	Victory Christian Centre	104-4053 Meadowbrook Dr	LI	h-17 * LI1/LI2/LI3/LI7
3	Place of Worship	Word of His Power Faith Fellowship	108-4053 Meadowbrook Drive	LI	h-17 * LI1/LI2/LI3/LI7
4	Place of Worship	Jerry Savelle Ministries Inc -Canada	4056 Meadowbrook Dr	LI	h-17 * LI1/LI2/LI3/LI7
5	Place of Worship	Unity Church of London	136-4026 Meadowbrook Dr	LI	h-17 * LI1/LI4/LI7
6	Place of Worship	Ismailia Community of London	3392 Wonderland S	LI	h-17 * LI1/LI7
7	Place of Worship	Jehovah's Witnesses	459 Second St	LI	LI1
8	Place of Worship	London Sikh Society	37 Clarke Road	LI	LI1/LI3
9	Place of Worship	The Hindu Cultural Centre Of London Ontario	62 Charterhouse Cr	LI	LI1/LI3/LI7
10	Place of Worship	Wings of Prayer Ministries	300 Colborne	LI	LI1/LI7
11	Place of Worship	Impact Church	220 Adelaide N	LI	LI2
12	Place of Worship	Islamic Centre of Southwest Ontario	951 Pond Mills Rd	LI	LI2/LI3
13	Place of Worship	Almehdi Almontathar Union	91 Meg Dr	LI	LI3/LI6/LI7
14	Place of Worship	Faith Tabernacle	1920 Huron	LI	NF1/LI2
15	Place of Worship	Korean London First Presbyterian Church	1844 Hamilton Rd	LI	NF2
16	Place of Worship	Berean Baptist Church	932 Leathorne	LI	RSC3/RSC5(9)
17	Place of Worship	London Hindu Mandir	1031 Hubrey	LI	LI2/LI3/LI7
18	Gym	London Gymnastics Academy	3392 Wonderland Rd S	LI	h-17 * LI1/LI7



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19	Gym	Ring London Boxing Club	500 First St	LI	LI1
20	Gym	Forest City Gymnastics Club	530 First St	LI	LI1
21	Gym	London Optimist Sports Centre	6 Cuddy Bl	GI	G11
22	Gym	Power Cheer Gym	580 Quebec	GI	LI1/LI7
23	Association Office	Fraternal Order of the Eagles	500 First St	LI	LI1
24	Association Office	Home School Legal Defense Association of Canada	980 Adelaide S	LI	LI1
25	Association Office	Moose Lodge 1300	35 Charterhouse Cr	LI	LI1/LI3/LI7
26	Association Office	London Auto Modifiers	95 Midpark Rd	LI	LI2/LI3/LI7
27	Association Office	Ontario Processing Vegetable Growers	435 Consortium Crt	LI	LI2/LI7
28	Association Office	Canadian Diabetes Association	1150 Frances	LI	RO2(2)
29	Association Office	Community Living London	190 Adelaide S	LI	RSC3/RSC5(9)
30	Association Office	Royal Canadian Airforce Association	2155 Crumlin	GI	h * PR * G11
31	Association Office	Royal Canadian Naval Association London	2155 Crumlin	GI	h * PR * G11
32	Labour	CUPE Local 7575	4056 Meadowbrook Dr	LI	h-17 * LI1/LI2/LI3/LI7
33	Labour	United Stealworkers of America	119 Exeter Rd	LI	h-17 * LI1/LI7
34	Labour	IUOE Local 793	523 First	LI	LI1
35	Labour	International Brotherhood of Electrical Workers	523 First	LI	LI1
36	Labour	United Brotherhood of Carpenters & Joiners of America Local 1946	105 Enterprise Dr	LI	LI2/LI3/LI7
37	Labour	Public Service Alliance of Canada	480 Sovereign Rd	LI	LI2/LI4(1)/LI7
38	Labour	Canadian Union of Postal Workers	344 Sovereign Rd	LI	LI2/LI7
39	Labour	Labourers Training Centre	56 Firestone Bl	LI	LI2/LI7
40	Labour	Labourers Internation Union Local 1059	56 Firestone Bl	LI	LI2/LI7
41	Labour	CUPE 4186	1761 Oxford E	LI	LI4/LI7
42	Labour	OSSTF District 11 London	680 Industrial	LI	LI6(2)

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43	Labour	Elementary Teachers' Federation of Ontario	2911 Bateman Tr	LI	RSC1(15)/RSC4(9)/RSC5(13)
44	Athletic Organization	Nor-West Optimist	1584 North Routledge Park	LI	LI1(3)
45	Athletic Organization	Elgin Middlesex Soccer Association	295 Rectory	LI	LI2(8)/LI3(1)
46	Athletic Organization	Centrefield Sports Inc	25 Midpark Cr	LI	LI2/LI3/LI7
47	Athletic Organization	London Minor Football	100 Bessemer Rd	LI	LI2/LI7
48	Athletic Organization	Skate Canada Western Ontario	237 Consortium Crt	LI	LI2/LI7
49	Athletic Organization	Adrenaline Paintball	1350 Trafalgar	GI	G11
50	Religious Organization	Christian Churches Network	1717 Oxford E	LI	LI1
51	Religious Organization	Christian Service Centres	28-980 Adelaide S	LI	LI1
52	Religious Organization	Compassion Canada	985 Adelaide S	LI	LI1

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“APPENDIX “D”

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	CITY-WIDE OFFICIAL PLAN/ZONING BY-LAW REVIEW CITY OF LONDON PUBLIC PARTICIPATION MEETING ON DECEMBER 10, 2013

RECOMMENDATION

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 - ix) Add new regulations to require ancillary retail uses to limit their size and determine access points in the Light Industrial (LI) and General Industrial (GI) zones; and
 - x) Remove as permitted uses private clubs and commercial recreation establishments from the GI1 zone variation.
- (f) given that the Municipal Council has recently approved zoning changes to the properties located at 1828 Blue Heron Drive, 1615 North Routledge Park, 1069 Clarke Road, and 1030 Elias Street which would not be consistent with the proposed zoning amendments, Section 40.3 () of the proposed By-law shall not apply to these lands and city staff shall examine the possibility of zoning amendments with special provisions for these properties.

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PREVIOUS REPORTS PERTINENT TO THIS MATTER

Report (Z-7529) - 8 Cuddy Boulevard was prepared in 2009 recommending approval for a Bio-gas plant. Opposition was raised regarding the effect of the gas plant on the adjacent commercial recreation facility located in an industrial area.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the proposed recommendations is to clarify how non-industrial secondary uses should appropriately support the industrial areas in which they locate. The proposed amendments remove day cares and private clubs from the General Industrial designation. The proposed recommendations limit the location of possibly sensitive land uses to arterial and primary collector roads and at least 300m from General Industrial and Heavy Industrial Zones. The proposed recommendations also add requirements for ancillary commercial in Light Industrial zones. Furthermore the proposed recommendations through definitional changes the distinction between assembly halls and what are currently defined as Churches while replacing the definition of Church with a new one: Place of Worship.

RATIONALE

7. Industrial lands as employment areas are to be protected in accordance with the Provincial Policy Statement (2005).
8. Industrial area policy in the Official Plan allows for some non-industrial uses in industrial areas as secondary uses.
9. Non-industrial uses in industrial areas should support and not interfere with the industrial areas. Recently non-industrial uses have interfered with the ability of non-industrial uses to locate in established industrial areas.
10. Policy changes are necessary to ensure the loss of industrial land to non-industrial uses, in particular sensitive uses, are limited and where applicable removed from industrial areas.
11. Further policy changes are required to control where non-industrial uses locate when they do locate within industrial areas.
12. The definition of Church is outdated and does not account for the full diversity of religious practice within the City of London and needs to be changed to distinguish them from Assembly Halls.

BACKGROUND

Date Application Accepted: August 13, 2013	Agent: City of London
REQUESTED ACTION: Review of policy regarding non-industrial uses in industrial areas.	

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

London Hydro: No Objection
 Environmental and Parks Planning: No Concerns
 Wastewater: No Comment

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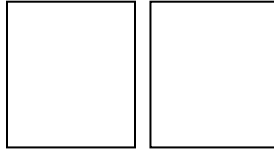
PUBLIC LIAISON:	Notice of Application was published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on September 5, 2013.	2 replies received
<p>Nature of Liaison: Change the Official Plan by: adding policy to restrict non-supportive non-industrial uses under Section 7.1.1 of the Industrial Objectives; removing as permitted uses private clubs, and commercial recreation establishments from Section 7.2.2 of the General Industrial designation; and adding policy to require the consideration of non-industrial uses impacts on the potential of industrial development to Section 7.6 of the Planning Impact Analysis.</p> <p>Change Zoning By-law Z.-1 by: replacing the existing definition for “CHURCH” with a new definition for “PLACE OF WORSHIP”; amending Section 2 (Definitions), Section 3 (Zones and Symbols), Section 4 (General Provisions), Section 12 (Residential R8 Zone), Section 20 (Downtown Area (DA) Zone), Section 26 (Arterial Commercial (AC) Zone), Section 31 (Regional Facility (RF) Zone), and Section 33 (Neighbourhood Facility (NF) Zone) to replace “church” with “place of worship”; adding new regulations to the Light Industrial (LI) Zone to restrict the location of non-industrial uses; adding new regulations for require ancillary retail uses in the Light Industrial (LI) zone; and removing as permitted uses private clubs and commercial recreation establishments from the GI1 zone variation.</p>		
<p>Responses: The first response received cautioned about new zoning that would preclude the possibility for necessary, unique and large-scale commercial recreation centers in all industrial areas. The respondent went on to add that limiting commercial recreation to arterial roads would in some instances make them economically unfeasible.</p> <p>The second response questioned the limitation on commercial recreation establishments locating on primary collectors and arterials. They commented (as did the first) with a particular site in mind, in this case one which had recently been zoned with the intent to allow a commercial recreation use but which would be not allow commercial recreation use were the proposed amendments to go through as written.</p>		

ANALYSIS

The Purpose of Planning for Industrial Areas

The intent of the industrial land use designation is to identify appropriate lands and locations for industrial operations and industrial jobs. Industrial manufacturing has long been the basis of the Southwestern Ontario economy. Industrial operations drive employment in other sectors. Service sector employment depends on industrial jobs to bring money into the local economy. Industrial land is required to allow for current employment and to attract new employers to the city. The Official Plan policies are intended to maintain industrial areas to secure local industrial jobs, both now and in the future.

The industrial sector’s central role in driving employment has led to industrial areas being referred to as ‘employment areas’ by the province. Under the Provincial Policy Statement (PPS) 2005 employment areas are to be protected. Section 1.3.1 of the PPS states that the City is responsible for “b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses,” and “c) protecting and preserving *employment areas* for current and future uses.”



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What is Necessary in Industrial Areas

Identifying areas for industrial uses creates cohesive and contiguous districts which can be protected from the interruptions created by other uses. This allows for efficient transport of materials and products without conflict. It also allows for industries to achieve synergies with their neighbours. Contiguous industrial districts also provide for more possibilities for industrial expansion as other uses are not occupying the space between industrial operations.

Industrial operations do not conduct their business in isolation. For industrial areas to function efficiently and effectively some uses which support industrial uses should be located in and around industrial areas. These support uses allow industrial workers and business to operate without traversing unnecessarily long distance to reach required daily services. To maintain a high-level of efficiency, non-industrial uses in an industrial area should be limited and, when allowed, related to the conduct of industrial operations so as not to hinder the employment potential of industrial lands.

The current City of London Official Plan contains two designations for industrial uses: General Industrial and Light Industrial. The intention is that General Industrial is to provide land for more noxious uses while the Light Industrial land use designation provides for less noxious uses and serves as a transition between other uses. The Light Industrial designation permits a number of associated secondary uses to support industrial land uses between existing industrial and non-industrial areas. The General Industrial designation also allows some non-industrial uses.

Under the current policy framework there is a recognition that the secondary uses are necessary within some (particularly Light Industrial) industrial areas. Secondary uses are allowed with the intention that they be supportive of the Industrial areas in which they are located. The purpose of these proposed amendments is to ensure that the permitted secondary uses do not undermine the intended industrial use of the area.

Non-industrial Uses are Locating in Industrial Areas

Industrial land is comparatively inexpensive relative to other land available in the City of London. Keeping a supply of affordable industrial land available is important to attracting industry to London, and the maintenance of a supply of lower priced land designated for industrial land uses is important to the future of the city. Inexpensive land is also attractive to non-industrial uses looking to locate in the city. This also often results in the additional issue of driving up costs on the remaining industrial land while also making industrial areas less efficient to operate as a result of the infiltration of non-industrial users in industrial areas.

Non-industrial uses often pay higher lease rates than industrial uses do. This hinders the areas' long term function for industrial uses because once a "commercial value" is assigned to the property its price rises which can price it out of industrial use. Industrial locations are not good locations for these non-industrial uses. Industrial uses produce nuisance impacts (sound, vibration, pollution, etc.) which would have impacts on non-industrial uses. Commercial recreation facilities like residential uses, are sensitive to these nuisances. The purpose of zoning is to regulate the use of land so that negative land use impacts are minimized. This would suggest the need to separate sensitive uses from necessary land uses which produce nuisance impacts. Community facilities locating in industrial areas tend to face nuisance impacts from their industrial neighbours which make their use less desirable or even untenable. An example is the indoor soccer complex formerly located on Cuddy Boulevard which moved as a result of industrial uses locating in the industrial area where it was located. Non-industrial uses not only make industrial areas less efficient by their presence but in some instances make industrial uses unviable entirely. In all cases industrial areas see decreased utility when they are broken up by sensitive non-industrial uses.

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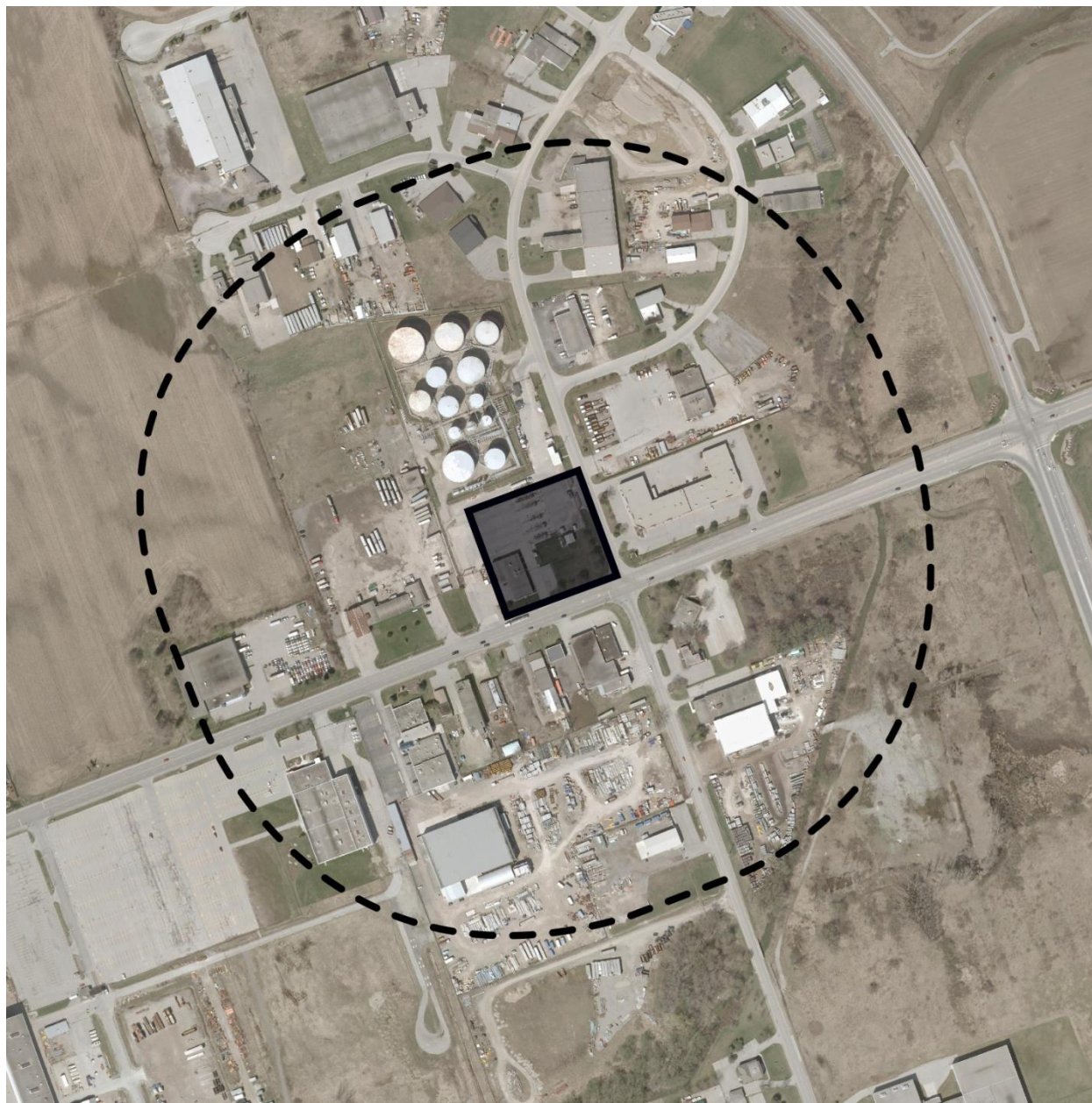


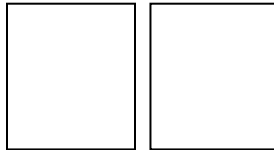
Figure 1: Hypothetical sensitive non-industrial use at Oxford and Industrial

Locating a sensitive use in an industrial area may sterilize the neighbouring land for many industrial uses. Locating a sensitive use within an industrial area would require industry that has significant nuisance impacts from locating within a minimum separation distance from the sensitive land use. For an example, a commercial recreation use in an industrial park (see Figure 1). The commercial recreation facility is on a plot of land 100m by 100m covering 10,000m² in area (outlined in solid black). A class III industrial activity, for this case a hypothetical detergent factory requires (in accordance with Ministry of the Environment D-6 guidelines) a minimum separation distance (MSD) of 300m. As a result of the sensitive land use locating in the area the all area within the MSD is not available for development. This area (within 300m of the sensitive land use) is now unable to develop as a detergent manufacturer (or any other Class III industrial use). This excluded area is approximately 148,743m² on top of the 10,000m² commercial recreation site (158,743m² total) is now unavailable for industrial use (outlined by the dashed line). Making the area excluded from industrial development over 15 times larger than the non-industrial parcel itself.

Sensitive and Problematic Uses

Certain groups of non-industrial uses have become more common in industrial areas within the City of London. These non-industrial uses generally serve a residential as opposed to an industrial clientele.

These uses decrease the efficiency of industrial operations and possible future industrial development with their locating in industrial areas. An examination of existing non-industrial



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uses in industrial areas shows the following non-industrial uses have located in areas designated for industrial uses:

- Commercial recreation facilities
- Places of Worship
- Clubs and community organizations
- Commercial activities including retail and restaurants

The Official Plan Policy response should focus particularly on these uses while generally attempting to discourage non-industrial uses may impair the industrial used of the adjacent land. There are approximately 50 of these uses are currently located in areas designated Light Industrial and General Industrial (see Appendix C). This condition breaks up industrial lands and may limit the industrial activity that occur on these lands.

Industrial Policies in the Official Plan

The current Official Plan provides the policies regarding Industrial Areas and how these areas should be planned in the City of London. Under section 7.1.1 “Objectives for All Industrial Designations” the Official Plan. It states:

- i) *Designate sufficient industrial land to accommodate the growth anticipated during the planning period, including an adequate supply of available serviced land and an allowance for sufficient choice in terms of location, size of properties, and servicing requirements.*
- ii) *Promote an aesthetically pleasing form of development along major road and rail entrances to the City.*
- iii) *Minimize any potentially adverse impacts from industrial development on surrounding land uses.*
- iv) *Encourage industrial uses to locate in industrial parks.*
- v) *Encourage an efficient utilization of land within industrial areas.*
- vi) *Support the implementation of the City of London Economic Development Strategy.*

(Clause vi) added by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)

Although these policies support industrial growth in the City of London, they should be strengthened to ensure that all the uses in industrial areas support the efficient functioning of the industrial area.

RECOMMENDATION

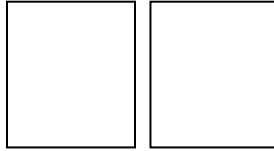
Amend section 7.1.1 of the Official Plan to explicitly discourage those sensitive land uses from locating in areas intended for industrial development.

Specific Industrial Policies

The General Industrial and Light Industrial sections of the Official Plan address both the industrial uses permitted in the designations but also additional uses permitted by site-specific zoning. It is through amendments to the zoning by-law for these additional uses that the non-industrial uses are able to locate in industrial areas.

Within the current Official Plan, Section 7.2.2 lays out the additional uses in the General Industrial designation permitted by site specific zoning, and section 7.3.2 indicates the additional uses within the Light Industrial designation permitted by site specific zoning. In both relevant sections the current language indicates “the following uses may be permitted by site specific zoning”. The “may” indicates that criteria must be considered when determining the appropriateness of locating secondary uses within industrial areas.

Certain non-industrial uses are necessary for and supportive of an industrial area functioning efficiently and added language should reflect this. The idea is to discourage non-industrial uses which break up the industrial area and allow for those which make it a more desirable place to locate a business. Criteria should be added so that site-specific zoning change to allow for non-



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industrial use should be required to indicate how that non-industrial use supports the functioning of the industrial are.

RECOMMENDATION

Language be added to Section 7.6 of the Official Plan to ensure that any use permitted by site-specific zoning must indicate that it is supportive of the adjacent industrial area and its development will not preclude the future development of desired industrial uses in its vicinity.

Zoning By-Law

The Zoning By-Law provides more specific guidance as to what is permitted within different industrial zones. Non-industrial uses in industrial areas are limited to specific zone variations in the General Industrial (GI) and Light Industrial (LI) zones.

The General Industrial Zone

Within the General Industrial zone, the G11 zone variation allows for a number of the potentially sensitive land uses in addition to industrial uses. Section 41.2 indicates the permitted uses within G11 zone variation:

1) *G11*

The following are permitted uses in the G11 Zone variation:

- a) *Auction establishments;*
- b) *Automobile body shop;*
- c) *Automobile repair garages;*
- d) *Building or contracting establishments;*
- e) *Commercial recreation establishments;*
- f) *Dry cleaning and laundry plants;*
- g) *Food, tobacco and beverage processing industries;*
- h) *Manufacturing and assembly industries;*
- i) *Printing, reproduction and data processing industries;*
- j) *Private clubs;*
- k) *Processed goods industries;*
- l) *Repair and rental establishments;*
- m) *Research and development establishments;*
- n) *Service and repair establishments;*
- o) *Service trades;*
- p) *Storage depots;*
- q) *Terminal centres;*
- r) *Transport terminals;*
- s) *Truck sales and service establishments; (Z-1-051390)*
- t) *Warehouse establishments;*
- u) *Wholesale establishments.*

Amongst the sensitive uses are “e) Commercial recreation establishments;” and “j) Private clubs;”. The proposed Official Plan amendments (secondary uses are required to indicate how they are supportive of the industrial in the area) would limit these secondary uses within industrial areas. Furthermore as the G11 zone is intended for intensive industrial uses, more sensitive uses should be removed from the list of permitted uses. Sensitive non-industrial uses are inappropriate for the centre of industrial areas as described by the G11 zone variation.

RECOMMENDATION

That “e) Commercial recreation establishments;” and “j) Private clubs;” be removed from the list of permitted uses in the G11 zone variation of the Z1. Zoning By-law. That Section 7.2.2 of the Official Plan also be amended to remove permission for “private clubs and commercial recreation establishments;” and “day care centres;” in accordance with the changes to the Zoning By-law.

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The Light Industrial Zone

The Light Industrial (LI) zone is intended to provide for a range of industrial uses that have few off-site impacts, and may be located nears non-industrial land use. Currently problematic uses are accepted in a number of LI zone variations. Section 40.2 indicates the permitted uses in the LI zone variations. The LI3, LI4 and LI5 zone variations allow for some of the problematic uses outline above. They read:

3) LI3

The following are permitted uses in the LI3 Zone variation:

- a) Assembly halls;
- b) Commercial recreation establishments;
- c) Day care centres;
- d) Private clubs;
- e) Private parks.

4) LI4

The following are permitted uses in the LI4 Zone variation:

- a) Any use permitted in the LI1 Zone variation;
- b) Automotive uses, restricted;
- c) Clinics;
- d) Convenience service establishments;
- e) Convenience stores;
- f) Day care centres;
- g) Financial institutions;
- h) Medical/dental offices;
- i) Personal service establishments;
- j) Restaurants.

5) LI5

The following are permitted uses in the LI5 Zone variation:

- a) Hotels;
- b) Motels.

The Light Industrial zone, with its non-industrial secondary uses may serve as transitional land uses adjacent to non-industrial areas. For this reason the permitted uses within the light industrial zone are currently not the issue so much as the location of the sensitive secondary uses, which are allowed for, within industrial areas.

Locating Secondary Uses within Light Industrial Areas

As secondary uses are a vital part of industrial areas it becomes important to indicate how they should fit in so as to support and not interfere with an industrial area’s primary purpose: industry. In order to ensure that prime industrial lands are protected these more sensitive uses should be required to locate away from areas zoned for more intense industrial use (generally speaking General Industrial and Heavy Industrial zones). This can be accomplished by ensuring that LI3, LI4 and LI5 zone variations are located 300m away from GI and HI zones (in accordance with Ministry of the Environment D-6 guidelines). To ensure efficient movement within industrial areas further limiting these zones to major roads will provide for transport efficiency within industrial areas.

RECOMMENDATION

Ensure through regulations that the more sensitive and non-industrial uses in the LI3, LI4 and LI5 zone variations are located 300m from any General Industrial (GI) or Heavy Industrial (HI) zone currently in industrial use and 300m from any GI or HI zone currently vacant. Ensure,



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through regulations, that uses which are not industrial in nature are located on primary collectors or arterial roads.

Retail in Industrial Areas

A source of external traffic through industrial areas is retail uses which locate in the industrial designation. Current zoning regulations allow retail as an ancillary use where the retail portion sells goods made on site and the retail portion of does not exceed a given fraction (25%) of the building and does not exceed 30m² should the goods sold be manufactured off-site. Furthermore the regulation requires developments with a retail portion to provide parking for the retail portion in accordance with the retail parking provisions set out in the by-law. These regulations allows for local businesses to diversify their sales approach and supply the community. The regulations however allow for significant traffic to travel through industrial areas for retail uses creating the possibility for traffic issues which would detract from the efficiency of the industrial area. Efforts need to be made to direct these retail uses, so that their access points do not result in traffic conflict and that their total size is not unreasonable.

RECOMMENDATION

That ancillary retail portion in both Light Industrial and General Industrial zones be capped at 100m² when products are manufactured on site.

That the regulations for ancillary retail uses in industrial areas require the retail portion to locate their access point(s) at the front of the building.

A New Term and Definition for “Churches”

In a number of instances buildings now being used as Churches have located in industrial areas as they have been considered as “Assembly Halls”. The current definition for Church reads:

"CHURCH" means a building, including synagogues, mosques and rectories, owned or occupied by a religious congregation or religious organization and dedicated exclusively to worship and related religious, social and charitable activities, with or without a church hall, church auditorium, convent, monastery, office of a clergyman, cemetery, church school, parish hall, day care or a parsonage as uses accessory thereto.

Given the diversity of religions within London a new definition based on the term “Place of Worship” would be more encompassing & recognize the wide range of religions present in the City. The following proposed new definition would read:

"PLACE OF WORSHIP" means a building, including but not limited to churches, synagogues, mosques, gurdwaras, mandirs, longhouses and temples, owned or occupied by a religious congregation or religious organization and dedicated exclusively to worship and related religious, social and charitable activities, with or without a hall, auditorium, convent, monastery, office of a faith leader, cemetery, school, day care or a dwelling unit for the faith leader as uses accessory thereto.

An additional issue is related to the interpretation of the definition for Assembly Halls. Currently a number of religious facilities have been locating in industrial areas under an interpretation which views them as Assembly Halls. It is anticipated that the proposed the new definition “Place of Worship” will address some of this interpretation issue by recognizing a broad definition of “Place of Worship”. “Assembly Halls” need to be further and more clearly distinguished from Churches/Places of Worship in the zoning by-law.

RECOMMENDATION

The term “Church” be replaced with “Place of Worship” and the definition changed to account for the diversity of faiths in London both now and into the future. That all subsequent and necessary changes in the zoning by-law are made to replace the word “Church” with “Place of Worship” throughout the by-law.

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The definition for “Assembly Hall” be changed to distinguish them from Churches/Places of Worship. That Places of Worship be added as a permitted use within Light Industrial, where Assembly Halls currently are permitted in the LI3 zone variation.

CONCLUSION

The protection of industrial lands for industrial uses is an important element of maintaining the economic vitality of the City of London. Although industrial areas require support services, their ability to operate without land use conflicts and in areas where their nuisances can be tolerated need to be protected. Allowing non-industrial uses into industrial areas not only prevents efficient development but when the non-industrial use is sensitive may sterilize large areas from being developed as industrial uses. The proposed policy changes prevent the erosion of the utility of existing industrial lands by limiting the nature and scope of permitted non-industrial uses in industrial areas.

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November 27, 2013
LM/LM