

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: John M. Fleming
Managing Director, City Planning and City Planner

Subject: 21 Norlan Avenue
City of London

Public Participation Meeting on: December 2, 2019

Recommendation

That, on the recommendation of the Managing Director, City Planning and City Planner, the following actions be taken with respect to the application of the City of London, on behalf of Urban Roots London, relating to the property located at 21 Norlan Avenue:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on December 10, 2019 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** an Open Space (OS1) Zone, **TO** an Open Space Special Provision (OS1 (_)) Zone to permit retail sales of food grown on the property.

Executive Summary

Summary of Request

To allow retail sales of fresh produce grown on the property to be sold on site of an existing urban farm.

Rationale of Recommended Action

1. The recommended amendment to Zoning By-law Z-1 is consistent with the Provincial Policy Statement (2014).
2. The recommended amendment to Zoning By-law Z-1 conforms to the 1989 Official Plan, including the policies of the Open Space land use designation and to The London Plan, including the policies of the Green Space Place Type and the policies of the Food Systems chapter and provides for appropriate uses on this site.
3. The recommended amendment to Zoning By-law Z-1 will allow sales of agricultural products from small farms located within the Urban Growth Boundary.
4. The zoning by-law amendment helps implement one of the goals of the Urban Agriculture Strategy to make fresh produce more available to the general public.

Analysis

1.0 Site at a Glance

1.1 Property Description

This 1.24 hectare (3.1 acre) parcel is located south of Hamilton Road, east of Highbury Avenue and close to the south branch of the Thames River. In terms of elevation the property is located at the bottom of a hill on Norlan Avenue at the south end.



1.2 Current Planning Information (see more detail in Appendix D)

- Official Plan Designation – Schedule A- Low Density Residential/Open Space , Schedule B.1- Subwatershed Boundary/Big Picture Meta Cores and Meta Corridors
- The London Plan Place Type – Neighbourhood/Green Space
- Existing Zoning – Open Space (OS1) Zone

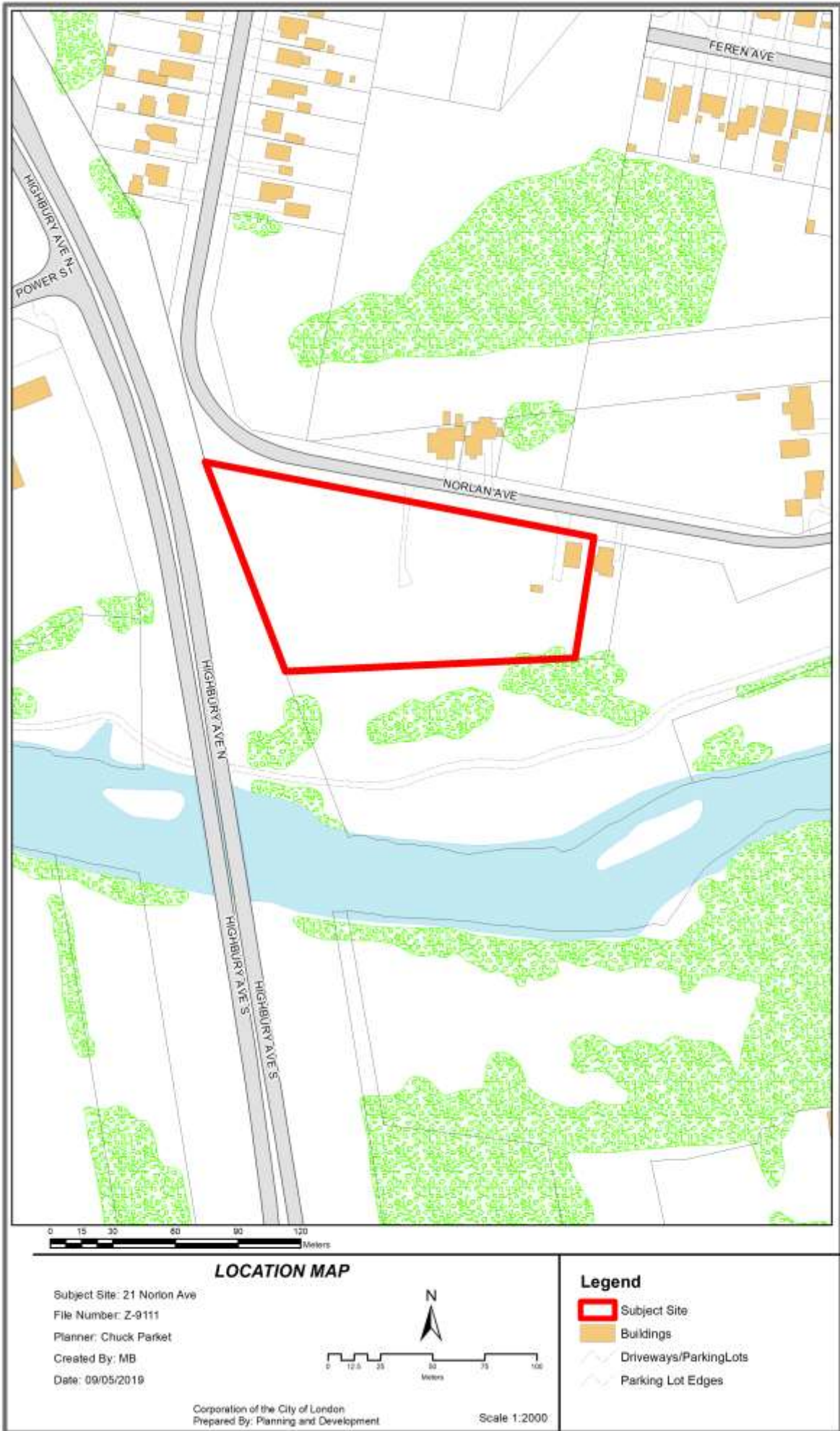
1.3 Site Characteristics

- Current Land Use – urban farm with a single detached dwelling
- Frontage – 189.8 metres (622.7 ft.)
- Area – 1.24 hectare (3.1 acre)
- Shape – Irregular

1.4 Surrounding Land Uses

- North – Single family dwelling, hydro corridor, single family neighbourhood
- East – Single family dwellings, Meadowlily Bridge
- South – Thames Valley corridor, Meadowlily Woods natural area
- West – Highbury Avenue and Thames River Valley corridor

Location Map



2.0 Relevant Background

2.1 Current Situation

Urban Roots have been operating an urban farm at 21 Norlan Avenue since 2017. The landowner has currently donated the land to the group for their operation.

Urban Roots is a non –profit organization that revitalizes underused land in the City of London for agriculture by;

1. *Producing high quality, organic vegetables and herbs*
2. *Distributing produce locally, directly to consumers and to private and social enterprises*
3. *Developing agricultural opportunities for the neighbourhood, social enterprises and community organizations within the City of London*
4. *Growing a self-sustaining, urban agricultural model to germinate to new sites*

In 2017 Urban Roots sold approximately 60% of the produce grown at markets and donated the remaining 40% to groups such as the Men’s Mission, My Sister Place, Hamilton Road Crouch Resource Centre and Y.O.U. In 2018 their goal was to sell 33% of the produce at full cost (to cover operating costs) to restaurants and farm markets, another third at an affordable cost and remainder would be donated. So far in 2019 the group has donated and sold over 5400 pounds of produce.



2.2 Requested Amendment

Urban Roots has been operating an urban farm on the property since 2017 and has requested permission to sell fresh produce on the property. The current zoning allows the urban farm but does not allow the retail sale of goods from the property.

2.3 Community Engagement (see more detail in Appendix B)

On September 18, 2019 a Notice of Application was sent to surrounding landowners, agencies and other City Departments and on September 19, 2019 a notice of application was placed in the Londoner. A sign was also posted on the property.

In response we received one comment of support. The landowner responded by telephone and asked a series of questions which staff answered.

3.4 Policy Context

In the Farmland Place Type (The London Plan) and Agriculture designation (1989 Official Plan) , which are applied outside the Urban Growth Boundary, retail sales of produce grown on the farm is allowed as an accessory use and normally takes the form of a roadside stand at the entrance to the farm.

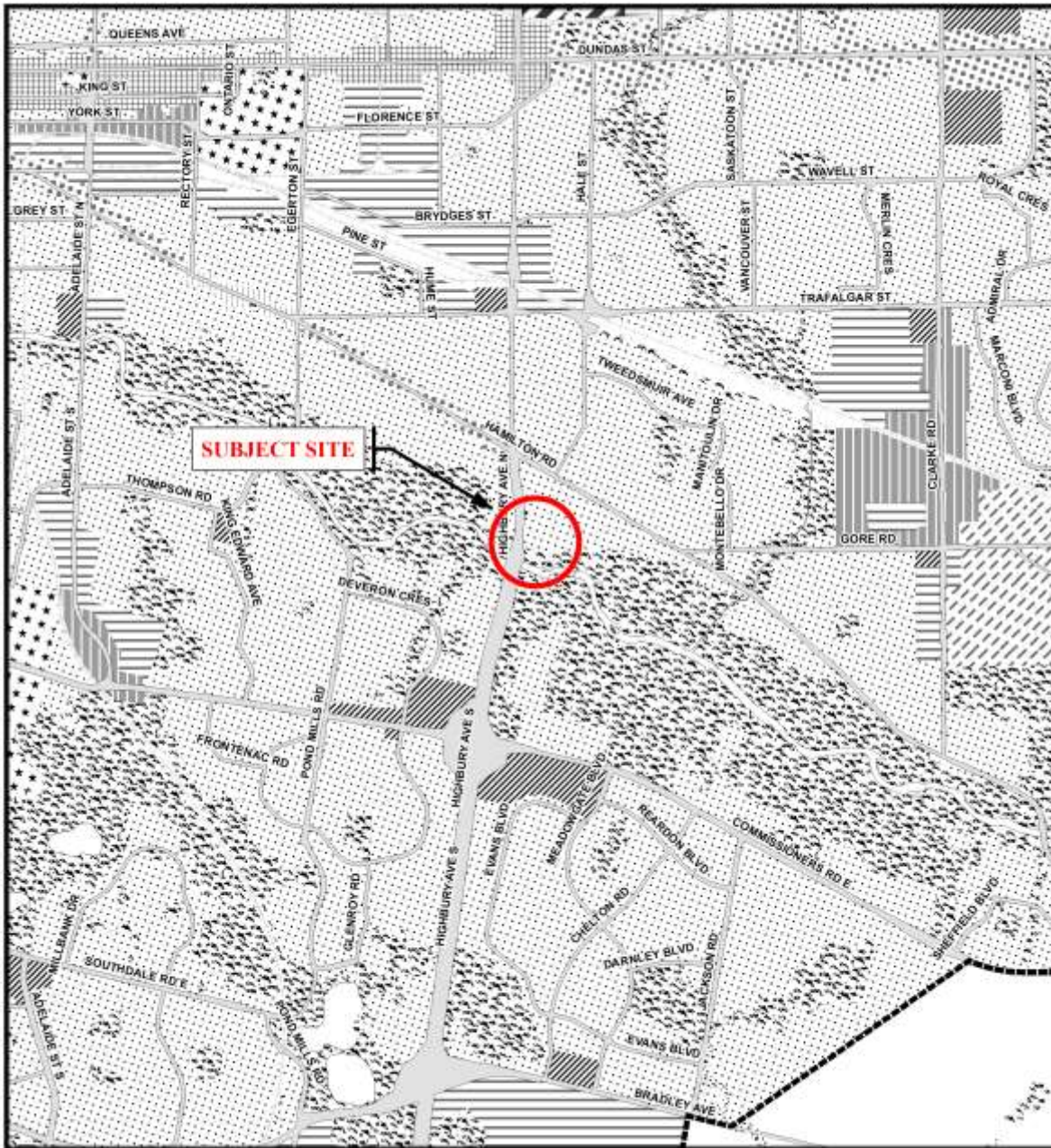
Within the Urban Growth Boundary, where Urban Agriculture is intended to occur, the situation is different. There are no Farmland Place Types or Agriculture designations within the Urban Growth Boundary. The Green Space Place Type in the London Plan and the Open Space designation in the 1989 Official Plan permit a wide range of open space uses, either passive or active, but also allow some open space lands to be cultivated for agriculture/horticulture provided there are no significant natural heritage features present. Permitted uses include agriculture, horticulture and urban gardens.

The existing Open Space (OS1) Zone, which implements the Green Space Place Type and Open Space designation, allows the “*cultivation of land for agricultural/horticultural purposes*” as a permitted use but does not allow the retail sales of produce grown on those lands.

The recommended zoning by-law amendment would allow this additional use. It is expected that this retail stand will be small, selling only produce grown on the property and not generate a lot of traffic to the site. It is expected there will be little if any impact on the surrounding neighbourhood. This proposed zoning by-law amendment applies only to this property. Any other applications for other sites would be reviewed on a site-specific basis.

As a result of a recent zoning by-law amendment (File Z-9060/City of London-Farm Gate Sales), Farm Gate Sales have been defined and added to Zoning By-law Z-1. These uses have also been added as a permitted use in the Urban Reserve (UR1) Zone.

London Plan Map 1 – Place Types



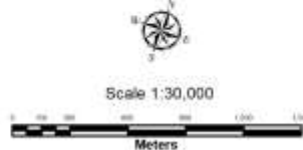
Legend

- | | | |
|------------------------|--------------------------|---|
| Downtown | Future Community Growth | Environmental Review |
| Transit Village | Heavy Industrial | Farmland |
| Shopping Area | Light Industrial | Rural Neighbourhood |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management Resource Recovery Area |
| Urban Corridor | Commercial Industrial | Urban Growth Boundary |
| Main Street | Institutional | |
| Neighbourhood | Green Space | |

This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

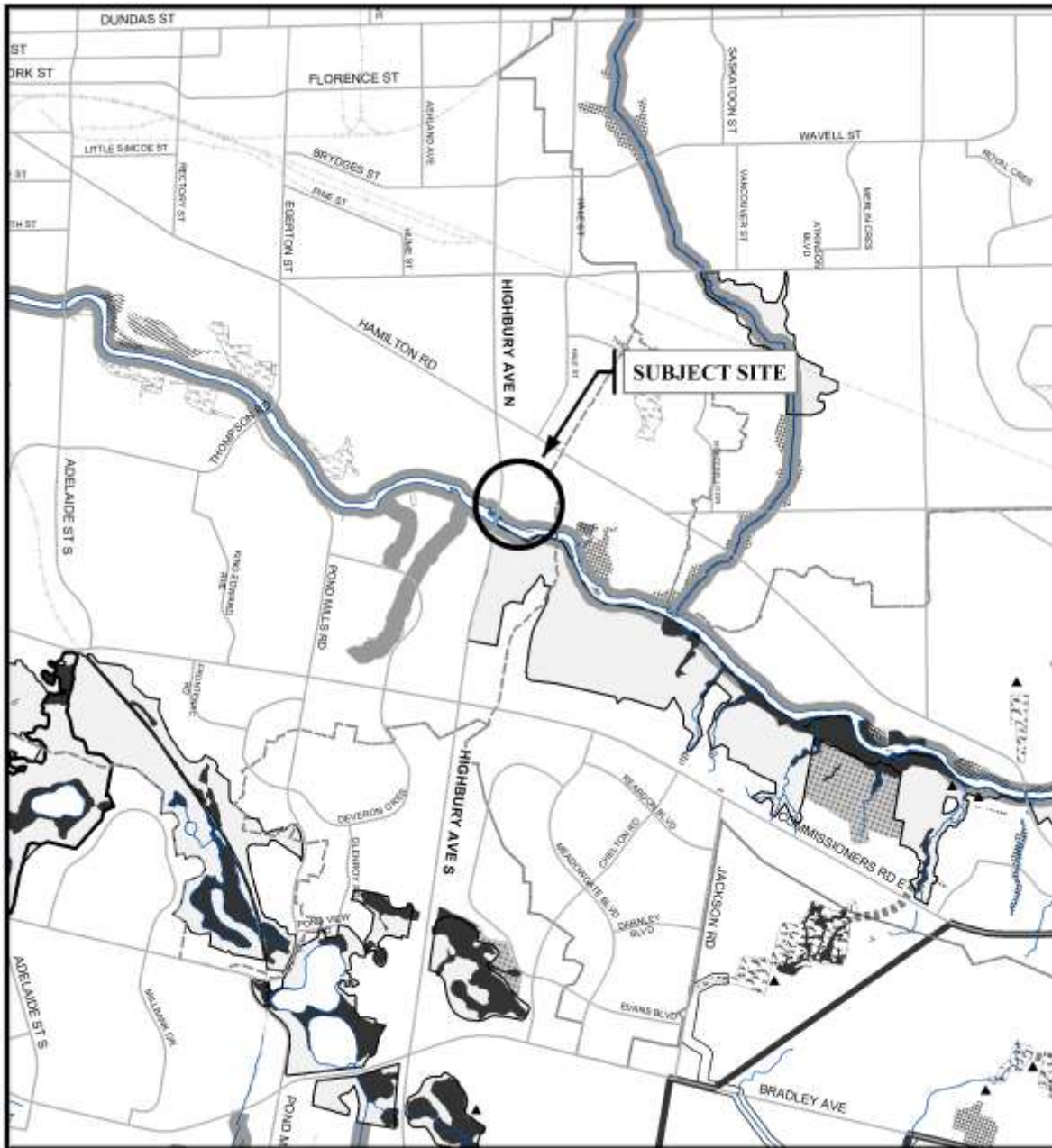
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON
 Planning Services /
 Development Services
LONDON PLAN MAP 1
- PLACE TYPES -
 PREPARED BY: Planning Services



File Number: Z-9111
Planner: CP
Technician: MB
Date: September 5, 2019

London Plan Map 5 – Natural Heritage



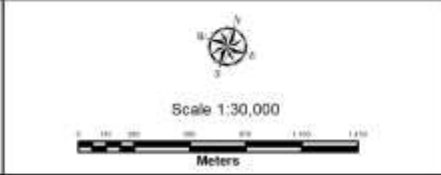
NATURAL HERITAGE SYSTEM		Base Map Features
Provincially Significant Wetlands	Areas of Natural and Scientific Interest	Railways
Wetlands	Environmentally Significant Areas (ESA)	Water Courses/Ponds
Unevaluated Wetlands	Potential ESAs	Streets (see Map 3)
Significant Woodlands	Upland Corridors	Conservation Authority Boundary
Woodlands	Potential Naturalization Areas	Subwatershed Boundary
Significant Valley Lands	Unevaluated Vegetation Patches	
Valley Lands		

This is an excerpt from the Planning Division's working consolidation of Map 5 - NaturalHeritage of the London Plan, with added notations.

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 Planning Services /
 Development Services

**LONDON PLAN MAP 5
 - NATURAL HERITAGE -**

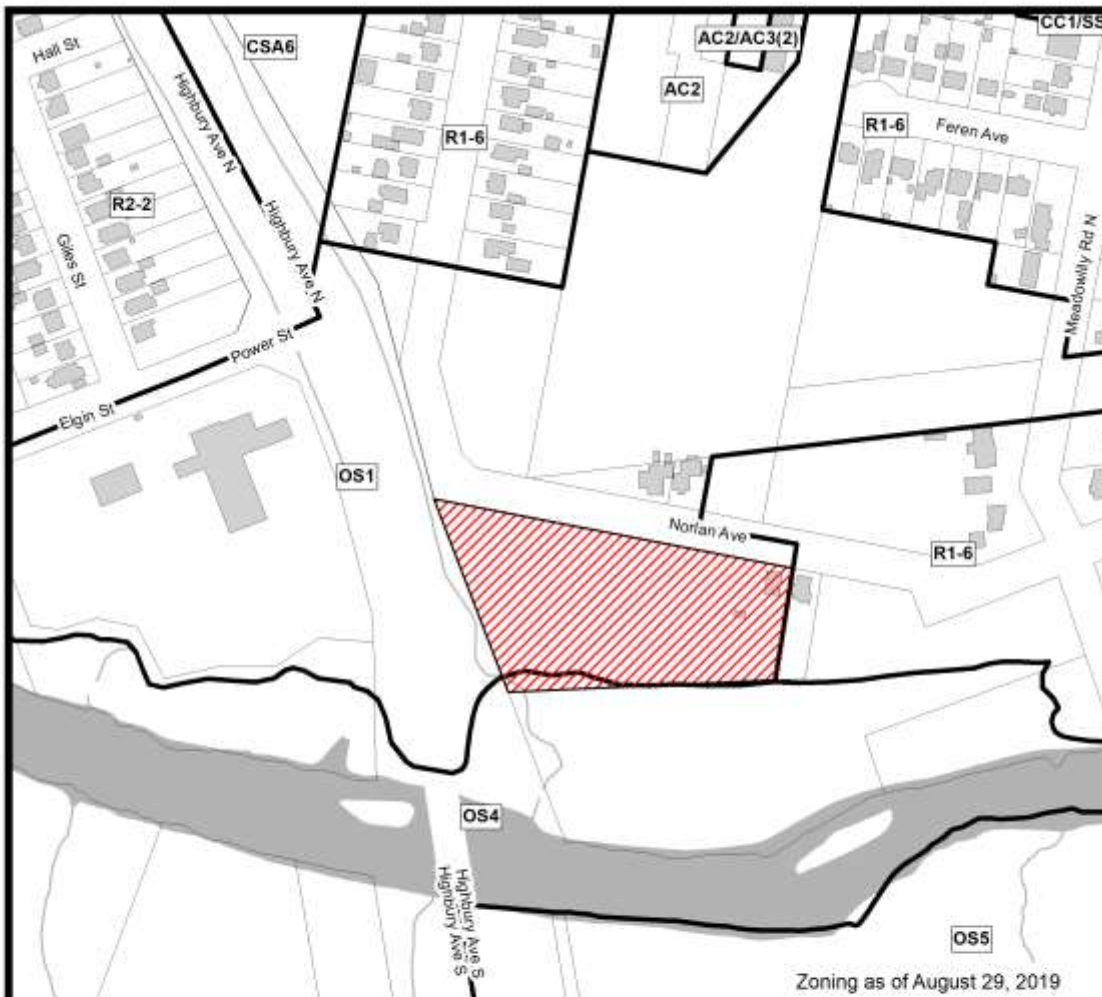
PREPARED BY: Planning Services



File Number: Z-9111
Planner: CP
Technician: MB
Date: 9/5/2019

Project Location: E:\Planning\Projects\p_officialplan\workconsolid00\excerpts_LondonPlan\EXCERPT_Map5_NaturalHeritage_b&w_8x14.mxd

Schedule A



 **COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: OS1 and OS4**

1) **LEGEND FOR ZONING BY-LAW Z-1**

- | | |
|--|---|
| <ul style="list-style-type: none"> R1 - SINGLE DETACHED DWELLINGS R2 - SINGLE AND TWO UNIT DWELLINGS R3 - SINGLE TO FOUR UNIT DWELLINGS R4 - STREET TOWNHOUSE R5 - CLUSTER TOWNHOUSE R6 - CLUSTER HOUSING ALL FORMS R7 - SENIOR'S HOUSING R8 - MEDIUM DENSITY/LOW RISE APTS. R9 - MEDIUM TO HIGH DENSITY APTS. R10 - HIGH DENSITY APARTMENTS R11 - LODGING HOUSE
 DA - DOWNTOWN AREA RSA - REGIONAL SHOPPING AREA CSA - COMMUNITY SHOPPING AREA NSA - NEIGHBOURHOOD SHOPPING AREA BDC - BUSINESS DISTRICT COMMERCIAL AC - ARTERIAL COMMERCIAL HS - HIGHWAY SERVICE COMMERCIAL RSC - RESTRICTED SERVICE COMMERCIAL CC - CONVENIENCE COMMERCIAL SS - AUTOMOBILE SERVICE STATION ASA - ASSOCIATED SHOPPING AREA COMMERCIAL
 OR - OFFICE/RESIDENTIAL OC - OFFICE CONVERSION RO - RESTRICTED OFFICE OF - OFFICE | <ul style="list-style-type: none"> RF - REGIONAL FACILITY CF - COMMUNITY FACILITY NF - NEIGHBOURHOOD FACILITY HER - HERITAGE DC - DAY CARE
 OS - OPEN SPACE CR - COMMERCIAL RECREATION ER - ENVIRONMENTAL REVIEW
 OB - OFFICE BUSINESS PARK LI - LIGHT INDUSTRIAL GI - GENERAL INDUSTRIAL HI - HEAVY INDUSTRIAL EX - RESOURCE EXTRACTIVE UR - URBAN RESERVE
 AG - AGRICULTURAL AGC - AGRICULTURAL COMMERCIAL RRC - RURAL SETTLEMENT COMMERCIAL TGS - TEMPORARY GARDEN SUITE RT - RAIL TRANSPORTATION
 "H" - HOLDING SYMBOL "D" - DENSITY SYMBOL "H" - HEIGHT SYMBOL "B" - BONUS SYMBOL "T" - TEMPORARY USE SYMBOL |
|--|---|

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

**ZONING
 BY-LAW NO. Z-1
 SCHEDULE A**



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

FILE NO:

Z-9111

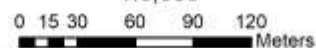
CP

MAP PREPARED:

2019/09/05

MB

1:3,000



5.0 Conclusion

The zoning by-law amendment is consistent with the Provincial Policy Statement, conforms to the policies of the London Plan and implements one of the goals of the Urban Agriculture Strategy to make fresh produce more accessible to the general public within the City.

Prepared by:	W.J. Charles Parker, MA Senior Planner – City Planning (Planning Policy)
Submitted by:	Gregg Barrett, AICP Manager – Long Range Planning and Sustainability
Recommended by:	John M. Fleming, MCIP, RPP Managing Director, City Planning and City Planner
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services	

November 25, 2019

Appendix A

Bill No. (number to be inserted by Clerk's Office)
2019

By-law No. Z.-1-18_____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 21
Norlan Avenue.

WHEREAS the City of London has applied to rezone an area of land located
at 21 Norlan Avenue, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to
lands located at 21 Norlan Avenue, as shown on the attached map comprising part
of Key Map No. A108, from an Open Space (OS1) Zone to an Open Space Special
Provision (OS1(_)) Zone.
- 2) Section 36.4 (Special Provisions) of the Open Space (OS1) Zone is amended by
adding the following Special Provision:
 -) OS1 (_) 21 Norlan Avenue
 - a) Additional Permitted Use
 - i) Farm Gate Sales

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

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

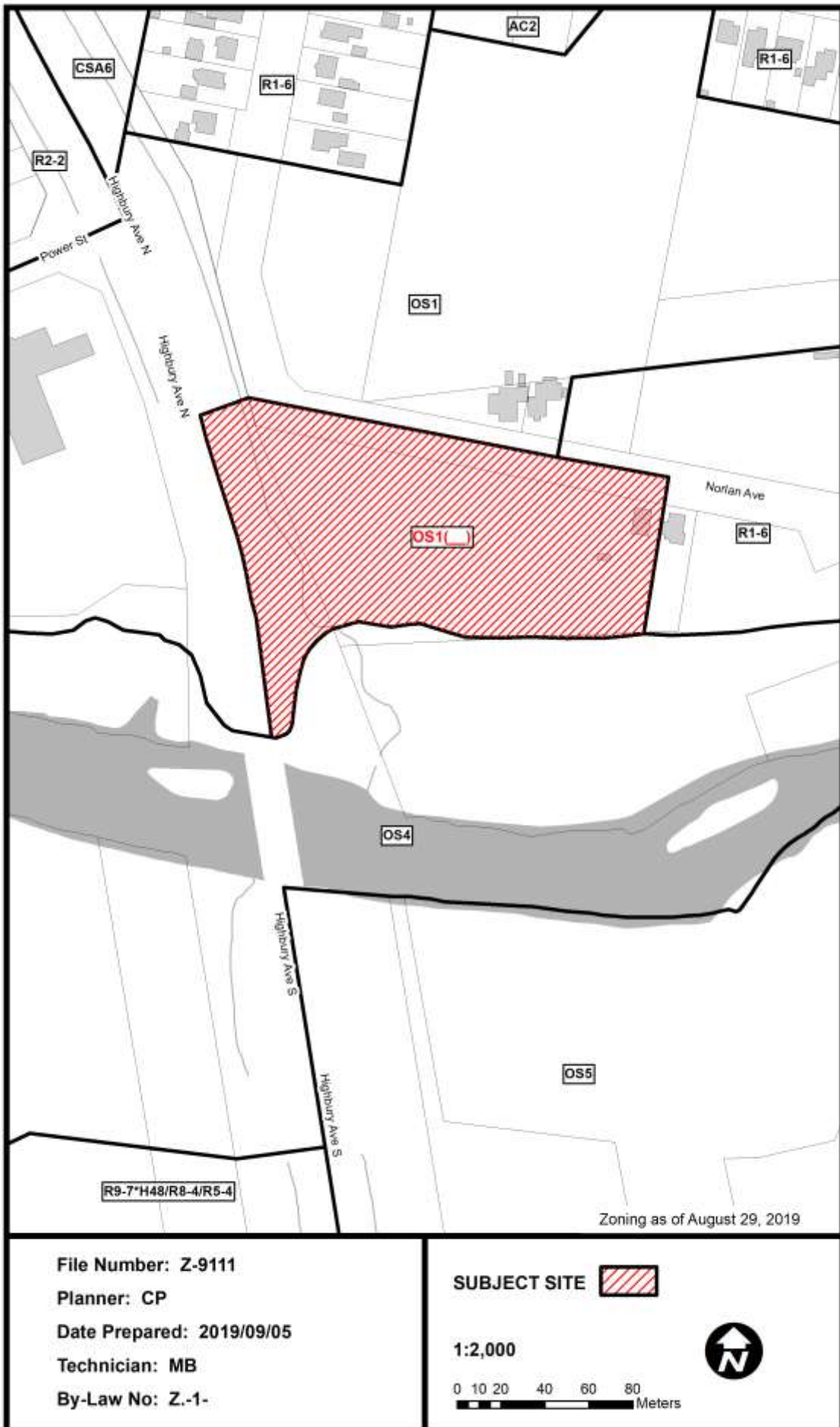
PASSED in Open Council on December 10, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – December 10, 2019
Second Reading – December 10, 2019
Third Reading – December 10, 2019

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



Appendix B – Public Engagement

Community Engagement

Public liaison: On September 18, 2019 a Notice of Application was sent to 13 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on September 19, 2019. A “Planning Application” sign was also posted on the site.

Five replies were received.

Nature of Liaison: The purpose and effect of this zoning change is to add “Farm Gate Sales” to the list of permitted uses on a site specific basis through a special provision. A definition of “Farm Gate Sales” was added to Zoning By-law Z-1 recently as part of the implementation of the Urban Agriculture Strategy adopted by Council in November 2017. Possible change to Zoning By-law Z.-1 **FROM** an Open Space (OS1) **TO** an Open Space Special Provision (OS1(____)) Zone to also allow “Farm Gate Sales”.

Responses: A summary of the various comments received include the following:

The landowner of 21 Norlan Avenue called and asked questions about the nature of the request and how this may impact their future development plans for the property. The questions were answered and no further comments were provided.

Ward 2 councillor Shawn Lewis commented;

I am writing as the Ward 2 councillor with regard to the Z-9111 zoning amendment application to add “Farm Gate Sales” in support of the work at Urban Roots and the City of London’s Urban Agriculture Strategy.

I have had the pleasure of being involved with the Urban Roots initiative at 21 Norlan Ave and have seen the extremely positive benefit to the community from this project. Amending the zoning will only help make progress toward the shared goals of the City of London and the Urban Roots initiative.

I have copied Urban Roots organizers and the Middlesex London Food Policy Council on my email so that they are aware I have expressed my FULL SUPPORT for this change.

Agency/Departmental Comments

Transportation (City) comments are;

- *1ft reserve required along Highbury Avenue*
- *Road widening dedication of 50.m from centre line required along Highbury Avenue*
- *Only one access will be permitted to Norlan Ave*
- *Detailed comments regarding access design and location will be made through the site plan process*

The Upper Thames River Conservation Authority (UTRCA) comments are attached.

The London Hydro comments are attached.



"Inspiring a Healthy Environment"



October 15, 2019

City of London – Planning Services
P.O. Box 5035
London, Ontario N6A 4L9

Attention: Chuck Parker (sent via e-mail)

Dear Mr. Parker:

Re: File No. Z-9111 - Application to Amend the Zoning By-law
Applicant: City of London
21 Norlan Avenue, London, Ontario

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies in the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006)*. These policies include regulations made pursuant to Section 28 of the *Conservation Authorities Act*, and are consistent with the natural hazard and natural heritage policies contained in the *Provincial Policy Statement (2014)*. The *Upper Thames River Source Protection Area Assessment Report* has also been reviewed in order to confirm whether the subject lands are located in a vulnerable area. The Drinking Water Source Protection information is being disclosed to the Municipality to assist them in fulfilling their decision making responsibilities under the *Planning Act*.

PROPOSAL

The applicant is proposed to re-zone these lands to allow for "Farm Gates Sales" as a permitted use within the Open Space (OS1) zone.

CONSERVATION AUTHORITIES ACT

As shown on the enclosed mapping, the subject lands **are** regulated by the UTRCA in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the *Conservation Authorities Act*. The Regulation Limit is comprised of a riverine flooding hazard. 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

The UTRCA's Environmental Planning Policy Manual is available online at:
<http://thamesriver.on.ca/planning-permits-maps/utrca-environmental-policy-manual/>
The policy which is applicable to the subject lands includes:

UTRCA Comments
File No. Z-9111

2.2.4 Natural Hazard Features

An allowance of 15 metres has been added to the Riverine Hazard Limit for the purpose of maintaining sufficient access for emergencies, maintenance and construction activities. The allowance provides for an extra factor of safety providing protection against unforeseen conditions that may affect the land located adjacent to a natural hazard area.

3.2.3 Riverine Flooding Hazard Policies

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

The UTRCA is currently preparing revised floodline mapping along this reach of the Thames River. The extent of the flood plain on these lands falls beyond what is shown on the attached regulation limit mapping. Please contact the UTRCA to obtain information relating to the extent of the flood plain on these lands.

DRINKING WATER SOURCE PROTECTION

Clean Water Act

The subject lands have been reviewed to determine whether or not they fall within a vulnerable area (Wellhead Protection Area, Highly Vulnerable Aquifer, and Significant Groundwater Recharge Areas). Upon review, we can advise that the subject lands **are** within a vulnerable area. 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/>

RECOMMENDATION

As indicated, the subject lands are regulated by the UTRCA. Should any development or site alteration be proposed within the flood plain, the owner will be required to obtain the necessary Section 28 permit from the UTRCA.

The UTRCA has no objections to this application.

Thank you for the opportunity to comment. If you have any questions, please contact the undersigned at extension 430.

Yours truly,

UPPER THAMES RIVER CONSERVATION AUTHORITY



Stefanie Pratt
Land Use Planner

Enclosure: UTRCA Regulation Limit Mapping (please print on legal paper for accurate scales)

cc: Brent Verscheure, UTRCA Land Use Regulations Officer



**Reply Sheet for City of London Applications
to be Reviewed by
London Hydro Engineering**

Date: November 13, 2019
To: City of London Planning Division – Room 609
Attn: Chuck Parker

RE: **Address:** 21 Norlan Ave
Applicant: City of London
File/Ref #: Z-9111

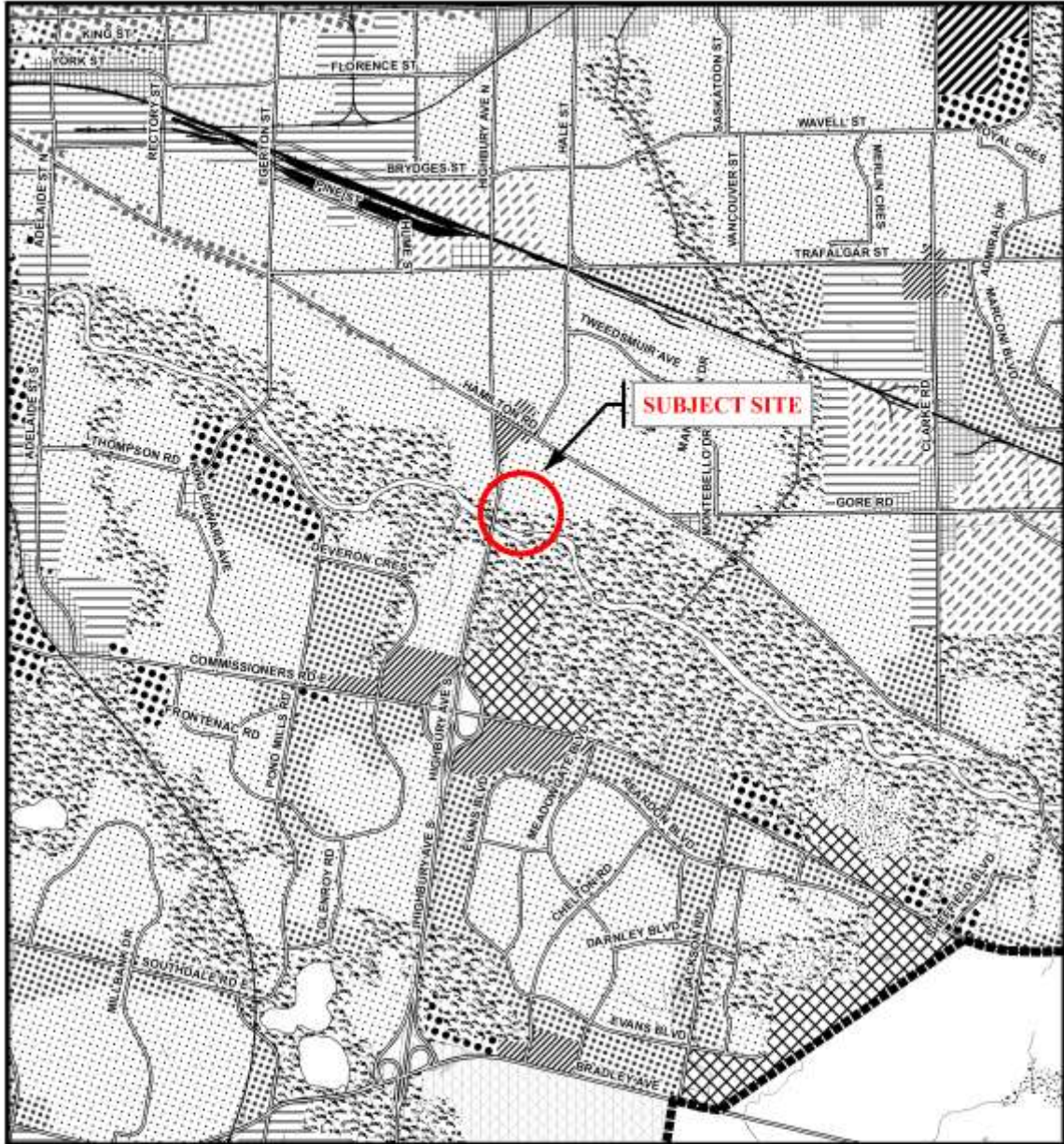
London Hydro Response:

<p>Servicing the above proposal should present no foreseeable problems. Above-grade transformation is required. Note: Transformation lead times are minimum 16 weeks. Contact Engineering Dept. to confirm requirements & availability.</p>	<input type="checkbox"/>
<p>This site is presently serviced by London Hydro. Contact the Engineering Dept. if a new service or service upgrade is required to facilitate these changes. Any new and/or relocation of existing infrastructure will be at the applicant's expense. Above-grade transformation is required. Note: Transformation lead times are minimum 16 weeks. Contact Engineering Dept. to confirm requirements & availability.</p>	<input checked="" type="checkbox"/>
<p>Servicing the above proposal should present no foreseeable problems. Any new and/or relocation of existing infrastructure will be at the applicant's expense. Above-grade transformation is required. A blanket easement may be required. Note: Transformation lead times are minimum 16 weeks. Contact Engineering Dept. to confirm requirements & availability.</p>	<input type="checkbox"/>
<p>London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.</p>	<input checked="" type="checkbox"/>
<p>London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.</p>	<input type="checkbox"/>

Signed: 
Kirby Deller, C. Tech
Dispatch and Operations Technical Supervisor
519-661-5800 ext. 5883

Committee of Adjustment Notice of Application Site Plan Consultation Site Plan Application

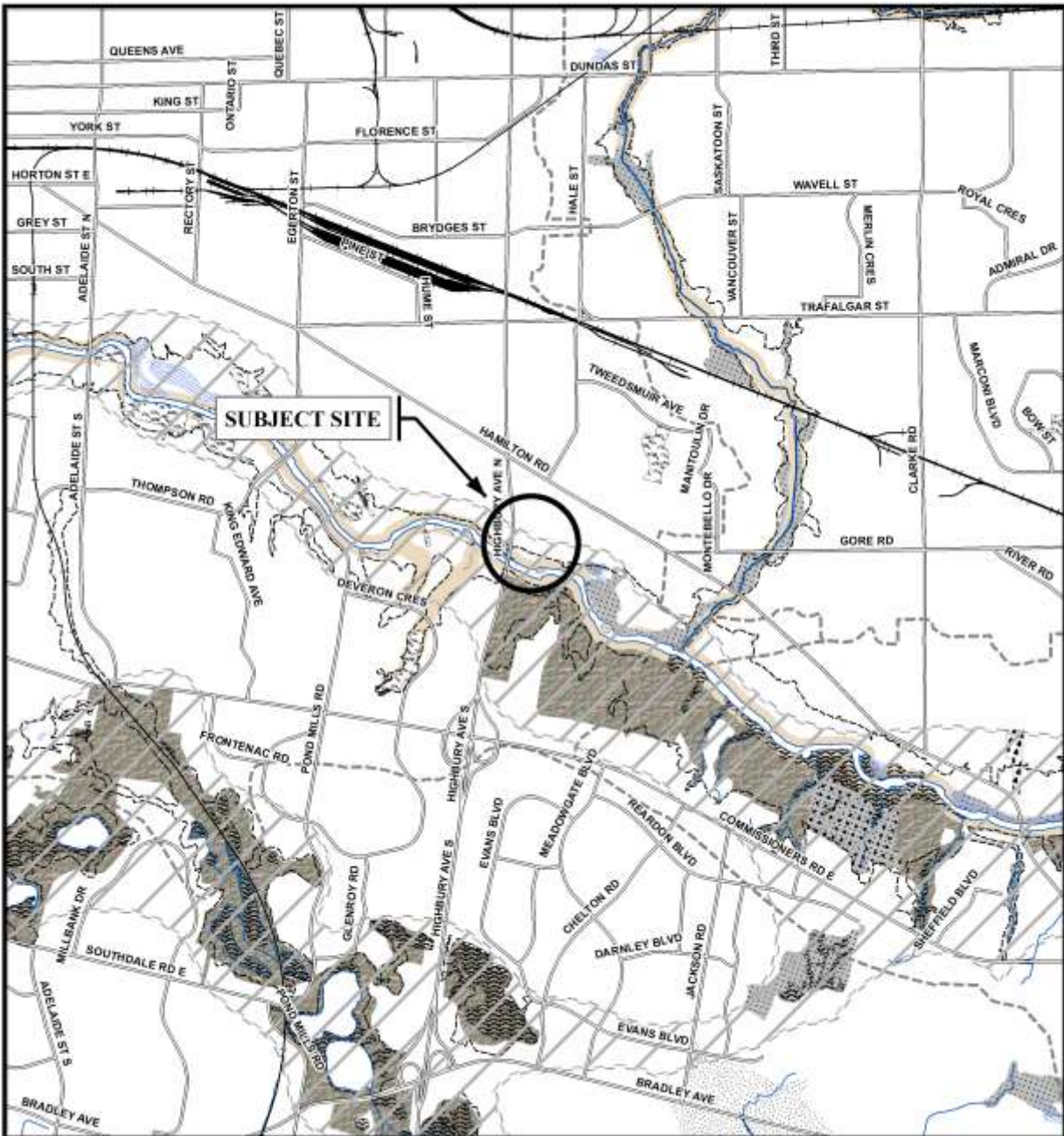
Appendix C – Relevant Background



Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial
Community Commercial Node	Regional Facility	Transitional Industrial
Neighbourhood Commercial Node	Community Facility	Rural Settlement
Main Street Commercial Corridor	Open Space	Environmental Review
Auto-Oriented Commercial Corridor	Urban Reserve - Community Growth	Agriculture
Multi-Family, High Density Residential	Urban Reserve - Industrial Growth	Urban Growth Boundary

<p>CITY OF LONDON Planning Services / Development Services OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: Z-9111</p>
		<p>PLANNER: CP</p> <p>TECHNICIAN: MB</p> <p>DATE: 2019/05/05</p>

PROJECT LOCATION: e:\planning\projects\p_officialplan\work\consolid00\excerpt\mxd_template\scheduleA_b&w_8x14_with_SWAP.mxd

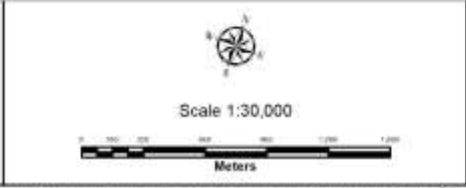


<p>NATURAL HERITAGE SYSTEM</p> <ul style="list-style-type: none"> ESAs Potential ESAs Significant Woodlands Woodlands Unevaluated Vegetation Patches Significant River, Stream, and Ravine Corridors Unevaluated Stream and Ravine Corridors Provincially Significant Wetlands Locally Significant Wetlands Unevaluated Wetlands Potential Naturalization Areas Potential Upland Corridors Ground Water Recharge Areas 	<p>NATURAL HAZARDS</p> <ul style="list-style-type: none"> Maximum Hazard Line <p><small>NOTE 1: Hazard Lines shown on this map are approximate. The precise delineation of hazard line mapping available from the Conservation Authority having jurisdiction.</small></p> <p><small>NOTE 2: Flood Fringe mapping for certain areas of the city is available from the Upper Thames River Conservation Authority.</small></p>
<p>Base Map Features</p> <ul style="list-style-type: none"> Railways Water Courses/Ponds Streets (refer to Schedule "C") Conservation Authority Boundary Subwatershed Boundary Big Picture Meta-Cores and Meta-Corridors 	

CITY OF LONDON
 Planning Services /
 Development Services

**OFFICIAL PLAN SCHEDULE B1
 - NATURAL HERITAGE FEATURES -**

PREPARED BY: Graphics and Information Services



FILE NUMBER: Z-9111

PLANNER: CP

TECHNICIAN: MB

DATE: 2019/09/05

PROJECT LOCATION: e:\planning\projects\officialplan\work\consolid\00\excerpts\mxds\templates\schedule_b1\scheduleB1 b&w 8x14 with SWAP.mxd