

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

From: George Kotsifas, Planning and Economic Development

Subject: OZ-9332/City of London-Encouraging the Growing of Food in Urban Areas- Information Report

Date: June 21, 2021

Recommendation

That, on the recommendation of the Director, Planning and Development, the attached background report, including draft proposed London Plan and Zoning By-law amendments to implement directions contained in the Council-approved Urban Agriculture Strategy, **BE CIRCULATED** for public review and comment in advance of a Public Participation Meeting to be scheduled at a later date.

Executive Summary

Purpose and Effect of Recommended Action

The proposed London Plan and zoning by-law amendments would provide more flexibility for the growing of food on City of London lands located within the Urban Growth Boundary. This will implement actions identified in the Urban Agriculture Strategy, adopted by Council in November 2017. This information is being circulated to provide for public consultation prior to final amendments being recommended at a future public participation meeting before the Planning and Environment Committee.

Rationale of Recommended Action

1. The draft amendments to the London Plan Food Systems chapter, and to Zoning By-law Z.1 provides more opportunities to allow for the growing of food within the City's Urban Growth boundary (UGB).
2. Before the final amendments are recommended and considered by City Council, public and urban agriculture community input is required.

Linkage to the Corporate Strategic Plan

The proposed amendments implement three strategic areas of focus of Council's Strategic Plan;

1. Strengthening Our Community;
2. Building a Sustainable City; and,
3. Growing Our Economy.

Analysis

1.0 Background Information

The Urban Agriculture Strategy was adopted by Council in November 2017. The Strategy identified five broad categories: growing, processing, distribution, food loss and recovery, and education and connection as the basis of the Strategy. Under each category, community-identified priorities were described, and a series of actions were identified for these priorities. For each action, roles were identified for each of the partners (Urban Agriculture community, Agencies and City).

The Goals of the Strategy are to:

1. Develop a strategy to direct urban agriculture efforts in the City of London;
2. Address all aspects of urban agriculture within the city and present policy and regulation amendments where necessary;
3. Determine the roles and responsibilities of the City and community in the implementation of the strategy;
4. Address gaps that may exist in providing for urban agriculture; and,
5. Outline criteria for pilot site selection and/or urban agriculture projects.



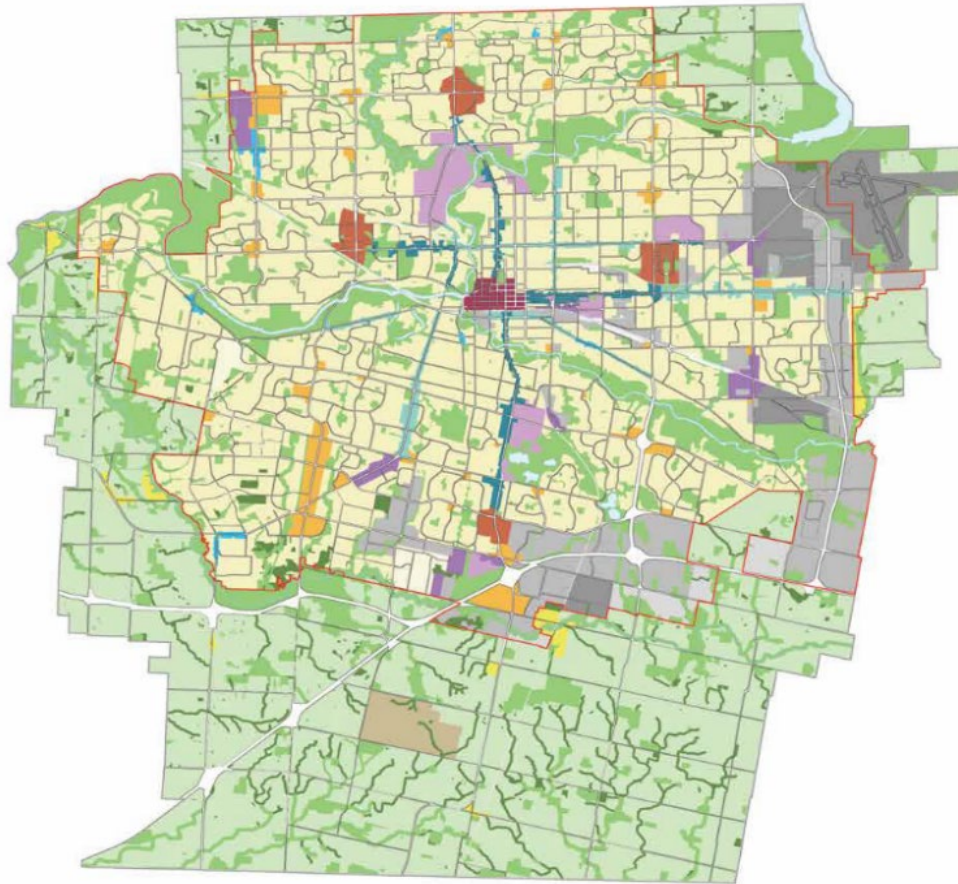
This review will address the second and fourth goals of the strategy.

After the Strategy was approved by Council and an Urban Agriculture Steering Committee was established to direct the implementing the Strategy, the urban agriculture community, agencies and the City started projects to implement directions of the Strategy. In 2019/2020 the City approved three zoning by-law amendments which focused on the distribution component of the Strategy; Farm Gate Sales (PEC - November 18, 2019), 21 Norlan Avenue (PEC- December 2, 2019) and Household Sales (PEC- July 15, 2020) which all provided improved access to fresh produce for City residents.

This review will consider changes in London Plan policies and Zoning By-law regulations to allow the growing of food on all lands within the UGB.

1.1 The Focus of this Study

This study will focus on urban agriculture which occurs on lands within the urban growth boundary as opposed to rural agriculture which occurs on lands outside the urban growth boundary (see below)



Note - Urban Growth Boundary is red line

Both urban and rural agriculture involve the growing of food but the scale of the activity is typically different and the use of mechanical equipment for rural agriculture is needed because of the scale of operation. Urban agriculture tends to be more labour-intensive, and is most often for personal use.

The study is also only focused on the “Growing” component of the Urban Agriculture Strategy, specifically focusing on urban farms and urban foodscaping, and does not include livestock such as backyard chickens. The intent of the proposed draft amendments is to encourage growing on vacant lands, underutilized lands, vacant buildings, rooftops and converted shipping containers. Growing in parks and City rights of way will be reviewed, discussed with others and further additional changes may be recommended later.

Currently the London Plan policies and Zoning By-law regulations do not provide clear direction on where growing is allowed. Other City processes such as the Site Plan process, Streets By-law, Parks and Recreation Area By-law and Special Events Manual also can impact the growing of food. The Ontario Building Code also impacts the building of structures which are a component of urban agriculture. These by-laws and processes will also be reviewed, discussed with others and further additional changes may also be recommended later.

This study focuses on planning policies and zoning by-law regulations that impact the growing of food. As mentioned above there are other non-planning policies, regulations and processes which can impact urban agriculture, but these will not be part of this study. They will be briefly discussed because a number of them are interconnected with planning policies, but further discussions are required with others before changes are made.

Although the intent of this study is to make changes to encourage the growing of food there are other considerations, we must address in recommending any amendments. These include potential land use impacts, health and safety concerns, the undermining of other planned uses, impacts on natural heritage and hazards and on-going maintenance. All will be considered through the study.

1.2 Genesis of the Study

In 2020 the London Food Bank proposed to construct a greenhouse as part of their facility in London South to grow fresh food for their clients. In pursuing this initiative, they experienced a series of issues, including the need for a zoning by-law amendment to permit the greenhouse.

In August, 2020, representatives of the London Food Bank appeared before Planning and Environment Committee. The initial request from the Food Bank was to waive application fees for a greenhouse to be built on the Food Bank property; however, it was determined that policy and regulation changes were also required before building permits could be issued. As a waiver of fees was not possible, it was recommended that the City initiate an application on their behalf. It was also noted that staff resources were not available to lead this project. The London Food Bank, through their Consultant (John Fleming, former City Planner), would provide the staff resources to undertake the background research to support the application.

This review was combined with two urban agriculture related projects on the Long Range Planning and Research 2021 Work Program; allowing greenhouses within the Urban Growth boundary and a review of where growing of food is permitted within industrial areas in the regulations and zones of the Zoning By-law.

On August 25, 2020 Municipal Council resolved that:

*The Civic Administration **BE DIRECTED** to initiate the requested City-wide application on behalf of the London Food Bank, with respect to the removal of barriers to growing food; it being noted that the Planning and Environment Committee reviewed and received a communication dated July 30, 2020, with respect to this matter.*

Initial discussions between City staff and the Food Bank have led to a desire to complete a broad review of the London Plan policies and Zoning by-law regulations focused on the growing of food. The City is responsible for managing the project and for any final recommendations related to possible Official Plan and/or zoning by-law amendments. The consultant for the London Food Bank is providing the background research and draft recommendations that will be used by staff to support any future recommended policy or by-law amendments.

In the interim, the Food Bank was issued a temporary building permit for their greenhouse, which expires the end of December 2021. This will allow this study to be completed. A full building permit will be required later for the greenhouse.

1.3 Process to Date

The project was initiated in early March 2021. The Public Notice on the review was provided on March 31, 2021 to all internal City Departments, agencies and urban agricultural groups requesting initial comments. Londoner Notice was provided April 1, 2021.

During March and April, presentations by the consultant and staff were given at meetings with the Urban Agriculture Steering Committee (UASC), Friends of Urban Agriculture (FUAL), Agriculture Advisory Committee (AAC), Advisory Committee on the Environment (ACE) and Middlesex London Food Policy Council (MLFPC). An overview of the project, discussion with the members of the committees, and a request for initial comments on issues they had faced in the past doing urban agriculture projects.

In April a series of meetings were held between Long Range Planning and Research and staff from Zoning; Site Plan; Building; Parks and Recreation; Neighbourhood, Fire and Children's Services, and Engineering to describe the project and get initial feedback on the proposed amendments and other ideas to reduce barriers to urban agriculture.

1.4 Other Municipalities Review

A number of other Canadian municipalities have established approaches to urban agriculture.

The City of Toronto started to support urban agriculture in the City in 1993. In 2002 policies were developed for rooftop gardens and by 2006 policies to support urban agriculture were approved in their Official Plan City-wide. In 2009 Council resolved to support urban agriculture efforts. An introductory report “*Scaling up Urban Agriculture in Toronto; Building the Infrastructure-Opportunities and Barriers*” was produced in 2010 and an Urban Agriculture Action Plan (Grow TO Process) was adopted in October 2012. In 2013 an Urban Agriculture Program was introduced, including a City Sector Steering Committee, a staff working group and a work plan.

Since that time the City has been allowing the growing of food by non-profit groups in public parks, community centres, housing co-ops, apartment buildings, community health centres, universities, schools and churches not only on the ground but also on rooftops. The City also allows growing in front yards and allows backyard gardens to be harvested by non-residents. Toronto has also allowed the construction of greenhouses at seniors’ residences, schools and community centres.

The City of Vancouver is another Canadian municipality which has a long history of supporting urban agriculture. A Food Policy Council was established in 2004, a Food Charter was adopted in 2007, the Greenest City 2020 Action Plan and Food Strategy were completed in 2013, a new urban agriculture policy was completed in 2015 and Vancouver is currently preparing urban farm guidelines. Vancouver permits “as-of-right” growing in your own personal garden, community gardens, urban farms and in some cases on boulevards: has a Urban Farming Guidebook and has a urban farming business license category.

The cities of Ottawa, Edmonton and Hamilton have also made policy and regulation changes to implement urban agriculture. Some highlights include;

- Ottawa has a Development Reserve (DR) Zone which allows agricultural uses within the urban area and has a separate Urban Agriculture By-law.
- Edmonton has had urban agriculture zoning since 2013 and requires a development permit and site plan application for urban outdoor farms, urban gardens and urban indoor farms.
- Hamilton prepared a report in 2013 on current policies and practise for urban agriculture, established an urban agriculture working group and co-ordinated changes through the Neighbourhood Development Strategy Office. They make a distinction of purpose for urban agriculture, ie. Non-profit vs. profit and limit scale of urban agriculture to less than 1 acre.

2.0 The Background Study

The attached Background Study prepared by the consultant outlines the intent and rationale for the study, some of the London Plan policies and Zoning By-law Z-1 regulations which have impacted urban agriculture activities and suggested possible amendments to address those impacts. Rationale for the proposed amendments is also provided.

The proposed amendments are to the London Plan and Zoning By-law Z-1. The Background Study also notes that other City processes, such as the Site Plan Approval process, may also require changes to be supportive of urban agriculture, however these require further discussion. A future report will include recommended final amendments to the London Plan and Zoning By-law Z-1 but may include possible changes to other City By-laws and processes arising from the consultation. Separate reviews and reports may be undertaken to address other related processes which impact the growing of food in urban areas.

3.0 Future Process

Following Council's direction, the background report will be circulated to the urban agriculture community, agencies and other City Departments for comments, and possible further meetings, over the summer months.

For the general public, Londoner notice will be provided again. The City's Urban Agriculture webpage is currently being updated for AODA compliance, and when completed, will serve as a "one-stop" resource for urban agriculture information and this project.

It is expected that a final report, with recommended amendments, will be presented to Planning and Environment Committee (PEC) at a public meeting in the fall of 2021.

Conclusion

The Background Study, which includes possible amendments to the London Plan and Zoning By-law Z-1 is intended to initiate discussion and lead to possible changes to encourage and support the growing of food within the City's urban growth boundary.

Prepared by:	W.J. Charles Parker, MA Senior Planner, Long Range Planning & Research
Reviewed by:	Justin Adema, MCIP, RPP Manager, Long Range Planning & Research
Recommended by:	Gregg Barrett, AICP Director, Planning and Development
Submitted by:	George Kotsifas, P.Eng. Deputy City Manager, Planning & Economic Development

Appendix A – Background Study

Making Urban Agriculture Easy

Creating an enabling policy and regulatory environment for urban agriculture in London



June, 2021

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Prepared for the City of London

John M. Fleming

June, 2021



1.0 PURPOSE OF THIS STUDY

Growing food in urban areas is gaining momentum across Canada with the aim of helping to address climate resiliency, food security, social connectedness and food access equity. The City of London is committed to supporting urban forms of agriculture and has stated its desire to “create an enabling policy environment for urban agriculture by encouraging the development of supportive municipal policies, regulations and by-laws and removing policy barriers”.

The scope of this report is limited to policy and regulatory considerations. While there are many other factors to consider in support of urban agriculture - such as programming, investment, use of City lands and municipal fees, etc. - the purpose of this report is to identify existing barriers to growing food in London’s urban areas posed by policy and regulatory obstacles and to recommend changes necessary to eliminate them. The intent is to create a policy and regulatory structure

that will allow urban agriculture to occur more easily within London’s Urban Growth Boundary. Additional issues outside of this scope, raised by various groups during the information gathering process for this study, are outlined at the end of this report.

This report is structured such that primary barriers to growing food are identified and recommended actions to address these barriers are outlined. The report brings together this analysis with specific proposed amendments to the London Plan, the Z.-1 Zoning By-law and the Site Plan By-law amendments. The report will be tabled with Municipal Council and circulated for feedback. These proposed amendments will be modified accordingly and submitted by Staff to Council in the Fall of 2021 for their consideration, deliberation and approval.

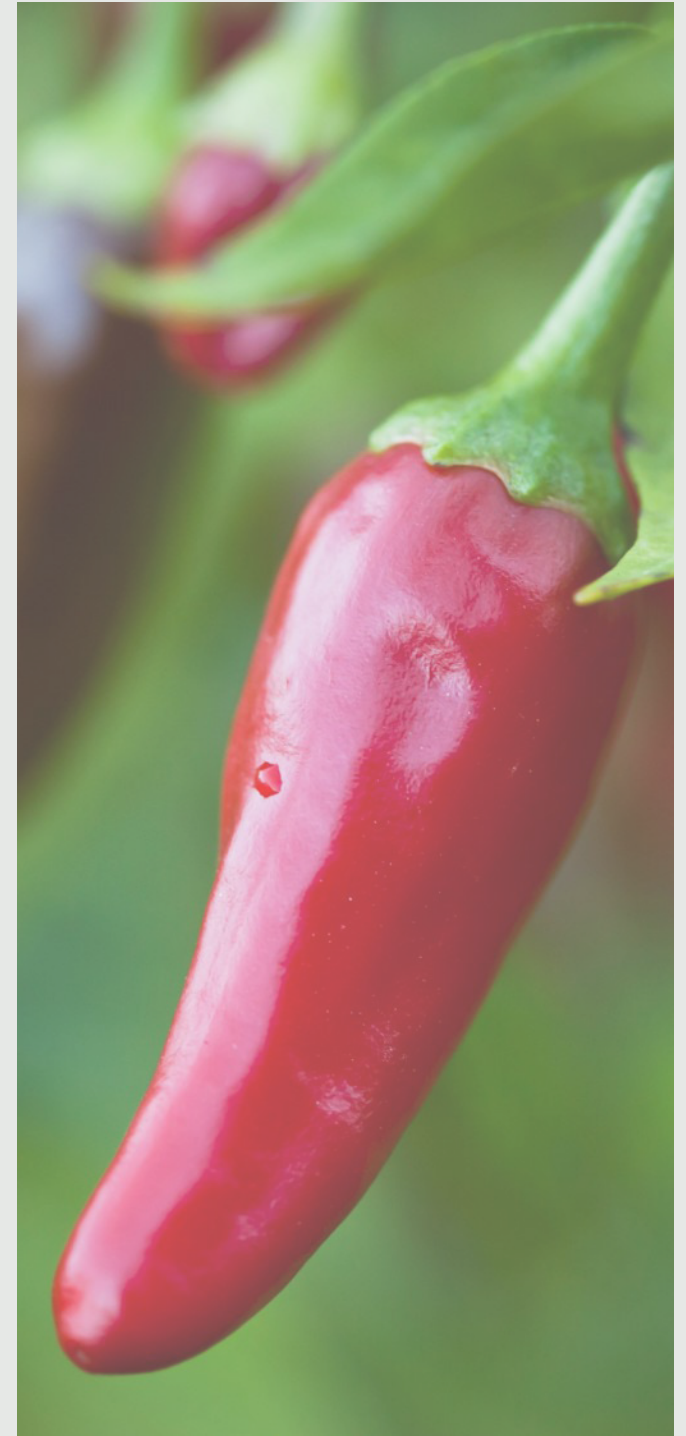
2.0 BACKGROUND

2.1 *The importance of growing food in urban areas of London*

In November of 2017, Municipal Council for the City of London adopted an Urban Agriculture Strategy. This Strategy defined urban agriculture as “the practice of growing, processing, sharing and distributing food” specifically within the urban parts of London (the Urban Growth Boundary). This report will focus specifically on the growing of food in urban areas.

London is located within one of Canada’s most productive agricultural areas. Recognizing this, the Urban Agriculture Strategy acknowledged that growing food within urban areas of London is not intended in any way to supplant the primary function of growing food within the City’s rural areas. However, it recognized that growing, processing and distributing food within London’s Urban Growth Boundary has many important benefits as a supplementary means for providing food to Londoners:

- It can make London more resilient to food chain disruptions (like that seen through Covid-19)
- It can supply a meaningful amount of nutritious food to social enterprises that help vulnerable populations in London
- It can help London to adapt and be more resilient to climate change
- It can often reduce transportation requirements relating to fresh food grown in agricultural fields in and around London – “short circuiting” long distance transportation from field, to wholesaler, to retailer, to consumer
- By reducing transportation costs, it can significantly reduce the climate impact of food distribution
- It can allow for the utilization of unproductive urban buildings and sites, taking advantage of existing urban infrastructure and helping to revitalize urban areas
- It can create a sense of pride in local neighbourhood food production
- It can create employment and economic development opportunities
- It can create neighbourhood level (hyper local) food supply for nearby caterers, restaurants, social service organizations, institutions and other businesses within a community



2.2 The opportunity for growing food within urban areas of London

The value of growing food has been well recognized in Canada's history. For example, during the Great Depression of the 1930's and during both World War I and II, "Relief Gardens" and "Victory Gardens" were widely promoted and planted in urban areas. They provided significant amounts of food to Canadians, but also clearly demonstrate the powerful community impact of growing food together within urban neighbourhoods.

With a similar mindset, it's evident that there are plentiful opportunities to grow food in London's urban areas:

- Underutilized parking lots
- Underutilized yards within industrial, institutional and commercial lands
- Residential backyards
- Within vacant buildings or portions of buildings
- Rooftops
- Balconies
- Open spaces that are often constrained from development – public and private
- Parks
- Municipal street right-of-ways

And, given current technologies, there are many different ways to grow food:

- Within existing ground soils
- In raised beds and planters
- In greenhouses of various types
- Within buildings using hydroponics and vertical growing infrastructure
- On top of buildings in green roofs
- In shipping containers specifically converted to grow food

Recognizing the wide range of opportunities for growing food in urban areas of London, it's important to identify and eliminate policy and regulatory barriers to doing so, so that we can unlock the tremendous benefits of growing food within our urban communities.



2.3 Important considerations for growing food in urban areas of London

There are several important considerations, when growing food within urban areas of London. These should not be seen as impediments to growing food, but rather must be identified and mitigated by shaping when, where and how food can be grown in urban areas –so that it occurs in the right places and in the right form.

1. Its important that the potential land use impacts of growing food are recognized and addressed. For example, the stockpiling of nutrients/fertilizers would not be appropriate within an urban setting. This is well addressed through the Nutrient Management Act and the Ministry of Environments regulations and requirements relating to compost materials obtained from an off-site source for larger operations. Potential lighting impacts from greenhouses is another concern that needs to be addressed within certain contexts. And, built form considerations can be important, depending upon the location of a greenhouse or shipping container and its impact on the character of an area & its surrounding uses.
2. Health and safety issues are always paramount when considering the development and use of land – and this equally applies when considering growing food. All structures that may be used for growing food must meet the requirements of the Ontario Building Code and the National Farm Building Code of Canada. This is important when considering such things as rooftop gardens, growing food within existing buildings, or when constructing greenhouses of applicable types and sizes. It is also important to understand the potential for soil and water contamination when growing food in ground soils and to meet all applicable provincial and Health Unit requirements. And, it is important to protect groundwater and environmental integrity acting in conformity with the Ontario Pesticides Act. In summary, it is important for anyone growing food within an urban context to ensure that they are meeting all provincial and municipal requirements to produce safe and healthy food within a safe physical environment.



3.0 EXISTING BARRIERS AND RECOMMENDED SOLUTIONS

The following section addresses key policy and regulatory barriers to growing food in London. For each barrier, a solution is recommended. These solutions are expressed at a high level, with more detail provided in the “Recommended Amendments” section of this report.

Barrier #1 - Agriculture isn't clearly permitted within urban areas of London

The London Plan is unique as an Official Plan in Canada, in that it includes a full chapter devoted to planning for “Food Systems” in London. These Food Systems policies emphasize the City’s goal to support and invest in a sustainable food system that contributes the “the economic, ecological and social well-being of our City and region.”

While the Food Systems policies of the London Plan are innovative on the Canadian landscape, they have some limitations that may present a barrier to growing food within the Urban Growth Boundary. They

do not establish agriculture as an explicitly permitted use, nor do they identify where this use would be permitted or how it would be regulated within urban areas. Furthermore, the Urban Place Type policies of the Plan are generally silent on agriculture as a permitted use, with the exception of the Neighbourhood Place Type which refers to urban agriculture within its vision and objective-related policies - but still does not list agriculture within its range of permitted uses.

The current definitions in the Zoning By-law also create some confusion as it relates to allowing for growing food within urban areas, leaving questions as to what is, and is not, permitted.

The definition of “Urban Agriculture” is helpful, but goes well beyond permissions for simply growing food. So, broadly allowing the growing of food across the City under this definition would also allow for the broad permission of other uses that have been bundled therein, such as “light” food processing and retail sales. This use is only permitted on one site in the entire City.

“URBAN AGRICULTURE” means the use of lands, buildings or structures for the purposes of growing, sharing, and distributing food or beverage and may include the processing of food or beverage by the use of hand tools or small-scale, light mechanical equipment. It can involve a range of different activities operating either together or individually, including the cultivation of plants, together with accessory uses including retail sales, composting plants grown onsite, outdoor storage, and buildings and structures ancillary to the operation of the site and for the extension of the growing season, but does not include the growing, processing, distribution or retail sales of cannabis. (Z.-1-182697)

The definition of Agricultural Use is similarly expansive and goes well beyond simply growing produce. It includes the raising of livestock. This is entirely appropriate within a rural setting and it is logical to expect that this use was defined with the rural part of London in mind. However, given the expansive range of activities included in this use, it would not be appropriately applied within urban parts of the City.

"AGRICULTURAL USE" shall mean the use of land, buildings or structures for; the tillage of soil, growing and harvesting of vegetables, fruits, field crops, mushrooms, berries, trees, flowers or landscaping materials; the grazing, breeding, raising, boarding or training of all kinds of livestock and poultry including but not limited to cattle, swine, sheep, deer, goats, rabbits, poultry, horses, ponies, donkeys, mules and fur bearing animals; aquaculture; apiaries; the erection and use of greenhouses, vine crops, woodlots and forest tree uses; and the packing, treating, storing and sale of produce produced on the premises and other similar uses customarily carried on in the field of general agriculture. (Z.-1-051390)

Similarly, several other agriculturally-related definitions in the Zoning By-law are targeted to rural areas and allow for a broader range of uses than simply growing food. They would not be appropriate for the broad permission of agriculture throughout the City.

Recommended Solution:

The Food System policies of the London Plan follow the structure of its other City Building policies. They begin by explaining what a food system is, explain why it is important to London’s future, outline the objectives of the policies, and then identify how the policy objectives will be achieved. This last section “How Are We Going to Achieve This?” is currently divided into to four sub-sections:

1. Comprehensive Food System Planning – speaking to a broad range of actions that will be considered in an integrated way to support food systems
2. Community Benefit – speaking to food system actions that support community and social goals
3. Public/Private Partnerships – outlining the potential for partnerships to deliver urban agriculture in the community
4. City Investment – identifying the potential role of the City in investing in urban agriculture

It is recommended that a fifth sub-section be added to these policies that is explicitly devoted to growing food. This new sub-section should create a policy framework that establishes urban agriculture as a land use and identifies where this use will be permitted and how it will be planned for. To address land use impact and health and safety issues stemming from growing food within urban areas, the policies should indicate that such activity will be subject to all other policies of the London Plan, regulations of the Zoning By-law and all applicable legislation and regulations.

Barrier #2 - It isn't clear where growing food is, and is not, permitted within urban areas of London

As noted above, the Food Systems chapter of the London Plan is generally silent on where urban agriculture, or the growing of food, is permitted within urban areas. The only Urban Place Type which includes policies relating to permissions for urban agriculture is the Neighbourhood Place Type. The "How Will We Realize Our Vision" Section of the Neighbourhood Place Type includes the following policy: "Facilities to support neighbourhood urban agricultural systems may be integrated into neighbourhoods". However, there is no mention of urban agriculture or growing food within the list of permitted uses within the Neighbourhood Place Type. This is in contrast to the Farmland Place Type which explicitly lists "agricultural uses...and associated on-farm buildings and structures that support the farm operation..." as a permitted uses.

The Zoning By-law is also silent on permissions for growing food within most urban zones. A search was conducted for presence of agriculture-related permitted uses in all of the standard zones applied to urban areas of London. The following shows which zones explicitly list these permitted uses:

- "Agricultural Uses" - Environmental Review, Urban Reserve Zone and Waste Resource Management Zones
- "Cultivation of land for agriculture/horticulture" – Open Space (OS₁, OS₂ and OS₄) Zones
- "Farms" – Resource Extraction Zone
- "Garden Store" – Restricted Service Commercial (RSC₅) Zone

Furthermore, the Zoning By-law does not explicitly list "urban agriculture" or "greenhouses" as permitted uses within any of the standard zones applied to urban areas of London. In both cases, these uses are only permitted by special provisions that apply to a small number of specific sites.

Recommended Solution:

It is recommended that the aforementioned new sub-section, to be added to the Food Systems policies of the London Plan, establish that growing food will be permitted in all Urban Place Types. It should clarify that such permission will be subject to the regulations of the Zoning by-law and all applicable legislation and regulations. The policies should similarly clarify that greenhouses will be permitted within all Urban Place Types, also subject to Zoning and legislative regulations.



It is further recommended that the Zoning By-law be amended to broadly allow for growing food across all zones in the urban area. Section 4.26 – “Uses Permitted in Listed Zones” should be amended to allow for urban agriculture in all zones (with the exception of the Agricultural Zones). In doing so, urban agriculture can be broadly permitted in the urban area, without the need to amend the list of permitted uses within all of the standard urban zones. Furthermore, the regulations associated with each zone will be maintained relating to any structure to be used for urban agriculture – thus ensuring that size, set-backs, heights and other regulations of the relevant zone are maintained.

Barrier #3 – The Zoning By-law severely restricts where greenhouses are permitted in urban areas

As noted above, none of the standard zones applied to urban areas list greenhouses as a permitted use. Furthermore, the definition of greenhouse in the zoning by-law explicitly states that “A greenhouse of less than 10 square meters is considered an accessory structure in accordance with Section 4.1 of this by-law”. This has been interpreted to mean that any greenhouse larger than 10 square meters cannot be considered a permitted accessory use. 10 square meters (108 sq.ft.) is the size of a residential garden shed and precludes any reasonable sized greenhouses as an accessory use within any zone.

Recommended Solution:

The Zoning By-law includes a range of uses relating to greenhouses – “Greenhouse”; “Greenhouse, Commercial; and “Greenhouse Farm”. To avoid complications which could occur if the same definition for greenhouse is used in both the urban and rural parts of London, it is recommended that a fourth definition of greenhouse be added, called “Urban Greenhouse”. This use should be limited to greenhouses devoted to growing food and exclude “Greenhouse Commercial”. The Urban Greenhouse use can clearly preclude processing and sale of food, the raising of livestock or poultry and the growing of cannabis.

It is further recommended that this new “Urban Greenhouse” use should be permitted within all zones in the urban area through Section 4.26 of the Zoning by-law – “Uses Permitted in Listed Zones”. In doing so, urban greenhouses will be broadly permitted across the City, without the need to amend the list of permitted uses within all of the standard zones. Furthermore, the regulations associated with each zone will be maintained relating to greenhouse structures.





Barrier #4 - It isn't clear when site plan is required for greenhouses

Greenhouses within rural areas are generally very large and take advantage of economies of scale to make them economically viable. Conversely, greenhouses within urban settings are comparatively small and their viability can be easily undermined by processes that are complex or impose additional costs. This can be the case, where site planning is required for a very small greenhouse, a greenhouse that is devoted to donating produce to vulnerable populations, or a greenhouse that is simply serving to extend the growing season through the Spring and Fall. Site plan processes come with application fees and the need for consultants to prepare engineering and landscape plans.

Recommended Solution:

The site plan review process is a mechanism to plan properly for new development and address a broad range of issues relating to servicing, compatibility and fit within its surrounding context. For a green-

house within an urban setting, issues such as stormwater run-off, the impact of lighting on adjacent properties and visual impact can all be addressed through site planning.

That said, a variety of development types are exempt from site plan processes under London's Site Plan Control By-law. For example, the construction of a single detached or semi-detached or duplex dwelling on a freehold lot generally does not require site plan approval. The Site Plan Control By also exempts "agricultural and farm related buildings, building additions, building alterations or structures that are utilized in farming operations..." It is speculated that this provision of the By-law was established with a rural setting, rather than urban setting, in mind.

Recognizing both of these perspectives, it is recommended that the Official Plan and Site Plan By-law include provisions that indicate a greenhouses will not be subject to site plan control where it is constructed without a foundation and:

- Is less than 200m² in size if it is outside of the Neighbourhood Place Type OR
- Is less than 60m² in size if it is inside the Neighbourhood Place Type.

It is important to establish a numerical measure that Staff can apply to invoke site plan processes. These are seen as reasonable sizes that balance the need to address the potential impact of a greenhouse vs. the cost and time of such a process that would make such greenhouses non-viable. It is important to recognize that this exemption from site plan for smaller greenhouses have no impact on any existing requirements for building permits. Furthermore, wastewater drainage would still need to remain on site through any greenhouse construction as required by the City of London's WM-4 Drainage By-law.

Barrier #5 - Some requirements of the zoning by-law are too onerous for greenhouses in an urban context

The Zoning By-law includes the requirement for a minimum portion of any developed lot to be retained as landscaped open space. Landscaped open space can include impervious surfaces, such as concrete, asphalt or pavers – so this minimum landscaped open space requirement is not directly related to a desire to retain a certain amount of impervious surface on every developed lot. While gardens would be considered landscaped open space, gardens with a greenhouse covering over them (eg hoophouse) would be considered a structure and would not be considered landscaped open space. Accordingly, it would be very difficult to fit a greenhouse on an urban lot and still meet the minimum landscaped open space requirements of the Zoning By-law.

Similarly, maximum lot coverage requirements of the Zoning By-law could significantly constrain the opportunity for a greenhouse on an urban lot. Not only is there an overall lot coverage maximum, the Zoning By-law also includes maximum lot coverage provisions for accessory buildings. Section 4.1 (2) of the Zoning By-law indicates that accessory structures shall not exceed 10% of a lot's total area.

There is currently no specific parking standard for a greenhouse in the Zoning By-law. Accordingly, it is uncertain as to what parking standard would be applied (with the exception of an existing standard for greenhouse farms). The general standard of 1 space per 45m² for Parking Area 1, for example, would be very onerous and unnecessary as greenhouses used for growing food are low occupancy buildings and require

very little parking. Similarly, a garden store standard of 1 space per 30m² would be inappropriate, recognizing that garden stores accommodate a large volume of customers.

Recommended Solution:

So that the opportunity for greenhouses in urban areas is not undermined by minimum landscaped open space and maximum coverage requirements of the Zoning By-law, it is recommended that:

1. 50% of a greenhouse's floor area be counted towards the minimum landscaped open space requirements of the Zoning By-law
2. Outside of any residential zone, only 50% of a greenhouse's floor area be counted towards the calculation of lot coverage. This would also apply to restrictions on accessory building coverage.

Applying the second provision only to lands outside of any residential zone recognizes the need to limit the size of greenhouses in residential areas (eg. backyards) and that the full floor area of any greenhouse should be counted towards maximum lot coverage in such locations.

In addition, it is recommended that no parking should be required for a greenhouse that is less than 60m². This will eliminate the need for additional parking spaces for small-sized greenhouses. Beyond 60m², a parking standard equivalent to a Warehouse Establishment (1 space per 200m²) is proposed for greenhouses. This recognizes the low occupancy nature of greenhouses and avoids the potential for eliminating the opportunity for greenhouses through an onerous parking standard on constrained urban sites.



Barrier #6 - Zoning by-law regulations that apply to shipping containers could undermine the opportunity for converted shipping containers used for growing food within urban areas

There is a growing global trend towards using shipping containers to grow significant amounts of food within urban areas. Advanced technologies are used to equip shipping containers with hydroponic infrastructure, grow lighting and climate controls that are ideal for growing at all times of the day and all seasons of the year. These shipping containers use vertical growing techniques that can produce large amounts of foods within small spaces. They can be easily accommodated within a variety of urban environments and can take advantage of vacant and underutilized lots and parking facilities.

The Zoning By-law includes a variety of regulations that apply to shipping containers. In general, these provisions treat shipping containers as outdoor storage or temporary structures and, accordingly, apply many constraints to where they may be located. Shipping containers that are adapted for growing food should not be regulated as outdoor storage and should be accommodated in a variety of locations, allowing them to integrate into a broad range of urban contexts. At the same time, site plan control process should be employed to ensure that these structures are compatible and a good fit within their surround context.

Recommended Solution:

It is recommended that Section 2 of the Zoning By-law – “Definitions” be amended to create a new definition for a “Shipping Container Converted for Growing Food”. This will allow for the use to be regulated differently than other types of shipping containers. It should be clear that these uses are not considered open storage, but rather are primary permitted uses. It is further recommended that these uses should be permitted within all zones, with the exception of Residential Zones and the Open Space Zones that do not allow for structures. These uses should be subject to the usual site plan approval process.



4.0 BRINGING IT ALL TOGETHER - RECOMMENDED AMENDMENTS

The following section of this report identifies proposed amendments to the Official Plan, Zoning By-law and Site Plan By-law based on the above analysis. Due to the complexities and nuances of the proposed amendments, an explanation of each proposed change has been provided – this will allow each proposed change to be more clearly understood and easily linked to the above-identified barriers and recommended solutions.

4.1 Recommended Amendments to the London Plan

1. Add a new sub-section entitled “GROWING FOOD IN URBAN AREAS” to the Food Systems chapter of the London Plan.

Proposed London Plan Policy	Purpose
Create a new sub-section entitled “GROWING FOOD IN URBAN AREAS”, preceding the existing “PUBLIC/PRIVATE PARTNERSHIPS” section in the Food Systems Chapter of the London Plan.	This new sub-section will create an enabling policy framework for growing food in urban areas and will identify where this use will be permitted and how it will be planned for.

2. Insert the following policies into the new Sub-section entitled “GROWING FOOD IN URBAN AREAS”

Proposed London Plan Policy	Purpose
Growing food on land, in containers, within buildings, and on rooftops may be permitted in all Place Types within the Urban Growth Boundary, subject to the policies of this Plan, the regulations of the Zoning By-law and all applicable legislation and regulations. Raising or keeping of livestock and poultry are not permitted within the Urban Growth Boundary	To clarify that growing food, as a use, is permitted in all Place Types in the UGB. It also clarifies that such uses will be subject to the Zoning By-law and all other applicable regulations. Finally, it clarifies that livestock wont be permitted within urban areas.
Greenhouses that are used exclusively for growing food may be considered as farm buildings and may be permitted in all Place Types within the Urban Growth Boundary, subject to the policies of this Plan, the regulations of the Zoning By-law and all applicable legislation and regulations.	To clarify that greenhouses will be permitted in all Place Types and will be subject to all applicable policy, by-laws, and legislation.
To support urban greenhouses that are used for growing food, the Zoning By-law may establish specific regulations for such greenhouses within the Urban Growth Boundary.	To identify that reduced standards may be applied to greenhouses to provide an enabling regulatory framework.

Proposed London Plan Policy	Purpose
Except within the Neighbourhood Place Type, greenhouses that are less than 200m ² and are constructed without a permanent foundation will be exempt from the site plan approval process.	To exempt small/medium sized urban greenhouses from site plan processes, except in Neighbourhood Place Types.
Within the Neighbourhood Place Type greenhouses that are less than 60m ² and are constructed without a permanent foundation will be exempt from the site plan approval process.	To exempt small greenhouses from site plan in Neighbourhood Place Types.
Growing food in converted shipping containers may be permitted in all Place Types within the Urban Growth Boundary, subject to the policies of this Plan, the regulations of the Zoning By-law and all applicable legislation and regulations. Such uses will be subject to the site plan approval process	To allow for shipping containers converted for growing food within all Urban Place Types. To require site plan approval for such uses.
Growing food in converted shipping containers will only be permitted within the Neighbourhood Place Type subject to a site-specific zoning amendment application. The degree to which the proposed use fits, and is compatible with, the existing and planned context for the site will be reviewed in accordance with the evaluation criteria for planning and development applications in the Our Tools Part of this Plan.	To only allow shipping containers converted for growing food subject to a Zoning By-law amendment.

4.2 Recommended Amendments to the Z.-1 Zoning By-law

1. Amend "Section 2 – DEFINITIONS" of the Z.-1 Zoning By-law to add the following definitions.

Proposed Amendment to Z.-1 Zoning By-law	Purpose
"URBAN AGRICULTURE - GROWING" means the use of lands, buildings or structures for the purpose of growing food, but does not include the growing of cannabis or the raising of livestock or poultry. It may include the harvesting, cleaning, packaging and storing of the crop that is grown on-site and may include growing food within a greenhouse.	To establish a definition of urban agriculture that allows a narrower range of uses than the existing definition of urban agriculture. This definition doesn't include such things as processing with light mechanical equipment or retail sales. The narrower range of uses allows it to be applied within urban areas city-wide.

Proposed Amendment to Z.-1 Zoning By-law	Purpose
<p>"SHIPPING CONTAINER CONVERTED FOR GROWING" – means a shipping container that has been wholly converted with advanced growing technologies specifically designed for growing food, including such things as climate controls, hydroponic infrastructure and grow lighting, but does not include the growing of cannabis or the raising of livestock or poultry. While actively being used for growing food, a converted shipping container will not be considered outdoor storage</p>	<p>To distinguish the typical shipping containers from shipping containers that are converted with climate and lighting systems for growing food. This will allow for the creation of different zoning permissions for these two types of uses. Notably, these converted shipping containers will not be considered outdoor storage.</p>
<p>"URBAN GREENHOUSE" means a building in a non-Agricultural Zone, used exclusively for the growing of food in a climatically controlled environment, constructed primarily from a translucent building material. An Urban Greenhouse may include ancillary agricultural activities such as the harvesting, cleaning, packaging and storing of the crop that is grown within the building, but does not include a "Greenhouse, Commercial" use, the growing of cannabis nor the raising of livestock or poultry.</p>	<p>To establish a separate definition for urban greenhouses. It specifies that livestock and poultry are not permitted. It also specifies that it does not include a GREENHOUSE COMMERCIAL which has a commercial component. This new definition allows for greenhouses to be permitted more widely without allowing unintended uses, and leaves the current definition of greenhouse intact to be applied to agricultural areas where livestock and poultry may be permitted</p>
<p>Amend the definition of "GREENHOUSE" in "Section 2 – Definitions" of the Z.-1 Zoning By-law by deleting the following phrase: "A greenhouse of less than 10 square meters is considered an accessory structure in accordance with Section 4.1 of this by-law".</p>	<p>This size limitation is prohibitive for greenhouses (10 m² = 108 sq.ft.). Furthermore, this existing definition will primarily apply to rural areas, while the new definition will apply to urban areas. Size limitations for accessory uses are left to the applicable zone and Section 4.1 of the General Provisions.</p>

2. Amend the existing "Section 4.26 USES PERMITTED IN LISTED ZONES" to add the newly created permitted uses and allow them broadly. This precludes the need to amend each standard zone and provides the desired enabling regulatory framework, while still managing planning issues. Note that these new rows in the existing table, point to a new Section 4.38 of the Zoning By-law as the governing general provisions for these uses.

Proposed Amendment to Section 4.26 of Zoning By-law			Purpose
Use	Zones Permitted	Governing General Provision	Commentary below to explain purpose.
Urban Agriculture – Growing	All Zones with the exception of the Agricultural Zones.	4.38	To allow "Urban Agriculture – Growing" in all zones and point to a new Section 4.38 to establish zoning provisions for this use. Excludes Agricultural Zones which have a much broader agricultural function and allow for the raising of livestock & poultry.

Proposed Amendment to Section 4.26 of Zoning By-law			Purpose
Urban Greenhouse	All Zones with the exception of the Agricultural Zones, the Open Space (OS ₄) Zone and the Open Space (OS ₅) Zone	4.38	To allow "Urban Greenhouses" in all zones and point to a new Section 4.38 to establish zoning provisions for this use. Excludes those Open Space zones that do not permit structures. Excludes Agricultural Zones which already permit rural forms of greenhouses and a broader range of uses.
Shipping Container Converted for Growing Food	All Zones with the exception of the Residential Zones, the Open Space (OS ₄) Zone and the Open Space (OS ₅) Zone	4.38	To allow "Shipping Container Converted for Growing Food" in all zones excluding residential zones. This is to allow lots of opportunity for these uses, while avoiding potential land use conflicts in the residential zones. Also excludes those Open Space Zones that do not permit structures.

3. Insert a new Section 4.38 – "URBAN AGRICULTURE" to provide a regulatory framework of general provisions for those uses that will be permitted broadly by the new Section 4.26, above.

Proposed Amendment to Z.-1 Zoning By-law	Purpose
Add a new "Section 4.38 URBAN AGRICULTURE"	This new Section 4.38 provides governing general provisions for "Urban Agriculture-Growing", "Urban Greenhouse" and "Shipping Container converted for growing". It is noteworthy that the amended table in Section 4.26 points to this new section.
1) "Urban Agriculture – Growing" will be permitted within all Zones, with the exception of the Agricultural Zones, subject to the regulations of the applicable zone.	To confirm that Urban Agriculture-Growing is permitted in all zones, except Agricultural Zones AND to establish that any structures that may be constructed in association with Urban Agriculture-Growing" use will conform to the Zoning By-law regulations of the applicable zone.
2) "Urban Greenhouse" will be permitted within all Zones, with the exception of the Agricultural Zones, the Open Space (OS ₄) Zone and the Open Space (OS ₅) Zone, subject to the regulations of the applicable zone.	To confirm that Urban Greenhouses are permitted within all Zones, excepting Agriculture and two Open Space Zones that don't permit structures. It establishes that the regulations of the applicable zone will apply to such structures.

Proposed Amendment to Z.-1 Zoning By-law	Purpose
<p>3) "Shipping Container Converted for Growing Food" will be permitted within all Zones, with the exception of the Residential Zones, the Open Space (OS4) Zone and the Open Space (OS5) Zone, subject to the regulations of the applicable zone.</p>	<p>To confirm that Shipping Container Converted for Growing Food is permitted within all Zones, excepting Agriculture and two Open Space Zones that don't permit structures. It establishes that the regulations of the applicable zone will apply to such structures. It also does not establish this use as permitted in the Residential Zones. Consistent with the proposed Official Plan policies, this use could be established within the Neighbourhood Place Type, but only through a site specific zoning amendment.</p>
<p>4) Notwithstanding any other provisions of this By-law, only 50% of the area of an Urban Greenhouse shall be counted towards the calculation of lot coverage. This shall apply for all lot coverage calculations in this By-law, including those relating to accessory uses. This provision will not apply within any Residential Zone.</p>	<p>Because urban greenhouses are large, existing lot coverage regulations is prohibitive in most urban zones. This general provision establishes that only 50% of a greenhouse's floor area will count towards coverage – thus ensuring that greenhouses together with other structures on a site are appropriately sized, without excluding the opportunity for a greenhouse through coverage regulations. It is notable that this provision does not apply to residential zones, where it could result in inappropriately sized greenhouses within residential backyards.</p>
<p>5) Notwithstanding any other provisions of this By-law, 50% of the area of an Urban Greenhouse will be counted towards the minimum landscaped open space requirement of the applicable zone.</p>	<p>Landscape open space requirements could pose a significant obstacle to the development of greenhouses within various zones. This provision mitigates this barrier.</p>
<p>6) Notwithstanding any other parking regulations, no parking will be required for an Urban Greenhouse less than 60m². An Urban Greenhouse above 60m² will require 1 parking space per 200 m² of gross floor area.</p>	<p>While urban greenhouses can be large, they are generally low occupancy structures. Requiring more traditional commercial or residential parking standards would serve as a barrier to greenhouses and is not needed. This provision eliminates any such barriers and is generally consistent with the parking standard for a warehouse building. Small greenhouses will not require parking spaces, which could be an important factor for allowing small greenhouses in tight urban areas.</p>
<p>7) Notwithstanding any other provisions in this By-law, a "Shipping Container Converted for Growing Food" will not be subject to the general provisions for "Shipping Container" and will not be considered outdoor storage while actively and exclusively being used for growing food. "Shipping Container Converted for Growing Food" will be subject to Site Plan Control.</p>	<p>Shipping containers are generally considered outdoor storage. This poses a significant barrier to the emergence of "shipping container converted for growing food" uses throughout the City. This provision ensures that such uses are actively being used for growing food and also ensures that site plan control is implemented.</p>

4.3 Recommended Amendments to the Site Plan Control By-law

1. Amend Section 5 “Exempt Classes of Development” of the Site Plan Control By-law to insert the following before the current Clause 4.

Proposed Site Plan Control By-law Amendment	Purpose
Urban Greenhouses that are constructed without a permanent foundation and: <ol style="list-style-type: none">1. are less than 2,000 m², if they are located outside of the Neighbourhood Place Type or2. are less than 60m², if they are located within the Neighbourhood Place Type.	To exempt small/medium greenhouse structures from the site plan process outside of residential areas. To exempt small greenhouse structures from the site plan process inside of residential areas

5.0 ADDITIONAL ISSUES IDENTIFIED THROUGH ENGAGEMENT

Through the process of this study, several other related issues were identified which were outside of this report’s scope. However, the following section identifies some of these issues which Council may wish to investigate further in pursuit of the goal to provide a supportive environment that encourages urban agriculture in London.

5.1 Municipal Fees & Greenhouses

Through the circulation process, some raised the concern that planning application fees, parkland dedication requirements and development charges could significantly impact the financial viability of greenhouses.

5.2 Soil Testing Costs

Another issue raised through the information gathering process relates to the costs of soil testing. Some suggested that the City should provide incentives to assist with the costs of soil testing on urban lands where soil or groundwater conditions need further evaluation to show they are safe for growing food.

5.3 Growing Food in City Boulevards

Currently, under Section 6.1 of the Streets By-law, the lawful owner of a property can plant and maintain a grassed area on the portion of the street which abuts that owner's property. There is no provision for any other kind of planting, including the growing of food, within the ROW. A report was prepared in April of 2016 by the City Engineer, which acknowledged that there was merit in alternative landscaping in the street right-of-way, where such things as access to utilities, damage to infrastructure, safety concerns, and other important issues can be addressed. The issue of growing food in the municipal right-of-way was not directly addressed. The recommendation from the report was that the Streets By-law not be altered, but that proposals for alternative landscaping in the street right-of-way be addressed in an informal and one-by-one fashion.

5.4 Community Gardens

London is home to 18 community gardens. Over 450 gardeners are active within the gardens, which are located on municipal green space in neighbourhoods across the city. Community gardens provide residents with many opportunities including access to healthy and low-cost food, healthy physical activity, skills enhancement, the development of meaningful relationships, and building cross-cultural partnerships.

Gardens were deemed essential in the pandemic and have a waiting list this year earlier than ever before. There has been an intentional focus on food insecurity initiated by the London Community Recovery Network. Now more than ever, Londoners are seeking an opportunity to grow food in their neighbourhoods

There is currently limited capacity to broadly expand the community gardens program, noting that there are significant costs associated with creating, operating, coordinating and maintaining each community garden (beyond the work undertaken by members of the community to grow food).

5.5 Food Forests and Orchards

There is currently no formal program around urban orchards and food forests. There are several former orchards and food forests on publicly owned lands and members of the Public identified the desire to maintain and support the growth and production of these food bearing trees.

5.6 Pollinator Plans

Several municipal initiatives have been undertaken to make London pollinator friendly. The Official Plan includes policies to encourage pollinator friendly landscapes. Several parks projects have integrated pollinator habitat. Some members of the Public stated a desire for a pollinator health action plan to coordinate more deliberate and multi-layered action.

5.7 Food Hub

Several members of the Public expressed a desire for a City-sponsored food hub that would supply organic materials for pick-up, lend out gardening tools, and a venue for education and connecting through growing food.

5.8 Green Roof By-law

Some municipalities require that green roofs be constructed on top of all buildings of a certain type or size threshold (eg. City of Toronto). The City of London has no such requirement. Growing food within urban areas could be integrated into the requirements of such a by-law.

5.9 Neighbourhood Composting

The idea of neighbourhood composting was raised. The concept would allow for composting drop off at a neighbourhood level and the corresponding supply of garden ready compost materials within these neighbourhoods. The intent is to reduce organic waste at this hyper-local scale, while also providing gardening materials which are especially needed for urban gardening.