

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

From: George Kotsifas, P. Eng
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Development

Subject: OZ-9332/City of London – Encouraging the Growing of
Food in the Urban Areas
London Plan and Zoning By-law Amendment

Date: November 22, 2021
Public Participation Meeting

Recommendation

That, on the recommendation of the Director, Planning & Development, the following actions be taken with respect to the Official Plan and Zoning By-law relating to policies and regulations for the growing of food in urban areas **BE TAKEN:**

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on December 7, 2021 to amend The London Plan by **ADDING** a new subsection in the Food Systems Chapter to allow for the growing of food in urban areas on lands, in greenhouses and shipping containers; and **ADDING** a new policy in the Our Tools part of the Plan to allow for a scoped site plan approval process for greenhouses; and
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on December 7, 2021 to amend Zoning By-law No. Z.-1, in conformity with the London Plan by **REVISING** Section 4.26 (Uses Permitted in All Zones) to include Urban Agriculture and **ADDING** a new Section 4.38 (Urban Agriculture) to provide regulations for greenhouses and shipping containers used for growing of food.

Executive Summary

This report includes recommended amendments to the London Plan and Zoning By-law will help to achieve the objectives outlined in the Urban Agriculture Strategy, approved by Council in 2017. Specifically, the recommended amendments align with the guiding principle to create an enabling policy environment and remove policy or regulatory barriers to urban agriculture. Key issues are addressed in this this review that include identifying where urban agriculture is a permitted use, providing for the use of greenhouses in association with urban agriculture, and providing for the use of shipping containers converted for the growing of food in association with urban agriculture.

Purpose and Effect of Recommended Action

The recommended London Plan and Zoning By-law amendments would allow more flexibility for the growing of food on lands located within the Urban Growth Boundary in the City of London, consistent with actions identified in the Urban Agriculture Strategy.

Rationale of Recommended Action

1. The recommended amendments to the London Plan and Zoning By-law Z.-1 are consistent with the Provincial Policy Statement (2020).
2. The recommended amendments are consistent with three of Councils goals in the 2019-2023 Strategic Plan.
3. The recommended amendments to the London Plan and Zoning By-law provides

more opportunities to allow for the growing of food within the City's Urban Growth boundary (UGB).

Linkage to the Corporate Strategic Plan

The proposed amendments implement three strategic areas of focus;

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

Analysis

1.0 Background Information

1.1 The Importance of Urban Agriculture

The Growing of food in urban areas, or urban agriculture, is a strategic objective identified in the London Plan and in Council's Strategic Plan because of the many benefits that it offers. The City of London Urban Agriculture Strategy describes Urban Agriculture as having value in terms of its impacts on "physical and mental health, quality of life, environmental resilience, and community building" (p. 4).

In addition, the growing of food within the urban areas of London is important because it

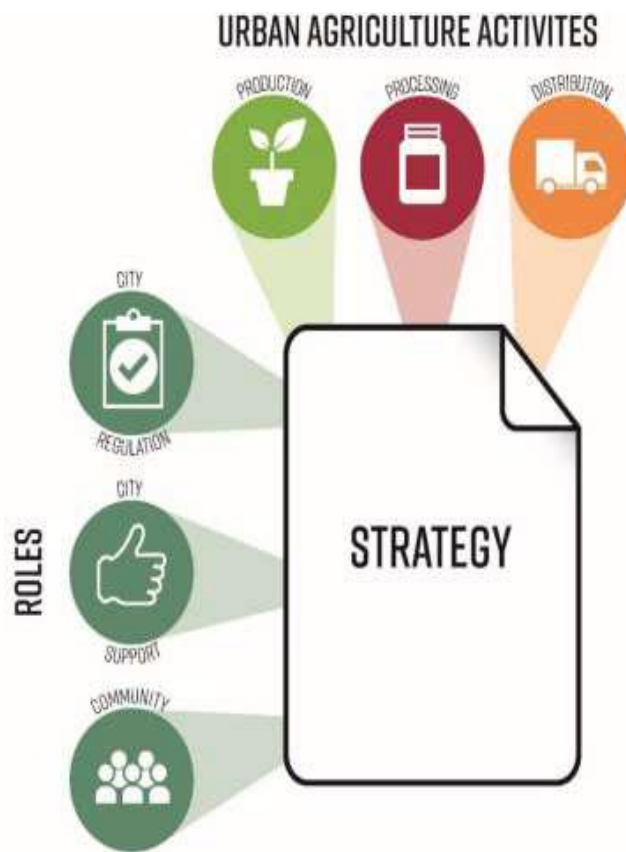
- supports Covid recovery by providing more people experiencing economic hardship with food and addressing food chain supply interruptions;
- provides the opportunity to grow in industrial, commercial, and institutional areas, inside and outside buildings, and make better use of existing land;
- provides the opportunity to grow in existing residential neighbourhoods close to the people who need it;
- provides the opportunity to grow on vacant public and private lands temporarily which makes better use of existing lands; and,
- provides the opportunity to grow in vacant buildings, rooftops, greenhouses, converted shipping containers and floodplain lands to increase the amount of food grown.

1.2 The Urban Agriculture Strategy

The Urban Agriculture Strategy was adopted by Council in November 2017 and identifies five broad categories for actions that support urban agriculture: growing, processing, distribution, food loss and recovery, and education and connection. Under each category, community-identified priorities were described, and a series of actions were identified to achieve these priorities. For each action, roles were identified for each of the partners (Urban Agriculture community, Agencies, and City). This Strategy was intended to be driven by the urban agriculture community with City and agency support.

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
4. implementation of the strategy;
5. Address gaps that may exist in providing for urban agriculture; and,
6. Outline criteria for pilot site selection and/or urban agriculture projects.



This review will address the second and fourth goals of the strategy, focusing on City policies and regulations that support urban agriculture.

After the Strategy was approved by Council and an Urban Agriculture Steering Committee was established to direct the implementation of the Strategy, various projects were begun to implement directions of the Strategy. In 2019/2020 the City processed three zoning by-law amendments that focused on the distribution component of the Strategy: Farm Gate Sales (PEC - November 18, 2019), an urban farm at 21 Norlan Avenue (PEC- December 2, 2019) and Household Sales (PEC- July 15, 2020). These amendments all provided improved access to fresh produce for City residents.

This review will focus on how City policies and regulations support or create barriers to urban agriculture, in accordance with the Guiding Principle to create “an enabling policy environment for urban agriculture by encouraging the development of supportive municipal policies, regulations, and bylaws, and removing policy barriers” (p. 8).

1.3 Process for this Review

In 2020 the London Food Bank proposed to construct a greenhouse as part of their facility in south London to grow fresh food for their clients. In pursuing this initiative, they experienced some difficulties with zoning by-laws and building permits for that structure because “growing food” and greenhouses were not identified as permitted uses in the Zoning By-law. The Food Bank sent a letter to Council requesting assistance and on August 10, 2020, and representatives of the London Food Bank appeared before the Planning and Environment Committee. The initial request from the Food Bank was to waive application fees to amend the Zoning By-law to allow for a greenhouse to be built on the Food Bank property; however, it was determined that broader policy and regulation changes were required. So instead, it was recommended that the City initiate a review of the policies and regulations causing the issue.

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. (2020-D09) (4.2/12/PEC)

In addition, two urban agriculture projects had been included on the 2021 Planning Policy Work Program that could also be addressed through this broader review. These other projects were 1) considering amendments to allow more outdoor growing of food, including inside greenhouses, and 2) considering amendments to allow the growing of food in industrial areas both inside and outside of buildings. Because they also involved growing, these projects have been combined with the review of greenhouses launched in response to the Food Bank's application.

The Food Bank was issued a temporary building permit for their green house, which expires at the end of December 2021, in order to allow this study to be completed. A full building permit will be required at a later date for the greenhouse.

This project was initiated in early March 2021, to consider policy and regulatory changes under the "growing" component of the Urban Agriculture Strategy. In the initial stages of the project all City policies, regulations and processes were reviewed to determine which had an impact on the "growing of food". The London Plan, 1989 Official Plan, Zoning By-law Z-1, Site Plan approval process, Building Permit processes, Streets By-law, Parks and Recreation By-law and Special Events Manual were all reviewed and possible changes discussed.

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. Information on the project was also provided on the City's website.

During March and April 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) took place. 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 were included.

A series of meetings were also held with 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.

John Fleming, working on behalf of the Food Bank and in collaboration with City Planning staff, prepared a Background Study based on the comments from those meetings and his review of the City's various policies, regulations and processes. On June 21, 2021 a Planning staff Information Report, with Mr. Fleming's Background Study attached, was presented to Planning and Environment Committee (PEC) for direction to circulate. On July 6, 2021 Council resolved;

That, on the recommendation of the Director, Planning and Development, with respect to the Encouraging the Growing of Food in Urban Areas, the background report, including draft proposed London Plan and Zoning By-law amendments to implement directions contained in the Council-approved Urban Agriculture Strategy appended to the staff report dated June 21, 2021, BE CIRCULATED for public review and comment in advance of a public participation meeting to be scheduled at a later date. (2021-D09) (2.5/10/PEC)

The Information Report, Background Study and Proposed Amendments were sent to those we had previously met with as well as posted on the City website.

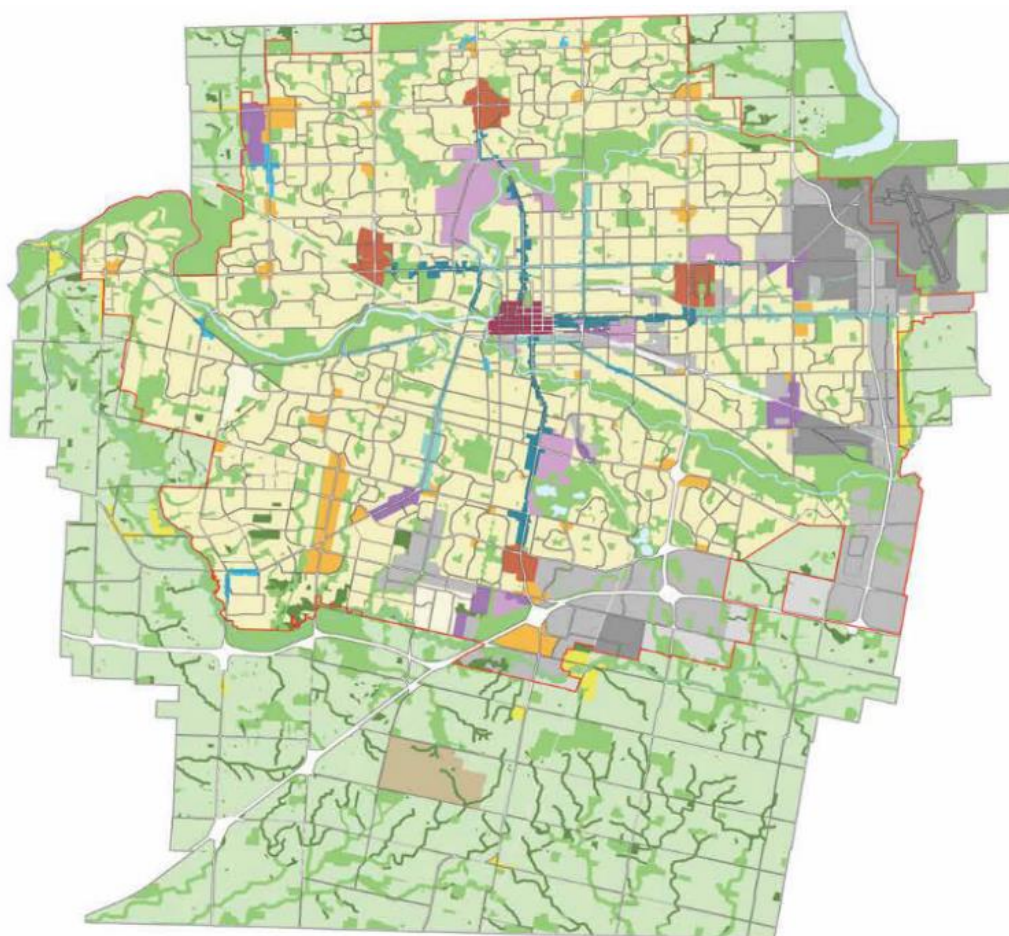
It was decided at that time by City Planning Staff to narrow the focus of the review in the second phase of the project to include only needed changes to the London Plan, Zoning By-law Z-1 and the Site Plan Control By-law, all under the work program of Planning and Development. Other urban agriculture projects, which needed further discussion with other City Divisions who manage these processes in their work programs, to

encourage the growing of food, would occur through a separate process and reports at a later date.

In July and August 2021 additional meetings were held with Zoning, Site Plan, Building, Engineering and Parks and Recreation/Neighbourhood, Fire and Children Services to discuss the draft amendments included in the Information Report submitted to Planning and Environment Committee and hear other related comments which may require amendments. A public forum was also held on August 4, 2012 by Middlesex-London Food Policy Council to discuss the proposed amendments and hear additional comments.

1.4 The Focus of this Study

This study has focused on existing City policies and regulations that support or create barriers to urban agriculture, which includes the growing of food on lands within the urban growth boundary as opposed to rural agriculture which occurs on lands outside the urban growth boundary.



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 on smaller parcels of land.

The study is also only focused on the “Growing” component of the Urban Agriculture Strategy, specifically focusing on urban farms and urban foodscaping, not livestock such as backyard chickens. The intent of the resultant amendments is to encourage growing on vacant lands, underutilized lands, vacant buildings, rooftops, greenhouses and converted shipping containers. Growing of food in parks and City rights of way is not part of this study, but may be reviewed the future.

The scope of this review is limited planning policies and zoning by-law regulations which impact the growing of food. Other non-planning policies, regulations and processes can also 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, and impacts on natural heritage and hazards. All have been considered through the study.

The results of this review are recommended changes to the London Plan and Zoning By-law Z-1 to allow urban agriculture activities inside and outside of buildings, without the need for planning amendments. Where impacts may occur policies and regulations are put in place to avoid or mitigate those possible impacts.

1.5 Possible Impacts of Urban Agriculture to Address

Possible impacts on adjacent properties can result from urban agriculture uses may include:

- Lighting impacts;
- Stockpiling of organic and non-organic fertilizers and organic waste and the odours they create;
- Attracting pests;
- Visual impacts of greenhouses in commercial and residential areas;
- Visual impact of shipping containers;
- Increased activity on a site from planting and harvesting;
- Additional traffic from automobiles (customers) and trucks (delivery and pick-up);
- Mould and building deterioration for growing in buildings;
- Rooftop gardens – overlook and privacy;
- Potential for undermining other intended longer term land uses such as industrial, commercial and residential through long term use for urban agriculture; and,
- Impacts on natural heritage and natural hazards due to the possible removal of natural features through planting on flood plains and near important natural features.

All of these possible impacts were considered through the review.

1.6 Other Urban Agriculture Raised Through Public Consultation

There were a number of other ideas raised through the public consultation process and in meetings with urban agriculture groups before this review started which went beyond the scope of this project. Possible other urban agricultural initiatives were raised in the Background Study are also included. These include:

1. Growing in City Boulevards;
2. Growing and Selling in City Parks;
3. Increasing the Number of Community Gardens;
4. Increasing the Number of Food Forests and Orchards;
5. Creation of Pollinators Plans;
6. Creation of Food Hubs;
7. Developing a Green Roof By-law;
8. Reduction in Application Fees/Development Charges for Urban Agriculture Projects; and,
9. City Financial Support for Soil Tests.

All of these ideas advance the implementation of the Urban Agriculture Strategy; however, they involve multiple municipal departments and are beyond the scope of this review. Future actions to implement the Urban Agriculture Strategy may include addressing these issues.

2.0 Current Policy and Regulatory Context

Policies that have been included in this review include those that provide overall policy direction for urban agriculture from the provincial or municipal levels of government, as well as by-laws that direct the implementation of these policies. In this review the following policy documents or by-laws have been reviewed, greater detail on these documents is provided in Appendix D:

- Provincial Policy Statement (PPS)
- The London Plan
- Zoning By-law No. Z.-1
- The Site Plan Control By-law
- Ontario Building Code

2.1.1 Provincial Policy Statement (2020)

The 2020 PPS includes policies related to sustainability and resiliency and the improvement of public health (Part IV). The policies speak specifically to “*use of land and resources wisely*” (Policy 1.3), “*providing opportunities to support local food*” (Policy 1.7), increasing the use of vegetation to mitigate climate impacts (Policy 1.8) and adding to the existing agri-food network (2.3).

Amendments to the London Plan and Zoning By-law Z-1 that create more opportunities to grow food is consistent with the 2020 Provincial Policy Statement

2.1.2 The London Plan

The London Plan includes a number of policies which provide general support for urban agriculture. However, the Plan does not provide any clear or explicit direction with regards to where urban agriculture should be permitted or how it fits within the urban place types.

Policies that support urban agriculture include an entire section containing Food System policies (648-686). There are existing policies supporting community food systems (408, 918_9), growing food in City parks (250, 410_14), providing access to local and healthy food (701) and permitting urban gardens in the City (762_5). There are also policies which permit the conversion of existing buildings to agriculture (59, 154, 543, 705, 733) and those that address urban agriculture providing employment and learning opportunities (525_2).

Given this level of general support, the recommended amendments will clarify how this broad goal should be achieved. Below are some specific issues with regards to the implementation of urban agriculture that have been identified in the London Plan policies:

- The Food Systems chapter relatively general and don't provide guidance on where, and under what conditions, food growing is permitted within the City.
- There is no explicit recognition that gardens, greenhouses, indoor areas and converted shipping containers may be acceptable forms of growing food in a variety of Urban Place Types.
- Individual Place Types don't explicitly indicate that growing food is a permitted use, leaving questions whether growing of food is in keeping with the existing policies. Furthermore, because the Green Space Place Type identifies agriculture in it's permitted uses it may be understood that agriculture needs to be explicitly identified in order to be permitted. In the Neighbourhood Place Type includes a reference to urban agriculture in the vision section of the chapter, but it is not identified in permitted uses.
- The London Plan does not identify when site plan approval is required for greenhouses and shipping containers being used for growing food. The default is therefore that site plan approval will be required in all instances.

2.1.3 Zoning By-law Z-1

Zoning By-law Z-1 includes regulations that accommodate rural agriculture, but are largely silent regarding urban agriculture. “Urban Agriculture” was added to the definitions section of the by-law recently, but it has not been applied in any of the general zones. Since there are currently no general provisions for urban agriculture, this has been interpreted to mean that the use is only permitted where explicitly identified in the zone.

The Zoning By-law does include regulations for shipping containers but those regulations do not take into account the possibility of a shipping container being used for growing food as part of an urban agriculture use.

Current Zoning regulations for Greenhouses likewise do not consider their use in association with urban agriculture. The existing definition identifies greenhouse as accessory when they are under 10m², thereby eliminating them from use within most urban environments given that that size does not offer enough opportunity for an urban agriculture use to be feasible, while at the same time many urban agriculture operations are not the primary or only use of the site and so should be permitted as accessory uses.

Other findings related to the regulation of urban agriculture uses and activities are described below:

- Agriculture is permitted in some zones applied in the urban area. The “cultivation of land for agricultural/horticultural purposes” is a permitted use in the Open Space (variations OS1, OS2 and OS4) Zone, “agricultural uses” in the Environmental Review (ER) Zone and “agricultural uses except for mushroom farms, commercial greenhouses, livestock facilities and manure storage facilities” in the Urban Reserve (all variations) Zone in the urban area.
- The language of the Zoning By-law is prohibitive when it comes to permitted uses and structures within all zones: “*No person shall erect or use any building or structure, or use any land or cause or permit any building or structure to be erected or used, or cause or permit any land to be used, in any *** Zone variation for any use other than the following use*” (Section 1.2).
- The Zoning By-law is not explicit on whether growing food is permitted in existing structures, such as vacant warehouses.
- The Zoning By-law is entirely silent on green roofs.
- The Zoning By-law contains a definition of “shipping container”. Existing shipping container regulations are silent on whether a converted shipping container used for growing food is covered by this definition.
- The Zoning By-law includes an “Urban Agriculture Use” that consists of a relatively broad range of activities that would likely make it inappropriate to be permitted in all zones.
- The Urban Agriculture use established in the Definitions Section of the Zoning By-law is only applied to one site in the entire City (the Western Fair site at s/w corner of Dundas and Egerton Streets).
- The Zoning By-law includes an “Agricultural Use, Non-Intensive Use” that includes the growing of food and greenhouses, but this use is not included in zones that are applied to urban areas.
- The definition of “greenhouse” includes a regulation which precludes greenhouses from being considered accessory structures if they are larger than 10 sq.m. (108 sq.ft). This is an exceptionally small floor area for a greenhouse.
- The Zoning By-law includes a definition of “Greenhouse Commercial”, but this definition requires that the plants are sold on the lot. Therefore, even if this use is permitted on a site within the urban area, it would not allow for a greenhouse that is used for growing food.
- The Zoning By-law includes a definition of “Greenhouse Farm” which describes a greenhouse which is used for growing food. Since this use is specifically

defined, it can only be permitted where it is identified as a permitted use. This use has been exclusively applied to rural areas.

- If permitted, greenhouses and shipping containers used to grow food would be significantly constrained by lot coverage regulations for accessory structures.
- If permitted, greenhouses would be significantly constrained by overall lot coverage regulations.
- It is not clear whether converted shipping containers would be considered open storage and thus not permitted in many urban zones.
- Section 4.1(2) of the General Provisions Chapter of the Z.-1 Zoning By-law limits the total lot coverage of all accessory structures to 10% of the lot area, while agricultural zones allow for 25% lot coverage for accessory structures such as greenhouses, stables and drivesheds. If greenhouses in residential areas are considered accessory structures, size would be limited if they had a garage and/or shed.

2.1.4 Site Plan Control Process

One of the issues addressed in the June 2021 background report was the need to clarify when site plan control is required for urban agriculture uses. The City of London Site Plan Control By-law applies to any form of development, unless specifically exempt, as is the case with single-detached or semi-detached dwellings. Garages and accessory buildings associated with these uses are not subject to site plan control. However, if larger accessory buildings are contemplated, like larger greenhouses or shipping containers, some changes to the Site Plan Control By-law may be required.

The Official Plan includes policies that direct the application of the site plan control process, and it includes a scoped site plan control process that is currently permitted for residential intensification proposals that include less than three units. The recommended amendments would allow for site plan control to be waived for greenhouse development where there will be no impacts on adjacent properties or enables the scoped process to be applied.

Requiring site plan for relatively small greenhouses that do not use concrete foundations can be costly, time exhaustive, and may deter greenhouse construction. There are currently no exemptions for greenhouses of certain sizes and types, so this change would allow for the site plan control process to be waived or reduced where it is not necessary to ensure impacts on adjacent sites are mitigated.

2.1.5 Building Codes

The Ontario Building Code provides technical standards that all buildings are required to meet to ensure public health and safety. In Ontario most development is subject to the Ontario Building Code, but in some cases farm buildings are instead subject to the National Farm Building Code of Canada. The requirement for a building to be considered under the Farm Building Code is that it apply to farm buildings, which is defined as “a building or part thereof which does not contain a residential occupancy and which is associated with and located on land devoted to the practice of farming, and used essentially for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds” (Section 1.2.1.2).

These amendments will allow for lands to be used as agriculture within the urban area, and therefore buildings related to an urban agriculture operation could be considered as farm buildings, subject to a case-by-case review of the proposed use and building.

3.0 Three Issues to be Addressed

Through the background study presented to PEC on June 21, 2021, and in subsequent discussions with various stakeholders, three main issues have arisen. The recommended amendments to the Official Plan and Zoning By-law include changes that address each of these issues. This section provides background information and context on each of these issues.

The key issues that have been identified include:

1. The policies and regulations are not clear about whether growing of food is permitted within the urban growth boundary, or where it is permitted.
2. The policies and regulations do not allow for the use of greenhouses in urban agriculture uses
3. The policies and regulations do not permit shipping containers to be used for the growing of food in an urban agriculture use.

3.1 Regulations to Permit Growing of Food Within the Urban Growth Boundary

The first and most prominent issue is that the London Plan and Zoning By-law are not explicit regarding where urban agriculture, or the growing of food within the urban growth boundary may be permitted. Currently the zoning by-law defines Agriculture Uses and permits them only in rural settings where rural agriculture is the predominant land use. This may be interpreted to mean that other agricultural uses, including urban agriculture, are not permitted since they are not listed in the applicable zone. The London Plan's policies do not provide specific direction to guide this interpretation. The objective of this amendment is to clarify in the London Plan and Zoning By-law that urban agriculture may be permitted throughout the Urban Growth Boundary.

3.2 Regulations for Greenhouses in Association with Urban Agriculture

The second issue addressed in the recommended amendments relates to the use of greenhouses. Greenhouses provide opportunities for urban agriculture at a variety of scales, and permitting them would be consistent with the goals of the Urban Agriculture Strategy. The Food Bank example, which is part prompted this review to begin, is an example of an underutilized site being used for urban agriculture with the use of a greenhouse.

Current zoning does not allow for greenhouses in urban areas, or the process requirements to build one are cumbersome and could deter potential applicants from considering an urban agriculture use. One of the objectives of the Urban Agriculture Strategy, and in fact the direction from Council in this review is to explore the removal of barriers to urban agriculture. Therefore, the recommended amendments include zoning and London Plan amendments to ensure that planning applications are required only when necessary.

3.3 Regulations for Shipping Containers Used for the Growing of Food in Association with Urban Agriculture

A growing trend in urban agriculture is the use of shipping containers that are converted for the growing of food. This form of agriculture presents an opportunity to utilize urban spaces for the production of food consistent with the Urban Agriculture Strategy.

The Zoning By-law currently includes some direction for the use of shipping containers as building additions or temporary structures, but does not include consideration of when these containers are used for urban agriculture. The recommended amendments would permit shipping containers to be utilized in this way, subject to site plan control and subject to a zoning by-law amendment within residential zones. These process requirements will ensure that the potential impacts of these shipping containers are mitigated and they are placed in a manner that respects the context and character of the site.

4.0 Public and Internal Agency Engagement – What We Heard

The primary comment coming from the urban agriculture community was to remove as many restrictions or rules to growing as possible. They wanted the opportunity to grow anywhere, including public parks and City boulevards. However, the recommended amendments do not go that far at this time; further review, discussion and reporting is required to change other City by-laws and practices to extend growing to those locations. Additional comments include the need for more public education on urban

agriculture, City needs to deal with growing financial (eg. Soil tests) and legal issues, the need for year-round growing, need for more community gardens, accept gardens and/or greenhouses as landscaped open space in new developments and subdivisions and create a community garden in every neighbourhood.

Internal meetings were also held to consider the draft amendments that were proposed in the June 21, 2021 Background Study. Changes were made to maintain the overall intent of the draft amendments but with a greater attention to implementation of the regulations and any potential unintended consequences. Some key changes that were made include:

- No recommended changes to the Site Plan Control By-law, as there is sufficient flexibility in the policy to allow for the requirement to be waived when appropriate.
- No new definitions are recommended for the Zoning By-law, as it more efficient to implement the by-law based on regulations instead of variations on related definitions
- Removal of references to “permanent foundations” in regards to greenhouses, as there is no such definition in the Building Code and it may be difficult to determine when the building is permanent or temporary.

5.0 Recommended Amendments and Rationale

The recommended amendments build upon the Background Study presented to the Planning and Environment Committee on June 21, 2021, and includes changes to the London Plan policies and Zoning By-law Z-1. These recommended amendments will provide more clarity on where urban agriculture is permitted and include the conditions which need to be applied to address potential impacts.

5.1 Overall Objectives

The key objectives that support the recommended amendments are summarized below:

1. Make agriculture a permitted use within all Urban Place Types

- Allow the growing of food in all place types while indicating raising livestock is not permitted.
- Amend definitions in Zoning By-law to permit urban agriculture uses.
- Amend some zones where there is a lack of clarity on whether growing is permitted.

2. Ensure Health and Safety

- Ensure soil is suitable for growing food.
- Ensure adherence to Ontario Building Code.
- Ensure adherence to flood plain and other natural hazard requirements.
- Ensure adherence to MLHU requirements re: growing, washing and distributing.

3. Protect planned function of Urban Place Types

- Ensure adherence to all other policies of the London Plan.
- Prioritize urban development within the urban growth boundary and avoid large scale agriculture where services are available, so as to avoid unnecessary expansion of the urban growth boundary.

4. Protect natural environment

- Ensure adherence to Tree Conservation By-law.
- Ensure adherence to Provincial legislation and London Plan policies regarding the natural heritage system.

5. Respect neighbourhood character and fit

- Limit coverage of accessory buildings to ensure entire lots are not covered in buildings and some personal open space is maintained.
- Require site plan for greenhouses over 200m².
- Address lighting issues for greenhouses through the site plan process.
- Only allow shipping containers for growing food in Neighbourhood Place Type through a Zoning By-law amendment process.
- No stockpiling of nutrients in residential areas.
- Limit height and include setbacks for greenhouses in residential areas.

6. Recognize unique aspects of greenhouses within urban contexts

- Allow for greenhouses to be considered as farm buildings.
- Scope the site plan processes for greenhouses used for urban agriculture.
- Exempt greenhouses from site plan in other areas if under 200m² and there are no expected impacts on adjacent properties.
- Allow for larger floor area as compared to other types of accessory buildings.

For ease of analysis and understanding the recommended amendments are described in relation to the three key issues: those that provide for the growing of food, those that relate to greenhouses, and those that relate to shipping containers.

5.2 Recommended London Plan Amendments

The recommended London Plan amendments include primarily the addition of a new section within the Food Systems chapter, which is within the City Building Policies part of the Plan. This chapter was included in the London Plan to recognize the important role food systems play in our quality of life, economic prosperity, and sustainable growth. Policy 653 describes what we are trying to achieve through the Food Systems chapter and includes “opportunities for urban food production on private and public lands” (policy 653). Because urban agriculture makes up a part of London’s food system it is a natural fit to add specific policies that direct this use of land.

Other recommended amendments are of a housekeeping nature and include moving the requirements for a scoped site plan approval process from Policy 951, in the residential intensification section, to follow Policy 1683, which is in the policy section that directs the site plan approval process. This allows for both the residential intensification Policy and these new Urban Agriculture policies to reference the same scoped site plan approval process.

5.2.1 London Plan amendments to permit growing of food in urban areas

London Plan Amendments to the Food Systems chapter include the addition of a new section consisting of seven policies. The first two policies are related to the growing of food and include:

674A We will promote opportunities for growing of food in urban areas recognizing urban agriculture’s role in building a more sustainable and resilient city, increasing food security, providing access to local and nutritious food options, fostering community connections and health benefits and creating economic growth opportunities.

674B Growing of food on lands, in greenhouses and shipping containers, within buildings and on rooftops may be permitted in all Urban Place Types recognizing that the long-term vision of this Plan is for urban development consistent with the applicable Place Type. Permitted uses, and associated structures and infrastructure, will be limited to those which will not preclude future development options.

Policy 647A is intended to introduce the concept of urban agriculture and establish it clearly as a value that is encouraged throughout the urban area. The policy identifies certain benefits of urban agriculture, which are a summarized form of the benefits of

urban agriculture described in the Urban Agriculture Strategy. The full description from the Urban Agriculture Strategy includes:

Cities around the world are recognizing the value of urban agriculture in terms of physical and mental health; quality of life; environmental resilience; and community-building. Some of the benefits of urban agriculture include:

- *Provides access to nutritious, affordable food*
- *Builds food-preparation skills and encourages healthier food choices*
- *Provides economic development, small business and job training*
- *Promotes physical activity and time spent outdoors*
- *Can support urban regeneration, community improvement and the development of food districts*
- *Provides therapeutic benefits related to mental, physical, and emotional health*
- *Encourages interaction with neighbours and community-building*
- *Reduces greenhouse gas emissions when food is produced locally*
- *Creates habitat for pollinators*
- *Encourages stewardship and beautification of land*
- *Engages diverse communities (Page 4)*

Policy 674B identifies urban agriculture as a use that may be permitted throughout the urban part of London. It is important to note that while Urban Agriculture may be permitted, it will not necessarily be encouraged or allowed in all cases. In some instances the longer term vision of the Place Type, which generally includes urban development, may be prioritized so as to ensure an efficient built form that avoids the need for Urban Growth Boundary expansion to accommodate demand for urban growth.

5.2.2 London Plan amendments to permit greenhouses in association with Urban Agriculture

The third and fourth policies in the recommended new section will address greenhouse development. Those policies include:

674C Greenhouses that are used exclusively for growing of food may be considered as farm buildings and permitted in all Urban Place Types. The Zoning By-law may establish specific regulations for such greenhouses within the Urban Growth Boundary.

674D Greenhouses used for the growing of food within an Urban Place Type that are less than 200m² may be exempt from site plan approval. However, site plan approval will be required if potential impacts on adjacent lands have been identified or to ensure the proposed greenhouse fits within its context, in accordance with Evaluation criteria for Planning and Development applications. The scoped site plan approval process may be applied for Greenhouses used for urban agriculture as described in the Our Tools part of this Plan.

Policy 674C provides clarity that greenhouses used in association with urban agriculture may be considered as farm buildings where it is used for the production of agricultural or horticultural produce. Applicants will be advised of the limitations associated with farm buildings defined by the National Farm Building Code of Canada, notably that they will have much lower occupancy limits than buildings considered under the Ontario Building Code.

Policy 647D relates to the Site Plan Approval process, and provides an opportunity to exempt greenhouses under 200m² where there are no anticipated impacts on adjacent lands. This policy would also allow for a scoped site plan process to be applied for the development of greenhouses in association with an urban agriculture use.

The standard site plan process is described in policies 1674-1682, including the types of issues typically considered and the submission requirements. The scoped site plan process is already described in relation to small-scale residential intensification, and would reduce the submission requirements to avoid unnecessary studies being prepared. Submission requirements for a scoped site plan application could include a planning and design report, site plan and building elevation drawings, and grading/servicing plans.

5.2.3 London Plan amendments to permit shipping containers in association with Urban Agriculture

Shipping Containers converted for the growing of food is a new trend in North America that has already been seen in London, through the recent consideration of a planning application to permit Urban Agriculture in this form at 512 McCormick Blvd.

The fifth policy in the in the recommended new section will address shipping containers. The policy includes:

674E Growing food in converted shipping containers may be permitted in all Urban Place Types and will require site plan approval. Within the Neighbourhoods Place Type the use of shipping containers for the growing of food shall be subject to a zoning by-law amendment where the Evaluation Criteria for Planning and Development Applications can be met.

This policy recognizes the urban agriculture benefits of converted shipping containers, but balances that with potential fit or context issues that shipping containers may pose, specifically in residential neighbourhoods. These shipping containers may be permitted in all Place Types, but the requirement for site plan approval in all place types and a Zoning By-law Amendment process in residential zones will ensure there is adequate opportunity to avoid or mitigate negative impacts.

5.2.4 London Plan amendments of a housekeeping nature

The final changes to the London Plan are of a housekeeping nature and are required due to the introduction of a scoped site plan process for urban agriculture uses. Currently the scoped site plan process only applies to small-scale residential intensification, and as such the policies are located within the Neighbourhoods Place Type chapter. The recommended amendment would relocate the description of this process to the Our Tools part of the Plan, where other aspects of site plan approval are described. Policy 951, which applies for residential intensification, will be updated to include a reference to the new policy instead of including the detailed policy. There will be no impact on how the scoped site plan process may be applied for residential intensification.

5.3 Recommended Zoning By-law Amendments

The recommended amendments to the Zoning By-law are intended to implement the London Plan amendments described above, the changes can be similarly categorized into the same three issues as the London Plan amendments.

5.3.1 Zoning By-law amendments to permit growing of food in urban areas

The key change to ensure that urban agriculture is permitted across the urban area are the addition of Urban Agriculture to the list of uses permitted in all zones (Section 4.26), and the addition of a new section that includes regulations for urban agriculture and associated greenhouses and shipping containers (proposed Section 4.38).

Section 4.26 includes that urban agriculture is a permitted use in all zones except for the Agricultural (AG) Zones, Open Space (OS4 & OS5) Zones, or the Environmental Review (ER) Zone. In order for urban agriculture to be considered in any of these zones a zoning by-law amendment would be required. The Agricultural zones are excluded

since agricultural uses are already permitted, and the intent of urban agriculture is that it is applied within the urban growth boundary. The Open Space zones listed apply to natural heritage areas and hazard areas, respectively. To permit urban agriculture in these areas would not be consistent with London Plan policies that direct development away from the natural heritage system or hazard lands such as floodplains. The Environmental Review zone applies to potential natural heritage features, which must be evaluated before zoning is applied that could permit development or site alteration.

Section 4.38 is a new section that is proposed to be added, and clause 1) provides some limitations on urban agriculture uses. It is written to use the existing definition of urban agriculture but limit what may be permitted city-wide, requiring the use to be listed in the applicable zone in order for the full scope to be realized. The current zoning definition for Urban Agriculture includes:

“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

The proposed restriction in Section 4.38 (Urban Agriculture) on what may be permitted through Section 4.26 (uses permitted in all zones) includes:

- 1) *An Urban Agriculture use permitted in accordance with Section 4.26 will be limited to growing, harvesting, cleaning, packaging, and storing of the food that is grown on-site. Other activities such as processing, distribution, outdoor storage, or retail sales may only be permitted where Urban Agriculture is identified as a permitted use in the applicable Zone.*

The effect of this provision will be that activities related to the growing of food will be permitted in all zones, however activities such as the distribution, retail sales, outdoor storage, or processing of produce grown on site will require urban agriculture to be permitted in the applicable zone.

5.3.2 Zoning By-law amendments to permit greenhouses in association with Urban Agriculture

There are several changes in the recommended amendment to permit greenhouses in association with urban agriculture. These include a new definition for greenhouse, clarification that they may be permitted in association with urban agriculture, and relief of the maximum coverage requirement for accessory buildings.

The proposed definition for greenhouse includes:

“GREENHOUSE” means a building or structure used for the growing of plants, shrubs, trees and similar vegetation constructed primarily from a translucent or semitranslucent building material.

This definition will allow for greater flexibility regarding what constitutes a greenhouse and will include small or temporary structures such as hoop-houses. To ensure this broadened definition is permitted, the following provisions is recommended in the new Section 4.38 (Urban Agriculture):

- 2) *A Greenhouse may be permitted for the growing of food in association with an Urban Agricultural use.*

Greenhouses may be considered as accessory structures, as urban agriculture is sometimes a secondary use and not the primary or sole use of a property. Where a

greenhouse is proposed as an accessory structure provisions in the new Section 4.38 (Urban Agriculture) will apply. These recommended provisions include:

- 3) *A Greenhouse used for the growing of food in association with an Urban Agriculture use may be treated as a primary or an accessory building. Where treated as an accessory building a Greenhouse shall comply with the regulations in Section 4.1 (Accessory Uses) of this By-law except for the following:*
 - a) *Greenhouses shall not be located in the front or exterior side yard.*
 - b) *Notwithstanding Section 4.1.2), only 50% of the greenhouse area shall be counted towards the calculation of lot coverage.*

The additional regulations will ensure that accessory greenhouses are located in the rear or interior side yard, but allow for greater floor area than other accessory structures. Section 4.1 permits a maximum coverage of 10% for accessory buildings. By only counting 50% of a greenhouse floor area towards this maximum the effect is that an accessory greenhouse may occupy 20% of the site area if there are no other accessory buildings.

The intent of these regulations is that they remove barriers to greenhouses used as part of an urban agriculture use, while still ensuring possible impacts will be mitigated.

5.3.3 Zoning By-law amendments to permit shipping containers in association with Urban Agriculture

The Zoning By-law includes regulations for shipping containers in Section 4.4 (Building Additions) and Section 4.5 (Temporary Structures). The recommended amendments would add additional regulations for shipping containers used for urban agriculture. The recommended provisions, to be included in the new section 4.38 (Urban Agriculture) include:

- 4) *A Shipping Container may be used in association with an Urban Agriculture use exclusively for the growing of food, and shall be subject to the provisions of Section 4.4 (Building Additions), except that they shall not be permitted in any exclusively residential zone.*
- 5) *A Shipping Container used in association with an Urban Agricultural use shall be subject to all regulations of the applicable zone and the provisions of Section 4.4 (Building Additions) and the following additional regulation:*
 - a) *Shipping Containers used in association with an Urban Agriculture use shall not be located in the front or exterior side yard.*

The effect of these amendments is to permit shipping containers used exclusively for the growing of food wherever urban agriculture is permitted, except for residential zones that would require a Zoning By-law amendments in accordance with the London Plan policy described above.

Similar to the Greenhouse regulations, shipping containers are not permitted in the front or exterior side yards.

5.4 Summary of Rationale for Recommended Amendments

In summary, the purpose and intent of the recommended London Plan and Zoning By-law amendments is to:

- Reduce regulatory barriers to urban agriculture (growing food within urban areas of London) and allow for the growing of food extensively through the City. .
- Ensure that urban agriculture is undertaken with adherence to sound planning principles and health and safety requirements

- Address regulatory barriers to greenhouses and converted shipping containers as two emerging forms of urban agriculture.
- Create a new section within the Food Systems Chapter of the London Plan that consolidates policies to promote urban agriculture

The recommended amendments are to the London Plan, Zoning By-law Z-1 and the Site Plan Control By-law. The Background Study also notes that other City processes may require future changes to be supportive of urban agriculture, however these require further discussion with those responsible for their implementation. Separate reviews and reports may be undertaken to address other related processes which impact the growing of food in urban areas.

Conclusion

The proposed amendments to the London Plan and Zoning By-law are intended to eliminate many of the current barriers to growing food in London in accordance with Council's direction. They do this by creating additional clarity through specific and directive policies and regulations, allowing urban agriculture in multiple forms broadly throughout the London community, and ensuring that health, safety and good planning principles are always maintained. The Key issues that these amendments will address include clarifying where growing of food is permitted within the urban place types and providing appropriate regulations to guide development of greenhouses and shipping containers uses in association with urban agriculture uses.

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 – London Plan Amendments

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

2021

By-law No. C.P.-XXXX-____

A by-law to amend The London Plan for the City of London, 2016.

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 London Plan for the City of London Planning Area – 2016, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This Amendment shall come into effect in accordance with subsection 17(27) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on December 7, 2021.

Ed Holder

Mayor

Catharine Saunders

City Clerk

First Reading – December 7, 2021

Second Reading – December 7, 2021

Third Reading – December 7, 2021

AMENDMENT NO.
to the
THE LONDON PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

1. The purpose of this Amendment is to update “The London Plan” policies to allow more opportunities for the growing of food within the City’s urban growth boundary consistent with Council’s Urban Agriculture Strategy approved in November 2017.
2. To reduce regulatory barriers to urban agriculture (growing food within urban areas of London).
3. To ensure that urban agriculture is undertaken with adherence to sound planning principles and health and safety requirements.
4. To address regulatory barriers to greenhouses and converted shipping containers as two emerging forms of urban agriculture.
5. Create a new section within the Food Systems Chapter of the London Plan that consolidates policies to promote urban agriculture

B. LOCATION OF THIS AMENDMENT

This Amendment is a text amendment, which applies to all lands within the City of London.

C. BASIS OF THE AMENDMENT

1. The amendments are consistent with the policies of the *Provincial Policy Statement, 2020*, and are consistent with the Food System policies of the London Plan.

D. THE AMENDMENT

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

Create a new Section heading entitled “Growing Food in Urban Areas” after policy 674 and add the following policies:

GROWING OF FOOD IN URBAN AREAS

- 674A We will promote opportunities for growing of food in urban areas recognizing urban agriculture’s role in building a more sustainable and resilient city, increasing food security, providing access to local and nutritious food options, fostering community connections and health benefits and creating economic growth opportunities.
- 674B Growing of food on lands, in greenhouses and shipping containers, within buildings and on rooftops may be permitted in all Urban Place Types recognizing that the long-term vision of this Plan is for urban development consistent with the applicable Place Type. Permitted uses, and associated structures and infrastructure, will be limited to those which will not preclude future development options.

- 674C Greenhouses that are used exclusively for growing of food may be considered as farm buildings and permitted in all Urban Place Types. The Zoning By-law may establish specific regulations for such greenhouses within the Urban Growth Boundary.
- 674D Greenhouses used for the growing of food within an Urban Place Type that are less than 200m² may be exempt from site plan approval. However, site plan approval will be required if potential impacts on adjacent lands have been identified or to ensure the proposed greenhouse fits within its context, in accordance with Evaluation criteria for Planning and Development applications. The scoped site plan approval process may be applied for Greenhouses used for urban agriculture as described in the Our Tools part of this Plan.
- 674E Growing food in converted shipping containers may be permitted in all Urban Place Types and will require site plan approval. Within the Neighbourhoods Place Type the use of shipping containers for the growing of food shall be subject to a zoning by-law amendment where the Evaluation Criteria for Planning and Development Applications can be met.
- 674F Any proposed building or structure intended for the growing of food in the Urban Growth Boundary will be subject to all of the policies of this Plan, the regulations of the Zoning By-law and all other applicable legislation and regulations.

Amend Policy 951 by deleting and replacing it with the following policy:

- 951 The standard site plan approval process shall apply to intensification projects that will result in three or more residential units. However, for intensification proposals that will result in less than three residential units, and for additional residential units in accessory structures that are subject to site plan approval, a scoped site plan approval process may apply as described in the Our Tools part of this Plan.

1. Create a new subsection following policy 1683 entitled "Scoped Site Plan Process" and add the following policies:

SCOPED SITE PLAN PROCESS

- 1683A Where permitted by the policies of this Plan, a scoped site plan process may be applied as follows:
1. The full range of submissions required for the standard site plan approval process will not be required. Rather, the following submissions will be required:
 - a. A Planning and Design Report, scoped to address relevant design issues.
 - b. Site plan and building elevation drawings.
 - c. Where appropriate, a grading certificate and a water service and sewer/drainage connections plan.
 2. Upon review and approval, the site plan and building elevation drawings will be stamped as approved and constitute applicable law. No development agreement or security will be required unless there is a specific reason for such requirement.

1682B Applications for building permits will be reviewed for compliance based on the stamped site plan and building elevation drawings, prior to issuance of any building permit. Any future variation from the approved site plan and building elevations shall require a site plan approval amendment application.

Appendix B- Zoning By-law Z-1 Amendments

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

2021

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

A by-law to amend By-law No. Z.-1 to make changes to allow the growing of food within the City's urban growth boundary.

WHEREAS the City of London has initiated a review of London Plan and Zoning By-law Z-1 policies and regulations within the urban growth boundary;

AND WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

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

- 1) Amend Section 2 (Definitions) by deleting the existing definition of a "Greenhouse" and replacing it with the following definition:

"GREENHOUSE" means a building or structure used for the growing of plants, shrubs, trees and similar vegetation constructed primarily from a translucent or semitranslucent building material."

- 2) Amend Section 4.1 4) (Accessory Uses/Lot Requirements or Location) by adding the following additional clause;
 - j) Greenhouses shall comply with the provisions of Section 4.38 (Urban Agriculture) of this By-law.
- 3) Amend Section 4.4 (Building Additions) by adding a new sub-section at the end of the section as follows:

Shipping Containers used in association with *Urban Agriculture* shall also comply with the provisions of Subsection 4.38 (Urban Agriculture) of this By-law.

- 4) Amend Section 4.26 (Uses Permitted in All Zones) to add:

Use	Zones Permitted	Governing General Provisions Section
<i>Urban Agriculture</i>	All Zones with the exception of the Agricultural (AG) Zones, the Open Space (OS4) Zone, the Open Space (OS5) Zone and the Environmental Review (ER) Zone.	4.38

- 5) Add a new "Section 4.38 AGRICULTURE USES, URBAN" as follows:

URBAN AGRICULTURE

- 6) An *Urban Agriculture* use permitted in accordance with Section 4.26 will be limited to growing, harvesting, cleaning, packaging, and storing of the food that is grown

on-site. Other activities such as processing, distribution, outdoor storage, or retail sales may only be permitted where *Urban Agriculture* is identified as a permitted use in the applicable Zone.

- 7) A *Greenhouse* may be permitted for the growing of food in association with an *Urban Agricultural* use.
- 8) A *Greenhouse* used for the growing of food in association with an *Urban Agriculture* use may be treated as a primary or an accessory building. Where treated as an accessory building a *Greenhouse* shall comply with the regulations in Section 4.1 (Accessory Uses) of this By-law except for the following:
 - a) Greenhouses shall not be located in the front or exterior side yard.
 - b) Notwithstanding Section 4.1.2), only 50% of the greenhouse area shall be counted towards the calculation of lot coverage.
- 9) A *Shipping Container* may be used in association with an *Urban Agriculture* use exclusively for the growing of food, and shall be subject to the provisions of Section 4.4 (Building Additions), except that they shall not be permitted in any exclusively residential zone.
- 10) A *Shipping Container* used in association with an *Urban Agricultural* use shall be subject to all regulations of the applicable zone and the provisions of Section 4.4 (Building Additions) and the following additional regulation:
 - a) Shipping Containers used in association with an *Urban Agriculture* use shall not be located in the front or exterior side yard.

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 7, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – December 7, 2021

Second Reading – December 7, 2021

Third Reading – December 7, 2021

Appendix C – Public Engagement

Community Engagement

Public liaison: On March 31, 2021, Notice of Application was sent to various Urban Agriculture Groups, Other City Departments and agencies involved in Urban Agriculture. Notice of Application, for the general public, was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on April 1, 2021. The notice was also posted on the City website (www.london.ca) on a newly created webpage for the project.

Following the circulation of the liaison, presentations were given to Urban Agriculture Steering Committee (UASC) on April 12th and June 14th, Agriculture Advisory Committee (AAC) on March 17th, Friends of Urban Agriculture (FUAL) on April 22nd, Middlesex-London Food Policy Council (MLFPC) on April 22nd and Advisory Committee on the Environment (ACE) on May 5th on the project. Preliminary comments were received. Staff asked specifically for them to identify any issue they had experienced in the past trying to do urban agriculture in the City. Reminder e-mails were also sent requesting comments.

Following submission of an Information Report, including proposed draft amendments and the consultants Background Study, to Planning and Environment Committee (PEC) on June 21, 2021, e-mail notice requesting further comments was again provided to the same groups. Following that meeting it was decided that Planning would narrow the focus of the study to include only London Plan, Zoning By-law Z-1 and Site Plan approval amendments needed to address the “Growing” component of the Urban Agriculture Strategy. In response, the Middlesex London Food Policy Council (MLFPC) set up a seminar/workshop on August 4th whereby staff gave a presentation and then documented any further comments.

Outside of these targeted meetings with urban agriculture groups no further individual comments were received in response to the individual or Londoner notice.

Nature of Liaison: Amendments to the London Plan and Zoning By-law to make it easier to grow food in the urban area in accordance with the Urban Agriculture Strategy, which was adopted by Council in November 2017. This project focuses on the “Growing” component of the Strategy and is being considered under the Strategy’s guiding principle to develop supportive municipal policies, regulations, and bylaws, and remove policy barriers to urban agriculture. The intent of the changes is to expand the permissions for urban greenhouses, consider policies and regulations to permit growing of food in most place types and zones, and review application process requirements for urban agriculture. Other City Departments, interested agencies, urban agriculture interest groups and the general public will be consulted before changes are made.

Following the PEC meeting on June 21, 2021 the following was added to the liaison; **this Planning Review is focused on needed changes to the London Plan policies and Zoning By-law Z-1 regulations to encourage the growing of food within the UGB and issues such as boulevard fruit tree planting (Streets By-law), planting in City parks (Parks and Recreation By-law), building permit issues, food distribution etc. can be discussed but changes may occur later through separate reviews and reports.**

Responses: A summary of the various comments from these groups has been divided into general issues/growing, greenhouse and shipping container categories.

General Issues/Growing

- Need more awareness around foodscaping and the options available;

- Too many rules, growing should be easy;
- City needs to address financial and legal issues around “growing”;
- Need year-round food forests;
- View urban agriculture as more than just a hobby;
- The cost of soil tests;
- Make more use of City lands for growing either permanently or temporarily;
- Need for more community gardens, every neighbourhood should have a community garden;
- Allow urban agriculture everywhere;
- City should buy properties for urban agriculture similar to Woodland fund or give a break on taxes?;
- Potential of former London Psychiatric Hospital and River Road Golf Course for urban agriculture/food hubs;
- Instead of landscaped open space allow gardens to be included in medium density residential (non-profit) or single- family subdivisions instead;
- Work with Middlesex-London Heath Unit to make sure food is grown in a practical/sustainable way. Too many rules, growing food should be easy
- More foodscaping on City lands-boulevards and parks
- Need policy for planting edible trees
- Temporary use of vacant land for growing
- The “how to grow” is more important than the “where-to-grow”
- City should buy properties for urban agriculture or allow developers to donate land as part of development, break on taxes, paying for soil costs etc; and,
- Every neighbourhood in the City should have places to grow communal food.

Greenhouses

- Most greenhouse sizes are known, what they are made of and where they can be built is important;
- Integrate designs of community gardens, greenhouses etc. into new developments.

Shipping Containers

There were no specific public comments on shipping containers.

From: [REDACTED]
To: [Parker, Charles](#)
Subject: [EXTERNAL] Encouraging the Growing of Food in Urban Areas
Date: Wednesday, October 20, 2021 12:20:18 PM

Hi Chuck:

As a member of the Agricultural Advisory Committee, I am making this submission in support of the proposed London Plan and Zoning By-law Amendments to Encourage the Growing of Food in Urban areas. The City has made good progress towards the goals set out in its Urban Agriculture Strategy. These amendments continue this forward momentum and will provide more flexibility for food to be grown within London's Urban Boundaries.

These comments also reflect my experience as a resident within the urban area and as a backyard gardener. During the past two years, a portion of my backyard has been converted into raised beds for the purpose of growing fruits and vegetables for my family - with mixed success. Having spent many hours of my youth in the gardens which largely fed our farm family, I am continually surprised by how much time, effort and skill it takes to grow food from seed to end product. My appreciation of those who devote their lives to feed our cities - both inside and out of the urban boundary - has grown not diminished.

Allowing Londoners to learn, hone and adapt food producing skills using both traditional and new methods, can only improve the food security of our city. Those who are able to generate a surplus of food to feed their neighbours and/or are able to implement a growing scheme that will support local organizations and/or business, should be encouraged through flexible and forward thinking policies.

The London Plan and Zoning By-law Amendments amendments being proposed are a good next step. I also hope that the City will continue to consider other future opportunities. For example, many London front yards between the sidewalk and the house - like mine here in the Old North - are primarily part of the municipal boulevard. Being able to *legally* incorporate fruit and/or vegetable growing in amongst our front flower gardens would be a welcome change and consistent with the Pollinator Pathways initiative.

Thank you for the opportunity to review and make comments on the latest amendments to encourage the growing of food here in the Forest City.

--

Eleanor J. Rath, CMO
Member of Agriculture Advisory Committee
383 Saint James Street

Agency/Departmental Comments

In addition to the above public process, the City held meetings with specific City Departments including Zoning (April 30th and July 26th), Site Plan (April 13th and July 20th), Building (April 16th and July 23rd), Engineering (April 23rd and August 16th) and Parks and Recreation/Neighbourhood Children and Fire Services (April 22nd and August 27th) as well as individual discussions on specific issues. These comments have been divided in growing, greenhouse and shipping container categories.

Growing

Comments received on growing include;

- No site plan approval required if growing on rooftops and inside buildings;
- Green roofs allowed on existing building subject to Engineers report;
- Typical issues with City boulevard plantings; snowplow damage, on-going maintenance, digging-up, hydro or gas corridors, theft, interference with street lights, height and sight lines of plantings and harvesting.
- Prefer to have some form of permit to allow plantings.
- Need Information page on City website about what to do;
- Psychiatric Hospital (Highbury Avenue) and former River Road Golf Course provide opportunities for growing and food hubs;
- Make sure urban agriculture not interfering with neighbours.

Greenhouses

Comments received on greenhouses include;

- One of the biggest issues for greenhouses in residential areas is light pollution, second biggest issue is smell;
- Also concerned about stormwater run-off and visual impact;
- Proposed size of 56m² (600 sq.ft) is too large for a residential area;
- If additional coverage is allowed for a greenhouse in residential zones, that additional coverage should only be applied to the greenhouse;
- Approach greenhouses in residential and industrial/commercial/institutional areas differently;
- Treat as an accessory building;
- Make sure that enough landscaped open space is provided so entire lot is not covered by building;
- If lots are too small greenhouses should not be permitted;
- Need a distinction between farm building and accessory building;
- Setbacks needed for greenhouses in residential areas;
- If on a permanent foundation currently need a site plan if over 200m², under 200m² may need administrative site plan, not for small ones;
- Anything with plumbing or over 10m² requires a Building Permit;
- Farm Building Code has much higher standards and restricts the number of people allowed inside the greenhouse;
- Current fees for a greenhouse are \$1078 plus road widening, archaeology and/or engineering drawings.
- The minor variance process should be used for minor changes;
- Should differentiate between personal residential greenhouses, commercial greenhouses and industrial greenhouses.
- Servicing for greenhouses- can have individual water (eg. Trucked water) and sanitary services (eg. Port-A-Potty); and,
Make sure sizes are known, material, how to build and where they can be built.

Shipping Containers

Comments received on shipping containers include;

- Should use entire container for food, no other use should be permitted;
- If permitted in residential zones, should only be by zoning by-law amendment;
- Shipping container is always a shipping container, regardless of use or conversion;
- Not considered as open storage because it is enclosed within a building or structure;
- Shipping containers are not permitted as accessory structures now unless located on a commercial property;
- Shipping containers require site plan approval;
- Limit the number permitted on a property; and,
- Are considered outdoor storage in industrial areas.

The comments were considered in the preparation of the recommended amendments.

Appendix D – Policy Context

The following policy and regulatory documents were considered in their entirety as part of the evaluation of this requested land use change. The most relevant policies, by-laws, and legislation are identified as follows:

1) PROVINCIAL POLICY STATEMENT (2020)

Part IV – Vision for Ontario’s Land Use Planning System

Part V – Policies

- 1.0 Building Strong Healthy Communities
- 1.3 Settlement Areas
- 1.7 Long-Term Economic Prosperity
- 1.8 Energy Conservation, Air Quality and Climate Change
- 2.3 Agriculture
- 6.0 Definitions

2) THE LONDON PLAN

17 – Our Challenge

55, 56, 58, 59 61 – Our Strategy

154 – Our City

239, 250, 258, 382, 408, 410, 525, 543, 648-686, 701, 705, 733 – City Building Policies

762, 784, 918, 1102 – Place Type Policies

1785 – Our Tools

3) ZONING BY-LAW Z-1

2 – Definitions

4 – General Provisions

4.1 – Accessory Uses

4.4 – Building Additions

4.5 – Temporary Structures

36 – Open Space (OS) Zone

37 – Environmental Review (ER) Zone

49 – Urban Reserve (UR) Zone

50 – Temporary (T) Zone

Appendix E – Relevant Background

Additional Reports/Letters

Letter from the London Food Bank dated July 30, 2020



July 30, 2020

Councillor Maureen Cassidy
Chair – Planning and Environment Committee
City of London

Re: Request to Waive Fees for City-wide Planning Application (London Food Bank)

This letter is to request that Municipal Council waive the planning application fees associated with the London Food Bank's upcoming application for amendment to the Z-1 Zoning By-law (and potentially the Official Plan) that would apply City-wide. The amendment is aimed at eliminating a current barrier in the Zoning By-law that effectively prevents the construction of greenhouses as accessory uses on industrial and institutional lands throughout the City of London.

We recognize and respect that it is not appropriate for City Council to evaluate the application at this time – as it will undergo a full planning process, including due notification, public participation and full deliberation by Council in the near future. However, we do believe this is the correct time to request that the fees associated with this application be waived, as we are prepared to submit our planning application in the very near future.

We believe that the application has unique qualities and is clearly aimed at specific public interests that warrant Council directing staff to waive the standard planning application fees. These are as follows:

1. The application is to apply city-wide – with the goal of removing an existing regulation in the Zoning By-law that serves as a barrier to growing food in greenhouses in industrial and institutional area across the entire city.
2. The application is not related to a profit motive on an individual property or any other private interest. Rather, it is clearly a public interest initiative aimed at growing food in London to supply to vulnerable Londoners.
3. The application is intended to assist with recovery from the current and upcoming economic hardships of the COVID-19 pandemic.
4. By the London Food Bank launching this application, a current "flaw" in the zoning by-law can be addressed and Council's Urban Agriculture Strategy can be implemented, while relieving

Council and Staff from launching its own policy review and City-initiated Zoning amendment – saving City staff time, cost, and potential delay due to lengthy work programs.

We believe that these factors make our application clearly distinct from others and clearly in the general public interest for the City of London – as it applies to the city as a whole, is unrelated to profit motive, is directed at COVID recovery for the City of London and relates to feeding vulnerable Londoners.

We hope that Council will consider these factors and formally direct Staff to waive the fees for this planning application. We are planning to submit our application in August and a Council direction prior to that date would be extremely helpful.

Thank you for your consideration of this important request.

Sincerely,



Glen Pearson
Co-executive Director, London Food Bank



Jane Roy
Co-executive Director, London Food Bank

cc: Mayor Ed Holder
Deputy Mayor – Jesse Helmer
Cathy Saunders – City Clerks Office
Barb Westlake-Power – City Clerks Office
Michael Shulthess – City Clerks Office
George Kotsifas – Development and Compliance Services
Michael Tomazincic – Development and Compliance Services
Gregg Barrett – Planning Services