

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning and Environment Committee

**From:** Scott Mathers, MPA, P.Eng.  
Deputy City Manager, Planning and Economic  
Development

**Subject:** Definition of “Public Park” in Zoning By-law Z-1  
City-wide/City of London

**Public Participation Meeting on:** May 30, 2022

## Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the City-initiated zoning by-law review:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on June 14, 2022 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan for the City of London, to change the zoning definition for Public Park.

## Executive Summary

### Summary of Request

The recommended zoning by-law amendment is to change the existing “Public Park” definition in Zoning By-law Z-1 as it applies to City-owned parks to permit special events currently permitted by the Parks and Recreation By-law (PR-2).

### Purpose and Effect of Recommended Action

The purpose and effect of this zoning by-law amendment is to update the zoning by-law definition so that it aligns with the current Parks and Recreation By-law (PR-2) by permitting special events to occur subject to permits issued under that by-law. This change will resolve an existing issue where current or planned special events and activities in city owned parks do not conform with the Zoning By-law.

### Rationale for Recommended Action

The zoning by-law amendment is recommended for approval as it:

1. Is consistent with the Provincial Policy Statement (2020),
2. Conforms with the policies of the London Plan, specifically in regards to the Green Space Place Type and the Parks and Recreation chapter,
3. Will enable uses and activities in city-owned parks that are consistent with the Parks and Recreation By-law (PR-2), and
4. Represents good planning

## Linkage to the Corporate Strategic Plan

The recommended amendment supports the Strengthening Our Community strategic area of focus, under the outcome “Londoner’s are engaged and have a sense of belonging in their neighbourhoods and community”, by permitting a range of appropriate and desirable uses and activities within City-owned parks.

## Analysis

### 1.0 Background Information

#### 1.1 Why is this Zoning By-law Review Occurring?

In recent years, issues have been raised with regard to certain activities occurring in City parks and whether they are permitted by the Zoning By-law. Zoning By-law officers have indicated that certain activities permitted by the Parks and Recreation (PR-2) By-law; included festivals, special events, retail sales, etc; are not currently permitted in the zoning by-law. The Zoning By-law should be amended in order for these activities to be permitted.

The Parks and Recreation By-law, which aligns with the Special Events Policies and Procedures Manual, already permits these activities to occur on City-owned lands through an existing permit/approval process.

Requiring zoning by-law amendments, which take additional time to process, for every activity occurring in a public park duplicates the permissions already permitted through the Parks and Recreation By-law (PR-2). To be more efficient, avoid duplication and reduce the time needed for approvals, the process needs to be simplified.

Planning and Development has undertaken this zoning review at the request of Neighbourhood and Community-Wide Services to consider an updated definition to the "Public Park" definition so that there is no question that these activities are permitted.

#### 1.2 The Parks and Recreation By-law (PR-2)

The Parks and Recreation By-law (PR-2) applies to all recreation areas, parks, avenues, boulevards, drives and streets under the control or management, or joint management, of the City. The By-law was approved by Council in August 1996 and subsequently revised in March 2005.

Part 3 of the By-law includes over forty general prohibited activities in public parks and recreation areas. Part 4 of the By-law includes a list of activities which are prohibited but can be allowed subject to approval through a permitting process. Some of these activities which require a permit may include;

- (5) *hold or take part in a picnic, organized gathering or event of more than twenty five persons ;*
- (7) *have exclusive use of any portion or all of a park or recreation area ;*
- (11) *sell refreshments or other merchandise to the public unless authorized through permitted use;*
- (12) *operate any business game, show or amusement for admission by the public;*

Section 5 of the By-law also includes special prohibitions for certain parks and environmentally significant areas.

#### 1.3 The Special Events Policies and Procedures Manual

Each year the City of London receives many requests from individuals and groups to operate Special Events on City of London property. The City of London recognizes Special Events as an important part of London's quality of life and as providers of affordable entertainment to its residents. It is also recognized that Special Events enhance tourism, culture, recreation and education as well as providing an economic benefit to businesses in the City of London. This was very important through the recent COVID-19 pandemic when outdoor activities, with safe distancing, were encouraged.

The Manual provides a comprehensive list of the requirements that are in place to plan and execute a successful Special Event.

Implementation of the Manual is under the direction of the Deputy City Manager, Neighbourhood and Community-Wide Services who may;

- a) Receive and process all applications for Special Events;
- b) Issue approvals for Special Events in accordance with the provisions of this Policy and applicable By-laws;
- c) Impose terms and conditions on approvals in accordance with this Policy; or,
- d) Refuse to issue an approval or revoke or suspend approval , in accordance with this Policy.

Section 4 of the Manual includes the “Policy” which applies to all the Special Event Operators, which identifies the rules and regulations for special events. Similar to the Parks and Recreation By-law there are special policies for certain parks such as Victoria Park, Queens Park (Western Fair), Springbank Park, and Harris Park. These special policies relate to limits on amplified sound, concession placement, alcohol sales, parking of vehicles, and other matters.

Both of these Council approved documents currently provide the policy basis for controlling activities on City lands.

Civic Administration has begun a comprehensive review of the Parks By-law PR-2 and will be bringing a proposed By-law to Council for consideration in early 2023.

## **2.0 Applicable Planning Policy**

More specific policies and regulations are provided in Appendix “B” but in summary;

### **2.1 2020 Provincial Policy Statement**

The 2020 PPS includes policies which support the development of a wide range of uses within Settlement Areas to improve the health, liveability and safety of Ontario’s residents. Policy 1.5.1 includes that “Healthy, active communities should be promoted by ... (b) planning and providing for a full range and equitable distribution of publicly accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources.”

### **2.2 The London Plan**

The London Plan policies provide for and identify parks as important gathering places that add to the quality of life for residents, while also bringing economic benefits. City-wide parks including Victoria Park, Harris Park and Springbank Park are intended to provide “opportunities for all types of recreation, social, and cultural activities” (policy 4.16). They are envisioned to be places where people can come together for City festivals and events, and to serve as community hubs and aid in the creation of a health community.

### **2.3 Zoning By-law Z-1**

The Zoning By-law includes definitions for various “Public Park” uses. There are two zones which allow “Public Parks” uses including the Open Space (OS1) Zone which allows parks without structures and the Open Space (OS2) Zone which allows parks with structures. The current definition for “Park” is as follows:

*"PARK" means an area of land, consisting primarily of landscaped open space, used primarily for active or passive recreational purposes or as a conservation area, with or without related recreational buildings, structures or facilities*

*including, but not necessarily restricted to, a recreational playground, a golf course, a driving range, a ski hill, a play area, a bandstand, a skating rink, a horticultural greenhouse, a zoological garden, an historical establishment, a bowling green, a tennis or badminton court, a playfield, a running track, a swimming pool, a spray pad, a wading pool, a boating pond or lake, a watercourse, a refreshment booth, a picnic area, or an auditorium or place of assembly.*

- a) *"PRIVATE PARK" means a park, other than a public park, regardless of whether or not such park is maintained or operated for gain or profit, but does not include an amusement park.*
- b) *"PUBLIC PARK" means a park owned or controlled by a public authority*

Because the definition does not mention special events that may include retail sales, it has been interpreted as prohibiting such uses or activities.

The policies described above support the recommended amendment to Zoning By-law Z-1 to permit activities in City-owned parks that are permitted in the Parks and Recreation By-law/Special Events Policies and Procedure Manual. This would have the effect of allowing special events and retail sales subject to the Parks and Recreation permitting process instead of the Zoning By-law.

## **2.4 Zoning By-law Amendments Required**

As indicated above, an amendment to the Zoning By-law is required to permit certain activities in public parks. Retail sales is one use that has been identified on many occasions as needing zoning by-law changes. Instead of requiring zoning by-law amendments on a temporary or permanent basis for individual parks it is recommended that a change to the definition of "Public Park" be approved, to allow special events and minor retail sales subject to the Parks and Recreation By-law instead.

The Parks and Recreation By-law already allows public gatherings and retail sales by approval/permit. There is no need to duplicate that approval through Zoning By-law Z-1.

The recommended amendment includes changing clause b) "Public Parks" within the "Parks" definition as follows:

"PUBLIC PARK" means a park owned or controlled by a public authority. In addition to the permitted uses of a "Park," Public parks may also be used for special events and selling refreshments or other merchandise to the public, subject to being authorized under the London Parks and Recreation Area By-law (PR-2).

## **3.0 Public and Agency Comments Received**

On March 7, 2022 a Notice of Planning Review was sent to other City Departments, Agencies and public groups such as the Urban League and placed in the Londoner.

To date no comments have been received.

## Conclusion

The purpose and effect of this zoning by-law amendment is to change the existing definition in Zoning By-law Z-1 that apply to municipally-owned parks to permit special events and minor retail sales subject to the Parks and Recreation By-law (PR-2).

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Senior Planner, Long Range Planning and Research

**Reviewed by:** Justin Adema, MPI, MCIP, RPP  
Manager, Long Range Planning and Research

**Recommended by:** Gregg Barrett, AICP  
Director, Planning and Development

**Submitted by:** Scott Mathers, MPA, P.Eng.  
Deputy City Manager, Planning and Economic  
Development

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## Appendix A

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

2022

By-law No. Z.-1-18\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to change a definition which would apply City-wide.

WHEREAS the City of London has initiated a Zoning By-law review as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Section 2 (Definitions) is amended by deleting clause “b)” of the existing “Park” definition and replacing it with the following new clause:
  - b) “PUBLIC PARK” means a park owned or controlled by a public authority. In addition to the permitted uses of a “Park,” Public parks may also be used for special events and the selling refreshments or other merchandise to the public, subject to being authorized under by the City of London Parks and Recreation Area By-law (PR-2).

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 June 14, 2022.

Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First Reading – June 14, 2022  
Second Reading – June 14, 2022  
Third Reading – June 14, 2022

## Appendix B – 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)

The following policies are relevant to this zoning review;

#### Part IV: Vision for Ontario's Land Use Planning System

The long-term prosperity and social well-being of Ontario depends upon planning for strong, sustainable and resilient communities for people of all ages, a clean and healthy environment, and a strong and competitive economy.

Strong, liveable and healthy communities promote and enhance human health and social well-being, are economically and environmentally sound, and are resilient to climate change.

#### Part V: Policies

##### 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, liveable and safe communities are sustained by:

b)accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

#### 6.0 Definitions

**Recreation:** means leisure time activity undertaken in built or natural settings for purposes of physical activity, health benefits, sport participation and skill development, personal enjoyment, positive social interaction and the achievement of human potential.

### 2) Council Strategic Plan (2019-2023)

The following directions are important to this zoning review;

#### Strengthening Our Community

Londoners are engaged and have a sense of belonging in their neighbourhoods and community.

- Increase the number of meaningful opportunities for residents to be connected in their neighbourhood and community.
- Strengthen engagement opportunities for all Londoners to participate in their neighbourhoods.
- Support neighbourhood festivals, cultural events, and activities across the city.

Implement programs and services that respond to neighbourhood recreation needs.

- Increase participation in recreation, sport, and leisure activities.
- Remove barriers to access recreation, sport, leisure, and leadership programs and services.
- Increase the number of recreation, sport, and leisure opportunities.

-Work with community partners to create a leading sustainable sport development model.

### **Building a Sustainable City**

Build infrastructure to support future development and protect the environment.

-Renew, expand, and develop parks and recreation facilities, and conservation areas in appropriate locations to address existing gaps.

### **Growing Our Economy**

Increase partnerships that promote collaboration, innovation, and investment.

-Grow tourism revenues through initiatives that build awareness and interest in London.

Increase public and private investment in amenities that attract visitors, a talented workforce and investment.

-Increase partnership funding, sponsorships, and donations to recreation services and amenities.

Increase efficiency and consistency for administrative and regulatory processes.

-Improve administrative and regulatory processes and by-law requirements to enhance London's competitiveness.

### **Leading in Public Service**

Increase efficiency and effectiveness of service delivery.

-Conduct targeted service reviews.

## **3) The London Plan**

**(Council approved June 23, 2016, Ministry approved December 28, 2016, Consolidated May 28, 2021)**

### **City Building Policies**

#### **Parks and Recreation**

#### **WHAT IS PARKS AND RECREATION?**

402\_ Our parks include our trails and pathways, city-wide gathering places like Victoria Park and Springbank Park, sports fields, neighbourhood parks, larger district parks and smaller civic spaces. Our recreational facilities include community centres, arenas, indoor and outdoor pools, and seniors' centres. Combined, these are the places where we come together as Londoners, for city festivals, sports activities, all forms of leisure and recreation, and to meet our neighbours.

#### **WHY IS PARKS AND RECREATION IMPORTANT TO OUR FUTURE?**

403\_ Our parks and recreation facilities have been called our "third space" – they are places we can live outside of our homes and our workplaces. They play a large role in defining our quality of life and research has shown that even small investments in parks and recreation yield important economic, social, and environmental returns that benefit all Londoners by supporting healthy life styles, strong neighbourhoods, and environmental sustainability. In doing so, our parks play a significant role in our goal to create healthy communities.

405\_ Our recreation facilities offer a wide variety of leisure and recreational possibilities for all ages, and serve as community hubs. Spread across the city, they provide neighbourhood-level and city-wide services, giving Londoners the opportunity to access information, acquire new skills and knowledge, increase personal health, reduce stress, develop stronger social skills and bonds of friendship, and stay independent longer.



408\_ In the development of the system, we will strive to develop facilities, amenities and programming that are flexible, serve multiple users and can be linked to broader community strategies and initiatives related to health, economy, development, mobility, education, sustainability, and growth management.

### **CITY-WIDE PARKS**

416\_ City-wide Parks are developed for the enjoyment of a broad range of Londoners, including individuals, family groups, and community organizations. Opportunities for all types of recreational, social, and cultural activities will be provided with maximum accessibility. The preservation of natural heritage features, historic sites, and wildlife habitats will be incorporated in the park design. City-wide Parks serve London's entire population and attract visitors to London. These parks may include amenities found in other park categories, as they can also serve as an area's District Park or Neighbourhood Park.

## **4) Zoning By-law Z-1 (Council approved July 1, 1993)**

### **Section 2 (Definitions)**

"**PARK**" means an area of land, consisting primarily of landscaped open space, used primarily for active or passive recreational purposes or as a conservation area, with or without related recreational buildings, structures or facilities including, but not necessarily restricted to, a recreational playground, a golf course, a driving range, a ski hill, a play area, a bandstand, a skating rink, a horticultural greenhouse, a zoological garden, an historical establishment, a bowling green, a tennis or badminton court, a playfield, a running track, a swimming pool, a spray pad, a wading pool, a boating pond or lake, a watercourse, a refreshment booth, a picnic area, or an auditorium or place of assembly.

a) "PRIVATE PARK" means a park, other than a public park, regardless of whether or not such park is maintained or operated for gain or profit, but does not include an amusement park.

b) "PUBLIC PARK" means a park owned or controlled by a public authority (Z.-1-152431)

"**COMMUNITY CENTRE**" means any tract of land and the buildings and facilities thereon used for recreational, leisure, or institutional community activities and may include a Social Service Establishment, and the control of which is vested in the municipality, a non-profit organization, a local board or agent thereof and shall not include a use for commercial purposes. (Z-1-051390)(Z.-1-152431)

"**GOLF COURSE**" means a public or private area operated for the purpose of playing golf and includes a Par 3 golf course, and may include a restaurant, the sale of golf equipment and an assembly hall, but does not include recreational golf courses, driving ranges, miniature courses or similar uses operated for commercial purposes.

"**PUBLIC USE**", when used in reference to a building, structure, use or lot, means a building, structure, use or lot used by a public agency to provide a service to the public. Public agencies comprise: (O.M.B. File #R 910387 - Appeal #9006-2 June 4, 1993)

a) the Government of Canada, the Government of Ontario, or a municipal corporation;

b) any ministry, department, commission, authority, board or agency established by the Government of Canada or the Government of Ontario; or

c) any public utility. (Z.-1-051390)

### **SECTION 36 - OPEN SPACE (OS) ZONE**

#### **36.1 GENERAL PURPOSE OF THE OS ZONE**

The Open Space (OS) Zone is a two-tier zone. The OS1, OS2 and OS3 Zone variations are intended to be applied to areas located outside of conservation lands (hazard lands,

floodplain and steep slopes) and areas which are not environmentally significant. The OS1 Zone variation is typically applied to City and private parks with no or few structures. The OS2 Zone variation is applied to City and private parks with structures and includes a broader range of larger uses which can generate more traffic and activity....

### **36.2 PERMITTED USES**

#### 1) OS1

The following are permitted uses in the OS1 Zone variation:

- a) Conservation lands;
- b) Conservation works; (Z-1-051390)
- c) Cultivation of land for agricultural/horticultural purposes;
- d) Golf courses;
- e) Private Parks;
- f) Public Parks; .....

#### 2) OS2

The following are permitted uses in the OS2 Zone variation:

- a) Any use permitted in the OS1 Zone variation (Z.-1-015390)
- b) Commercial recreational establishments;
- c) Community centres;
- h) Institutions;
- i) Private outdoor recreation clubs;
- l) Public swimming pools;
- m) Recreational buildings;
- q) Sports fields; (Z-1-051390)

### **5) The Parks and Recreation By-law (PR-2)**

The Parks and Recreation By-law (PR-2) applies to all recreation areas, parks, avenues, boulevards, drives and streets under the control or management or joint management of the City. The By-law was approved by Council in August 1996 and subsequently revised in March 2005.

Part 3 of the By-law includes over forty general prohibited activities in public parks and recreation areas. Part 4 of the By-law includes a list of activities which are prohibited but can be allowed subject to approval through a permitting process. Some of these activities may include;

- (5) *hold or take part in a picnic, organized gathering or event of more than twenty five persons without a permit;*
- (7) *have exclusive use of any portion or all of a park or recreation area without a permit;*
- (11) *sell refreshments or other merchandise to the public unless authorized through permitted use;*
- (12) *operate any business game, show or amusement for admission by the public;*

Section 5 includes special prohibitions for certain parks and environmentally significant areas.

### **6) The Special Events Policies and Procedures Manual**

The Manual was enacted in September 2017 to provide a comprehensive list of the requirements that are in place to plan and execute a successful Special Event.

The Managing Director, Parks and Recreation may;

- 2) Receive and process all applications for Special Events;
- 3) Issue approvals for Special Events in accordance with the provisions of this Policy and applicable By-laws;
- 4) Impose terms and conditions on approvals in accordance with this Policy; or,
- 5) Refuse to issue an approval or revoke or suspend approval , in accordance with this Policy.

Section 4 of the Manual includes the “Policy” which applies to all the Special Event Operators, which identifies the rules and regulations for special events. Similar to the Parks and Recreation By-law there are special policies for certain parks such as Victoria Park, Queens Park (Western Fair), Springbank Park Harris Park etc. These special policies relate to limits on amplified sound, concession placement, alcohol sales, parking of vehicles etc.

Both of these Council approved documents currently provide the policy basis for controlling activities on City lands.