

8A.

OPEN SPACE LAND USE DESIGNATION

(Chapter 8A amended and renumbered by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)

INTRODUCTION

The Open Space designation is applied to lands which are to be maintained as park space or in a natural state. These lands include public and private open space, flood plain lands, lands susceptible to erosion and unstable slopes and natural heritage areas which have been recognized by Council as having city-wide, regional, or provincial significance. It is the intent of the Plan to conserve such areas and, where appropriate, to integrate these lands into the City's overall parks network. These lands also serve the added function of enhancing the City's image as the "Forest City", and in providing a break in the urban landscape.

Areas within the City that are designated Open Space are shown on Schedule "A" – the Land Use Map. Components of the Natural Heritage System such as Significant Woodlands, Provincially Significant Wetlands and Environmentally Significant Areas, are delineated on Schedule "B1" – Natural Heritage Features. Natural resources and natural hazards are delineated on Schedule "B2" – Natural Resources and Natural Hazards. Areas designated Open Space may be in either public or private ownership.

Policies in this Chapter of the Plan describe the intent, function and permitted uses of the Open Space designation. There are also policies regarding natural hazard lands and natural heritage areas designated as Open Space contained in Chapter 15 of the Plan – Environmental Policies. The Open Space policies are implemented through the Zoning By-law, other by-laws and guideline documents adopted pursuant to Section 19.2.2.. The policies will be applied in a manner that is consistent with the Provincial Policy Statement and applicable Provincial Guidelines."

(Introduction amended by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)

(Introduction amended by OPA 438 Dec. 17/09)

8A.1.

OBJECTIVES FOR THE OPEN SPACE DESIGNATION

The use of areas designated Open Space shall be directed towards the following objectives:

- i) Provide for a continuous linear open space network which generally follows the Thames River and its tributaries.
- ii) Provide for linkages among open space areas throughout the City.
- iii) Provide for open space areas in all parts of the City to allow for a balanced distribution of locations for both active and passive recreational pursuits.
- iv) Enhance the accessibility of publicly-owned open space areas, where there is no danger to public safety and where significant natural features and ecological functions can be protected.

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

- v) Reduce the potential for property damage and loss of life due to flooding, by restricting the development of flood plain lands to an appropriate range of uses.

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

- vi) Provide for the protection of natural heritage areas which have been identified, studied and recognized by Council as being of city-wide, regional, or provincial significance.

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

(Clause vi) amended by OPA 438 Dec. 17/09)

8A.2.

OPEN SPACE

The Open Space land use designation is comprised of public and private open space; flood plain lands; lands susceptible to erosion and unstable slopes natural heritage areas recognized by Council as having city-wide, regional, or provincial significance; lands that contribute to important ecological functions and lands containing other natural physical features which are desirable for open space use or preservation in a natural state. These features may include areas of rough or hilly topography, organic soils, poor drainage, natural vegetation, steep slopes, woodlots, or ravines.

Uses permitted within the Open Space designation are limited to non-intensive uses. District, city-wide, and regional parks are included in the Open Space designation. Neighbourhood parks and parkettes are not shown on the Land Use Map, but are included as secondary uses in other land use designations. Additional restrictions regarding uses for natural heritage areas designated as Open Space and flood plain lands are contained in Chapter 15.

(Section 8A.2 amended by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)

(Sec. 8A2. amended by OPS 438 Dec. 17/09)

8A.2.1. Areas Identified as Open Space

Areas designated Open Space on Schedule "A" - the Land Use Map, shall consist of, public open space, including district, city-wide, and regional parks; private open space, including such uses as cemeteries and private golf courses; flood plain lands and lands that are subject to natural hazards; components of the Natural Heritage System, which have been evaluated and which are recognized by Council as being of city-wide, regional or provincial significance; and, lands that contribute to important ecological functions. The Open Space designation may also be applied to natural physical features which are desirable for preservation.

(Subsection 8A.2.1 amended by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)

(Sec. 8A2.1. amended by OPA 438 Dec. 17/09)

8A.2.2. Permitted Uses

Public open space uses including district, city-wide, and regional parks; and private open space uses such as cemeteries and private golf courses are permitted in the Open Space designation. Agriculture; woodlot management; horticulture; conservation; essential public utilities and municipal services; and recreational and community facilities; may also be permitted. Zoning on individual sites may not allow for the full range of permitted uses.

(Subsection 8A.2.2 amended by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)

Flood Plain Lands i) Where flood plain lands as shown on Schedule "B2" are included in the Open Space designation, the policies concerning development and use restrictions within flood plain lands shall take precedence.

(Clause i) amended by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23
(Clause i) amended by OPA 438 Dec. 17/09)

Natural Heritage Areas Designated as Open Space ii) Where components of the natural heritage system are included within the Open Space designation, the provisions of policy 15.3.2. concerning permitted uses within natural heritage areas designated as Open Space, shall take precedence.

(Clause ii) added by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23
(Sec. 8A.2.2. ii) amended by OPA 438 Dec. 17/09)

**8A.2.3.
Public Access**

Public access to lands within the Open Space designation shall be encouraged subject to the following provisions:

Public Open Space i) Accessibility to public open space areas will be provided where possible, provided that such access will not have a negative effect on the natural features or ecological functions of the area as determined by the City in consultation with the appropriate agencies.

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

Private Open Space ii) The inclusion of privately-owned lands within the Open Space designation shall not imply that the land is accessible to the public. Permissions for public access to privately owned property within the Open Space designation shall be at the discretion of the property owner.

Natural Areas iii) Public access to identified environmentally significant areas will be subject to the provisions of policy 15.4.1.4.

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

Thames River Shoreline iv) Public access along the shoreline of the Thames River will be encouraged in appropriate locations within the context of existing and future land uses, where there is no danger to public safety, and where significant natural features and ecological functions can be protected.

(Clause iv) added by OPA 438 Dec. 17/09)

**8A.2.4.
Linkages between Open Space Areas**

Linkages shall be provided among open space areas, where feasible, as a means of encouraging continuity and accessibility to open space areas. Examples of such linkages include open space and utility corridors, abandoned railway lines, or physical features such as streams and ravines.

(Subsection 8A.2.4 amended by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)

**8A.2.5.
Land Acquisition**

Council may acquire lands within the Open Space designation or add to the Open Space designation for the purposes of: adding to the network of publicly-accessible open space; providing protection to lands identified as being susceptible to flooding or erosion; and providing protection to natural heritage areas designated as Open Space.

(Subsection 8A.2.5 amended by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)

- Parkland Dedication
- i) The acquisition of parkland through dedication, as provided for under the *Planning Act*, shall be carried out subject to the parkland dedication policies contained in Section 16.3. of the Plan.
- Flood Plain Acquisition
- ii) The public acquisition of flood plain lands shall be carried out subject to the flood plain acquisition provisions contained in policy 15.6.5. of the Plan.
(Clause ii) amended by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)
- iii) Council may develop a program for acquisition of natural heritage areas designated as Open Space in accordance with policy 15.3.4. of this Plan.
(Clause iii) added by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)
- Government Programs on Acquisition
- iv) For the purposes of land acquisition as described above, Council may seek the assistance of other levels of government, and will work with the appropriate Conservation Authority and the private and volunteer sectors in adding lands to the public open space system.
(Clause iv) amended by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)
- Private Lands
- v) The inclusion of privately-owned lands within the Open Space designation does not imply that it is Council's intent to acquire these lands. However, Council may identify privately-owned lands for acquisition for the purpose of including these lands as public open space through any of the above provisions.
(Clause v) amended by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)

**8A.2.6.
Evaluation of
Potential for
Public
Acquisition**

If a proposal is made to develop privately-owned lands within the Open Space designation for uses other than those permitted in the Open Space designation, Council will assess the potential for acquiring the property as public open space on the basis of the following criteria:

(Subsection 8A.2.6. amended by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)

- i) the adequacy of the existing supply of public open space in the surrounding area;
(Clause i) amended by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)
- ii) the potential impact of the proposed new use or change in existing use on surrounding lands, particularly lands which are expected to remain within the Open Space designation;
- iii) the location of the subject lands in relation to flood plain lands;
- iv) the location of the subject lands in relation to natural heritage areas designated as Open Space;
(Clause v) amended by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)
- v) the presence of natural or desirable features or ecological functions within the subject lands; and

- vi) cultural importance of the subject lands or its features, whether locally or city-wide.

Sec. 8A.2.6. ii) deleted by OPA 88 OMB Order 2314 99/12/23 and v) and vi) added by OPA 438 Dec. 17/09)

**8A.2.7.
Site Alteration
and Tree Cutting
By-laws**

To mitigate potential impacts due to site alteration and tree cutting in lands designated as Open Space on Schedule "A", Council may adopt appropriate by-laws to prohibit or regulate the placing, dumping, removal or regarding of topsoil or fill, and the destruction or injuring of trees.

(Subsection 8A.2.7 deleted and replaced by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)
(Chapter 8A amended and renumbered by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)
(Sec. 8A.2.7. amended by OPA 438 Dec. 17/09)

8B.

ENVIRONMENTAL REVIEW LAND USE DESIGNATION

(Chapter 8B added by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)

In addition to the natural heritage areas which are included in the Open Space designation in Chapter 8A, there are additional lands which may contain significant natural features and important ecological functions which should be protected. These areas, which have been identified through the Subwatershed Planning Studies, are designated as Environmental Review on Schedule "A" and shall be protected from activities that would diminish their functions pending the completion of a detailed environmental study. A detailed environmental study may be undertaken as part of a secondary plan or environmental impact study or may be undertaken by the City of London. Environmental Review areas or portions of areas that are determined to satisfy the criteria for significance under Section 15.4. shall be redesignated as Open Space on Schedule "A". The Environmental Review designation permits the continuance of farming that is carried out in accordance with generally accepted farming practices. Other areas or portions of areas, which do not satisfy the criteria for significance under the provisions of Section 15.4. will be redesignated to an appropriate land use in accordance with the policies of the Plan.

8B.1.

OBJECTIVES FOR THE ENVIRONMENTAL REVIEW DESIGNATION

In addition to the components of the Natural Heritage System, which have been evaluated and designated on Schedule "A" as Open Space, in accordance with the policies in Chapter 8A and Chapter 15, there are additional lands delineated on Schedule "B1" that may contain significant natural features and important ecological functions, which should be protected until environmental studies have been completed, reviewed and accepted by the City. These potential components of the Natural Heritage System are designated as Environmental Review on Schedule "A" and shall be protected from activities that would diminish their functions pending the completion, review and acceptance of a detailed environmental study.

A detailed environmental study may be undertaken as part of the Community Plan, Area Plan, Official Plan and/or Zoning By-law amendment application, Draft Plan of Subdivision, Site Plan application, Variance or Consent application by the applicant and/or landowner, or

may be undertaken by the City of London. An Environmental Review area or portion of an area that is determined to satisfy the criteria for significance under Section 15.4, shall be designated as Open Space on Schedule "A" and delineated on Schedule "B1" according to its specific nature or reason for significance according to the Official Plan policies. Other areas or portions of areas which do not satisfy the criteria for significance under the provision of Section 15.4. will be redesignated for an appropriate land use designation in accordance with the policies of the plan.

Section 8B.1. deleted and replaced by OPA 438 Dec. 17/09)

8B.2.

LANDS INCLUDED

In addition to the components of the Natural Heritage System which are designated as Open Space on Schedule "A" and delineated on Schedule "B1" according to the policies under Section 15.4. there are other natural features identified through the subwatershed studies or by other environmental studies that have been reviewed and accepted by the City. These areas may be designated as Environmental Review on Schedule "A", and delineated on Schedule "B1" as one of the following:

- i) Unevaluated Vegetation Patches;
- ii) Unevaluated Wetlands;
- iii) Unevaluated Stream and Ravine Corridors; and
- iv) Potential ESA's.

Section 8B.2. deleted and replaced by OPA 438 Dec. 17/09)

8B.3.

PERMITTED USES

Pending the evaluation of Environmental Review areas through site-specific studies and their subsequent re-designation in accordance with ii) below, permitted uses in the Environmental Review designation will include agriculture, woodlot management, horticulture, conservation, recreational uses, and essential public utilities and municipal services where such utilities or municipal services have first been the subject of an environmental assessment process or environmental impact study in which the need has been confirmed, alternative locations identified and rejected, environmental impacts measured, and strategies to manage those environmental impacts adopted, thereby minimizing and/or mitigating those impacts as much as reasonably possible. Existing uses are also permitted.

(Sec. 8B.3. ii) deleted by OPA 438 Dec. 17/09)

**8B.3.1. Process
for Evaluating
Environmental
Review
Designations**

- i) Within the Urban Growth Boundary, on the basis of more detailed environmental studies and considerations of Official Plan policies, and Council and Provincially approved guidelines undertaken in conjunction with Community Plans, Area Plans, Official Plan and/or Zoning By-law amendment applications, Draft Plan of Subdivision applications, Site Plan applications, Consents and Variance applications, components of the Natural Heritage System within the Environmental Review designation on Schedule "A", will be delineated on Schedule "B1" as follows:
 - a) Components of the Natural Heritage System that are determined to be significant in accordance with the policies in Section 15.4, shall be designated as Open Space on Schedule "A" and delineated on Schedule "B1" according to the significant environmental characteristics of the feature.
 - b) Components of the Natural Heritage System that are not determined to be significant in accordance with the policies in Section 15.4. will be designated on Schedule "A" for an appropriate land use in accordance with the policies of this Plan and removed from Schedule "B1";"
- ii) The City will undertake an environmental study of Environmental Review Lands outside of the Urban Growth Area during the first ten years of the Planning period. Lands not determined to be significant in accordance with the criteria for determining significance in Section 15.4. will be redesignated as Agriculture.

(Sec. 8B.3.1. added by OPA 438 Dec. 17/09)

8B.4.

SITE ALTERATION AND TREE CUTTING BY-LAWS

To mitigate potential impacts due to site alteration and tree cutting in lands designated as Environmental Review on Schedule "A", Council may adopt appropriate by-laws to prohibit or regulate the placing, dumping, removal or regarding of topsoil or fill, and the destruction or injuring of trees.

(Chapter 8B added by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)

(Sec. 8B.4. amended by OPA 438 Dec. 17/09)