

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, 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. Flood plain lands and natural heritage areas are delineated on Schedule "B" - Flood Plain and Environmental Features. Areas designated as Open Space may be in either public or private ownership.

Policies contained in this Section of the Plan describe the intent, function, and permitted uses of the Open Space designation. There are also policies regarding flood plain lands and natural heritage areas designated as Open Space contained in Chapter 15 of the Plan - Environmental Policies.

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

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 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)

8A.2. OPEN SPACE

The Open Space land use designation is comprised of public and private open space; flood plain lands; natural heritage areas recognized by Council as having city-wide, regional, or provincial significance; 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)

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; and natural heritage areas, which are recognized by Council as being of city-wide, regional or provincial significance. 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)

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 "B" are included 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)

Natural Heritage Areas Designated as Open Space

- ii) Where natural heritage areas 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)

**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)

**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;
- ii) Deleted by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23
- iii) 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;
- iv) the location of the subject lands in relation to flood plain lands; and
- v) 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)

**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 restrict or prohibit site alteration and tree removal.

(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)

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 an area study 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**

It is intended that the development and use of areas designated as Environmental Review shall be directed towards the following objective:

- i) Protect natural features and ecological functions until their significance is determined through detailed environmental studies.

8B.2.**LANDS INCLUDED**

The Subwatershed Planning Studies, in addition to identifying natural heritage areas designated as Open Space on Schedule "A", have identified other areas which require more detailed environmental studies prior to development. These areas are designated as "Environmental Review" on Schedule "A" - the Land Use Map, and are comprised of the following:

- i) Vegetation patches identified through the Subwatershed Planning Studies;
- ii) Stream corridors identified through the Subwatershed Planning Studies.

8B.3.**PERMITTED USES**

- i) 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.

- ii) Within the Urban Growth Area, on the basis of more detailed environmental studies undertaken in conjunction with an area study or site specific development proposal, areas within the Environmental Review designation on Schedule "A" will be redesignated as follows:
 - (a) Lands determined to be significant in accordance with the criteria for determining significance in Section 15.4. for specific components of the Natural Heritage System shall be redesignated as Open Space, and delineated on Schedule "B" according to the significant characteristics of the lands; and
 - (b) Lands not determined to be significant in accordance with the criteria for determining significance in Section 15.4., will be designated for an appropriate land use in accordance with the policies of this Plan.
- iii) 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.

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 restrict or prohibit site alteration and tree removal.

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