

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: Tow Truck/Impound Yard Zoning By-law Review
Date: April 19, 2022

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the zoning review initiated by the Corporation of the City of London relating to all lands within the City of London:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on May 3, 2022 to amend Zoning By-law No. Z.-1, in conformity with the London Plan for the City of London, to make zoning text changes to Sections 2 (Definitions), Section 28 (Restricted Service Commercial Zone), Section 40 (Light Industrial Zone), Section 41 (General Industrial Zone) and Section 42 (Heavy Industrial Zone) to address tow truck business and impounding yard land uses.

Executive Summary

This zoning review was initiated by the City of London to implement the London Plan's Industrial Place Type policies and address zoning issues identified through the Business License review process. Zoning changes are required to permit tow truck businesses and impound yards in specific zones, and change some regulations to implement the London Plan policies.

Linkage to the Corporate Strategic Plan

This zoning by-law review addresses two strategic areas of focus, as presented in Council's Strategic Plan 2019-2023. These are;

1. Strengthening Our Community; and,
2. Growing Our Economy.

Analysis

1.0 Why is this Zoning Review Occurring?

1.1 Background Information

In March 2021 two new categories of licensing were established for tow truck and impound yard uses, *Tow Truck Business* and *Impound Yard Storage*. There were two existing categories of licensing for these uses established in 2017, *Unsolicited Motor Vehicle Storage* and *Unsolicited Motor Vehicle Towing*. As new license applications were submitted and reviewed, it was quickly discovered that many of the existing locations were not properly zoned for either a tow truck business or an impound yard in Zoning By-law Z-1.

Prior to the introduction of these four licensing categories in 2017 and 2021, there was no business license required for tow truck and/or impound yard businesses. Before 2017 there were issues raised about the regulation of towing services and the location of impound yards and licensing categories for those uses were developed. Part of the

process for obtaining a business license is a zoning by-law check to make sure that the use is permitted. Since a license wasn't required, and there was no associated zoning check, these types of uses prior to 2017 located in various Official Plan designations (1989 Official Plan)/Place Types (The London Plan) and various zones. The majority of the existing tow truck and impound yard businesses located in Light Industrial Place Types and Zones.

The nature of these uses is that they normally comprise a large amount of outdoor storage of vehicles which can be unsightly in some industrial areas. In Light Industrial areas and some commercial areas, current policies and zoning by-law regulations limit the amount of outdoor storage and some of these existing uses do not meet the intent of the London Plan Place Types and Zoning By-law Zones and do not comply.

Instead of asking each individual existing business to apply for a rezoning (at a current application fee of \$12,000 per zoning by-law application), the City issued conditional business licenses, pending a larger City-wide review of the zoning regulations and their conformity with the licensing regulations. The City's Licensing By-law has separate definitions for these uses which are different from those in the City's Zoning By-law Z-1.

In addition, the London Plan policies were Council approved June 23, 2016 and the Ministry of Municipal Affairs approved on December 28, 2016 and the Industrial Place Type policies are now in full force and effect. In the London Plan there are now three Industrial categories; Heavy Industrial, Light Industrial and Commercial Industrial. Light Industrial is the most restrictive with regard to the amount of open storage allowed. Prior to 2017 before business licenses were required, most of the existing business (11 out of 18) located in Light Industrial Place Types.

1.2 The Nature of Impound Yard and Tow Truck Uses

Impound Yards have the following characteristics;

1. They normally have outdoor storage of vehicles, trucks and automobiles, which generally occupies more than 50% of the lot area;
2. There is overnight parking of vehicles, including daily, weekly and often longer;
3. Normally there are few buildings associated with these uses, except for a small office, unless there is indoor storage;
4. They normally have a fenced in area comprised of a tall chain linked fence sometimes with barbed wire at the top; and,
5. Tow trucks move in and out of the fenced area frequently.

See below example.



Tow truck businesses are different. Some tow truck businesses are combined with impound yards and have tow trucks and vehicles parked in them. Some larger tow truck businesses with multiple tow trucks have a separate place of business. Lastly, some operators have a single tow truck which can be parked in their residential driveway, much like a contractor's truck. Any impacts on neighbouring uses result due to the scale (eg. Number of tow trucks, land area, presence of buffering etc.) of the tow truck business.

1.3 Existing Situation

Currently there are eighteen (18) individual sites which have at least one of the four types of licenses; Tow Truck Business, Towing Business, Impound Yard Storage Business, or Motor Vehicle Storage Business. Some sites have more than one type of license. Of the total, eleven (11) are within the Light Industrial Place Type, the others in Heavy Industrial (4), Commercial/Industrial (1), Neighbourhood (1) and Rapid Transit Corridor (1) Place Types.

As indicated above, most of the existing tow truck/impound yard uses are located in Light Industrial Place Types which is inconsistent with the Light Industrial Place Type policies which state;

- | | |
|-----------------|--|
| Policy 1110 | <i>"...separate these uses from heavier industrial users, to avoid land use conflicts and to allow for positive industrial environments."</i> |
| Policy 1113 (1) | <i>" Separate heavy and light industrial uses to avoid land use conflicts."</i> |
| Policy 1113 (9) | <i>"...improve the aesthetic quality and character of the Highway 401 and 402 corridors...introducing enhanced landscaping in rear yards...screening open storage areas.....enhances London's image through site layout ..."</i> |
| Policy 1115 (2) | <i>"Industrial uses with large amounts of outdoor storage may not be permitted in the Light Industrial Place Type,..."</i> |
| Policy 1125 (2) | <i>"...present a positive image of London to the high volume of people travelling along the Highway 401/402 corridor..."</i> |
| Policy 1125 (5) | <i>" Large open storage areas will be screened with fencing and landscaping that is appropriate within the surrounding context and view corridors."</i> |

In addition, the Light Industrial (LI) Zone in Zoning By-law Z-1, which implements the Light Industrial Place Type in the London Plan, has a maximum outdoor storage regulation of 15% and minimum landscaped open space requirement of 10% to implement these policies. Some of the existing impound yard uses in the Light Industrial Place Type have more than 15% open storage and little landscaped open space.

1.4 Where Impound Yards and Towing Businesses Should Be Located

Based on the London Plan policies these uses should be located in less visible areas, "out-of-sight", preferably in a Heavy Industrial Place Type or in the rear portions of Commercial Industrial Place Type. There are also specific policies in the London Plan which preclude these uses from the Highway 401, Highway 402 and Veteran's Memorial Parkway corridors.

In the **Heavy Industrial Place Type** the following policies support the inclusion of impound yards and towing businesses;

- | | |
|----------|---|
| 1109 | <i>"...unsightly outdoor storage will be permitted....physically separated from other uses....without regular complaints...."</i> |
| 1114 (2) | <i>"Uses that have large amounts of outdoor storage."</i> |
| 1114 (4) | <i>"...large storage facilities, contractors yards, transportation terminals..."</i> |

In addition, both the Heavy Industrial (HI) and General Industrial (GI) in Zoning By-law Z-1, which implement the Heavy Industrial Place Type, both have a maximum open storage/coverage regulation of 75% and minimum landscaped open space requirement of 5% to implement these policies.

In the **Commercial Industrial Place Type** the following policies support the inclusion of impound yards and towing businesses;

- 1112 *“...will be located in automobile and truck dominated environments, away from neighbourhoods and pedestrian-oriented streetscapes.*
- 1118 *“...tend to have a quasi-industrial character, whereby they may be designed with large outdoor storage areas, impound areas with high fences...”*
- 1119 *“The following uses may be permitted in the Commercial Industrial Place Type:*
- 1. Commercial uses that do not fit well within the Downtown, Transit Village, Rapid Transit Corridor, Urban Corridor, Shopping Area, and Main Street Place Types due to their planning impacts may be permitted. Such impacts may stem from:*
- a. Large outdoor storage areas.*
- b. Impound areas.*
- d. Storage, display, or parking of heavy equipment.*
- f. Large volumes of regular truck traffic...”*

Until the New Zoning By-law is completed, the Restricted Service Commercial (RSC5) Zone in Zoning By-law Z-1 is the only zone which approximates the intent of the Commercial Industrial Place Type. However, the maximum open storage in that zone is currently 15% and the minimum landscaped open space requirement is 15% which may limit the application of that zone.

1.5 Licensing By-law Definitions/Current Interpretation of Tow Truck and Impound Yard Uses in Zoning By-law Z-1

As indicated above there are four different licensing categories for tow truck and impound yard uses;

- 1) **“Motor Vehicle Storage Business”** (lots for cars towed from a parking lot without the owners consent”- Schedule 19 of Licensing By-law).

Currently defined by Zoning Officers as a “*Salvage Yard*” which is only permitted in a Heavy Industrial (HI3) Zone. In Zoning By-law Z-1 **“SALVAGE YARD”** means a lot, building or structure used for wrecking, dismantling, storing or selling used goods, wares or materials including, but not so as to limit the generality of the foregoing, rags, bones, bottles, metals, clothing, furniture, paper, machinery, building materials and vehicles and parts thereof.

This definition is much broader and includes uses which have more of a physical and aesthetic impact on adjacent uses than a towing business.

- 2) **“Impound Yard Storage Business”** (lots for vehicles towed from an accident scene -Schedule 20 of Licensing By-law)

Currently defined by Zoning Officers as an “*Impounding Yard*” which is also only permitted in the Heavy Industrial (HI3) Zone. In Zoning By-law Z-1 **“IMPOUNDING YARD”** means a place to which disabled motor vehicles, and motor vehicles or other mobile equipment impounded for a breach of the law, may be taken or towed and stored

temporarily until reclaimed, but does not include an automobile service station, gas bar, or salvage yard.

This definition is appropriate to recognize this licensing category.

The last two licensing categories are;

- 3) “**Towing Business**” (means the “unsolicited” towing of vehicles from parking lots) and
- 4) “**Tow Truck Business**” (means the towing of vehicles from an accident scene)

Both of these are currently defined by Zoning Officers as “*Terminal Centres*” which is a permitted use in Light Industrial (LI6), General Industrial (GI1) and Heavy Industrial (HI1) Zones. In Zoning By-law Z-1 a “**TERMINAL CENTRE**” means an area of land, a building or a structure or part thereof used by rail and transit terminals; airport terminals; broadcasting and communication terminals; power transmission and control centres; pipeline, pumping and control stations; transport terminals; toxic dispatch centres; and other similar uses.

The range of uses included under this definition is quite broad, permitting such uses as transport terminals, airport terminals and toxic dispatch centres. Tow truck businesses, when not associated with an impound yard, have limited impacts on neighbouring uses compared to other uses allowed in the definition.

In summary, there are very few general zones where towing businesses and impound yards are currently permitted as-of-right. Any proposed location outside of these three zones requires a zoning by-law amendment application which involves costs and extra time to process. In addition, some of the existing definitions in Zoning By-law Z-1 are too broad to adequately regulate tow truck businesses and impound yard uses so new or revised definitions are needed.

There is some consistency in terminology between the zoning by-law and licensing by-law and it is not envisioned that changes to the Licensing By-law are required at this time.

2.0 Amendments to Zoning By-law Z-1 needed to implement the London Plan Policies

Zoning By-law changes need to be done to implement the approved London Plan policies, broadening the range of zones which permit towing and impound yard uses and adding new definitions and amending existing definitions in Zoning By-law Z-1 to better reflect the nature and intensity of these uses.

2.1 Add a New Definition of “Tow Truck Business”

Currently, tow truck businesses are being interpreted by Zoning Officers as a “terminal centre” because that definition best fits the description of the use. However, the “terminal centre” definition is much too broad in scope and allows more intensive uses (eg, transport terminal, airport terminals, toxic dispatch centres) than a towing business. Towing businesses simply allow the parking of tow trucks, and possibly include an administrative office, and are similar to a building and contracting establishment.

Recommendation – Add a new definition of “Tow Truck Business”.

2.2 Amend Existing Definition of “Impounding Yard”

The existing definition states:

“IMPOUNDING YARD” means a place to which disabled motor vehicles, and motor vehicles or other mobile equipment impounded for a breach of the law, may be taken or towed and stored temporarily until reclaimed but does not include an automobile service station, gas bar, or salvage yard.

A review of existing business sites indicates that most impound yards have tow trucks parked within the compound. Since vehicles (trucks and automobiles) are already parked there it reasonable to also allow tow trucks, associated with the impound yard, to be also parked there.

However, the reverse, ie.) allow an impound yard as part of a tow truck business, should not be allowed. Impound yards are a more intensive use and have characteristics (ie. Outdoor storage, high fences) that generally don't conform to the London Plan Place Types in Light Industrial Place Types. As indicated above, impound yards are not permitted in conjunction with a tow truck business unless a site is zoned for both uses.

Recommendation – Add the phrase *“and may include a tow truck business”* to the existing definition of Impound Yard.

2.3 Amend Existing Definition of “Outdoor Storage”

The current definition is;

“OPEN STORAGE” means the storage of raw materials, equipment, vehicles or other materials in an area not enclosed within a building or structure but this shall not include an automobile parking lot, the outside display for sale or lease of goods and materials in conjunction with a permitted commercial or industrial use, resource extraction operations, a transport terminal, a salvage yard, or a storage depot.

There a number of land uses excluded from the definition of open storage because they are almost entirely comprised of outdoor storage. An impounding yard is similar in nature to an automobile parking lot or a transport terminal and should be added to the definition as an excluded use and not be subject to the outdoor storage regulations of Zoning By-law Z-1.

Recommendation – Amend the existing definition of “outdoor storage” to exclude impounding yards.

2.4 Add Tow Truck Business as a Permitted Use in the Restricted Service Commercial (RSC1) Zones

Currently, there are no existing zones in Zoning By-law Z-1 which implement the Commercial/Industrial Place Types in the London Plan and allow tow truck business (formerly interpreted as terminal centre amended above) as a permitted use. Tow truck businesses are lower impact uses and should be permitted in zones which allow the parking of trucks and some outdoor storage. The RSC1 Zone already allows auto rental, auto sales and taxi establishments so tow truck business is consistent with the nature of those uses.

Recommendation – Add Tow Truck Business as a permitted use in the RSC1 and RSC4 Zones.

2.5 Add Tow Truck Business and Impounding Yard as Permitted Uses in the Restricted Service Commercial (RSC5) Zone

Until the new Zoning By-law is in place, the RSC5 Zone will be the primary zone for including industrial-type uses in the Commercial Industrial Place Type and implementing the London Plan. It already contains uses which have some outdoor storage of vehicles (eg. Building and contracting establishments, building supply outlets etc.). The current maximum amount of outdoor storage allowed in the zone is 15% but through the

proposed amendment changes impounding yards will be excluded by definition from being regulated by the open storage regulations because the use is comprised entirely of open storage. The landscaped open space requirement will ensure the entire lot will not be covered by vehicles.

Adding tow truck business, to allow tow trucks, and impound yards is consistent with the nature of the uses permitted in the zone.

Recommendation – Add tow truck business and impounding yard as permitted uses to the RSC5 Zone in Section 28.2 (Restricted Service Commercial/Permitted Uses) in Zoning By-law Z-1.

2.6 Open Storage Setbacks in the RSC1 and RSC5 Zones.

Sites for impounding yards should not include those that are visible from the street edge or in close proximity to sensitive land uses (ie. Residential). Open storage associated with these uses should not be visible from the street, therefore it also should not be located in the front yard or exterior side yard.

There are existing regulations for self storage establishments in the By-law for setbacks from sensitive land uses which should be amended to include tow truck businesses and impounding yards. That section includes setback regulations next to sensitive land uses which also should apply to tow truck businesses and impounding yards. Landscaping, fencing and setbacks can also be used to minimize visual and physical impacts.

Recommendations – Amend Section 28.3 (Regulations) to change the title to “Self-Storage Establishments, Tow Truck Business, and Impounding Yards”, prohibit outdoor storage in the front and exterior side yards and apply setback regulations next to sensitive land uses.

2.7 Amend Light Industrial LI1 and LI7 Zones to allow Tow Truck Businesses

Terminal centres (which is how tow truck businesses are currently defined) are currently allowed only in the LI6 Zone subject to a maximum open storage regulation of 15%. However, there are six existing licences for towing businesses in the LI7 Zone. These uses located here prior to the establishment of the current licensing process and before the London Plan policies were adopted by Council. Reviewing the current range of permitted uses in the LI7 Zone, some are similar in nature to towing businesses, the parking of vehicles as open storage (e.g building and contracting establishments, service trades, truck sales and service). Adding this use to the LI1 Zone is also consistent and would result in it being also allowed in the LI2, LI4 and LI6 Zones as well. The LI8 Zone allows “existing industrial use” to recognize existing tow truck businesses and impound yards not currently permitted by zoning.

Recommendation – Add tow truck business as a permitted use in the LI1 and LI7 Zones.

2.8 Increase the Amount of Open Storage allowed in Light Industrial (LI) Zone

The London Plan Light Industrial Place Type limits the amount of outdoor storage for permitted uses but the current maximum of 15% may be too low. Self storage establishments in the LI10 Zone are allowed to have 40% outdoor storage and there are a number of uses permitted in the other Light Industrial zones (eg. Service trades, building and contracting establishments, storage depots, terminal centres, transport terminals and truck sales and service which would also exceed the 15% outdoor storage. By increasing the maximum by 10% may provide some flexibility while maintaining the intent of the Light Industrial Place Type policies.

Recommendation – Increase the maximum open storage from 15% to 25% in the LI1 to LI7 Zones.

2.9 Amend General Industrial (GI1 and GI2) Zones to allow Impounding Yards and Tow Truck Business

The General Industrial (GI) and Heavy Industrial (HI) Zones are intended to implement the Heavy Industrial Place Type in the London Plan. These zones are where tow truck businesses and impound yards should be because most of these zones are applied away from sensitive land uses. The Zones specifically allow “*considerable outdoor storage*.” Most of these zones are also not applied along major transportation corridors where they are visible from the street. If they are, there are interior side yard and rear yard setback regulations in the zones to address this.

The GI1 Zone already permits terminal centres (the current interpretation for tow truck business) as a permitted use but not the GI2. Tow Truck Businesses are the less intensive and are similar to other permitted uses in that zone and should be permitted. Adding these uses to those zones will increase locational flexibility for business owners in zones where they should be located.

Impounding Yards should also be added to both zones because they are similar in nature to other permitted uses and consistent with the Heavy Industrial Place Type policies in the London Plan.

Recommendation – Add impound yards as a permitted use in the GI1 and GI2 Zones and add tow truck business as a permitted use to the GI Zone.

2.10 Increase the amount of Outdoor Storage allowed in the General Industrial (GI) and Heavy Industrial (HI) Zones

The current zoning regulations allow a maximum of 75% combined lot coverage and open storage, ie. if you have a building with 10% lot coverage you can have 65% open storage etc. As indicated before, any buildings on the property tend to be small unless combined with another use. The building tends to be used as an office. Allowing a higher open storage component may assist these uses with more location options. The landscaped open space requirement is 5% so the remainder could be either building coverage or open storage. Setback requirements, landscaped open space and fencing requirements would still need to be met.

Recommendation – Amend Table 41.3 (General Industrial Zone) and Table 42.3 (Heavy Industrial Zone) to permit a lot coverage and open storage combined maximum of 95% of the lot.

2.11 Add Impounding Yard and Tow Truck Business as Additional Permitted Uses in the HI1 and HI2 Zones and add Tow Truck Business as an Additional Permitted use in the HI3 Zone

The Heavy Industrial (HI) Zone includes the widest range of uses which may have environmental, aesthetic and traffic impacts compared to all the other industrial zones. Salvage yards are a permitted use which are more intensive than the subject uses. Both impounding yards and tow truck businesses should be included in the range of uses for both zones.

Setback regulations next to sensitive land uses still have to be met as well as a 5% landscaped open space requirement.

Recommendation – Add Impounding Yard and Tow Truck Businesses as additional permitted uses in the HI1 and HI2 Zones and add Tow Truck Business to the HI3 Zone.

The purpose of the above text changes is to provide for a broader range of future locational options for towing businesses and impounding yard uses. The Heavy Industrial and Commercial/Industrial London Plan Place Types are the preferred locations for these uses. The Heavy Industrial (HI1, HI2 and HI3), General Industrial

(GI1 and GI2) and Restricted Service Commercial (RSC1, RSC2 and RSC5) Zones, which implement the above, are the preferred zones.

The Light Industrial Place Type and Light Industrial (LI1, LI2, LI4, LI6, LI7 and LI8) Zones can permit these uses but the amount of open storage may be limited to 25%. Existing uses which exceed the 25% could be recognized by the LI8 Zone.

Under the previous zoning by-law regulations terminal centres (tow truck business interpretation) were permitted in three zones, impound yards and salvage yards in one zone each. After the above recommended amendments, tow truck businesses are now permitted in fourteen (14) zones and impound yards in seven (7) zones. This increase in locational options addresses a concern of the industry raised at the business owner meeting on February 24, 2022.

3.0 Site Specific Zoning By-law Changes

After the above text changes are made, towing businesses and impound yards will be permitted as follows;

London Plan Place Type	Zoning By-law Z-1 Zones
Heavy Industrial	Heavy Industrial (HI1, HI2 and HI3) and General Industrial (GI1, GI2) with 95% lot coverage/open storage excluding impounding yards.
Light Industrial	Light Industrial (LI1, LI2, LI4, LI6, LI7 and LI8) limited to maximum 25% outdoor storage excluding impounding yards.
Commercial Industrial	Restricted Service Commercial (RSC1, RSC2 and RSC5).

However, after the above amendments are made, four of the businesses (out of eighteen) will still not conform to zoning and/or the London Plan Place Type. A review of existing tow truck businesses and impound yard locations indicates that only two existing locations will not comply with the zoning by-law text changes; 2680 Dundas Street (Light Industrial Special Provision (LI1(11) Zone) and 2080 Jetstream Road (Light Industrial (LI2)).

There are two additional business site locations which would be properly zoned but would not meet the long term intent of the London Plan Place Type; 19 Clarke Road (Neighbourhood Place Type) and 441 Nightingale Avenue (Rapid Transit Corridor Place Type).

A brief description and analysis of each site is provided below with a recommendation on the proposed zoning approach.

3.1 2680 Dundas Street (east of Kostis Avenue)

London Plan Place Type – Light Industrial

Zoning By-law Z-1 – Holding Light Industrial Special Provision (h-17.LI1(11))

Air Photo:



Background

In 2010 an official plan/zoning by-law amendment application (OZ-7778/Hamilton-Croft-Quittkat) was submitted requesting a change from Low Density Residential/R1-10 to Light Industrial to retain some of the uses previously permitted in the West Nissouri Official Plan and Zoning By-law. The application went to PEC on September 13, 2010 and the Official Plan and zoning were changed to allow automobile repair garage, automobile supply store, builder's yard, bulk sales establishment, manufacturing and assembly industry, ancillary retail store, service and repair establishment, transport terminal and warehouse establishment. Neither terminal centre or impounding yard were permitted uses in that approved zoning.

The property currently has licenses for Impound Yard Storage Business, Tow Truck Business and Unsolicited Motor Vehicle Towing but is not zoned to allow either terminal centre or impound yard, the current interpretation for those uses. The former West Nissouri zoning also did not permit those uses.

The site's location on a major entryway into the City is not in inconformity with London Plan policies which discourages open storage as part of an impound yard along a major transportation corridor. Even though it has a license, it should not be zoned to allow an impound yard which is not currently permitted.

The recommended addition of tow truck business to the LI1 Zone would allow a tow truck business on the property and accommodate two of the existing licenses but not an impound yard to recognize the Impound Yard Storage Business License. From the airphoto there does not appear to be an impound yard on the property.

Recommendation

No change to the existing Holding Light Industrial Special Provision (h-17.LI1(11) Zone zoning, the tow truck business would be allowed in the LI1 Zone (after the recommended text amendments) and not permit an impounding yard which was not permitted by previous zoning.

3.2 2080-2084 Jetstream Road (South of Veterans Memorial Parkway)

London Plan Place Type – Light Industrial
Zoning By-law Z-1 – Light Industrial (LI2)

Air Photo:



Background

The site is currently used as an impounding yard. It has licenses for a tow truck business and impounding yard but is not zoned for either a terminal centre (tow truck business) or impounding yard. The tow truck business use is not an issue because it only includes the parking of tow truck(s). The addition of tow truck business as a permitted use in the LI2 Zone would recognize that use.

The existing impounding yard should not be recognized in zoning. London Plan policies speak to improving the aesthetics along major transportation corridors like Highway 401 and 402 and Veterans Memorial Parkway (Policies 1113 (10) and 1125(4-5)).

- 1125 4. *Industrial sites along the Veterans Memorial Parkway will be developed with high-quality design and enhanced landscaping with an abundance of tree planting to contribute to the iconic parkway image as a monument to Canada's war veterans.*
5. *Large open storage areas will be screened with fencing and landscaping that is appropriate within the surrounding context and view corridors."*

Given these policies, there are two options for the impound yard use; recognize with the application of the Light Industrial (LI8) Zone or treat as legal non-conforming. The LI8 Zone permits an;

"EXISTING DEFINED INDUSTRIAL USE" means the legally existing use on the effective date of this By-law and any other use included within the same definition as defined in Section 2.0 (Definitions) of this By-law. For example, lands containing an existing printers shop, which is defined as a service trade, would permit any uses that conform to the service trade definition. (Z.-1-94260). The effective date of Zoning By-law Z-1 is July 1, 1993 so any use which have to be in existence before that date.

In this instance, anything defined as an impounding yard would permit any uses that conform to these definitions.

Legal Non-Conforming Uses are similar but are not recognized in the Zoning By-law by a specific zone, only through the General Provisions in Sections 1.3 and 4.16. Similar to the above, they have to exist before July 1, 1993. It is unclear when this use was established, no records have been provided to determine whether it existed before that date or not.

Recommendation

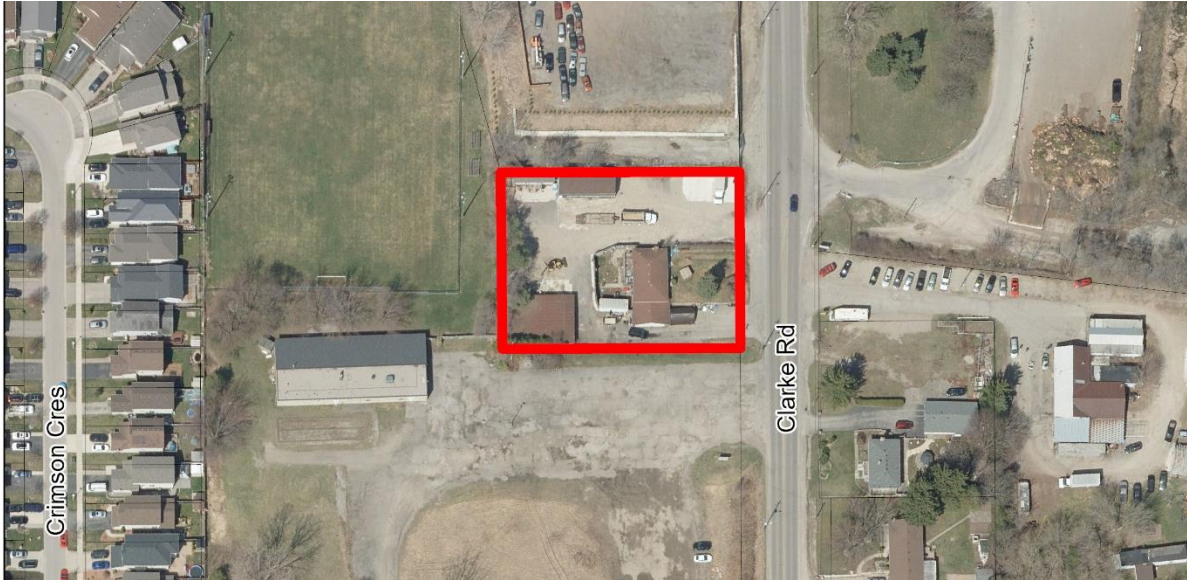
Do not recognize the impound yard in zoning but continue to treat as a legal non-conforming use under the zoning by-law. Through the licensing process encourage that landscaping and fencing be improved along the Veterans Memorial Parkway corridor.

3.3 19 Clarke Road (west side, north of Hamilton Road)

London Plan Place Type – Neighbourhood

Zoning By-law Z-1 – Restricted Service Commercial (RSC5)

Air Photo:



Background

The site is at the interface between a developing residential area to the east and older commercial/industrial uses along Clarke Road which have been here for a long time. The site has both Tow Truck and Impound Yard Storage Business licenses. There is a religious institution to the north and a community centre to the south and some remnant residential uses nearby. A site to the north is zoned for future residential development. The London Plan Place Type envisions this site being part of a residential focused community but clearly this corridor is in transition. The Restricted Service Commercial (RSC5) Zone was applied to recognize the existing use and recommended amendments add impound yard as a permitted use. Because it abuts an existing residential area the treatment of the interface between the two is important until the site redevelops.

Recommendation

The zoning should remain Restricted Service Commercial (RSC5). After the recommended amendments, adding tow truck business and impound yards to the RSC5 Zone, the existing licensed uses will be permitted. As indicated in the London Plan, the long term plan for this area is for this site to be part of a residential community. This use can remain on a temporary basis until redevelopment occurs but should not be intensified. Through the licensing process some landscaping, fencing etc. should be required in the interim.

3.4 441 Nightingale (north of Dundas Street in the McCormick Area)

London Plan Place Type – Rapid Transit Corridor

Zoning By-law Z-1 – General Industrial (GI1)

Air Photo:



Background

The site has current licenses for tow truck business and impound yard storage business. The site is currently zoned General Industrial (GI1) which allows terminal centres (towing business) and, as recommended, impound yards. In the short term this use can remain.

However, in the longer term, the London Plan recognizes this site as a Rapid Transit Corridor Place Type. This site is designated Mixed Use/Main Street in the McCormick Area Plan which was adopted by Council May 2017. Both plans propose a higher intensity residential/commercial corridor along Dundas Street which would not be consistent with the current use.

Recommendation

As indicated in the London Plan, the long term plan for this area is for this site to be part of a higher intensity residential community. This use can remain on a temporary basis until redevelopment occurs but should not be intensified.

How to Address Site Plan Issues

Commercial/Industrial and Light Industrial, and sometimes Heavy Industrial, Place Types abut other sensitive land uses such as residential uses. In addition, there are policies in the London Plan which address the design of land uses along the Highways 401 and 402 and Veterans Memorial Parkway and along other major entryways into the City. Issues such as the location of open storage, fencing and landscaped open space are all typically dealt through the site plan approval process. However, through the use of the Licensing By-law Administrative Regulations, conditions can be administratively added or amended addressing site plan matters. This would save time and fees for those sites that abut sensitive land uses. Through the licensing process this option should be utilized.

Conclusion

This zoning review was initiated by the City of London to implement the London Plan Place Type Industrial policies and address zoning issues identified through the Business License review process. Zoning changes were required to tow truck businesses and impound yards in specific zones which implement the policies. The amendments also provide for a broader range of possible locations for those uses to address on of the industries concerns.

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Recommended by: **Gregg Barrett, AICP
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Deputy City Manager, Planning and Economic
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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 make general zoning changes related to Tow Truck and Impound Yard uses and make site-specific zoning changes at various locations in the City of London.

WHEREAS the City of London has initiated a zoning by-law review to make general changes and site-specific changes related to tow truck and impound yard businesses, as shown on the maps attached to this by-law, 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 adding the following new definition:

“TOW TRUCK BUSINESS” means a business that tows any motor vehicle and/or provides towing services but does not include an impound yard.

- 2) Section 2 (Definitions) is amended by deleting the existing definition and replacing it with the following new definition;

“IMPOUNDING YARD” means a place to which disabled motor vehicles, and motor vehicles or other mobile equipment impounded for a breach of the law, may be taken or towed and stored temporarily until reclaimed and may include a tow truck business but does not include an automobile service station, gas bar, or salvage yard.

- 3) Section 2 (Definitions) is amended by deleting the existing definition and replacing it with the following new definition;

“OPEN STORAGE” means the storage of raw materials, equipment, vehicles or other materials in an area not enclosed within a building or structure but this shall not include an automobile parking lot, the outside display for sale or lease of goods and materials in conjunction with a permitted commercial or industrial use, resource extraction operations, a transport terminal, a salvage yard, impounding yards or a storage depot.

- 4) Section 28.2 (Restricted Service Commercial Zone/Permitted Uses) is amended by adding the following additional permitted uses to the RSC1 Zone;

_) Tow Truck Business

- 5) Section 28.2 (Restricted Service Commercial Zone/Permitted Uses) is amended by adding the following additional permitted uses to the RSC5 Zone;

_) Tow Truck Business

_) Impounding yard

- 6) Section 28.3 (Restricted Service Commercial Zone/Regulations) is amended by deleting the title in 6 a) and replacing it with “Self-storage Establishments, Tow Truck Business and Impounding Yards”

- 7) Section 40.2 (Light Industrial/Permitted Uses) is amended by adding “Tow Truck Business“ as an additional permitted use to the LI1 and LI7 Zones.
- 8) Table 40.3 (Light Industrial Zone) Columns B to J, Line 12 is deleted and replaced with “25”.
- 9) Section 41.2 (General Industrial/Permitted Uses) is amended by adding “Impounding Yard” and “Tow Truck Business” as additional permitted uses to the GI1 and GI2 Zones.
- 10) Table 41.3 (General Industrial Zone) Columns B to D , Line 10 is deleted and replaced with “95”.
- 11) Section 42.2 (Heavy Industrial Zone/Permitted Uses) is amended by adding “Impounding Yard” and “Tow Truck Business” as an additional permitted use to the HI1 and HI2 Zones and “Tow Truck Business” to the HI3 Zone.
- 12) Table 42.3 (Heavy Industrial Zone) Columns B to E Line 12 is deleted and replaced with “95”.

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 May 3, 2022.

Ed Holder
Mayor

Michael Schulthess
City Clerk

First Reading – May 3, 2022
Second Reading – May 3, 2022
Third Reading – May 3, 2022

Appendix B – Public Engagement

Community Engagement

Public liaison: On January 10, 2022, Notice of Application was sent to nineteen (19) towing truck/impound yard business owners in the City. Notice of the Zoning Review was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on December 16, 2021.

A meeting with the business owners was also held virtually on Thursday, February 24, 2022. About 50% of the business owners were involved

Eleven (11) replies were received

Nature of Liaison:

The purpose and effect of these possible zoning changes through this City-initiated zoning review is to review the existing definitions and application of zones for these uses and ensure consistency between the City's Zoning By-law and the City's Business Licensing By-law. Possible changes include revised or new definitions, pre-zoning more sites for these uses, removal of these uses from some zones etc. to ensure consistency with the Industrial Places Type policies in the London Plan.

Responses: A summary of the various comments received include the following:

Concern for:

- 1. Very few sites are pre-zoned for tow truck business and impound yard uses without the need for a Zoning By-law amendment.**
- 2. Some larger companies have a monopoly on pre-zoned sites which hinders smaller operators.**
- 3. Light Industrial maximum of 15% outdoor storage doesn't recognize existing situations.**
- 4. "Grandfathering" of existing uses, how long do we have?**
- 5. How long will this non-conforming situation last, some businesses have 2 year leases?**
- 6. No issues have been raised yet with the existing amount of outdoor storage so why is the City concerned about it?**
- 7. Possibility of City Impound Lot for Smaller Operators.**

Responses to Public Liaison Letter and Publication in "The Londoner"

No responses to date

Agency/Departmental Comments

No relevant agency comments

Appendix C – 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 (In effect May 1, 2020)

The relevant sections of the PPS to this zoning review include;

Part I: Preamble

Zoning and development permit by-laws are also important for implementation of this Provincial Policy Statement. Planning authorities shall keep their zoning and development permit by-laws up-to-date with their official plans and this Provincial Policy Statement.

1.2.6 Land Use Compatibility

1.2.6.2 Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:

- a) there is an identified need for the proposed use;*
- b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;*
- c) adverse effects to the proposed sensitive land use are minimized and mitigated; and*
- d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.*

1.3 Employment

1.3.1 Planning authorities shall promote economic development and competitiveness by:

- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*

2) COUNCIL'S STRATEGIC PLAN -2019-2023

There are two strategic areas of focus which apply to this review and include;

Strengthening Our Community

“Ensure that new development fits within and enhances it's surrounding community”- Prepare and implement urban design guidelines.

Growing Our Economy

*“Increase efficiency and consistency for administrative and regulatory processes”-
Improve administrative and regulatory processes and by-law requirements to enhance
London’s competitiveness.”*

3) THE LONDON PLAN

(Council approved June 23, 2019, Ministry approved December 28, 2016,
September 2021 consolidation)

The relevant policies are (with specific references highlighted);

22_ It is also important to build our city so that it offers the foundations for a strong economy and commerce including reliable, efficient and smart forms of infrastructure, easy access to major markets for the movement of information, goods and services, **growth and development opportunities for businesses and industries of all types**, support for our agricultural hinterland, a strong educational infrastructure, outstanding health care, affordable energy, and an assortment of opportunities for innovation and creativity. Long-term job growth and economic prosperity are absolutely fundamental to the success of The London Plan.

55_ Direction #1 Plan strategically for a prosperous city

1. Plan for and promote strong and consistent growth and a vibrant business environment that offers a **wide range of economic opportunities**.
9. Identify and strategically **support existing and emerging industrial sectors**.

58_ Direction #4 Become one of the greenest cities in Canada

14. Pursue opportunities to **remediate and redevelop brownfield sites**.

62_ Direction #8 Make wise planning decisions

2. Plan for sustainability – balance economic, environmental, and social considerations in all planning decisions.
3. Think “big picture” and long-term when making planning decisions – consider the implications of a short-term and/ or site-specific planning decision within the context of this broader view.
8. Avoid current and future land use conflicts – mitigate conflicts where they cannot be avoided.

EMPLOYMENT LANDS

136_ Figure 17 shows employment lands including the majority of existing and planned industrial land in the city. These lands are primarily clustered around the Veterans Memorial Parkway and Highway 401 corridors, which are important connections to the London International Airport and the North American free trade routes. These corridors support the majority of London’s employment areas as defined by the Provincial Policy Statement. They include heavy and light industrial uses, commercial industrial uses, as well as a range of innovation parks and research facilities. Industrial lands can be seen on Map 1 - Place Types of this Plan.

137_ Adequate land is included within the Urban Growth Boundary to ensure there is an ample supply of strategically-sized and located sites for **attracting industrial businesses of various kinds**.

154_ Through our urban regeneration efforts we will:

7. Support the remediation of brownfield sites to create new opportunities for the useful redevelopment of these lands within urban neighbourhoods.

10. **Reduce long-standing land-use conflicts** in urban neighbourhoods

253_ Site layout should be designed to minimize and mitigate impacts on adjacent properties.

269_ Buildings should be sited to minimize the visual exposure of parking areas to the street.

789_8. **The Industrial Place Type allows for a wide range of industrial uses, located in areas where they are unlikely to cause land use planning impacts on adjacent lands and where they meet the locational requirements of such uses.**

HEAVY INDUSTRIAL PLACE TYPE

1109_ The Heavy Industrial Place Type is where those industries that generate significant planning impacts, such as noise, vibration, air emissions, hazardous materials, and **unsightly outdoor storage**, will be permitted. These uses will be **physically separated from other uses to avoid land use conflicts** and to allow them to operate effectively **without regular complaints from adjacent uses**. Appropriate attention will be placed on the stormwater management and sanitary sewer discharge of these uses.

LIGHT INDUSTRIAL PLACE TYPE

1110_ The Light Industrial Place Type is where industries generating more minimal planning impacts will be permitted. It is appropriate to **separate these uses from heavier industrial users, to avoid land use conflicts and to allow for positive industrial environments**. It may also be necessary to separate some uses within the Light Industrial Place Type from sensitive land uses on adjacent lands.

COMMERCIAL INDUSTRIAL PLACE TYPE

1112_ The Commercial Industrial Place Type is where commercial uses will be directed that do not fit well within our commercial and mixed-use place types, due to the planning impacts that they may generate. Permitted commercial uses will have a tolerance for planning impacts created by a limited range of light industrial uses which may also be located within this place type. The Commercial Industrial Place Type will be located in automobile and truck dominated environments, away from neighbourhoods and pedestrian-oriented streetscapes.

HOW WILL WE REALIZE OUR VISION?

1113_ We will realize our vision for the Industrial Place Types by implementing the following in all the planning we do and the public works we undertake:

1. **Separate heavy and light industrial uses to avoid land use conflicts.**

9. In accordance with the Ministry of Transportation's applicable regulations and guidelines, **improve the aesthetic quality and character** of the Highway 401 and 402 corridors by establishing a plan for theming segments of the corridor, introducing **enhanced landscaping in rear yards**, and establishing public monuments and public realm enhancements, **screening open storage areas** and ensuring that future development along these corridors enhances London's image through site layout and building design.

15. Keep the majority of commercial uses out of our Heavy and Light Industrial Place Types.
16. Direct commercial uses that do not fit well within our commercial and mixed-use place types to identified Commercial Industrial areas.

PERMITTED USES IN HEAVY INDUSTRIAL PLACE TYPE

1114_ The following uses may be permitted in the Heavy Industrial Place Type:

1. A broad range of industrial uses that may impose impacts on surrounding land uses due to their emissions such as noise, odour, particulates, and vibration, may be permitted.
2. Uses that have **large amounts of outdoor storage**.
4. Service trades, public and private utilities and related facilities, **large storage facilities, contractors yards, transportation terminals** and heavy equipment sales and services, and residential and other source recycling facilities may be permitted provided they will not detract from the industrial operations of the heavy industrial area.

PERMITTED USES IN LIGHT INDUSTRIAL PLACE TYPE

1115_ The following uses may be permitted in the Light Industrial Place Type:

2. Industrial uses **with large amounts of outdoor storage may not be permitted** in the Light Industrial Place Type, dependent upon the character of the surrounding industrial area, specific policies at the end of this chapter, or any applicable guideline documents

PERMITTED USES IN COMMERCIAL INDUSTRIAL PLACE TYPE

1118_ The Commercial Industrial Place Type will accommodate commercial uses that do not fit well within the context of our commercial and mixed-use place types. These commercial uses tend to have a quasi-industrial character, whereby they may be designed **with large outdoor storage areas, impound areas with high fences**, heavy equipment on-site, or large warehouse components that don't integrate well within streetscapes and neighbourhoods. They may also generate noise, vibration, emissions and other planning impacts beyond those that would be expected within a commercial or mixed-use type.

1119_ The following uses may be permitted in the Commercial Industrial Place Type:

1. Commercial uses that do not fit well within the Downtown, Transit Village, Rapid Transit Corridor, Urban Corridor, Shopping Area, and Main Street Place Types due to their planning impacts may be permitted. Such impacts may stem from:
 - a. Large outdoor storage areas.**
 - b. Impound areas.**
 - d. Storage, display, or parking of heavy equipment.
 - f. Large volumes of regular truck traffic.**
4. Commercial uses that are sensitive to noise, vibration, emissions, the visual impact of outdoor storage and the other potential impacts that may be generated by uses in this place type will not be permitted.

7. A limited range of light industrial uses may be permitted that are compatible with the commercial uses permitted in this Place Type.
8. The Provinces *D-series Guidelines* will be implemented to ensure that the uses permitted in this place type and sensitive land uses are not located inappropriately close to one another.
9. The full range of uses described above will not necessarily be permitted on all sites within the Commercial Industrial Place Type.

TRANSITION FROM INDUSTRIAL USES

1121_ Remnant industrial parcels may exist within residential neighbourhoods, in locations where they are no longer compatible with surrounding land uses. On such parcels we will support the relocation of any remaining industrial land uses and the repurposing of these parcels for land uses that are compatible with the neighbourhood context.

1122_ A review of these areas may be initiated based on a planning application, a comprehensive review, or a City Council direction to initiate a community improvement plan or secondary plan, subject to the policies of the Provincial Policy Statement.

1123_ The Province's D-series Guidelines will be implemented to ensure that industrial uses and sensitive land uses are not located inappropriately close to one another

1124_ The following intensity policies apply within all Industrial Place Types:

3.Height within the Commercial Industrial Place Type will ***not exceed two storeys.***

FORM POLICIES FOR ALL INDUSTRIAL PLACE TYPES

1125_ The following form policies apply to all Industrial Place Types:

2. It is an important goal of this Plan to present a positive image of London to the high volume of people travelling along the Highway 401/402 corridor.

Development adjacent to these corridors will present a high quality of design and enhanced landscaping and tree planting will be required.

3. Enhanced landscaping and improvements to the visual quality of existing industrial development adjacent to Highways 401 and 402 will be encouraged. City Council may establish incentives to induce these improvements.

4. Industrial sites along the Veterans Memorial Parkway will be developed with high-quality design and enhanced landscaping with an abundance of tree planting to contribute to the iconic parkway image as a monument to Canada's war veterans.

5. ***Large open storage areas will be screened with fencing and landscaping*** that is appropriate within the surrounding context and view corridors.

4) ZONING BY-LAW Z-1 (Council approved July 1, 1993)

The following zoning by-law regulations are relevant to this zoning by-law review;

SECTION 1 ADMINISTRATION/ENFORCEMENT AND INTERPRETATION

1.3 NON-CONFORMING USES

- a) Nothing in this by-law applies to prevent the use of any land, building or structure for any purpose prohibited by the zoning by-law if such land, building or structure was lawfully used for such purposes on the day of the passing of this zoning by-law, so long as it continues to be used for that purpose; or
- b) Nothing in this by-law applies to prevent the erection or use for a purpose prohibited by the by-law of any building or structure for which a permit has been issued under subsection 8(1) of the Building Code Act, 1992, prior to the day of the passing of the by-law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under subsection 8(10) of the Building Code Act, 1992. (Z.-1-95377)(Z.-1-162522) (O.M.B. File #R910387 - Appeal #9003-7, 9006-2, 9007-10, 9009-22 (June 4, 1993)

SECTION 2 DEFINITIONS

"EXISTING" means legally existing on the effective date of this By-Law.

"EXISTING DEFINED INDUSTRIAL USE" means the legally existing use on the effective date of this By-law and any other use included within the same definition as defined in Section 2.0 (Definitions) of this By-law. For example, lands containing an existing printers shop, which is defined as a service trade, would permit any uses that conform to the service trade definition. (Z.-1-94260)

"HOME OCCUPATION" means an occupation or business conducted for gain or profit within a dwelling unit by any permanent resident of that dwelling unit. Where the use of the dwelling unit by a permanent resident is for a professional or service office which does not involve external signage, client visitations, and employees such office shall be considered as an accessory use. (Z.-1-97466)

"IMPOUNDING YARD" means a place to which disabled motor vehicles, and motor vehicles or other mobile equipment impounded for a breach of the law, may be taken or towed and stored temporarily until reclaimed, but does not include an automobile service station, gas bar, or salvage yard.

"NON-CONFORMING" means a use, building, structure or any part thereof which was lawfully occupied and/or existed at the date of passing of this By-Law, which does not conform or comply with the permitted uses and/or regulations of the zone in which it is now located.

"OPEN STORAGE" means the storage of raw materials, equipment, vehicles or other materials in an area not enclosed within a building or structure but this shall not include an automobile parking lot, the outside display for sale or lease of goods and materials in conjunction with a permitted commercial or industrial use, resource extraction operations, a transport terminal, a salvage yard, or a storage depot.

"PARKING AREA" means an area or areas of land or a building or structure or part thereof which is provided and maintained for the purpose of temporary parking or storing of motor vehicles accessory to a permitted use. For the purposes of this By-law, for residential uses the calculation of Parking Area Coverage will include all the areas used for Access Driveways, Aisles, Driveways, and Parking Spaces but shall exclude Private Garages. (Z.-1-122125, OMB Order PL121003, July 22, 2013)(Z.-1-132232)

"SALVAGE YARD" means a lot, building or structure used for wrecking, dismantling, storing or selling used goods, wares or materials including, but not so as to limit the generality of the foregoing, rags, bones, bottles, metals, clothing, furniture, paper, machinery, building materials and vehicles and parts thereof.

"STORAGE DEPOT" means an area including reservoir, silo and tank storage; hangers; open air parking; and open air storage. Storage depots exclude salvage yards, resource extraction operations, and wayside pits.

"TAXI ESTABLISHMENT" means a property, site or building used as a dispatch office or an area, site or location intended for the parking of taxis and/or limousines when not engaged in transporting persons or goods.

"TERMINAL CENTRE" means an area of land, a building or a structure or part thereof used by rail and transit terminals; airport terminals; broadcasting and communication terminals; power transmission and control centres; pipeline, pumping and control stations; transport terminals; toxic dispatch centres; and other similar uses.

"TRANSPORT TERMINAL" means a premises used for the transfer of goods primarily involving loading and unloading of freight-carrying trucks, and secondarily, involving the storing, parking, servicing and dispatching of freight-carrying trucks. (Z.-1-93209)

"VEHICLE" means an automobile, truck or other motor vehicle, including motorized construction equipment or farm equipment, a motor home, a motorcycle, a snowmobile, a boat, recreational vehicles, and also including a trailer or farm implement or any other device which is capable of being driven, propelled or drawn by any kind of power, but does not include a bicycle or any other device powered solely by means of human effort.

SECTION 3 ZONES AND ZONE SYMBOLS

1.12 INTERPRETATION OF USE

Where a use is listed in a zone, the interpretation of that use shall not include any other use specifically referred to or otherwise defined in this By-law. (O.M.B. File # R910387 - Appeal #9006-3, 9009-2, 9009-7 June 4, 1993)

SECTION 4 GENERAL PROVISIONS

4.1 ACCESSORY USES

1) ACCESSORY USES PERMITTED IN ALL ZONES

Where this By-Law permits a lot to be used or a building or structure to be erected or used for a purpose, that purpose shall include any building, structure or use accessory thereto, except that no home occupation, open storage or accessory dwelling unit shall be permitted in any zone other than a zone in which such a use is specifically listed as a permitted use...

4.10 HOME OCCUPATION

For home occupations the character of the dwelling as a private residence shall not change and a nuisance such as noise, fumes, dust, odour, traffic or parking shall not be created which would interfere with the enjoyment of the residential amenities of the neighbourhood. Home occupations are permitted in any dwelling unit within a single detached dwelling, semi-detached dwelling, duplex dwelling, converted dwelling, triplex dwelling, fourplex dwelling, townhouse dwelling and accessory farm dwellings subject to the following provisions: (Z.-1- 94293) (Z.-1-051390)

- 1) The home occupation shall be clearly ancillary to the use of the dwelling unit and carried out by a resident of the unit. (O.M.B. File #R 910387 - Appeal #9002 June 4, 1993)
- 3) In no case shall any outdoor use or outdoor storage be permitted. (Z.-1-97466)
- 4) The home occupation shall not involve the use or employment within the dwelling unit of more than one person who does not reside in the dwelling unit. The

function of such non-resident person shall be restricted to a secretarial, accounting, clerical or support role.

- 5) The home occupation shall not involve the use of the premises as a base of operations for persons who are employed by or associated with the home occupation, nor shall the premises be used to assemble or rally such persons for transportation to a work site.
- 13) No additional commercial vehicles shall be permitted in connection with a home occupation. (Z.-1-97466)

4.16 EXISTING USES CONTINUED

- 1) Nothing in this By-law shall prevent the rebuilding or repair of a building or structure lawfully used on the 26th day of June, 2005 for a purpose that, were it not for Section 1.3 (Non-Conforming Uses), is prohibited by this By-law, except where,
 - a) the dimensions of the building or structure are not increased and the yards appurtenant thereto are not reduced except in accordance with the provisions of this By-law; and,
 - b) the building or structure is used for a use which is contained in the list of permitted uses for the zone in which the building or structure is located. (Z.-1-051390)
- 2) Nothing in this By-law shall prevent an extension of or addition to a building or structure lawfully used on the 26th day of June, 2005 for a purpose that, were it not for Section 1.3, is prohibited by the By-law, except where,
 - a) the extension or addition and any existing floor area devoted to the same purpose complies with the regulations of this By-law, pertaining to the zone in which the use is located and any other applicable regulations of this By-law; and,
 - b) the minimum yard or setback required for the extension or addition shall be equal to the minimum yard or setback prescribed in the regulations of this By-law; and,
 - c) the building or structure is used for a use which is contained in the list of permitted uses for the zone in which the building or structure is located. (Z.-1-051390)
- 4) Where the development of any land is approved under Section 41 of the Planning Act and, pursuant to a consent subsequently given under Section 53 of the Act or pursuant to an approval or exemption subsequently given under Section 50 of the Condominium Act, any part of the land is conveyed or otherwise dealt with, the regulations of this By-law are hereby deemed to apply to the land as a whole and to any building or structure thereon in the same manner and to the same extent as if the consent, approval or exemption was not given, so long as the land and any building or structure thereon are used and continue to be used for the purpose for which the development was approved. (Z.-1-95377)

4.17 OPEN STORAGE

1) OPEN STORAGE REGULATIONS

Except as otherwise provided in Clause (2) of this Subsection, no open storage shall be permitted on any lot in any zone, except in accordance with the following provisions: (Z.-1-051390)

- a) No open storage area shall be permitted in any front or exterior side yard, except for the outside display and sales area for goods and materials that are in conjunction with a permitted commercial or industrial use.
- b) No open storage area shall be visible from any street or from any adjacent lot, where such adjacent lot is located in a zone other than a Commercial Zone or an Industrial Zone, and to this end any open storage area shall be screened, wherever necessary in order to comply with this provision, by a planting strip containing an opaque fence, wall or other opaque barrier not less than 2.0 metres (6.6 ft.) in height. (Z-1-051390)
- c) Any open storage area shall be maintained as landscaped open space or provided and maintained with a stable surface, treated so as to prevent the raising of dust or loose particles and drained in accordance with the requirements of the Corporation.
- d) Notwithstanding Paragraph (c) of this Clause, no open storage area shall be considered part of any required landscaped open space.
- e) No parking spaces or loading spaces required by this By-Law shall be used for open storage purposes

4.19 PARKING

11) OTHER PARKING REGULATIONS

- c) No commercial vehicle or motorized construction equipment shall be parked or stored on any part of a lot in a Residential Zone, except for one commercial vehicle which:
 - i) is owned or operated by the occupant of the said lot; and
 - ii) has dimensions not greater than 2.4 metres (7.9 feet) of width, 2.4 metres (7.9 feet) of height above ground, nor 6.0 metres (20.0 feet) of length; and, 85
 - iii) is parked or stored within a building or carport or on a permitted driveway or parking area or within a yard other than a front yard, or exterior side yard; or (Z.-1-97542) ...
- e) No person shall park or store, or permit to be parked or stored, a vehicle on any part of a lot in a residential zone, for the purpose of providing a transfer location, where a person or persons travel to the said lot from another location, to remove or return a vehicle, from or to the said lot. (Z.-1-97542)

SECTION 28- RESTRICTED SERVICE COMMERCIAL (RSC) ZONE

28.1 GENERAL PURPOSE OF THE RSC ZONE

The Zone provides for and regulates a range of moderate intensity commercial uses, and trade service uses, which may **require significant amounts of land for outdoor storage** or interior building space and a location on major streets. (Z.-1- 202871)

28.2 PERMITTED USES

RSC1

RSC5

TABLE 28.3- Column B and C, Row 13- Open Storage (%) Maximum

SECTION 40- LIGHT INDUSTRIAL (LI) ZONE

40.2 PERMITTED USES

- 6)LI6
- 7)LI7

TABLE 40.3- Columns G and H, Row 12

SECTION 41- GENERAL INDUSTRIAL (GI) ZONE

41.1 GENERAL PURPOSE OF THE GI ZONE

This Zone provides for and regulates a broad range of industrial activities which are appropriate in **large industrial areas, or areas not adjacent to sensitive land uses**. The GI1 Zone variation includes the standard range of industrial uses, uses which generally impact adjacent uses. The GI2 Zone variation permits a limited range of auto-type **industrial uses which involve considerable outside storage**. (Z-1-051390)

41.2 PERMITTED USES

- G1
- G2

TABLE 41.3-Columns B and C, Row 10

SECTION 42 * HEAVY INDUSTRIAL (HI) ZONE

42.1 GENERAL PURPOSE OF THE HI ZONE

This Zone provides for and regulates industrial uses which are noxious and which should be separated from sensitive land uses. More general industrial uses will not be permitted in this Zone.

42.2 PERMITTED USES

- HI1
- HI2
- HI3

TABLE 42.3-Columns B, C and D, Row 12

5) CITY OF LONDON BUSINESS LICENSING BY-LAW

(came into force and effect April 3, 2018, on March 23, 2021 Council passed two new categories of business licensing, Tow Truck Business and Impound Yard Storage)

“Motor Vehicle Storage Business” (for cars towed from a parking lot without the owners consent”- Schedule 19).

“Impound Yard Storage Business” (for vehicles towed from an accident scene lots- Schedule 20)

“Towing Business” (means the “unsolicited” towing of vehicles from parking lots)

“Tow Truck Business” (means the towing of vehicles from an accident scene)

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: in paragraph 5, Economic, social and environmental well-being of the municipality; in paragraph 6, Health, safety and well-being of persons; in paragraph 7, Services and things that the municipality is authorized to provide under subsection (1); in paragraph 8, Protection of persons and property; in paragraph 11 Business Licensing;

AND WHEREAS the Municipal Council for The Corporation of the City of London considers it necessary and desirable for the public to exercise its licensing powers for the purposes of:

- a) Health and safety including health and safety of service providers and consumers and patrons; and/or
- b) Nuisance control; and/or
- c) Consumer protection; and/or
- d) Suppressing conditions conducive to crime;

SCHEDULE 19

UNSOLICITED MOTOR VEHICLE TOWING AND STORAGE

1.1 1.0 DEFINITIONS

1.1 In this Schedule:

“Motor Vehicle Storage Business” means a business that stores any motor vehicle towed from a Parking Lot without the consent of the owner or operator of such motor vehicle;

“Parking Lot” means any parking area, structure or building intended for the use of parking motor vehicles;

“storage of a motor vehicle” means the storage of any motor vehicle towed from a Parking Lot without the consent of the owner or operator of such motor vehicle;

“tow” means to tow or remove a motor vehicle without the consent of the owner or operator of the motor vehicle and “towing” has a corresponding meaning; and

“Towing Business” means a business that tows any motor vehicle without the prior consent of the owner or operator of such vehicle from a Parking Lot.

1.2 For the purpose of interpreting the phrase **“without the consent of the owner or operator”** in reference to a motor vehicle in this Schedule:

1. the consent to the towing of a motor vehicle is given in any circumstance where the consent of the owner or operator is given in either oral or written form directly to the towing company or its employee prior to the towing of the motor vehicle;
2. in any circumstance other than mentioned in paragraph (a) above, the owner or operator shall be taken not to consent to the towing of the motor vehicle; and
3. without restricting the generality of paragraph (b) above, the circumstance mentioned in paragraph (a) does not include any circumstance where a consent

to towing is attributed to or is deemed to be given by the owner or operator of the motor vehicle as a condition or consequence of the motor vehicle being admitted to or being parked in the Parking Lot or where a consent to towing is given by the owner or operator of the Parking Lot as agent of the owner or operator of the motor vehicle.

1.2 **2.0 APPLICATION OF THIS SCHEDULE**

2.1 This Schedule does not apply to the towing of a motor vehicle from a lane located on private property where the lane is used or intended for the purpose of gaining access by a motor vehicle to all or some portion of the property and where signs are posted on the lane prohibiting the parking of motor vehicles on the lane.

1.3 **3.0 LICENCE CATEGORIES:**

3.1 The following categories of licences are established:

1. Towing Business; and
2. Motor Vehicle Storage Business.

1.4 **4.0 POWERS OF THE LICENCE MANAGER**

4.1 In addition to any other power, duty or function prescribed in this By-law, the Licence Manager may make regulations under this Schedule including:

1. prescribing signage that must be posted in a Parking Lot as a condition precedent for towing a motor vehicle under subsection 6.3(a) of this Schedule including without limitation, the manner, form, size, location and content of such signage;
2. prescribing the information that a Towing Business licence holder must provide to the London Police Service under section 6.1 of this Schedule prior to towing a motor vehicle from a Parking Lot; and
3. prescribing the form, content, media and information for the log book that a Towing Business licence holder must maintain under section 6.2 of this Schedule.

1.5 **5.0 PROHIBITIONS**

5.1 No person shall operate a Towing Business without a current valid licence issued under this By-law.

5.2 No person shall operate a Motor Vehicle Storage Business without a current valid licence issued under this By-law.

1.6 **6.0 REGULATIONS**

6.1 Every holder of a Towing Business licence shall, immediately prior to towing a motor vehicle from a Parking Lot, provide the London Police Service with all of the information prescribed by the Licence Manager.

6.2 Every holder of a Towing Business licence shall maintain a log book in the form and containing the content and information prescribed by the Licence Manager of all motor vehicles towed by them from a Parking Lot.

6.3 No holder of a Towing Business licence shall:

1. tow any motor vehicle from a Parking Lot which is not posted with one or more signs prescribed by the Licence Manager;
2. charge or accept from any person any amount for the towing of a motor vehicle from a Parking Lot other than the amount set out in Schedule 19A of this By-law;

3. charge any amount, whether fixed or calculated at a rate based on any unit of time, for waiting in respect of the towing of a motor from a Parking Lot;
4. charge or accept from any person any amount for a service not mentioned in Schedule 19A of this By-law in respect of the towing of a motor vehicle from a Parking Lot.

6.4 No holder of a Motor Vehicle Storage Business licence shall:

1. charge or accept from any person any amount for the storage of a motor vehicle other than the amount set out in Schedule 19A of this By-law;
2. charge any amount, whether fixed or calculated at a rate based on any unit of time, for waiting in respect of the storage of a motor vehicle;
3. charge or accept from any person any amount for a service not mentioned in Schedule 19A of this By-law in respect of the care or storage of a motor vehicle;
4. close the premises used for the storage of a motor vehicle during any time the premises is required to remain open in accordance with Schedule 19B of this By-law for the purpose of enabling an owner or operator to recover possession of their motor vehicle.

6.5 Despite the *Repair and Storage Liens Act*, no person who tows a motor vehicle from a Parking Lot and no person who stores that motor vehicle shall be entitled to retain possession of the motor vehicle or to a lien for the costs and charges of the removal, towing, care or storage of the motor vehicle:

1. unless immediately before being towed the motor vehicle was parked in the Parking Lot for a continuous period of 24 hours or more; or
2. unless the motor vehicle is stored for a continuous period of 7 days or more.

SCHEDULE 19A

MAXIMUM TOWING AND STORING RATES

1. The charge for the cost of towing and storage of a motor vehicle towed from a Parking Lot without the consent of the owner or operator of the vehicle shall be:

SERVICE	MAXIMUM CHARGE
Towing	\$75.00 plus H.S.T.
Daily Storage	\$10/day plus H.S.T.
Maximum Storage Fee	\$70 plus H.S.T.

SCHEDULE 19B

STORAGE LOCATION OPERATING HOURS

DAY	HOURS
Monday through Sunday, unless the day is observed as a holiday	9 am to 10 pm

In this Schedule, “holiday” means New Year’s Day, Victoria Day, Canada Day, Civic Holiday, Labour Day, Thanksgiving Day, Christmas Day and Boxing Day.

Schedule '20'

TOW TRUCK BUSINESS & IMPOUND YARD STORAGE BUSINESS

1.0 DEFINITIONS

1.1 In this Schedule:

"Accident Scene": means the general location or place where an incident or accident occurred involving a Motor Vehicle(s).

"Highway": means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

"Highway Traffic Act": means the Highway Traffic Act, R.S.O. 1990, as amended.

"Impound": means to restrain or immobilize a motor vehicle.

"Impound Yard Storage Business": means the business of storing vehicles once they are towed from an Accident Scene.

"Local Road": means roads contained within the boundaries of the Municipality of the City of London.

"Motor Vehicle": means a motor vehicle as defined in the Highway Traffic Act.

"Tow Truck Business": means the business of providing Towing Services at an Accident Scene.

"Tow Truck Operator": means a person who operates a Tow Truck offering Towing Services.

"Towing Services": mean the provision or use of a tow truck including the assistance of the owner, operator, driver, or any passenger of a vehicle through the use of the equipment on or used in conjunction with the tow truck for the pulling, towing, carrying, or lifting of a motor vehicle at a place located within the City of London.

"Tow Truck": means a Motor Vehicle that is designed, modified or used for pulling, towing, carrying or lifting of other Motor Vehicles with or without the assistance of lifts, winches, dollies, trailers or any like equipment.

"Vehicle": means vehicle as defined in the Highway Traffic Act.

2.0 LICENCE CATEGORIES:

2.1 The following categories of licenses are established:

- (a) Tow Truck Business; and
- (b) Impound Yard Storage Business

3.0 PROHIBITIONS:

3.1 No person shall operate a Tow Truck Business without a current valid licence issued under this By-law.

3.2 No person shall operate an Impound Yard Storage Business without a current valid licence issued under this By-law.

3.3 No holder of a Tow Truck Business Licence shall permit a Tow Truck to safely park, stop, stand, make or convey an offer of Towing Services, within two hundred (200) metres of an Accident Scene unless directed by a police officer, a firefighter, or person involved in the accident, or if there is not a sufficient number of tow trucks already at the Accident Scene to deal with all vehicles that apparently require the services of a Tow Truck.

3.4 No Tow Truck Operator parked, stopped or standing within two hundred (200) metres of an Accident Scene shall fail to immediately follow the direction of any police officer, firefighter or emergency medical services (EMS) including, but not limited to moving the Tow Truck two-hundred (200) metres from the Accident Scene.

3.5 No holder of a Tow Truck Business Licence shall charge or accept from any person any amount for Towing Services in contravention of the prescribed administrative regulations.

3.6 Every holder of a Tow Truck Business Licence shall provide Towing Services associated with a licenced Impound Yard Storage Business within the boundaries of the City of London.

3.7 No holder of an Impound Yard Storage Business Licence shall charge or accept from any person any amount for storage services at an Impound Yard in contravention of the prescribed administrative regulations.

4.0 POWERS OF LICENCE MANAGER

4.1 In addition to any other power, duty or function prescribed in this By-law, the Licence Manager may make regulations under this Schedule including:

- (a) prescribing signage that must be posted in an Impound Yard Storage Business as a condition for storing a Motor Vehicle including without limitation, the manner, form, size, location and content of such signage;
- (b) prescribing Towing fees;
- (c) prescribing Impound Yard Storage fees;
- (d) prescribing hours of operation of Impound Yards Storage Business;
- (e) prescribing the content of a registry for Tow Truck Business.