



**Meeting Date: May 18, 2022**

**Submitted by: Marion-Frances Cabral, Planner**

**Report No: PLA-29-2022**

**Subject: Application for Zoning By-law Amendment (ZBA-04-2022) for 13178 Ilderton Road; Filed by Andrew Douglas on behalf of 1917155 Ontario Inc.**

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**Recommendation:**

THAT Report PLA-29-2022 for the purposes of Zoning By-law Amendment application (ZBA-04-2022), filed by 1917155 Ontario Inc., to rezone the lands from “Urban Residential First Density’ to a new site-specific ‘Urban Residential Third Density (UR3-x)’ zone for the land known municipally as 13178 Ilderton Road, Municipality of Middlesex Centre, be RECEIVED FOR INFORMATION.

**Purpose:**

The purpose of this report is provide Council with information regarding a rezoning application on the subject land from ‘Urban Residential First Density (UR1)’ to a new site-specific ‘Urban Residential Third Density (UR3)’ zone. The rezoning application is to facilitate the construction of a new building for multiple unit dwelling with a maximum of 5 dwelling units. The site-specific standards would address the location of the proposed building, density, and existing lot. The land is located on north side of Ilderton Road and east of Timberwalk Trail in Ilderton.

**Background:**

The Zoning By-law Amendment application requests to rezone to a new site-specific ‘Urban Residential Third Density (UR3-x)’ zone to permit a multiple unit dwelling with the following site-specific provisions:

- Minimum lot area: 175 m<sup>2</sup> (1, 884 ft<sup>2</sup>) per dwelling unit
- Minimum lot frontage: 20 m (65.6 ft)
- Minimum front yard setback: 1 m (3.3 ft)
- Minimum side yard setback: 5 m (16 ft) to east property line, 3 m (9.8 ft to west property line
- Maximum density: 57 units per hectare

The applicant proposes to remove the existing single detached dwelling and erect a new structure to accommodate the multiple dwelling units. The new structure is proposed to be located in approximately the same area as the existing single detached dwelling. The proposed height of the building will be approximately 10 m (33 ft) and be approximately 289.9 m<sup>2</sup> (3, 120 ft<sup>2</sup>) in size. An existing driveway off Ilderton Road will be maintained and act as the driveway for the proposed use.

Five units are proposed and each unit will have an independent access from the exterior at ground level and will be located on the east side of the building. The entrances are not clustered and located from the front to the rear.

Two main floor units are proposed to be accessible units with exterior ramps from the parking area to the unit entrances. Two units are proposed on the second floor and 1 unit is proposed on the basement floor. All units are proposed to contain 2 bedrooms and 2 bathrooms. A portion of the basement would be used as a common area by all tenants for storage. The proposal contains a parking area to the rear (north) side of the property abutting the arena. Seven parking spaces are proposed including 2 accessible parking spaces. The parking lot will also contain space for garbage storage adjacent to the arena. Common amenity area will be located to the side and rear of the building abutting the Cenotaph and arena parking lot.

In support of the rezoning application, the applicant has filed an associated Site Plan application (File SP04-2022). The applicant is working with staff to provide the necessary documentation and plans, therefore, the Site Plan application has not been deemed complete but will be required prior to development on the land.

Preliminary information has been provided by the applicant including the proposed site plan and elevation drawings appended to this report as Attachments 2 and 4, respectively.

The subject land is approximately 1, 011.7 m<sup>2</sup> (10, 890 ft<sup>2</sup>) in area and located on the north side of Ilderton Road and east of Timberwalk Trail. The land has been used for residential uses for over 70 years. The Ilderton Arena and community centre is located to the west and north of the property. Industrial uses are located to the north along King Street. Residential uses along Ilderton Road exist to the east and west. Commercial and residential uses exist on the south side of Ilderton Road.

### **Policy Regulation:**

The subject land is identified as part of the Ilderton 'Settlement Area' in Middlesex County's Official Plan and designation as 'Village Centre' within Middlesex Centre's Official Plan. The property is zoned 'Urban Residential First Density (UR1)' pursuant to the Middlesex Centre Comprehensive Zoning By-law. As such, the policies and provisions below are applicable to the land.

Provincial Policy Statement, 2020:

The *Planning Act* states that all decisions made by planning authorities “shall be consistent with the policy statements issued” under subsection 3. The Provincial Policy Statement, 2020 (PPS) document is comprised of several policy statements and summary of those that are applicable to the proposed development are noted below.

Section 1.0 – Building Strong Healthy Communities establishes policies that support long-term prosperity, environmental health and social well-being within communities.

Section 1.1 of the PPS identifies that healthy communities are sustained by accommodating an appropriate range and mix of uses, avoiding development patterns that cause environmental concerns, and promoting cost-effective development patterns that optimize the use of planned and future infrastructure.

Section 1.1.2 requires municipalities to accommodate an appropriate range and mix of land uses to meet projected land needs for a time horizon of up to 25 years. Within settlement areas land is to be made available through intensification and redevelopment.

Section 1.1.3 – Settlement Areas establishes that settlement areas can vary in size, population, and diversity and intensity of land uses. The PPS directs growth and development to settlement areas where new development varies in densities and land uses, and there are opportunities for intensification, redevelopment, and the efficient use of land. New development patterns are based on the efficient use of land that minimize negative impacts to the environment, support active transportation and are appropriate for the infrastructure and public service facilities.

Sections 1.1.3.4 and 1.1.3.6 promote intensification, compact development, varying uses and densities where it avoids or mitigates risks to public health and safety and is adjacent to the existing built-up area. Section 1.1.3.5 also allows municipalities to establish a minimum target for intensification within built-up areas subject to local conditions.

Section 1.3.1 - Employment promotes economic development and supports the provision for opportunities of employment. The PPS directs that municipalities provide an appropriate mix and range of employment uses to meet long-term needs and provide opportunities for a diversified economic base. This includes maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and take into account the needs of existing and future businesses

Section 1.4 – Housing speaks to the provision of housing within a municipality. The PPS promotes an appropriate range and mix of housing types and densities and directs development of new housing towards areas where there is an appropriate level of infrastructure. Municipalities are to provide opportunities for all forms of housing and intensification to meet the social, health and well-being needs of the current and future community.

## Middlesex County Official Plan:

The County of Middlesex Official Plan (County Plan) identifies the subject land as within the Ilderton 'Settlement Area'.

Section 2.3.8 – Growth Management-Settlement Areas of the County Plan recognizes that Settlement Areas will be the focus for future growth including commercial, industrial and residential uses. These areas are intended to have the highest concentration and a wide range of land uses and full municipal servicing in conjunction with 2.4.5 of the County Plan.

Section 2.3.4 – Economic Development of the County Plan identifies economic development as an important component of the growth management strategy. Many of the goals and objectives in the County plan are dependent on economic activity and opportunities for residents to live and work in the County. The County Plan supports a diverse economic base and that a sufficient supply of employment land in accessible locations is available throughout the County.

Additionally, section 2.3.7 – Growth Management-Housing Policies encourages a wide variety of housing types, sizes and tenure to meet market requirements and demand for current and future residents. Municipalities are responsible to determine and encourage a range of housing types, densities and options through local official plans that meet current and future needs. This can also include intensification and redevelopment in appropriate locations.

Section 2.4.2 – Transportation Network is a system of roads, highways and railways that provide inter-municipal services to move people and goods. There is an identified need to plan the transportation network and the County Road system to protect the rights-of-way for future improvements. County roads, like Ilderton Road, function as arterial or collector roads and provide for the efficient movement of traffic between provincial freeways and collector roads. As a result, the County shall discourage development that would inhibit traffic movement along the County road system. Agricultural, industrial, commercial and open space land uses are considered appropriate land uses adjacent to arterial County roads. The County shall limit direct access to County Roads and review transportation studies if development proposals are likely to generate significant traffic. Further, in this section the County's OP directs development to provide safe, convenient and visually appealing pedestrian facilities in Settlement Areas.

Section 3.2 – Settlement Areas provides additional development policies for lands within Settlement Areas. The County Plan further supports that Settlement Areas are developed in a manner that is phased and compact, and preserves the historic character of Settlement Areas and complements the positive elements of the existing built-form. The County Plan defers to the municipality to provide detailed direction on a variety of areas including addressing land supply and policies for land uses within urban areas including residential and commercial.

With regard to municipal sanitary sewers and water services, Section 2.4.5 – Sanitary Sewers and Water of the County Plan promotes efficient and environmentally responsible development that can be supported by full municipal systems servicing.

Middlesex Centre Official Plan:

The Middlesex Centre Official Plan (Official Plan) shows the land located within the Ilderton Urban Settlement Area on Schedule A-1 and designated 'Village Centre'.

Section 5.3.1 – Settlement Village Centre Goals include being the gathering place for the settlement and agricultural residents, maintaining unique identities and characteristics of the Village Centre, encouraging and facilitating strategic improvements to the Village Centre that are compatible with adjacent residential, encouraging access through multiple travel options, including pedestrian and cycling traffic and lastly establishing or strengthening linkages between Village Centres, and the tourism industry within the Municipality.

Section 5.3.2 – Settlement Village Centre Policies are include:

- a) Village Centres should be established and maintained in Urban and Community Settlement Areas as the centres of retail and services, community gathering, and community identity in the Municipality.
- b) Village Centres are planned to function as traditional village main streets that provide for daily and weekly convenience and general retail and service needs for the settlement area and the surrounding agricultural community. Such centres will also represent the commercial and social focal points for the settlement area and its surrounding farm communities.
- c) Infilling within Village Centres is encouraged. The physical form of such infilling should be compatible with existing development and the character of the individual Village Centre. Wherever possible, infilling should enhance the existing pattern of buildings, sidewalks and streets.
- d) Mixed use buildings are encouraged within Village Centre areas.
- e) Village Centre areas should remain as compact as possible. Consistency in terms of building massing, scale and setback are encouraged. Building designs that allow for separate access to second and third stories along the street are strongly encouraged.
- f) In the context of new development, the preservation and reuse of buildings with architectural or historical merit is strongly encouraged.
- g) Parking within Village Centres will be provided in the context of new development. Cash in-lieu of parking may be collected by the municipality to facilitate the establishment of appropriately located municipal parking. All parking will be

designed and landscaped to de-emphasize its effect on the physical appearance of the Village Centre.

- h) Development shall be subject to the policies in Section 6.0 and in Section 10.5 of this Plan and shall have regard for the Municipality's Site Plan Manual and Urban Design Guidelines.

The proposed Official Plan update also encourages medium to high residential density development within Village Centres in relation to subsection e) noted above.

Section 5.3.3 – Settlement Village Centre Permitted Uses include the following:

- a) Commercial uses, including general and convenience retail, personal services, and office uses.
- b) Restaurants, hotels, compatibly scaled entertainment / recreational facilities, and open space or parkland.
- c) Residential uses, so long as they do not negatively disrupt the compact nature, and commercial and service use focus, of Village Centres. Residential uses above ground floor commercial uses are encouraged.
- d) Institutional and civic uses such as municipal offices and functions, post offices, schools and libraries.

Section 5.2.3 – Policies for Multiple Dwellings in Residential Areas permits townhouses, low and medium rise apartments and other forms of multiple dwellings subject to 6 criteria including location and proximity to parks and schools, compatible densities, proximity to major roadways, avoidance of clustering, proximity to village centres, and requirement for site plan approval.

Section 6.3 – Design Policies-Site Plans and Infill Developments provides additional direction to guide infill development to ensure there is compatibility with existing residences and neighbourhoods. High quality site design and architectural design is encouraged for new medium density residential development. Setbacks, massing, location of parking, architecture and other design elements will be carefully reviewed to ensure new development is in keeping with the character of the neighbourhood. Parking areas should be de-emphasized through appropriate placement and through well designed landscaping.

Section 9.3.1 – Settlement Area Municipal Services requires full municipal services for all land use and development proposals within the urban settlement area. Services and utilities shall be provided in an orderly and coordinated manner.

Middlesex Centre Zoning By-law:

The subject land is zoned 'Urban Residential First Density (UR1)' which permits a single detached dwelling, home occupation, and accessory use.

The request to rezone to a new site-specific 'Urban Residential Third Density (UR3)' zone will permit 5 dwelling units within a new multiple dwelling unit building. A summary of the requested changes to the 'Urban Residential Third Density (UR3)' zone are shown in the table below:

	<b>Required (UR3 zone)</b>	<b>Proposed</b>
Permitted Uses	accessory use apartment dwelling multiple unit dwelling street townhouse dwelling townhouse dwelling	multiple unit dwelling accessory use
Minimum Lot Area*	250.0 m <sup>2</sup> (2, 691 ft <sup>2</sup> ) per dwelling unit	<b>176.3 m<sup>2</sup> (1 ,898.1 ft<sup>2</sup>) per dwelling unit</b> (after County Road land dedication and correction of property lines)
Minimum Lot Frontage*	30.0 m (98 ft)	<b>20.117 m (66 ft)</b>
Minimum Lot Depth	35.0 m (115 ft)	43.829 m (143.8 ft)
Minimum Front Yard Setback*	In accordance with Section 4.16 of the Zoning By-law  All other roads - 6.0 m	<b>1.0 m (3.3 ft)</b> (from property line after County Road land dedication)
Minimum Side Yard Setback*	10.0 m (33 ft)	<b>5.0 m (16.4 ft) on east side from property line to accessible ramp</b>  <b>3.0 m (9.8 ft) on west side</b>
Minimum Rear Yard Setback	8.0 m (26 ft)	18.476 m (60.6 ft)
Minimum Floor Area	65.0 m <sup>2</sup> (700 ft <sup>2</sup> ) per two bedroom dwelling unit	105.9 m <sup>2</sup> (1, 140 ft <sup>2</sup> ) per dwelling unit

	<b>Required (UR3 zone)</b>	<b>Proposed</b>
Maximum Height	20.0 m (66 ft)	10 m (33 ft)
Minimum Outdoor Amenity Area	45.0 m <sup>2</sup> (484 ft <sup>2</sup> ) per dwelling unit	46.82 m <sup>2</sup> (504 ft <sup>2</sup> ) per dwelling unit
Maximum Density*	30 units per hectare	<b>57 units per hectare</b>
Maximum Lot Coverage	Main building – 35%  All buildings including accessory buildings subject to Section 4.1 a) – 38%	Main building – 33.7 %
Parking Spaces*	Minimum parking space requirement: 1.5 spaces per apartment dwelling	<b>7 parking spaces</b>
Parking Regulation – Yard Where Permitted	In any Residential Zone, a driveway shall not exceed fifteen percent (15%) of the total area of the lot.  Except as otherwise provided herein, uncovered surface parking areas and driveways shall be permitted in any part of any yard, provided that any part of a parking area located within a required yard shall be separated from any lot lines adjacent to such required yard by a planting strip not less than 1.0 metre (3.3 ft) in width.	<i>*to be confirmed by applicant*</i>

**Consultation:**

Notice of the revised application was posted and circulated to agencies and property owners in accordance with the *Planning Act* and Ontario Regulation 545/06.



## **Public Comments:**

At the time of writing the subject report planning staff received one letter from an area resident concerned about the location of the south balcony on the second storey and potential loss of privacy.

## **Agency Comments:**

The Municipality's Chief Building Official did not provide comments at the time of writing this report. However, additional comments will be provided related to the rezoning and during review of the site plan application.

The Municipality's Public Works and Engineering Department reviewed the rezoning application and did not identify concerns with the application. However, staff have been working with the applicant to address matters related to the site plan application such as the parking lot area, property boundary limits as it relates to the Ilderton Arena property and County Road land dedication, and servicing and stormwater management. Further comments will be provided during review of the site plan application.

The County of Middlesex Engineer noted that land dedication may be necessary to accommodate for future road widening and that the location will be required to be setback from the County Road in compliance with the zoning by-law. No on-street parking would be provided in front of the dwelling.

Planning Staff pre-consulted with the applicant and noted the intent of the Village Centre designation is to support economic development, tourism, and commercial development. Staff requested that the front or main floor of the building be dedicated to provide some commercial use (e.g. professional office) in adherence with the Village Centre goals. Staff continue to support the position to accommodate some commercial uses in conformity with the Official Plan. However, it is recognized that residential uses are permitted so long as they do not negatively disrupt the compact nature and commercial and service use focus of Village Centres. The location and size of the land, and proximity to compatible residential and community uses would support intensification and could be considered an alternative to low-density development.

Further, planning and engineering staff recognize that parking spaces for the proposed development does not meet the zoning by-law requirements at the rate of 1.5 spaces per unit. Staff have requested that the applicant provide additional spaces to accommodate all tenants and visitors on-site. This is also to avoid overflow parking in the arena parking lot and recognition that no on-street parking in front of the dwelling is permitted along Ilderton Road. The additional parking spaces will reduce the amount of amenity area available to the future residents. The applicant will confirm the details in their site plan submission.

## **Financial Implications:**

None.

**Strategic Plan:**

This matter aligns with following strategic priorities:

- Balanced Growth

**Attachments:**

Attachment 1 – Location Map

Attachment 2 – Site Plan

Attachment 3 – Development Proposal - Letter

Attachment 4 – Elevation Drawings