



Meeting Date: February 15, 2023

Submitted by: Marion-Frances Cabral, Planner

Report No: PLA-11-2023

Subject: Application for Zoning By-law Amendment (ZBA-14-2022) for 2 Park Crescent and V/L Park Crescent; Filed by Rob Sanderson on behalf of Victoria Sanderson, Rob Sanderson and Lisa Sanderson

Recommendation:

THAT Zoning By-law Amendment application (ZBA-11-2023), as amended, filed by Robert Sanderson on behalf of Victoria Sanderson, Rob Sanderson and Lisa Sanderson, to rezone the lands from 'Hamlet Residential First Density exception 1 (HR1-1)' and 'Institutional' to 'Hamlet Residential First Density exception 15 (HR1-15)' and 'Hamlet Residential First Density exception 16 (HR1-16)' zones for the land known municipally as 2 Park Crescent and V/L Park Crescent, Municipality of Middlesex Centre, be APPROVED, and that the implementing By-law be forwarded to Council for consideration once a deposited reference plan has been provided to the satisfaction of the Municipality.

Purpose:

The purpose of this report is provide Council with a recommendation regarding a rezoning application on the subject lands from 'Hamlet Residential First Density exception 1 (HR1-1)' and 'Institutional (I)' to a new site-specific 'Hamlet Residential First Density (HR1)' zone.

The rezoning application is to fulfill a condition of consent (File: B-13-2022) which adjusted the property boundaries between 2 lots. The site-specific zone would address the proposed lot sizes, and recognize the existing house, and to permit residential uses on the property currently zoned for institutional uses.

A location map is included as Attachment 1.

Background:

The Zoning By-law Amendment application requests to rezone to a new site-specific 'Hamlet Residential First Density (HR1)' zone for the proposed lots. Specifically the site-specific provisions are as follows:

- Minimum lot frontage: 30 m (98 ft)
- Minimum lot area: 1, 950 m² (0.48 ac)
- Minimum rear yard setback – 2.3 m (7.5 ft) for an existing single detached dwelling

As a result of the rezoning, each lot would permit a single detached dwelling and accessory buildings on private servicing. Two (2) Park Crescent contains an existing single detached dwelling and accessory building, and will have frontage on Poplar Hill Road. The Vacant Land on Park Crescent will have frontage on Park Crescent.

The lands are bound by Poplar Hill Road (County Road 16) on the west, Park Crescent to the north and Currie Court to the east in Poplar Hill. The lands are surrounded by residential and municipal/community uses.

Policy Regulation:

The subject lands are identified within the Poplar Hill & Coldstream 'Hamlet Area' in Middlesex Centre's Official Plan, and zoned 'Hamlet Residential First Density exception 1 (HR1-1)' and 'Institutional (I)' within 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 1.4 – 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.

Section 1.6.6 – Infrastructure and Public Service Facilities outlines the hierarchy for sewage and water services. Generally, the preferred method of servicing is full municipal services. Where this is not available communal or partial services may be permitted within settlement areas to allow for infilling or minor rounding out of existing development provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

Middlesex County Official Plan:

The subject lands are designated 'Agricultural Areas by the County of Middlesex Official Plan. Section 3.2 of the Plan directs growth to settlement areas, and promotes a variety of housing types within Settlement Areas

Section 2.3.8.3 – Hamlets in Agricultural Areas states that within the Agricultural Area there are existing designated hamlets that are not Urban or Community Areas such as the Poplar Hill and Coldstream Hamlet Area. These hamlets may have the potential to accommodate some future development. Infilling, rounding out and minor extensions of these existing hamlets may be permitted subject to the provision of the appropriate types and levels of servicing. A Settlement Capability Study may be required depending on the scale of development proposed. New lots shall generally be created through the consent process.

Section 2.4.2 – Transportation Network identifies that County Roads such as Ilderton Road generally function as arterial or collector roads and direct private access is controlled through By-law 5783 of the County of Middlesex. The County road system provides for the efficient movement of traffic between provincial freeways and highways and local roads. The County shall discourage development which would inhibit traffic

movement along the County road system. The cumulative impact of individual private accesses to the County Road system compromises the underlying function of this

Section 2.4.5 – Sanitary Sewers and Water promotes efficient and environmentally responsible development which is supportable by appropriate water supply and sewage disposal types and levels. Where partial municipal services are considered the supporting studies shall address all servicing options. The County Plan encourages development on municipal water and sanitary sewer systems. Where local municipalities do not provide or demonstrate a strong potential to provide full municipal water and sewage treatment facilities, development other than infilling will require a Settlement Capability Study as outlined in Section 2.3.6 – Settlement Capability Study.

Section 2.4.7 – Groundwater Management and Protection identified that groundwater is a major source of water for domestic, industrial, commercial and agricultural uses in the County and it is imperative that this resource be protected in order to ensure a sustainable and safe supply to those residents and businesses that rely on it. General policies will provide guidance with respect to the protection and management of groundwater resources including the “(c) implementation of restrictions on development and site alteration to protect all municipal drinking water supplied and sensitive groundwater features”.

Middlesex Centre Official Plan:

Middlesex Centre’s Official Plan designates the subject lands as ‘Hamlet’ within the Poplar Hill and Coldstream Hamlet Area.

Section 5.1.3 – Hamlet Settlement Areas states that lands within the ‘Hamlet’ designation include residential, commercial, industrial, and parks and recreation uses. Specific lands shall be established in more detailed through the zoning by-law. Hamlet Areas are expected to accommodate only limited future development, through infilling within the existing settlement boundaries. New lots shall generally be created through the consent process.

New development within Hamlet Areas must be serviced by acceptable servicing standards. Where partial municipal services are considered, supporting studies must address all applicable servicing options and establish that the development may proceed appropriately on partial municipal services.

Section 9.3.1 – Settlement Area Municipal Services recognizes that Poplar Hill-Coldstream is serviced by private sanitary service systems and individual wells. All lots affected by an application for severance shall be sized such that there is sufficient space for a building envelope, sewage envelope, sewage system contingency area, and potable water supply if municipal water is not available.

Middlesex Centre Zoning By-law:

The subject land is zoned 'Hamlet Residential First Density exception 1 (HR1-1)' and 'Institutional (I)' which permits a variety single detached dwelling and accessory residential uses and institutional uses, respectively.

The request seeks to rezone to a new site-specific 'Hamlet Residential First Density (HR1-1)' zone. A summary of the requested changes are shown in the table below:

	Current HR1-1 Zone	Proposed new zone
Minimum Lot Area	2, 000m ² (0.5 ac)	1, 950 m ² (0.48 ac)
Minimum Lot Frontage	30.0 m (98 ft)	30.0 m (98 ft)
Minimum Rear Yard Setback	8.0 m (26 ft)	2.3 m (7.5 ft) (applicable to 2 Park Crescent only)

Existing non-complying buildings, including the accessory structure that exists on 2 Park Crescent may continue to be used subject to Section 4.22 of the Zoning By-law related to Non-Complying Buildings and Structures on New Lots. Where an existing building or an existing structure on a lot altered as a result of a consent being given following the effective date and having less than the minimum setback and/or minimum front, side, or rear yard permitted by this By-law, the existing building or structure may be used, altered, repaired, renovated or replaced provided the external dimensions of the building or structure remain as they were on the day the lot was altered.

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 the public meeting staff did not receive comments from area residents.

Agency Comments:

The Municipality's Chief Building Official did not provide comments related to the zoning by-law amendment application. However, the development proposal was reviewed during review of the consent application.

The Municipality's Public Works and Engineering Department did not provide comments related to the zoning by-law amendment application.

The County Engineer did not provide comments related to the zoning by-law amendment application.

Analysis:

To consider the appropriateness of the requested zoning by-law amendment it must conform to the Official Plan and maintain the intent of its policies. The Official Plan encourages infill development in existing settlement areas subject to appropriate servicing standards. Within the Hamlet areas infill opportunities for residential, commercial, industrial, and institutional uses can be considered where it is complementary to surrounding uses and limited in scale.

Staff consider the requested amendment appropriate for the lands as it is consistent with the existing lot fabric within the community and facilitates development on underutilized land. The applicant has also provided supporting material to demonstrate that the proposed lots will be suitable for residential development on private services and they will need to address other technical and engineering conditions related to the consent application before development may be able to proceed.

Staff reviewed the proposed standards for the new site-specific zone and find them appropriate to accommodate residential development on both lots. However, staff recommend creating 2 separate site specific 'Hamlet Residential First Density' zones as noted below.

- 2 Park Crescent – Proposed HR1-15
 - o Minimum lot frontage: 30 m (98 ft)
 - o Minimum lot area: 1, 950 m² (0.48 ac)
 - o Minimum rear yard setback – 2.3 m (7.5 ft) for an existing single detached dwelling

- Vacant Land on Park Crescent – Proposed HR1-16
 - o Minimum lot frontage: 30 m (98 ft)
 - o Minimum lot area: 1, 950 m² (0.48 ac)

The proposed zone (HR1-15) for 2 Park Crescent is similar to the existing HR1-1 zone, however, it proposes to reduce the minimum lot area and recognizes the location of the existing single detached dwelling from the new property line (rear property line). The landowner will need to adhere to the general HR1 zone standards if the lands are redeveloped.

Additionally, staff acknowledge that the existing accessory building on this property does not conform to the setback standards for accessory buildings. The setback from the front lot line is not sufficient and staff do not recommend the existing building or a new building to remain in this location in perpetuity. As such, staff recommend that Section 4.22 – *Non-Complying Buildings and Structures on New Lots* apply to the accessory building, and that any new accessory buildings will need to comply with Section 4.1 – *Accessory Uses*.

The proposed zone (HR1-16) for the Vacant Land parcel will also have the same frontage of 30 m as the HR1-1 zone and have reduced lot area compared to the HR1. All other standards of the HR1 zone would apply.

Given the above, staff recommend to amend the requested rezoning and establish the two site-specific ‘Hamlet Residential First Density’ zones to accommodate the proposed development and fulfill the condition of consent.

Planning staff determined that the amended zoning by-law amendment, as amended, is consistent with the Provincial Policy Statement, 2020, the County of Middlesex Official Plan, Middlesex Centre’s Official Plan, and Middlesex Centre’s Zoning By-law.

This opinion is provided prior to a public meeting. Should new information arise regarding this proposal, Council is advised to take such information into account when considering the application.

Financial Implications:

None.

Strategic Plan:

This matter aligns with following strategic priorities:

- Balanced Growth

Attachments:

Attachment 1 – Location Map

Attachment 2 – Proposed Severance Plan