



**Meeting Date:** January 24, 2024

**Prepared By:** Marion-Frances Cabral, Planner

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

**Report No:** PLA-1-2024

**Subject:** Application for Zoning By-law Amendment (ZBA-19-2023) for 13433 Ilderton Road; Filed by Kelly and Karl Bulitka

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**Recommendation:**

THAT Zoning By-law Amendment ZBA-19-2023, filed by Kelly and Karl Bulitka, to rezone the property known as 13433 Ilderton Road from 'Urban Residential First Density (UR1) Zone' to 'Urban Residential Second Density (UR2) Zone', 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:**

This report is to provide a recommendation regarding the rezoning application for the lands known as 13433 Ilderton Road (County Road 16), and legally described as Concession 10 Pt Lot 24.

The purpose of the Zoning By-law Amendment application is to rezone the lands from 'Urban Residential First Density (UR1)' to 'Urban Residential Second Density (UR2)'. The requested zone would permit the development of 2 demi-detached dwelling units on the severed parcel.

A location map is included as Attachment 1 and sketch of the site is included as Attachment 2.

**Background:**

The land subject to the Zoning By-law Amendment is approximately 815.39 m<sup>2</sup> (0.2 ac) in area and is located on the south side of Ilderton Road (County Road 16), east of Hyde Park Road. The subject land is vacant of development and was conditionally severed (File: B-8-2023) from the property which contains an existing single detached dwelling.

The subject land is surrounded by low-density residential uses, and agricultural lands exist within proximity to the east.

The proposed development consists of 2 semi-detached dwellings that are 2 storeys in height. Each dwelling is proposed to have an individual access and driveway from Ilderton Road.

### **Policy Regulation:**

When reviewing the application, the following planning instruments are applicable to guide development within settlement areas. The Provincial Policy Statement provides planning direction for growth and a variety of uses within settlement areas and contains specific policies to ensure development is appropriate. The land is identified as part of the Ilderton 'Settlement Area' in Middlesex County's Official Plan. The Middlesex Centre Official Plan designates the land as 'Residential'. The land is zoned 'Urban Residential First Density (UR1)' in Middlesex Centre's 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 those 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. The PPS also identifies that communities include institutional uses including long-term care homes and an appropriate mix of affordable and market-based residential types including affordable housing and housing for older persons.

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 – Sewage, Water and Stormwater directs future growth and development to efficiently use and optimize existing services such as municipal sewage and water services, when available, and promote water conservation and water use efficiency. Servicing and land use considerations shall be integrated at all stages of the planning process. Further, municipal sewage and water services are the preferred form of servicing for settlement areas.

Section 1.6.6.7 promotes planning for stormwater management that is integrated with planning for sewage and water services and ensures that systems are optimized, feasible and financially viable over the long term; minimizes or prevents an increase in negative impacts on the environment and water system; does not increase risks to human health and safety and property damage; maximizes the extend and function of vegetative and pervious surfaces; and promotes stormwater management best practices such as low impact development, water conservation and stormwater attenuation.

### **County of Middlesex Official Plan:**

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

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 such as the conversion to multiple residential units or creation of new units on vacant or underdeveloped lands through infilling in Settlement Areas. The County also encourages innovative housing design and servicing standards as a means of reducing housing costs.

Section 2.3.8 – Settlement Areas of the County Plan recognizes that Urban 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 to support development.

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 does not result in strip-development. 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 institutional.

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.

Section 2.4.2 – Transportation System identifies that the County road system provides for the efficient movement of traffic between provincial freeways and highways and local roads. The County encourages the development and maintenance of a sustainable, interconnected and energy efficient transportation system that supports a variety of safe transportation modes for all users.

### **Middlesex Centre's Official Plan:**

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

Section 5.1.1 – Urban Settlement Areas identifies Ilderton as an urban settlement area which is expected to have the highest concentration and intensity of land uses, and be the focus for future growth. New development within these areas shall take place on full municipal services.

Section 5.2 – Residential Areas pertain to lands designated 'Residential' within settlement areas like Ilderton. The 'Residential' designation permits a range of housing, institutional uses, municipal uses, parks or open space and group homes. The Municipality is to provide and encourage a wide variety of housing types, sizes and tenures to meet demographic and market requirements. The Municipality shall provide opportunities to increase the supply of housing through intensification while considering issues of municipal servicing capacity, transportation issues and potential environmental considerations. Specifically, the Municipality shall require that 15 percent of all development occur by way of intensification.

Residential development should also reflect a high quality of residential and neighbourhood design and have regard for the Municipality's Site Plan Manual and Urban Design Guidelines. This includes promoting a development that is designed to be sustainable, support public transit, and be oriented to pedestrians.

Section 6.3 – Design Policies-Site Plans and Infill Developments provide additional direction to guide infill development to ensure there is compatibility with existing residences and neighbourhoods. Policies for consideration include:

- a) This Plan encourages compatible scaled and designed infill developments within Village Centres, which enhance the traditional character and economic viability of such centres.
- b) Residential infill of a residential type, scale and architecture that is compatible with existing residences and neighbourhoods, is encouraged.
- c) A high quality of site design and architectural design is encouraged for new commercial, industrial and medium density residential developments, in keeping with the physical character of the settlements. Setbacks, massing, location of parking, architecture and so on will be considered carefully to promote developments compatible with existing development and character. Parking areas should be de-emphasized through appropriate placement and through well designed landscaping.
- d) A high quality of architecture and site design for institutional uses such as schools, churches and libraries is encouraged.
- e) The preservation of historical or heritage features, landscapes and buildings in the context of site design or redevelopment proposals is strongly encouraged.
- f) New buildings and development should generally be oriented to streets or parks, and should be designed and situated in harmony and in a compatible manner with adjacent structures and surrounding neighbourhood character.
- g) Development shall have regard for the Municipality's Urban Design Guidelines.

### **Middlesex Centre Zoning By-law:**

The subject land is currently zoned 'Urban Residential First Density (UR1)', which permits a single detached dwelling and accessory use. The applicant is requesting the amendment to the 'Urban Residential Second Density (UR2)' zone to permit two semi-detached dwelling units on the property. The 'Urban Residential Second Density (UR2)' zone also permits a single detached dwelling, duplex dwelling, and link dwelling, which are all forms of low-density development of 1 or 2 units.

Based on the sketch provided by the applicant, the proposed semi-detached dwellings meet the provisions of the 'Urban Residential Second Density (UR2)' zone provisions and no site-specific amendments are requested at this time.

Planning Staff note that the Comprehensive Zoning By-law Update (approved in 2023 but not in-effect) amended the 'Urban Residential First Density (UR1)' zone to permit semi-detached dwellings, a duplex, and link dwellings as-of-right to facilitate intensification in low-density areas.

## **Consultation:**

Notice of the application was posted on the property 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 this report, Planning Staff did not receive any written comments from the public. However, Planning Staff did speak an area resident who has concerns with the proposed driveways and wants to ensure it does not affect access to the community mailbox. Further, they are concerned about the possibility of other nearby properties that are able to intensify and its impact on property values and traffic.

## **Agency Comments:**

At the time of writing this report the following comments had been received:

The Municipality's Chief Building Official and Fire Chief reviewed the requested amendment and do have any comments or objections.

The Municipality's Public Works and Engineering Department did not provide comments at the time of writing the staff report.

The County Engineer reviewed the requested amendment and does not have concerns.

## **Analysis:**

The requested Zoning By-law Amendment is generally supported by residential intensification and diversification policies of the PPS, 2020 and County Plan where there is support for infill development, a mixture of residential types and tenures, and housing options for different demographics.

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 a variety of housing types and tenures that meet the needs of current and future residents. The proposed semi-detached dwelling development is one of few such developments within the Iderton area and provides a housing alternative in an established low-density area. The form of the proposed dwellings is proposed to have a similar scale and form as existing single detached dwellings within proximity to the dwelling for better integration with the surrounding community. Further, the proposed development will conform to the provisions of the UR2 zone which is similar with that of the UR1 zone.

The 'Residential' designation in the Official Plan permits a variety of residential dwelling types such as semi-detached, townhouses, duplex, triplex, fourplex and low-medium rise apartments. The proposed amendment seeks to permit semi-detached dwellings, and similar forms of two-unit housing including a duplex and link dwelling. The Official Plan also contemplates that future development within settlement areas are serviced by full

municipal services. The proposed development will need to connect to full municipal services.

Planning Staff also note that recent changes to the Planning Act, R.S.O. 1990 permit up to 2 additional residential units (total of 3 dwelling units) on a parcel of urban residential land. This would allow properties that are zoned 'Urban Residential First Density (UR1)' to intensify without the need of a zoning by-law amendment. However, due to the form of housing proposed the applicant is required to rezone their property. Planning Staff find that the effect of the rezoning does not significantly differ than as-of-right permissions for additional residential units.

Given the above, Planning Staff recommend that Council approve the requested rezoning to the 'Urban Residential Second Density (UR2)' zone to accommodate the proposed semi-detached dwelling development.

Planning staff determined that the Zoning By-law Amendment 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 receiving comments from area residents, agencies and staff. Should new information arise regarding this proposal, Council is advised to take such information into considering.

**Financial Implications:**

None.

**Strategic Plan:**

This matter aligns with following strategic priorities:

- Balanced Growth

**Attachments:**

Attachment 1 – Location Map

Attachment 2 – Applicant's Sketch