



## **PLANNING JUSTIFICATION REPORT**

### **21488 HIGHBURY AVENUE, BALLYMOTE**

**Draft Plan of Subdivision and Zoning By-law Amendment  
Applications**

**Municipality of Middlesex Centre**

**March 23, 2021**





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## 1.0 INTRODUCTION

An Official Plan Amendment, Zoning By-law Amendment and a Draft Plan of Subdivision application have been submitted to the Municipality of Middlesex Centre and County of Middlesex, respectively, for the property located at 21488 Highbury Avenue, in the Hamlet of Ballymote. The purpose of the following land use assessment is to provide planning justification for the applications to create 20 single family residential lots on the subject property.

### 1.1 DESCRIPTION OF SUBJECT PROPERTY

The subject lands are an irregular shaped parcel of land which surround the southeast corner of Medway Road and Highbury Avenue in the Hamlet of Ballymote (Figure 1). The property is approximately 35.3 ha (87.2 ac) in area with 416.5 m (1,366.5 ft) of frontage along Medway Road and 383.3 m (1,257.6 ft) of combined frontage along Highbury Avenue. The majority of the property is cultivated farm land, save and except for an 8 ha (20 ac) woodlot located on the northeast corner of the property. An existing farm dwelling is also located on the southwest portion of the property. The existing dwelling is not connected to municipal water and has a private septic system. Overall, the lands are relatively flat with little grade change across the property.

Figure 1 – Subject Property



## **1.2 SURROUNDING LAND USES**

The site is generally surrounded by single detached dwellings to the north and west with agricultural lands located to the east and south. A gas station and automobile service centre are located at the north west corner of the property. The subject lands also surround an existing single detached dwelling on the east side of Highbury Avenue, at 21496 Highbury Avenue. There are no sanitary sewers available in Ballymote. Storm water management is addressed by way of drainage ditches along Highbury Avenue and Medway Road.

## **1.3 THE PROPOSAL**

The proposed development consists of the creation of 20 single family lots. Five lots front onto Medway Road while 15 lots front onto Highbury Avenue.

The Medway Road lots have frontages of 23.2 m (76.1 ft) and a lot depth of 77.9 m (255.6 ft) for total lot areas of 1,809 m<sup>2</sup> (0.45 ac). Each lot would have direct access to Medway Road.

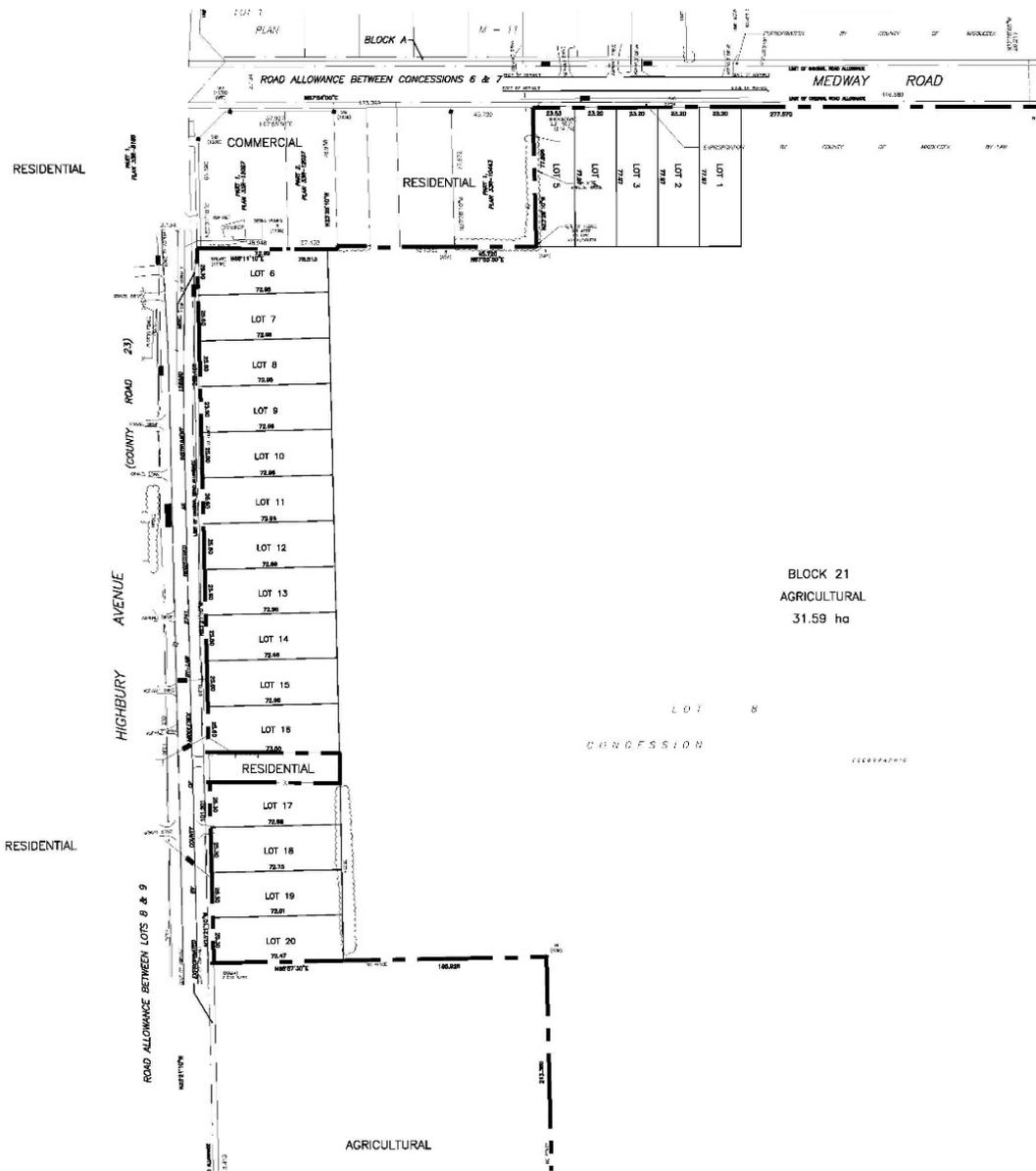
There are two sections of proposed lots along Highbury Avenue. Eleven lots are located to the north of 21496 Highbury Avenue while the remaining four lots are located to the south of 21496 Highbury Avenue. The northerly lots have frontages of 25.6m (84.0 ft) and a lot depth of 72.96 m (239.4 ft) with a total lot area of 1,867.8 m<sup>2</sup> (0.46 ac).

The four southerly lots have lot frontages of 25.3 m (83 ft) and a lot depth of approximately 72.4 m (237.5 ft) with a total lot area of approximately 1,832 m<sup>2</sup> (0.45 ac). Due to the irregular angles of the lot lines, Lot 16 is the smallest lot at 1,770 m<sup>2</sup> (0.44 ac). The existing dwelling on the property is proposed to be retained and fits well within the limits of proposed Lot 18.

Access to the Highbury Avenue lots will be shared with one entrance per two lots, limiting the total number of new driveways onto the County Road to six. Accordingly, access easements are proposed on the Highbury Avenue lots.

All proposed lots are to be serviced by municipal water and private septic systems.

Figure 2 – Proposed Draft Plan of Subdivision



#### 1.4 CONTEXT OF THE SUBJECT LANDS WITHIN THE COUNTY OF MIDDLESEX OFFICIAL PLAN

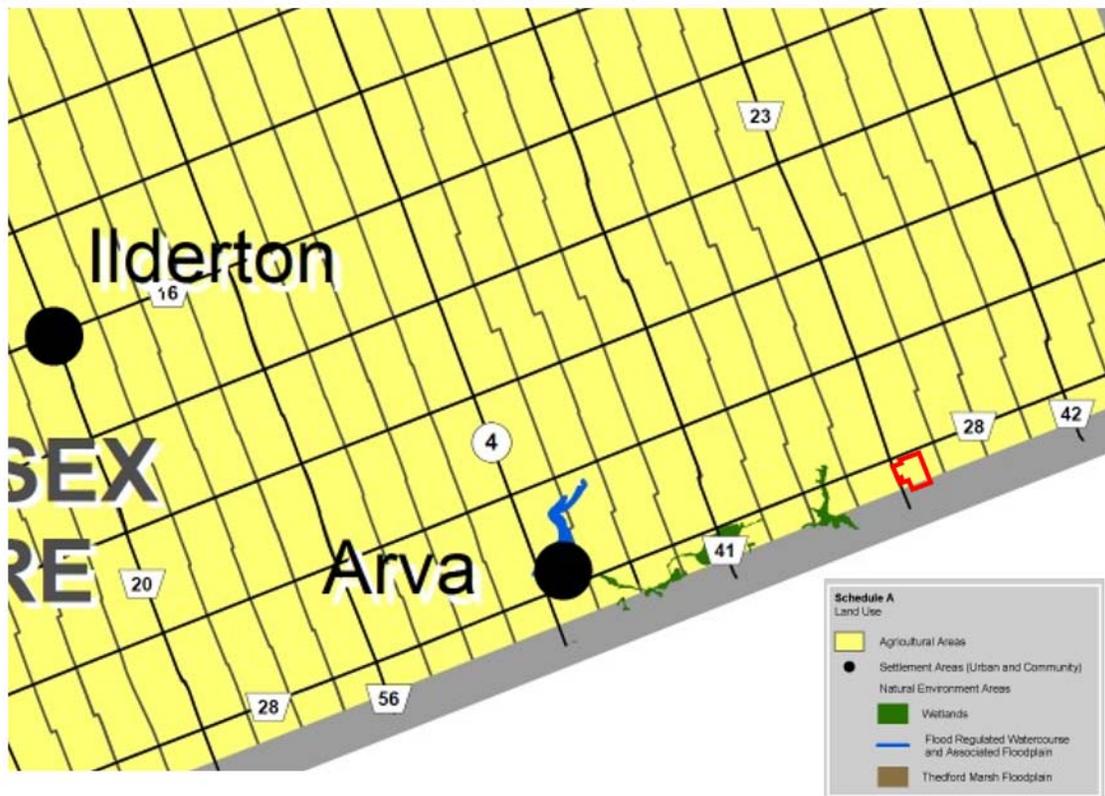
The subject lands are currently designated “Agricultural” on Schedule A Land Use of the County of Middlesex Official Plan (Figure 3).

The Agricultural Area designation is intended to protect agricultural lands in the County, although it is recognized that some development can occur in existing designated

Hamlets. While not reflected on the Schedule A, Ballymote is recognized as an existing Hamlet in an agricultural area. Hamlets are an identified type of settlement and allow for a limited amount of growth in the County through infilling, rounding out and minor extensions of existing Hamlets. It is assumed that development in Hamlets will not be provided with full municipal services due to the limited services available within Hamlet areas. While new lots are to generally be created through the consent process, a plan of subdivision is required when more than 3 lots are being created. However, the final determination regarding the need for a plan of subdivision is to be determined through the local municipal Official Plan policies.

Therefore, the proposed redevelopment of the subject lands is consistent with the intent and purpose of the County of Middlesex Official Plan.

Figure 3 – County of Middlesex Official Plan



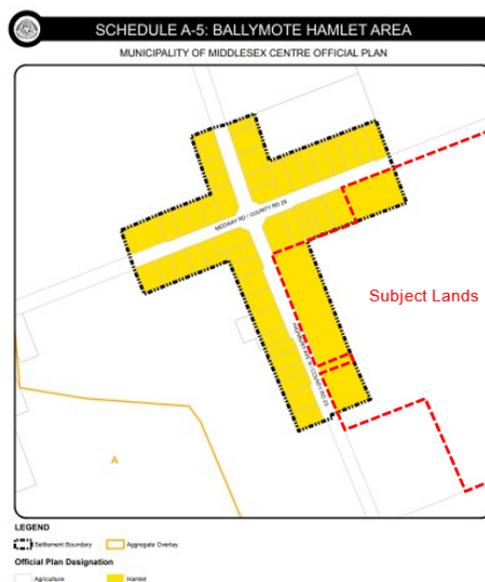
## 1.5 CONTEXT OF THE SUBJECT LANDS WITHIN THE MUNICIPALITY OF MIDDLESEX CENTRE OFFICIAL PLAN

The subject lands are currently designated “Agricultural” and “Hamlet” in the Municipality of Middlesex Centre Official Plan. The Agricultural designation is intended to be used for agriculture and agriculture related uses.

The Hamlet designation permits residential, commercial and industrial uses of a scale compatible with the character and size of the overall Hamlet area, institutional uses and parks and recreation uses. Limited development through infilling is permitted with new lots being created, generally, through the consent process. However, plans of subdivision are to be utilized where vacant lands exist between the existing built-up area and the existing settlement boundary, although the Municipality may exercise flexibility in determining whether a plan of subdivision is required. Where more than three new lots are proposed through a plan of subdivision, full municipal services are required.

Although the single-family residential lots proposed are permitted under the current Hamlet designation, the proposed lots will not be serviced by municipal sanitary sewers. As such, an Official Plan Amendment is required to allow the proposed lots to be serviced by private sewage systems.

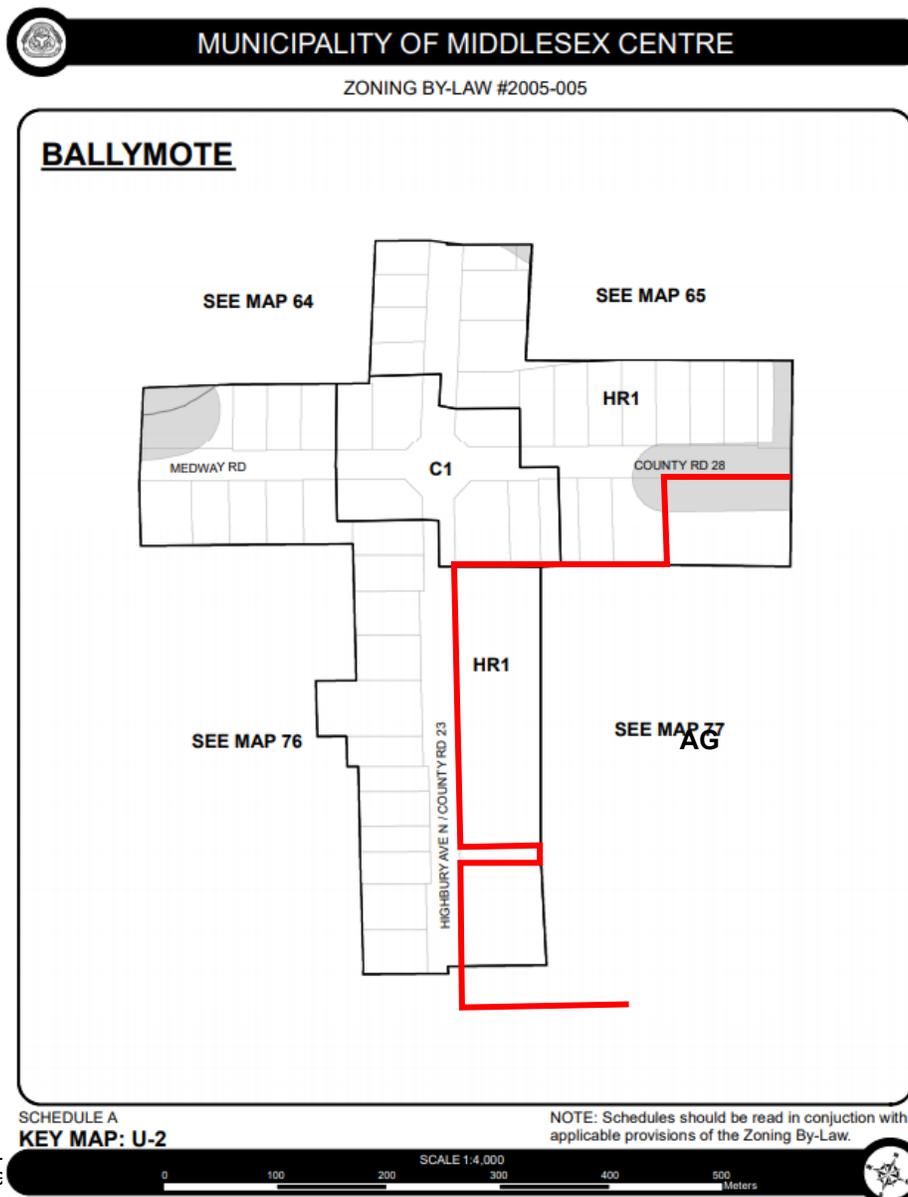
Figure 4 – Municipality of Middlesex Centre Official Plan



## 1.6 CONTEXT OF THE SUBJECT LANDS WITHIN THE MUNICIPALITY OF MIDDLESEX CENTRE ZONING BY-LAW

The subject lands are currently zoned “Hamlet Residential (HR1)” in the Municipality of Middlesex Centre Zoning By-law (Figure 5). The HR1 zone permits single detached dwellings with a minimum lot area of 1,500 m<sup>2</sup> (0.4 ac) and a minimum lot frontage of 20.0m (66 ft). Although all of the lots comply with the minimum zoning regulations in the HR1 zone, proposed lot 20 is currently zoned “Agricultural (AG)”. Therefore, a Zoning By-law Amendment is required to rezone a small portion of the subject lands from AG to HR1.

Figure 5 – Municipality of Middlesex Centre Zoning By-law



## **2.0 PROPOSED APPLICATIONS**

To affect the proposed Draft Plan of Subdivision application for the creation of 20 new residential lots, an Official Plan Amendment and a Zoning By-law Amendment application are required. The Official Plan amendment application would apply a Special Policy Area to the proposed lots to allow the lots to be serviced by way of private septic systems as part of a Plan of Subdivision.

The Zoning By-law Amendment application would rezone a portion of the subject lands, proposed Lot 20, from AG to HR1. No site-specific regulations are required to the HR1 zone to allow the proposed single detached dwellings on the lots; however, the existing dwelling located within the limits of proposed Lot 18 is located closer to the Highbury Avenue, a County Road, centreline than the minimum setback requirement of 38.0m from the centreline of the road. Therefore, a site-specific regulation to reduce the setback from a County Road from 38.0m to 31.0m for the existing dwelling on Lot 18 is required.

## **3.0 PLANNING ANALYSIS**

### **3.1 PROVINCIAL POLICY STATEMENT, 2020**

The Provincial Policy Statement, 2020 (PPS), issued under the authority of Section 3 of the Planning Act “*provides policy direction on matters of provincial interest related to land use planning and development*” in order to ensure efficient, cost efficient development and the protection of resources. Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment applications are required to be consistent with these policies.

#### **3.1.1 Relevant Policies of the PPS**

The policies outlined in Sections 1.1.1.a), 1.1.3.2, 1.1.3.4, 1.1.3.6, 1.4.1, 1.4.3.b.2) and c), 1.6.6.4, 1.7.1.a) and b), 2.3.1 of the PPS are relevant with respect to the proposed development. These sections relate to promoting economic development through redevelopment and the efficient and cost-effective use of infrastructure and public services.

#### **3.1.2 Analysis of the PPS**

The redevelopment of the subject parcel is consistent with the Provincial Policy Statement (PPS) and the provision for “*efficient land use and development patterns to support strong liveable and healthy communities*” as follows:

- The subject lands are located within a Hamlet area and are already connected to municipal water (*Section 1.1.3.2*) and as such, the proposed development promotes cost-effective development to minimize land consumption and servicing costs by reusing existing facilities (*Sections 1.1.1.a), and 1.1.3.6*);
- The proposed development promotes compact form. Shared driveways between adjacent properties will limit the number of access points onto the County Road to address any health and safety issues to the public. Tree plantings are also proposed along the frontage of each of the lots to provide a buffer between County Road traffic and outdoor amenity space of individual lot owners. (*Section 1.1.3.4*);

- The proposed development is within a Hamlet area intended for residential development and represents a logical infill between existing development and the settlement boundary (*Section 1.1.3.6 and 1.4.3.c*);
- The proposed development provides housing options in a market that has limited residential supply (*Sections 1.4.3.b.2, Section 1.7.1.b*);
- A sanitary servicing study has been completed confirming that the proposed individual sewage services are suitable for the proposed lots and will have no negative impacts on the environmental health (*Section 1.6.6.4*);
- The proposal consists of a substantial investment in the community to support and encourage further economic development (*Section 1.7.1a*); and
- The proposed development maintains the agricultural land over the long term (*Section 2.3.1*).

The proposed development is consistent with the PPS.

### **3.2 COUNTY OF MIDDLESEX OFFICIAL PLAN**

Although the subject lands are designated Agricultural in the County of Middlesex Official Plan, Section 2.3.2 of the Official Plan provides policy direction with regards to growth management hierarchy within the County. These policies direct growth and development to the following settlement areas:

- Urban Areas;
- Community Areas; and
- Hamlets in Agricultural Areas.

While the County Land Use Map does not identify Hamlet areas, Ballymote is a recognized Hamlet in the Municipality of Middlesex Centre Official Plan. It is assumed that municipal services will not be provided in Hamlet areas.

In terms of forecasted growth for the County under Section 2.3.3 of the Official Plan, it has been confirmed that there is sufficient designated vacant land for residential development over the 20-year planning period. The subject lands are included within this residential land supply for the County.

Section 2.3.7.3 of the Official Plan provides direction on intensification and redevelopment in the County and local municipalities which support the creation of new residential units on vacant or underdeveloped lands through infilling in settlement areas. The subject lands are underutilized lands that are intended for residential development.

Section 2.3.8.3 outlines that Hamlets have the potential to accommodate some future development through infilling, rounding out and minor extensions to existing designated hamlets. New lots are to generally be created through the consent process. While a consent application is most appropriate when lots are being created without the need for the creation of a new road, Section 4.5.3.1 requires that when more than three lots (unless the local official plan contains policies regarding the number of lots required for a plan of subdivision) are being created, than a draft plan of subdivision is required. The 20 lots proposed are contemplated by way of a Plan of Subdivision application.

Section 3.3.4 of the Official Plan states that “where an approved local official plan permits development in designated hamlets, such development may proceed”. Infilling is permitted where new development is serviced in accordance with Section 2.4.5 and provided the development complies with MDS formula. These two criteria have been met as follows:

- While the County encourages new development to proceed on the basis of full municipal services, Section 2.4.5 of the Official Plan acknowledges that partial municipal services will be considered provided the supporting studies are provided. A Soil Testing for Wastewater Servicing study has been prepared and confirms that the lands are suitable for private septic services. As there are no sanitary sewers nearby to Ballymote, servicing the lots by municipal sanitary sewers is not a viable servicing option. The Soil Testing report also confirms that the proposed sewage systems will not impact groundwater surrounding the property, as per Section 2.4.7 of the Official Plan; and
- For compliance with the Minimum Distance Separation Formula, The Minimum Distance Separation (MDS) Document, published by the Ministry of Agriculture, Food and Rural Affairs was referenced. Implementation guideline #36 states that “MDS I setbacks are not required for proposed land use changes within approved settlement areas, as it is generally understood that the long-term use of the land is intended to be for non-agricultural purposes”. As such, MDS I for the proposed lots is not applicable.

A portion of the property is identified as being a “Significant Woodland” on Schedule C Natural Heritage Features. Table 1 in Section 2.3.10 of the Official Plan sets out the criteria for requiring a Development Assessment Report to be completed in relation to a development proposal. As the proposed residential lots are not located within 50m of the significant woodland on the property, the woodland will not be subject to any negative impacts and will be maintained and protected over the long term by the cultivated farmland that has long surrounded the natural heritage feature.

On Schedule B Transportation, Medway Road is identified as an “Arterial Road – County” while Highbury Avenue is identified as a “Four Lane Arterial Road – County”. Section 2.4.2.5 of the Official Plan provides policies related to access to County Roads. The residential lots proposed along Highbury Avenue will share driveway entrances with adjacent lots, thus reducing the number of access points onto the roadway by half. In addition, the proposed lots are along a section of the County Roads that are already subject to a reduced speed of 60 km/hr as is typical of County Roads passing through Hamlets in agricultural areas.

Given the above, the proposed development is consistent with the policies of the County Official Plan to support a Plan of Subdivision Application, an Official Plan Amendment to allow the proposed lots to proceed on private sewage systems and a Zoning By-law Amendment application to rezone a small portion of the subject lands.

### **3.3 MUNICIPALITY OF MIDDLESEX CENTRE OFFICIAL PLAN**

As noted above, the subject lands are identified as a Hamlet Settlement Area in the Middlesex Centre Official Plan. Section 5.1.3 of the Official Plan provides the policy framework for development within Hamlet Settlement Areas. These policies permit limited development through infilling. Although the number of lots proposed through the draft plan of subdivision are notable within the Ballymote Hamlet area, they are minimal in relation to the amount of residential development in the Municipality as a whole and do not account for a significant portion of Municipality’s growth. Therefore, the scale of the proposed development is consistent with policies related to infilling within Hamlet settlement boundaries.

As required for new lot creation on vacant lands located between the existing built-up area and the existing settlement boundary, a draft plan of subdivision has been

submitted to support the creation of more than three lots. However, the policies also require that lots created through plans of subdivision be on full municipal services. Currently, there are seven Hamlet Areas in the municipality, including Ballymote. None of the existing Hamlets are serviced with public sanitary sewers and there is no intention to extend additional municipal services to Hamlet areas in the short or long term. The requirement for full municipal services for plans of subdivision renders it impossible to affect the development in Ballymote in a comprehensive manner without the need for an Official Plan Amendment when it is inherent in the policies that Hamlet areas do not have access to full municipal services. Therefore, the Official Plan Amendment application proposes to amend the requirement for full municipal services with a plan of subdivision application to allow the 20 lots to proceed with private sewage systems.

It is important to note that Sections 10.3.1a) and 10.4a) outline that the Municipality can allow for more than three lots “where circumstances exist where a plan of subdivision is not considered by the Municipality to be necessary”. These circumstances are when the creation or extension of a municipal street and/or services is not required. Based on these policies, the proposed lots can be created by consent given that the waterline and road network to service the lots are already in place. Moreover, the lands are already zoned to permit the proposed lots. This notwithstanding, out of an abundance of caution, a plan of subdivision has been submitted at the direction and preference of County staff.

As per Section 5.1.4.f) the proposed lots maintain the traditional character of larger lots within the Hamlet area and the subdivision makes efficient use of the designated lands. All lands outside of the Hamlet area will be maintained for agricultural purposes.

The design requirements for plans of subdivision are set out in Section 6.2 of the Official Plan. The proposed development meets these policies as the draft plan utilizes the existing roadway and does not propose the creation of any new streets. Each of the proposed dwellings will be oriented to the street and setback a significant distance from the centreline of the roads as is typical of existing dwellings on County Roads. Additional plantings are proposed across the frontage of the lots to create a buffer between the proposed dwellings and the roadway, and will provide a consistent street edge.

With respect to the designation of Lot 20, as per Section 1.4 of the Official Plan, the entirety of the Highbury Avenue frontage is reasonably deemed to be within the Hamlet settlement area designation. This is supported by the fact that the existing dwelling on the property encompasses the entire south portion of the Highbury Avenue frontage and is maintained as manicured residential amenity area and is not currently farmed. Therefore, this interpretation does not remove any cultivated farm lands from the agricultural designation and maintains the general intent and purpose of the Official Plan.

For all amendments to the Official Plan, applications are required to meet the criteria set out in Section 10.1. The proposed amendment is consistent with these policies as follows:

- a) The proposed amendment maintains the Hamlet area designation and with it, the long-term vision for the Ballymote area;
- b) The lands are identified for residential development and are part of the Municipality's supply of residential lands. The proposed amendment allows the lands to develop as contemplated by the Hamlet area designation and make efficient use of underutilized settlement area lands;
- c) As noted above, the proposed amendment meets the policies of the PPS and the County of Middlesex Official Plan;
- d) The proposed amendment will not result in the need for any new or expanded Municipal services or infrastructure;
- e) The proposed lots meet the minimum lot area and frontage requirements under the existing HR1 zone. The servicing study confirms that the lots are of sufficient size to accommodate private sewage systems on each lot. No municipal improvements are necessary to service the lands; and
- f) The proposed lots are along a section of the County Road that is already subject to reduced speed limits. The proposed joint driveways for the lots fronting onto Highbury Avenue will further limit impacts on the existing traffic system.

For Plan of Subdivision applications, Section 10.4 of the Official Plan sets out the policies for consideration within the Municipality. The proposed application is consistent with these policies as follows:

- a) While the proposed lots fit well within the policy criteria for a consent application and do not result in the creation or extension of municipal streets and/or services, a plan of subdivision has been submitted out of an abundance of caution at the direction of Municipal staff;
- b) Municipal water is available to service the proposed lots. The extension of municipal sanitary sewers to Ballymote is not anticipated in the short or long term and therefore, private septic systems are appropriate to service the lots;
- c) The Urban Design Guidelines under Section 6.0 were reviewed in relation to the proposed plan of subdivision. The proposed lots maintain the existing block pattern, provide street-oriented dwellings and accommodate an appropriate setback and buffering between the County Road and the proposed dwellings;
- d) The lands over which the plan of subdivision application is proposed are limited in size and cannot readily accommodate housing types other than single detached dwellings;
- e) All of the proposed lots have frontage on a year-round County road;
- f) The lands are generally flat and do not have any natural features that can be incorporated into the subdivision design;
- g) The proposed plan of subdivision is small and will not be staged or phased;
- h) A subdivision agreement will be entered into with the Municipality;
- i) Parkland dedication will be provided as required;
- j) The small size of the plan of subdivision limits design options for conservation of energy;
- k) The lands are not subject to site plan control; and
- l) Road widenings will be provided, if required.

Given the above, the proposed applications are consistent with the applicable Official Plan policies.

### **3.4 MUNICIPALITY OF MIDDLESEX CENTRE ZONING BY-LAW**

The majority of the subject lands are already zoned to permit the proposed lots, save and except for Lot 20. The rezoning of Lot 20 will extend the existing HR1 zone over the entirety of the Highbury Avenue frontage, consistent with the Hamlet designation, as interpreted. The proposed site-specific zoning regulation for proposed Lot 18 is required

as a result of the existing dwelling. The reduced front yard setback from a County Road will allow the existing dwelling to be legally retained on the lot. All proposed dwellings on the remaining new lots will provide the current setback requirement of 38.0m from the County Road centreline and all other standard HR1 regulations.

## **4.0 CONCLUSIONS**

The proposed Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment applications are consistent with the PPS and is in conformity with the County of Middlesex Official Plan and the Municipality of Middlesex Centre Official Plan. The proposed development meets all of the existing HR1 zoning regulations, save and except for the existing dwelling on the property. The minor setback reduction will make use of existing building stock.

Although the proposed lots can be created by consent on private services through multiple consent applications consistent with the current zoning on the lands, a comprehensive approach to the development of the lands through a plan of subdivision is proposed. Therefore, the request to develop the lots on private sewage systems is appropriate for the subject lands and makes use of lands identified for residential development on private sanitary systems in the Municipality.

The shared driveways proposed for the Highbury Avenue lots will reduce the number of new access points onto the County Road and reduce impacts on the existing transportation system.

The proposed amendment represents good land use planning and is in the public interest.