



Meeting Date: June 19, 2024

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Report No: PLA-30-2024

Subject: Application for Zoning By-law Amendment (ZBA-05-2024) for 14111 Thirteen Mile Road; Filed by Ken Filson on behalf of 2833848 Ontario Limited

Recommendation:

THAT Zoning By-law Amendment Application (ZBA-05-2024), filed by Ken Filson on behalf of 2833848 Ontario Limited, to rezone the lands known as 14111 Thirteen Mile Road from 'Agricultural (A1)' to 'Surplus Residence (SR)' and 'Agricultural – No Residences (A3)' for the severed and retained lands of consent application B-6/23, be APPROVED.

Purpose:

The purpose of this report is to provide Council with a recommendation regarding a rezoning application for a property located on the south side of Thirteen Mile Road west of the Hamlet of Birr and Richmond Street. The subject property is legally described as Concession 12 N Pt Lot 18, Municipality of Middlesex Centre (geographic Township of London).

A location map is included as Attachment 1.

Background:

The purpose of the subject rezoning application is to implement a condition of severance imposed by Middlesex Centre's Council for Consent B-6/23, which conditionally severed a lot with an area of approximately 0.43 ha (1.06 ac) in order to accommodate a surplus farm residence. The retained parcel is proposed to be approximately 38.015 ha (93.9 ac).

The effect of the subject application is to rezone the severed lot from the 'Agricultural (A1)' zone to the 'Surplus Residence (SR)' zone to permit the non-farm dwelling, and the retained lot from the 'Agricultural – No Residences (A3)' to prohibit new residential uses from establishing on the agricultural parcel.

Policy Regulation:

The property is designated as 'Agricultural Area' by Middlesex County's Official Plan and designated as 'Agriculture' by Middlesex Centre's Official Plan. The property is zoned 'Agricultural (A1)' by Middlesex Centre's Comprehensive Zoning By-law. As such, the policies and provisions below are applicable to the lands.

Provincial Policy Statement, 2020:

Section 3 of the *Planning Act* requires all decisions made under the Act "to be consistent with" the Provincial Policy Statement, 2020 (PPS). The PPS contains policies that address the protection of agricultural uses for the long-term including permitting limited non-agricultural development and lot creation.

For the purpose of this application section 2.3.4 of the PPS speaks to lot creation in prime agricultural areas, stating that lot creation may be permitted for a residence surplus to a farming operation as a result of farm consolidation subject to specific criteria. Such criteria includes that the 'severed' area be limited to a minimum size needed to accommodate the residential use and appropriate sewage and water services and that any new residential dwellings are prohibited on any retained lot of farmland created by the severance.

Middlesex County's Official Plan:

The County of Middlesex Official Plan (County Plan) designates the subject property as 'Agricultural Area'. The County Plan recognizes agriculture as the predominant land use outside of settlement areas or natural environment areas. The Agricultural Area policies are intended to protect agricultural lands from conflicting land uses that are not compatible with agricultural uses and practices.

As a way to protect agricultural lands, the County Plan (section 4.5.3.4) limits the severance of agricultural lands for limited reasons. However, the County Plan permits severances where a residence is surplus to a farming operation as a result of farm consolidation provided that the residence was built at least 10 years prior and that new residential dwellings are prohibited on any vacant retained lot of farmland created by the severance.

Additionally, new farm lots are discouraged to be less than a typical township lot of about 40 hectares in area. Farm lot sizes shall be sufficiently large farming blocks to maintain flexibility to adapt to future changes in agriculture and to avoid the fragmentation of farmland.

Middlesex Centre's Official Plan:

The intent of the Agricultural designation within Middlesex Centre's Official Plan is to preserve agriculture as the primary use outside of Settlement Areas and enhance the viability of agricultural operations, wherever possible. In order to achieve this intent, the plan contains policies pertaining to severances in agricultural areas and discouraging the fragmentation of farm lots.

Consistent with the PPS and the County Plan, Middlesex Centre's Official Plan permits the severance of a residence surplus to a farming operation subject to conditions that need to be satisfied (section 10.3.2.1).

Conditions include prohibiting livestock on the severed lot; prohibiting any new residences on any retained lot resulting from the severance; and recognizing the minimum lot area and frontage of the retained lot where it does not meet the provisions of the zoning by-law.

Middlesex Centre Zoning By-law:

The requested amendment would facilitate a consent for severance that was conditionally approved by Council in May 2023. The application for rezoning would rezone the provisionally granted severed lot from the 'Agricultural (A1)' zone to the 'Surplus Residence (SR)' zone to recognize the existing, non-farm residential use.

Further, the amendment would rezone the proposed retained lot from the 'Agricultural (A1)' zone to the 'Agricultural – No Residences (A3)' zone to prohibit any new residential uses on the agricultural parcel.

Consultation:

Notice of the application has been posted on site and circulated to agencies, as well as property owners in accordance with the *Planning Act* and Ontario Regulation 545/06.

Public Comments:

Staff did not receive comments from area residents or stakeholders at the time of writing this staff report.

Agency Comments:

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

The Municipality's Chief Building Official reviewed the application and did not have any comments/objections.

The Municipality's Public Works and Engineering Department reviewed the application and did not have any objections to the rezoning. The severance may require an update to the assessment table if the land is within a municipal drain catchment area.

Ministry of Transportation reviewed the application and did not have any comments.

Analysis:

As a result of the severance for a surplus farm dwelling (File: B-6/23), the application requests to rezone the severed lot to 'Surplus Residence (SR)' and the retained lot to 'Agricultural – No Residences (A3)'. The subject lands are currently designated 'Agricultural' within the County of Middlesex and Middlesex Centre official plans, and zoned 'Agricultural (A1)'.

The policies of the PPS and official plans are intended to preserve agricultural lands and the overall agricultural area from fragmentation and incompatible or non-agricultural uses such as residential dwellings. The requested re-zoning application to maintain a minimum size and prohibit new residential development on the proposed retained lot, and limit the use and size of the provisionally granted severed residential lot is consistent with the PPS, County of Middlesex Official Plan and Middlesex Centre Official Plan.

Additionally, the Municipality's Comprehensive Zoning By-law requires a minimum lot area of 0.2 ha (0.5 ac) and a minimum lot frontage of 30 m (98 ft) in the 'Surplus Residence (SR)' zone. The 'Surplus Residence (SR)' zone references Section 4.16 of the Zoning By-law to establish a minimum front yard setback. Section 4.16 requires that buildings and structures for residential uses must be setback a minimum of 15.0 m (49 ft) from the streetline. The general 'Agricultural (A1)' zone requires a minimum lot area 40 ha (99 ac) and a minimum lot frontage of the lesser of 300 m (984 ft).

Upon review of the details of the severance, the proposed severed and retained parcel appear to meet the provisions of the requested 'Surplus Residence (SR)' and 'Agricultural – No Residences (A3)' zones. Additionally, the applicant indicated that the two accessory buildings shown on the applicant's sketch will remain with the retained agricultural parcel or removed from the land.

Given the above, Planning Staff recommend that the subject application be approved, as the proposal is consistent with the Provincial Policy Statement, 2020, the County of Middlesex Official Plan and Middlesex Centre's Official Plan.

This opinion is provided prior to the public meeting and without the benefit of potentially receiving all comments from agencies or members of the public. Should new information arise regarding this proposal prior to or at the public meeting, Council is advised to take such information into account when considering the application.

Financial Implications:

None.

Attachments:

Attachment 1 – Location Map

Attachment 2 – Applicant's Sketch