



Meeting Date: April 28, 2021

Submitted by: Marion-Frances Cabral, Planner

Report No: PLA-33-2021

Subject: Application for Zoning By-law Amendment (ZBA-06-2021) for 131 Harris Road; Filed by Phil Pattyn

Recommendation:

THAT Zoning By-law Amendment application (ZBA-06-2021), as amended, for 131 Harris Road filed by Phil Pattyn to rezone the severed parcel from 'Existing Use (EU)' to 'Community Residential First Density (CR1)', and to rezone the retained parcel from 'Existing Use (EU)' to 'Community Residential First Density exception 5 (CR1-5)' be APPROVED.

Purpose:

This report is to provide a recommendation regarding the rezoning application for land at 131 Harris Road in Delaware, legally described as PLAN 305 PT LOT 15. The purpose of the zoning by-law amendment application is to rezone the severed portion of the lands from 'Existing Use (EU)' to 'Community Residential First Density (CR1)' to permit a single detached dwelling as a result of severance application B-26/2020 that was conditionally granted by Council in March 2021.

Further, the zoning by-law amendment application requests to rezone the retained lands from 'Existing Use (EU)' to a new site-specific zone 'Community Residential First Density (CR1)' to permit a single detached dwelling.

A location map is included as Attachment 1 and proposed zoning map is included as Attachment 2.

Background:

Consent File B-26/2020 was conditionally approved to create a residential parcel (Parcel 1) that has frontage of approximately 36.1 m (118.4 ft.) on Harris Road and an area of approximately 3,610 m² (0.89 ac). The retained parcel (Parcel 2) would have a frontage of approximately 20 m (66 ft.) on Harris Road with an area of 12.15 ac (4.92 ha). The subject land contains a single detached dwelling on private services. The land is

predominately surrounded by residential development in the form of large lot single detached dwellings, and a natural heritage feature to the north.

Policy Regulation:

When reviewing these applications, the following planning instruments are applicable to guide development within settlement areas.

The Middlesex County Official Plan identifies Delaware as a settlement area and defers to municipal official plans to delineate the boundaries of the settlement area. Schedule 'C' of the County Official Plan also identifies the presence of Significant Woodlands and Aggregate Resource Areas on the lands.

The lands are within the Delaware Settlement Area - Schedule A-4, are designated 'Residential' and within Special Policy Area #3 in Middlesex Centre's Official Plan. Additionally, Significant Woodland is identified on Schedule 'B' – Greenlands System and Hazard Lands on Schedule 'C' – Natural Hazard Lands on the northern portion of the lands.

The lands are zoned 'Existing Use (EU)' within the Middlesex Centre's Comprehensive Zoning By-law. Additionally, the northern portion of the lands contain shading on Key Map: U-5 which signifies the presence of regulated area by the Upper Thames River Conservation Authority due to flooding or hazardous lands.

As a result of the above, the policies and provisions below are applicable to the lands.

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 that are applicable to the proposed development are noted below.

Generally, the PPS promotes healthy, liveable and safe communities by supporting efficient land use patterns that facilitate economic growth, create liveable communities, and protect the environment and public health and safety.

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 – Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns 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 there are opportunities for intensification and redevelopment. New development is based on the efficient use of land that minimize negative impacts to the environment, supports active transportation and is 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. Municipal sewage and water services are the preferred form of servicing for settlement areas. Where municipal sewage and water services are not available, planned or feasible, private communal or private individual services may be used provided that site conditions are suitable for the long-term provision of such services. Private individual services may be used for infilling and minor rounding out of existing development.

Partial services shall only be permitted in the following circumstances:

- a) where they are necessary to address failed individual on-site sewage services and individual on-site water services in existing development; or
- b) within settlement areas, to allow for infilling and minor rounding out of existing development on partial services provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

Section 2.1 – Natural Heritage states that natural features and areas shall be protected for the long term, and that development and site alteration shall not be permitted within significant woodlands unless it has been demonstrated that there will be no negative impacts on the natural features on their ecological functions.

Section 2.5 – Mineral Aggregate Resources states that mineral aggregate resources shall be protected for long-term use and shall be identified. Further direction directs that resources as is realistically possible shall be made available as close to markets as possible. If known deposits of mineral aggregate resources and on adjacent lands, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if the resource use would not be feasible; or the proposed land use or development serves a greater long-term public interest; and issues of public health, public safety and environmental impact are addressed.

Section 3.1 – Natural Hazards generally directs development away from hazardous lands and sites. Development and site alteration shall not be permitted within areas that would be rendered inaccessible to people and vehicles during times of flooding hazards. However, development and site alteration may be permitted in certain areas associated with the flooding hazard along river system subject to the establishment of a Special Policy Area approved by the Ministries of Natural Resources and Forestry and Municipal Affairs and Housing. Further, development and site alteration may be permitted within portions of hazardous lands where the effects and risk to public safety are minor, risks could be mitigated through floodproofing standards, no new hazards are created or existing hazards are aggravated, and it will not result in adverse environmental impacts.

Middlesex County’s Official Plan:

The County of Middlesex Official Plan (County Plan) identifies the subject land within the Delaware ‘Settlement Area’.

Section 2.2.3 – Aggregate Resources recognizes the need to balance competing priorities for the protection of aggregate resources for future extraction and the need to protect agricultural land, the natural system and other sensitive land uses. In areas of significant aggregate resources, uses which do not preclude future resource extraction may be permitted in accordance with the underlying land use designation. All uses which would preclude resource extraction shall be discouraged until such time as the resource has been substantially depleted.

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 and options through local official plans that meet current and future needs. This can also include intensification and redevelopment in appropriate locations. The County also encourages innovative housing design and servicing standards as a means of reducing housing costs.

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 3.2 – Settlement Areas – Detailed Land Use Policies 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 uses.

Schedule ‘C’ – Natural Heritage Features of the County Plan also identifies some of the northern portion of the subject lands as Significant Woodlands and part of a range of ecosystem elements that were also identified within the Middlesex Natural Heritage Study. The policies of the County Plan are intended to protect these features from incompatible development, and to consider the importance and ecological context of the features when land use changes and development decisions are considered.

Additionally, section 2.2.1.3 – Natural System Policies seeks to protect entire Natural Systems that may or may not be shown within the County Plan. Generally, new development will be directed away from these areas. In some instances, limited development may be permitted if it can be demonstrated to have no negative impact on the natural features of their functions.

Section 2.3.10 – Natural Heritage Features provides additional guidance where new development is proposed within or adjacent to natural features on Schedule ‘C’. Development will require the submission of a Development Assessment Report (DAR) to describe the ecological processes and identify the potential impacts of the proposed development on those processes. The County Plan states that new development will not be approved where a DAR indicates development will have a negative impact on the feature and it cannot be mitigated.

With regard to servicing, 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 servicing. 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 of the County Plan.

Site-specific development proposals shall be accompanied by an evaluation of servicing options within the Settlement Areas. The evaluation shall address the County’s preferred servicing hierarchy which is: i) extension from existing municipal system, ii) extension from existing communal system; iii) new municipal or communal system; iv) individual septic systems and private wells.

Middlesex Centre’s Official Plan:

The Middlesex Centre Official Plan (Official Plan) shows the land located within the Delaware Settlement Area and designated ‘Residential’. Special Policy Area #3 also applies to the lands. Schedule ‘B’ – Greenlands System also identifies Significant

Woodland on the lands, and Schedule 'C' – Natural Hazard Lands identifies Hazard Lands.

Section 5.2 – Residential Areas pertain to lands designated 'Residential' within settlement areas like Delaware. 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.

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 development that is designed to be sustainable, support public transit, and oriented to pedestrians.

Section 3.2 – Municipal Natural Area and Natural Hazard Policies identifies that it is the policy of the Official Plan to conserve natural features and functions throughout the Municipality wherever possible. Section 3.4 – Greenland Features Overlay notes that Schedule 'B' is not a land use designation and is used as a means to raise public awareness of the importance of the natural environment and Significant Woodlands. The lands identified within Schedule 'B' will be subject to the underlying land use designation policies as well as the natural area policies of this section. Specifically, development or site alteration within or adjacent to the environmental features, including Significant Woodland, shall be subject to the completion of a Development Assessment Report acceptable to the Municipality. Development or site alteration within or within 50 m of the Significant Woodland will be prohibited until it can be shown that there will be minimal or no impacts on the form or function of the feature.

Section 3.6 – Floodplain Areas identifies that development and site alteration may be permitted within flood plains where a Development Assessment Report demonstrates no increased risk to life and property and no impact on flood conveyance, upstream or downstream flood levels or aggravation of existing natural hazard processes such as slope stability. Development Assessment Reports should also demonstrate no negative impacts on natural features / functions.

Additionally, development and site alteration may be permitted within slope hazards where a Development Assessment Report demonstrates no increased risk to life and property and no impact on: slope stability; flooding; upstream or downstream properties; aggravation of existing natural hazard processes; or negative impacts on natural features/functions.

3.6.2 - Within Identified Settlement Areas states that within settlements, alternative developments may also be permitted, subject to the completion of a Development Assessment Report. This report will specifically evaluate the floodplain area, and establish a "two-zone" distinction that identifies the floodway and the flood fringe. Where

such a study has been prepared to the satisfaction of the Municipality and Upper Thames River Conservation Authority, the development of amenity uses or open space areas relating to development or land uses (in separate designations, but on the same land parcel) may be permitted within the flood fringe if considered appropriate. Such amenity uses might include accessory structures, rear yards of residential lots, parking areas, or other similar and acceptable uses. A key component of this Development Assessment Report will be an evaluation of appropriate risk management to potential flood hazard. The Development Assessment Report must also establish that there are no alternatives available to locate amenity uses on portions of land outside of the flood fringe.

Section 9.3 – Municipal Infrastructure and Services Policies provides direction for servicing in Delaware. Delaware is identified as a settlement area serviced by full municipal water and private sanitary service systems. The establishment of municipal sanitary sewer infrastructure in Delaware was identified to be possible within the planning period of the Official Plan.

It is a policy of the Official Plan that future development within settlement areas proceed on the basis of full municipal services, where partial services may potentially be permitted on an interim basis where proper justification is provided. All lots affected by an application for severance or plan of subdivision 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.

Section 11.0 – Special Policy Areas provides direction for Special Policy Area #3 which applies to a majority of the eastern half of Delaware and the subject lands.

For lands so identified on the Delaware Community Settlement Area (Schedule A-4), notwithstanding the residential policies of this Plan, are subject to the following policies:

- a) The Municipality is committed to the provision of municipal sewage services to service existing and future development in this area in the long term as indicated in the Delaware Water and Wastewater Servicing Study prepared by Dillon Consulting dated May 31, 2005, being Phases 1 and 2 of the Municipal Class Environmental Assessment. In this regard, the Municipality shall move forward with the subsequent phases of the full Class Environmental Assessment process.
- b) Development within this area on municipal water and private on-site septic systems shall be restricted to lands located on existing road right-of-ways, being Harris Road, Martin Road and Wellington Street. Such development should not preclude the efficient use of land should municipal sewage services become available.
- c) Development shall adhere to the extent feasible and practicable with the conceptual area plan as described in the August 1997, “Delaware Village Area Plan and Environmental Management Study” prepared by Delcan Corporation which includes new road allowances to ultimately provide access for the internal

lands namely those not situated on existing road right-of-ways and areas suitable for stormwater control structures.

- d) The development restrictions which limit development to lands located on existing road right-of-ways shall be removed upon this area being serviced by municipal sewage services. The development of the internal lands, being those not located on existing road right-of-ways, shall adhere to the extent feasible and practicable to the generalized street pattern as outlined to in the August 1997, "Delaware Village Area Plan and Environmental Management Study" prepared by Delcan Corporation.
- e) The creation of lots which do not extend along the entire frontage of a property on existing road right-of-ways (with the exception of new road allowances to ultimately provide access for the internal lands) shall be prohibited.
- f) No lots may be developed on existing right-of-ways without confirmation that the lots can accommodate an appropriate septic system, sewage envelope and contingency area as outlined in Section 10.3.1b) of this Plan.
- g) The lands must be graded to control storm water run-off quantity and quality in accordance with a grading plan approved by the Municipality. No lots may be developed without confirmation that the creation of the lots will not prejudice future storm water management efforts of the area and depending on the scale of the development, the Municipality may request the preparation of a Storm Water Management Study to be completed to the satisfaction of the Upper Thames River Conservation Authority prior to development preceding.
- h) The Municipality shall initiate a groundwater monitoring program to determine the impacts of existing septic systems on ground and surface water. Notwithstanding the other policies of SPA #3, development within this area may be prohibited if ground water nitrate levels are found to be at an unacceptable level by the Ministry of Environment and the Municipality.

Middlesex Centre Zoning By-law:

The subject lands are currently zoned 'Existing Use (EU)'. The 'Existing Use (EU)' zone generally applies to undeveloped lands located in villages and hamlets of the Municipality. The zone does not permit any new buildings or structures to be erected, used or altered, and requires a zoning by-law amendment to permit any new development.

The amendment would to rezone the lands to the 'Community Residential First Density (CR1)' zone for Parcel 1 and a site-specific 'Community Residential First Density (CR1-x)' zone for Parcel 2.

Parcel 1, the proposed severed lot, generally complies with the minimum lot standards of the 'Community Residential First Density (CR1)' zone as shown in Table 1 below. The lot size and frontage generally reflects similar development in the area and the accommodation of on-site private septic services.

Table 1:

	CR1 Zone	Proposed Severed Parcel 1
Permitted Uses	accessory use home occupation single detached dwelling	accessory use home occupation single detached dwelling
Minimum Lot Frontage	20.0 m (66 ft)	36.1 m (118.4 ft)
Minimum Lot Size	700.0 m ² (7,535 ft ²)	3,610 m ² (0.89 ac)

Parcel 2, the proposed retained lot, generally complies with the minimum lot standards of the 'Community Residential First Density (CR1)' zone as shown in Table 2 below. However, the applicant has accepted that a site-specific zone may be necessary to create a building envelope for future development and to protect the Significant Woodland.

Table 2:

	CR1 Zone	Proposed Retained Parcel 2
Permitted Uses	accessory use home occupation single detached dwelling	accessory use home occupation single detached dwelling
Minimum Lot Frontage	20.0 m (66 ft)	20.0 m (66 ft)
Minimum Lot Size	700.0 m ² (7,535 ft ²)	4.92 ha (12.15 ac)

Consultation:

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

Public Comments:

As the time of writing this report staff did not receive any comments from the public.

At the March 2021 Council meeting related to the consent application, Council members expressed concerns with Parcel 2 and any future subdivision development should full municipal serviced be provided. Council members were primarily concerned that a new

residential dwelling unit on Parcel 2 may be located in such a way that limits development options for the future.

Agency Comments:

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

The Municipality's Chief Building Official reviewed the development proposal and identified that the retained lands, Parcel 2, should remain in the 'Existing Use (EU)' zone until servicing is provided in conformity with Special Policy Area #3. However, an approach to permit development in a limited area may be appropriate.

The Municipality's Public Works and Engineering Department reviewed the requested amendments and has no concerns. Concerns were raised at the time of the consent application.

The Upper Thames River Conservation Authority did not provide comments at the time of writing this report. However, in previous discussions with staff they identified that a slope hazard is concurrent with the Significant Woodland identified on the property. Additionally, there is presence of wetland.

Analysis:

As noted, the subject lands are located within the Delaware Settlement Area and is designated 'Residential' and Special Policy #3 in the Official Plan. The lands are also zoned 'Existing Use (EU)' in the Middlesex Centre Zoning By-law. The lands abut a public right-of-way, Harris Road, and has access to municipal water services only.

The requested zoning by-law amendment is generally supported by policies of the PPS and County Plan where there is support for infill development within settlement areas.

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 including natural heritage areas and Special Policy Area #3.

Parcel 2 contains natural heritage features and hazard lands that would require a Development Assessment Report to be prepared to mitigate impact on the features and mitigate risks. Specifically, a Development Assessment Report is generally required for any new development or site alteration within or adjacent to (within 50 m) of a Significant Woodland. The applicant has not provided a Development Assessment Report but is aware that new development will need to address this requirement if any development is proposed within proximity to the natural features. As such, the applicant has advised that they will locate the proposed single detached dwelling and any accessory structures to the southern portion of Parcel 2 and closer to Harris Road to avoid negative impacts on the Significant Woodland and natural heritage system. As such, staff recommend that the requested site-specific zone apply to lands outside of Significant Woodland and the treeline as identified on the sketch provided by the applicant. The balance of Parcel 2

containing the Significant Woodland will remain in the 'Existing Use (EU)' zone and not permit development.

Further, the Upper Thames River Conservation Authority advised that though a Development Assessment Report was not provided with the rezoning application, the Conservation Authority would have the opportunity to review the location of any proposed development on the land as a result of the slope hazard and regulated area on the lands. If development is proposed adjacent to the Significant Woodland the Conservation Authority may request the applicant provide a Development Assessment Report to their satisfaction. Staff is generally satisfied with this approach to ensure that the Significant Woodland and natural heritage system are protected from future development.

With regard to Special Policy Area #3, the development must conform to the following policies:

- a) **The Municipality is committed to the provision of municipal sewage services to service existing and future development in this area in the long term as indicated in the Delaware Water and Wastewater Servicing Study prepared by Dillon Consulting dated May 31, 2005, being Phases 1 and 2 of the Municipal Class Environmental Assessment. In this regard, the Municipality shall move forward with the subsequent phases of the full Class Environmental Assessment process.**

Municipal sewage services are not provided within this area.

- b) **Development within this area on municipal water and private on-site septic systems shall be restricted to lands located on existing road right-of-ways, being Harris Road, Martin Road and Wellington Street. Such development should not preclude the efficient use of land should municipal sewage services become available.**

Parcel 1 and Parcel 2 have access to municipal water, and propose individual on-site septic systems. Both parcels have frontage onto Harris Road and Parcel 2 maintains a frontage wide enough for a future roadway.

Staff advise that a single detached dwelling proposed on Parcel 2 may preclude the efficient use of the land and limit future development potential for the remainder of the lands when full municipal sewage services become available. The applicant provided a conceptual sketch where the single detached dwelling was located close to the western property line and at least 50 m south of the Significant Woodland treeline. Further, the applicant advised that the location will be in conformity with the rest of the zoning standards of the 'Community Residential First Density (CR1)' zone. However, the confirmed plans and details such as setbacks of the proposed location of the dwelling were not shown on the sketch. Staff have requested that a conceptual plan of a potential subdivision be provided in order to demonstrate that the proposed single detached dwelling on Parcel 2 will not impact the future ability to develop the land.

To avoid development within the area that may become a future right-of-way planning staff recommend that a minimum front yard setback of approximately 100 m (328 ft.). This measurement is consistent with the lot depth of Parcel 1. Additionally, staff recommend that a minimum side-yard setback to all interior lot lines be 8.0 m (26 ft.) to provide sufficient distance between a single detached dwelling and the existing residences along Harris Road. The setback is consistent with the rear-yard setback within the 'Community Residential First Density (CR1)' zone.

- c) Development shall adhere to the extent feasible and practicable with the conceptual area plan as described in the August 1997, "Delaware Village Area Plan and Environmental Management Study" prepared by Delcan Corporation which includes new road allowances to ultimately provide access for the internal lands namely those not situated on existing road right-of-ways and areas suitable for stormwater control structures.**

The 1997 Delcan Plan identifies a future Street 'B' and 'C' on the subject lands. Street 'C' is a north-south roadway proposed off Harris Road and is generally within the area as the frontage for Parcel 2. The frontage of Parcel 2 is sufficient in size for a future roadway to access internal lands.

Street 'B' runs east-west through the middle of the subject lands behind existing lots on Harris Road and intersects with Street 'C'.

- d) The development restrictions which limit development to lands located on existing road right-of-ways shall be removed upon this area being serviced by municipal sewage services. The development of the internal lands, being those not located on existing road right-of-ways, shall adhere to the extent feasible and practicable to the generalized street pattern as outlined to in the August 1997, "Delaware Village Area Plan and Environmental Management Study" prepared by Delcan Corporation.**

The proposed severance and location of new dwellings on Parcel 1 and 2 generally follow the street pattern outlined in the 1997 Delcan Plan.

- e) The creation of lots which do not extend along the entire frontage of a property on existing road right-of-ways (with the exception of new road allowances to ultimately provide access for the internal lands) shall be prohibited.**

Both Parcel 1 and 2 have frontages along the existing Harris Road right-of-way.

- f) No lots may be developed on existing right-of-ways without confirmation that the lots can accommodate an appropriate septic system, sewage envelope and contingency area as outlined in Section 10.3.1b) of this Plan.**

The applicant submitted a preliminary Subsurface & Onsite Servicing Impact Assessment which has been reviewed by Public Works and Engineering. It was

determined that the proposed lot size of Parcel 1 is capable of accommodating a building envelope and functioning private septic system with contingency area. Additionally, as a condition of consent, the Owner will be required to provide all necessary servicing plans prior to the issuance of a Certificate of Consent.

- g) The lands must be graded to control storm water run-off quantity and quality in accordance with a grading plan approved by the Municipality. No lots may be developed without confirmation that the creation of the lots will not prejudice future storm water management efforts of the area and depending on the scale of the development, the Municipality may request the preparation of a Storm Water Management Study to be completed to the satisfaction of the Upper Thames River Conservation Authority prior to development preceding.**

A condition of consent requires the Owner to provide a lot grading plan prepared by a Professional Engineer that includes appropriate grades at property boundaries and the four corners of a building envelope. The lot grading plan shall indicate a suitable building area that meets the required setbacks from the overhead electrical lines servicing neighbouring properties.

- h) The Municipality shall initiate a groundwater monitoring program to determine the impacts of existing septic systems on ground and surface water. Notwithstanding the other policies of SPA #3, development within this area may be prohibited if ground water nitrate levels are found to be at an unacceptable level by the Ministry of Environment and the Municipality.**

A condition of consent requires the Owner to provide a groundwater impact assessment. The preliminary Subsurface & Onsite Servicing Impact Assessment determined that nitrogen removal would be required prior to subsurface discharge to meet the Provincial guidelines.

Given the above, staff recommended that Parcel 1 be rezoned to the general 'Community Residential First Density (CR1)' zone which permits a single detached dwelling, accessory use, and home occupation. Development will need to comply with the zoning standards and the results of the studies to be submitted by the applicant.

Staff also recommend that Parcel 2 be rezoned to a site-specific 'Community Residential First Density exception 5 (CR1-5)' zone with the following site-specific standards:

- Minimum lot frontage 100 m (328 ft.)
- Minimum side yard setback 8 m (26 ft.) to interior property lines

Given the above, planning staff determined that the requested zoning by-law amendment, as amended, maintains the intent of the Official Plan policies for infill development within Delaware. Planning staff recommend that the requested amendment to the zoning by-law

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, the 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 Zoning Map