



Meeting Date: October 27, 2021

Submitted by: Marion-Frances Cabral, Planner

Report No: PLA-85-2021

Subject: Application for Zoning By-law Amendment (ZBA-18-2021) for 14176 Twelve Mile Road; Filed by Paul Willer on behalf of Margaret Corsaut

Recommendation:

THAT Zoning By-law Amendment Application (ZBA-18-2021), filed by Paul Willer on behalf of Margaret Corsaut for the severed and retained lands of consent application B-23/20 in order to implement the severance of a surplus farm residence, be APPROVED.

Purpose:

The purpose of this report is to provide Council with a recommendation regarding a rezoning application for a property on the north side of Twelve Mile Road, west of the intersection at Richmond Street and Twelve Mile Road. The subject property is legally described as Part of Lot 18, Concession 12 S, Municipality of Middlesex Centre.

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-23/20, which conditionally severed a lot with an area of approximately 0.63 hectares (1.56 acres) in order to accommodate a surplus farm residence. A small portion of the retained and severed lots are regulated by the Upper Thames River Conservation Authority. The retained lot also contains a Significant Woodland as identified on Schedule 'B' of the Middlesex Centre Official Plan and the Middlesex Natural Heritage Systems Study.

The effect of the subject application is to rezone the provisionally granted severed lot from the 'Agricultural (A1)' zone to the 'Surplus Residence (SR)' zone and the proposed retained lot from the 'Agricultural (A1)' zone to the 'Agricultural – No Residences (A3)' zone to prohibit any new residential use and to recognize the undersized retained lot, if necessary.

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 prior to January 1st, 1999 and that new residential dwellings are prohibited on any vacant retained lot of farmland created by the severance.

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 2020. 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 residential non-farm use.

Further, the amendment would rezone the proposed retained lot from the 'Agricultural (A1)' zone to the 'Agricultural – No Residences (A3)' zone to: recognize the minimum size of the retained farm lot as it existed on the day that the residential use ceased; and, prohibit the construction of a dwelling in the future while still allowing the lands to continue with agricultural operations.

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:

At the time of writing the subject report, no comments or concerns had been received from the public regarding this proposal.

Agency Comments:

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

The Municipality's Chief Building Official has not provided comments at the time of writing this report.

The Municipality's Public Works and Engineering Department has not provided comments at the time of writing this report.

The Upper Thames River Conservation Authority (SCRCA) has not provided comments at the time of writing this report.

Analysis:

As a result of the severance for a surplus farm dwelling (File: B-23/20), the application requests to re-zone the provisionally granted severed lot to 'Surplus Residence (SR)' and the proposed 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 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 'Agricultural – No Residences (A3)' zone requires a minimum lot area of the lesser of 40 ha (99 ac) or as it existed on the day the residential use ceased and a minimum lot frontage of the lesser of 300 m (984 ft) or as it existed on the day the residential use ceased.

Upon review of the details of the severance, the provisionally granted lots will meet the provisions of the requested zones. The provisionally granted severed lot with the residence will have a frontage of 77.0 m (252.6 ft) and an area of 0.63 ha (1.56 ac). The proposed retained lot will have a lot frontage of 538 m (1, 765 ft) and a lot area of approximately 40.8 ha (101 ac).

The applicant provided a sketch identifying the existing dwelling and accessory building (shed) on the severed lands. The severed lot meets the standards of the zoning by-law for the 'Surplus Residence (SR)' zone including minimum setbacks, maximum lot coverage and maximum size an accessory building. Additionally, the retained lot appears to meet the standards of the zoning by-law for the 'Agricultural – No Residences (A3)' zone including lot frontage and minimum lot area.

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.

Strategic Plan:

This matter aligns with following strategic priorities:

- Balanced Growth

Attachments:

Attachment 1 – Location Map

Attachment 2 – Sketch of proposed severed lot