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**Z-8424
S. Wise**

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: ARCHIBALD, GREY & MCKAY LTD. 6421 WELLINGTON ROAD SOUTH PUBLIC PARTICIPATION MEETING ON JANUARY 5, 2015

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Archibald, Grey & McKay Ltd. relating to the property located at 6421 Wellington Road South, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on January 13, 2015 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** an Environmental Review (ER) Zone, an Agricultural (AG1) Zone, and an Agricultural (AG2) Zone **TO** an Environmental Review (ER) Zone, an Agricultural Special Provision (AG1()) Zone, and an Agricultural Special Provision (AG1(1)) Zone.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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None

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the recommended action is to facilitate a consent application to sever a surplus farm dwelling and consolidate the remnant farmland with an adjacent parcel. The Zoning By-law amendment will allow the existing dwelling to operate independently from the farm operation, and will restrict future residential development on the retained, farmed lands.

RATIONALE

1. The recommended action is consistent with the protection of agricultural land and use of rural land policies in the Provincial Policy Statement, 2014.
2. The recommended action is consistent with the intent of the agriculture and environmental review designations, and agricultural consent policies in the City of London Official Plan.
3. The recommended action is consistent with the Z.-1 Zoning By-law and supports the orderly consolidation of farm parcels while restricting future residential growth in the agricultural area.
4. The recommended action will fulfill a condition of consent to enable the severance of the surplus farm dwelling that is no longer required as part of the larger farm operation.

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**Z-8424
S. Wise**

BACKGROUND

Date Application Accepted: September 18, 2014.	Agent: Archibald, Grey & McKay Ltd.
REQUESTED ACTION: Possible change to Zoning By-law Z.-1 from an Agricultural (AG1) Zone and an Agricultural (AG2) Zone to an Agricultural Special Provision (AG1(_)) to permit a single detached dwelling, and an Agricultural Special Provision AG1(_)) to permit farm uses without single detached dwellings.	

SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use – Agricultural • Frontage – 500m (1,640 ft) • Depth – 710m (2,329 ft) • Area – 36ha (88 ac) • Shape - Irregular

SURROUNDING LAND USES:
<ul style="list-style-type: none"> • North - Agricultural • South - Agricultural • East - Residential • West - Agricultural

OFFICIAL PLAN DESIGNATION: (refer to Official Plan Map)
<ul style="list-style-type: none"> • Environmental Review (ER) and Agriculture (AG)
EXISTING ZONING: (refer to Zoning Map)
<ul style="list-style-type: none"> • Environmental Review (ER), Agricultural (AG1) and Agricultural (AG2)

Subject Site

The subject site is located approximately four kilometres south of the Urban Growth Boundary, and less than two kilometres north of the southern City limits. The site is located along a curve of Wellington Road South and north of Glanworth Drive. There are agricultural uses towards the north, south and west of the property, and a cluster of single detached dwellings towards the east, known as the Glanworth Hamlet.

There are two structures on the lands, which include an existing dwelling municipally known as 6421 Wellington Road South, and a shed which is used for farm equipment storage. The dwelling is serviced by a private on-site well and septic system.

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Z-8424
S. Wise



Figure 1 – Subject Lands

The predominant use of the site and land in the area is for passive agricultural uses, though there are examples of detached dwellings on existing small lots of record in the immediate area. The site directly abutting the subject lands to the east at 6399 Wellington Road South, and towards the west at 6457 Wellington Road South, both represent existing single detached dwellings on small lots.

There is an environmental review designation and zone on site which overlays a tributary to the Wright drain and a cluster of mature trees towards the northwest. The water feature traverses the site from the northeast to the southwest.



Dwelling (West Side)



Shed (South Side)

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**Z-8424
S. Wise**

PLANNING HISTORY

Consent Application B.018/14

On July 4, 2014 an application was accepted for a consent to sever a lot of 6,590m² (70,934 sq ft) for a surplus farm dwelling from 6421 Wellington Road South, and to convey the retained parcel of 36ha to 6597 Wellington Road South for agricultural purposes. Provisional Consent was granted on September 10, 2014 subject to the fulfillment of 17 conditions, including the requirement for a Zoning By-law Amendment.

In accordance with Section 9.2.14.1 of the General Consent Policies, where a consent contravenes the Zoning By-law, the granting of a consent would be conditional upon the Zoning By-law having been amended and approved by the authority having jurisdiction.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Development Services – Engineering

- The applicant acknowledges that there is no municipal sanitary sewer available to service the subject lands. Sanitary servicing will need to be provided by a private on-site sanitary sewage disposal system. The applicant is advised that the site layout will need to accommodate the private sanitary servicing including all required separation distances in accordance with the Ontario Building Code.

Please note that this response has been made without input from the water engineering division.

PUBLIC LIAISON:	On October 1, 2014, Notice of Application was sent to 24 property owners in the surrounding area. Notice of Application was also published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on October 2, 2014. A "Possible Land Use Change" sign was also posted on the site.	0 replies were received
<p>Nature of Liaison: Change Zoning By-law Z.-1 FROM an Environmental Review (ER) Zone which permits agricultural and passive land uses, and an Agricultural (AG1) Zone which permits a wide range of non-intensive agricultural uses, TO an Environmental Review (ER) Zone and an Agricultural Special Provision (AG1()) Zone to permit an existing detached dwelling, and an Agricultural Special Provision (AG1()) Zone to prohibit future residential dwellings on the farmed lands to be conveyed.</p>		

ANALYSIS

Proposal

The requested amendment is required to facilitate the severance of a surplus farm dwelling and consolidate the remaining farmed parcel with the adjacent lands to the west. The proposal will establish a severed lot of 0.65ha (1.6 ac) with a frontage of 61.5m (201 ft) for the existing single detached dwelling, and restrict the development of future residential dwellings on the retained farmed parcel. The existing shed located to the north of the dwelling is proposed to be retained with the farmed parcel.

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Z-8424
S. Wise



Figure 2 – Proposed Severed Parcel

Provincial Policy Statement

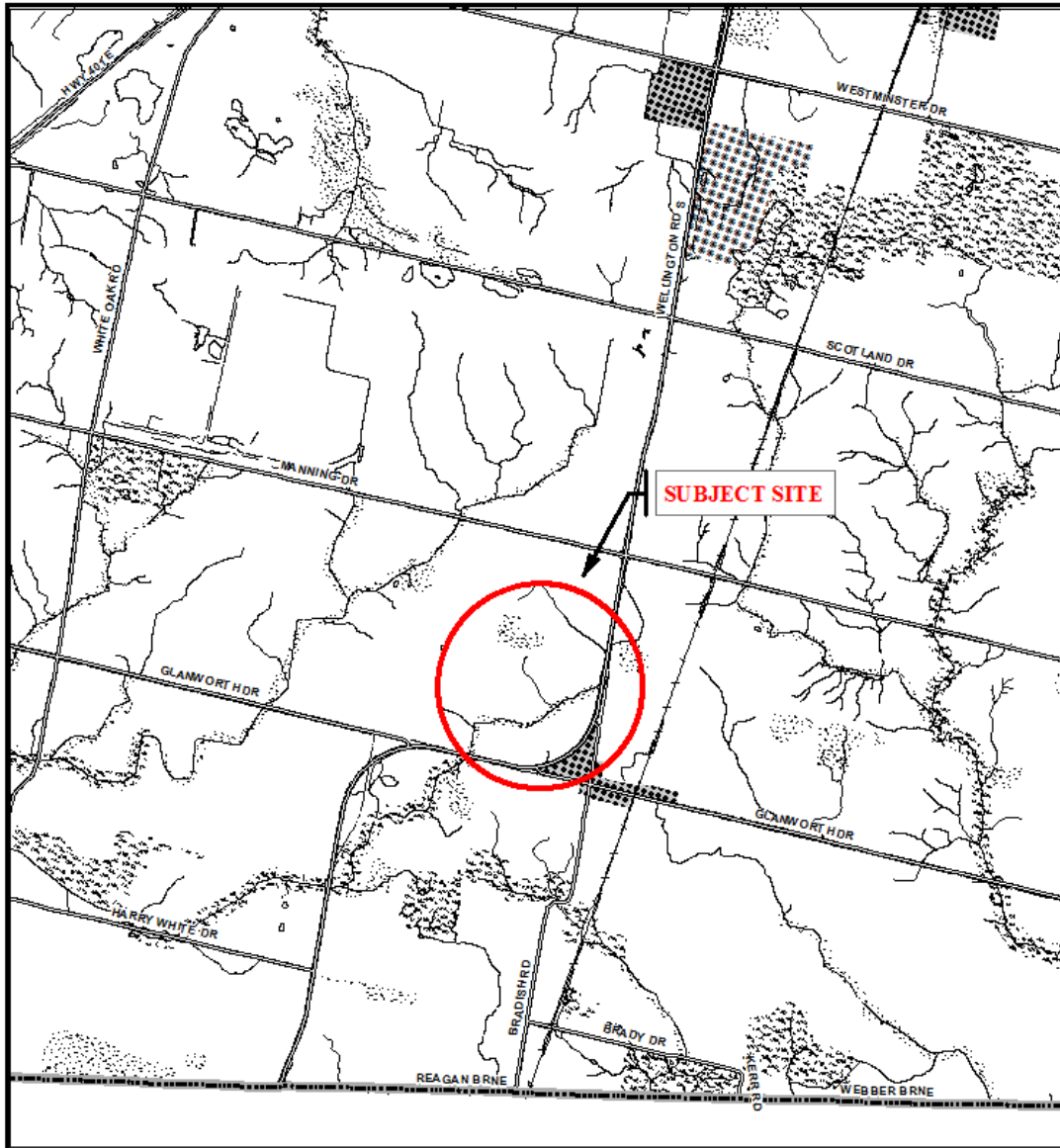
The *Provincial Policy Statement, 2014* (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS is more than a set of individual policies. It is intended to be read in its entirety and the relevant policies are to be applied to each situation. The PPS provides policy direction as it relates to uses in the agricultural area.

Section 1.1.5 *Rural Lands in Municipalities* of the PPS promotes and protects agricultural uses, agricultural-related uses and other normal farm practices. Minimum Distance Separation Formulae is applied to new non-farm land uses and livestock facilities. The recommended action protects the long-term viability of agricultural lands and is consistent with the Minimum Distance Separation criteria.

Section 2.3 of the PPS identifies prime agricultural areas to be protected for long-term agricultural uses. Lot creation in prime agricultural areas is discouraged, though may be permitted for a residence surplus to a farming operation as a result of farm consolidation. The new lot created is limited to the minimum size required to support private services, and no new residential dwellings are permitted on the remnant farmland created by the severance. The proposal is to facilitate the severance of a surplus farm dwelling with sufficient area to accommodate private services and shall prohibit future dwellings on the retained lands.

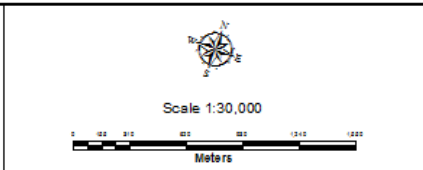
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Z-8424
S. Wise



Legend	
Downtown	Office/Residential
Wonderland Road Community Enterprise Corridor	Office Business Park
Enclosed Regional Commercial Node	General Industrial
New Format Regional Commercial Node	Light Industrial
Community Commercial Node	Regional Facility
Neighbourhood Commercial Node	Community Facility
Main Street Commercial Corridor	Open Space
Auto-Oriented Commercial Corridor	Urban Reserve - Community Growth
Multi-Family, High Density Residential	Urban Reserve - Industrial Growth
Multi-Family, Medium Density Residential	Rural Settlement
Low Density Residential	Environmental Review
Office Area	Agriculture
	Urban Growth Boundary

CITY OF LONDON
Department of
Planning and Development
OFFICIAL PLAN SCHEDULE A
- LANDUSE -
PREPARED BY: Graphics and Information Services

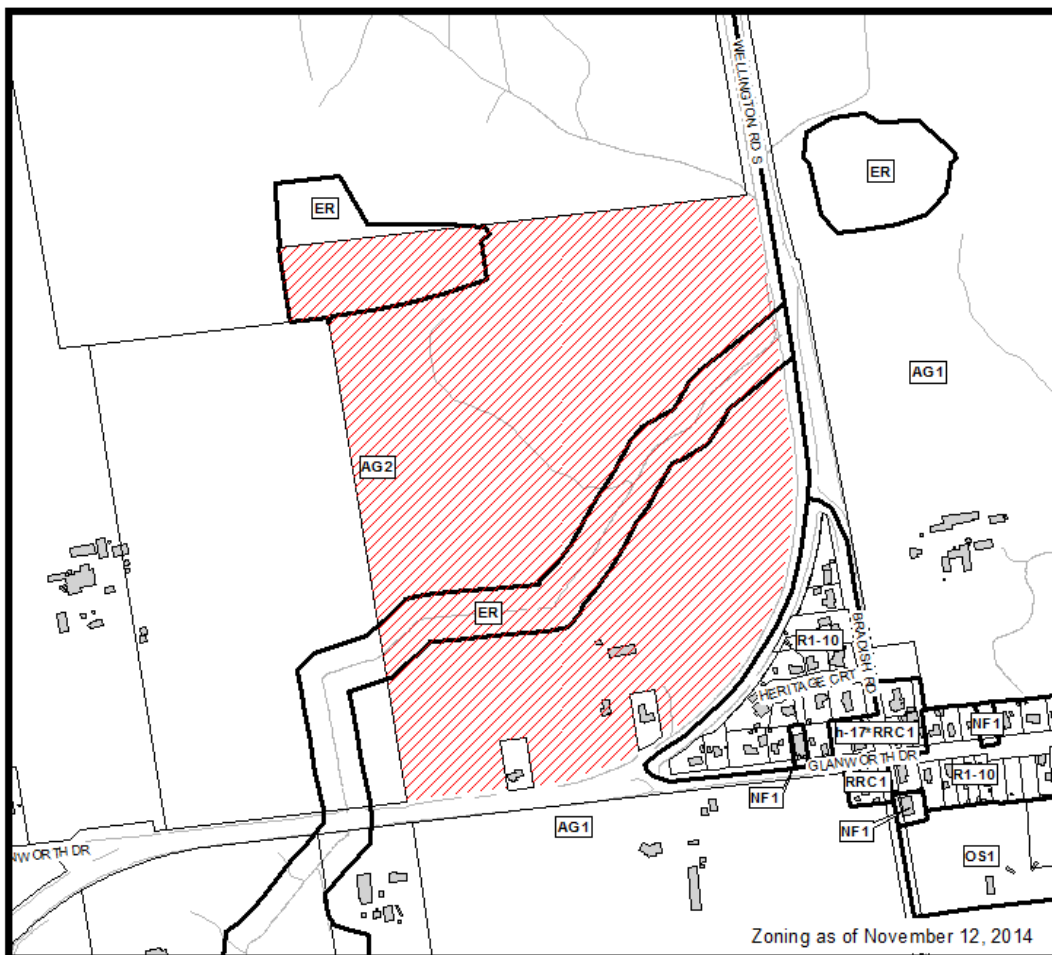


FILE NUMBER: Z-8424
PLANNER: SW
TECHNICIAN: MB
DATE: 2014/11/18

PROJECT LOCATION: e:\planning\proj\slp_officialplan\work\consol\00\excerpts\mxd_templates\scheduleA_b&w_8x14_with_SWAP.mxd

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Z-8424
S. Wise



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: AG1, AG2, ER

1) **LEGEND FOR ZONING BY-LAW Z-1**

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| <ul style="list-style-type: none"> R1 - SINGLE DETACHED DWELLINGS R2 - SINGLE AND TWO UNIT DWELLINGS R3 - SINGLE TO FOUR UNIT DWELLINGS R4 - STREET TOWNHOUSE R5 - CLUSTER TOWNHOUSE R6 - CLUSTER HOUSING ALL FORMS R7 - SENIOR'S HOUSING R8 - MEDIUM DENSITY/LOW RISE APTS. R9 - MEDIUM TO HIGH DENSITY APTS. R10 - HIGH DENSITY APARTMENTS R11 - LODGING HOUSE
 DA - DOWNTOWN AREA RSA - REGIONAL SHOPPING AREA CSA - COMMUNITY SHOPPING AREA NSA - NEIGHBOURHOOD SHOPPING AREA BDC - BUSINESS DISTRICT COMMERCIAL AC - ARTERIAL COMMERCIAL HS - HIGHWAY SERVICE COMMERCIAL RSC - RESTRICTED SERVICE COMMERCIAL CC - CONVENIENCE COMMERCIAL SS - AUTOMOBILE SERVICE STATION ASA - ASSOCIATED SHOPPING AREA COMMERCIAL
 OR - OFFICE/RESIDENTIAL OC - OFFICE CONVERSION RO - RESTRICTED OFFICE OF - OFFICE | <ul style="list-style-type: none"> RF - REGIONAL FACILITY CF - COMMUNITY FACILITY NF - NEIGHBOURHOOD FACILITY HER - HERITAGE DC - DAY CARE
 OS - OPEN SPACE CR - COMMERCIAL RECREATION ER - ENVIRONMENTAL REVIEW
 OB - OFFICE BUSINESS PARK LI - LIGHT INDUSTRIAL GI - GENERAL INDUSTRIAL HI - HEAVY INDUSTRIAL EX - RESOURCE EXTRACTIVE UR - URBAN RESERVE
 AG - AGRICULTURAL AGC - AGRICULTURAL COMMERCIAL RRC - RURAL SETTLEMENT COMMERCIAL TGS - TEMPORARY GARDEN SUITE RT - RAIL TRANSPORTATION
 "h" - HOLDING SYMBOL "D" - DENSITY SYMBOL "H" - HEIGHT SYMBOL "B" - BONUS SYMBOL "T" - TEMPORARY USE SYMBOL |
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CITY OF LONDON
PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

ZONING BY-LAW NO. Z.-1
SCHEDULE A



THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

FILE NO:
Z-8424 SW

MAP PREPARED:
2014/11/18 MB

1:7,000
0 35 70 140 210 280 Meters

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Z-8424
S. Wise

Official Plan

The Official Plan contains Council's objectives and policies to guide the short-term and long-term physical development of the municipality. The policies promote orderly urban growth and compatibility among land uses. While the objectives and policies in the Official Plan primarily relate to the physical development of the municipality, they also have regard for relevant social, economic and environmental matters.

A portion of the subject lands is designated "Environmental Review" within the Official Plan. The Environmental Review designation is applied to lands which may contain significant natural features and important ecological functions which should be protected from activities that would diminish their functions pending the completion of a detailed environmental study. The Environmental Review permits the continuance of farming that is carried out in accordance with generally accepted farming practices. The existing designated and zoned environmental review lands are not proposed to change and will be maintained in the current form and location.

A portion of the subject lands is designated "Agriculture" within the Official Plan. The Agriculture designation is applied to lands outside of the urban community and for lands not designated for urban growth over the planning period. Agriculture and farm-related activities are the predominant land use, including the cultivation of land and the raising of livestock. The Agriculture policies recognize the need for a long term commitment to agriculture and are intended to avoid the fragmentation of land holdings, minimize the loss of prime agricultural land to non-farm development, and discourage the introduction of land uses that are not compatible with, or may potentially constrain farm operations.

Agricultural lots are encouraged to be retained or consolidated to ensure that farms are of sufficient size to promote efficient operations, responsible environmental management and to maintain long term viability. As such, severances of land within the Agriculture designation are restricted in order to limit farmland fragmentation and the creation of lots for non-farm purposes. The Agricultural Consent Policies in section 9.2.14 provide limited occasions where lot creation is considered appropriate; with one such exception being the severance of a 'surplus farm dwelling'.

The existing dwelling at 6421 Wellington Road South is considered independent and unessential to the farm operation, and does not form part of the farm cluster. The proposed severed residential lot, and recommended Agricultural Special Provision (AG1(_)) zone will recognize the existing dwelling and provide the minimum sized parcel of land required to support the private services. The remnant farm parcel is to be conveyed to the adjacent agricultural operation to the west at 6597 Wellington Road South with the existing farm dwelling and farm cluster to form a single lot. The effect of the severance will be the creation of a separate lot for the surplus farm dwelling, and a larger agricultural land holding which is consistent with the Official Plan policies to promote viable farm parcels.

Minimum Distance Separation

Non-farm residential development in agricultural areas represents a sensitive use that is considered to be incompatible with certain agricultural uses as it creates the potential for a land use conflict. The Minimum Distance Separation (MDS) is a calculated setback to mitigate nuisance from odour from certain non-farm uses in proximity to existing livestock facilities (MDS1), and from new or expanding livestock facilities in proximity to non-farm uses (MDS2).

There is an existing non-residential building located to the north of the dwelling at 6421 Wellington Road South which is subject to the evaluation of MDS regulations. The initial assessment of the structure identified certain existing features associated with the operation of a livestock facility. The site was visited by Ontario Ministry of Agriculture, Food, and Rural Affairs (OMAFRA) staff on May 13, 2014 which identified the following works to be completed in order to 'decommission' the structure and its ability to accommodate livestock:

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Z-8424
S. Wise

- 1) Removal of the interior penning, cattle chute and loading area infrastructure;
- 2) Removal of the yellow and red *Ritchie* brand automatic livestock waterers; and
- 3) Removal of all livestock gates and feed troughs.

The identified works were undertaken and completed in the summer of 2014 to eliminate the potential for the structure to accommodate livestock. It has been demonstrated to the City that the building is not a livestock facility and instead is classified as a machinery shed. Consistent with OMAFRA's provincial policy for MDS1, structures such as machinery sheds are not considered to be livestock facilities, empty or otherwise, and exempt from MDS1.

Zoning By-law

The subject lands are within the Environmental Review (ER) Zone, Agricultural (AG1) Zone, and Agricultural (AG2) Zone. The proposal is to retain the lands zoned for Environmental Review (ER), and amend the Agricultural zoned lands to include special provisions for both the severed and retained portions of the lot. The proposed amendment will permit both the existing farm and the residential dwelling uses to continue their current operations, though on separate lots.

The Agricultural (AG1) Zone is intended to be applied to lands which are designated Agriculture in the Official Plan. The creation of properties less than 40 ha (98.8 ac) in size is discouraged by the Official Plan policies; however, in certain exceptions, and where in accordance with provincial policy, special provisions are supported to permit a surplus farm dwelling severance.

The Agricultural Special Provision (AG1(_)) Zone will permit the single detached dwelling on a lot with an area of 0.65ha (1.6 ac) and a frontage of 61.5m (201 ft) which is the minimum size required to support the on-site private services. An Agricultural Special Provision (AG1(1)) Zone is proposed to prohibit new single detached dwellings on the remnant farmed lot in order to comply with provincial policy and to protect and maintain the viability of the agricultural area. All other uses in the Agricultural (AG1) Zone variation with the exception of single detached dwellings will be permitted.

CONCLUSION

The recommended Zoning By-law amendment is consistent with the policies of the Provincial Policy Statement (2014) and the City of London Official Plan. The proposal represents a surplus farm dwelling severance and will enable the independent function of the existing single detached dwelling and the consolidation of the farm operation. The recommended zone allows for an appropriate development that is consistent with the use of the land in the agricultural area.

Agenda Item # Page #

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Z-8424
S. Wise

PREPARED BY:	SUBMITTED BY:
SONIA WISE PLANNER II, CURRENT PLANNING	MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, CURRENT PLANNING
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

December 9, 2014

SW

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PEC Report 6421 Wellington Rd S.docx

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**Z-8424
S. Wise**

**Bibliography of Information and Materials
Z-8424**

Request for Approval:

City of London Zoning Application Form, completed by Delroy Brown on behalf of Archibald, Grey & McKay Ltd. September 16, 2014.

Reference Documents:

Ontario. Ministry of Municipal Affairs and Housing. *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended.

Ontario. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement*, 2014.

City of London. *Official Plan*, June 19, 1989, as amended.

City of London. *Zoning By-law No. Z-1*, May 21, 1991, as amended.

Archibald, Grey & McKay Ltd. *Planning Justification Report*, September 16, 2014.

Correspondence: (all located in City of London File No. Z-8424 unless otherwise stated)

City of London -

City of London Planning Services. Various e-mails with Archibald, Grey & McKay Ltd. March to November, 2014.

Departments and Agencies -

Abushehada, I. Development Services – Engineering. Memo to Sonia Wise, November 7, 2014.

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**Z-8424
S. Wise**

Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2015

By-law No. Z.-1-15_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 6421 Wellington Road South.

WHEREAS Archibald, Grey & McKay Ltd. has applied to rezone an area of land located at 6421 Wellington Road South, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 6421 Wellington Road South, as shown on the attached map comprising part of Key Map No. A118, from an Environmental Review (ER) Zone, an Agricultural (AG1) Zone, and an Agricultural (AG2) Zone to an Environmental Review (ER) Zone, an Agricultural Special Provision (AG1(_)) Zone, and an Agricultural Special Provision (AG1(1)) Zone.
- 2) Section Number 45.4 of the Agricultural (AG1) Zone is amended by adding the following Special Provision:

AG1(_)	6421 Wellington Road South	
a)	Additional Permitted Use	
	i)	Single Detached Dwelling
b)	Regulations	
	i)	Lot Area (Minimum) 0.65 ha (1.6 ac)
	ii)	Lot Frontage (Minimum) 61.5 m (201 ft)

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on January 13, 2015.

Matt Brown
Mayor

Agenda Item # Page #

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Z-8424
S. Wise

Catharine Saunders
City Clerk

First Reading - January 13, 2015
Second Reading - January 13, 2015
Third Reading - January 13, 2015

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Z-8424
S. Wise

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)

