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File No: Z-8428
Planner: S. Meksula

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: KIRKNESS CONSULTING INC. 3446 GORE ROAD PUBLIC PARTICIPATION MEETING ON MARCH 2, 2015

RECOMMENDATION

That, on the recommendation of the Planner II, Development Services, with respect to the application of Kirkness Consulting Inc. relating to the property located at 3446 Gore Road the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on March 10, 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 Agricultural (AG1) Zone, **TO** an Agricultural Special Provision (AG1(1)) Zone for the severed parcel and an Agricultural Special Provision (AG1()) Zone for the retained parcel.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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"None"

PURPOSE AND EFFECT OF RECOMMENDED ACTION

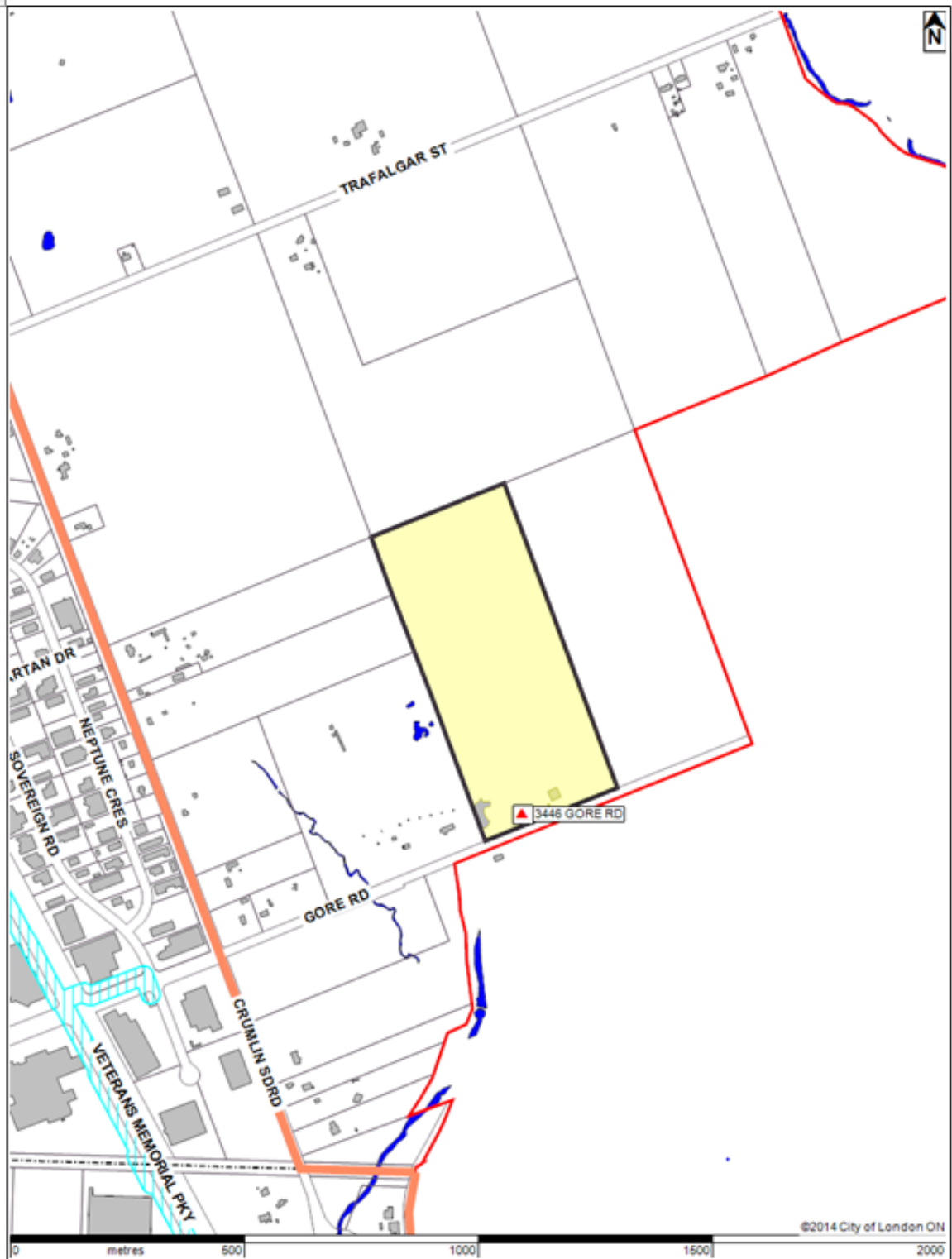
The purpose and effect of the requested Zoning By-law amendment is to consolidate farm parcels and retain a surplus farm dwelling.

RATIONALE

1. The recommended action is consistent with the Provincial Policy Statement, 2014.
2. The recommended action is consistent with the Official Plan.
3. The recommended action supports the orderly consolidation of farm parcels and does not facilitate future residential growth in the agricultural area.
4. The recommended action will fulfil a condition of consent which enables the severance of a surplus farm dwelling that is no longer required as part of the larger farm operation.

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LOCATION MAP

Subject Site: 3446 Gore Rd
Applicant: Killins Farms Ltd.
File Number: Z-8428
Planner: Sean Meksula
Created By: Anna Serrano
Date: 2014-10-03
Scale: 1:10100

LEGEND

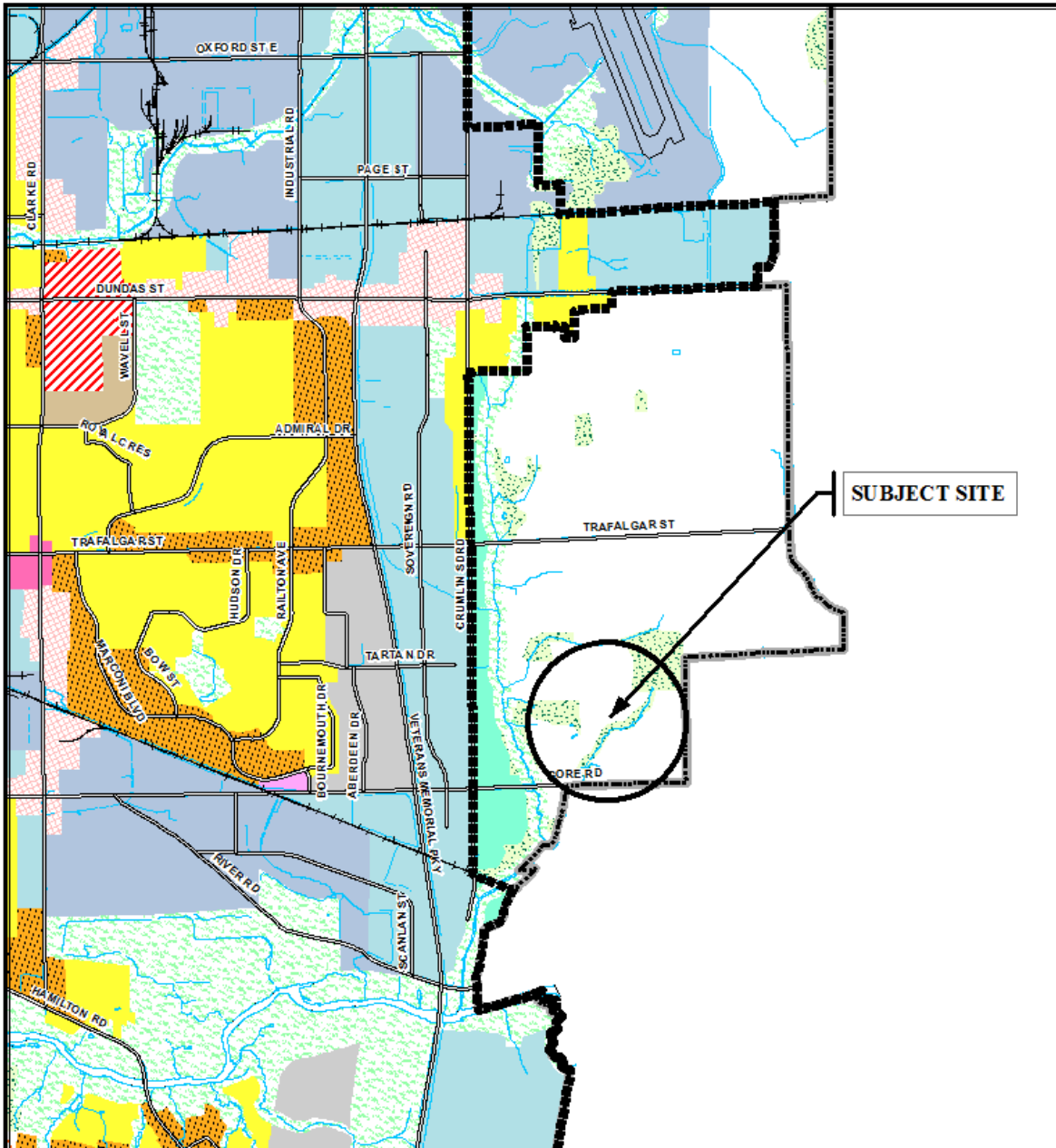
-  Subject Site
-  Parks
-  Assessment Parcels
-  Buildings
-  Address Numbers

Corporation of the City of London
Prepared By: Planning and Development



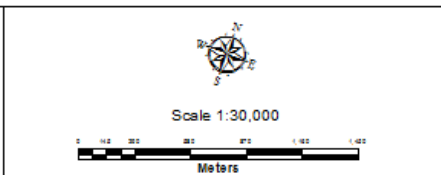
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Legend		
Downtown	Multi-Family, Medium Density Residential	Rural Settlement
Wonderland Road Community Enterprise Corridor	Low Density Residential	Office Business Park
Enclosed Regional Commercial Node	Office Area	General Industrial
New Format Regional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

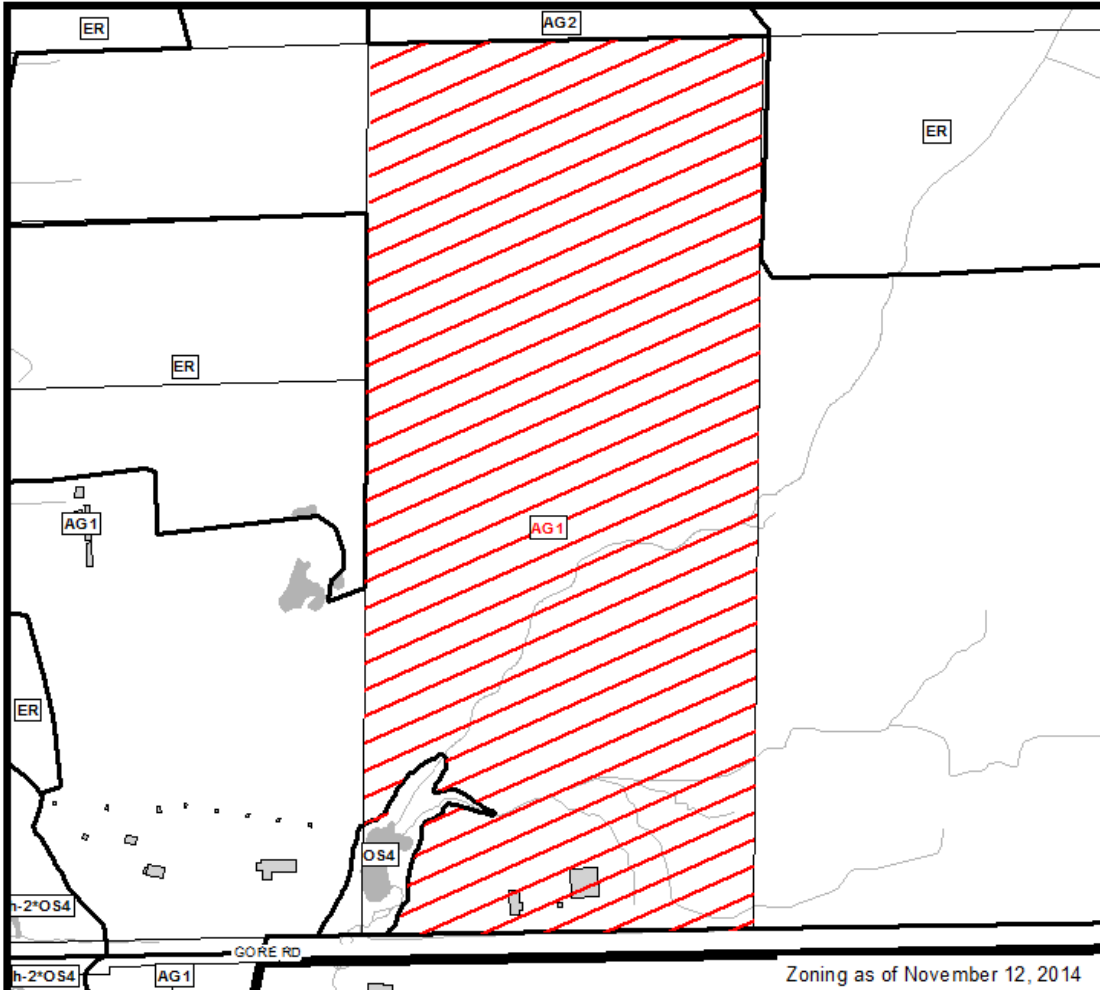
CITY OF LONDON
Department of
Planning and Development
OFFICIAL PLAN SCHEDULE A
- LAND USE -
PREPARED BY: Graphics and Information Services



FILE NO: Z-8428
PLANNER: SM
TECHNICIAN: JTS
DATE: February 10, 2015

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COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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



FILE NO:

Z-8428

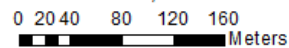
SM

MAP PREPARED:

January 16, 2015

JTS

1:4,500



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BACKGROUND

Date Application Accepted: October 3, 2014.	Applicant: Kirkness Consulting Inc.
REQUESTED ACTION: Zoning By-law amendment from Agriculture (AG1) to Agriculture Special Provision (AG1(__)) and Agriculture Special Provision (AG1(1)).	

SITE CHARACTERISTICS:
<ul style="list-style-type: none"> • Current Land Use - Agricultural • Frontage – 307 meters • Depth – 694 metres • Area – 40.0 hectares • Shape - Rectangular

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

OFFICIAL PLAN DESIGNATION: (refer to map)
<ul style="list-style-type: none"> • Agricultural
EXISTING ZONING: (refer to map)
<ul style="list-style-type: none"> • Agricultural (AG1) Zone

PLANNING HISTORY

On July 28, 2014, provisional consent was approved to sever 17.55ha of the subject lands and convey the severed portion to the adjacent parcel of land, known locally as 3544 Gore Road. The portion of the subject lands to be retained comprises of 2.68ha to be used for residential purposes by maintaining the existing detached dwelling.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Upper Thames River Conservation Authority

The UTRCA recently reviewed consent application B.013/14 and are confident that the hazard lands which are appropriately zoned OS4 have been captured within the limits of the severed lot. Regulation Mapping is based on estimated line work in the rural areas of the City. Therefore, until such time as detailed geotechnical and floodplain studies have been prepared to demonstrate that the extent of the hazard lands differs from that which is captured by the Regulation Limit, the OS4 zoning should remain in full force and effect.

As such, the UTRCA has no objection to the proposed Agricultural Special Provision Zone to permit an existing detached dwelling on the severed lot and to prohibit future residential dwellings on the farmed lands to be conveyed however. Also, the authority agrees with maintaining the OS4 lands as this is the appropriate zone for the hazard lands until such time as the extent of the hazard lands has been refined by the necessary detailed studies.

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Consistent with UTRCA Board of Directors approved policy; UTRCA Staff are authorized to collect fees for the review of Planning Act applications. Given UTRCA's recent review of a consent application for these lands, they have reduced the fee by 50% and will invoice the owner for the amount of \$100.00 under separate cover.

Waste Water and Drainage Engineering

WADE has no objection to the severance and zone change as described by this application. There is no municipal sanitary sewer available to serve the subject lands. Servicing for the proposed severed lot is provided by an existing on-site sewage disposal system.

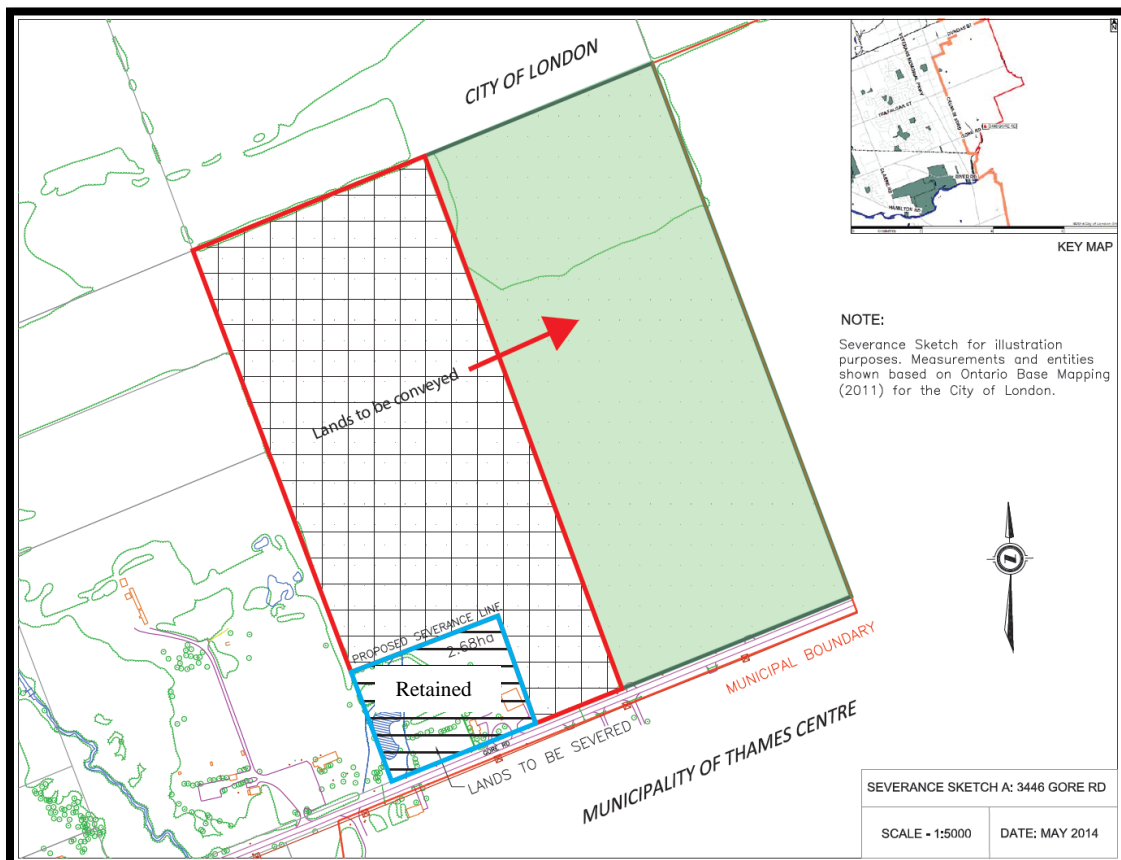
The Applicant is advised to contact the Building Control Division to confirm that the proposed lot can accommodate the private servicing and all required setbacks in accordance with the Ontario Building Code.

PUBLIC LIAISON:	On October 30, 2014 the Notice of Application was sent to surrounding land owners. Notice of the application was also published in the Public Notices and Bidding Opportunities section of The Londoner on October 30, 2014. Notice of Public Meeting was published in The Londoner on February 12, 2015.
Nature of Liaison: The purpose and effect of the requested Zoning By-law amendment is to permit the consolidation of farm parcels and to retain a surplus farm dwelling on a smaller parcel.	
Responses: None	

ANALYSIS

NATURE OF APPLICATION

The proposed amendment is to recognize the retained lot containing an existing single detached dwelling. The severed lot will be consolidated with the adjacent parcel and the zone will prohibit the development of any residential dwellings on these lands. The portion of the subject lands to be retained consists of 2.68ha to be used for residential purposes by maintaining the existing detached dwelling.



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PROVINCIAL POLICY STATEMENT, 2014

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. As it relates to this application, the PPS provides some direction to this matter.

The PPS provides policy direction as it relates to uses in the agricultural area. Section 1.1.5.8 of the PPS provides for “Agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices should be promoted and protected in accordance with provincial standards.” As such, the recommended action is protecting the long-term goals of maintaining agricultural lands in the area while allowing for the continued, but separate, existing residential use by allowing for the consolidation of farm parcels and prohibiting future residential dwelling units.

Further, section 1.1.5.9 ensures that “new land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formula.” Minimum Distance Separation is required to minimize land use impacts specifically related to agricultural uses that create significant odour and issues. The recommended action is consistent with Minimum Distance Separation as described in this report, as the use and any conflicts already exist and the recommended action is not creating a new conflict.

Specifically the PPS provides policy direction on lot creation within the agricultural area through section 2.3.4.1 “Lot creation in prime agricultural areas is discouraged and may only be permitted for:

c) a residence surplus to a farming operation as a result of farm consolidation, provided that:

1. The new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and

2. The planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective;”

The recommended amendment specifically address both conditions listed in the above Provincial policy by including a special provision that facilitates a limited lot size to accommodate the use and appropriate sewage and water services and restricts the severed lands from permitting new residential dwellings.

Minimum Distance Separation

The Province provides Minimum Distance Separation guidelines as it relates to the severance of land in the agricultural area, “where a new lot is proposed with an existing dwelling, and that dwelling is already located on a lot separate from the livestock facility, MDS I is not applied as the potential odour conflict is already present between the neighbouring livestock facility to the south and the existing dwelling”. The proposed amendment will facilitate this type of development, and MDS should not be applied in this situation. A new conflict is not being created and it is not reasonable to apply MDS to either the existing farm operation or existing dwelling. It should be noted that exiting land use impact expectations shall remain and that this application will not create new land use impacts to the agricultural area.

The recommended action is considered appropriate based on the review of the application as it relates the proposed use as an existing dwelling in the agricultural area that will cease its connection with the adjacent farm operation. Further, the detached dwelling is consistent with the type of dwellings associated within an agricultural area, which thereby maintains the form and intensity of the existing context on the subject lands and the area.

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OFFICIAL PLAN

The Official Plan contains short-term and long-term physical growth objectives of the municipality. It provides direction regarding the allocation of land use, provision, of municipal services and facilities, and preparation of regulatory by-laws to control the development and use of land.

The subject lands are designated “Agricultural” within the Official Plan. While lot creation is specifically discouraged within the agricultural area; subsection 9.2.14.2. iv) “(Permitted Consents to Sever)” may grant a consent for “surplus farm dwellings in accordance with section 9.2.14.6”. The consent to sever has been approved, as such the proposed amendment is required to fulfill the conditions of consent, noted below, and implement the policies forming the basis for approval:

- i) The land being severed from the dwelling lot parcel must be registered in the same style and manner as the adjoining parcel and shall be deemed from that date to be one parcel.”

The farm operation is to be conveyed and form a single lot with the adjacent parcel to the east, therefore this criteria is met.

- ii) The dwelling lot will be kept to a minimum size necessary to comply with the Zoning By-law and to accommodate individual on-site waste water treatment and water supply.

The proposed amendment requests a reduction in lot area and setbacks to minimize the size of the lot to comply with the Zoning By-law and accommodate individual on-site wastewater treatment and water supply, without compromising the existing agricultural lands.

- iii) The dwelling cannot be severed if it is part of the farm cluster.”

The dwelling is a stand-alone dwelling and does not form a part of the larger farm operation or clustered with other farm structures, therefore this criteria is met.

Staff supports the proposed amendment as it is specifically intended to address Official Plan policy to appropriately implement and fulfill conditions of an approved consent.

ZONING BY-LAW

The subject lands are zoned Agricultural (AG1). The proposed amendment is to amend the zone to include special provisions for both the retained and severed portions of the parcel. The proposed amendment will effectively facilitate both the farm operation and the residential dwelling uses to continue to operate as they have in the past but continue to do so as separate uses on separate lots in the future. Further, in order to protect the agricultural area, the Agricultural (AG1(1)) Zone will permit a farm and exclude a single detached dwelling on the larger severed lot.

The Agricultural 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. The AG1 Zone variation permits intensive and non-intensive agricultural uses. However, in certain exceptions, in line with Provincial and local polices as noted in this report, special provisions to allow for the single detached dwelling on a limited lot (severed parcel) and the restriction on future residential dwellings is supported to implement the protection of the agricultural area. The consolidation of the severed parcel with the adjoining farm parcel to the east also helps to ensure that a viable farm operation is sustained as a result of this application for severance and rezoning.

The Open Space (OS4) Zone is being maintained in its existing configuration to reflect the “Regulated” area previously established by the Upper Thames River Conservation Authority.

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Private Servicing

On-site water and septic services will be addressed through the consent conditions to make sure the proposed retained parcel with the existing residential dwelling is adequate to contain any existing private services (sanitary and water) including required setbacks within the proposed property limits.

Future Road Widening

As part of the consent application, future road widening has been taken into consideration for these lands. The owner will transfer at no cost to the City sufficient lands free of encumbrances, to widen Gore Road to a maximum width of 18.0m in perpendicular width from the centerline of Gore Road along the Gore Road frontage of the subject lands as determined by the City's Chief Surveyor.

CONCLUSION

Based on the above analysis, the proposed amendment is consistent with the Provincial Policy Statement, 2014, the Official Plan and the Zoning By-law. The recommended amendment implements the orderly consolidation of farm parcels and prevents future residential growth in the agricultural area. The proposed amendment will satisfy a condition of the consent that permits the severance of a surplus farm dwelling which is no longer essential as part of the larger farm operation. Overall, this application represents good planning and is appropriate.

RECOMMENDED BY:	REVIEWED BY:
SEAN MEKSULA PLANNER II DEVELOPMENT PLANNING	BRUCE HENRY MANAGER DEVELOPMENT PLANNING
CONCURRED BY:	SUBMITTED BY:
JENNIE RAMSAY, P.ENG MANAGER DEVELOPMENT SERVICES & ENGINEERING LIAISON	GEORGE KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

SM/sm

CC. Kirkness Consulting Inc. (1647 Cedar creek Cres, London ON NX5 0C8)

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“Responses to Public Liaison Letter and Publication in “Living in the City”

Telephone

None.

Written

None.

Bibliography of Information and Materials

Request for Approval:

City of London Zoning By-law Amendment Application Form, completed by Kirkness Consulting Inc., September 30, 2014.

Reference Documents:

Ontario. Ministry of Municipal Affairs and Housing. Planning Act, R.S.O. 7990, 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.-7, May 21, 1991, as amended.

AGM, Planning Report, No Date.

Correspondence: (all located in City of London File No. Z-8428 unless otherwise stated)

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Appendix "A"

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

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 3446 Gore Road.

WHEREAS the City of London has applied to rezone an area of land located 3446 Gore Road, 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:

Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 3446 Gore Road, as shown on the attached map, from an Agricultural (AG1) Zone to an Agricultural Special Provision (AG1(1)) and an Agricultural Special Provision (AG1()) Zone.

Section Number 45.4 of the Agricultural (AG1) Zone is amended by adding the following Special Provision:

AG1()

a) Permitted Use:

i) Single detached dwelling

b) Regulations:

i) Lot Area (Minimum) 2.5 ha (6.2 ac)

ii) Lot Frontage (Minimum) 190.0 metres (623.4 feet)

iii) Front Yard (Minimum) 10 metres (32.8 feet)

iv) Interior Side Yard East (Minimum) 4 metres (13.1 feet)

v) Interior Side Yard West (Minimum) 15 metres (49.2 feet)

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 subsection 34(21) of the *Planning Act, R.S.O. 1990, c. P.13*, either upon the date of the passage of this by-law or as otherwise provided by the said subsection.

PASSED in Open Council on March 10, 2015.

Matt Brown
Mayor

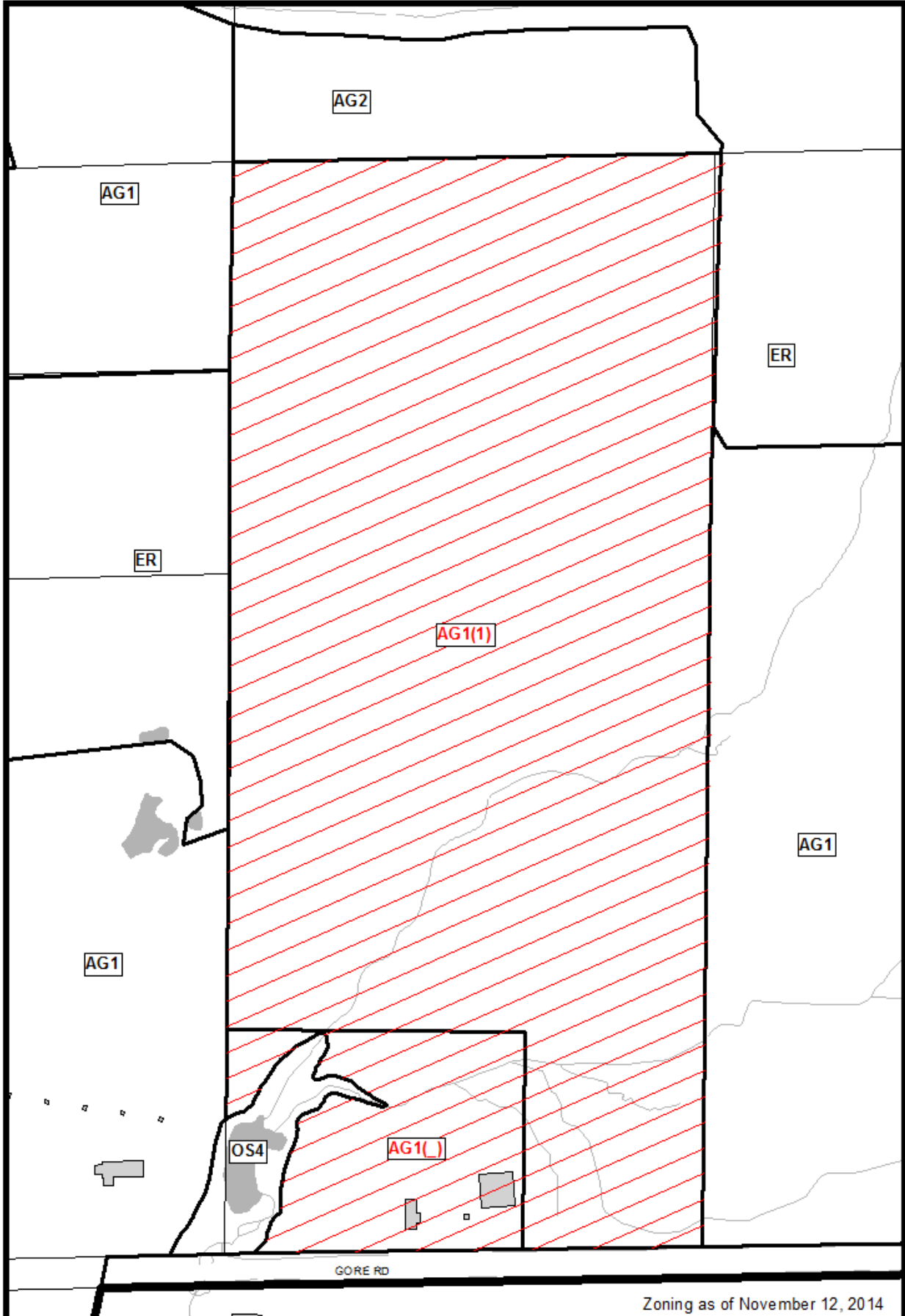
Catharine Saunders
City Clerk

First Reading – March 10, 2015
Second Reading – March 10, 2015
Third Reading – March 10, 2015

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File No: Z-8428
Planner: S. Meksula

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



Zoning as of November 12, 2014

File Number: Z-8428
 Planner: SM
 Date Prepared: January 23, 2015
 Technician: JTS
 By-Law No: Z.-1-

SUBJECT SITE 

1:3,000

