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H-8832/L. Mottram

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| <b>TO:</b>      | <b>CHAIR AND MEMBERS<br/>PLANNING AND ENVIRONMENT COMMITTEE</b>  |
| <b>FROM:</b>    | <b>GEORGE KOTSIFAS, P. ENG.<br/>MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES<br/>AND CHIEF BUILDING OFFICIAL</b> |
| <b>SUBJECT:</b> | <b>APPLICATION BY: NICOLA VECCHIO<br/>1635 BRAYFORD AVENUE<br/><br/>MEETING ON OCTOBER 23, 2017</b>                          |

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| <b>RECOMMENDATION</b> |
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That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application by Nicola Vecchio relating to lands located at 1635 Brayford Avenue; comprising Lot 18 Registered Plan No. 33M-714:

- (a) the proposed by-law attached hereto **BE INTRODUCED** at the Municipal Council meeting on October 30, 2017 to amend Zoning By-law Z.-1 (in conformity with the Official Plan) to change the zoning of the lands **FROM** a Holding Residential R1 (h-37•R1-4) Zone **TO** a Residential R1 (R1-4) Zone to remove the holding (h-37) provision; and,
- (b) the Civic Administration **BE DIRECTED** to initiate an amendment to the Zoning By-law to remove the holding (h-37) provision from the remaining lots (Lots 1-17) within Registered Plan No. 33M-714.

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| <b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b> |
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**August 26, 2002** – General Manager of Planning and Development to Planning Committee – application for Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments by 947131 Ontario Inc. (Slavko Prtenjaca) relating to a 6.06 hectare property located at 2280 Wickerson Road (File No. 39T-00519 / OZ-5995).

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| <b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b> |
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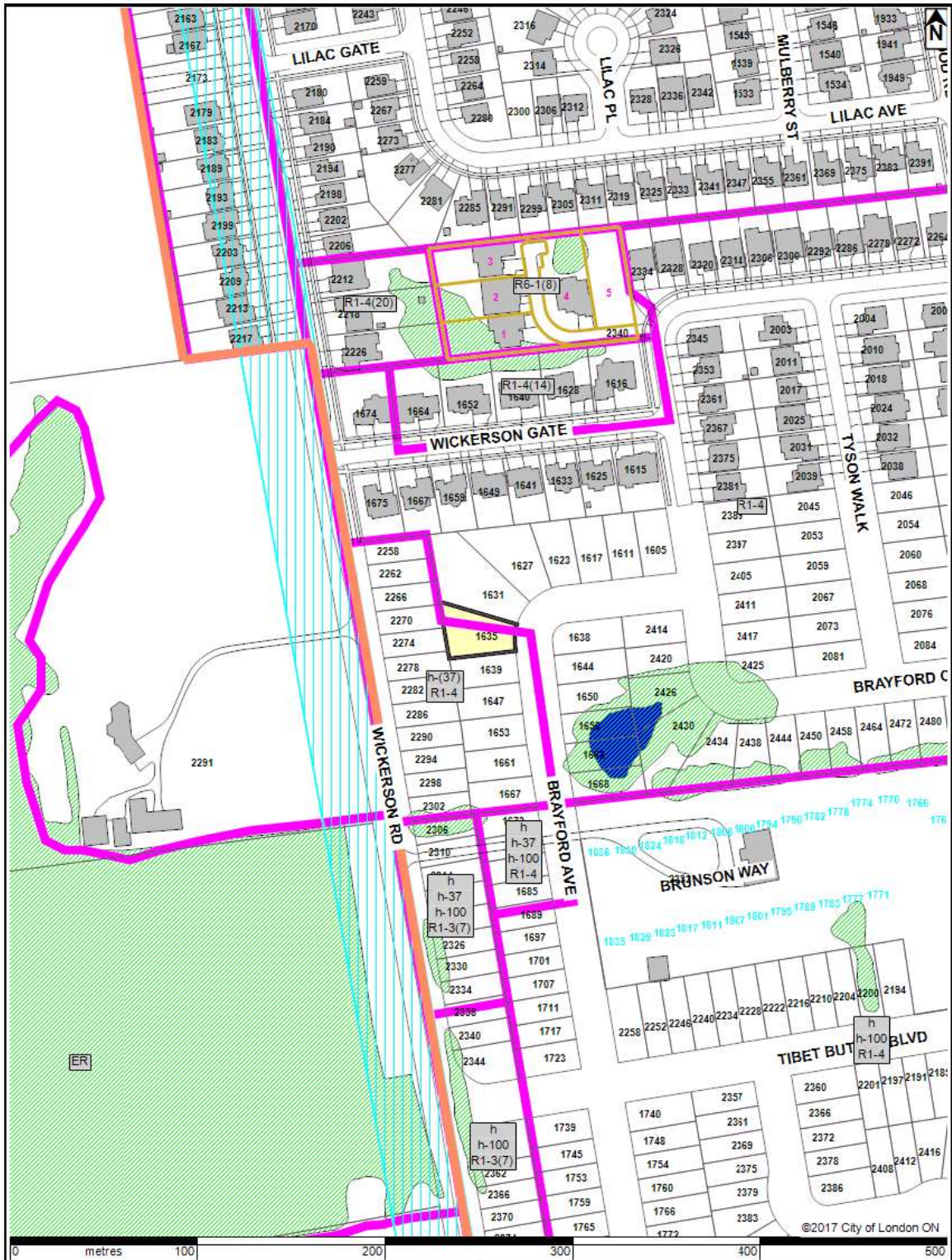
The purpose and effect of this action is to remove the holding symbol to allow development of the lands for a residential single detached dwelling permitted under the Residential R1 (R1-4) Zone.

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| <b>RATIONALE</b> |
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1. The conditions for removing the holding (h-37) provision have been met and the recommended amendment will allow construction of a residential single detached dwelling in compliance with the Zoning By-law.
2. The recommended actions are consistent with the new Minimum Distance Separation (MDS) Document guidelines. MDS1 setbacks are not required for proposed land use changes within approved settlement areas.
3. It is recommended that a City-initiated review of the remaining lots within the subdivision fronting Brayford Avenue and Wickerson Road (Lots 1-17 Plan No. 33M-714) be undertaken, and an amendment prepared to remove the h-37 symbol from the zone map.

H-8832/L. Mottram

**Location Map**

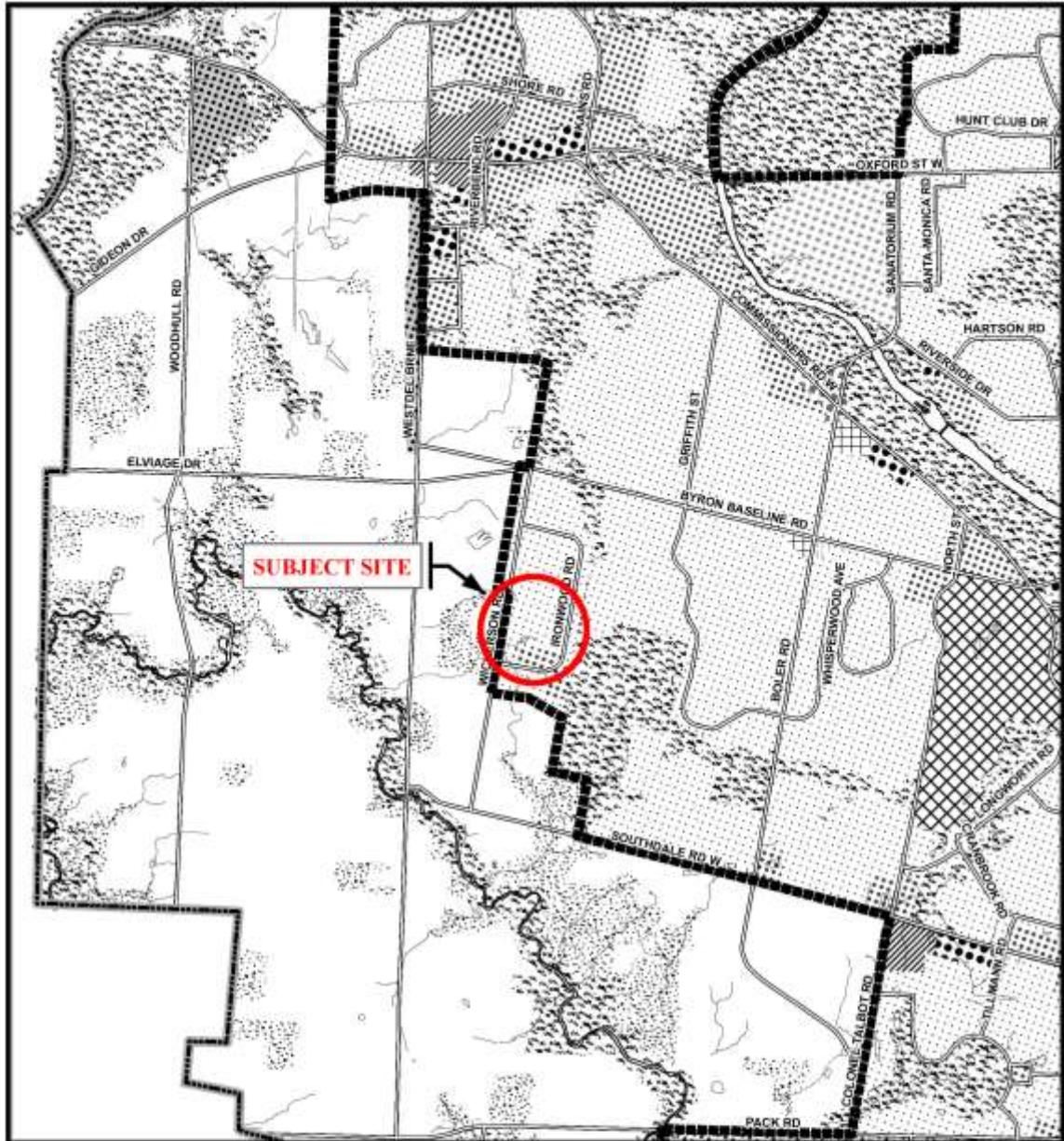



| <b>LOCATION MAP</b>  | <b>LEGEND</b>  |
|--|--|
| Subject Site: <b>1635 Brayford Avenue</b><br>Applicant: <b>Nicola Vecchio</b><br>File Number: <b>H-8832</b><br>Planner: <b>L Mottram</b><br>Created By: <b>LM</b><br>Date: <b>2017-10-05</b><br>Scale: <b>1:2500</b> | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px solid black; margin-right: 5px;"></span> Subject Site</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #90EE90; border: 1px solid black; margin-right: 5px;"></span> Parks</li> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px dashed black; margin-right: 5px;"></span> Assessment Parcels</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #cccccc; border: 1px solid black; margin-right: 5px;"></span> Buildings</li> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px solid black; margin-right: 5px;"></span> 123 Address Numbers</li> </ul> |
| Corporation of the City of London<br>Prepared By: Planning and Development   |  |



H-8832/L. Mottram

Official Plan Map



| <b>Legend</b>  |   |   |
|--|---|---|
| <p>■ Downtown</p> <p>■ Wonderland Road Community Enterprise Corridor</p> <p>▨ Enclosed Regional Commercial Node</p> <p>▨ New Format Regional Commercial Node</p> <p>▨ Community Commercial Node</p> <p>▨ Neighbourhood Commercial Node</p> <p>▨ Main Street Commercial Corridor</p> <p>▨ Auto-Oriented Commercial Corridor</p> <p>▨ Multi-Family, High Density Residential</p> | <p>▨ Multi-Family, Medium Density Residential</p> <p>▨ Low Density Residential</p> <p>▨ Office Area</p> <p>▨ Office/Residential</p> <p>▨ Regional Facility</p> <p>▨ Community Facility</p> <p>▨ Open Space</p> <p>▨ Urban Reserve - Community Growth</p> <p>▨ Urban Reserve - Industrial Growth</p> | <p>▨ Office Business Park</p> <p>▨ General Industrial</p> <p>▨ Light Industrial</p> <p>▨ Commercial Industrial</p> <p>▨ Transitional Industrial</p> <p>▨ Rural Settlement</p> <p>▨ Environmental Review</p> <p>▨ Agriculture</p> <p>▨ Urban Growth Boundary</p> |
| <p><b>CITY OF LONDON</b><br/>                     Department of<br/>                     Planning and Development<br/>                     OFFICIAL PLAN SCHEDULE A<br/>                     - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>  |  <p>Scale 1:30,000</p> <p>Meters</p>  | <p>FILE NUMBER: H-8832</p> <p>PLANNER: LM</p> <p>TECHNICIAN: WR</p> <p>DATE: 2017/10/06</p>   |

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Zoning Map



**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:**

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

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

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

**CITY OF LONDON**

PLANNING, ENVIRONMENTAL AND ENGINEERING SERVICES

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



FILE NO:  
 H-8832 LM

MAP PREPARED:  
 2017/10/06 WR

1:1,500  
 0 5 10 20 30 40  
 Meters

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

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**BACKGROUND**

Municipal Council at its session held September 3, 2002 considered an application by 947131 Ontario Inc. (Slavko Prtenjaca) for amendments to the Official Plan and Zoning By-law, and approval of a residential plan of subdivision for a six (6) hectare parcel of land located on the east side of Wickerson Road, south of Byron Baseline Road; known municipally as 2280 Wickerson Road. Council adopted the Official Plan and Zoning amendments, and requested the Approval Authority grant draft approval of the subdivision plan consisting of 86 single detached lots, one (1) park block, three (3) local streets, and the extension of a secondary collector road. The original draft plan approval was granted on October 30, 2002 for a period of three (3) years. The lapse date has been extended several times since then. Final approval was recently granted and the subdivision plan was registered as Plan 33M-714 on May 1, 2017.

At the time draft approval was issued there was an empty livestock facility existing on lands located at 2291 Wickerson Road, to the west of the subject parcel. A holding (h-37) provision was applied to the zoning over the lots within the westerly portion of the draft plan in order to recognize the presence of the facility and to implement the Provincial Minimum Distance Separation (MDS1) setback requirements that were in effect at that time. The intent of the holding provision was to preclude sensitive land uses from being constructed until the adjacent livestock facility located at 2291 Wickerson Road ceased to exist.

The City's Urban Growth Boundary (UGB) corresponds with Wickerson Road in this area. Lands to the west of the UGB are designated "Agriculture", and lands to the east were designated for "Urban Reserve – Community Growth" and then redesignated to "Low Density Residential" in conjunction with the application for approval of draft plan of subdivision. The application of a holding provision was consistent with City's Official Plan policies under Section 9.2.10, where livestock operations existing within the "Agriculture" designation shall be protected from encroachment of new development within the "Urban Reserve" designations through the application of the MDS1 requirements. However, under the policy, a limited amount of development could be permitted, such as municipal infrastructure that did not allow for passive/active recreation uses; and draft approved plans of subdivision or condominium only where a holding zone or draft plan conditions requiring phasing was applied to preclude development until such time as the subject livestock facility is removed.

The Ministry of Agriculture, Food and Rural Affairs, within the past year, released a new Minimum Distance Separation (MDS) Document which applies to all Planning Act applications submitted on or after March 1, 2017. The new MDS guidelines are clear as to the non-application of MDS within approved settlement areas that includes lands which have been designated in an Official Plan for development over the long-term planning horizon. Whereas the previous MDS Implementation Guidelines gave municipalities the option to apply MDS1 from livestock facilities within a settlement area designation, the new MDS document replaces all previous versions of the MDS Formulae and Implementation Guidelines.

The London Plan policies regarding Minimum Distance Separation are consistent with the new Minimum Distance Separation (MDS) Document requirements in that MDS1 will apply only to proposed planning and development applications for lands outside of the UGB, and any proposals to expand the UGB.

The subject of this Application for Removal Holding Provision is the property at 1635 Brayford Avenue. It is currently a vacant building lot within a registered plan of subdivision that was purchased by the applicant in order to build a single family home as permitted by the current zoning.

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H-8832/L. Mottram

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| <b>Date Application Accepted:</b> October 3, 2017   | <b>Agent:</b> Zelinka Priamo Ltd. |
| <b>REQUESTED ACTION:</b> Request to remove the Holding ("h-37") Provision from the zoning of the subject lot which will put into effect the Residential R1 (R1-4) Zone. |                                   |

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| <b>PUBLIC LIAISON:</b>   | Notice of Intent to Remove Holding Provision was published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on October 12, 2017. Notice of Application to Remove Holding Symbol was sent to the owner of adjacent lands at 2291 Wickerson Road on October 6, 2017. | No replies received |
| <b>Responses:</b> There was no response received to the Notice of Application. |   |                     |

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| <b>ANALYSIS</b> |
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The purpose of the holding ("h-37") provision in the Zoning By-law is as follows:

*Purpose: To implement the Provincial Minimum Distance Separation (MDS) regulations the "h-37" holding provision will not be deleted until the existing livestock facility has been removed or, through removal of building infrastructure, is no longer capable of housing livestock.*

*Permitted Interim Use: Existing uses*

The property at 2291 Wickerson Road consists of a farm with a residence and out buildings. The main building being a one storey structure with metal clad siding approximately 325 square metres (3,500 sq.ft.) in area which housed livestock at one time. In 2002, Municipal Council adopted the Zoning By-law Amendment with the h-37 holding provision. According to the Council Resolution, the owner at the time (B. Young) indicated that he had temporarily suspended farming operations on the property but intended to resume farming activities in the future. The City's property data base indicates that ownership has changed several times over the years, and during that time there have been no signs of livestock being housed on the property. The applicant's agent advise that the internal infrastructure has been removed and the building currently is being used for storage.

The new Minimum Distance Separation (MDS) Document Formulae and Guidelines for Livestock Facility and Anaerobic Digester Odour Setbacks released earlier this year provides greater clarity and direction with respect to the application of MDS, and for what and when an MDS setback is required. Guideline #36 addresses the non-application of MDS within approved settlement areas as follows:

**#36. Non-Application of MDS Within Settlement Areas**

*MDS1 setbacks are NOT required for proposed land use changes (e.g., consents, rezonings, redesignations, etc.) within approved settlement areas, as it is generally understood that the long-term use of the land is intended to be for non-agricultural purposes.*

MDS1 under *The London Plan*, which has been adopted by Council but is not yet in force and effect, will apply only to lands outside of the Urban Growth Boundary, and to any proposals to expand the Urban Growth Boundary. The London Plan's policy reads as follows:

*1773\_ Any proposed planning and development applications for lands outside of the Urban Growth Boundary, and any proposals to expand the Urban Growth Boundary, shall meet the required odour setbacks in accordance with the provincial Minimum Distance Separation (MDS1) Implementation Guidelines and Formulae, as amended by the Province from time to time.*



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**H-8832/L. Mottram**

It is noted that the subject lot is part of subdivision within the City's Urban Growth Boundary, on lands that have been designated over the long term for future residential development in conformity with the Official Plan and Zoning By-law, and therefore meets the definition of "settlement areas" as defined in the Minimum Distance Separation (MDS) Document and Provincial Policy Statement, 2014.

The attached enacting by-law to lift the "h-37" holding symbol as referred to in Part (a) of the Staff recommendation applies only to the applicant's lot at 1635 Brayford Avenue which is located on the inside edge of the Zone boundary. However, the zoning on the remaining lots within the subdivision plan fronting on Brayford Avenue and Wickerson Road affected by the h-37 symbol should also be reviewed for consistency. Therefore, Part (b) of the recommendation directs Staff to initiate an amendment to the Zoning By-law to remove the holding (h-37) provision from the remaining lots (Lots 1-17) within Registered Plan No. 33M-714, municipal property addresses 1639 to 1667 Brayford Avenue and 2302 to 2258 Wickerson Road.

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| <b>CONCLUSION</b> |
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Based on our review of the application, it is Staff's opinion that it is appropriate to proceed to lift the holding ('h-37") symbol from the zoning map.

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| <b>PREPARED AND RECOMMENDED BY:</b>                                       | <b>REVIEWED BY:</b>  |
|   |  |
| <b>LARRY MOTTRAM, MCIP, RPP<br/>SENIOR PLANNER – DEVELOPMENT SERVICES</b> | <b>LOU POMPILII, MPA, RPP<br/>MANAGER, DEVELOPMENT PLANNING</b>  |
| <b>CONCURRED IN BY:</b>   | <b>SUBMITTED BY:</b>   |
|   |  |
| <b>PAUL YEOMAN, RPP, PLE<br/>DIRECTOR, DEVELOPMENT SERVICES</b>           | <b>GEORGE KOTSIFAS, P. ENG.<br/>MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES<br/>AND CHIEF BUILDING OFFICIAL</b> |

October 16, 2017  
GK/PY/LP/LM/lm  
"Attach."

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2017\H-8832 - 1635 Brayford Avenue (LM)\PEC report.doc

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**H-8832/L. Mottram**

Bill No. (Number to be inserted by Clerk's Office)  
2017

By-law No. Z.-1- \_\_\_\_\_

A by-law to amend By-law No. Z.-1 to remove the holding provision from the zoning of lands located at 1635 Brayford Avenue; comprising Lot 18 Registered Plan No. 33M-714.

WHEREAS Nicola Vecchio has applied to remove the holding provision from the zoning for lands located at 1635 Brayford Avenue; comprising Lot 18 Registered Plan No. 33M-714, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provision from the zoning of the said lands;

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 1635 Brayford Avenue; comprising Lot 18 Registered Plan No. 33M-714, as shown on the attached map, to remove the holding provision so that the zoning of the lands as a Residential R1 (R1-4) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on October 30, 2017.

Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First Reading – October 30, 2017  
Second Reading – October 30 2017  
Third Reading – October 30, 2017






Empty boxes for Agenda Item # and Page #

H-8832/L. Mottram

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



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|--|--|
| <p>File Number: H-8832<br/> Planner: LM<br/> Date Prepared: 2017/10/06<br/> Technician: WR<br/> By-Law No: Z.-1-</p> | <p>SUBJECT SITE </p> <p>1:1,500</p> <p>0 5 10 20 30 40 Meters </p> <p></p> |
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