

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: Scott Mathers MPA, P. Eng.,
Deputy City Manager, Planning and Economic Development

Subject: 942 Westminster Drive
Public Participation Meeting

Date: January 9, 2023

Recommendation

That, on the recommendation of the Acting Director, Planning and Development, the following actions be taken with respect to the application of Jim Rimmelzwaan relating to the property located at 942 Westminster Drive, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting January 24, 2023, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan for the City of London (The London Plan, 2016) to change the zoning of the subject property **FROM** an Agricultural (AG2) and Environmental Review (ER) Zone **TO** an Agricultural (AG2), Environmental Review (ER) and Agricultural Special Provision (AG2(_)) Zone.

Executive Summary

Summary of Request

The applicant has requested to rezone a portion (future lot) of the subject site from an Agricultural (AG2) Zone to an Agricultural Special Provision (AG2(_)) Zone to include the existing single detached dwelling and accessory structure as permitted uses where farm dwellings are currently the only permitted dwelling type. Special Provisions will also be implemented to recognize the reduced setbacks, lot area, and frontage as a result of a concurrent severance application. No new buildings or structures are proposed to be constructed as part of this application.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended Zoning By-law Amendment is to facilitate the future severance of the subject lands and allow the existing single detached dwelling to be included as a permitted use on the severed lands.

Rationale of Recommended Action

1. The recommended amendment is consistent with the Provincial Policy Statement, 2020.
2. The recommended amendment conforms to the policies of The London Plan, including, but not limited to, the Key Directions and Farmland Place Type policies.
3. The recommended amendment is intended to support an accompanying consent to sever application.
4. The recommended amendment is not intended to impact the character of the agricultural area and is solely intended to recognize the existing site conditions.
5. The proposed use will co-exist in harmony with the adjacent land uses, and considers both the long-term protection of agricultural resources and the long-term compatibility of uses, and will not create a net increase in the number of buildable lots.

Analysis

1.0 Background Information

1.1 Property Description

The subject lands are located northeast of the Westminster Drive and Old Victoria Road intersection, just west of the municipal boundary. The property is currently within the Glanworth Planning District with a total lot area of 40.7 hectares with frontage along Westminster Drive. The lands currently contain a surplus farm dwelling with 1 accessory structure.



Figure 1: Photo of 942 Westminster Drive from Westminster Drive (2021)

1.2 Current Planning Information

- The London Plan Place Type – Farmland
- Existing Zoning – Agricultural (AG2)
- Street Frontage Classification- Rural Connector

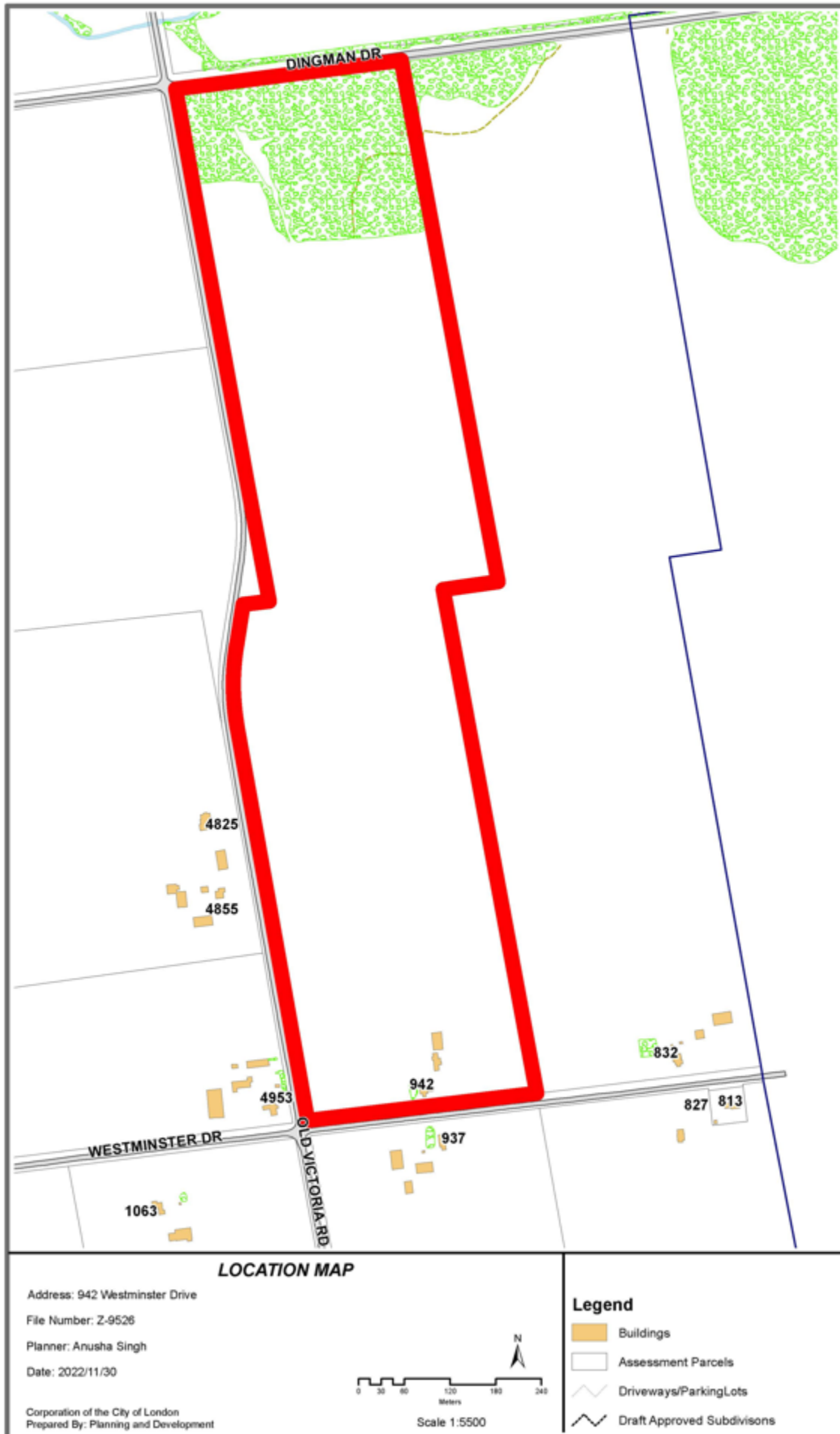
1.3 Site Characteristics

- Current Land Use – Agricultural and Residential
- Lot Area – 40.7 hectares
- Shape – Long and Rectangular

1.4 Surrounding Land Uses

- North – Farmland
- East – Farmland
- South – Farmland with Farm Cluster
- West – Farmland with Farm Cluster

1.5 Location Map



2.0 Discussion and Considerations

2.1 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 east. The proposal will establish a severed lot of 5451.9 square metres with a frontage of 62.6m for the existing dwelling and ancillary accessory structure. The intent of the rezoning is to facilitate an accompanying consent to sever application.

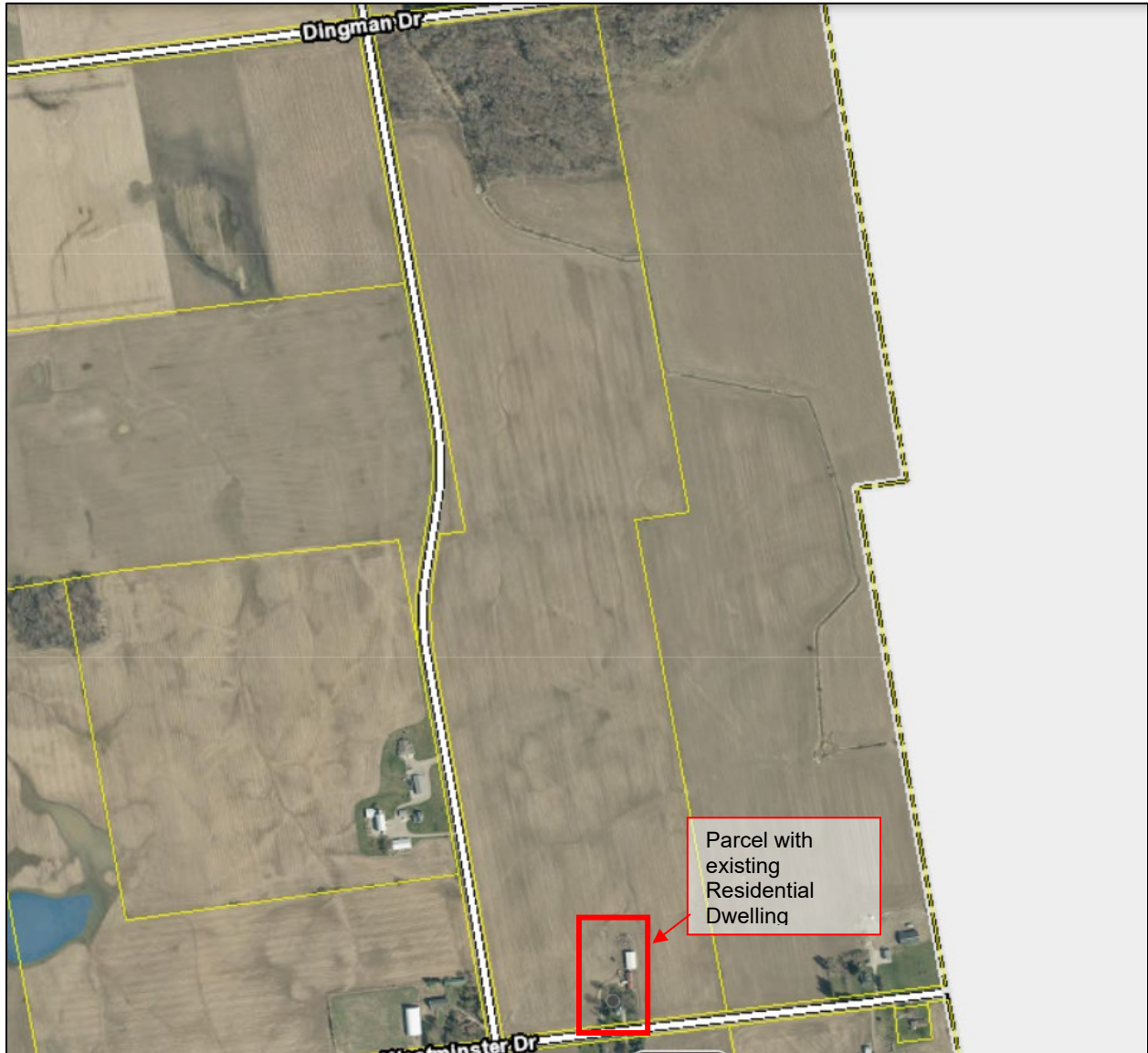


Figure 2: Existing Surrounding Context (Aerial View)



Figure 3: Zoomed in View of Existing Site Conditions. Approximate area proposed to be rezoned is highlighted in red. The lot boundaries were conditionally approved as part of a consent application in December 2022 (further discussed in Section 4.2 of this report)

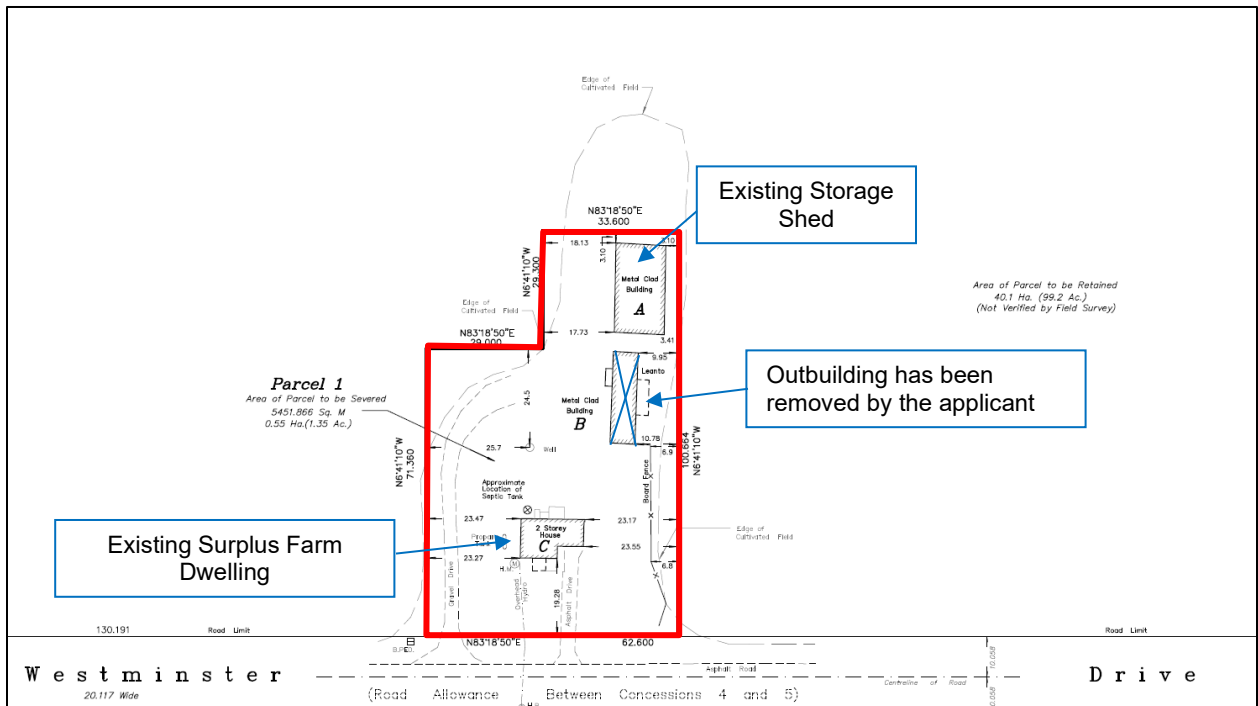


Figure 4: Proposed Site Plan (Lot area outlined in red is proposed to be rezoned as part of this application)

2.2 Requested Amendment

The applicant has requested to rezone a portion (future lot) of the lands to an Agricultural Special Provision Zone (AG2(_)) to allow the existing dwelling and accessory structure to be included as permitted uses.

Special Provisions will also be implemented to recognize the reduced setbacks, lot area and frontage as a result of a concurrent severance application. No new buildings or structures are proposed to be constructed as part of this application.

2.3 Community Engagement (see more detail in Appendix B)

Staff received one (1) comment during the public consultation period. The comment expressed questions regarding the proposed amendment and was concerned that new development would be taking place on the lands.

Staff addressed the concern on July 12, 2022 and explained that the application was simply to recognize the existing dwelling on the lands and that no new development would be taking place as part of this proposal. Staff received no further comments from the public as a result of this amendment.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

4.1 Issue and Consideration #1: PPS 2020

The Provincial Policy Statement (PPS), 2020 provides policy direction on matters of provincial interest related to land use planning and development. In accordance with Section 3 of the Planning Act, all planning decisions “shall be consistent with” the PPS.

Section 1.1 of the PPS encourages healthy, livable, and safe communities which are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the province and municipalities over the long term.

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.

Rural Areas are considered important to the economic success of the province and to our quality of life. Land use patterns within rural areas shall be carefully planned so as to encourage healthy, integrated and viable growth through; (1) building upon the existing rural character, (2) promoting regeneration, (3) accommodating a mix of housing, (4) encouraging the conservation and redevelopment of existing rural housing stock, and (5) utilizing rural infrastructure and public services efficiently (1.1.4.1) Permitted uses on rural lands located in municipalities also include residential development, including lot creation, that is locally appropriate for the context of the site (1.1.5.2)

The recommended amendment is in keeping with the PPS 2020 as it allows a surplus farm dwelling to remain in place within an established agricultural area. Approval of the amendment would allow for the continued conservation of existing rural housing stock and would maintain the character of the surrounding rural area. The recommended amendment also contributes to the appropriate utilization of an established lot within a rural area by permitting/maintaining existing residential uses and preserving the remainder of the farmland parcel for continued agricultural use.

As no new buildings or development is proposed for the lands as part of this application, and as the remainder of the farmland will be consolidated with agricultural land to the

east, the amendment is considered to maintain the vision and goals of the PPS 2020 for rural areas and is not anticipated to have a negative impact on the healthy, integrated, or viable growth of the property.

4.2 Issue and Consideration #2: Key Directions, Existing Use, Intensity and Form

The London Plan provides Key Directions (54_) that must be considered to help the City effectively achieve its vision. These directions give focus and a clear path that will lead to the transformation of London that has been collectively envisioned for 2035. Under each key direction, a list of planning strategies is presented. These strategies serve as a foundation to the policies of the Plan and will guide planning and development over the next 20 years. Relevant Key Directions are outlined below.

The London Plan provides direction to celebrate and support London as a culturally rich and diverse city whilst building strong, healthy, and attractive neighbourhoods by:

- Protecting our valuable agricultural land and building upon London's role as an agrifood industrial hub. (Key Direction #1, Direction 14)

The London Plan also provides direction in connecting the city to the surrounding region and making wise planning decisions by:

- Protecting agricultural land and supporting the development of the regional agribusiness industry. (Key Direction #8, Direction 2)
- Thinking "big picture" and long-term when making planning decisions by considering the implications of short-term and/ or site-specific planning decisions within the context of this broader view. (Key Direction #3, Direction 8)

The proposed rezoning supports these Key Directions by requesting permission to allow a surplus farm dwelling and storage shed to remain on agriculturally zoned lands within an area of the city that already consists of farm dwellings, farm clusters, and surplus farm dwellings located on parcels of agricultural land. The proposed amendment intends to continue protecting the city's valuable agricultural land whilst also efficiently planning for the future of the site by recognizing the existing dwelling and implementing several special provisions that would ensure the lands be used appropriately in the long-term.

A portion of the subject lands are within the "Environmental Review" and "Open Space" Place Types of The London Plan. The Environmental Review Place Type 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 Place Type permits the continuance of farming that is carried out in accordance with generally accepted farming practices. Similarly, the Open Space Place Type is intended to protect and conserve our natural areas and their delicate ecosystems, keep development an appropriate distance from our hazard lands, and offer a variety of parks that contribute significantly to the quality of life for Londoners (The London Plan, Policy _759). The existing environmental review (designated and zoned) and open space (designated) lands are not proposed to change and will be maintained in their current form and location.

The site is also located within the Farmland Place Type fronting onto a Rural Connector (Westminster Drive) as identified on Map 1 – Place Types and Map 3 – Street Classifications. Permitted uses within the Farmland Place Type at this location include; agricultural uses, including the principal farm residence, secondary farm dwelling units that may be required for the farm operation, farm buildings and structures that support the farm operation, residential uses on existing lots of record, secondary farm operations, agriculturally-related commercial and industrial uses, ancillary retail uses, existing uses, natural resource extraction, small wind energy systems, green energy projects, and a limited range of additional non-agricultural uses (The London Plan, Policy 1182_1-11). Existing farmland lots shall also encourage the retention or consolidation of

farm parcels so that farms are of sufficient size to promote efficient operations and responsible environmental management, and to maintain long-term agricultural viability and flexibility (The London Plan, Policy 1215_1). Residential dwellings may be permitted on existing lots of record subject to a zoning by-law amendment provided it does not create conflicts with farming operations and subject to an environmental impact study *if* adjacent to any natural heritage feature (The London Plan, Policies 1190 and 1193). Farm parcels must also be established at a minimum size of 40 hectares as per the intent of the London Plan for existing farmland lots. Additionally, prior to a consent to sever being finalized, it is a requirement that the Zoning By-law Amendment be approved to allow the existing dwelling and accessory structure to be considered permitted uses on site (The London Plan, Policy 1704_10).

As per Policy 1193 of The London Plan, consents to sever agricultural land to create a lot for an existing dwelling is permitted in conformity with the policies of the Farmland Place Type (where the land being severed from the dwelling lot is to be added to an adjoining parcel) subject to the following **conditions**:

1. The land being conveyed from the dwelling lot parcel will be registered in the same name and title as the adjoining parcel and will be deemed from that date to be one parcel.
2. The retained dwelling lot will be kept to a minimum size necessary to comply with the Zoning By-law and to accommodate individual on-site wastewater treatment and water supply.
3. The dwelling lot cannot be severed if it is part of the farm cluster. The farm cluster is the grouping of buildings and structures on the farm unit that would include the principal farm residence and any secondary dwelling unit and farm-related buildings and structures.
4. No new residential dwelling units are permitted on any remnant parcel of farmland created by the severance. Such restriction will be recognized in zoning.

Consistent with The London Plan, the proposed amendment would maintain the character of the surrounding area and would be compliant to the above policies for Surplus Farm Dwellings. As mentioned previously, the requested amendment is intended to facilitate an accompanying *consent to sever* application (B-025-22) that was conditionally approved by the Committee of Adjustment on December 15, 2022. The consent application requested to sever 5,451.9m² (0.55 hectares) and retain 40.1 hectares and was contingent on a set of consent conditions agreed upon by the City and the applicant.

The existing dwelling at 942 Westminster Drive is considered independent and unessential to the farm operation. The proposed severed residential lot and recommended Agricultural Special Provision (AG2(_)) Zone will recognize the existing dwelling and accessory structure while the remnant farm parcel is to be conveyed to the adjacent agricultural operation at 832 Westminster Drive to allow the continued use of agricultural-related practices. The retained parcel is also intended to be slightly larger than 40 hectares whilst the severed parcel containing the dwelling and accessory structure shall remain at a minimum size large enough to ensure on-site wastewater and water services required to service the house remain unaffected, without allowing any of the surrounding agricultural land to be incorporated into the residential parcel. Furthermore, the applicant has taken steps to remove 1 of the outbuildings on site (as seen in Figure 4) and has maintained the second outbuilding to continue and be used as an accessory structure to the main house. The intent of Condition 4 within the Surplus Farm Dwelling policies aims to prevent the use of future farming on a lot used for residential purposes, and to prevent the extension of the Minimum Distance Separation (MDS) regulations. The MDS regulations are applied to non-farm residential development in agricultural areas that are considered incompatible with certain agricultural uses. The Minimum Distance Separation (MDS) is a calculated setback to mitigate nuisance from odour between certain non-farm uses and existing livestock facilities in close proximity (MDS1), and from new or expanding livestock facilities in

proximity to non-farm uses (MDS2). The Minimum Distance Separation (MDS) regulations will not apply to the subject lands *if* the applicant successfully demonstrates (to the City's satisfaction) that the accessory dwelling no longer qualifies to be used as a livestock facility. Should the structure be found to have potential to be used for livestock facilitation purposes, the applicant will be required to remove the structure, or decommission it, before final consent can be granted.

For these reasons, staff consider the request to rezone the lands compliant to the conditions outlined in both the Surplus Farmland Dwelling Policies of The London Plan and the provisional consent decision, and do not anticipate any negative impacts to the existing agricultural practices in the surrounding area as a result of the proposed amendment.

4.4 Issue and Consideration #2: Zoning

The subject lands are within the Environmental Review (ER) and Agricultural (AG2) Zones. The proposal is to retain majority of the lands zoned as Agricultural (AG2) and the entirety of the lands zoned as Environmental Review (ER) and amend a small portion of the Agricultural (AG2) lands. The requested amendment would include special provisions for the severed portion of the lot, while the retained portion will be consolidated with the property to the east. The proposed amendment will permit both the existing farm and residential dwelling uses to continue their current operations, though separate lots.

The AG2 zone variation permits intensive and non-intensive agricultural uses within existing farmland areas of the city. The entire subject site is 40.7 hectares with frontage along Westminster Drive. The Agricultural Special Provision (AG2(_)) Zone will permit an existing surplus farm dwelling on a lot with an area of 5,451.9 square metres and a frontage of 62.6m which is considered the minimum size necessary to allow for proper functionality of the existing residential dwelling, accessory structure, driveways, and services, without including any of the farmable lands. Special Provisions would be implemented on the severed lands to recognize the existing interior side yard, rear yard, and front yard setbacks, as well as the existing lot frontage and lot area deficiencies. Special Provisions will also be applied to prohibit new residential development.

For these reasons, staff are of the opinion that the proposed amendment is appropriate and will recognize an existing residential use which can now function independently from the farmland uses in the immediate surrounding area.

Conclusion

The recommended amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the policies of The London Plan for the Farmland Place Type and Surplus Farm Dwellings. The recommended amendment would allow the surplus farm dwelling and accessory structure to be considered permitted uses on the site, while being independent from (and without impacting the functionality of) the surrounding agricultural properties. As such, the proposed amendment is being recommended for approval.

Prepared by: Anusha Singh
Planner I

Reviewed by: Mike Corby, MCIP, RPP
Manager, Planning Implementation

Recommended by: Britt O'Hagan, MCIP, RPP
Acting Director, Planning and Development

Submitted by: Scott Mathers, MPA, P. Eng
Deputy City Manager, Planning and Economic
Development

Appendix A

Bill No.(number to be inserted by Clerk's Office)
2023

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 942
Westminster Drive

WHEREAS Jim Rimmelzwaan has applied to rezone an area of land located at 942 Westminster Drive, 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 942 Westminster Drive, as shown on the attached map comprising part of Key Map No. A116, from an Agricultural (AG2) Zone TO an Agricultural Special Provision Zone
- 2) Section Number 45.2 of the Agricultural (AG) Zone is amended by adding the following Special Provisions:

AG2 () 942 Westminster Drive

a) Permitted Uses

- i) Existing single detached dwelling and existing accessory structure

b) Regulations

- | | |
|---|--------------------------|
| i) Interior Side Yard Depth (West)(Minimum) | 23.2 metres (76 feet) |
| ii) Interior Side Yard Depth (East) (Minimum) | 23.1 metres (75.8 feet) |
| iii) Front Yard Depth (Minimum) | 19.28 metres (62.9 feet) |
| iv) Rear Yard Depth (Minimum) | 71 metres (232.9 feet) |
| v) Lot Area (Minimum) | 5,451.9 square metres |
| vi) Lot Frontage (Minimum) | 62.6 metre (205.3 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 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.

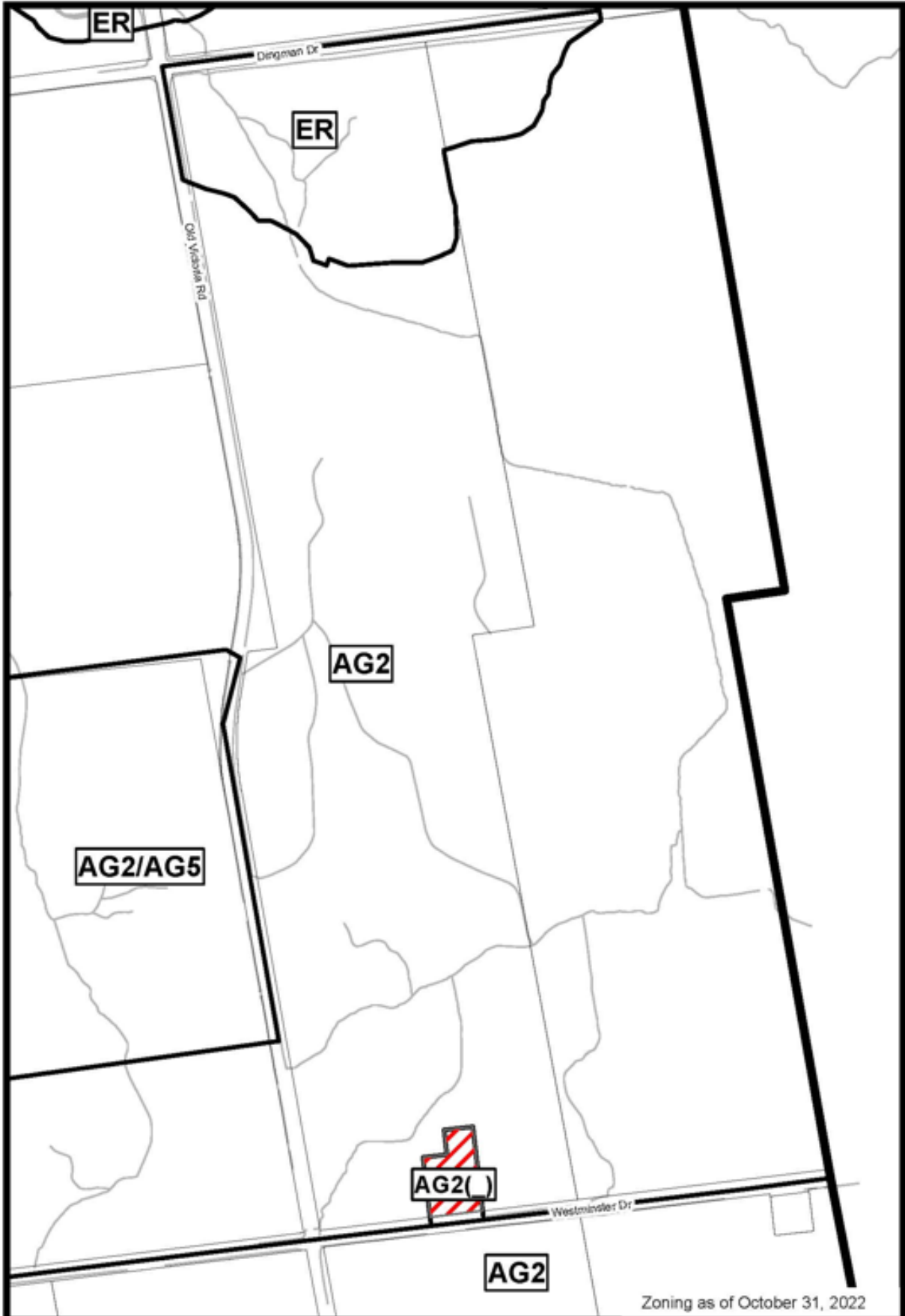
PASSED in Open Council on January 24 2023

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – January 24, 2023
Second Reading – January 24, 2023
Third Reading – January 24, 2023

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



File Number: Z-9526
Planner: AS
Date Prepared: 2022/01/02
Technician: JI
By-Law No: Z.-1-

SUBJECT SITE 

1:5,500

0 25 50 100 150 200
Meters



Appendix B – Public Engagement

Community Engagement

Public liaison: On July 6, 2022, Notice of Application was sent to property owners and tenants in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on July 7, 2022. A “Planning Application” sign was also posted on the site.

One public comment was received and was addressed.

Nature of Liaison: The purpose and effect of this zoning change is to permit an existing single detached dwelling and accessory structure. Possible change to Zoning By-law Z.-1 FROM an Agricultural (AG2) Zone TO an Agricultural (AG2(_)) Special Provision Zone

Public Responses: 1

The following concern was provided to staff with respect to this application:

- Concern if the proposal was implementing any development or physical changes to site.

Agency/Departmental Comments

August 3, 2022: Ecology

No Natural Heritage Features on, or adjacent to the site have been identified on Map 5 of the London Plan or based on current aerial photo interpretation. Natural Heritage Features (NHF) were identified through current aerial photo interpretation, within the property limits, however the proposed development is well outside any trigger distances. Future property development northward may require re-zoning of the NHF to OS5 in addition to application of minimum buffers. City may want to acquire NHF lands in the north to contribute to the Dingman complete corridor.

July 29, 2022: Engineering

My understanding is that this is an existing situation and there is no new development. Therefore, engineering has no comments or concerns.

August 18, 2022: Heritage

There are no heritage or ARCH issues related to this ZBA. The applicant should be aware that future construction on the property may require an archaeological assessment.

July 20, 2022: Parks Planning

Parks Planning and Design has no comments for this application

July 12, 2022: London Hydro

Servicing the above proposal should present no foreseeable problems. Any new and/or relocation of existing infrastructure will be at the applicant's expense, maintaining safe clearances from L.H. infrastructure is mandatory. Note: Transformation lead times are minimum 16 weeks. Contact the Engineering Dept. to confirm requirements & availability. London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.

August 18, 2022: Site Plan

- Site Plan has no comments

July 12, 2022: Urban Design

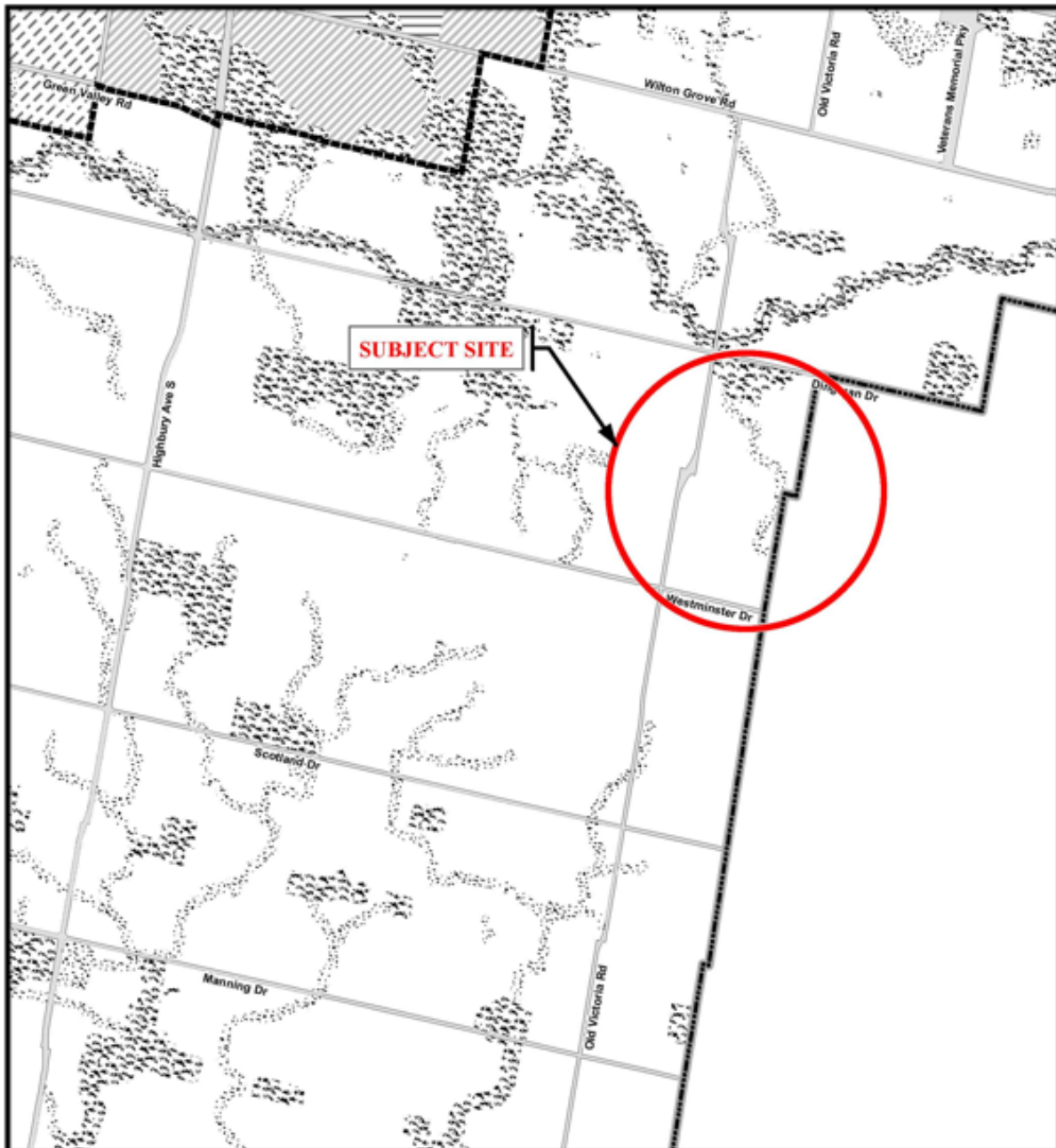
- There are no urban design comments for the Zoning By-law Amendment at the above-noted address as there are no changes to the existing buildings.

August 11, 2022: UTRCA

- The subject lands are regulated by the UTRCA due to the presence of riverine flooding hazards, and a wetland and the surrounding area of interference. As the proposed re-zoning is located outside of the hazard lands, an EIS or other technical studies will not be required at this time. Should any new development or site alteration be proposed within the regulated area, please contact UTRCA staff prior to initiating works.
- Given that the lands to be re-zoned are located outside of the regulated area and natural hazards, the UTRCA has no objections to this application.

Appendix C – Relevant Background

The London Plan – Map 1 – Place Types



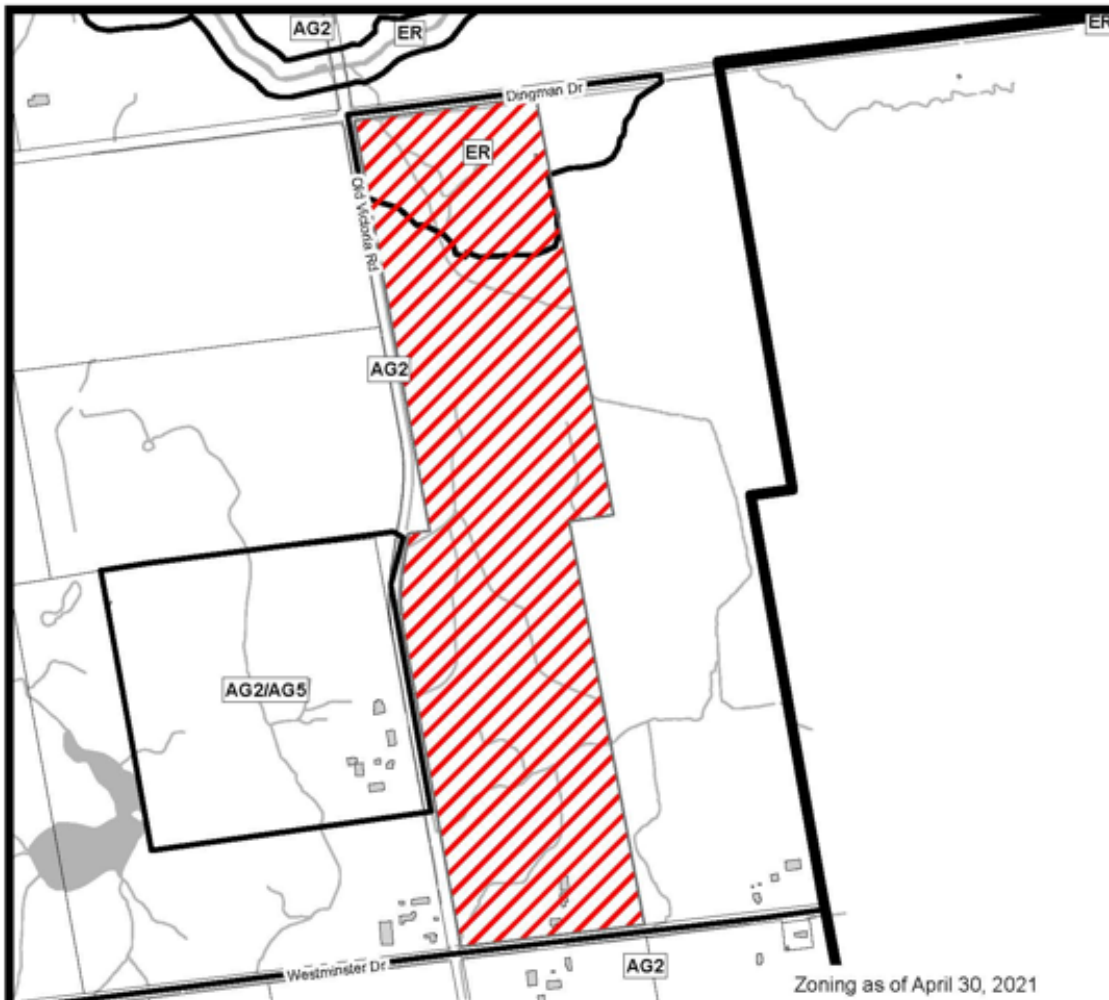
Legend

Downtown	Future Community Growth	Environmental Review
Transit Village	Heavy Industrial	Farmland
Shopping Area	Light Industrial	Rural Neighbourhood
Rapid Transit Corridor	Future Industrial Growth	Waste Management Resource Recovery Area
Urban Corridor	Commercial Industrial	Urban Growth Boundary
Main Street	Institutional	
Neighbourhood	Green Space	

This is an excerpt from Planning & Development's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

<p>CITY OF LONDON Official Plan LONDON PLAN MAP 1 - PLACE TYPES - PREPARED BY: Planning & Development</p>	<p style="text-align: center;"> Scale 1:30,000 Meters </p>	<p>File Number: Z-9526 Planner: AS Technician: JI Date: 2022/11/30</p>
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Zoning By-law Z.-1 – Zoning Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: AG2

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

- "N" - HOLDING SYMBOL
- "D" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT 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-9526

AS

MAP PREPARED:

2022/11/30

JJ

1:9,500

0 45 90 180 270 360

Meters