

# Municipality of Middlesex Centre

## Zoning By-law Conformity Update – Comment-Response Table (Public Comments)

#	Date	Agent	Organization	Comment	Project Team Response
1	April 6, 2023	Barb Rosser	Domus Developments	<p>The concern of the owner (West Haven Inc./832928 Ontario Inc.) is that the UR3 zoning continue to apply to these lands given that they are to be included within the Melrose Hamlet Area and designated Residential with the County's approval of OPA No. 59 and pending rezoning in association with the VLC proposal recently discussed. By the attached Map U-11, I see that the current zoning would be maintained on the revised zone map at this point.</p> <p>If you could please record this concern as part of the update project, it would be appreciated.</p>	<p>At this time, as part of the Zoning By-law Update, the Project Team is recommending that the in-effect UR3 zoning be retained as further site-specific planning work is required for these subject lands.</p>
2	April 12, 2023	Philip Masschelein, Senior Vice President, Neighbourhood Developments	Sifton Properties Limited	<p>In summary, we request consideration of the following:</p> <ul style="list-style-type: none"> <li>a) To permit ARU's in townhouse and cluster townhouse dwellings.</li> <li>b) To permit garden suites within existing or new Plans of VLC development.</li> <li>c) To consider providing maximum lot coverage provisions specific to those uses permitted in each of the respective urban residential density zones.</li> <li>d) To complete a review of provisions set out under Section 9.0 and undertake necessary revisions to ensure all permitted uses have been considered.</li> <li>e) To review the maximum density provision set out under subsection 9.1.10 to consider more compact, higher density forms of development.</li> <li>f) To provide clarity regarding how Plan of VLC Townhouse developments will be handled moving forward and consider maintaining townhouse dwelling as a permitted use in the UR3 zone.</li> <li>g) Administratively re-zone lands identified in Appendix A to UR1 &amp; UR3 to ensure conformity with adopted OPA No.59 and amend Key Map U-07 accordingly.</li> </ul> <p>Further, the provision states that a maximum of two ARU's are to be permitted per lot. The Planning Act stipulates that up to three ARU's shall be permitted; an amendment to the act as a result of Bill 23, More Homes Built Faster Act, 2022. It is in our opinion that the Comprehensive ZBL should be updated to reflect changes to provincial policy as a result of Bill 23.</p>	<p>a) Comment addressed.</p> <p>b) Comment addressed</p> <p>c) Comment addressed. Maximum lot coverage requirements have been adjusted for different dwelling types.</p> <p>d) Comment addressed.</p> <p>e) Comment addressed. Revised density requirements have been established to implement the Komoka-Kilworth Secondary Plan density ranges.</p> <p>f) Comment addressed. The definition of cluster townhouse dwelling has been removed, while townhouse dwelling has been re-instated as permitted use.</p> <p>g) It is not recommended at this time that lands within Special Policy Area #29 be re-zoned as part of this Conformity Exercise. SPA #29 requires an Official Plan Amendment to remove the SPA designation and enables the Municipality to undertake a Secondary Plan for these lands. It would be premature at this time pre-zone lands within SPA #29 through the Zoning By-law Conformity Update.</p> <p>As it relates to ARUs, Bill 23 permits a maximum of 2 ARUs within the principal dwelling (for a total of 3 units) provided that no detached ARU is on a lot. Where a detached ARU is on a lot, a maximum of 1 ARU is permitted within the principal dwelling. The Zoning By-law Amendment as presented at the Statutory Public Meeting reflects the changes introduced through Bill 23.</p>
3	April 11, 2023	Stacey Graham, President	South Winds Development Co. Inc	<p>The core of the issue is that by introducing the definition "Townhouse Dwelling, Cluster" to the draft Comprehensive Zoning By-law, without having permission for this use in the UR2-2 Zone, we will not be able to develop our site as planned. A "Cluster Townhouse Dwelling" is not currently proposed to be a permitted use in the UR2-2 Zone and the definition of this use matches what we are proposing.</p> <p>Furthermore, it is not clear what the "Townhouse Dwelling" definition will now permit in the UR2-2 Zone.</p>	<p>Comment addressed. Upon further review by the project team the definition of "Cluster Townhouse Dwelling" has been removed to improve clarity of the zoning by-law</p> <p>The Project Team has also reviewed the request to include permissions for ARUs and Home Occupations within the UR2-2 zone. Given the implications on all other exceptions, staff have revised the wording of the Home Occupation general provision to allow the use to be permitted without listing in the exception zone. The General Provision for Home Occupations allows the use secondary to a permitted dwelling unit, which is the case in the exception</p>

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				<p>We would also appreciate the permission of "Home Occupation" and "Additional Residential Units" in the UR2-2 Zone, similar to the UR2 Zone, as currently proposed. The suggested path forward could be as follows:</p> <ul style="list-style-type: none"> <li>a. Remove the "Cluster Townhouse Dwelling" definition from the draft Comprehensive Zoning By-law, as it is not clear how it differs from a "Townhouse Dwelling" that is not on a public street; or</li> <li>b. Add "Cluster Townhouse Dwelling" to the permitted uses in the UR2-2 Zone, to address the previously approved permission of condominium townhouses, not on a public street. The performance standards could be the same as the townhouse dwelling standards; or</li> <li>c. Amending the UR2-2 Zone to allow condominium townhouses. This approach would require a new definition, while this can be done it maybe a bit more challenging to implement (i.e., the need to differ between Condominium Townhouse Dwellings and the Cluster Townhouse Dwellings); and</li> <li>d. Add "Home Occupation" and "Additional Residential Units" as permitted uses in the UR2-2 Zone.</li> </ul>	<p>zones. This is already the case with the ARU framework, and would be interpreted so by Staff.</p>
4	April 12, 2023	Kim Mullin	Wood Bull LLP, Counsel for South Winds Development Co. Inc.	<p>We understand that the Municipality of Middlesex Centre is in the process of preparing a new Comprehensive Zoning By-law, which is to be considered at a statutory public meeting on 19 April 2023. We also understand that the draft Comprehensive Zoning By-law would have the effect of not permitting condo townhouses in the UR2-2 zone on the South Winds Lands.</p> <p>Our client has already provided its written submission on the draft Comprehensive Zoning By-law to the municipality by way of a letter dated 11 April 2023. In the event that the Municipality did not intend to effectively prohibit condo townhouses on the South Winds Lands, then we expect that the Municipality will modify the Comprehensive Zoning By-law in the manner suggested in our client's written submission. Otherwise, South Winds will be required to raise the removal of the permission for condo townhouses as part of its zoning by-law amendment appeal currently before the OLT.</p> <p>Thank you for your consideration of this submission. Please provide us with notice of any decision of Council or any Committee of Council with respect to the Comprehensive Zoning By-law.</p>	<p>Comments acknowledged. See above (Row 3) for response to the original South Winds letter.</p>
5	April 18, 2023	Jane Campbell		<p>You may remember me requesting that our farm zoning be changed back to A1 at the Official Plan on August 12, 2020. It appears that this will be happening with the deletion of the A3 zone. I am very glad to see this change. Changes are not inconsequential. Some previously zoned A2 properties lost potential buyers due to the livestock/barn restrictions.</p> <p>I did raise the issue of rabbits being classified as pets as well as livestock; perhaps necessitating changes to Animal Clinic.</p> <p>Definitions for fill line, flood regulatory, flood 100-year, and regulatory flood are proposed to be deleted. Deletion of these terms does not absolve the Municipality of responsibility to protect homeowners. Given the constraints on Conservation Authorities as per Bill C23, I would think it is even more important for municipalities to regulate building on potential wetlands. Section 4.2 Hazard Lands only addresses such lands as delineated on Schedule A. Setbacks for new development from a wetland have been reduced so essentially you are building your basement in a swampland. We have had first hand knowledge of MXC allowing building on hazard lands within flood lines; north of Union Avenue east of Komoka Road (8 homes), which, according to UTRCA, homes have experienced documented repeated and extensive flooding. We advised the Municipality not to build there in 2006 and the then drainage superintendent wrote to us that no</p>	<p>As part of the Zoning By-law Conformity Update, it is not proposed to delete the A3 zone, but rather to re-number it as the A2 zone. Minimum distance separation (MDS) requirements will still apply as it relates to livestock uses.</p> <p>The definition of Animal Clinic includes a general permission for pets raised for recreation or hobby purposes, which would apply to a broad range of pets.</p> <p>As part of the zoning by-law amendment, it is proposed to remove several definitions which are not used anywhere else in the Zoning By-law, including fill line, regulatory flood, and 100-year flood. The Zoning By-law continues to delineate Hazard Lands (Section 4.10) on Schedule A of the By-law.</p>

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				flooding would occur given the extensive engineering consultations completed. These definitions should remain in the document.	
6	April 20, 2023	Auburn Developments	-	We currently have 14494 Medway Rd., Arva under contract and it is currently zoned Restricted Agricultural (A2 zone). The current zone prohibits livestock operation close to the villages or settlement areas. The proposed draft By-law will rezone our lands to Agricultural (A1) zone which permits livestock which could impact future development uses for this and abutting properties and therefore, we would respectfully request maintaining the A2 zone as is for this property as well as all proximity to these lands.	The A2 zone has been consolidated with the A1 zone as the only distinguishing factor between A1 and A2 related to permissions for livestock uses.  Municipal staff have determined that the requirements of Minimum Distance Separation (MDS) contained within the zoning by-law will address instances of land use compatibility and ensure that livestock operations do not impact exiting or future development areas within settlement areas.