



## Committee of the Whole

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**Meeting Date:** May 11, 2021  
**Submitted by:** Durk Vanderwerff, Director of Planning  
**SUBJECT:** NORTH MIDDLESEX OFFICIAL PLAN AMENDMENT NO.13;  
PENNINGS; FILE NO. 39-NM-OPA13

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### **BACKGROUND:**

The property owner (Pennings) has applied to amend the North Middlesex Official Plan for lands located within Part of lot 4, Concession 5 (former East Williams) known municipally as 26428 Fletcher Road. The property is approximately 1 hectare (2.4 acres) in size and is located on the northeast corner of Petty Street and Fletcher Road.

Amendment No. 13 would create an Agricultural Special Policy area that would permit a garden suite (sometimes called a 'granny flat') on the subject lands for a period of 20-years whereas the North Middlesex Official Plan limits such uses to 3-years.

County Council is the Provincially Delegated Approval Authority for locally adopted official plan amendments. As such, this report summarizes the proposal and the planning policy context and provides a planning recommendation for Council from the perspective of the Approval Authority. More detailed planning analysis is provided within the local planning reports authored by Stephanie Poirier, as provided to North Middlesex Council, which is attached. Also appended to this report are a location map and a copy of Amendment No. 13.

### **ANALYSIS:**

Amendment No. 13 would change the designation of the subject lands from 'Agricultural' to an 'Agricultural Special Policy Area' designation to permit a garden suite for a temporary period of time not to exceed 20-years. The Planning Act permits garden suites to be established for a period of 20-years however the North Middlesex Official Plan is more restrictive and limits such uses to 3-years.

The Provincial Policy Statement and County Official Plan permit a range of housing types including garden suites that are temporary in nature and subject to appropriate servicing. The County Official Plan natural heritage policies would trigger the completion of a

Development Assessment Report relative to the woodland on the site, however, in this case the Ausable Bayfield Conservation Authority are satisfied that it is not required given the limited nature of the development and its location relative to the woodlands.

The North Middlesex Official Plan allows garden suites, albeit for a shorter time period, subject to criteria. In this case, the Municipality are satisfied that the criteria have been satisfied. No oral or written submissions were received from the public at the statutory public meeting.

In conclusion, Amendment No. 13 would change the designation of the subject lands from 'Agricultural' to 'Agricultural Special Policy Area' to permit a garden suite on the subject lands for a temporary period of 20-years. It is my opinion that Amendment No. 13 is consistent with the Provincial Policy Statement, conforms to the intent and purpose of the County and the North Middlesex Official Plans, and approving it would have regard to the decision of Council for the Municipality of North Middlesex.

#### **FINANCIAL IMPLICATIONS:**

The budget expense related to the Provincially Delegated Approval Authority responsibility for local official plans is offset, to an extent, through the collection of application fees.

#### **ALIGNMENT WITH STRATEGIC FOCUS:**

This report aligns with the following Strategic Focus, Goals, or Objectives:

<b>Strategic Focus</b>	<b>Goals</b>	<b>Objectives</b>
Strengthening Our Economy	Encourage a diverse and robust economic base throughout the county	Support opportunities to create a stronger and sustainable agricultural sector

#### **RECOMMENDATION:**

That Amendment No. 13 to the North Middlesex Official Plan be approved, and that staff be directed to circulate a Notice of Decision as required by the Planning Act, and that the Notice of Decision indicate that Middlesex County Council did not receive any written submissions on this application.

Attachments



## NORTH MIDDLESEX

FLETCHER RD

PETTY ST

26428

9821

9800

### LOCATION MAP

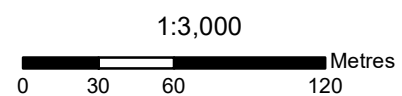
Description:  
OFFICIAL PLAN AMENDMENT NO. 13  
MUNICIPALITY OF NORTH MIDDLESEX

File Number:  
39-NM-OPA13

Prepared by: Planning Department  
The County of Middlesex, April 21, 2021.



### LEGEND







**NOTICE OF ADOPTION  
OF PROPOSED OFFICIAL PLAN AMENDMENT NO.13  
BY THE CORPORATION OF THE  
MUNICIPALITY OF NORTH MIDDLESEX**

**Re: 26428 Fletcher Road**

TAKE NOTICE that the Council of the Corporation of the Municipality of North Middlesex passed By-law No. 032 on this 7th day of April, 2021, under Section 17 of the Planning Act, R.S.O. c.P. 13 for the purpose of adopting proposed Official Plan Amendment No. 13 for the Municipality of North Middlesex.

The purpose and effect of this Application for Official Plan Amendment (OPA 13) is to change the designation of the lands from the Agricultural Area to Agricultural Special Policy Area designation in order to permit a 'granny flat' or garden suite on the subject lands for a temporary period not to exceed 20 years in accordance with Section 39.1 of the Planning Act, whereas the North Middlesex Official Plan permits 'granny flats' or 'garden suites' in the 'Agricultural Area' designation through a Temporary Use Zoning By-law for a period not exceeding 20 years.

Additional information pertaining to the proposed Official Plan Amendment will be available for inspection at the North Middlesex Municipal Office in Parkhill during regular office hours, Monday to Friday from 8:30 a.m. to 4:30 p.m.

A record shall be compiled along with an application to be submitted by the Clerk of the Municipality for the approval of the Official Plan Amendment to the Approval Authority, being the County of Middlesex, located at 399 Ridout Street North, London ON N6A 2P1 in accordance with Section 17 (22).

The lands are also affected by Temporary Use Zoning By-law Amendment (ZBA-6-2021) is to allow the establishment of a 156 m<sup>2</sup> (1,680 ft) 'granny flat or 'garden suite' with a front yard setback of 10m on an agricultural parcel of land for a period of 20 years for the purpose of housing aging parents on the same property as their child resides on.

Any person or public body will be entitled to receive notice of the decision of the Approval Authority if a written request to be notified of the decision (including person's or public body's address) is made to the Approval Authority at the address noted above.

Dated at the Municipality of North Middlesex this 9th day of April, 2021

Jackie Tiedeman, Clerk  
Municipality of North Middlesex  
229 Parkhill Main Street  
Parkhill, ON N0M 2K0  
Tel (519)294-6244 Fax (519)294-0573

Cc: Owner – Arie(Eric)Pennings, Carla Sue Pennings and Kyle Arie Pennings (email)  
Agent – Monteith Brown Planning Consultants c/o Dan Smith (email)  
ABCA (email)  
Director of Planning, County of Middlesex(email)  
Planner (email)  
CBO (email)  
Jonathon Graham, CAO/Director of Operations (email)

39 54 042 030 129 02.  
26458 Fletcher Rd

THE CORPORATION OF THE MUNICIPALITY OF NORTH MIDDLESEX

BY-LAW NUMBER 032 OF 2021

BEING A BY-LAW TO AMEND THE OFFICIAL PLAN

OF THE MUNICIPALITY OF NORTH MIDDLESEX

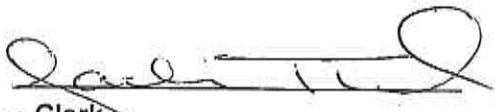
**WHEREAS** the Council of the Municipality of North Middlesex deems it advisable to amend the North Middlesex Official Plan;

**AND WHEREAS** this amendment is consistent with the Provincial Policy Statement, 2014, and is in conformity with the County of Middlesex Official Plan;

**THEREFORE** the Council of the Municipality of North Middlesex, in accordance with Section 17 of the Planning Act, R.S.O. 1990, c.P.13, hereby enacts as follows:

1. THAT Amendment Number 13 to the Official Plan of the Municipality of North Middlesex, consisting of the attached document is hereby adopted.
2. THAT the Clerk is hereby authorized and directed to make application to the County of Middlesex for approval of the aforementioned Amendment Number 13 to the Official Plan for the Municipality of North Middlesex.
3. THAT Amendment Number 13 shall not come into force and effect until it has been approved in accordance with the Planning Act, R.S.O. 1990, c.P.13.
4. THAT this By-law shall come into force and take effect on the day of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME, AND FINALLY PASSED THIS 7<sup>th</sup> day of April, 2021.

  
Clerk

  
Mayor

Corporate Seal of Municipality

AMENDMENT NO.13  
TO THE  
OFFICIAL PLAN  
FOR THE MUNICIPALITY OF  
NORTH MIDDLESEX

Dated: April 7, 2021

Approval Authority: County of Middlesex

### AMENDMENT NO.13

The attached text constituting Amendment No. 13 to the Official Plan for the Municipality of North Middlesex was prepared by the Municipality of North Middlesex under the provisions of Section 22 of the Planning Act, R.S.O. 1990, c .P.13, and this amendment was adopted by Council of the Corporation of the Municipality of North Middlesex by By-law No. 32 of 2021 on the 7<sup>th</sup> day of April, 2021 in accordance with the provisions of Section 22 of the Planning Act, R.S.O. 1990, c .P.13.

*Brian Ropp*

\_\_\_\_\_  
Mayor

*Jackie Tied*

\_\_\_\_\_  
Clerk

AMENDMENT NO.13  
to the  
OFFICIAL PLAN FOR THE MUNICIPALITY OF NORTH MIDDLESEX

**PART 1** – THE PREAMBLE – does not constitute part of this Amendment

**PART 2** – THE AMENDMENT – text constitutes Amendment No. 13

**PART 3** – THE APPENDICES – does not constitute part of this Amendment



**AMENDMENT NO.13  
TO THE  
OFFICIAL PLAN FOR THE MUNICIPALITY OF NORTH MIDDLESEX**

**PART 1- THE PREAMBLE**

**1.0 PURPOSE OF THIS AMENDMENT**

The purpose and effect of the Application for Official Plan Amendment (OPA No. 13) is to change the designation of the lands from the 'AGRICULTURAL AREA' to an 'AGRICULTURAL SPECIAL POLICY AREA' designation in order to permit a "granny flat" or garden suite on the subject lands for a temporary period of time not to exceed 20 years in accordance with Section 39.1 of the Planning Act, whereas the North Middlesex Official Plan permits "granny flats" or "garden suites" in the 'Agricultural Area' designation through a Temporary Use Zoning By-law for a period not exceeding ~~30~~ 20 years.

A portion of the lands are identified as containing 'Hazard Lands', as per Schedule A of the North Middlesex Official Plan and 'Woodlands' as per Schedule C of the North Middlesex Official Plan.

No changes to the 'Hazard Lands' or 'Woodlands' are being proposed at this time.

**2.0 LOCATION OF THIS AMENDMENT**

This Amendment applies to lands that may be legally described as Concession 5, Part Lot 4, Registered Plan 33R4813 Part 1, geographic Township of East Williams, located at the northeast corner of intersection of Petty Street and Fletcher Road, in the Municipality of North Middlesex. The subject land, being an existing lot of record, has an area of approximately 1 ha (2.45 ac) and contains a single detached dwelling, a detached garage, and woodlands.

**3.0 BASIS OF THE AMENDMENT**

The Planning Act allows municipalities to permit 'granny flats' through temporary use zoning by-law amendment applications for a period not exceeding twenty years, with the option for renewal for subsequent three year periods. The North Middlesex Official Plan permits 'granny flats' in the agricultural area designation subject to criteria through a temporary use zoning by-law amendment application not exceeding three years. The applicant has proposed to redesignate the subject lands from the agricultural designation to an agricultural special policy area in order to permit a 'granny flat' through temporary use for a period of twenty years, with the option for renewal as per the policies within the Planning Act.

## **PART 2 - THE AMENDMENT**

The Official Plan for the Municipality of North Middlesex is hereby amended as follows:

1. THAT Schedule 'A', Land Use (Rural Area) to the North Middlesex Official Plan, as amended, is hereby amended by changing the lands from AGRICULTURAL AREA' to an 'AGRICULTURAL SPECIAL POLICY AREA' that land identified as Schedule 'A' attached hereto and described as Concession 5, Part Lot 4, Registered Plan 33R4813 Part 1, geographic Township of East Williams (26428 Fletcher Road)
2. THAT Section 6.4 being the Agricultural Area Land Use Designation, is hereby amended by the insertion of the following new section:  
  
6.4.5 Notwithstanding Sections 6.4.1f)i), 5.2.3, and 9.3.3 of this Plan to the contrary, a 'granny flat' or garden suite shall be permitted on a temporary use basis for a period not exceeding 20 years, on the property legally described as Concession 5, Part Lot 4, Registered Plan 33R4813 Part 1, geographic Township of East Williams (26428 Fletcher Road).

## **PART 3 - THE APPENDICES**







The following appendices do not constitute part of Amendment No. 13 but are included as information supporting the amendment:

Appendix I	-	Notice of Public Meeting
Appendix II	-	Planning Justification Report
Appendix III	-	Schedule A











#### LAND USE DESIGNATIONS:

-  HAMLET SETTLEMENT AREA
-  URBAN RESERVE AREA
-  AGRICULTURAL AREA
-  RESOURCE EXTRACTION AREA
-  OPEN SPACE AREA
-  7.4.3 SPECIAL POLICY AREA

#### AREAS SUBJECT TO INSET LAND USE SCHEDULE:

-  URBAN SETTLEMENT AREA
-  COMMUNITY SETTLEMENT AREA

#### LEGEND

-  MUNICIPAL BOUNDARY
-  HAZARD LANDS
-  ENVIRONMENTALLY SIGNIFICANT FEATURES
-  WASTE DISPOSAL SITE

SCHEDULE "A" SHALL BE INTERPRETED IN CONJUNCTION WITH SCHEDULES "B", AND "C" AND THE TEXT OF THE OFFICIAL PLAN.

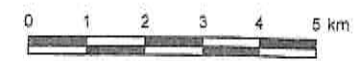
THE BOUNDARIES OF FEATURES AND LAND USES ARE APPROXIMATE. PRECISE BOUNDARIES SHALL BE DETERMINED IN CONSULTATION WITH THE AUSABLE BAYFIELD CONSERVATION AUTHORITY AND THE MUNICIPALITY.

NOTE: THE AUSABLE RIVER AND PORTIONS OF THE LITTLE AUSABLE RIVER AND THEIR IMMEDIATE SURROUNDINGS PROVIDE OR CONTRIBUTE TO HABITAT FOR THREATENED OR ENGANGERED SPECIES AND ARE THEREFORE SUBJECT TO THE POLICIES OF SECTION 7.3.3.

North Middlesex  
MUNICIPALITY OF NORTH MIDDLESEX

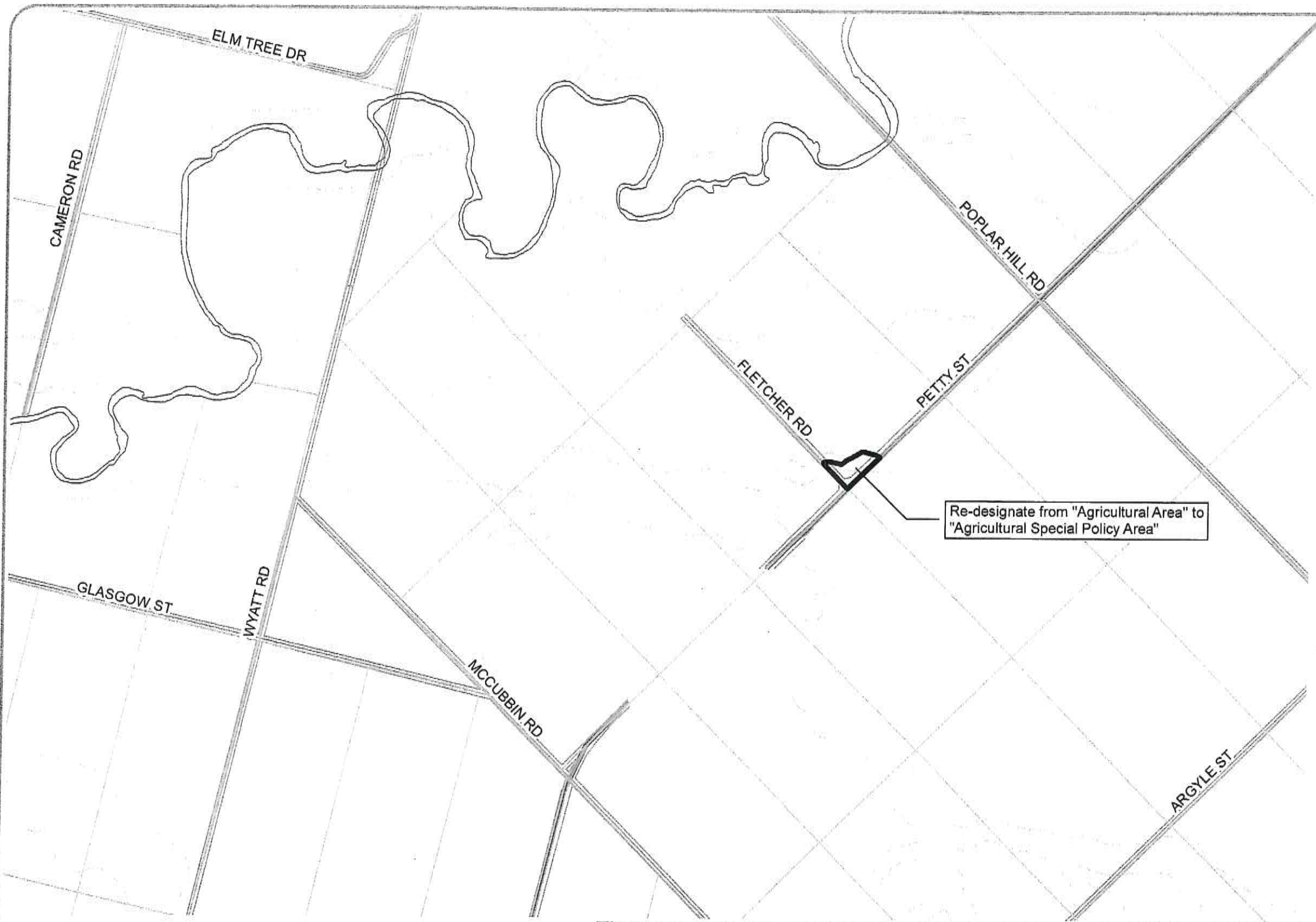
MUNICIPALITY OF NORTH MIDDLESEX  
OFFICIAL PLAN

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



### SCHEDULE "A" LAND USE (RURAL AREA)











**LAND USE DESIGNATIONS:**

-  HAMLET SETTLEMENT AREA
-  URBAN RESERVE AREA
-  AGRICULTURAL AREA
-  RESOURCE EXTRACTION AREA
-  OPEN SPACE AREA
-  7.4.3 SPECIAL POLICY AREA

**AREAS SUBJECT TO INSET LAND USE SCHEDULE:**

-  URBAN SETTLEMENT AREA
-  COMMUNITY SETTLEMENT AREA

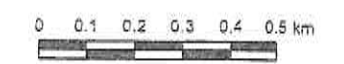
**LEGEND**

-  MUNICIPAL BOUNDARY
-  HAZARD LANDS
-  ENVIRONMENTALLY SIGNIFICANT FEATURES
-  WASTE DISPOSAL SITE




SCHEDULE "A" SHALL BE INTERPRETED IN CONJUNCTION WITH SCHEDULES "B", AND "C" AND THE TEXT OF THE OFFICIAL PLAN.

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THE BOUNDARIES OF FEATURES AND LAND USES ARE APPROXIMATE. PRECISE BOUNDARIES SHALL BE DETERMINED IN CONSULTATION WITH THE AUSABLE BAYFIELD CONSERVATION AUTHORITY AND THE MUNICIPALITY.

NOTE: THE AUSABLE RIVER AND PORTIONS OF THE LITTLE AUSABLE RIVER AND THEIR IMMEDIATE SURROUNDINGS PROVIDE OR CONTRIBUTE TO HABITAT FOR THREATENED OR ENGANGERED SPECIES AND ARE THEREFORE SUBJECT TO THE POLICIES OF SECTION 7.3.3.

 <div style="display: inline-block; text-align: left;"> <p><b>MUNICIPALITY OF NORTH MIDDLESEX</b></p> </div>	<p>MUNICIPALITY OF NORTH MIDDLESEX OFFICIAL PLAN</p>	
<p><b>SCHEDULE "A"</b> <b>LAND USE</b> <b>(RURAL AREA)</b></p>		

# EVALUATION REPORT

PLANNING DEPARTMENT

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To: Mayor and Members of the Council, Municipality of North Middlesex

From: Stephanie Poirier, Planner

Date: April 7<sup>th</sup> 2021

**Re: Official Plan Amendment (OPA 13) and Zoning By-law Amendment Application (ZBA06-2021)**

**Concession 5, Part Lot 4, Registered Plan 33R4813 Part 1  
(Geographic Township of East Williams)  
26428 Fletcher Road**

**Owner: Arie (Eric) Pennings, Carla Sue Pennings, Kyle Arie Pennings**

**Agent: Monteith Brown Planning Consultants c/o Dan Smith**

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## **Purpose:**

The purpose and effect of the Application for Official Plan Amendment (OPA No. 13) is to change the designation of the lands from the 'Agricultural Area' to an 'Agricultural Special Policy Area' designation in order to permit a "granny flat" or garden suite on the subject lands for a temporary period of time not to exceed 20 years in accordance with Section 39.1 of the Planning Act, whereas the North Middlesex Official Plan permits "granny flats" or "garden suites" in the 'Agricultural Area' designation through a Temporary Use Zoning By-law for a period not exceeding 3 years.

The purpose and effect of the Temporary Use Zoning By-law Amendment (No. ZBA-06-2021) is to allow the establishment of a 156 m<sup>2</sup> (1,680 sq ft) "granny flat" or "garden suite" in the form of a one storey modular home with site specific zoning standards on an agricultural parcel of land for a period of 20 years for the purpose of housing aging parents on the same property as their child resides on.

## **Background:**

The subject lands are located at the northeast corner of the intersection of Petty Street and Fletcher Road, is considered to be an existing lot of record, and has an area of approximately 1 ha (2.45 ac). The lands contain a 260 m<sup>2</sup> (2,799 sq ft) single detached dwelling and a 60 m<sup>2</sup> (646 sq ft) detached garage and are serviced by municipal water, a private septic system, and have existing accesses off Petty Street (County Road 19) and Fletcher Road.

The subject lands are located within the 'Agricultural Area' land use designation of the North Middlesex Official Plan and zoned 'General Agricultural (A1) Zone' within the Municipality's Zoning By-law. A portion of the lands are identified as containing 'Hazard



Lands', as per Schedule A of the North Middlesex Official Plan and 'Woodlands' as per Schedule C of the North Middlesex Official Plan.

The applicant advised that due to the irregular lot configuration, the location of significant woodlands, the location of the Rose Municipal Drain, and the location of the current septic system in front of the existing dwelling, there were very limited locations to place the proposed structure. As a result, the structure is proposed to be located in the front yard of the subject lands, closer to the road than the existing dwelling, with a front yard setback of 10 m (33 ft) off Fletcher Road.

The surrounding land uses are predominantly agricultural in nature.

### **Policy and Regulation Background:**

#### **Planning Act**

Section 39.1 of the Planning Act permits municipalities to allow a garden suite through a temporary use zoning by-law amendment for a period not exceeding twenty years, with the option to renew in the future for a period not exceeding three years per temporary use application.

A garden suite is defined in the Planning Act as 'a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable'.

#### **Provincial Policy Statement**

'Granny flats' or garden suites are not specifically contemplated within the Provincial Policy Statement, however, the PPS provides direction for the encouragement of municipalities to accommodate an appropriate range and mix of residential housing types (including but not limited to additional residential units, affordable housing and housing for older persons).

#### **County Official Plan**

The County Official Plan also encourages a mixed range of housing types. Additionally, the County Official Plan states that up to two farm residences shall be permitted on agriculturally designated lands so long as the second residence is temporary in nature. The County Official Plan contains policies in regards to natural heritage features such as significant woodlands, and states that when an application for development within a Natural Heritage Feature, or within the adjacent lands of the elements such as significant woodlands is being considered by Council, the appropriate Conservation Authority and the Province shall be consulted. The County Official Plan requires a Development Assessment Report on lands adjacent to significant woodlands within 50 m, however, limited development that can be demonstrated to have no negative impact on natural features or their ecological functions may be accommodated within or contiguous to these features.

### North Middlesex Official Plan

Section 6.4.1 f)i) states that the following secondary uses may also be permitted, provided these uses do not conflict with existing farming operations or with any Natural Heritage Features: accessory residential dwellings, “granny flats” or garden suites, subject to the policies of Section 5.2.3, save and except for that use of existing site services is permitted in lieu of full municipal services.

Section 5.2.3 states that the following policies shall apply to the development of accessory residential dwelling units, “granny flats” or garden suites in the Residential Area Land Use Designation.

a) Accessory residential dwelling units shall be defined as separate and complete dwelling units that are contained within the structure of a single detached residential dwelling. “Granny flats” or garden suites shall also be considered accessory residential dwellings, save and expect for that a “granny flat” or garden suite shall be a small independent building, physically separate from the principal dwelling unit with which it is associated.

b) A maximum of one (1) accessory residential dwelling unit per lot shall be permitted.

c) The proposed unit shall have regard to the type of housing found in the surrounding residential neighbourhood. Standards to ensure compatibility with the surrounding neighbourhood shall be provided in the Zoning By-law.

d) Full municipal services will be required for the development of an accessory residential dwelling unit or “granny flat” or garden suite.

e) Council may deem accessory residential dwelling units to be subject to site plan control in accordance with Section 9.5.6 of this Plan.

f) Development of “granny flats” or garden suites shall be subject to the following criteria:

- i) The exterior design of any proposed unit in terms of height, massing, scale and layout shall be consistent with the present land uses in the area; and
- ii) The siting of the unit and any related features shall have a minimal effect on light, view and privacy of adjacent yards.

g) “Granny flats” or garden suites shall be permitted by way of Temporary Use By-law, in accordance with Section 9.3.3 of this Plan.

Section 9.3.3 states that the Municipality may pass a temporary use by-law to allow a use otherwise prohibited by the Zoning By-law. A temporary use by-law will define the land or lands to which it applies, and shall prescribe the period of time during which it is in effect, which shall not exceed three years from the day of the passing of the by-law. Council may extend this period by passing further by-laws. In enacting a temporary use by-law Council shall consider the following:

- a) The compatibility of the proposed use with the surrounding land uses;
- b) The adequacy of any services that may be required for the proposed use;
- c) Access and parking requirements;
- d) Traffic impacts; and
- e) The conformity of the proposed use with the policies of this Plan

Section 7.3.4 Natural Heritage Features states that the Provincial Policy Statement encourages the protection and enhancement of natural heritage features. Natural Heritage Features are identified on Schedule “C” to this Plan. The delineation of these features is based on the Middlesex County Natural Heritage Study. These Natural Heritage Features are generally not designated in the Official Plan. Notwithstanding this, the following policies shall apply.

a) Natural Heritage Features identified on Schedule “C” to this Plan shall be subject to the policies of the underlying land use designation and the policies of this Section of the Plan.

b) Development or site alteration proposed within or on lands adjacent to a Natural Heritage Feature(s) shall be subject to the completion of an Environmental Impact Study, in accordance with Section 9.7.1 of this Plan. Development or site alteration within or adjacent to such features will be prohibited unless it can be shown that there will be no unmitigated impacts on the form or function of such Features.

#### North Middlesex Zoning By-law

Section 7.1 of the North Middlesex Zoning By-law permits a wide range of agricultural uses including a single detached dwelling and accessory uses but does not permit ‘granny flats’ as of right. The General Agricultural Zone requires for an existing lot of record, a front yard setback of 15 m (49 ft), an exterior side yard setback of 15 m (49 ft), a rear yard setback of 15 m (49 ft), a maximum lot coverage of 20%, and compliance with MDS.

#### **Analysis:**

The Provincial Policy Statement, the County Official Plan, and the North Middlesex Official Plan all encourage mixed forms of housing in order to accommodate a wide range of people, such as ‘granny flats’ to accommodate senior citizens.

The North Middlesex Official Plan further sets out the regulations required in order to facilitate a ‘granny flat’, including limiting the amount of ‘granny flats’ to one per property. It also requires the building to be accessory to the main use of the property. Staff are satisfied that the existing ‘granny flat’ is accessory in nature as it is subordinate in ground floor area in comparison to the existing dwelling and that there is only one located on the subject lands.

The North Middlesex Official Plan requires that the development of ‘granny flats’ take into consideration the exterior design of any proposed unit in terms of height, massing, scale and layout and the placement of the unit shall have a minimal effect on light, view and

privacy of adjacent yards. Staff are of the opinion that the proposed concept provided for the dwelling unit is appropriate in terms of scale, and do not anticipate any negative impacts to adjacent properties as a result of the location of the 'granny flat'.

The Official Plan states that a 'granny flat' shall be permitted by way of temporary use by-law for a period of three years, so long as consideration has been given to the compatibility of the use on surrounding properties, any services that may be required, access, parking, and traffic impacts, and conformity to the Official Plan. It is noted that although the North Middlesex Official Plan only permits temporary uses for a period not exceeding three years, the Planning Act allows 'granny flats' to be established through a temporary use for a period not exceeding twenty years. Staff are therefore of the opinion that the Official Plan Amendment to permit a 'granny flat' through temporary use for a period not exceeding twenty years is considered to be appropriate.

The proposed 'granny flat' is compatible with surrounding land uses as the area is characterized by agricultural lands with low density residential dwellings. The 'granny flat' is proposed to tie into the existing septic system if large enough to accommodate the additional unit, and will tie into municipal water. No additional accesses will be required as the applicants have placed the structure in a location that can utilize an existing driveway off of Fletcher Road. Staff do not anticipate an increase in traffic as a result of the proposal. As previously mentioned, 'granny flats' are permitted in the North Middlesex Official Plan, therefore the proposal is considered to be in conformity with the policy document.

In consultation with the Ausable Bayfield Conservation Authority, it was determined that an Environmental Impact Assessment will not be required, as the proposed structure is located outside of the significant woodlands and is not anticipated to cause any adverse impacts to any natural heritage features.

Staff are of the opinion that the proposed Temporary Use General Agricultural Exception Zone, to permit a front yard setback of 10 m (33 ft), whereas 15 m (49 ft) is required will maintain an adequate separation distance between the structure and the travelled portion of the road. It is also noted that Fletcher Road is a dead end road containing one other residence, which may be assumed to receive a more limited amount of traffic in comparison to streets containing more dwellings. Staff are of the opinion the A1 exception zone is considered to be appropriate based on the above.

The proposed location of the granny flat has been evaluated in accordance to MDS I and it has been determined that there are no active livestock facilities within the area that would be impacted by the establishment of the granny flat. Staff are therefore satisfied that compliance with MDS I is being maintained.

Staff are in the opinion that the proposed Temporary Use By-law to permit a 'granny flat' on an agricultural parcel of land for the purpose of housing aging parents on the same

property that their children reside on is consistent with the Provincial Policy Statement and is in conformity with the County and North Middlesex Official Plans.

A by-law has been drafted for Council's consideration.

**Consultation:**

Notice of the application has been circulated to agencies, as well as property owners in accordance to the requirements of the Planning Act.

Agency Comments

a) Ausable Bayfield Conservation Authority

The Ausable Bayfield Conservation Authority states that the location of the new building does not encroach into the Natural Heritage feature. It is this Authorities opinion that an EIS is not required for the proposed development. The location does however encroach into the Regulation Limit. It is expected that any concerns will be addressed at the time a permit is issued. The Ausable Bayfield Conservation Authority (ABCA) does not oppose the approval of the requested Official Plan Amendment and subsequent Zoning By-law Amendment.

b) North Middlesex Building Department

The Chief Building Official has no objections to the granny flat, and has noted that the existing septic system will need to be upgraded to accommodate the additional unit if necessary, or a new septic system be installed for the additional unit at the time of the building permit process.

c) North Middlesex Public Works Department

The North Middlesex Public Works Department has noted that there is an existing water service connected to the residence at 26428 Fletcher Rd. The proposed temporary use and creation of a granny suite will be required to be fed via the fronting water distribution system. As this is currently considered as temporary use, and due to the dual nature of the water service, the applicants will be required to install a meter pit at the property line to facilitate the addition of the granny suite. All costs associated with the works will be at the owner's expense.

No other comments or concerns have been received from the public or circulated agencies regarding the proposal.



**Recommendation:**

**THAT** Application for Official Plan Amendment OPA 13 which would re-designate the subject lands from 'Agricultural Area' to the 'Agricultural Area Special Policy Area' be **ADOPTED** and forwarded to the County of Middlesex for consideration and approval; and

**THAT** Zoning By-law Amendment No. ZBA 06-2021 which proposes to rezone the subject lands from the 'General Agricultural (A1) Zone' to the 'General Agricultural Exception (A1-86(t)) Zone' to permit a 'granny flat' located in the front yard for a period not exceeding twenty years, and to permit a front yard setback of 10 m (33 ft), be **APPROVED**

**APPLICATIONS FOR ZONING BY-LAW AMENDMENT (ZBA 06-2021)  
AND OFFICIAL PLAN AMENDMENT (OPA 13)**

**Applicants:** Arie (Eric), Carla Sue and Kyle Arie Pennings (Owners)

**Agent:** Monteith Brown Planning Consultants c/o Dan Smith

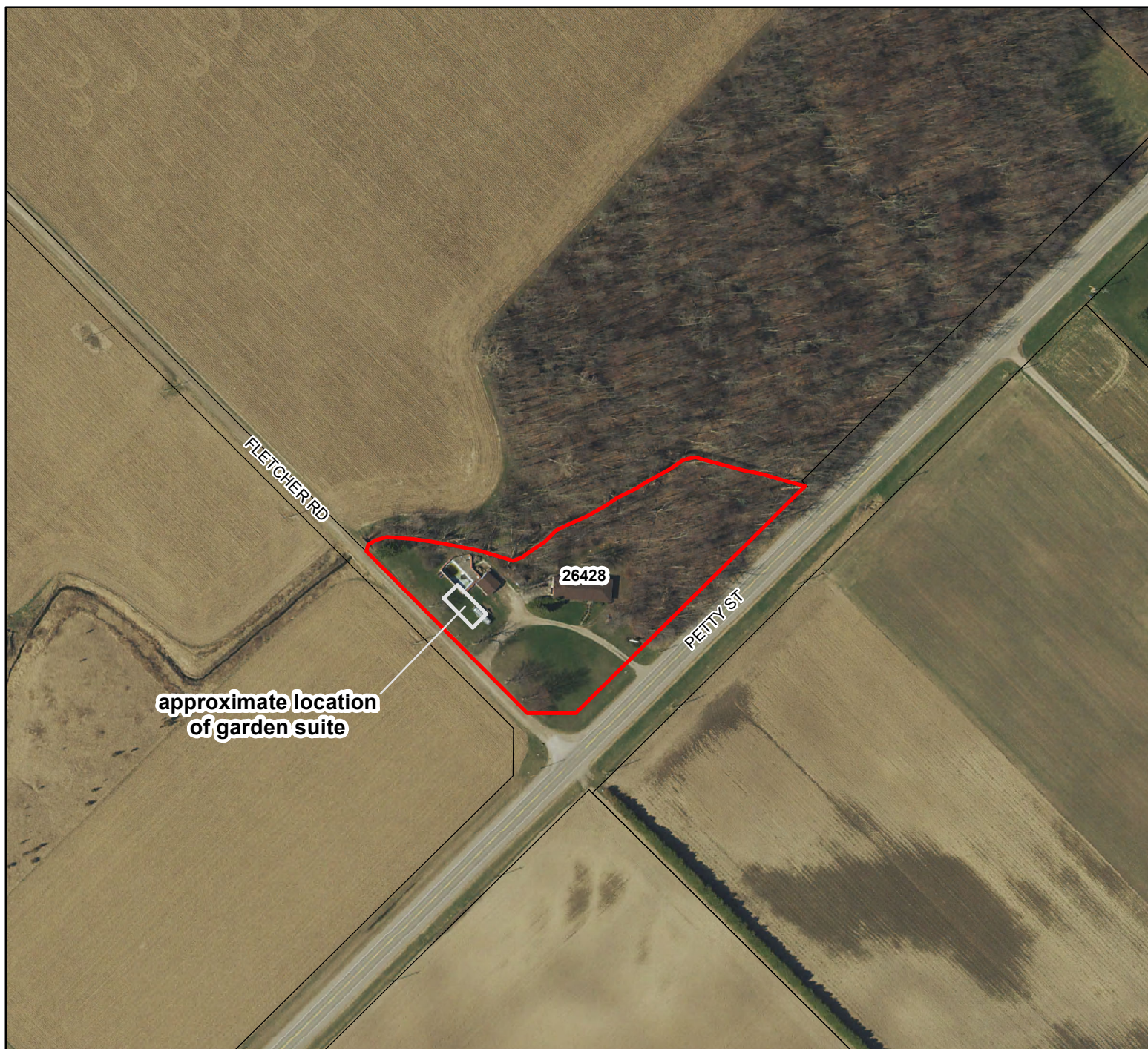
26428 Fletcher Road

Concession 5, Part Lot 4, Registered Plan 33R4813 Part 1

Geographic Township of East Williams



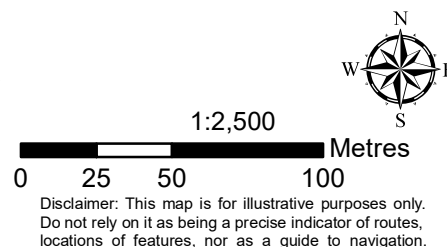
**Municipality of NORTH MIDDLESEX**



Published by the County of Middlesex  
Planning Department  
399 Ridout Street North, London, ON N6A 2P1  
(519) 434-7321  
March 2021



**Lands to be redesignated from Agricultural Area  
to Agricultural Special Policy Area 6.4.5 and  
rezoned from General Agricultural (A1) Zone to  
General Agricultural Exception 86 (t) Zone**



**AMENDMENT NO.13**  
**TO THE**  
**OFFICIAL PLAN**  
**FOR THE MUNICIPALITY OF**  
**NORTH MIDDLESEX**

**Dated:** \_\_\_\_\_

**Approval Authority: County of Middlesex**



**THE CORPORATION OF THE MUNICIPALITY OF NORTH MIDDLESEX**

**BY-LAW NUMBER 47 OF 2021**

**BEING A BY-LAW TO AMEND THE OFFICIAL PLAN**

**OF THE MUNICIPALITY OF NORTH MIDDLESEX**

**WHEREAS** the Council of the Municipality of North Middlesex deems it advisable to amend the North Middlesex Official Plan;

**AND WHEREAS** this amendment is consistent with the Provincial Policy Statement, 2014, and is in conformity with the County of Middlesex Official Plan;

**THEREFORE** the Council of the Municipality of North Middlesex, in accordance with Section 17 of the Planning Act, R.S.O. 1990, c.P.13, hereby enacts as follows:

1. THAT Amendment Number 13 to the Official Plan of the Municipality of North Middlesex, consisting of the attached document is hereby adopted.
2. THAT the Clerk is hereby authorized and directed to make application to the County of Middlesex for approval of the aforementioned Amendment Number 13 to the Official Plan for the Municipality of North Middlesex.
3. THAT Amendment Number 13 shall not come into force and effect until it has been approved in accordance with the Planning Act, R.S.O. 1990, c.P.13.
4. THAT this By-law shall come into force and take effect on the day of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME, AND FINALLY PASSED THIS \_\_\_\_\_ day of April, 2021.

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**Clerk**

---

**Mayor**

**Corporate Seal of Municipality**

## AMENDMENT NO.13

The attached text constituting Amendment No. 13 to the Official Plan for the Municipality of North Middlesex was prepared by the Municipality of North Middlesex under the provisions of Section 22 of the Planning Act, R.S.O. 1990, c .P.13, and this amendment was adopted by Council of the Corporation of the Municipality of North Middlesex by By-law No. 47 of 2020 on the 7<sup>th</sup> day of April, 2021 in accordance with the provisions of Section 22 of the Planning Act, R.S.O. 1990, c .P.13.

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**Clerk**



**AMENDMENT NO.13  
to the  
OFFICIAL PLAN FOR THE MUNICIPALITY OF NORTH MIDDLESEX**

**PART 1 – THE PREAMBLE** – does not constitute part of this Amendment

**PART 2 – THE AMENDMENT** – text constitutes Amendment No. 13

**PART 3 – THE APPENDICES** – does not constitute part of this Amendment

**AMENDMENT NO.13  
TO THE  
OFFICIAL PLAN FOR THE MUNICIPALITY OF NORTH MIDDLESEX**

**PART 1- THE PREAMBLE**

**1.0 PURPOSE OF THIS AMENDMENT**

The purpose and effect of the Application for Official Plan Amendment (OPA No. 13) is to change the designation of the lands from the 'AGRICULTURAL AREA' to an 'AGRICULTURAL SPECIAL POLICY AREA' designation in order to permit a "granny flat" or garden suite on the subject lands for a temporary period of time not to exceed 20 years in accordance with Section 39.1 of the Planning Act, whereas the North Middlesex Official Plan permits "granny flats" or "garden suites" in the 'Agricultural Area' designation through a Temporary Use Zoning By-law for a period not exceeding 3 years.

A portion of the lands are identified as containing 'Hazard Lands', as per Schedule A of the North Middlesex Official Plan and 'Woodlands' as per Schedule C of the North Middlesex Official Plan. No changes to the 'Hazard Lands' or 'Woodlands' are being proposed at this time.

**2.0 LOCATION OF THIS AMENDMENT**

This Amendment applies to lands that may be legally described as Concession 5, Part Lot 4, Registered Plan 33R4813 Part 1, geographic Township of East Williams, located at the northeast corner of intersection of Petty Street and Fletcher Road, in the Municipality of North Middlesex. The subject land, being an existing lot of record, has an area of approximately 1 ha (2.45 ac) and contains a single detached dwelling, a detached garage, and woodlands.

**3.0 BASIS OF THE AMENDMENT**

The Planning Act allows municipalities to permit 'granny flats' through temporary use zoning by-law amendment applications for a period not exceeding twenty years, with the option for renewal for subsequent three year periods. The North Middlesex Official Plan permits 'granny flats' in the agricultural area designation subject to criteria through a temporary use zoning by-law amendment application not exceeding three years. The applicant has proposed to redesignate the subject lands from the agricultural designation to an agricultural special policy area in order to permit a 'granny flat' through temporary use for a period of twenty years, with the option for renewal as per the policies within the Planning Act.

## **PART 2 - THE AMENDMENT**

The Official Plan for the Municipality of North Middlesex is hereby amended as follows:

1. THAT Schedule 'A', Land Use (Rural Area) to the North Middlesex Official Plan, as amended, is hereby amended by changing the lands from AGRICULTURAL AREA' to an 'AGRICULTURAL SPECIAL POLICY AREA' that land identified as Schedule 'A' attached hereto and described as Concession 5, Part Lot 4, Registered Plan 33R4813 Part 1, geographic Township of East Williams (26428 Fletcher Road)
2. THAT Section 6.4 being the Agricultural Area Land Use Designation, is hereby amended by the insertion of the following new section:

6.4.5 Notwithstanding Sections 6.4.1f)i), 5.2.3, and 9.3.3 of this Plan to the contrary, a 'granny flat' or garden suite shall be permitted on a temporary use basis for a period not exceeding 20 years, on the property legally described as Concession 5, Part Lot 4, Registered Plan 33R4813 Part 1, geographic Township of East Williams (26428 Fletcher Road).

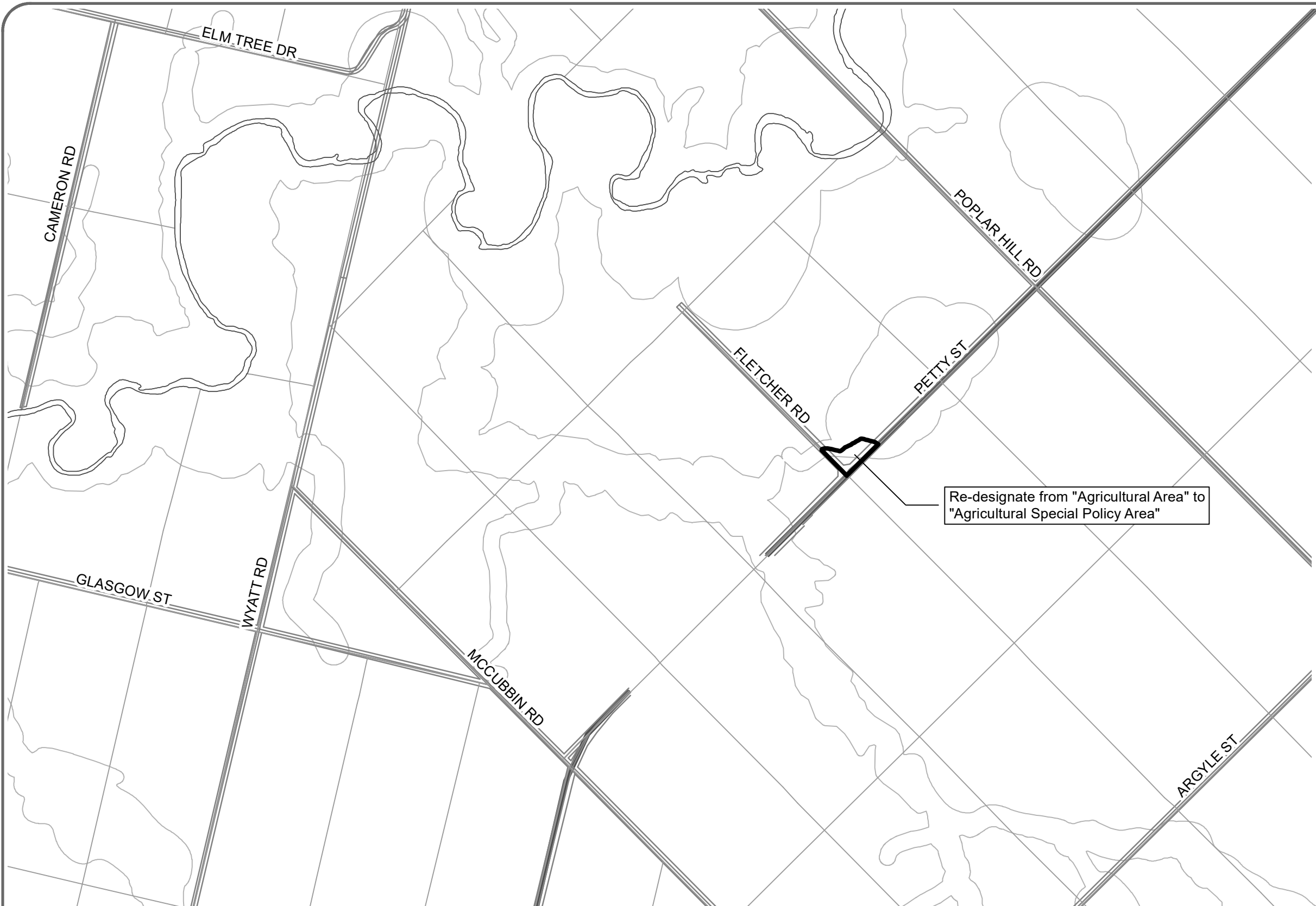
## **PART 3 - THE APPENDICES**

The following appendices do not constitute part of Amendment No. 13 but are included as information supporting the amendment:







- |              |   |                               |
|--------------|---|-------------------------------|
| Appendix I   | - | Notice of Public Meeting      |
| Appendix II  | - | Planning Justification Report |
| Appendix III | - | Schedule A                    |









**LAND USE DESIGNATIONS:**

-  HAMLET SETTLEMENT AREA
-  URBAN RESERVE AREA
-  AGRICULTURAL AREA
-  RESOURCE EXTRACTION AREA
-  OPEN SPACE AREA
-  7.4.3 SPECIAL POLICY AREA

**AREAS SUBJECT TO INSET LAND USE SCHEDULE:**

-  URBAN SETTLEMENT AREA
-  COMMUNITY SETTLEMENT AREA

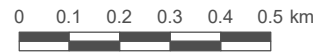
**LEGEND**

-  MUNICIPAL BOUNDARY
-  HAZARD LANDS
-  ENVIRONMENTALLY SIGNIFICANT FEATURES
-  WASTE DISPOSAL SITE



SCHEDULE "A" SHALL BE INTERPRETED IN CONJUNCTION WITH SCHEDULES "B", AND "C" AND THE TEXT OF THE OFFICIAL PLAN.

Scale Bar



THE BOUNDARIES OF FEATURES AND LAND USES ARE APPROXIMATE. PRECISE BOUNDARIES SHALL BE DETERMINED IN CONSULTATION WITH THE AUSABLE BAYFIELD CONSERVATION AUTHORITY AND THE MUNICIPALITY.

NOTE: THE AUSABLE RIVER AND PORTIONS OF THE LITTLE AUSABLE RIVER AND THEIR IMMEDIATE SURROUNDINGS PROVIDE OR CONTRIBUTE TO HABITAT FOR THREATENED OR ENGANGERED SPECIES AND ARE THEREFORE SUBJECT TO THE POLICIES OF SECTION 7.3.3.



**MUNICIPALITY OF NORTH MIDDLESEX  
OFFICIAL PLAN**

**SCHEDULE "A"  
LAND USE  
(RURAL AREA)**



## SCHEDULE 1

### CORPORATION OF THE MUNICIPALITY OF NORTH MIDDLESEX

#### BY-LAW NO. X of 2021

BEING A BY-LAW TO AMEND BY-LAW NO. 35 of 2004, AS AMENDED,

WHEREAS under Section 34 of the Planning Act, R.S.O. 1990, c.P. 13, authorizes municipalities to pass and amend zoning by-laws governing the use of land, buildings and structures;

AND WHEREAS the requirements for the giving notice and the holding of a public meeting of a zoning by-law amendment have been met;

AND WHEREAS the Council of the Corporation of the Municipality of North Middlesex deems it advisable to amend By-law 35 of 2004, being the Comprehensive Zoning By-law of the Municipality,

NOW THEREFORE the Council of the Corporation of the Municipality of North Middlesex enacts as follows:

1. That Schedule 'A', Map 39 to the North Middlesex Zoning By-law 35 of 2004, as amended, is hereby amended by changing the lands from 'General Agricultural (A1) Zone' to 'General Agricultural Exception 86 (A1-86(t)) Zone' that land identified as Schedule 'A' attached hereto and described as Concession 5, Part Lot 4, Registered Plan 33R4813 Part 1, geographic Township of East Williams, Municipality of North Middlesex, and known municipally as 26428 Fletcher Road.
2. That Section 7.4, being the Exceptions to the General Agricultural Zone, is hereby amended by adding subsection 7.4.86 as follows:

**“7.4.86 General Agricultural Exception (A1-86(t)) Zone**

Notwithstanding Section 7.1 and 7.3.2 on lands shown on Schedule “A” (Map 39), a ‘granny flat’ or garden suite located in the front yard, may be permitted for a temporary period not exceeding twenty (20) years from the date of passing of this by-law, subject to the following provisions:

- a) Minimum front yard setback 10 m (33 ft) for the garden suite

Upon expiry of the temporary period of twenty (20) years from the date of passing of this by-law, the provisions of this zoning category will expire and the zoning of the lands shall revert back to the A1 zone.

3. That this by-law does not come in force and take effect until after Amendment No. 13 to the North Middlesex Official Plan has been approved by the County of Middlesex in accordance with the provisions of Section 34 of the Planning Act , R.S.O 1990, c. P.13.

READ A FIRST, SECOND AND THIRD TIME this 7<sup>th</sup> day of April, 2021.

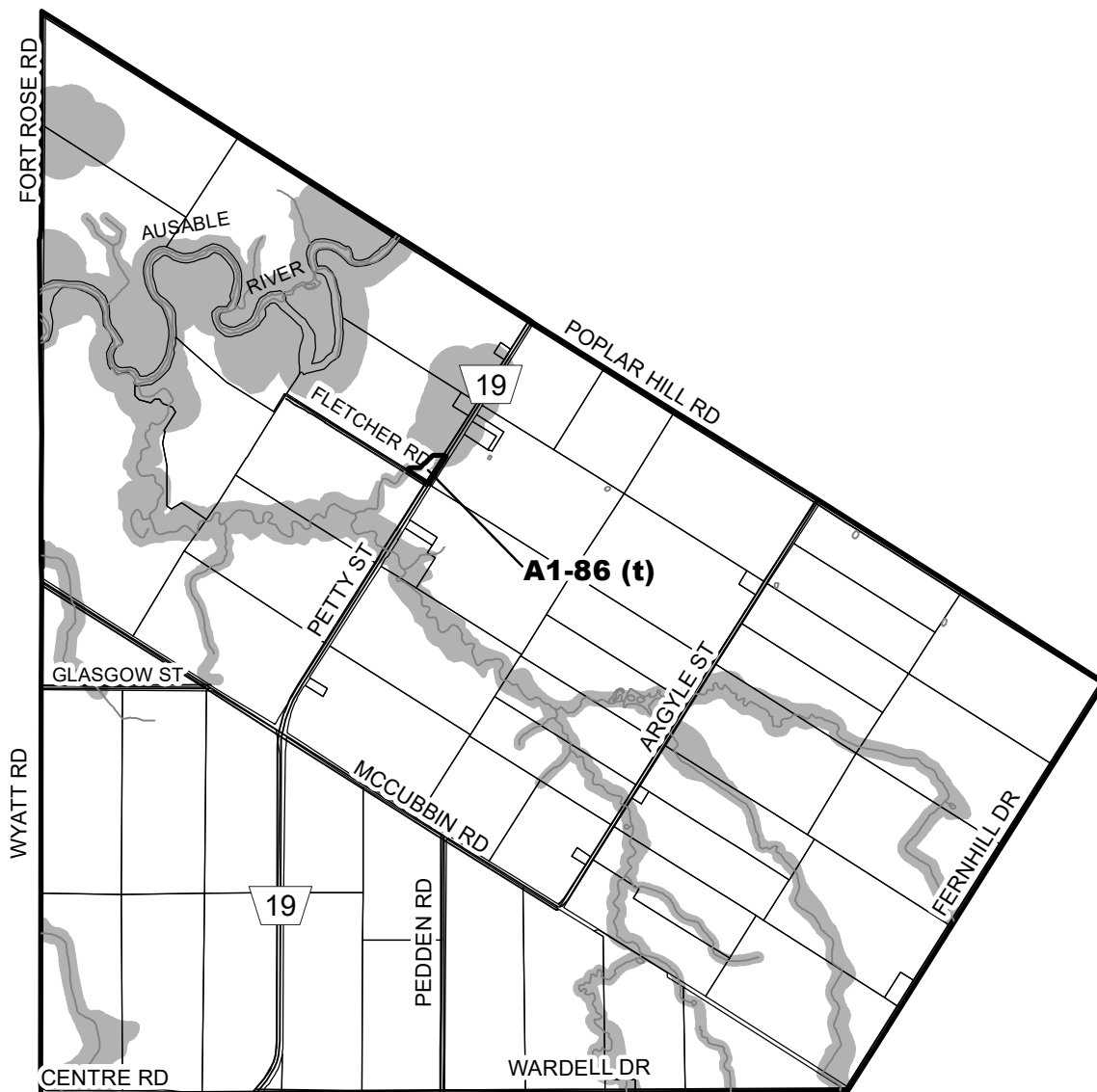
\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

## EXPLANATORY NOTE

The purpose and effect of the Temporary Use Zoning By-law Amendment (No. ZBA-06-2021) is to allow the establishment of a 156 m<sup>2</sup> (1,680 sq ft) “granny flat” or “garden suite” with a front yard setback of 10 m on an agricultural parcel of land for a period of 20 years for the purpose of housing aging parents on the same property as their child resides on.

The by-law conforms to the relevant policies of the Official Plan for the County of Middlesex and the Municipality of North Middlesex.



THIS IS SCHEDULE "A" TO BY-LAW No. \_\_\_\_\_ PASSED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

MAYOR

CLERK

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