



Development and Cultural Services
22 Albert Street
Langton, Ontario, N0E 1G0
Phone: (519) 875-4485 (ext 1341)
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Memorandum

To: Mayor Luke and Members of Council

**C.C: Chris Baird, General Manager Development and Cultural Services
Pam Duesling, Manager Community Planning**

From: Mary Elder, Principal Planner

Date: June 6, 2015

Re: Hastings Drive Zoning Study – Investigation of Options 5 and 7

On May 7, after a Public Meeting, Council passed the following resolution;

THAT staff be directed to bring a report before Council in early June outlining options for development on Hastings Drive, including investigation and information on options 5 and 7 addressed within the consultant's report.

This memo is to inform Council of the results of that investigation and provide information on Options 5 and 7 as requested.

Requirement of Official Plan Amendment

It should be noted that for either Option 5 or 7, Planning Staff confirm that an Official Plan Amendment is required as development is being sought. Staff considered the studies that the Norfolk County Official Plan policy requires for an Official Plan and Zoning By-law Amendment contemplating development: Planning Justification; Environmental Impact Study (comprising four seasons); Geotechnical Information, Coastal Information; Traffic Study and any other studies or requirements outlined by Norfolk County Staff at a pre-consultation meeting. It should be noted that these studies could be associated with significant costs to Norfolk County and may not be supported by professionals in their respective fields of study.



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Option 5: Permit Recreational Vehicle's/Trailers Seasonally

The fifth option is to permit all lot owners to park and use Recreational Vehicle's/trailers on their property for overnight accommodations on a seasonal basis. The Zoning By-law would have to define 'seasonal'. The County may also choose to regulate the seasonal use of RVs/trailers through a licensing or permitting process in order to assist in enforcing the seasonal nature of the use and control the use of Recreational Vehicle's/trailers on the land in terms of placement, site alteration, etc.

Staff is of the understanding that for Option 5, Council would retain the Hazard Land Zone but provide for recreational vehicles/trailers seasonally through a special provision.

Staff is currently working on a Zoning By-Law for Council consideration which continues to list the legally existing uses (vacation homes) and adds "seasonal camping in a travel trailer for personal use". Seasonal could be defined from April 1 to October 31 in each calendar year. The examples set out in Table 5 of the Hastings Drive Zoning By-Law Study Issues/Options Report & Final Recommendation are being reviewed for definitions of a travel trailer and other points for Council to consider. Each travel trailer would need to have a self-contained holding tank and source of potable water. Suitable parking on the lot is being discussed. Staff is considering keeping the clarification point that a tent and trailer park is not a permitted use. No accessory structures would be permitted.

Option 7: Permit Single Detached Residences

The seventh option would allow full development of the lots along Hastings Drive by permitting the full range of uses including single detached residences, accessory structures (i.e. shoreline structures, docks) and necessary infrastructure (i.e. septic systems). The single detached residences could be permanent dwellings intended for year-round occupancy or they could be regulated by the Zoning By-law to be used seasonally as cottages. A single detached residence includes any type of dwelling, including those built on pylons or other similar structure designed to withstand flooding or other natural events.

Provision of a private septic system was discussed with County Building Officials. The Ontario Building Code does not permit septic systems where flooding occurs. Systems must be 15 metres from the highest lake level, 5 metres from any structure, 3 metres from the property line and 30 metres from any open well. The highest water table level must be 900 mm (3 feet) below the bottom of the pit. Holding tanks are only permitted to replace an existing Class 4 system, temporarily provide service until municipal services are available or as a temporary option (less than 12 months total) but recreational use is excluded.

As neither holding tanks nor septic systems are permitted under the Ontario Building Code Act, a building permit cannot be legally issued on Hastings Drive. With this in mind, staff did not investigate Option 7 any further as it would be completely unfeasible based upon current policy and code.



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Port Stanley Example

Staff investigated questions which were raised with respect to how cottages were being built on the beach at Port Stanley. In 1992, Port Stanley Lakeshore Flooding Look Up Tables were developed for the Kettle Creek Conservation Authority. Then in 1996 a Beach Management Study for Port Stanley was completed which defined the dynamic beach. The importance of the piers at the harbour entrance for their role in maintaining the beach is noted in the report. The Regulatory Dynamic Beach Standard was adopted by their Council as part of the Official Plan.

Their Policy permits passive recreational activities, flood or erosion control, conservation uses, beach management practices and public safety uses approved by the Municipality and Conservation Authority within the Regulatory Dynamic Beach. Between the Dynamic Beach and West Edith Cavell Boulevard the designated residential area is also under policy regarding the Modified Regulatory Flood Uprush.

In simple terms this means all residential buildings or additions to them are being built outside of the Regulatory Dynamic Beach and located in the least exposed part of the lot and engineered to avoid flood damage. Both the Regulatory Dynamic Beach and Modified Regulatory Flood Uprush are separate zones in the Zoning By-Law. In 2015 a new Shoreline Management Plan Study was completed.

Overall, the Port Stanley example is a different environment and the required studies and policies are completed in this regard. Planning staff caution Norfolk County Council on comparing and contracting Port Stanley to Hastings Drive as they are distinctly different situations albeit both fronting the lakeshore.

Next Steps

Staff will proceed to complete an alternative Zoning By-law Amendment to consider Option 5 which will be presented at a Public Meeting of Council on July 12, 2016.

Should you have any questions please contact Pam Duesling, through email at pam.duesling@norfolkcounty.ca or call 519-875-4485 or 519-426-5870 extension 1342.