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## **Council Meeting December 15, 2020**

Subject: ZNPL2020163 – This is a Housekeeping Amendment to the Norfolk County Zoning By-Law 1-Z-2014. It is meant to amend the Home Industry definition; amend the Home Occupation definition; amend provision under Decks and Porches; amend provision under Number of Parking Spaces; amend provision under Accessory Residential Dwelling Unit; amend formatting under Section 2.93.1, 2.93.2, and 6.3.6; and add provision under Exemptions from Yard Provisions.

Report Number: PD 20-72  
Division: Planning and Development  
Department: Planning  
Purpose: For Decision

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### **Executive Summary:**

A zoning by-law amendment is proposed to update the Norfolk County Zoning By-Law 1-Z-2014 to address some minor outstanding technical items related to implementation barriers and some formatting corrections.

### **Discussion:**

The purpose of the County initiated Zoning By-Law amendment is to address outstanding concerns in relation to implementation barriers as well as formatting errors.

The following items have been identified as technical items to update in the Norfolk County Zoning By-Law with the purpose of ensuring greater clarity in relation to some definitions and provisions:

1. amend the Home Industry definition;
2. amend the Home Occupation definition;
3. amend provision under Decks and Porches;
4. amend provision under Number of Parking Spaces;
5. amend provision under Accessory Residential Dwelling Unit;
6. amend formatting errors under Section 2.93.1, 2.93.2, and 6.3.6; and
7. add provision under Exemptions from Yard Provisions.

These matters are presented as housekeeping amendments to the Zoning By-Law to improve the clarity and function of the By-Law's implementation.

### **Site Features and Land Use:**

The above mentioned housekeeping items apply to ALL of Norfolk County.

**Circulation Comments:**

**Appendix A** summarizes the circulation comments received. No concerns have been raised.

**Regard For Public Input:**

There was one comment received from a member of the public which pertained to a zoning change for Block 5 Plan 37M-0089. However, this zoning change is not being brought forward at this time pending further investigation. This will be discussed further and staff will bring this for consideration at a later point.

**Planning Considerations:****Planning Act**

Section 34 of the Planning Act grants Councils of municipalities the authority to pass a Zoning By-Law as well as subsequent amendments to the Zoning By-Law.

***Planning Comment:** It is not unusual to find issues within a comprehensive Zoning By-Law and the intent of housekeeping amendments is to make technical and administrative updates to the Zoning By-Law in order to address minor issues and inconsistencies.*

**Provincial Policy Statement, 2020**

The Provincial Policy Statement, 2020 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment, while integrating the principles of strong communities, a clean and healthy environment and economic growth, for the long term.

***Planning Comment:** Staff have reviewed the policies of the PPS and have determined that the proposed Zoning By-Law amendments are consistent with the policies of the PPS.*

**Norfolk County Official Plan**

The Norfolk County Official Plan ensures that the planning framework and process are clearly identified to ensure that Norfolk County remains a healthy, safe and successful community. It provides direction to future growth, development and change in the County to create the community envisioned by Norfolk's residents.

The Norfolk County Official Plan was updated in the fall of 2018 as part of the 5-year review.

**Planning Comment:** Staff views the proposed Zoning By-Law amendments to be in conformity with the policies of the Official Plan.

### **Norfolk County Zoning By-Law 1-Z-2014**

Norfolk County Zoning By-Law was updated in the Spring of 2019 and Winter of 2019/2020. It is normal and expected for the document to be updated regularly to ensure clarity in operations and correct minor inconsistencies.

A Zoning By-Law amendment is proposed to update the Norfolk County Zoning By-Law to:

1. amend the Home Industry definition;
2. amend the Home Occupation definition;
3. amend provision under Decks and Porches;
4. amend provision under Number of Parking Spaces;
5. amend provision under Accessory Residential Dwelling Unit;
6. amend formatting errors under Section 2.93.1, 2.93.2, and 6.3.6; and
7. add provision under Exemptions from Yard Provisions.

**Appendix B** provides an information chart for the above mentioned housekeeping changes to the Zoning By-Law. The chart highlights the existing provisions, the current issue, the proposed changes and the rationale behind the proposed changes. The proposed changes are primarily geared towards improving clarity in interpretation of the Zoning By-Law for land owners, consultants and staff which will also assist in streamlining growth and development in Norfolk County.

### **Consultation(s):**

#### **Planning Advisory Committee Recommendation:**

The Norfolk Planning Advisory Committee (PAC) is responsible for reviewing policy related planning matters. The proposed development application was not circulated to the PAC and therefore no comments regarding this development application are available at this time.

### **Strategic Plan Linkage:**

This report aligns with the 2019-2022 Council Strategic Priority "Focus on Service".

Explanation: The proposed Zoning By-Law amendment will add clarity to the implementation of several existing zoning provisions. County staff will be enabled and empowered to deliver enhanced customer experience.

**Recommendation(s):**

THAT the application by NORFOLK COUNTY 50 Colborne Street South SIMCOE, ON N3Y 4K1 affecting lands described as Affecting All Lands Within Norfolk County to amend the Norfolk County Zoning By-Law 1-Z-2014, File Number ZNPL2020163, BE APPROVED, for reasons set out in Report Number PD 20-72;

AND THAT public input has been received for this application and will be considered as part of this decision.

**Attachment(s):**

Appendix A: Circulation comments

Appendix B: Housekeeping changes to Zoning By-Law 1-Z-2014 – Information Chart

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**Appendix A****Circulation Comments****Building**

Reviewed – No Comment

**Zoning Administrator**

No comments

**Agreement Administrator**

No comments

**Development Engineering**

Engineering has reviewed application ZNPL2020163 and have no comments.

**GIS**

Reviewed – No Comment from GIS

Appendix B

Housekeeping Changes to the Zoning By-Law 1-Z-2014 – Information Chart

S.No.	Item	Issue	Section	Existing	Proposal	Rationale	Proposed
1	Home Industry	Interpretation	2.78	“HOME INDUSTRY” shall mean a craft, trade, guild, or service such as automobile service, but not an <i>automobile service and repair station</i> , merchandise service, but not a <i>merchandise service shop</i> , or <i>custom workshop</i> , or similar uses, carried on as a secondary use entirely within an <i>accessory building</i> on a <i>lot</i> provided the individual carrying out the craft, trade, guild or service resides within a <i>dwelling unit</i> located on the same <i>lot</i> . A <i>home industry</i> does not include an <i>automobile body shop</i> .	Amend definition	The proposed change is to correct grammar to make the intent of the definition more clear. The following definition is proposed in order to help clarify what is NOT included in a Home Industry and to make the interpretation of this provision more consistent.	“HOME INDUSTRY” shall mean a craft, trade, guild, or service such as automobile service, merchandise service, <i>custom workshop</i> , or similar uses, carried on as a secondary use entirely within an <i>accessory building</i> on a <i>lot</i> provided the individual carrying out the craft, trade, guild or service resides within a <i>dwelling unit</i> located on the same <i>lot</i> . A <i>home industry</i> does not include an <i>automobile service and repair station</i> , an <i>automobile body shop</i> , or a <i>merchandise service shop</i> .
2	Home Occupation	Interpretation	2.79	“HOME OCCUPATION” shall mean an occupation, personal service, business, craft or profession, carried on as a secondary use entirely within a <i>dwelling unit</i> provided the individual carrying on the activity resides within such <i>dwelling unit</i> . A <i>home occupation</i> does not include a <i>bed &amp; breakfast</i> establishment. A <i>home occupation</i> shall also include a day care for five (5) children or less, exclusive of the individual’s children, which may include an outdoor accessory play area.	Amend definition	Similar to ‘home industry’ the manner in which the wording is organized makes interpretation difficult. The following definition is proposed in order to help clarify what is NOT included in a Home Occupation and to make the interpretation of this provision more consistent.	“HOME OCCUPATION” shall mean an occupation, personal service, business, craft or profession, carried on as a secondary use entirely within a <i>dwelling unit</i> provided the individual carrying on the activity resides within such <i>dwelling unit</i> . A <i>home occupation</i> shall also include a day care for five (5) children or less, exclusive of the individual’s children, which may include an outdoor accessory play area. A <i>home occupation</i> does not include a <i>bed &amp; breakfast</i> establishment.
3	Decks and Porches	Interpretation	3.6 b)	have a floor higher than the height, above <i>finished grade</i> , of the floor of the <i>first storey</i> of the main <i>dwelling</i> on the lot;	Amend provision	To add clarity that 2 <sup>nd</sup> level decks are referred to as balconies. At present, there is difficulty in interpretation in relation to second floor useage to clarify that it is considered a balcony.	have a floor higher than the height, above <i>finished grade</i> , of the floor of the <i>first storey</i> of the main <i>dwelling</i> on the lot, <b>if so, it is referred to as a balcony;</b>
4	Number of Parking Spaces	Interpretation	4.9 f)	<i>four-plex, townhouse dwellings, apartment dwellings</i> or <i>single-detached</i> or <i>semi-detached dwellings</i> as part of a condominium development	Amend provision	To address grammatical error to ensure it links applicable uses to the condominium development. Therefore, the words are re-ordered to show all apartment dwellings whether or not part of condominium development and duplex, tri-plex, four-plex, townhouse, single-detached or semi-detached which are part of condominium development or abut a private road. No change in minimum requirements are suggested.	<b>All apartment dwellings; and duplex dwellings, tri-plex dwellings, four-plex dwellings, townhouse dwellings or single-detached or semi-detached dwellings as part of a condominium development or when they abut a private road.</b>
5	Accessory Residential Dwelling Unit	Interpretation	3.2.3 i)	the <i>accessory residential dwelling unit</i> shall not be larger than 45 percent of the total floor area of the <i>dwelling unit</i> ;	Amend provision	The current terminology is not consistent with other text in the zoning by-law. Therefore, the change will provide clarity towards calculating area with respect to an accessory residential dwelling unit.	the <i>accessory residential dwelling unit</i> shall not be larger than 45 percent of the <b>usable floor area</b> of the <i>dwelling unit</i> ;

6	Service Commercial Zone (CS)	Typographical	6.3.6	Notwithstanding the provisions in Subsection 6.2.2, all <i>single detached dwellings</i> shall conform to the Urban Residential Type 3 (R3) Zone provisions in Subsection 5.3. [8-Z-2020]	Correct error	Typographical error referencing the incorrect Section.	Notwithstanding the provisions in Subsection 6.3.2, all <i>single detached dwellings</i> shall conform to the Urban Residential Type 3 (R3) Zone provisions in Subsection 5.3.
7	Front Lot Line	Formatting	2.93.1	“ <b>FRONT LOT LINE</b> ” shall mean: e) in the case of an <i>interior lot</i> , the line dividing the <i>lot</i> from the <i>street</i> ; or, f) in the case of a <i>corner lot</i> , the shorter <i>lot line</i> abutting a <i>street</i> ; or, g) in the case of a <i>corner lot</i> whose <i>exterior lot lines</i> are the same length, the <i>lot line</i> opposite the main entrance of the main <i>building</i> ; or, h) in the case of a <i>through lot</i> , the nearer <i>street line</i> to the main <i>building</i> .	Correct error	Typographical error in numbering	“ <b>FRONT LOT LINE</b> ” shall mean: a) in the case of an <i>interior lot</i> , the line dividing the <i>lot</i> from the <i>street</i> ; or, b) in the case of a <i>corner lot</i> , the shorter <i>lot line</i> abutting a <i>street</i> ; or, c) in the case of a <i>corner lot</i> whose <i>exterior lot lines</i> are the same length, the <i>lot line</i> opposite the main entrance of the main <i>building</i> ; or, d) in the case of a <i>through lot</i> , the nearer <i>street line</i> to the main <i>building</i> .
8	Rear Lot Line	Formatting	2.93.2	“ <b>REAR LOT LINE</b> ” shall mean: i) in the case of a <i>lot</i> having four (4) <i>lot lines</i> , the <i>lot line</i> farthest from and opposite to the <i>front lot line</i> ; or, j) in the case of a <i>lot</i> having only three (3) <i>lot lines</i> , there shall be no <i>rear lot line</i> ; or, k) in the case of a <i>lot</i> having more than four (4) <i>lot lines</i> , the <i>lot line</i> farthest from and opposite to but not intersecting with the <i>front lot line</i> .	Correct error	Typographical error in numbering	“ <b>REAR LOT LINE</b> ” shall mean: a) in the case of a <i>lot</i> having four (4) <i>lot lines</i> , the <i>lot line</i> farthest from and opposite to the <i>front lot line</i> ; or, b) in the case of a <i>lot</i> having only three (3) <i>lot lines</i> , there shall be no <i>rear lot line</i> ; or, c) in the case of a <i>lot</i> having more than four (4) <i>lot lines</i> , the <i>lot line</i> farthest from and opposite to but not intersecting with the <i>front lot line</i> .
9	Exemptions from Yard Provisions	Implementation	3.10 h)	N/A	Add provision	To include air conditioner units being exempt from yard provisions in the side yard for interior and exterior lots. Air conditioner units to not be permitted in the front yard.	Air conditioner units, provided the encroachment is no closer than 0.6 metres to the <i>side lot line</i> .