



Working together with our community

Public Hearings Committee – September 07, 2021

Subject: ZNPL2021188 – An application has been received to amend the Zoning By-law of Norfolk County to change the zoning from 'Agricultural (A)' zone to 'Hamlet Residential (RH)' zone to facilitate the severance of two hamlet lots. ESTATE OF WILLIAM ARCHIBALD MAYO and agent ELDER PLANS INC. has put forth the application affecting the lands described as 1408 Norfolk County Road 19 East.

Report Number: CD 21-82
Division: Community Development
Department: Planning
Purpose: For Information

Executive Summary:

This is an application to amend the Zoning By-law of Norfolk County to change the zoning from 'Agricultural (A)' zone to 'Hamlet Residential (RH)' zone to facilitate the severance of two hamlet lots within the Hamlet of Bealton.

This report is being presented as part of the statutory public meeting required by the *Planning Act* and describes the proposed application as well as includes an overview of the relevant policies and regulations that will be evaluated as part of a future comprehensive recommendation report. A subsequent report will be presented containing a recommendation for Council consideration.

Discussion:

Public Meeting Details

A public meeting is a statutory requirement in accordance with the *Planning Act*, and is intended to allow members of the public to submit written or oral comments in relation to the proposed development. Additionally, any person may make written submissions at any time prior to County Council making its final decision on the application.

Site Characteristics

As shown in the figure below, the subject lands are located southwest of the intersection of Norfolk County Road 19 East and Villa Nova Road. The subject lands have an approximate area of 42.88 acres, with approximately 603 metres of frontage on Villa Nova Road and approximately 28 metres of frontage on Norfolk County Road 19 East. The subject lands are actively farmed and contain a single detached dwelling and farm

related structures, three of which are in close proximity to the existing residential dwelling.



Figure 1. View from Villa Nova Road

Proposal Summary

The applicant is proposing to amend the Norfolk County Zoning By-law by changing the zoning from 'Agricultural (A)' zone to 'Hamlet Residential (RH)' zone for a portion of the subject lands to facilitate the severance of two hamlet lots within the area designated as Hamlet by the Norfolk County Official Plan.

The applicant has not requested any other amendments to accommodate the proposed development at this time. In support of the current application, the applicant has submitted a survey. Two severance applications, BNPL2021194 and BNPL2021195, have also been submitted to be presented to the Committee of Adjustment for decision.

All submission materials are available online at www.norfolkcounty.ca/government/planning

Planning Considerations:

A summary of planning considerations including applicable provincial policy, Official Plan policy, and zoning provisions is summarized in Appendix A.

Consultation:

Notice Provisions

Pursuant to the requirements of the *Planning Act R.S.O. 1990, C. P. 13* (“*Planning Act*”), a notice of the statutory public meeting was posted on the subject lands in advance of the Public Meeting. Notifications were mailed to neighbours within 120 m on August 18, 2021; and a yellow notification sign was posted on the site by the applicant prior to August 18, 2021.

Technical Circulation Comments

The application has been circulated to various internal departments and external agencies for review and comments. As of the writing of this report.

The technical circulation comments are included in Attachment B to this report.

The responses to the technical circulation will be addressed in the technical review and included in the comprehensive report for consideration at a future Council meeting.

Public Comments

No public input has been received for this application as of yet. This report is being presented as part of the statutory public meeting, and any public comments will be considered for future recommendation.

Preliminary Review

The following is a summary of key issues and comments that will be further reviewed before the completion of a recommendation report:

| Key Items | | Preliminary Review |
|--------------|---|---|
| Parking |  | The existing residential lot includes parking, however any proposed lot will also be required to provide 2 parking spaces for each dwelling unit in accordance with the Norfolk County Zoning By-law. |
| Housing |  | <p>The proposed Zoning By-law amendment would facilitate the development of two additional residential lots, increasing the rural housing stock within the hamlet of Bealton.</p> <p>The application is accompanied by two severance applications which are proposing to sever the existing dwelling and associated accessory dwellings to create a lot with 100.8 m frontage on Villa Nova Road and an area of 5,476 sq. m. and a vacant lot with 52.59 m of frontage on Villa Nova Road and an area of 4,072 sq. m. These applications will be reviewed by the Committee of Adjustment.</p> |
| Agricultural |  | <p>The subject lands are designated Hamlet by the Norfolk County Official Plan and the proposed zoning amendment is consistent with the long-term vision for the Hamlet of Bealton.</p> <p>Approximately 17.7 hectares of land utilized to grow crops will as crop land will be removed from active production of an existing farming operation,</p> |

| | | |
|-----------------------------|--|---|
| | | <p>although the proposed lands to be retained will remain designated and zoned for agricultural purposes.</p> <p>The development of the subject lands for residential purposes could pose further compatibility issues with the retained agricultural lands for MDS purposes, however the current farming activities on the property do not include animal husbandry of any kind.</p> |
| <p>Accessory Structures</p> | | <p>The existing dwelling is accompanied by three accessory structures totalling over 240 sq. m. in usable floor area. More discussion is required with the applicant regarding the intent of the accessory structures.</p> |

Strategic Plan Linkage:

This report aligns with the 2019-2022 Council Strategic Priority "Foster Vibrant, Creative Communities".

Explanation: The application proposes development in line with the intent of the Official Plan and provides additional housing opportunities in the Hamlet of Bealton.

Conclusion:

The purpose of this report is to summarize the planning application proposal, provide the comments received from applicable departments and agencies, summarize comments received from member of the public, and to provide general information in relation to the overall application.

A detailed recommendation report, responding to any outstanding matters, including those brought forward by members of the public, will be submitted to Norfolk County Council at a future meeting.

Recommendation(s):

THAT Report PD 21-82, Public Hearing report for ZNPL2021188, be received for information;

AND THAT any comments received as part of the statutory public meeting be considered in a future recommendation staff report.

Attachments

- Map A Neighbourhood Context / Key Map
- Map B Proposed Official Plan Amendment Map
- Map C Proposed Zoning Bylaw Amendment Map
- Map D Conceptual Plan

- Attachment A Planning Considerations and Applicable Policy and Zoning Provisions
- Attachment B Consultation: Department/Agency Technical Comments

Submitted By:

Brandon Sloan, BES, MCIP, RPP
General Manager
Community Development Division

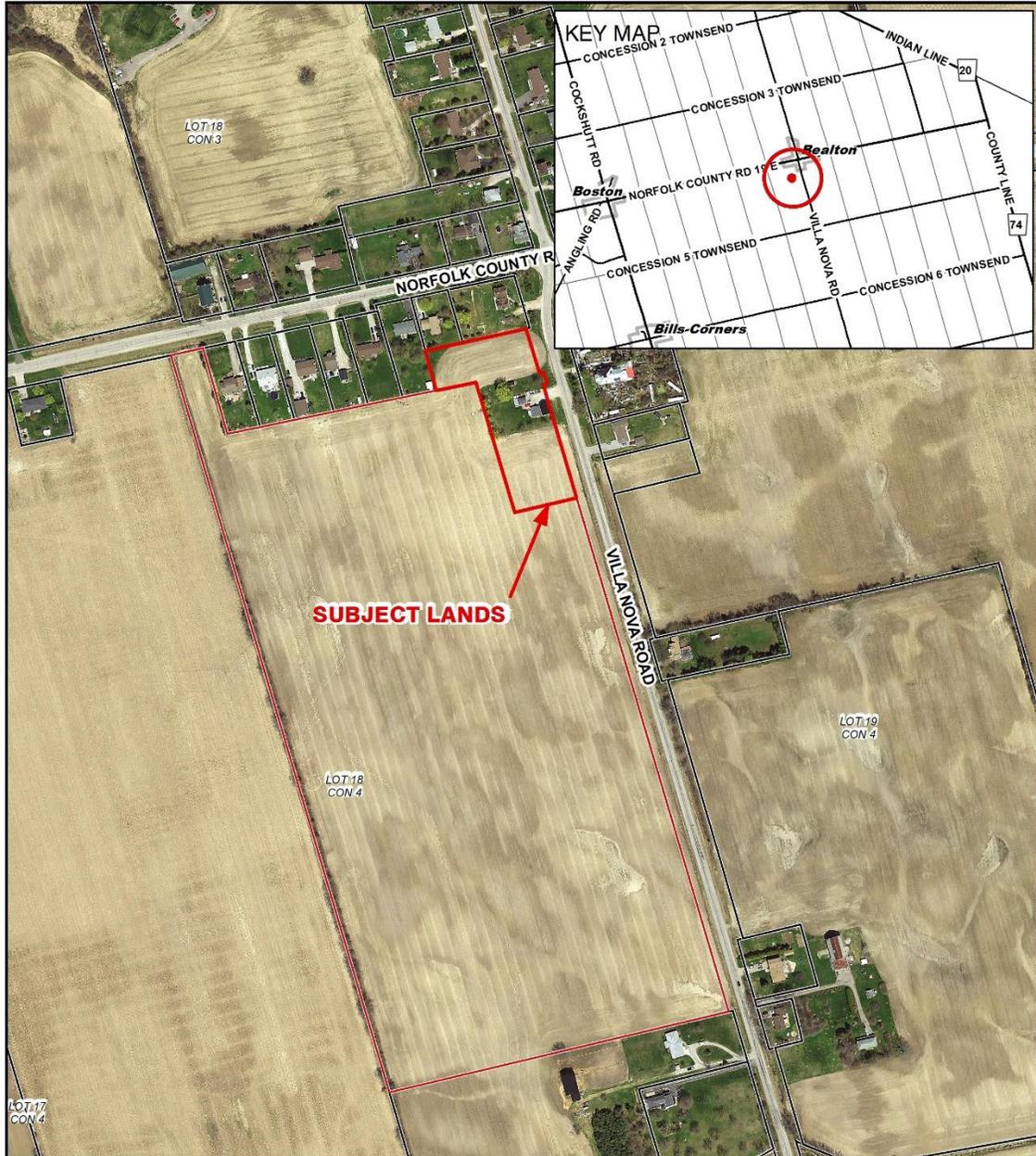
Prepared By:

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Map A Neighbourhood Context / Key Map

MAP A
CONTEXT MAP
Geographic Township of TOWNSEND

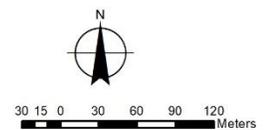
ZNPL2021188



Legend

-  Subject Lands
-  Lands Owned
- 2015 Air Photo

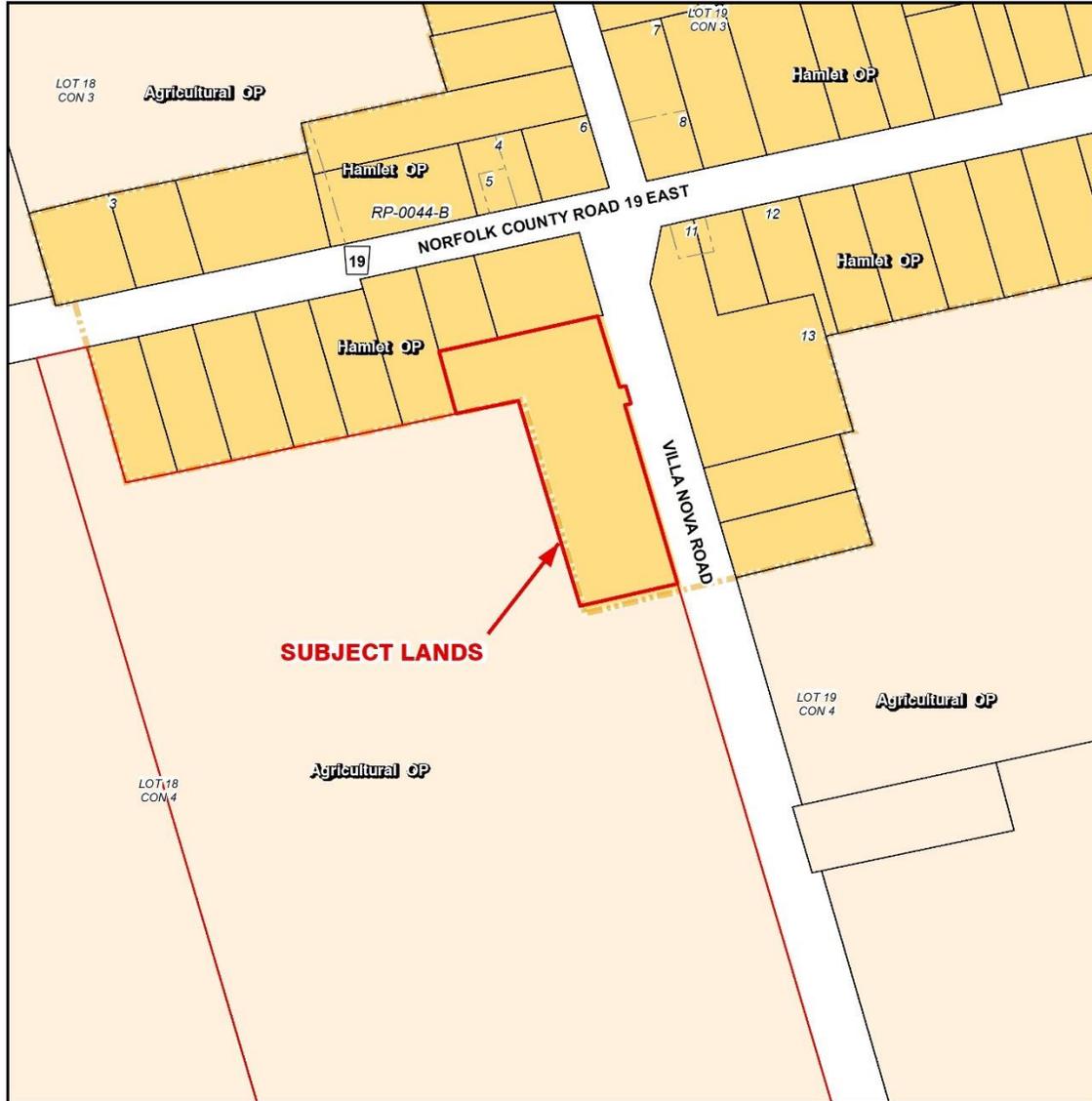
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Map B Proposed Official Plan Amendment Map

MAP B
OFFICIAL PLAN MAP
Geographic Township of TOWNSEND

ZNPL2021188



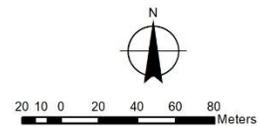
Legend

- Subject Lands
- Lands Owned

Official Plan Designations

- Agricultural
- Hamlet
- Hamlet Area Boundary

2021-06-29

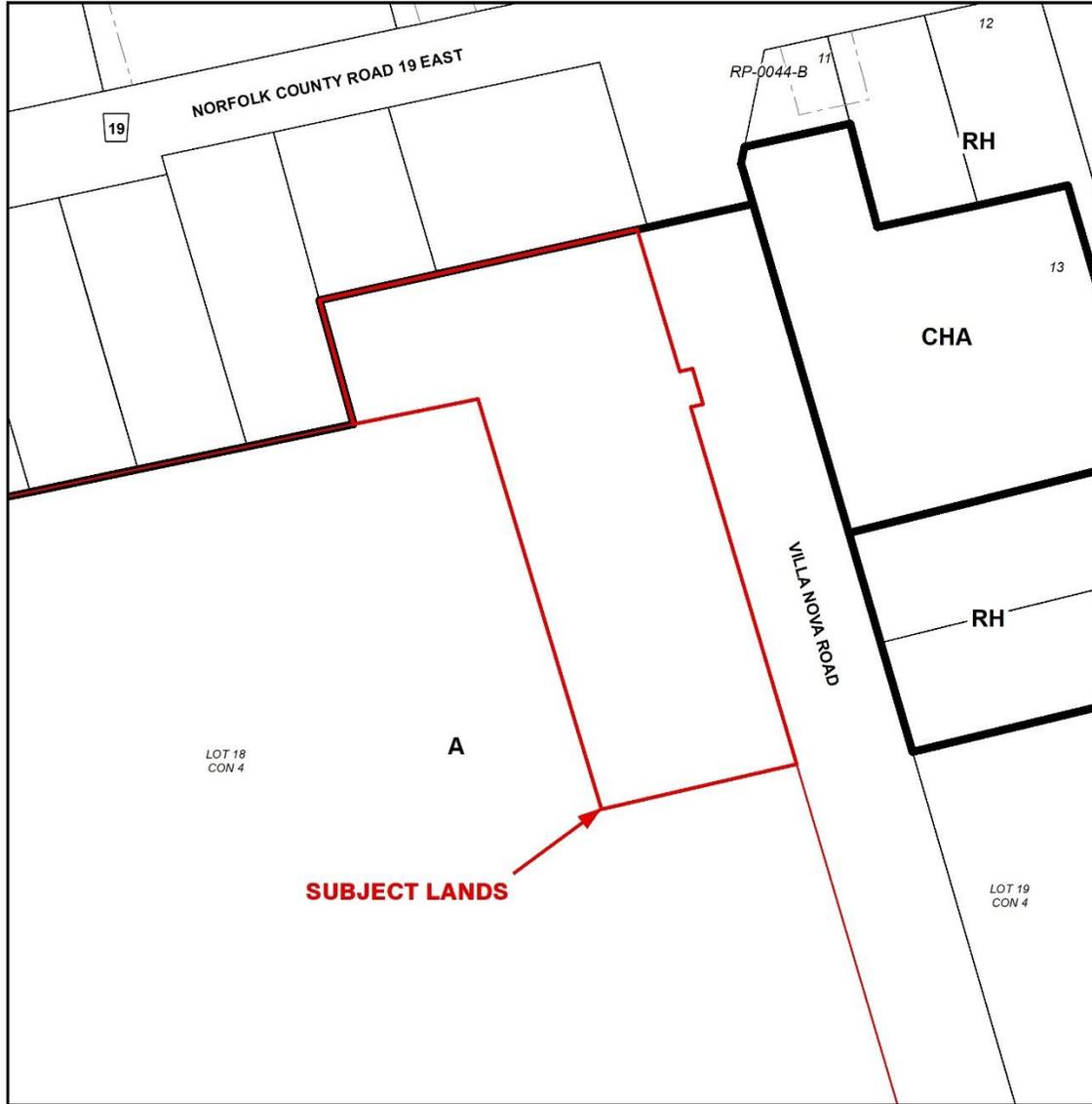


Map C Proposed Zoning Bylaw Amendment Map

MAP C

ZNPL2021188

PROPOSED ZONING BY-LAW AMENDMENT MAP
Geographic Township of TOWNSEND



2021-06-29

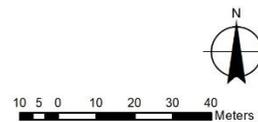
LEGEND

- Subject Lands
- Lands Owned

ZONING BY-LAW 1-Z-2014

- (H) - Holding
- A - Agricultural Zone
- CHA - Hamlet Commercial Zone
- RH - Hamlet Residential Zone

From: Agricultural (A)
To: Hamlet Residential (RH)



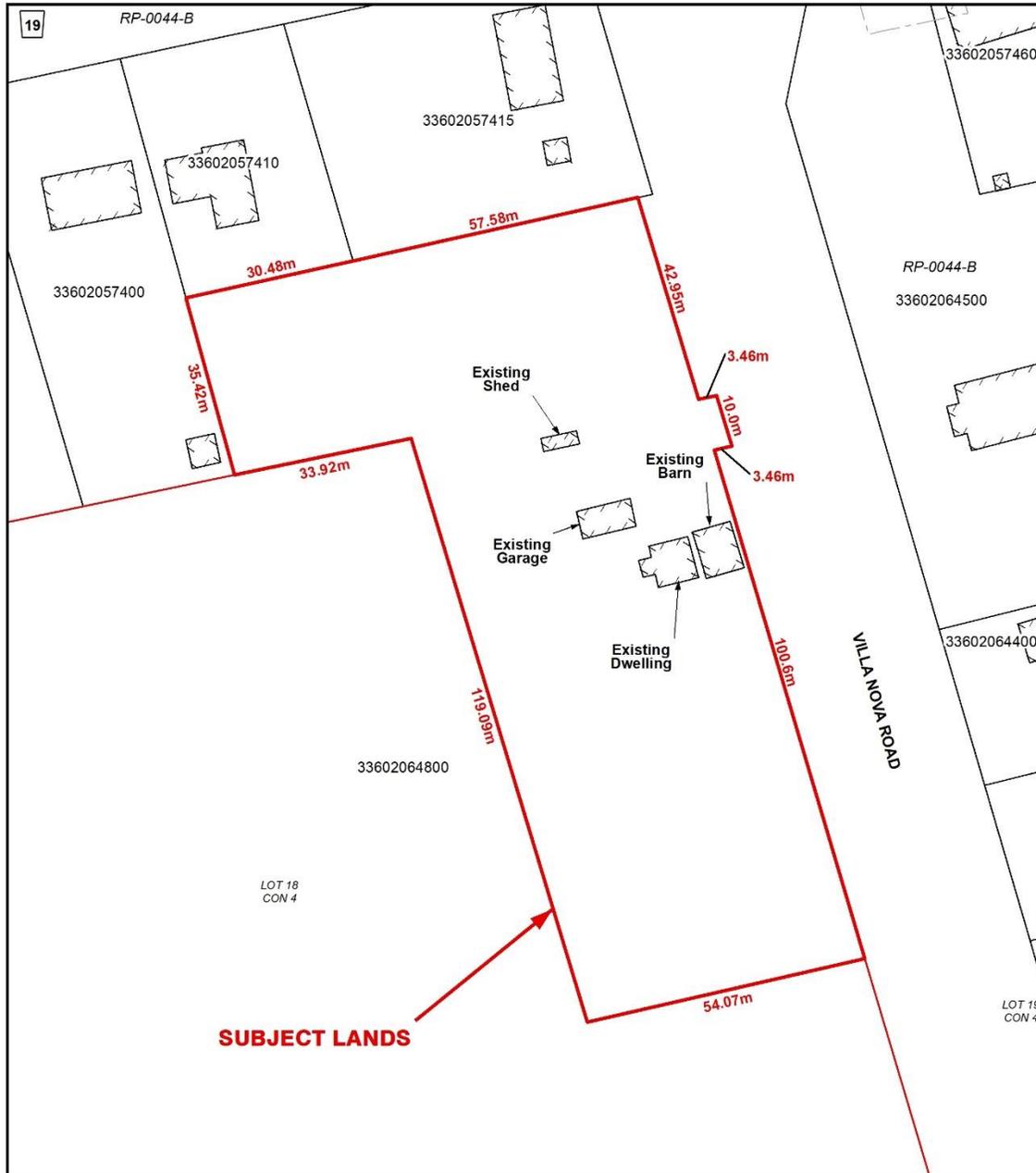
Map D Conceptual Plan

MAP D

ZNPL2021188

CONCEPTUAL PLAN

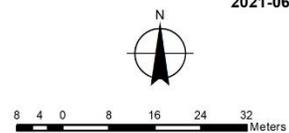
Geographic Township of TOWNSEND



Legend

-  Subject Lands
-  Lands Owned

2021-06-29



Attachment A Planning Considerations and Applicable Policy and Zoning Provisions

Provincial Policy Statement, 2020 Considerations

The Provincial Policy Statement, 2020 (PPS) provides policy direction on matters of provincial interest related to land use planning and development, which is intended to be complemented by local policies addressing local interests. The PPS promotes healthy, livable and safe communities through the efficient use of land throughout the Province of Ontario. The PPS directs municipalities to focus their growth within settlement areas where full municipal services are available.

Section 1.1.3.1 identifies that “settlement areas shall be the focus of growth and development.” Further it identifies that “land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the impacts of a changing climate;
- e) support active transportation;
- f) are transit-supportive, where transit is planned, exists or may be developed; and
- g) are freight-supportive.”

Further, Section 1.1.4 indicates permitted uses on rural areas include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. Section 1.1.4.1 identifies that healthy, integrated and viable rural area should be supported by encouraging the conservation and redevelopment of existing rural housing stock on rural lands.

A detailed evaluation of the application against the applicable policies of the Provincial Policy Statement will be included in a future comprehensive report.

Official Plan Considerations

Existing Land Use Designation: “Hamlet Designation” and “Agricultural Designation”

Proposed Designation: “Hamlet Designation” and “Agricultural Designation”

Section 7.2 identifies that the majority of land within Norfolk County is designated agricultural, including a significant portion of the subject lands. The Agricultural designation is intended to protect agriculture from the intrusion of incompatible uses, such as non-farm related residential dwellings and other uses that are sensitive to agricultural practices.

Section 7.5.1 identifies hamlets as the service and residential centres for surrounding agricultural areas. It identifies the appropriateness of residential, commercial, industrial, recreational and institutional facilities within the Hamlet Designation to serve the rural community. Further, section 7.5.1 identifies that Hamlet development is a preferred alternative to scattered nonfarm development that reduces the impact of development on farming operations in the Rural Area. Section 7.5.1 identifies low density residential dwellings on lots suitably sized to accommodate private servicing systems as the main permitted use.

A detailed evaluation of the application against the applicable policies will be included in a future comprehensive report.

Zoning By-Law Considerations

Existing Zoning: “Agricultural Zone (A)”

Uses permitted in the “Agricultural Zone” as outlined Zoning By-law, include a farm, a single detached dwelling, bunk houses, and an animal kennel.

Proposed Zoning: “Hamlet Residential Zone” (RH) and “Agricultural Zone (A)”

Section 5.7.1 identifies single detached dwelling as a permitted use within the ‘Hamlet Residential’ Zone.

The proposed Zoning By-law Amendment would only apply to the north east corner of the property which falls within the Urban Residential Zone. The intent would be to facilitate two severances in the hamlet of Bealton. As identified in section 5.7.2, the following provisions would apply to any proposed severances:

| | |
|-------------------------------------|-------------------------|
| minimum <i>lot area</i> : | 0.4 hectares |
| minimum <i>lot frontage</i> : | |
| i) <i>interior lot</i> | 30 metres |
| ii) <i>corner lot</i> | 30 metres |
| minimum <i>front yard</i> : | 6 metres |
| minimum <i>exterior side yard</i> : | 6 metres |
| minimum <i>interior side yard</i> : | |
| i) attached garage | 1.2 metres each side |
| ii) detached garage | 3 metres and 1.2 metres |
| minimum <i>rear yard</i> : | 9 metres |
| maximum <i>building height</i> : | 11 metres |

In addition, Section 3.2.1 pertaining to accessory structures is also relevant to this application. The section states that “no building or structure which is accessory to any *permitted* residential use in any *Zone* shall:

- a) exceed a *building height* of 5 metres in an Urban Residential *Zone* (R1 to

R6), 7 metres in the Resort Residential *Zone* (RR), 8 metres in the Agricultural *Zone* (A), and 6 metres in all other *Zones* [8-Z-2020];

- b) occupy any part of a *front yard*, except:
 - i. an *accessory building or structure* in an Agricultural *Zone* (A) which shall occupy no part of a *required front yard*;
- c) occupy any part of a required *exterior side yard*;
- d) be nearer than 1.2 metres of a *lot line* within an *interior side yard* or 1.2 metres of an *interior lot line* within a *front yard*;
- e) be nearer than 1.2 metres of an *interior lot line* within a *rear yard* except:
 - i. in the case of a mutual *private garage* in the *rear yard* on a common *interior side lot line*, no separation distance is *required*;
 - ii. in the case of a *rear lot line* adjoining a private or public *lane*, no *setback* is *required*;
- f) in the case of a *through lot*, be nearer than 6 metres from any *street line* or the average *setback* of the nearest *structures* whichever is less;
- g) occupy more than 10 percent of the *lot area*, for all *accessory buildings* together, to a maximum of 55 square metres *usable floor area* in an Urban Residential *Zone* (R1 to R6) and 100 square metres *usable floor area* in all other *Zones*, excluding Agricultural *Zone* (A) where a maximum size of 200 square metres of *usable floor area* is *permitted* to a maximum of 10 percent of the *lot area*. [7-Z-2018] Swimming pools shall not constitute a *structure* for the purposes of this provision;
- h) be established on any *lot* until or unless the main *building* or use to which it is accessory is established.

A full evaluation of the proposed zoning by-law amendment will be provided within the recommendation report.

Attachment B Consultation: Department/Agency Technical Comments

Building – Reviewed. No Comment.

Canada Post - No comments.

Finance Department

This application would have a positive impact on assessment growth and tax revenues. The amount of growth is dependent on the assessment of the properties by the Municipal Property Assessment Corporation (MPAC). Norfolk County would also receive Development Charges as per the most recent Development Charges By-law.

Fire Department - The Fire Department has no concerns with this proposal.

Geographic Information Systems – Reviewed. No Comment.

Zoning Administrator

One lot (5473sqm lot area) is over in the useable floor area for detached accessory buildings in the RH zone. (max 100sqm) showing

1. 68.4sqm also now located in the front yard
2. 49.2sqm
3. 8.78sqm

Unsure of height of the structures, must not exceed 6m from grade to peak.

The 2nd lot (4072sqm) has a shed on it now that is now a non-conforming accessory structure, as the main use to the lot (a SFD) is not present.

**No livestock is permitted on this land or in any buildings. No human habitation permitted in the non-conforming accessory structure.