



Working together with our community

Public Hearings Committee – July 05, 2022

Subject: Application ZNPL2022133 is proposing to amend the Norfolk County Zoning By-law affecting the lands municipally known as 204 Elizabeth Street, Turkey Point from the existing Hamlet Residential zoning with a special provision to Hamlet Residential with additional special provisions to address the required relief of building height, maximum lot coverage, useable floor area and the minimum side yard setback to permit an accessory residential dwelling unit within an accessory structure.

Report Number: CD 22-063
Division: Community Development
Department: Planning
Purpose: For Public Meeting

Recommendation(s):

THAT staff Report CD 22-063 for development application ZNPL2022133 be received for information;

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

Public Meeting Notification:

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.

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 20 days in advance of the Public Meeting. Notifications were mailed to neighbors within 120 m of the subject lands; and a yellow notification sign was posted on the site on June 3, 2022.

Discussion:

The applicant is proposing to amend the Zoning By-law to facilitate the development of an accessory residential dwelling unit within a detached accessory structure requiring relief of the maximum building height, maximum lot coverage, useable floor area and the minimum side yard setback.

An overview summary of the development application(s) that have been submitted for the subject property at 204 Elizabeth Street is contained within Attachments A and B. This includes an outline of the site context, the applications and technical reports, any technical or public feedback to date and overview of development considerations. The draft by-law amendment is included as Attachment C.

Strategic Plan Linkage:

This report aligns with the 2019-2022 Council Strategic Priority "Foster Vibrant, Creative Communities" and "Create an Optimal Place for Business".

Explanation: Development that results from applications under consideration can help contribute to a vibrant community and for business.

Conclusion:

A recommendation report will be provided on this matter following review of the circulation, planning considerations and this statutory public hearing meeting regarding the submitted, "complete" development applications.

Attachments:

Attachment A Development Application Overview
Attachment B Existing Planning Policy and Zoning
Attachment C Proposed Zoning Bylaw Amendment

Approval:

Approved By:
Brandon Sloan, BES, MCIP, RPP
General Manager
Community Development Division

Prepared By:
Jennifer Catarino, MCIP, RPP
Senior Planner
Community Development Division
Planning Department

Attachment A – Report CD 22-063

DEVELOPMENT APPLICATION OVERVIEW

APPLICATION FILE NUMBER(S): ZNPL2022133

LOCATION: 204 ELIZABETH ST, NORFOLK COUNTY

APPLICANT: JOHN HENRY SMITH LAND INCORPORATED

AGENT: CIVIC PLANNING SOLUTIONS

STATUTORY PUBLIC

HEARING DATE: JULY 5, 2022

Site Context

Characteristics:

- The subject lands are located at the south east corner at the intersection of Turkey Point Road and Elizabeth Street in the Hamlet of Walsh.
- There is an existing dwelling, detached garage, shed and pool on the subject lands.

Surrounding Land Use:

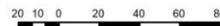
- Surrounding land use is mixed and includes, residential, institutional and rural industrial uses.



Legend

-  Subject Lands
- 2020 Air Photo

5/13/2022



Site Context



MAP B
OFFICIAL PLAN MAP
Geographic Township of CHARLOTTEVILLE

ZNPL2022133

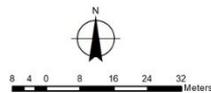


Legend

Official Plan Designations

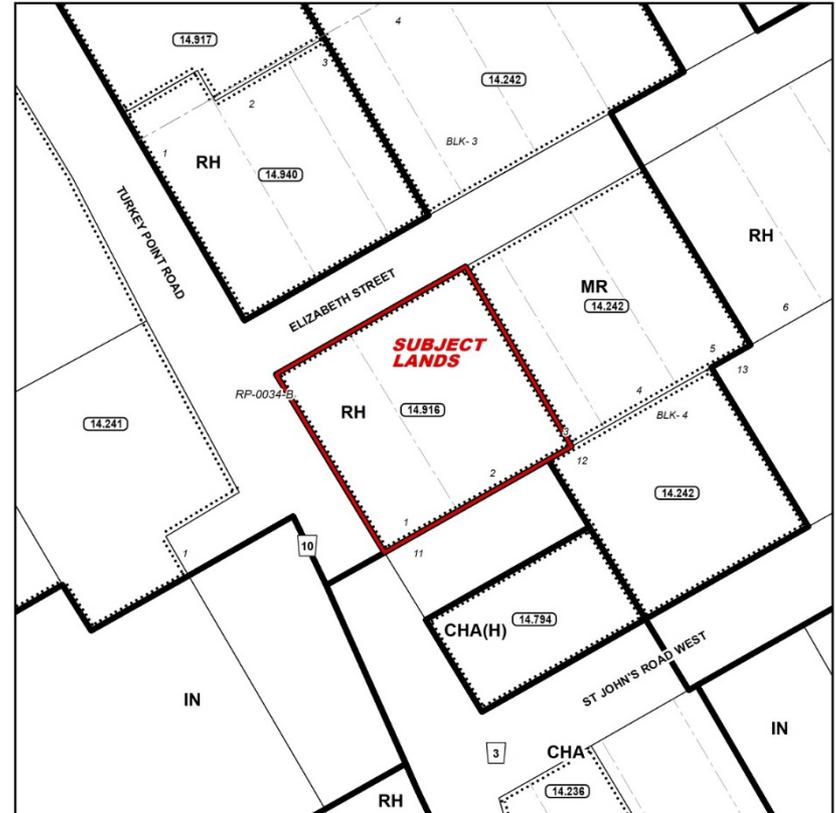
- Subject Lands
- Hamlet
- Hamlet Area Boundary

5/13/2022



MAP C
PROPOSED ZONING BY-LAW AMENDMENT MAP
Geographic Township of CHARLOTTEVILLE

ZNPL2022133



LEGEND

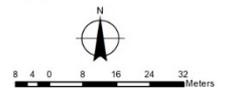
Subject Lands

ZONING BY-LAW 1-Z-2014

- (H) - Holding
- CHA - Hamlet Commercial Zone
- RH - Hamlet Residential Zone
- IN - Neighbourhood Institutional Zone
- MR - Rural Industrial Zone

**From: RH with
Special Provision 14.916
To: RH with Amended
Special Provision 14.916**

5/13/2022

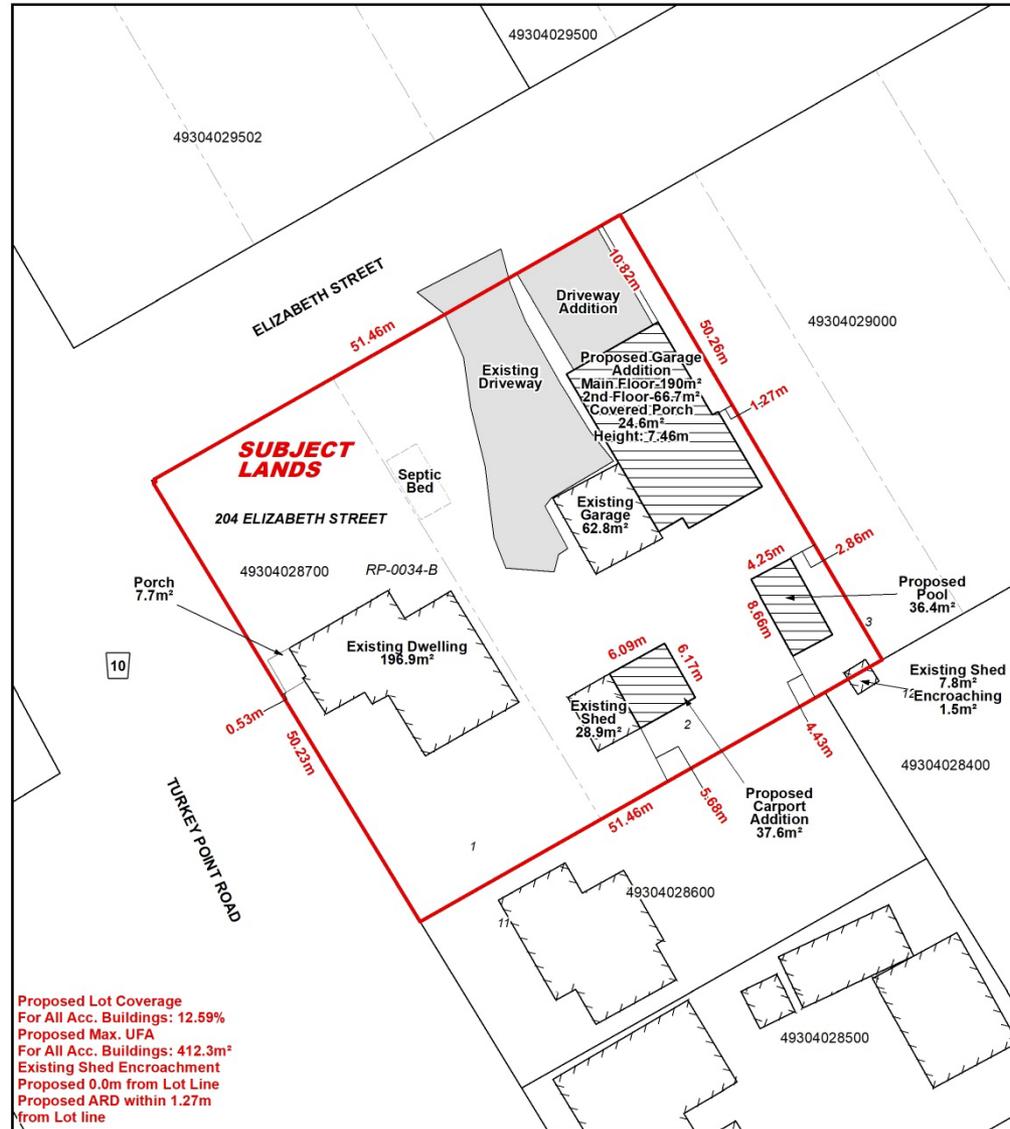


MAP D

CONCEPTUAL PLAN

Geographic Township of CHARLOTTEVILLE

ZNPL2022133



Proposed Lot Coverage
For All Acc. Buildings: 12.59%
Proposed Max. UFA
For All Acc. Buildings: 412.3m²
Existing Shed Encroachment
Proposed 0.0m from Lot Line
Proposed ARD within 1.27m
from Lot line

Legend

 Subject Lands

5/13/2022



Development Proposal

- an accessory residential dwelling unit within a detached structure
- includes Zoning By-law Amendment

Proposed Amendment

- From Hamlet Residential with a special provision to Hamlet Residential with a special provision for the Zoning By-Law Amendment

PRELIMINARY REVIEW

Technical Reports

- Planning Justification Report
- Septic Evaluation
- Site Plan
- Floor Plans

Consultation Comments to Date

Technical

- Technical comments pending.

Public

- No comments have been received.

PRELIMINARY CONSIDERATIONS

Key Items		Preliminary Review
Housing		The application is proposing an accessory residential dwelling unit within a Hamlet.
		

NEXT STEPS AND RECOMMENDATION

- Consideration of Public Hearing Input
- Issue Resolution as per comments
- Recommendation Report

Public Hearing Committee Report Recommendation:

THAT staff Report CD-22-063 for development application ZNPL2022133 be received for information;

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

Attachment B – Report CD 22-063

Existing Planning Policy and Zoning Considerations

PPS

1.0 Building Strong Healthy Communities

Ontario is a vast province with urban, rural, and northern communities with diversity in population, economic activities, pace of growth, service levels and physical and natural conditions. Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

Accordingly:

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*;

1.1.3 Settlement Areas

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

1.1.3.1 *Settlement areas* shall be the focus of growth and development.

1.1.3.2 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;

Land use patterns within *settlement areas* shall also be based on a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.4 Appropriate development standards should be promoted which facilitate *intensification*, *redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.

Official Plan

2.2.3 Maintaining and Enhancing the Rural and Small Town Character

2.2.3.1 Goal

Protect the unique character of Norfolk's cultural landscapes, Urban Areas, Hamlet Areas and Agricultural Area through heritage conservation, community design and redevelopment policies that promote community health, safety and broad aesthetic appeal.

2.2.3.2 Objectives

- a) Preserve and enhance the history and cultural heritage of the County.
- b) Encourage the beautification, improvement and/or redevelopment of the County.
- c) Revitalize and reuse underutilized land in the County.
- d) identify and protect key cultural heritage elements in the County through the appropriate use of available planning tools.
- e) Develop land use patterns in the Urban Areas that are compact and efficient.
- f) Maintain and enhance the rural character of Norfolk's many Hamlet Areas through appropriate infill development.
- g) Protect and improve the significant cultural heritage resources and cultural heritage landscapes, and encourage the conservation of historical buildings, all of which contribute to Norfolk's unique character.
- h) Identify and conserve artefacts of historic, architectural and archaeological interest.
- i) Protect and conserve those natural and cultural landscape features that contribute to the County's unique character.

2.2.4 Maintaining a High Quality of Life

2.2.4.1 Goal

Reinforce Norfolk's strong sense of community through the provision of public services, the development of safe and attractive communities and the celebration of Norfolk's unique cultural and natural heritage, by involving residents in making decisions on planning matters and by promoting a healthy community through active lifestyles.

2.2.4.2 Objectives

a) Provide for a variety of housing forms, tenures and levels of affordability through development, redevelopment, intensification and infilling projects.

5.3 Housing

The provision of housing is an essential part of planning in Norfolk County. There are many factors that affect supply and demand in the housing market, and only some of them can be managed by a municipality in Ontario. The County may influence the location, timing and scale of development through the provision of infrastructure and the review of residential development proposals including site plans and plans of subdivision and condominium. It is desirable to have close cooperation between all levels of government and the private sector in order to provide for sufficient and affordable housing, and a stable residential housing market. The County shall ensure that a full range of housing types are provided to meet the anticipated demand and demographic change, including accessible housing forms to facilitate aging in place and for persons with disabilities.

h) The County shall develop zoning provisions that are sufficiently flexible to permit a broad and varied range of housing forms, types, sizes and tenures, including accessory apartments in houses, except in locations serviced by individual or communal waste water disposal systems.

5.3.1 Residential Intensification

The intensification of urban residential development reduces the need to use vacant designated land on the periphery of the Urban Areas. It also reduces the need for urban expansions encroaching into the Agricultural Area. Urban residential intensification, infilling and redevelopment of existing areas allows for the efficient provision of urban services thereby helping to minimize the costs of providing services while meeting an important component of the County's housing needs.

The following shall be the policy of the County:

a) Housing shall, in part, be provided through urban residential intensification, which may include any of the following:

i) small scale intensification through modifications to an existing dwelling to include a second unit or construction of a new building containing one or two units;

b) The County shall target that a minimum 25 percent of its annual residential growth be accommodated through infill, intensification and redevelopment within the existing built-up areas in the Urban Areas with full municipal services. The boundary of the Built-Up areas of Simcoe, Port Dover, Delhi, Waterford and Port Rowan are indicated on Schedule "B" to this Plan and delineates the extent of existing development at the time of the approval of the Official Plan Amendment implementing the Five-Year Review of the Official Plan. Development within the Built-Up Area boundary will be considered as infill development and development situated

between the Built-Up Area boundary and the boundary of the Urban Area will be considered as greenfield development.

c) Infilling and redevelopment are encouraged within the Courtland Urban Area and in the Hamlet Areas subject to the ability to provide adequate water and waste water services.

5.3.3.1 Accessory Residential Dwellings [2-OP -2014, Amendment 65][3-OP-2020, Amendment 124]

An “accessory residential dwelling unit” is a “second unit” which is a self-contained residential dwelling unit supplemental to the primary residential dwelling use of the property. The development of an accessory residential dwelling unit must comply with the following policies:

a) An accessory residential dwelling unit may only be permitted within a single detached residential dwelling, a semi-detached residential dwelling, street townhouse residential dwelling unit or an accessory structure to a residential use that is located within designated Urban Area, Hamlet, or Agricultural area of Norfolk County.

b) A maximum of one accessory residential dwelling unit shall be permitted per lot. Where another special housing form exists, including without limitation, a garden suite or mobile home exists on the lot, as determined by Norfolk County, an accessory residential dwelling unit shall not be permitted.

c) Where an accessory residential dwelling unit is located on a lot, a boarding or lodging house; or rooming house is not permitted. And alternatively, where a boarding or lodging house; or a rooming house already exist on the lot, an accessory residential dwelling unit shall not be permitted on that lot.

d) Existing adequate municipal services (sewer and water) or private services (septic and well) shall be available to service the accessory residential dwelling unit, to the satisfaction of Norfolk County. Norfolk County shall not be under any obligation to install such services as part of any specific application to establish an accessory residential dwelling unit.

e) An accessory residential dwelling unit shall not be permitted on lands designated for seasonal or resort residential uses, and are specifically not permitted in seasonal dwellings, vacations dwellings, and dwellings intended for short-term accommodation purposes.

f) Development of an accessory residential dwelling unit shall be subject to the following criteria:

i) The structural stability of the building is adequate to accommodate the alterations necessary for an additional dwelling;

ii) Exterior changes to the structure shall be minimal;

iii) Compliance with provisions of the Ontario Building Code, and all other relevant municipal and Provincial standards, including the Zoning By-Law;

iv) The unit is incidental to the primary permitted residential use, and is located within an existing primary residential building or in an accessory structure;

v) An accessory residential dwelling unit shall comply with Ontario Regulation 179/06 under the Conservation Authority Act as they relate to development within lands affected by flooding, erosion or located within hazardous lands.

g) Accessory residential dwelling units shall be registered with the designated office for Norfolk County pursuant to such documentation as Norfolk County may require for this purpose.

6.6 Hamlet Areas

Hamlet Areas are settlements that function as small clusters providing limited residential, institutional, recreational and small-scale commercial services to the surrounding agricultural community. The 42 Hamlet Areas identified on Schedule "A" to this Plan are an important component of Norfolk County's community structure.

The County will promote limited growth in Hamlet Areas and support their rural character and evolving role as service and residential centres to the agricultural community in recognition of changing social and economic conditions. Limited growth will be permitted provided that the growth is within the Hamlet Area boundary designated on Schedule "B" to this Plan, will not be detrimental to the rural character of the surrounding agricultural and/or resource area, will not have adverse environmental or human health consequences, and will not have a negative impact on the County's financial sustainability. Growth in the Hamlets will be carefully monitored.

7.5 Hamlet Designation

There are 42 Hamlet Areas located within the County. These Hamlets originated as service centres for the surrounding agricultural areas and as residential centres. The Hamlet Areas represent an alternative to the Urban Areas. These roles shall be encouraged to continue. Hamlet development, in the form of residential, commercial, industrial, recreational and institutional facilities provide important services to the surrounding Rural Area. Hamlet development is a preferred alternative to scattered nonfarm development that reduces the impact of development on farming operations in the Rural Area

7.5.1 Permitted Uses

Subject to the other policies of this Plan, the following policies shall apply in determining uses permitted on land designated Hamlet on Schedule "B".

- a) Low density residential dwellings on lots suitably sized to accommodate private servicing systems shall be the main permitted use.
- b) Home occupations shall be permitted in association with a residential use.
- c) Bed and breakfast establishments shall be permitted within a single detached residential dwelling, provided that all of the required parking is accommodated on the same lot, and subject to criteria in the Zoning By-law.
- d) Small scale compatible commercial and industrial uses will be permitted within the Hamlet Designation, subject to the policies of Section 7.5.2 (Hamlet Designation – Land Use Policies).
- e) Small scale institutional uses, such as pre-schools, day cares, elementary schools and churches, and park and recreational uses shall be permitted.
- f) Accessory Residential Dwelling, subject to the policies of Subsection 5.3.3 (Special Housing Forms); [3-OP-2020, Amendment 124]

g) Uses accessory to any of the permitted uses in the Hamlet Designation are permitted. Norfolk County Official Plan Co

7.5.2 Land Use Policies

The following policies apply to land designated Hamlet.

a) Commercial and industrial uses within the Hamlet Designation shall be of a dry nature, not requiring excessive amounts of water for their operations.

b) Designation of a Hamlet Area does not mean that the Hamlet Area is suitable for further development. The following criteria shall be addressed in the review of development applications within designated Hamlet Area boundaries:

i) availability of potable water;

ii) a servicing feasibility study has been completed in accordance with the Ministry of the Environment and Climate Change guidelines which demonstrates that the proposal's impact on ground and surface water will be within acceptable limits;

iii) the proposed servicing will be appropriate for the proposed densities and land uses;

iv) the pattern of new development will be a logical extension of the existing built-up area;

v) the available community facilities, such as community centres, schools, convenience commercial, recreation or cultural facilities can accommodate the proposed development;

vi) the area of the proposed development shall not be permitted in Provincially Significant Features or Hazard Lands, identified on Schedules "B" of this Plan;

vii) the area of the proposed development shall not be permitted in or on adjacent land to the Natural Heritage Features identified on Schedule "C" and/or Tables 1 and 2 or on Schedule "G" and Table 6 of the Lakeshore Special Policy Area Secondary Plan, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions, in accordance with the policies of Section 3.5 (Natural Heritage Systems) and Section 11 (Lakeshore Special Policy Area Secondary Plan) of this Plan;

viii) the area of the proposed development shall not be located within, and will not have a negative impact on, a Natural Resource Area identified on Schedule "J" to this Plan. Mineral Aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. Existing mineral aggregate operations shall be permitted to continue without the need for Official Plan Amendment, rezoning or development permit under the Planning Act. When a licence for extraction or operations ceases to exist, development may be permitted if it is demonstrated that:

- the extraction resource use would not be feasible; or

- The proposed land use or development serves a greater long term public purpose; and
- issues of public health, public safety and environmental impact are addressed; and
- the proposed development is compatible with existing development.

c) Mobile home parks shall not be permitted.

d) Additional residential development within a Hamlet Area shall be encouraged to occur through infilling or in-depth development. Provision shall be made at appropriate locations to provide access from the main road to an additional tier of lots behind existing development. The County shall strongly discourage linear development along roads.

e) The conversion of small-scale institutional uses, such as elementary schools and places of worship to other uses permitted in the Hamlet Designation may be permitted without an amendment to this Plan, subject to the conversion being consistent with the policies of this Plan. Where enrolment in a school has declined to the point that there is vacant unused space, this space may be converted to other uses permitted in the Hamlet Designation, subject to the proposed use being compatible with school use of the property and consistent with the policies of this Plan.

f) Development within the Hamlet Designation shall also be subject to the policies of Section 6.6 (Hamlet Areas) of this Plan.

9.6.2 Zoning By-law Amendments

Pursuant to Section 9.4.1 (Zoning By-law) of this Plan, the County shall prepare a Zoning By-law. The Zoning By-law shall be maintained and administered by the County, and may be amended at Council's discretion provided the amendments are in keeping with this Plan. The County shall consider all applications to amend the Zoning By-law and shall provide notice of such application in accordance with the provisions of the Planning Act. Applications for Zoning By-law amendments shall be evaluated based on the same or similar criteria as those outlined for Official Plan amendments in Section 9.6.1.

Zoning By-law

3.2 Accessory Uses to Residential Uses

3.2.1 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.

5.7 Hamlet Residential Zone (RH)

5.7.1 Permitted Uses

In an RH Zone, no land, *building* or *structure* shall be used except in accordance with the following uses:

- a) *dwelling, single detached*
- b) *bed & breakfast*, subject to Subsection 3.4
- c) *day care nursery*
- d) *home industry*
- e) *home occupation*
- f) *accessory residential dwelling unit*, subject to Subsection 3.2.3 [7-Z-2020]

5.7.2 Zone Provisions

In an RH Zone, no *building* or *structure* shall be *erected* or *altered* except in accordance with the following provisions:

- a) minimum *lot area*: 0.4 hectares
- b) minimum *lot frontage*:
 - i) *interior lot* 30 metres
 - ii) *corner lot* 30 metres
- c) minimum *front yard*: 6 metres
- d) minimum *exterior side yard*: 6 metres
- e) minimum *interior side yard*:
 - i) attached garage 1.2 metres each side
 - ii) detached garage 3 metres and 1.2 metres
- f) minimum *rear yard*: 9 metres
- g) maximum *building height*: 11 metres [8-Z-2017]



The Corporation of Norfolk County

By-Law __-Z-2022

Being a By-Law to Amend Zoning By-Law 1-Z-2014, as amended, for property described as Part Lot 1, Lot 2, Block 4, Plan 34B, Geographic Township of Charlotteville, Norfolk County in the Name of John Henry Smith and Marlene Lesley Smith.

WHEREAS Norfolk Council is empowered to enact this By-Law, by virtue of the provisions of Section 34 of the *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended;

AND WHEREAS this By-Law conforms to the Norfolk County Official Plan.

NOW THEREFORE the Council of The Corporation of Norfolk County hereby enacts as follows:

1. That Schedule A of By-Law 1-Z-2014, as amended, is hereby further amended by changing the zoning of the subject lands identified on Map A (attached to and forming part of this By-Law) from Hamlet Residential Zone with a special provision (RH, 14.916) to Hamlet Residential Zone with a special provision (RH, 14.916);
2. That Subsection 14 Special Provisions is hereby further amended by adding the following:

14.916 In lieu of the corresponding provisions of Section 3.2.1, Accessory Uses to Residential Uses, the following shall apply:

- a) exceed a *building height* of 7.5 m in the Hamlet Residential (RH) Zone;
- g) occupy more than 12.6 percent of the lot area, for all accessory buildings together, to a maximum of 412.5 square metres *useable floor area* in the Hamlet Residential Zone;

In lieu of the corresponding provisions of Section 3.2.3, Accessory Residential Dwelling Units, the following shall apply:

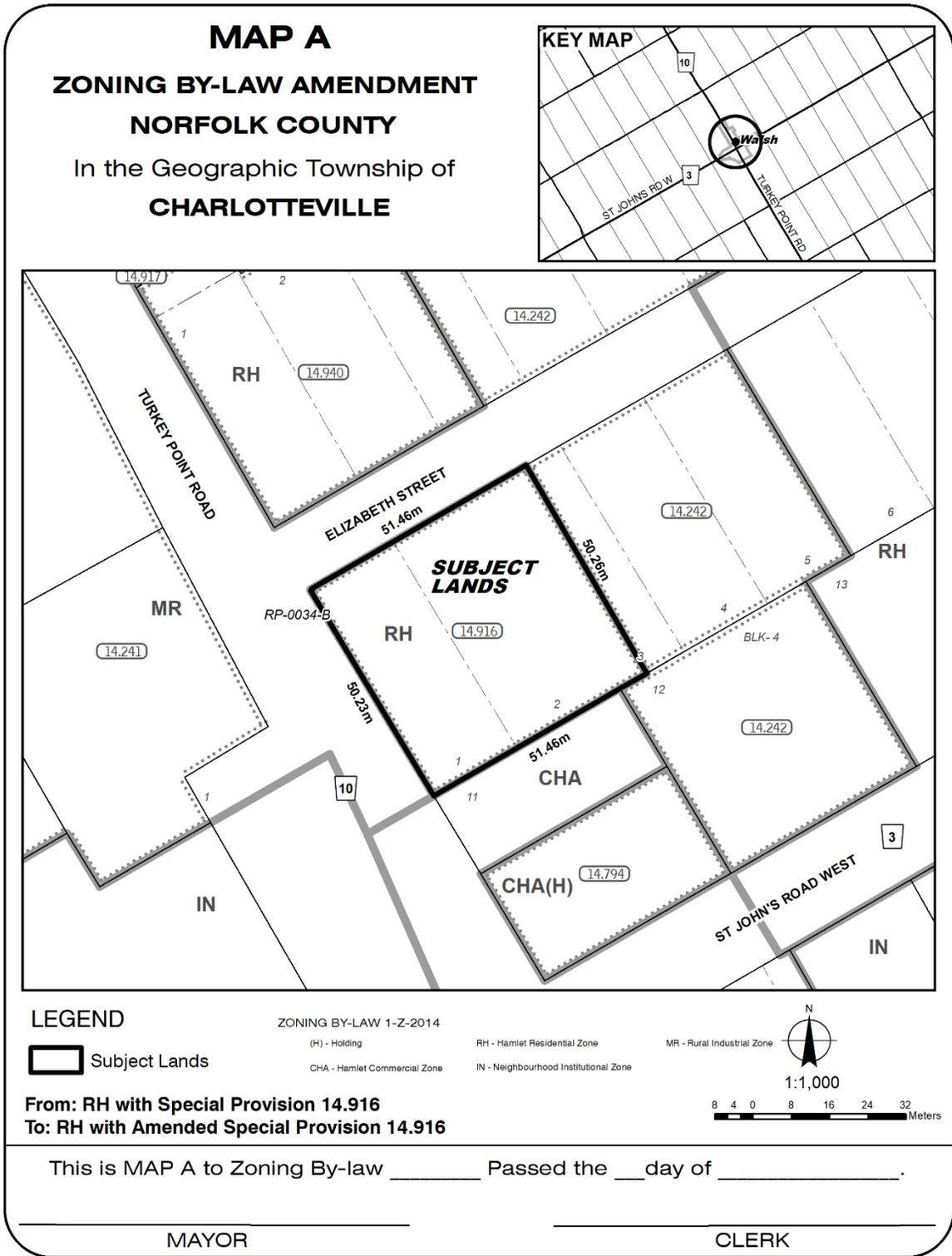
- b) Notwithstanding Subsection 3.2.3 a) and in lieu of the applicable provisions of Subsection 3.2, where an accessory residential dwelling unit is located in an accessory building or structure, the following shall apply:
 - i. Be nearer than 1.27 metres of a lot line within an interior side yard.

3. That the effective date of this By-Law shall be the date of passage thereof.

ENACTED AND PASSED this date day of month, 2022.

Mayor

County Clerk



**Explanation of the Purpose and Effect of
By-Law __-Z-2022**

This By-Law affects a parcel of land described as Part Lot 1, Lot 2, Block 4, Plan 34B, Geographic Township of Charlotteville, Norfolk County, located at 204 Elizabeth Street.

The purpose of this By-Law is to change the zoning on the subject lands to add special provisions regarding building height, useable floor area and setbacks to facilitate the development of an accessory residential dwelling unit in a detached accessory structure.