



Working together with our community

Public Hearings Committee – September 06, 2022

Subject: Application ZNPL2022197 proposing to amend the Zoning By-Law from Agricultural (A) to Hamlet Residential (RH) with a site specific provision on Part 1, and from Agricultural (A) to Hamlet Residential (RH) on Part 2 of the lands described as 4671 Highway 3, Renton.

Report Number: CD 22-072
Division: Community Development
Department: Planning
Purpose: For Public Meeting

Recommendation(s):

THAT staff Report CD-072 for development application ZNPL2022197 be received for information;

AND FURTHER 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 August 17, 2022.

Discussion:

An application has been received to amend the Zoning By-Law to facilitate the severance of one residential lot in the Hamlet of Renton. On Part 1 of the subject property (the proposed “severed” lands), the applicant is proposing to change the Zone from Agricultural (A) to Hamlet Residential (RH) with a site specific provision to increase the minimum interior side yard setback to 10 metres from easterly lot line. The effect of this site specific provision will be to conform to Official Plan policies regarding development in/adjacent to Natural Heritage Features. Part 2 of the subject lands is

proposed to be rezoned from Agricultural to Rural Hamlet to confirm to the Official Plan designation. This part (the proposed “retained” lands) contains an existing single detached dwelling.

An overview summary of the development application(s) that have been submitted for the subject property at 4671 Highway 3 is contained within Attachment A. 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. A discussion on relevant planning policy to the subject application is included in Attachment B. The submitted or draft by-law amendment is included as Attachment C. Based on the technical comments received to date, and any pending further technical or public comments, there may be revisions considered for the by-law amendment as part of the recommendation report.

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:
Hannelore Yager, MSc.PI.
Junior Planner
Community Development Division
Planning Department

Attachment A – Report CD 22-072

DEVELOPMENT APPLICATION OVERVIEW

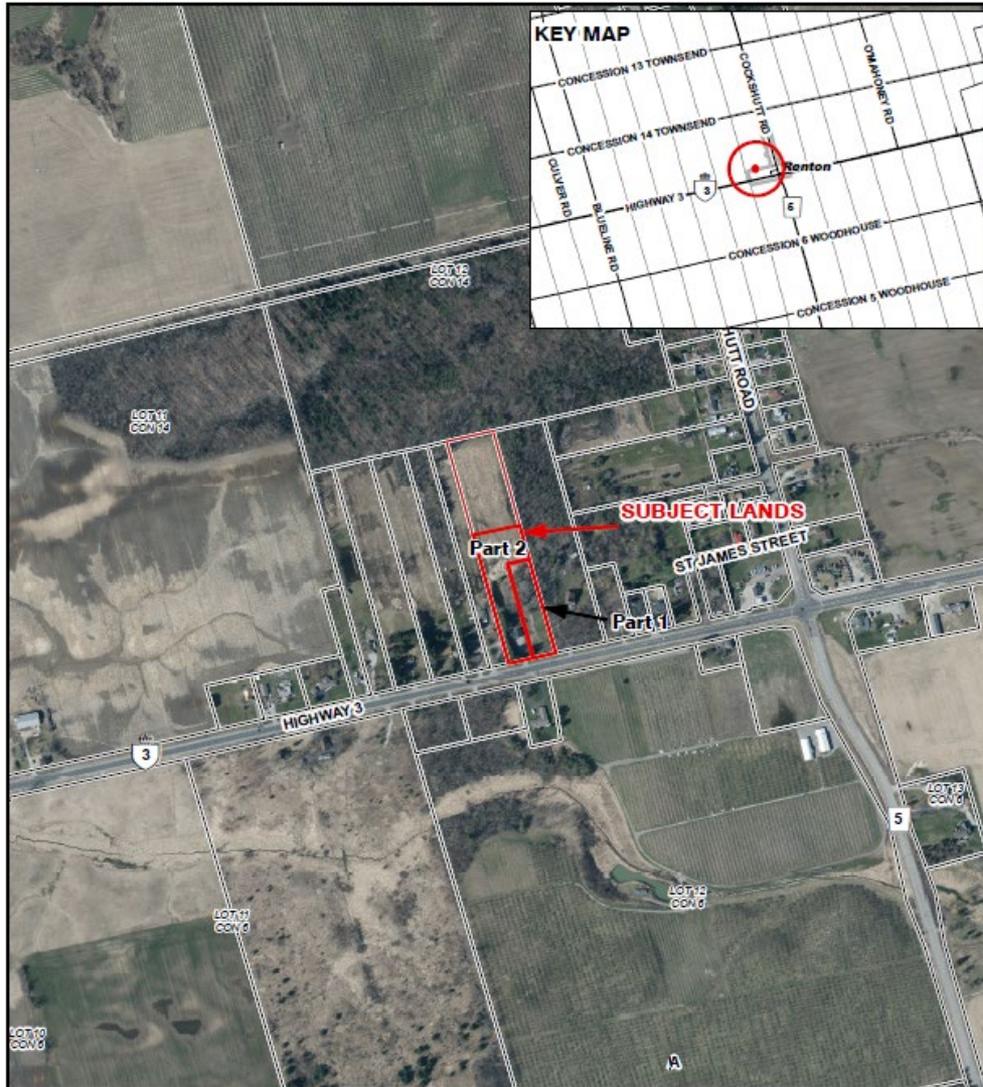
APPLICATION FILE NUMBER(S): ZNPL2022197

LOCATION: 4671 HIGHWAY 3, RENTON

APPLICANT: DOROTHY MICHELLE MILLER AND JASON GOODBRAND

STATUTORY PUBLIC

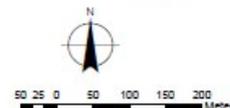
HEARING DATE: SEPTEMBER 6TH, 2022



Legend

- Subject Lands
- Lands Owned

2020 Air Photo



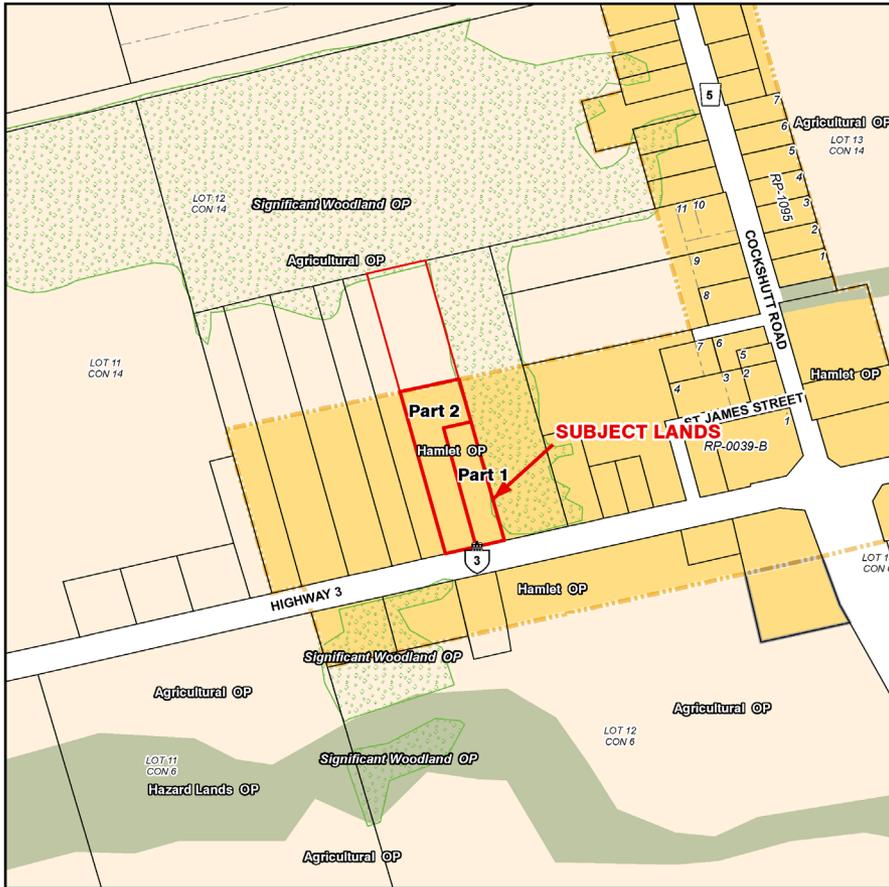
Site Context

Characteristics:

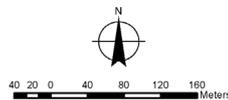
- 5.24 acre lot fronting on Highway 3 in Hamlet of Renton
- Agricultural zone
- Hamlet Residential and Agricultural designation

Surrounding Land Use:

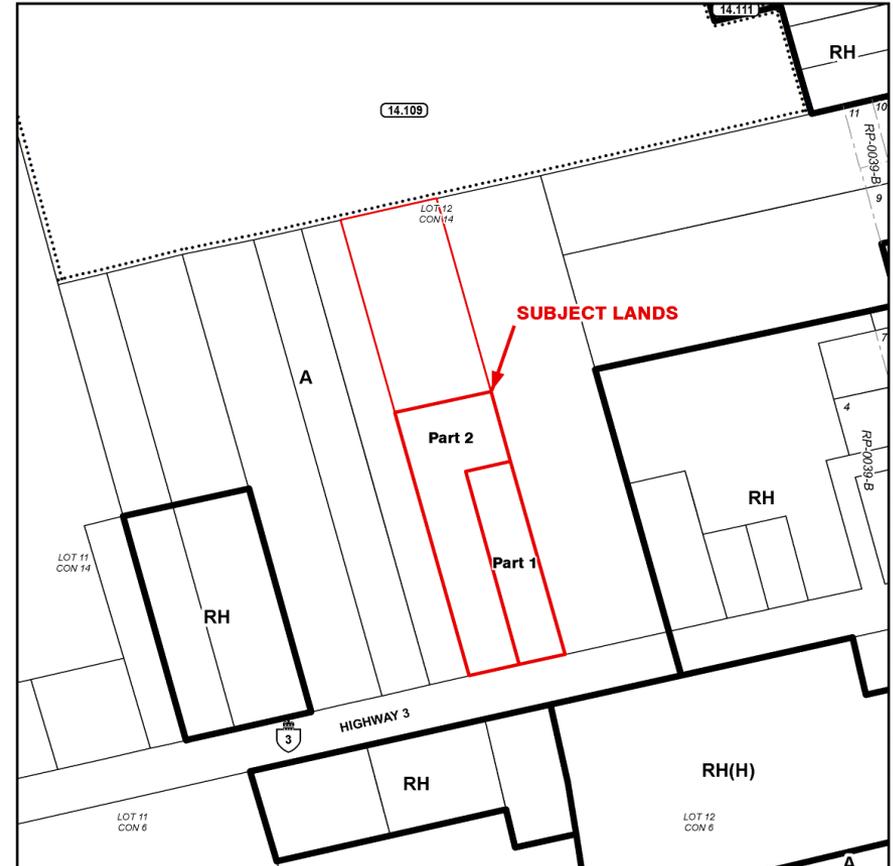
- Predominantly single detached dwellings along Highway 3 and Cockshutt Road
- Agricultural land surrounding Hamlet area



8/9/2022



Site Context

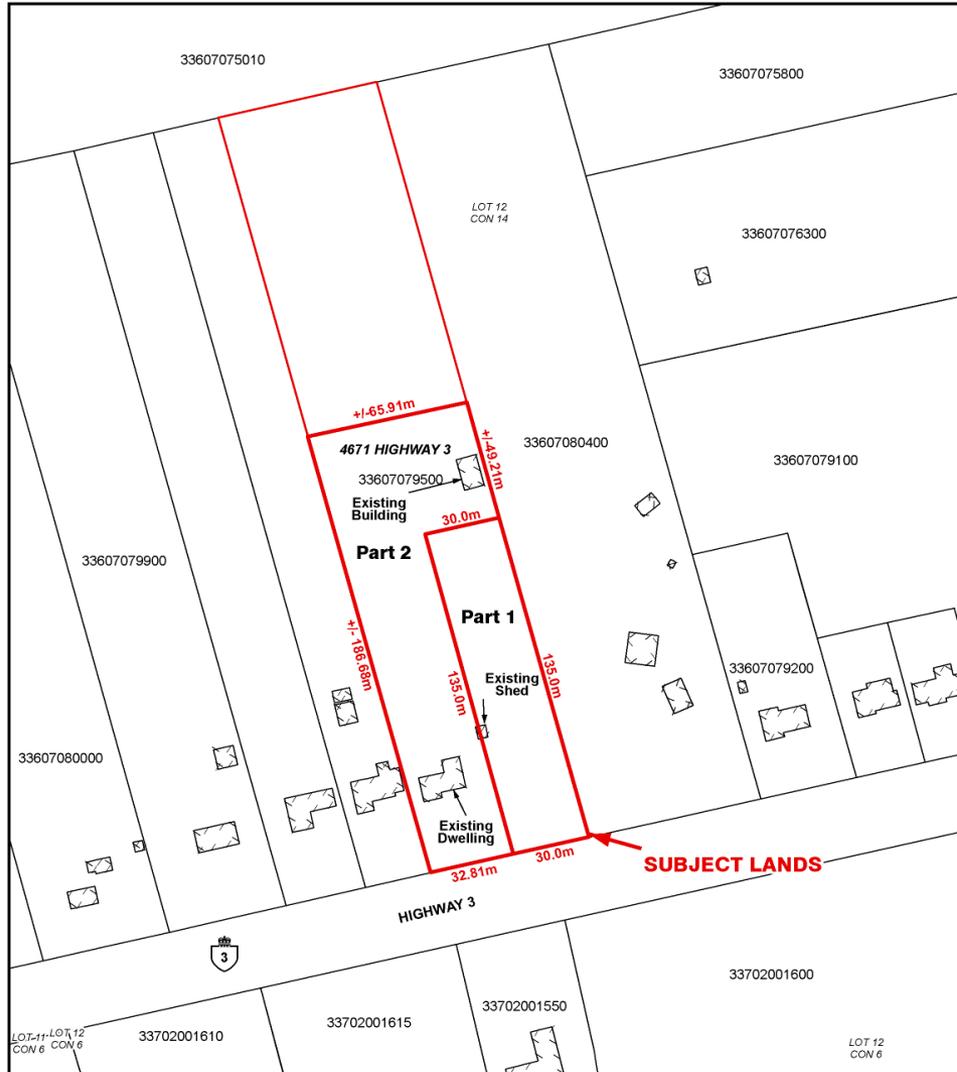


8/9/2022



Part 1
 From: Agricultural
 To: Residential Hamlet
 with special provision

Part 2
 From: Agricultural
 To: Residential Hamlet



Legend

- Subject Lands
- Lands Owned

8/9/2022

Development Proposal

- Rezone subject lands to facilitate a severance

Proposed Amendment

- Part 1: From A to RH with a site specific special provision to increase interior side yard setback to 10 m
- Part 2: From A to RH

PRELIMINARY REVIEW

Technical Reports

- None required as part of a complete application for a Zoning By-Law Amendment.

Consultation Comments to Date

Technical

- MTO: Re-zone retained and severed lands to only permit a single detached dwelling required prior to severance application and entrance permit granted for lands to be severed.
- Comments from other departments pending.

Public

- None received to date.

PRELIMINARY CONSIDERATIONS

Key Items		Preliminary Review
Housing		The subject application will facilitate the creation of a new residential lot.
Natural Heritage (EIS)		The proposed special provision will increase the minimum interior side yard set-back to 10 metres to comply with Official Plan policies.
Roads		The subject lands have frontage on Highway 3. MTO has submitted a comment indicating to be granted an entrance permit for the severed lands, the severed and retained lands be re-zoned to only permit a single detached dwelling.

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-22-073 for development application ZNPL2022198 be received for information;

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

Attachment B Existing Planning Policy and Zoning

Planning Act Considerations

Section 2 of the Planning Act outlines those land use matters that are of provincial interest and for which all county planning decisions shall have regard. The provincial interests that apply to development on this site are:

1. the orderly development of safe and healthy communities;
2. the appropriate location of growth and development;
3. the co-ordination of planning activities of public bodies
4. The promotion of built form that,
 - (i) is well-designed,
 - (ii) encourages a sense of place
5. the protection of ecological systems, including natural areas, features and functions;

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: Building Healthy Communities of the PPS promotes the building of strong, healthy communities and includes policies about avoiding development and land use patterns which may cause environmental or public health and safety concerns.

Section 1.1.3.1. indicates that *settlement areas* shall be the focus of growth and development. Section 1.1.3.2 states 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;

Planning comment: The portion of land which is proposed to be re-zoned is within a *settlement area* as defined in the Provincial Policy Statement. The subject application will not have the effect of expanding a *settlement area* boundary or requiring additional infrastructure and public service facilities.

Section 2.1. outlines considerations for the protection of natural features and areas, which include features of *natural heritage systems*. Diversity and connectivity of these features should be maintained, restored or, where possible, improved.

Planning comment: The subject application will facilitate a future severance to develop a new single detached dwelling. The proposed severance will create a lot which intersects with *significant woodlands*, which are identified as a natural heritage system feature in the Official Plan of Norfolk County. The applicant has requested an increased interior side yard setback of 10 metres to integrate direction from the Official Plan regarding where development may occur on lands adjacent to *natural heritage system* features.

Planning Comments: The proposed development is proposed outside of lands adjacent to natural heritage system feature, and is not expected to create or aggravate hazards or negatively impact the environment.

Official Plan Considerations

Existing Land Use Designation: “Residential Hamlet”, “Agricultural”

Existing Natural Heritage System Feature: Adjacent to “Significant Woodlands”

Section 3.5.2 related to Natural Heritage Features highlights they represent the legacy of the natural landscape of the area and as a result has important environmental, economic and social value, and that development or site alteration proposed in, or 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 (Environmental Impact Study) of this Plan. Development or site alteration in, or adjacent to, such features shall not be permitted unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions that cannot be adequately mitigated. Lands adjacent to *significant woodlands* are identified in as the dripline plus 10 metres.

Section 9.7.1. (Environmental Impact Study) outlines criteria for EIS and when a scoped EIS may be appropriate. The County may consider waiving an EIS if criteria are fulfilled including if, “the site conditions for a development are such that the preparation of an Environmental Impact Study would serve no useful purpose for the protection of natural heritage features in the context of the proposed development”.

Planning Comments: The applicant has requested a site specific provision to increase the interior side yard setback of 10 metres to conform to Official Plan policies regarding Natural Heritage Features.

Section 7.2. outlines permitted uses and land use policies for the Agricultural designation. The subject application will facilitate a severance to create a lot which does not intersect with any lands designated Agricultural.

Section 7.5. outlines permitted uses and land use policies for the Hamlet designation. A range of small scale and low-density uses, including single detached dwellings, are permitted. Section 7.5.2. (Land Use Policies) notes additional residential development within a Hamlet Area shall be encouraged to occur through infilling or in-depth development.

Planning comment: The subject application proposes to re-zone the portion of land intended to be severed, located within the Hamlet designation. This is intended to create a lot for a single detached dwelling. The applicant has indicated that they are amenable to also re-zoning the portion of the retained lands within the Hamlet designation if required by the County.

Section 8.2.2.1. discusses requirements for Provincial Highways, which states the Ministry of Transportation (MTO) shall have jurisdiction and control over access to Highways No. 3. Direct private access to the Provincial Highway shall be restricted and shall require the approval and permit(s) from the Ministry of Transportation. Developments and private access driveways shall be encouraged to use existing County roads and service roads wherever possible. Where access from the Provincial Highway is feasible, it shall only be considered for those properties that meet the minimum safety and geometric requirements of the Ministry of Transportation. All development adjacent to the Provincial Highway shall be subject to the safety and geometric requirements and permits of the Ministry of Transportation.

Planning Comment: As part of a preliminary review with staff, the MTO has noted the subject lands do not qualify for severance as it does not meet MTO's frontage requirement, nor does this section of highway have excess access capacity to facilitate a new or intensified entrance. Additionally, in order to qualify for consent under MTO infilling policies, a new access connection may only be considered where the posted speed is less than 70 km/hr. It was determined to implement a new entrance onto Hwy 3, MTO requires both severed and retained parcels be rezoned to prohibit any intensified use, beyond single family residential.

Zoning By-Law Considerations

Existing Zoning: Agricultural (A) Zone

Proposed Zoning: Hamlet Residential (RH) Zone

Section 5.7.1. outlines permitted uses in the RH Zone – which includes single detached dwellings, bed & breakfasts, day care nurseries, home industries, home occupations, accessory residential dwelling units and uses accessory to permitted uses. Provision 5.7.2.e) requires an interior side yard setback of 1.2 metres each side for a dwelling with an attached garage, or 1.2 metres and 3.0 metres for a dwelling with a detached garage.

Section 12.1.1.outlines permitted uses in the Agricultural Zone – which includes a range of agricultural and agricultural-related uses, single detached dwellings, cannabis production and processing, bed & breakfasts, home industries, home occupations, accessory residential dwelling units and uses accessory to permitted uses.

Planning comment: As part of a preliminary review with staff, the MTO has noted that the proposed severance will not meet minimum frontage requirements for safe access. In order to grant future entrance permits, the MTO has requested the subject application be amended so severed and retained lots only permit a single detached dwelling as a use. As a condition of the future severance, the MTO will request the applicant obtain a residential entrance permit for the lands to be retained and noted that this permit would not be issued until the rezoning was completed.

Planning staff note that a portion of the lands to be retained are zoned Agricultural. The current range of permitted uses conform to the underlying Agricultural designation.



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 12, Concession 14, Geographic Township of Townsend, Norfolk County in the Name of Jason Goodbrand and Dorothy Miller.

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 as Part 1 on Map A (attached to and forming part of this By-Law) from Agricultural (A) *Zone* to Hamlet Residential (RH) *Zone* with special provision, and for the subject lands identified as Part 2 on Map A (attached to and forming part of this By-Law) from Agricultural (A) *Zone* to Hamlet Residential (RH) *Zone*.

2. That Subsection 14 Special Provisions is hereby further amended by adding new/revised 14.983 as follows:

In lieu of the uses *permitted* in the Hamlet Residential (RH) *Zone*, the following provisions that shall apply:

e) minimum *interior side yard* (right or east):

i. attached garage – 10 metres;

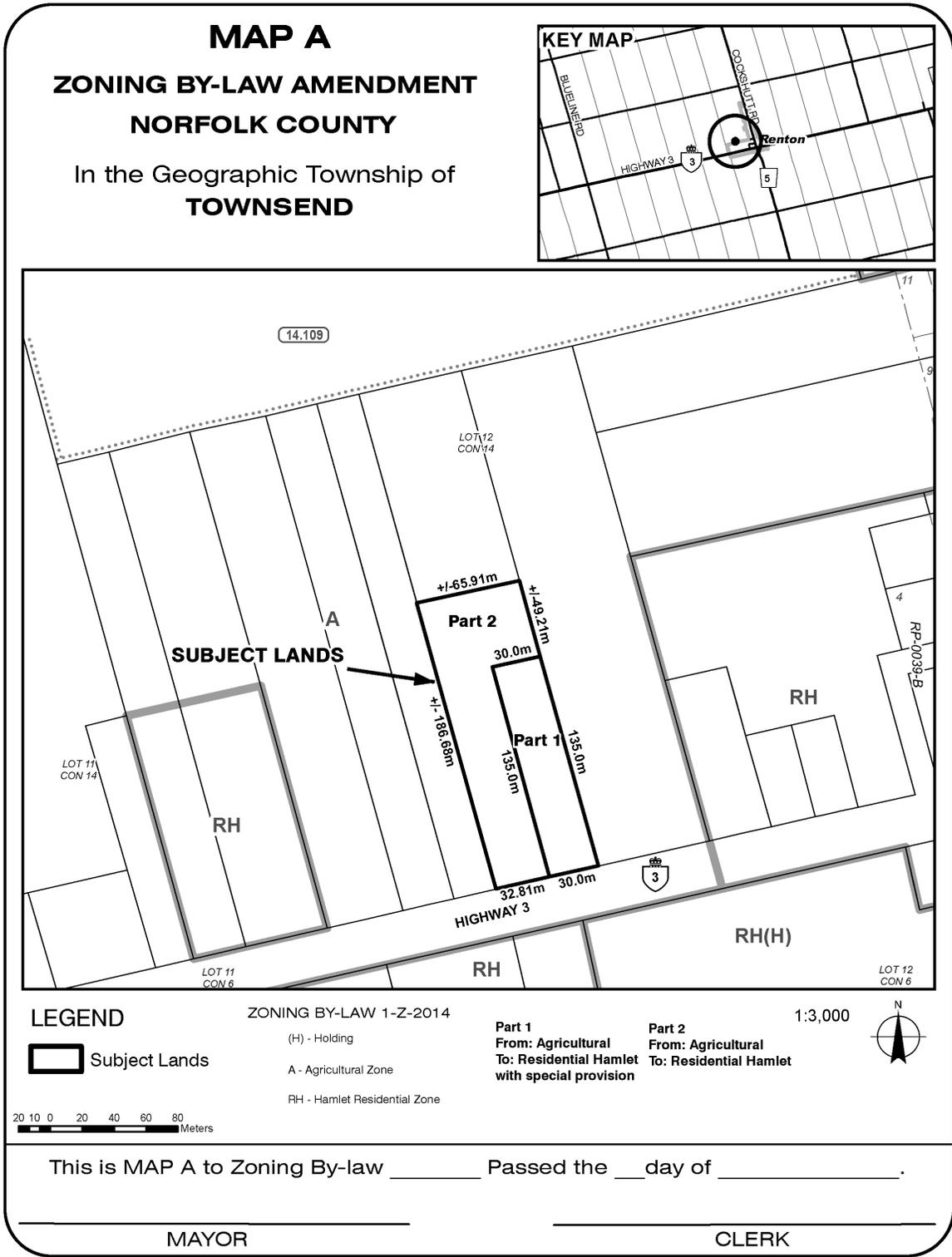
ii. detached garage – 10 metres;

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

ENACTED AND PASSED this 20th day of September, 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 12, Concession 14, Geographic Township of Townsend, Norfolk County, located at 4671 Highway 3, Nanticoke.

The purpose of this By-Law is to change the zoning on the subject lands from Agricultural (A) Zone to Residential Hamlet (RH) with a site specific special provision on Part 1, and from Agricultural (A) to Residential Hamlet (RH) on Part 2.

The effect of this amendment facilitates a severance of Part 1. The applicant sought a site specific special provision to ensure future buildings meet Natural Heritage Feature requirements for significant woodlands on the eastern portion of subject lands.