



Working together with our community

Public Hearings Committee – February 07, 2023

Subject: Application ZNPL2022349 is proposing to amend the Zoning By-Law from Agricultural (A) to Hamlet Residential with a Holding RH(H) with a site specific special provision. A draft plan of subdivision application 28TPL2022350 is proposed for 13 residential lots in the form of single detached dwellings, on the lands described as 17 Highway Crescent, Courtland.

Report Number: CD 23-004
Division: Community Development
Department: Planning
Ward: Ward 2
Purpose: For Public Meeting

Recommendation(s):

THAT staff Report CD-23-004 for development application(s) ZNPL2022349 and 28TPL2022350 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 January 6th, 2023.

Discussion:

Prior to Zoning By-Law Amendment and Draft Plan of Subdivision applications being submitted, a consent application (BNPL2022305) was submitted to sever a lot occupied by an existing single detached dwelling (0.28 ha in area), and retain a parcel (3.4 ha in area). This consent application was approved at the January 18th, 2023 Committee of Adjustment. See Committee of Adjustment agenda <<https://pub->

norfolkcounty.escribemeetings.com/FileStream.ashx?DocumentId=13505> for additional background information on the site, proposal and context.

The proposed Zoning By-Law Amendment (ZNPL2022349) will amend the entire subject lands from Agricultural (A) to Hamlet Residential (RH) with a site specific provision to permit a reduced lot area of 1950 sq. m. (0.195 ha). The lot to be retained will be the subject application 28TPL2022350, which is proposed to create 13 residential lots in the form of single detached dwellings.

An overview summary of the development application(s) that have been submitted for the subject property at 17 Highway Crescent, Courtland 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. The draft zoning by-law amendment is included as Attachments B.

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

Reviewed By:
Tricia Givens, MCIP, RPP
Director of Planning
Community Development Division
Planning Department

Prepared By:
Hannelore Yager, MscPl.
Planner
Community Development Division
Planning Department

Attachment A – Report CD 23-004

DEVELOPMENT APPLICATION OVERVIEW

APPLICATION FILE NUMBER(S): ZNPL2022349, 28TPL2022350

LOCATION: 17 HIGHWAY CRESCENT, COURTLAND

APPLICANT: STUBBES PROPERTY DEVELOPMENT INC.

AGENT: SBM LTD, c/o BEN HYLAND AND MANEESH PODDAR

STATUTORY PUBLIC

HEARING DATE: FEBRUARY 7, 2023



Legend

Subject Lands

2020 Air Photo

12/15/2022



Site Context

Characteristics:

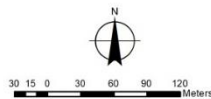
- Located at the south east corner of the intersection of Highway Crescent and Byerlay Side Road
- Railroad to the south
- Partially serviced – private septic systems and municipal services

Surrounding Land Use:

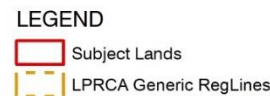
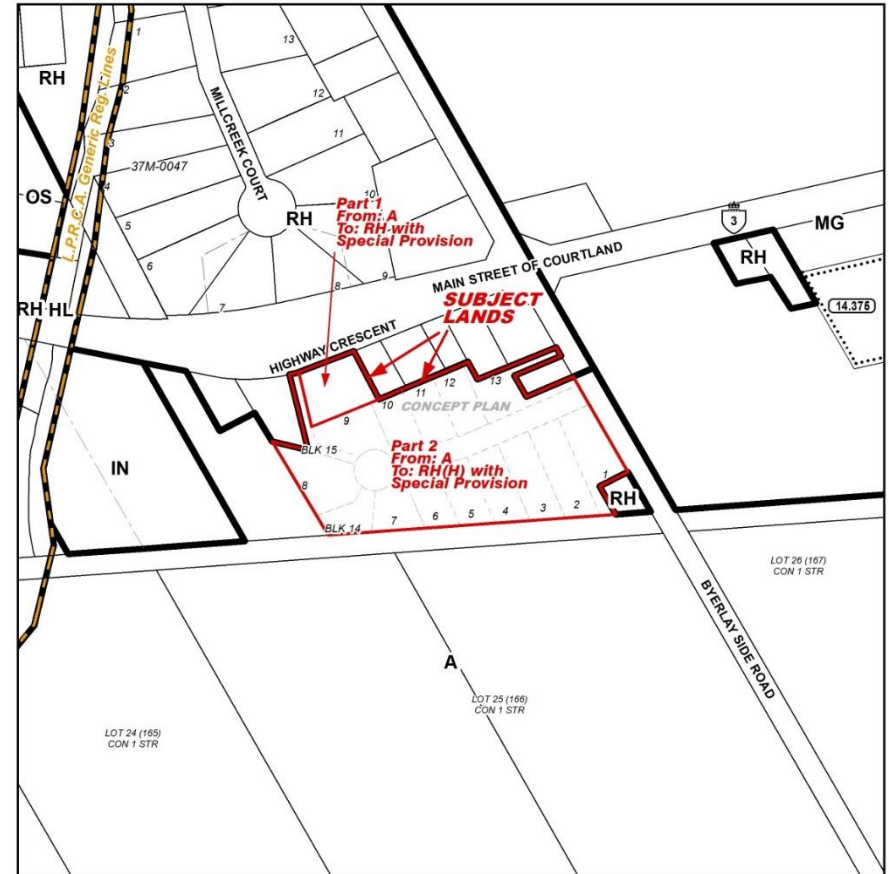
- Primarily residential to the north and east, agricultural to the south and west, and industrial to the north west.



12/15/2022



Site Context



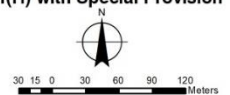
ZONING BY-LAW 1-Z-2014

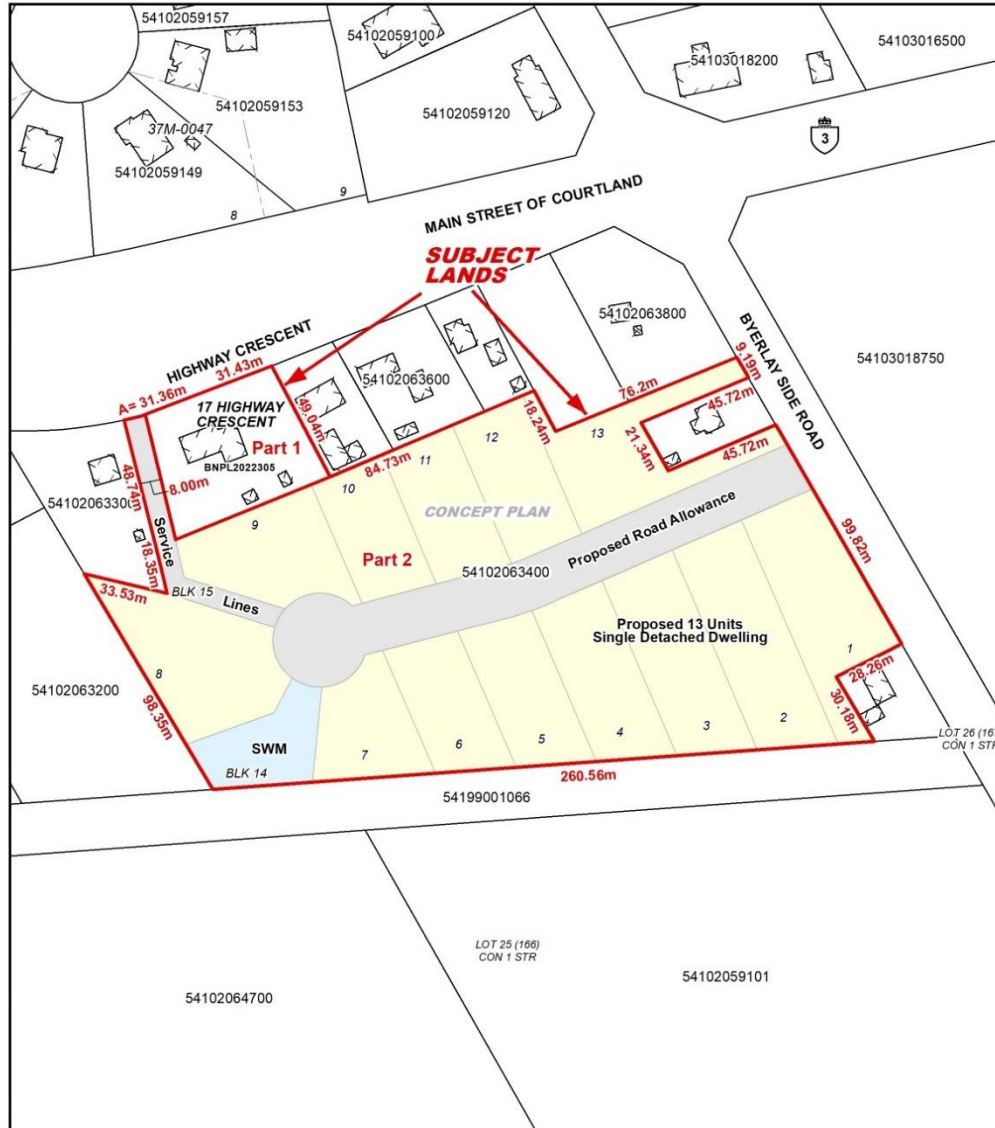
- (H) - Holding
- A - Agricultural Zone
- MG - General Industrial Zone
- RH - Hamlet Residential Zone
- HL - Hazard Land Zone
- IN - Neighbourhood Institutional Zone
- OS - Open Space Zone

Part 1
 From: A
 To: RH with Special Provision

Part 2
 From: A
 To: RH(H) with Special Provision

12/15/2022





Legend

Subject Lands

12/15/2022



Development Proposal

- to facilitate the development of 13 residential lots for single detached dwellings through a draft plan of subdivision.

Proposed Amendment

- Parts 1: From Agricultural (A) to Hamlet Residential with a Holding RH with a special provision for a reduced minimum lot area
- Part 2: From Agricultural (A) to Hamlet Residential with a Holding RH(H) with a special provision for a reduced minimum lot area

PRELIMINARY REVIEW

Technical Reports

- Planning Justification Report
- Geotechnical Report
- Hydrogeological Study
- Geotechnical Report
- MOE D-Series Guidelines Analysis
- Traffic Impact Report
- Contaminated Site Study

Consultation Comments to Date

Technical

- MTO

Public

- No comments received to date.

PRELIMINARY CONSIDERATIONS

Key Items	Preliminary Review
Housing	A total of 13 single detached dwellings are proposed, which contributes to the local housing market.
Transportation	Subject lands abut a rail line to the south and are adjacent to Highway 3 to the north. A Compatibility study has been submitted, and MTO will require a Traffic Impact Study.
Servicing	Partially serviced lot. Allocation of water and sanitary services will need to be confirmed to lift Holding provision.

NEXT STEPS AND RECOMMENDATION

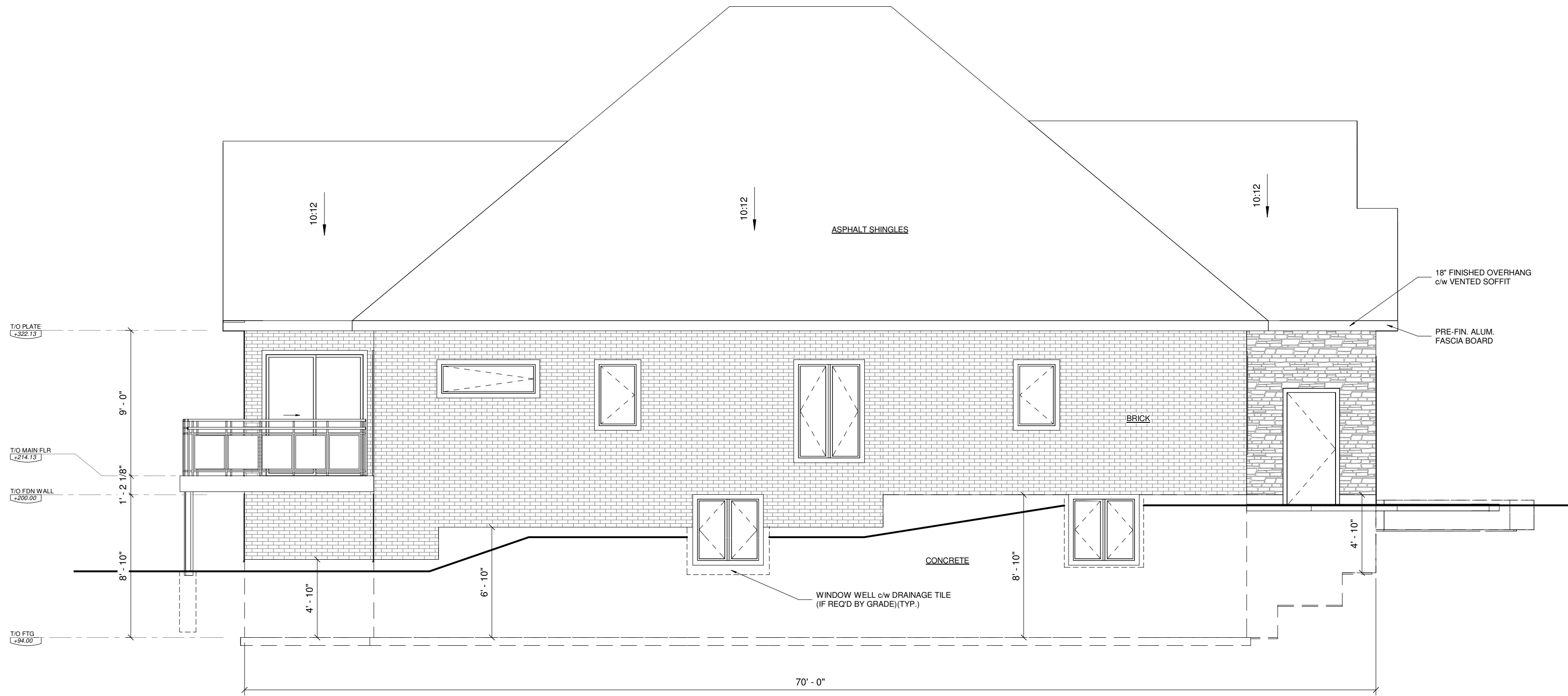
- Consideration of Public Hearing Input
- Issue Resolution as per comments
- Recommendation Report

Public Hearing Committee Report Recommendation:

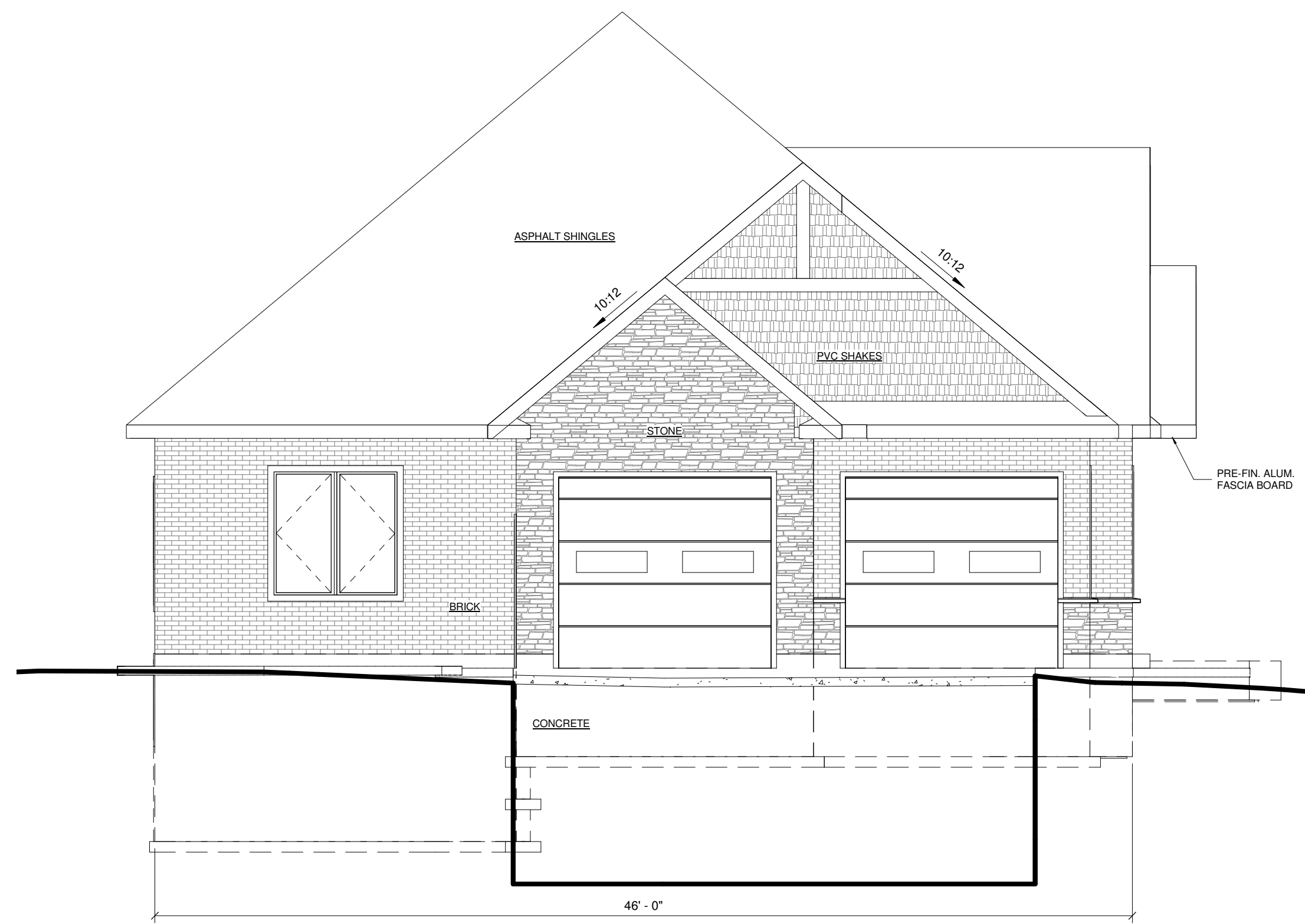
THAT staff Report CD-23-004 for development application(s) ZNPL2022349 and 28TPL2022350 be received for information;

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





1 EAST ELEVATION
A3.1 SCALE: 3/16" = 1'-0"



2 NORTH ELEVATION
A3.1 SCALE: 3/16" = 1'-0"



The Corporation of Norfolk County

By-Law __-Z-2023

Being a By-Law to Amend Zoning By-Law 1-Z-2014, as amended, for property described as MID CON 1 STR PT LOT 25, Courtland, Norfolk County, located at 17 Highway Crescent.

WHEREAS Norfolk Council is empowered to enact this By-Law, by virtue of the provisions of Section 34 and 36(1) (Holding) 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 *Zone (A)* to Hamlet Residential (RH) *Zone* with special provision 14.xxxx, 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 – Holding (RH-H) *Zone* with special provision 14.xxx and a holding provision);
2. That Subsection 14 Special Provisions is hereby further amended by adding new/revised 14.____ as follows:
 - 14.____ In lieu of the corresponding provisions in the RH *Zone*, the following shall apply:
 - a) minimum *lot area*:
 - i. *interior lot* – 1950 square metres;
 - ii. *corner lot* – 1950 square metres;

3. That the holding (H) provision of this By-Law shall be removed upon the registration of a draft plan of subdivision agreement and requisite permits and approvals from the Ministry of Transportation Ontario have been granted to the satisfaction of the General Manager, Community Development (or designate); and confirmation by the General Manager of Environmental & Infrastructure Services (or designate) that sufficient water and sewer capacity is available and allocated, including completion of fire-flow confirmation.
4. That the effective date of this By-Law shall be the date of passage thereof.

ENACTED AND PASSED this date day of month, year.

Mayor

County Clerk

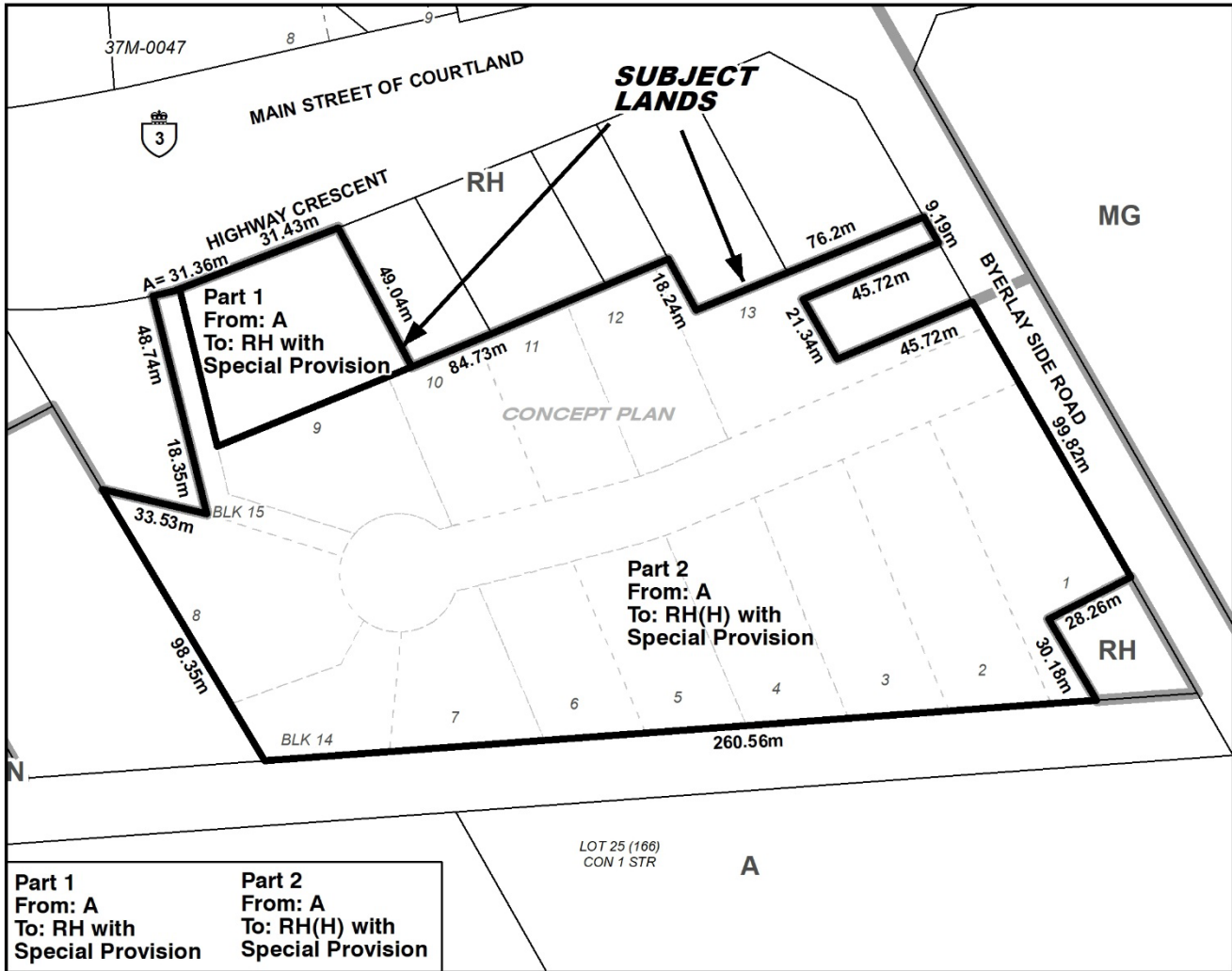
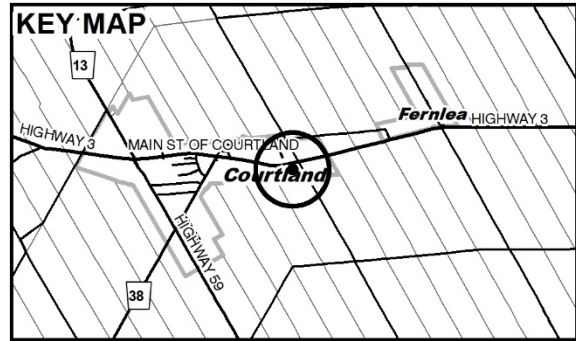
MAP A

ZONING BY-LAW AMENDMENT

NORFOLK COUNTY

In the Geographic Township of

MIDDLETON



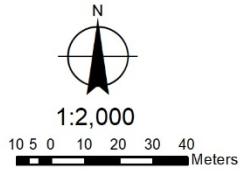
Part 1 From: A To: RH with Special Provision	Part 2 From: A To: RH(H) with Special Provision
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LEGEND

Subject Lands

ZONING BY-LAW 1-Z-2014

- | | | |
|-----------------------|------------------------------|---------------------------------------|
| (H) - Holding | MG - General Industrial Zone | IN - Neighbourhood Institutional Zone |
| A - Agricultural Zone | RH - Hamlet Residential Zone | |



This is MAP A to Zoning By-law _____ Passed the ___ day of _____.

MAYOR

CLERK

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

This By-Law affects a parcel of land described as MID CON 1 STR PT LOT 25, Courtland, Norfolk County, located at 17 Highway Crescent.

The purpose of this By-Law is to change the zoning on the subject lands 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(H) with a site specific special provision on Part 2

A holding "(H)" provision is being placed on the zoning on the subject lands to ensure a draft plan of subdivision agreement is complete, requisite permits and approvals from the Ministry of Transportation Ontario have been granted and confirmation has been received by the General Manager of Environmental & Infrastructure Services (or designate) that sufficient water capacity is available and allocated.

Attachment B - Planning Considerations and Applicable Policies

Planning Act

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:

- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems
- (h) the orderly development of safe and healthy communities;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (m) the co-ordination of planning activities of public bodies;
- (o) the protection of public health and safety;
- (p) the appropriate location of growth and development.
- (r) the promotion of built form that
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;

Section 3 of the Planning Act requires that, in exercising any authority that affects a planning matter, planning authorities “shall be consistent with the policy statements” issued under the Act and “shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be”.

Section 34 of the Planning Act permits amendments to the zoning by-law by Councils of local municipalities.

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, 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 2020 promotes strong, livable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

Section 1.1.1. states “Healthy, liveable and safe communities are sustained” by a range of considerations, which include:

- 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 homes)
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns

Section 1.1.3.1 related to Settlement Areas states that “Settlement areas shall be the focus of growth and development”. It further states in section 1.1.3.6. that, “new development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities”.

Section 1.4. outlines policies related to Housing. Section 1.4.3.b) states, “Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area” by permitting and facilitating:

- all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities;
- directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

Section 1.6.6. (Sewage, Water and Stormwater) outlines how planning for *sewage and water services* shall:

- accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing *municipal sewage services* and *municipal water services*
- ensure that these systems are provided in a manner that can be sustained by the water resources upon which such services rely and is feasible and financially viable over their lifecycle
- integrate servicing and land use considerations at all stages of the planning process

Section 1.6.7. (Transportation and Infrastructure Corridors) notes in section 1.6.8.1. that, *Major goods movement facilities and corridors* shall be protected for the long term. *Major goods movement facilities and corridors* are defined as, “transportation facilities

and corridors associated with the inter- and intraprovincial movement of goods. Examples include: [...] rail facilities, truck terminals, freight corridors, freight facilities, and haul routes and primary transportation corridors used for the movement of goods. Approaches that are freight supportive may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.

Norfolk County Official Plan

Section 5.3.a) related to Housing states that “the County shall maintain the ability to accommodate residential growth for a minimum of 10 years through land which is designated and available for residential development. Additionally, the County shall ensure that where new development is to occur, land with servicing capacity sufficient to provide at least a 3-year supply of residential units in draft approved and registered plans, or in cases of residential intensification and redevelopment, land appropriately zoned in the Zoning By-law and available for development or redevelopment”.

Further, section 5.3.g) states, “The County shall encourage that housing be considered when opportunities for redevelopment become available. This includes the redevelopment of existing single-use and underutilized areas with full municipal services, such as shopping plazas, business and employment sites and older commercial and residential areas, especially where the land is in close proximity to human services. Special attention shall be given to the design of buildings, the landscaping treatment and features of the site to ensure that the proposed redevelopment is physically compatible with the adjacent uses”.

Section 6.5.6. (Courtland Urban Area) highlights, “Courtland is an Urban Area in the County and will accommodate a more limited range of uses and development, recognizing that Courtland is serviced by piped municipal water, but that sanitary services consist of private on-site disposal systems. There are, therefore, limitations on the amount, type, form and density of development that will be possible in the Courtland Urban Area”.

Planning Comment: The proposed 13-lot subdivision for the purpose of constructing single detached dwellings will contribute to the County’s target for increasing residential units. Staff will integrate comments received by the Development Engineering and Building department to ensure that the intent of sections 5.3. and 6.5.6. of the Norfolk County Official Plan are met.

Section 7.7. (Urban Residential designation) states, “The Urban Areas are expected to continue to accommodate attractive neighbourhoods which will provide for a variety of residential forms as well as neighbourhood facilities such as elementary schools, parks, places of worship and convenience commercial uses integral to and supportive of a residential environment”.

Section 7.7.1.a) notes “the predominant use of land shall be a variety of urban dwelling types, including single detached dwellings”.

Section 7.7.2. outlines land use policies for the Urban Residential designation. It highlights that, “Single, semi-detached and duplex housing forms shall generally have an average net density of 15 units per hectare (uph), save and except for land designated Urban Residential in the Courtland Urban Area, where private servicing limitations shall determine the density of development”.

8.5 (Rail Lines) states, “Norfolk County views the existing rail line in the County as an asset, and supports the continuation of a safe and efficient railway network [...] the remnant rail line traversing the County from the Town of Tillsonburg to the east of the Courtland Urban Area will be supported and promoted”.

The following shall be the policy of the County:

a) Any proposed new residential or other sensitive use within 300 metres of an active railway right-of-way shall be supported by noise and compatibility studies, completed to the satisfaction of the County, in consultation with the appropriate railway company and the Ministry of the Environment and Climate Change.

b) Any proposed new development within 75 metres of an active railway right-ofway shall be supported by a vibration impact study, completed to the satisfaction of the County, in consultation with the appropriate railway company and the Ministry of the Environment and Climate Change.

c) For development adjacent to a railway right-of-way, appropriate safety measures such as setbacks, berms and security fences will be provided to the satisfaction of the County in consultation with the appropriate railway company.

d) Proponents of development within 300 metres of an active railway right-of-way are encouraged to consult with the appropriate railway company prior to filing formal development applications.

Planning Comment: The site is located adjacent to a CN rail line to the south and residential development to the north and northwest. The application has indicated that the rail line is not currently in use however the rail line west of the subject lands is leased by GioRail, who indicated there is a possibility that the rail line abutting the subject lands could be leased in the future..Staff have received sample elevation drawings and discussed design characteristics with the applicants to determine that the proposed development meets the intention of section 7.7. of Norfolk County Official Plan, and Noise and Vibration Land Use Compatibility Study guidelines.

Section 9.6.4 related to subdivision approval identifies the following policies to be applied for the proposed development:

- a) The provisions of the *Planning Act* relating to subdivision control, including subdivision agreements, shall be used by Council to ensure that the land use designations and policies of this Plan are complied with, and that a high standard of design is maintained in all development.
- b) Prior to approval of an application for plan of subdivision or plan of condominium, the County shall confirm the availability of adequate servicing infrastructure and allocation in accordance with Section 8.9.3 (Servicing Allocation and Phasing), waste collection and disposal services, and roads.
- c) Applications for plan of subdivision or plan of condominium approval shall be considered premature if appropriate services and servicing capacity is not available. Additionally, Council may consider other criteria as reason to deem an application for plan of subdivision or plan of condominium approval to be premature.
- d) The review of plans of subdivision or plan of condominium shall be based in part on the consideration of the community design policies included in Section 5.4 (Community Design) and Section 11.8 (Community Design Strategy) of the Lakeshore Special Policy Area Secondary Plan of this Plan.
- e) All lots within a plan of subdivision shall have frontage on a public road maintained on a year-round basis, constructed to an acceptable County standard. Plans of condominium shall have access to a public road maintained on a year-round basis, however, it is recognized that development within the condominium plan may occur on private roads.
- f) Provincially Significant Features and Natural Heritage Features shall be protected and preserved in the design of any plan of subdivision or condominium. g) Plans of subdivision or condominium shall be appropriately phased to ensure orderly and staged development.
- h) All plans of subdivision shall be subject to a subdivision agreement between the County and the development proponent.
- j) Parkland dedication shall be provided pursuant to Section 9.10.5 (Parkland Dedication) of this Plan. Land to be dedicated for park purposes must be acceptable to the County. Under no circumstances shall the County be obligated to accept parkland being offered in a proposed plan of subdivision.
- k) The County shall consult with the appropriate Conservation Authority and the Province, as well as other relevant agencies, in considering an application for approval of a plan of subdivision or condominium.

Planning Comment: The proposal will be further reviewed through the lens of the above-mentioned policies.

Zoning By-Law of Norfolk County

The subject lands are currently zoned “Agricultural” (A) in the Zoning By-Law of Norfolk County.

The application proposes to amend the Zone from “Agricultural” (A) to Hamlet Residential (RH) with a site specific special provision to reduce the minimum lot area to permit a relief of 2050 sq. m. (0.205 ha) from the minimum lot area of 4000 sq. m. (0.4 ha), to permit a lot area of 1950 sq. m. (0.195 ha). This amendment will facilitate the creation of 13 lots by way of a draft plan of subdivision.

A Holding provision will be placed on the lands to be developed by way of a draft plan of subdivision, to be removed when key requirements are satisfied. These may include, but are not limited to: a subdivision agreement is complete, allocation of municipal servicing capacity is confirmed, the requisite permits and approvals from external authorities have been received and the provision of adequate service or road infrastructure and works are completed.

Permitted uses in the RH Zone include single detached dwellings.

A draft Zoning By-Law Amendment is included as Attachment C.