



Working together with our community

Public Hearings Committee – October 04, 2023

Subject: Zoning By-Law Amendment ZNPL2023237 proposing to amend from Agricultural to Hamlet Residential with a site specific provision for the lands with no civic address on Norfolk County Road 21.

Report Number: CD 23-063
Division: Community Development
Department: Planning
Ward: Ward 2
Purpose: For Public Meeting

Recommendation(s):

That staff Report CD-23-063 for development application(s) ZNPL2023237 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 September 13, 2023.

Discussion:

The applicant is proposing zoning by-law amendment which will have the effect of supporting conformity to the underlying Official Plan designation of the subject lands. This application will facilitate the severance of three lots through consent to sever applications at the Committee of Adjustment.

An overview summary of the development application that has been submitted for the subject property at the property with no civic address on Norfolk County Road 21 (roll number

331054202010200) in the Hamlet of Andy's Corners 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 submitted or draft by-law amendment is included as Attachments C.

Strategic Plan Linkage:

This report aligns with the 2023-2026 Council Strategic Priority "Building Norfolk".

Explanation: Development that results from applications under consideration can help contribute to developing infrastructure and supports needed for complete communities.

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, M.Sc.(PI), MCIP, RPP
Director, Planning
Community Development Division

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

Attachment A - Report CD 23-063
Development Application Overview

Norfolk County Road 21

Application File Numbers: ZNPL2023237

Applicant: 499919 Ontario Ltd. C/O Alan DeGroote

Agent: Mary Elder

Statutory Public Hearing

Date: October 4th, 2023

1

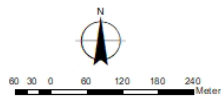
Site Context



Legend

-  Subject Lands
 -  Lands Owned
- 2020 Air Photo

8/3/2023

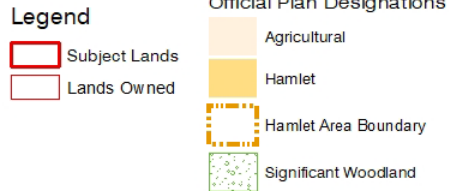


Characteristics:

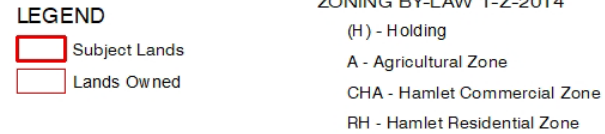
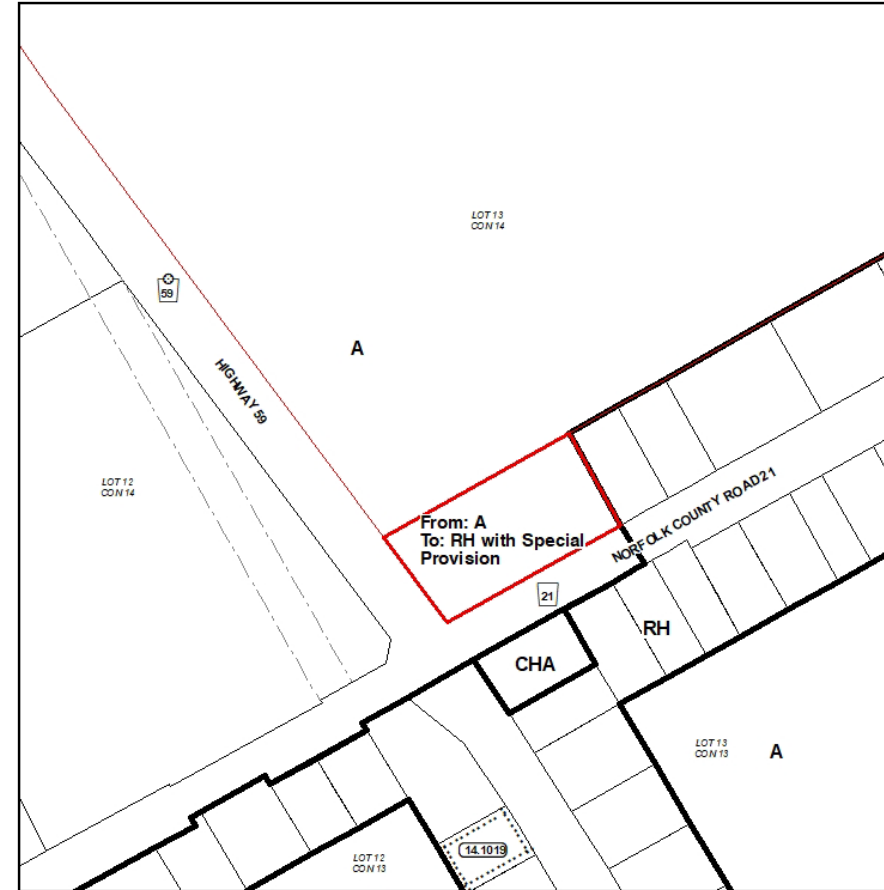
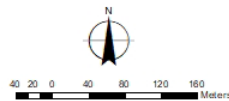
- 80.56 acre agricultural lot
- Agricultural zone
- Agricultural and Hamlet designation

Surrounding Land:

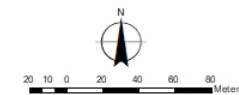
- Residential at front (Hamlet of Andy's Corners)
- Surrounding lands agricultural



8/3/2023



8/3/2023



Development Proposal

MAP D

ZNPL2023237

CONCEPTUAL PLAN

Geographic Township of NORTH WALSHINGHAM



Legend

- Subject Lands
- Lands Owned

Key Features:

- No buildings on land
- Proposed to be developed to facilitate three single detached dwellings
- Private servicing required

Proposed Zoning

Amendment:

- From Agricultural Zone to Hamlet Residential Zone
- Site specific provision to permit reduced lot area of 0.22 ha for each lot

Preliminary Review

Technical Reports

- Functional Servicing Report
- Hydrogeological Report
- Grading Plan, General Plan of Services
- Traffic Impact Study

Technical Comments

- None received to date of concern.

Public Input

- One comment received – concerns about traffic and agricultural land preservation.

From: [Jess Storey](#)
To: [Hannelore Yager](#)
Subject: Regarding File ZNPL2023237
Date: Monday, August 21, 2023 8:27:46 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning,

I was wanting to follow up with a letter I received in the mail file number: ZNPL2023237. We do have some concerns in regarding to the amendment and severance of the property near us. Our concern lies within the impact of putting three new homes in a well established hamlet. We are worried for the impact that Andy's drive in restaurants' traffic will be then pushed and spread out along our road causing driveways to be potentially blocked, traffic impacted of cars, trucks, trailers, and boats lining County Road 21. Our other concern is the rate of Agricultural land being lost due to more homes being built over fertile and very useable land. We feel that there needs to be more surveys done to help protect the occupants of our little hamlet on County Road 21 with such big impacts of putting three new residential dwellings.

Thank you for your time and understanding,
Derek and Jessica Tong

Preliminary Considerations



Housing: The subject application will facilitate three additional residential lots. As-of-right permissions in the Hamlet Residential zone include single detached dwellings and Additional Residential Dwelling Units.



Agricultural: The subject application will not have the effect of extending development onto Agriculturally designated lands



Parking: Two (2) residential parking spaces for the existing single detached dwelling will be satisfied as per zoning by-law.



Servicing: Each lot will be serviced through private servicing for water and wastewater.

Next Steps & Recommendation

- Consideration of Public Hearing Input
- Review of all Technical Comments
- Recommendation Report

Public Hearing Committee Report Recommendation:

THAT staff Report CD 23-063 for development application ZNPL2023237 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-2023

Being a By-Law to Amend Zoning By-Law 1-Z-2014, as amended, for property described as Part Lot 13, Concession 14, North Walsingham.

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 Agricultural Zone (A) to Hamlet Residential Zone (RH) with special provision 14.____);
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* – 2200 square metres;
 - ii. *corner lot* – 2200 square metres;
3. That the effective date of this By-Law shall be the date of passage thereof.

ENACTED AND PASSED this _____ day of _____, 2023.

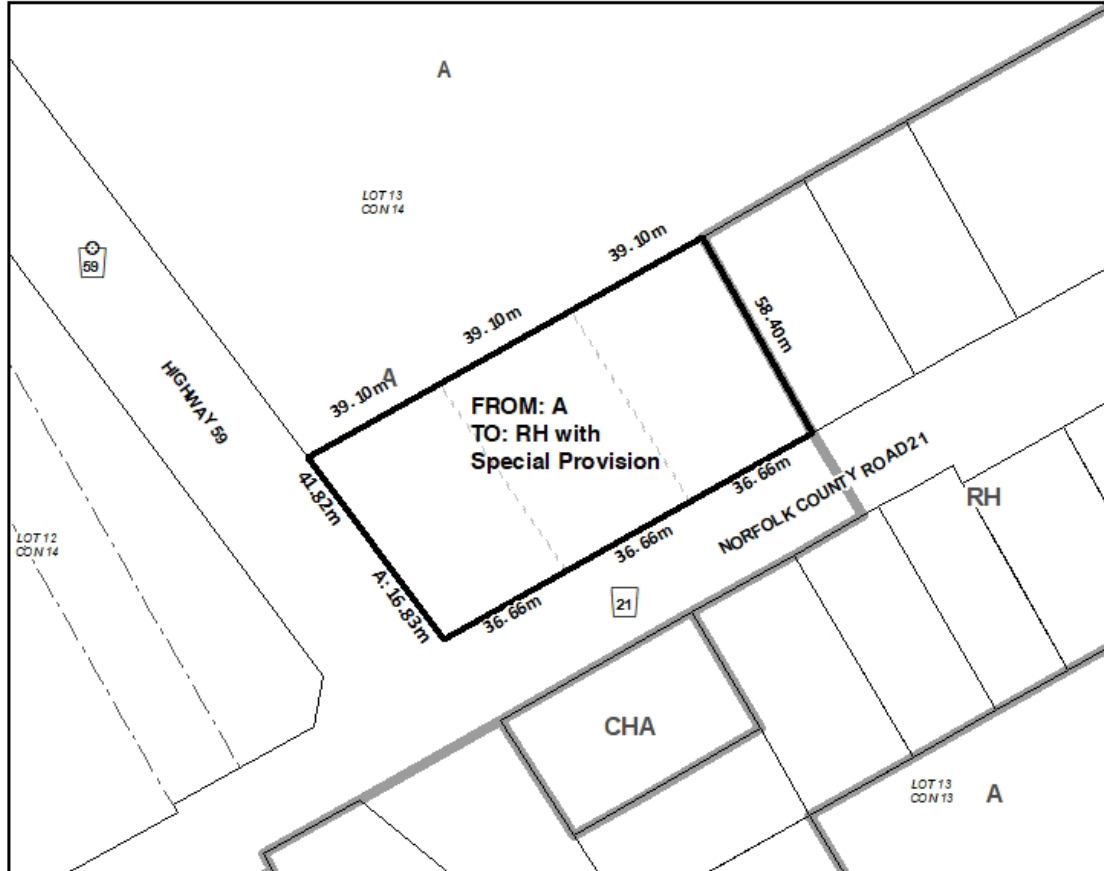
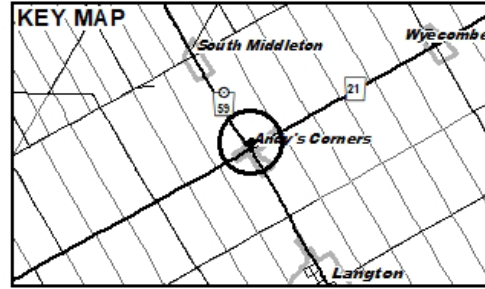
Mayor: A. Martin

County Clerk: G. Scharback

DRAFT

MAP A

ZONING BY-LAW AMENDMENT NORFOLK COUNTY in the Geographic Township of NORTH WALSINGHAM



LEGEND

Subject Lands

ZONING BY-LAW 1-Z-2014

(H) - Holding

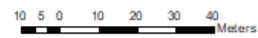
CHA - Hamlet Commercial Zone

A - Agricultural Zone

RH - Hamlet Residential Zone



1:1,500



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

Mayor: A. Martin

Clerk: G. Scharback

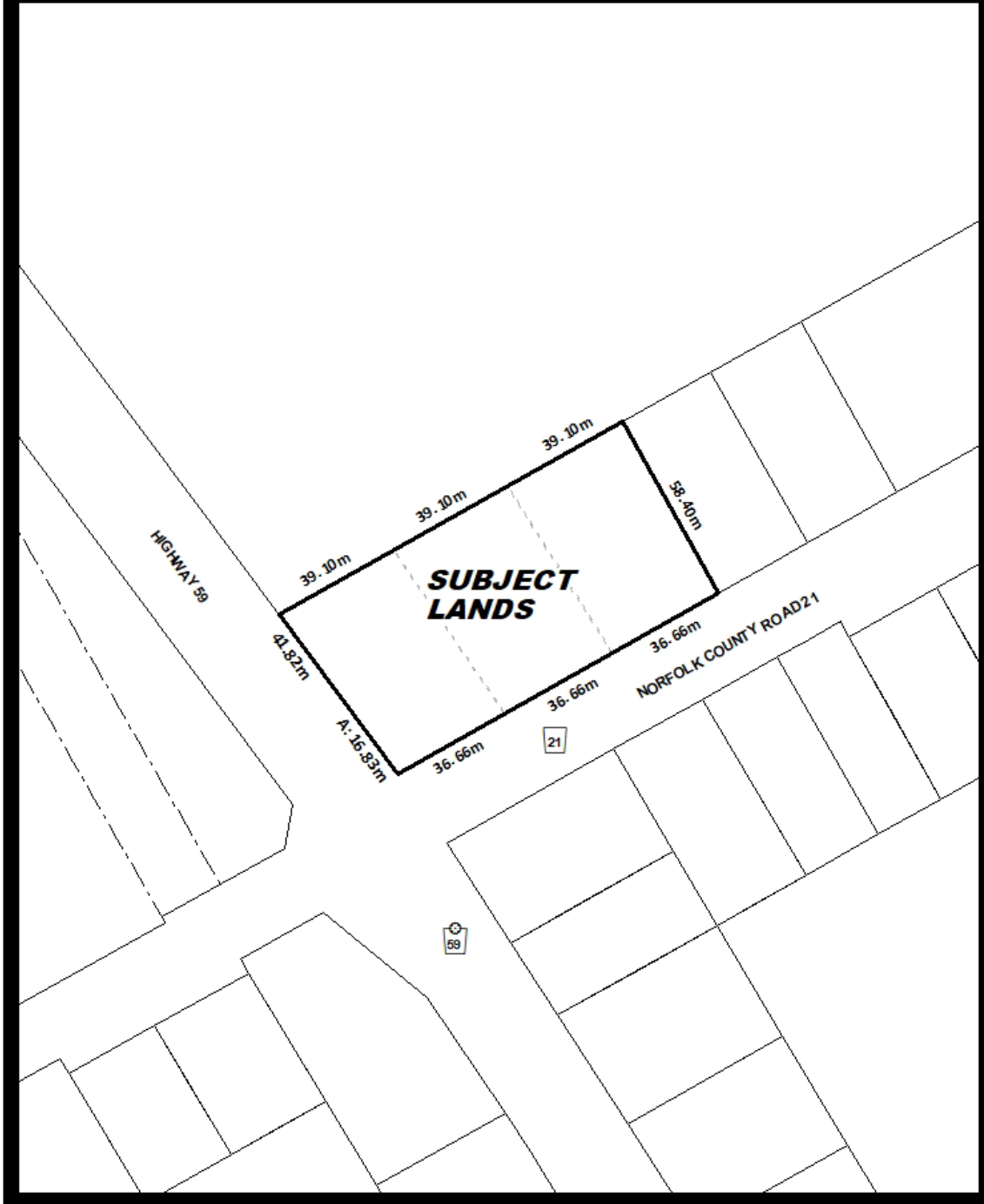


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Schedule 14.000.1

NORFOLK COUNTY

Geographic Township of NORTH WALSHINGHAM



**Explanation of the Purpose and Effect of
By-Law __-Z-2023**

This By-Law affects a parcel of land described as Part Lot 13 Concession 14, North Walsingham.

The purpose of this By-Law is to change the zoning on the subject lands from Agricultural (A) to Hamlet Residential (RH) with a site specific provision for reduced lot area. The change would have the effect of allowing three lots to be severed to facilitate the development of single detached dwellings.

DRAFT