



Working together with our community

## Public Hearings Committee – September 07, 2021

Subject: ZNPL2021172 – An application has been received to establish a temporary use by-law to permit the use of a garden suite, approximately 102 sq.m in size, on the subject lands for a period of 11 years. The site is designated Agricultural in the Norfolk County Official Plan and zoned Agricultural (A) by Zoning By-law 1-Z-2014. STEVEN AND LESLEY LOCKSTEIN have submitted the application affecting the lands described as 890 2<sup>ND</sup> CONCESSION ROAD STR (MID CON 3 STR PT LOT 27 RP, 37R308 PART 2).

Report Number: CD 21-85  
Division: Community Development  
Department: Planning  
Purpose: For Information

---

### Executive Summary:

This report is being presented as part of the statutory public meeting required by the *Planning Act*. It describes the proposed application and includes an overview of the relevant policies and regulations that will be evaluated as part of a future recommendation report.

The proposed Zoning By-law amendment application is to facilitate a temporary use by-law that will permit a garden suite on the subject lands for an initial period of 11 year. In accordance with the *Planning Act*, Garden Suites are permitted by the Norfolk County Official Plan for a maximum of 20 years on lands designated Agricultural. The Norfolk County Official Plan provides policy to enable an initial period of 11 years for the first temporary use by-law and then requires that the owner of the land renew their by-law for 3 year periods until the 20 year limit is reached. Garden Suites are temporary structures that provide a flexible housing option for residents with a legitimate and justified need to be accommodated in close proximity to the principle dwelling. The size and location requirements are not as specific as the zoning provisions for an accessory dwelling unit, although staff ensure the scale of the structure fits within the context of the subject lands and does not impeded an existing agricultural operation. The unit must be removed from the property once the legitimate need no longer exists.

To date no public input has been received regarding this application and technical comments are attached as Appendix B.

**Discussion:  
Public Meeting Details**

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

**Site Characteristics**

As shown in the Maps A-D, the subject lands are a portion of 890 2nd Concession Road in the Middleton area north of Wyecombe. The subject lands (outlined in red on Map A) are approximately 4,750 square metres in area, having approximately 83 metres of frontage along 2nd Concession Road STR. The majority of 890 2nd Concession Road STR are occupied by a significant woodlot, as identified by the Official Plan. Surrounding land uses are primarily agricultural and residential.

**Proposal Summary**

An application has been received to permit a garden suite approximately 88 sq. m. in size as a permitted use on the subject lands through a temporary use Zoning By-law amendment for a period of 11 years. The site is designated Agricultural in the Norfolk County Official Plan and zoned Agricultural (A) by Zoning By-law 1-Z-2014. The *Planning Act* permits the use of garden suites on a temporary basis for a maximum of 20 years, at which time the temporary structure is required to be removed from the site or a new zoning amendment application is required to reestablish the timeline for the temporary use on the subject lands.

**Planning Considerations:**

A summary of planning considerations, including applicable provincial policy, Official Plan policy, and zoning provisions is summarized in Appendix A. An analysis of the policy context will be provided in the future recommendation report.

The Norfolk County Official Plan permits garden suites and accessory residential units within the Agricultural area. Garden suites are temporary structures that provide a flexible housing option for an individual who has a legitimate and justified need to be in close proximity to the principal unit, while accessory residential units are permanent units with specific zoning regulations regarding location and size.

Through the Growth Management Study conformity exercise, planning staff will be reviewing the policy framework regarding garden suites and accessory residential units.

**Consultation:****Notice Provisions**

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




### Technical Circulation Comments

The technical comments received from Departments and Agencies are attached (Appendix B) and form part of this information report. Full comments will be provided with the recommendation report.

### Regard for Public Input:

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

### Preliminary Review

Key Items		Preliminary Review
Parking		Parking can be accommodated in close proximity to the proposed garden suite utilizing the existing driveway.
Housing		The proposed temporary Zoning By-law would permit the installation of a temporary residential unit in the agricultural area and provide some flexibility for the size, scale and location of where the structure may be placed on the subject lands.
Agricultural		The proposed location of the garden suite is within the portion of the subject lands where there are existing buildings. Agricultural and the wooded area will not be impacted by the proposed location.
Building Code		Before a Building Permit can be issued for the installation of the garden suite, a review of the limiting distance separation will be conducted. Pending the outcome, the proposed location may be required to shift to ensure that the spatial separation requirements are satisfied.

### Strategic Plan Linkage:

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

Explanation: The proposed development will contribute to diverse mix of housing options in Norfolk County.

**Conclusion:**

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

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

**Recommendation(s):**

THAT Report PD 21-85, Public Hearing report for ZNPL2021172, be received for information;

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

**Attachments**

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

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

Submitted By:  
Brandon Sloan, BES, MCIP, RPP  
General Manager  
Community Development Division  
185 Robinson Street  
Simcoe, Ontario, Canada, N3Y 5L6  
519-426-5870 ext. 1348

Reviewed By:  
Tricia Givens, M.Sc.(PL), MCIP, RPP  
Director of Planning  
Community Development Division  
185 Robinson Street  
Simcoe, Ontario, Canada, N3Y 5L6  
519-426-5870 ext. 1893

Prepared By:  
Jennifer Catarino, MCIP, RPP and  
Senior Planner  
For more information, call:  
519-426-5870 ext. 8013

Haidee Sheers  
Planning Summer Student

**MAP A**  
**CONTEXT MAP**  
Geographic Township of MIDDLETON

ZNPL2021172

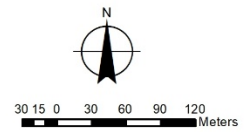


**Legend**

-  Subject Lands
-  Lands Owned

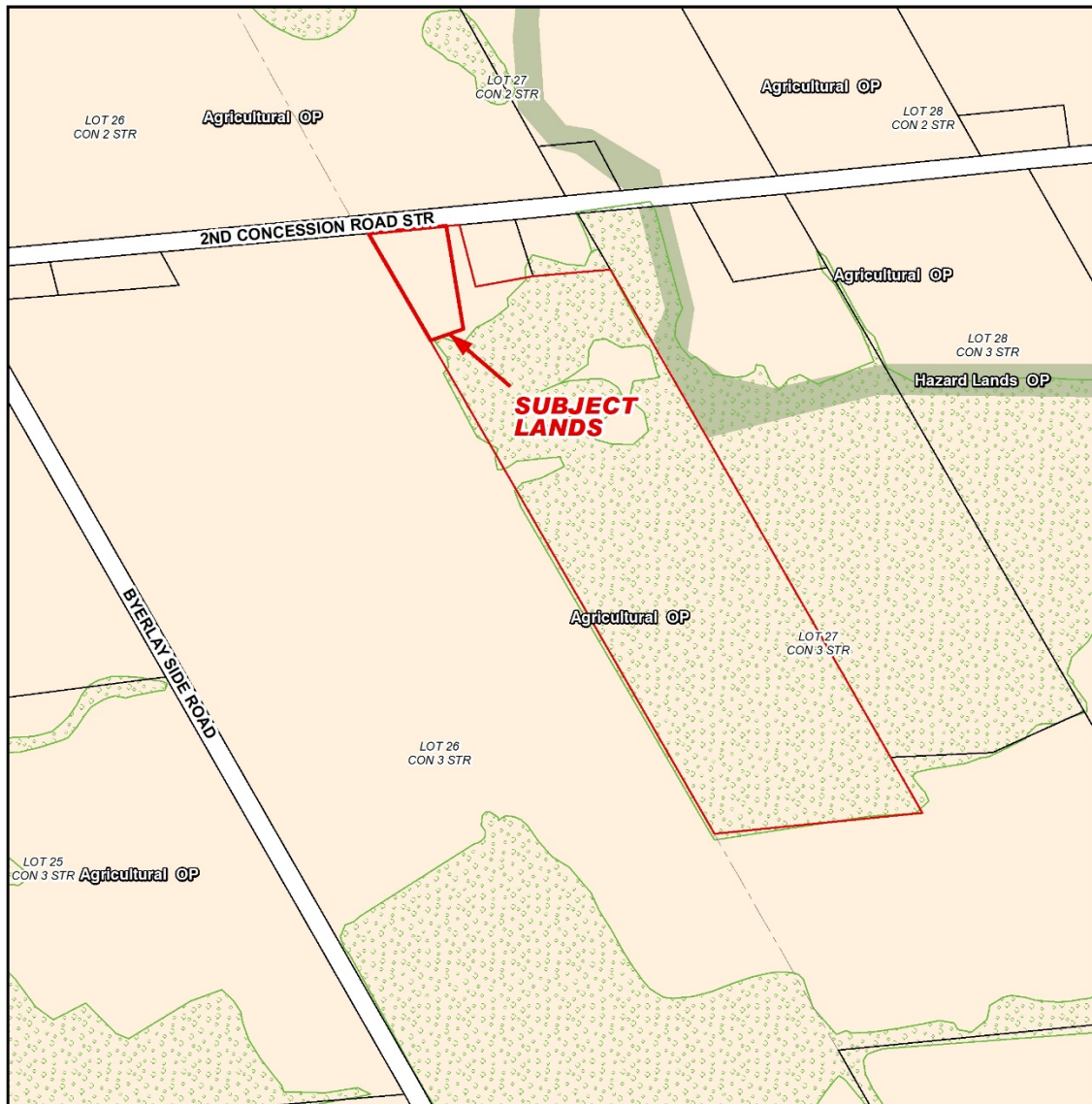
2015 Air Photo

2021-06-29



**MAP B**  
OFFICIAL PLAN MAP  
Geographic Township of MIDDLETON

ZNPL2021172



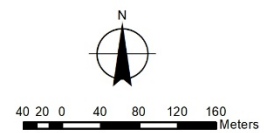
**Legend**

- Subject Lands
- Lands Owned

**Official Plan Designations**

- Agricultural
- Hazard Lands
- Significant Woodland

2021-06-29

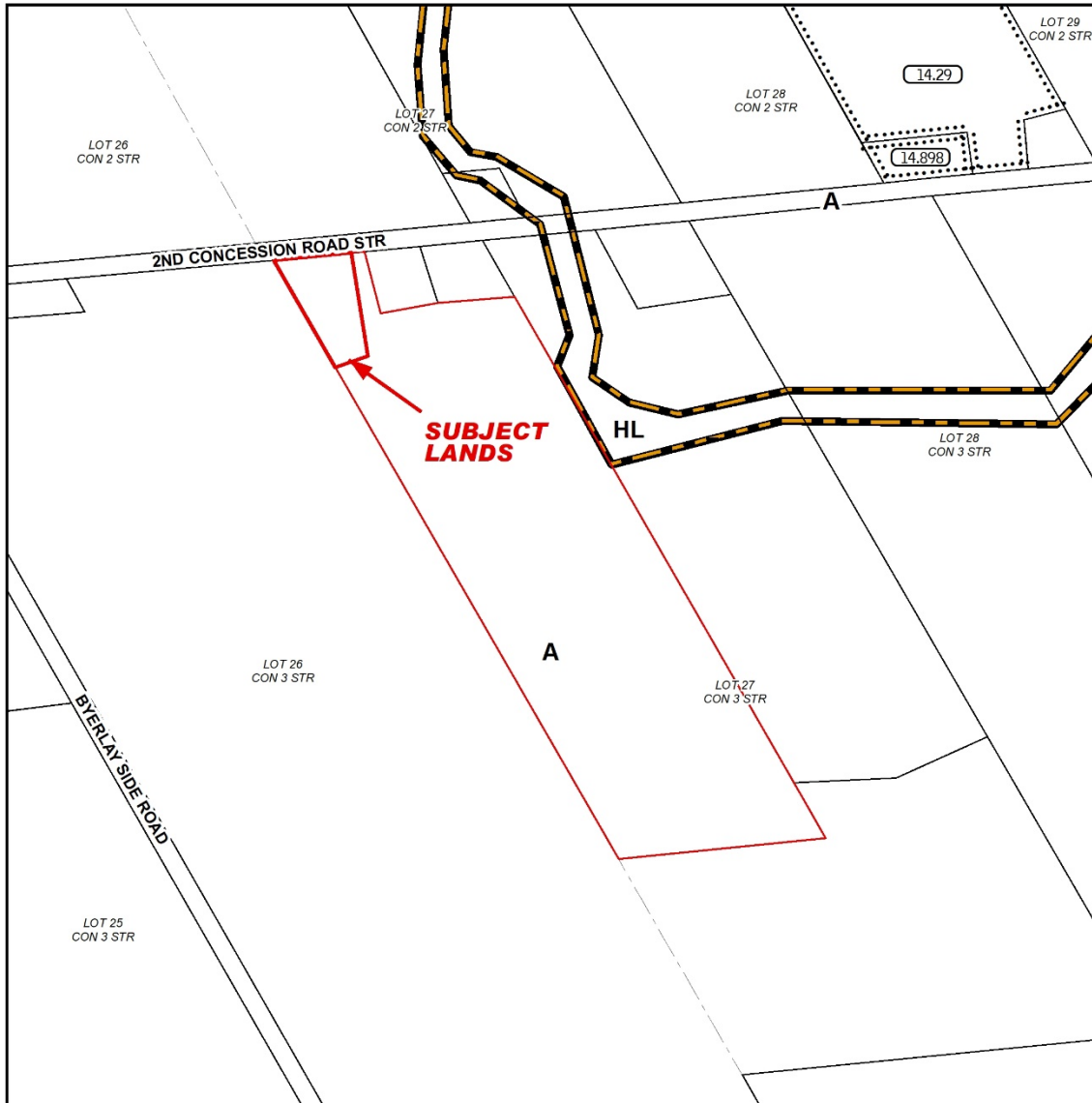


**MAP C**

ZNPL2021172

**PROPOSED ZONING BY-LAW AMENDMENT MAP**

Geographic Township of MIDDLETON



**LEGEND**

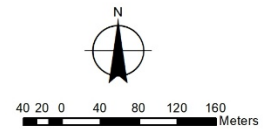
- Subject Lands
- Lands Owned
- LPRCA Generic RegLines

**ZONING BY-LAW 1-Z-2014**

- (H) - Holding
- A - Agricultural Zone
- HL - Hazard Land Zone

**From: A**  
**To: A with Temporary**  
**Use for Garden Suite**

2021-06-29

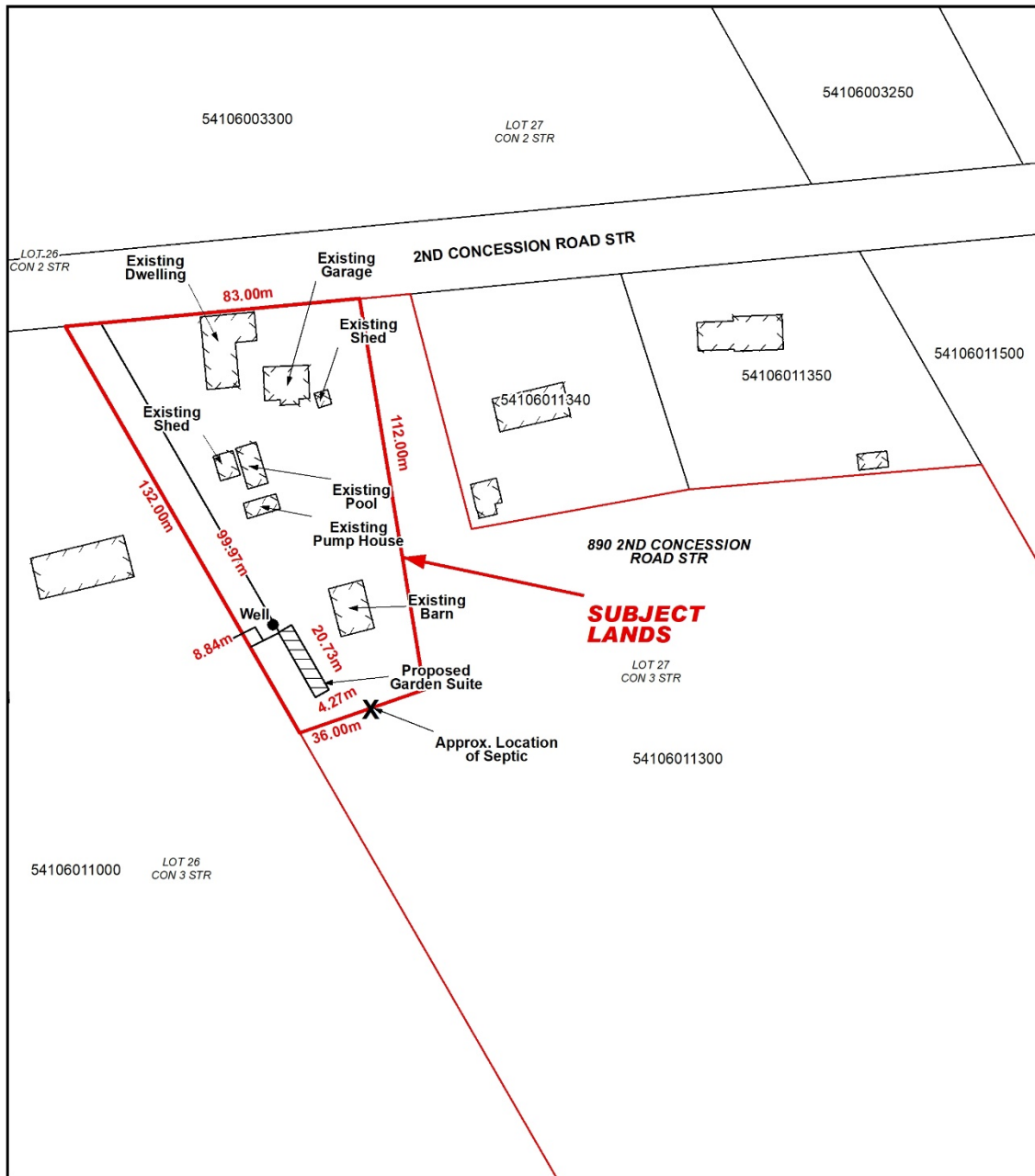


**MAP D**

ZNPL2021172

**CONCEPTUAL PLAN**

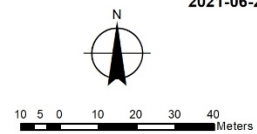
Geographic Township of MIDDLETON



**Legend**

- Subject Lands
- Lands Owned

2021-06-29





## Attachment A Planning Considerations and Applicable Policy and Zoning Provisions

### **Provincial Policy Statement, 2020**

The Provincial Policy Statement is intended to be read in its entirety, and the relevant policies are to be applied in each situation. Part IV: Vision for Ontario's Land Use Planning System provides the overall context for Ontario's long-term prosperity and social well-being. It states that efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities.

Section 1.4.3 of the Provincial Policy Statement, 2020 (PPS) states, "Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by: (b) permitting and facilitating: 1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements."

Endangered and threatened species and their habitat are protected under the provinces Endangered Species Act, 2007 (ESA). The Act prohibits development or site alteration within areas of significant habitat for endangered or threatened species without demonstrating that no negative impacts will occur. The Ministry of Natural Resources (MNR), Aylmer District provides the service of responding to species at risk information requests and project screenings. The applicant has been directed to discuss the proposed activity and have their project screened with MNR.

Please be advised that it is owner's responsibility to be aware of and comply with all relevant federal or provincial legislation, municipal by-laws or other agency approvals.

### **Norfolk County Official Plan**

The subject lands are designated Agricultural by the Norfolk County Official Plan. Section 7.2.1(h) states, "The following uses may also be permitted, provided these uses do not conflict with existing farming operations, or with any policies related to Provincially Significant Features or Natural Heritage Features: (i) Accessory residential dwellings within the main residential building, or garden suites, subject to the policies of Section 5.3.2 (Special Housing Forms)."

Further, Section 5.3.3.2, Garden Suites, states, "Garden suites, which are also commonly referred to as "granny flats," are one-unit accessory residential dwellings that take the form of a small building, physically separate from the principal dwelling unit with which it is associated, contain bathroom and kitchen facilities, and are designed to be portable. The following policies shall apply to the development of garden suites:

- a) A maximum of one garden suite unit shall be permitted per lot. A garden suite shall only be permitted in association with a single-detached residential dwelling on a lot. Where another special housing form, including an accessory dwelling unit or mobile home exists on the lot, as determined by the County, a garden suite unit shall not be permitted.

- b) In locating the unit, the Province's Minimum Distance Separation Formulae shall apply, as appropriate.
- c) The development of the garden suite shall be subject to the following criteria:
- i) the exterior design of any proposed unit in terms of height, massing, scale and layout shall be consistent with the present land uses in the neighbourhood; and
  - ii) the siting of the unit and any related features shall have a minimal effect on light, view and privacy of adjacent yards.
  - iii) the garden suite shall not be placed in the front and or the required front yard as set out in the Zoning Bylaw;
  - iv) the garden suite does not require an additional separate access to a municipal road;
  - v) adequate parking can be provided on site;
  - vi) the garden suite, if situated on a farm, shall be sited near to the principal farm residence;
  - vii) the garden suite is well removed from potential land use conflicts such as animal operations and operating pits and quarries; and
  - viii) the site can accommodate a potable water supply system and be serviced by an on-site waste water disposal system designed and installed as per the Ontario Building Code.
- d) Garden suites shall be permitted by way of a Temporary Use By-laws for a period of 11 years, renewable for further periods of up to 3 years to a total maximum of 20 years, in accordance with the policies of Section 9.4.4 (Temporary Use By-laws) of this Plan and Section 39 of the Planning Act. In addition to the requirements of Section 9.4.4 (Temporary Use By-laws), prior to approval of the Temporary Use By-law, the County shall be satisfied that:
- i) a legitimate and justified need exists to accommodate a person in a separate garden suite unit that is in close proximity to the principal unit;
  - ii) the use is temporary and shall only be required for a limited period of time; and
  - iii) the unit must be removed once the legitimate need no longer exists."

#### **Norfolk County Zoning By-law 1-Z-2014**

The subject lands are zoned "Agricultural (A)." A single detached dwelling is permitted in this zone and a garden suite is a permitted accessory use on the property once established through a temporary use by-law. The temporary zoning by-law will provide an area where the garden suite is permitted.

## Appendix B Technical Circulation Comments

### Building and By-Law Reviewed

#### Building Comments

1. Location of proposed garden suite. Spatial separation calculation between the proposed garden suite and existing farm building will be required at time of Building Permit application. It is recommended to complete these calculation at the zoning stage, as the location of the proposed building may need to be adjusted. Compensating construction to the existing farm building may be required on the west elevation with the current proposal.  
[farm building: NFBC 3.1.2.1, OBC 9.10.14. garden suite: OBC 9.10.15]
2. Provided legible copy of trailer certification. A copy of certification meeting CSA/Z240.2.1. "Structural Requirements for Manufactured Homes", CSA A277 "Procedures for Factory Certification of Buildings" or a letter stamped by a professional engineer licensed in the Province of Ontario is required at time of Building permit application.  
[OBC 9.1.1.9]

### Planning

No requirements from GIS.

### Zoning Administrator Reviewed

Comments:

1. Maximum building height not specified, height to be maximum 11 meters
2. Garden suite may be too close to barn, building inspector to comment

### Forestry

A large portion of this property is mapped as "Significant Woodland", and although there is clearly woodland on the property, the "Significant Woodland" mapping does not appear accurate on the north portion of the property.

This proposal does not appear to have any anticipated impact to woodland or significant woodland on the property.

No concerns from forestry.

### Fire and Rescue Services

The Fire Department has reviewed the proposal and has no concerns.