



Working together with our community

Public Hearings Committee – September 06, 2022

Subject: Application ZNPL2022198 proposing to amend the Zoning By-Law from Resort Residential (RR) to add a site-specific special provision to permit larger lot coverage.

Report Number: CD 22-073
Division: Community Development
Department: Planning
Purpose: For Public Meeting

Recommendation(s):

THAT staff Report CD-22-073 for development application(s) 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 15, 2022.

Discussion:

An application has been received to redevelop an existing vacation home in the Resort Residential Zone. The proposed replacement will require a Zoning By-law Amendment to add a site specific special provision permitting increased lot coverage.

An overview summary of the development application that have been submitted for the subject property 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(s) 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:
Hannelore Yager, MSc.PI.
Junior Planner
Community Development Division
Planning Department

Attachment A – Report CD 22-073

DEVELOPMENT APPLICATION OVERVIEW

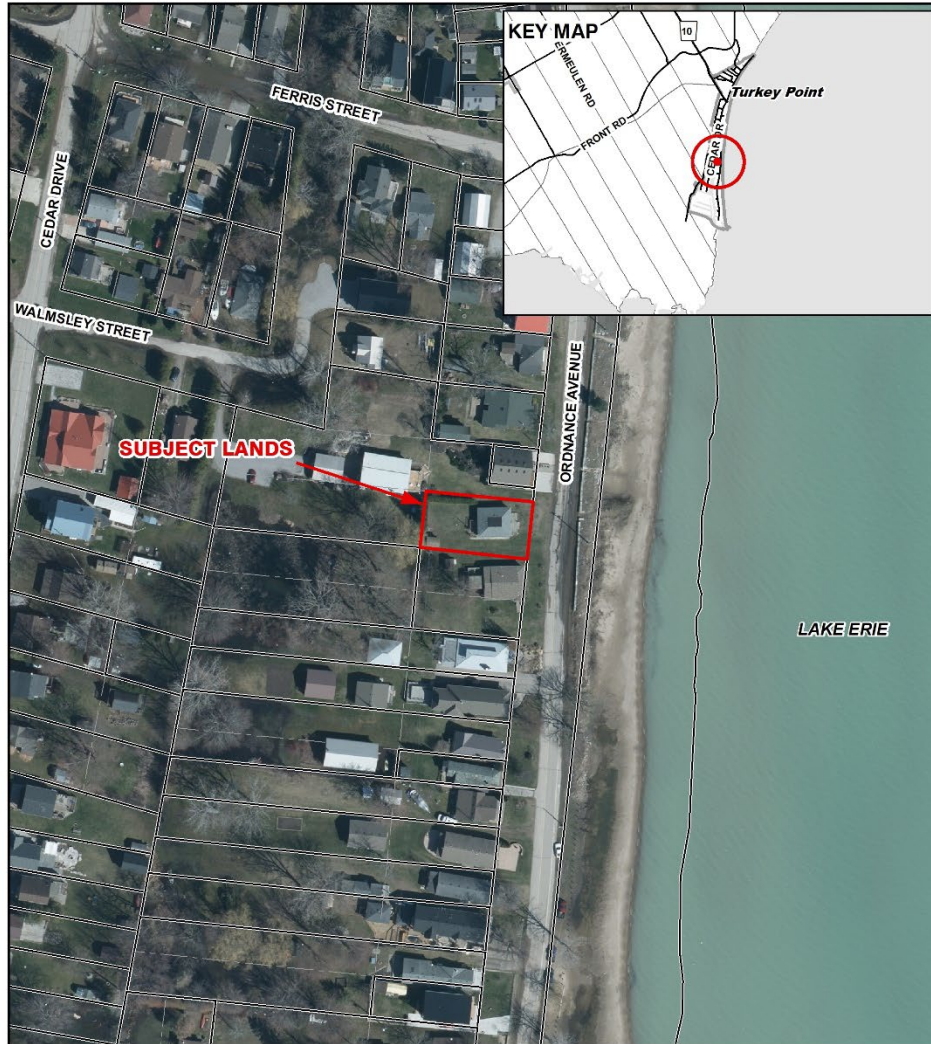
APPLICATION FILE NUMBER(S): ZNPL2022198

LOCATION: 53 ORDNANCE AVENUE, TURKEY POINT

APPLICANT: DARRELL HILTZ

STATUTORY PUBLIC

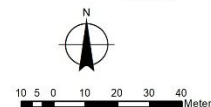
HEARING DATE: SEPTEMBER 6TH, 2022



Legend

 Subject Lands

2020 Air Photo



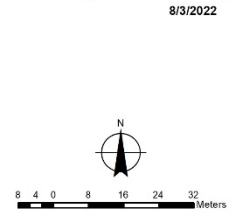
Site Context

Characteristics:

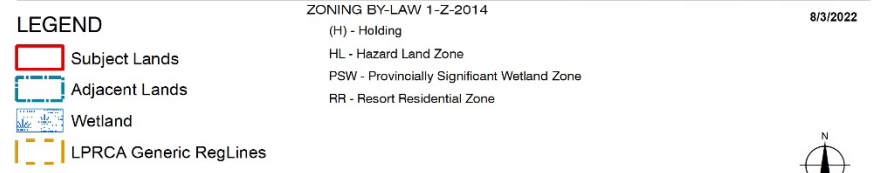
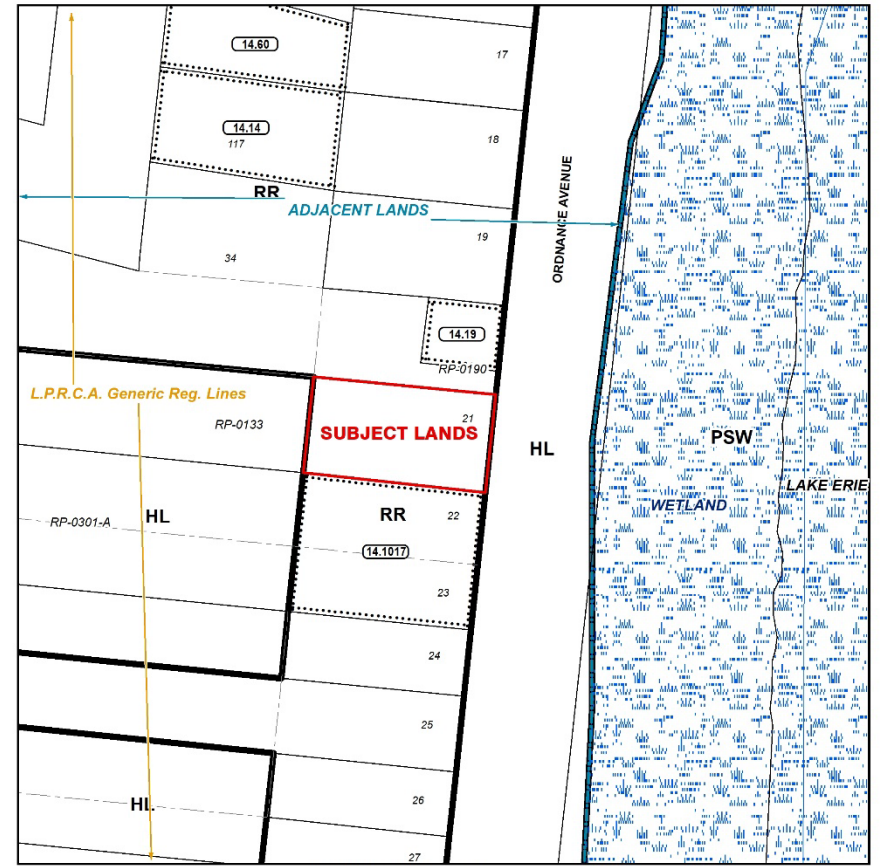
- 0.15 acre lot fronting on Ordinance Avenue in the resort area of Turkey Point
- RR zone
- Resort Residential designation

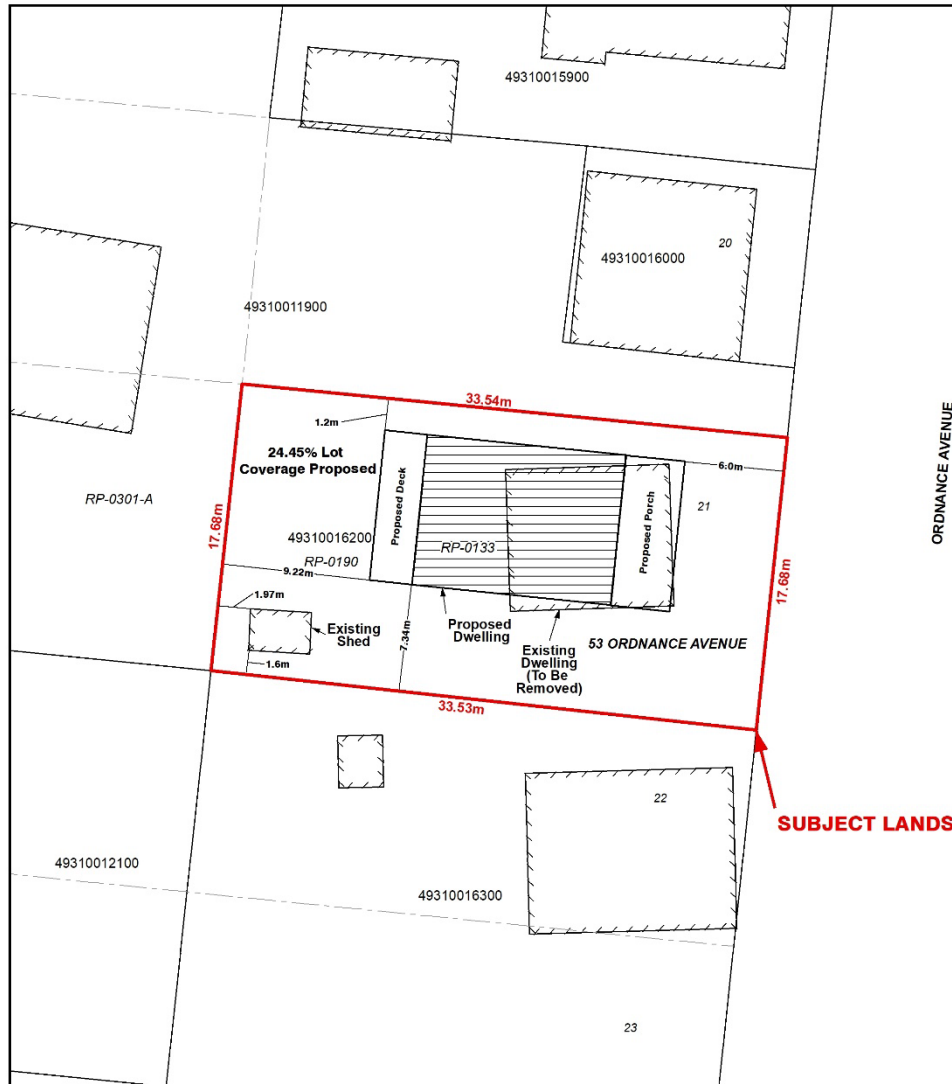
Surrounding Land Use:

- Predominantly single detached dwellings and vacation homes
- Faces Lake Erie to the east



Site Context






Development Proposal

- Redevelopment of an existing vacation home

Proposed Amendment

- From RR to RR with a site specific special provision for increased lot coverage

Legend

 Subject Lands

8/3/2022



PRELIMINARY REVIEW

Technical Reports

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

Consultation Comments to Date




Technical

- Comments pending.

Public

- None received to date.

PRELIMINARY CONSIDERATIONS

Key Items		Preliminary Review
Housing		The subject application will facilitate the redevelopment of a vacation home.
Natural Heritage Feature (PSW)		The subject lands are within 120m buffer of Provincially Significant Wetlands (PSW). Considering the nature of development, no negative impacts on form and functions of this feature are expected.
Design / Site Plan		The proposed dwelling will be similar in scale to neighbouring dwellings which have increased over time within Resort Communities.

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 protection of ecological systems, including natural areas, features and functions;
4. The promotion of built form that,
 - (i) is well-designed,
 - (ii) encourages a sense of place

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;
- c) prepare for the impacts of a changing climate

Planning comment: The subject land is within a *settlement area* as defined in the Provincial Policy Statement and 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 *significant wetlands*. Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or

on their ecological functions.

Planning comment: The proposal will redevelop an existing vacation home which is approximately 20 metres from a significant wetland. No negative impacts are expected to occur to the natural features or ecological function of this wetland.

Section 3.1.1 related to Natural Hazards states that development shall generally be directed, per guidance developed by the Province (as amended from time to time), to areas outside of hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System which are impacted by flooding, erosion and dynamic beach hazards. The PPS notes that development and site alteration may be permitted in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor and can meet criteria such as: flood proofing and protection works standards; the maintenance of safe access by people and vehicles; no new hazards are created or existing hazards aggravated; and will not result in adverse environmental impacts.

Planning Comments: The proposed development is proposed outside of the natural hard zone, is not expected to create or aggravate hazards or negatively impact the environment.

Official Plan Considerations

Existing Land Use Designation: "Resort Residential"

Existing Natural Heritage System Feature: Adjacent to "Provincially Significant Wetland"

Section 3.5.1 related to Provincially Significant Features states that Development and site alteration shall not be permitted on lands adjacent to the natural heritage features and areas, unless the ecological function of the adjacent land has been evaluated and 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.

Planning Comments: The subject land is approximately 20 metres from a Provincially Significant Wetland (the shoreline of Lake Erie). Considering the proposal is a replacement of an existing vacation home and current site conditions no negative impacts on the natural features and their ecological functions are expected.

Section 7.6.2 outlines land use policies for the Resort Residential designation, stating that all lands with this designation are entirely within the area identified by the Conservation Authority as being hazard land. Consequently, the land shall be subject to the policies of Section 7.3 (Hazard Lands Designation), recognizing permitted uses in the Resort Residential Designation, and shall be further subject to the policies of Section 6.8 (The Lakeshore) and Section 11 (Lakeshore Special Policy Area Secondary Plan) of this Plan.

Replacement of existing buildings or structures, repairs and minor additions to existing buildings or structures, and accessory uses may be permitted. Proposals for development in this regard must recognize the hazards that exist and be constructed in such a manner that the risk to the occupants and the structure is reduced. The Conservation Authority shall be consulted to determine the appropriate methods to minimize risk.

Planning comment: The proposed use is a vacation home, which is permitted as a use in the Resort Residential designation. The Long Point Region Conservation Authority has been consulted and submitted a comment on this development's ability to meet Provincial Policy Statement criteria and minimize risk.

Section 6.8.1 – Lakeshore Special Policy Area states that The Lakeshore Special Policy Area Secondary Plan, included in Chapter 11 of Part II – The Secondary Plans, complements the general policies and land use designations of the Official Plan.

Section 6.8.3 is a site specific policy for Long Point and Turkey Point Resort Areas for safe access. The subject land is located within this policy area. The Turkey Point Resort Area is an existing resort communities, containing both vacation homes and permanent residential dwellings served by limited road links, which could be compromised to the point of interrupting safe access to the entire communities during a severe storm event. Redevelopment or replacement of existing development may be permitted subject to the provisions of Section 7.3.2.2 (Hazard Land Designation) of this Plan.

Planning Comments: In being a redevelopment of a permitted use which does not reduce safe access to roads, the proposed development aligns with section 6.8.3 - site specific policy.

Lakeshore Special Policy Area Secondary Plan (LSPASP)

Section 11.3.2. identifies Turkey Point as 'resort area'. The Resort Areas, while not designated settlement areas are recognized as existing concentrations of vacation homes and related development. Resort Areas are not intended to expand and accommodate additional growth as would typical settlement areas since limited use is envisaged in Resort Areas. While vacation home development is permitted in resort areas, the conversion of vacation homes to residential dwellings occupied permanently on a year-round basis is not permitted.

This section also states that Development within the Resort Areas shall respect and reinforce the existing character of the community and surrounding landscape, through compatibly-scaled infill development and vacation home redevelopment, where appropriate. The County shall review and evaluate development proposals in Resort Areas, in accordance with the LSPASP Community Design Guidelines (Appendix "D"), particularly with respect to the Resort Communities and Waterfront Settlement design guidelines, where applicable.

Section 5.1. of the LSPASP Community Design Guidelines (Appendix “D”) outlines the general character of Turkey Point, identifying the subject lands as a Street-related Cottages. Most cottages front the street and have landscaped yards, and a height which varies from 1-2 storeys. It notes Rustic single-storey cottages are being incrementally replaced by large cottages that maximize the lot width and impact the landscape character of the resort communities.

Section 5.3. of the LSPASP Community Design Guidelines highlights the following key characteristics of the Resort Community: an increase in size of cottages, paving of front yards, and residential guidelines. Regarding size, it stresses a compounded increase in the massing of the cottages will reduce open space, impact privacy and openness, and juxtapose differently sized and designed cottages especially without a sufficient landscape buffer. Recommended residential guidelines include a front and rear yard setback of 6 and 9 metres, respectively; a maximum height of 9 metres to maintain character of surrounding development; and a maintained lot coverage of 15%.

Planning Comments: The subject application is proposing to reconstruct an existing *vacation home* resulting in a lot coverage of 24.45%. Staff evaluation determined this proposal would not meet the 4 tests of a minor variance and, in considering comparable planning applications on adjacent lots, directed the applicant to pursue a Zoning By-Law Amendment. The existing *vacation home* has a front yard set-back of 3.49 metres which will be increased to 9.68 metres through the subject development. Staff have evaluated the proposal against all other guidelines for street-related cottages and determined it meets the intent of the LSPASP Community Design Guidelines and is not expected to negatively impact the character of the Turkey Point resort area.

Zoning By-Law Considerations

Existing Zoning: Resort Residential Zone (RR)

Proposed Zoning: Resort Residential Zone (RR) with a site specific special provision for lot coverage of 24.45%.

Uses permitted in the RR zone include *vacation home*. Section 5.8.2. of the Zoning By-Law outlines provisions for buildings and structures in the RR Zone.

Planning comment: The subject application is proposing to reconstruct an existing *vacation home* resulting in a lot coverage of 24.45%. staff evaluation has determined the existing accessory structure and proposed *vacation home* meets all other provisions for the RR Zone.



The Corporation of Norfolk County

By-Law __-Z-22

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 Charlotteville, Norfolk County in the name of Darrell and Brenda Hiltz.

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 Resort Residential *Zone* to Resort Residential *Zone* with special provision 14.983;

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

14.983 In lieu of the corresponding provisions in the Resort Residential Zone (RR) the following shall apply:

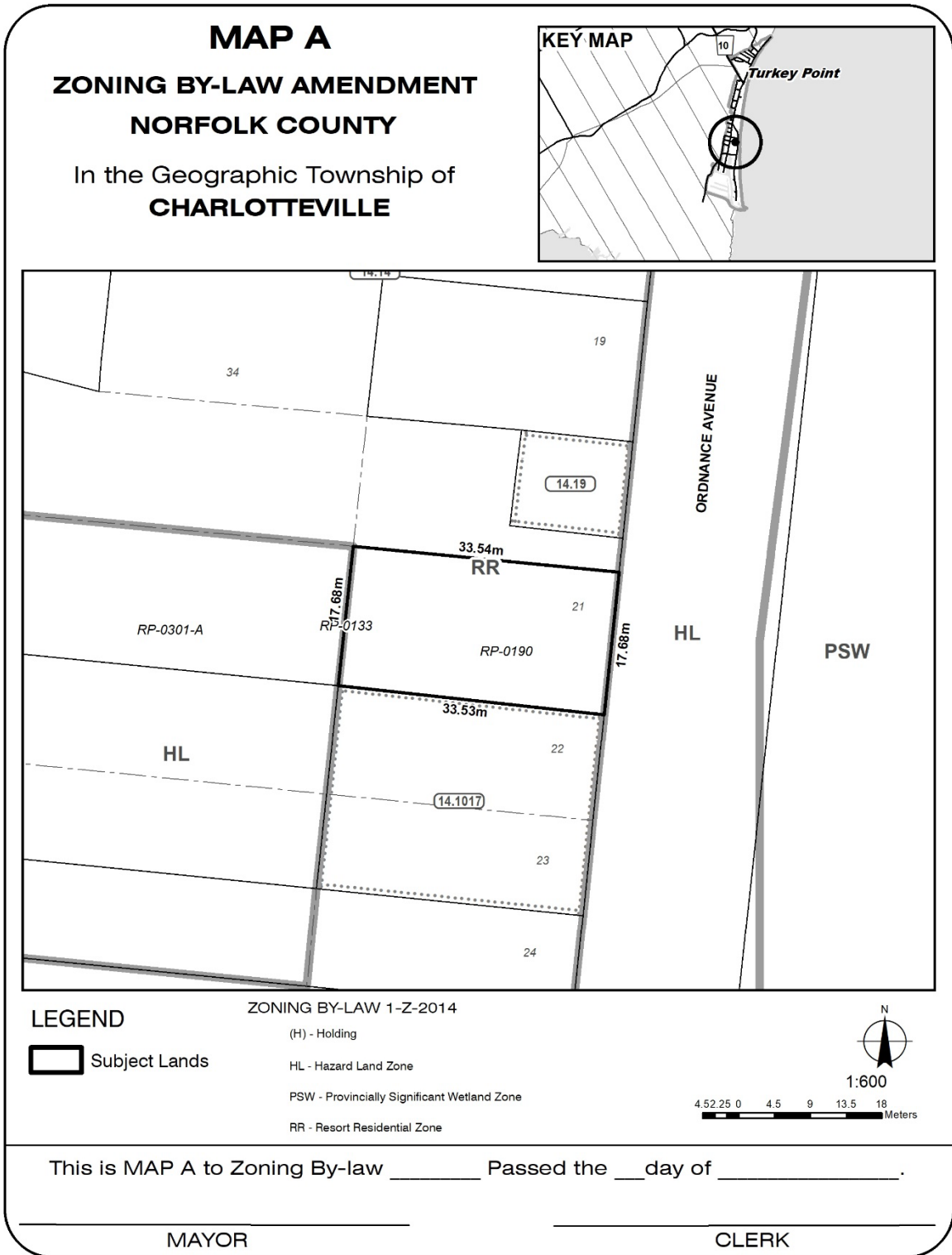
c) maximum *lot coverage* – 24.45% for the primary vacation dwelling plus an additional 10% for all accessory buildings and structures.

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

ENACTED AND PASSED this ____ day of _____, 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 Resort Residential Zone (RR) to Resort Residential Zone (RR) with special provisions. The change would have the effect of allowing increased lot coverage for the primary vacation dwelling.

Applicant «Applicant»
File Number «File_Number»
Report Number CD 22-075
Assessment Roll Number «Roll_Number»