



Working together with our community

Public Hearings Committee – June 04, 2024

Subject: Application ZNPL2024092 proposing to amend the Zone from Agricultural (A) to Hamlet Residential (RH) with a special provision for the lands described as 1601 Old Brock Street.

Report Number: CD 24-055
 Division: Community Development
 Department: Planning
 Ward: Ward 4
 Purpose: For Public Meeting

Recommendation(s):

That staff Report CD-24-055 for development application ZNPL2024092 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 May 13, 2024.

Discussion:

The applicant is proposing zoning by-law amendment to facilitate the severance of one (1) lot on private services.

An overview summary of the development application that has been submitted for the subject property at 1601 Old Brock Street 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. An

overview of existing planning policy is included as Attachment C. The submitted or draft by-law amendment is included as Attachment D.

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 Technical Comments
Attachment C Existing Planning Policy
Attachment D Proposed Zoning Bylaw Amendment

Approval:

Approved By:
Brandon Sloan, BES, MCIP, RPP
General Manager
Community Development Division

Reviewed By:
Mohammad Alam, MPL, MUD, MCIP, RPP
Supervisor
Community Development Division

Prepared By:
Hannelore Yager, MscPl., MCIP, RPP
Senior Planner
Community Development Division

Attachment A - Report CD 24-055
Development Application Overview

1601 Old Brock Road, Vittoria

Application File Numbers: ZNPL2024092

Applicant: Bill and Heather Lawrence

Agent: Mary Elder, Elder Plans Inc.

Statutory Public Hearing

Date: June 6, 2024

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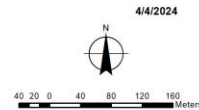
Site Context

MAP A
CONTEXT MAP
Geographic Township of CHARLOTTEVILLE

ZNPL2024092



Legend
Subject Lands
Lands Owned
2020 Air Photo



Characteristics:

- 3.3 acre residential parcel
- Agricultural, Hazard Land (HL) and Provincially Significant Wetland (PSW) zone
- Significant woodland overlay
- Hamlet, HL and PSW designation

Surrounding Land:

- Predominantly residential along Water Street and Old Brock Street
- Natural heritage features to east and north
- Surrounding agricultural lands

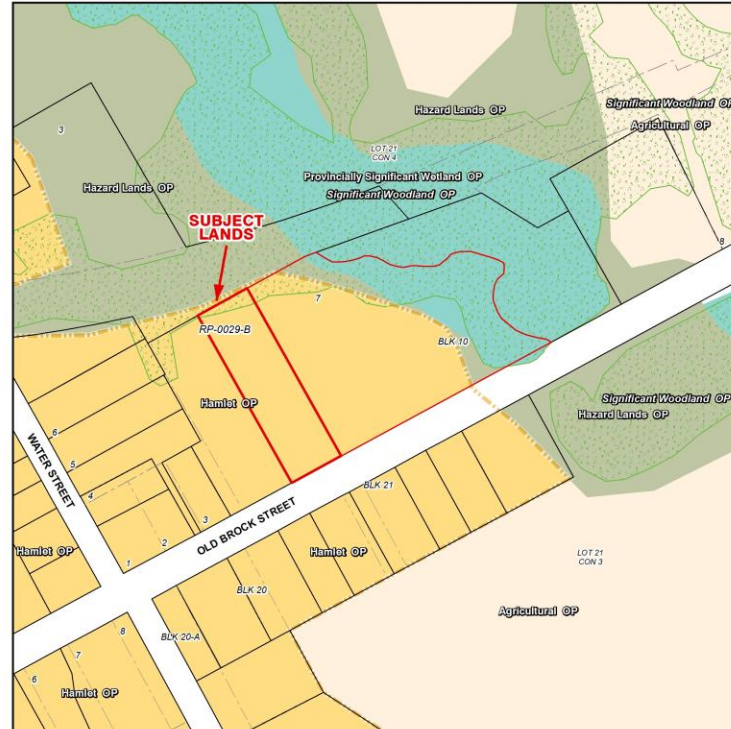
Site Context

MAP B

ZNPL2024092

OFFICIAL PLAN MAP

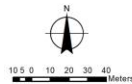
Geographic Township of CHARLOTTEVILLE



Legend

- Subject Lands
 - Lands Owned
- Official Plan Designations
- Agricultural
 - Hazard Lands
 - Provincially Significant Wetland
 - Hamlet
 - Hamlet Area Boundary
 - Significant Woodland

4/4/2024

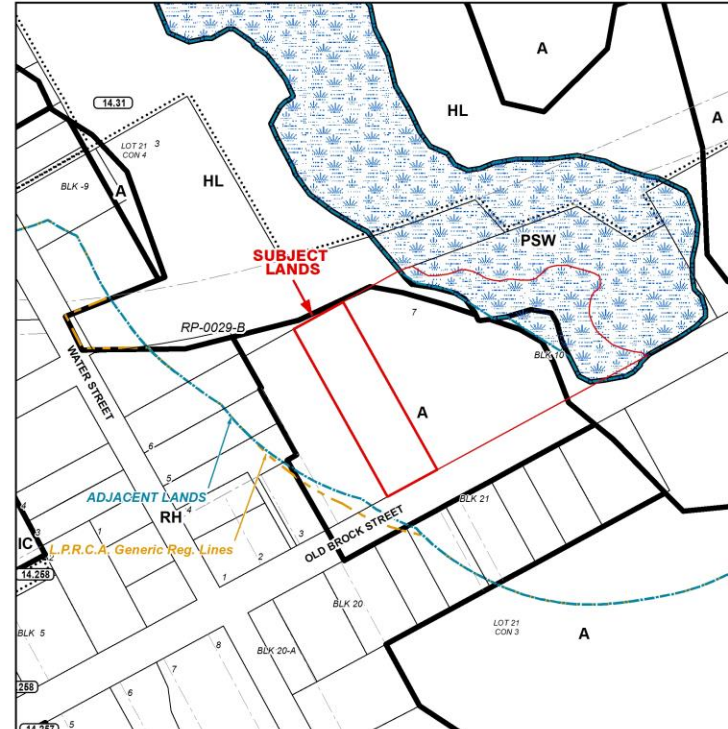


MAP C

ZNPL2024092

PROPOSED ZONING BY-LAW AMENDMENT MAP

Geographic Township of CHARLOTTEVILLE



LEGEND

- Subject Lands
 - Lands Owned
 - Adjacent Lands
 - Wetland
 - LPRCA Generic RegLines
- ZONING BY-LAW 1-Z-2014
- (H) - Holding
 - A - Agricultural Zone
 - IC - Community Institutional Zone
 - RH - Hamlet Residential Zone
 - HL - Hazard Land Zone
 - PSW - Provincially Significant Wetland Zone

**From: A
To: RH With Special Provision**



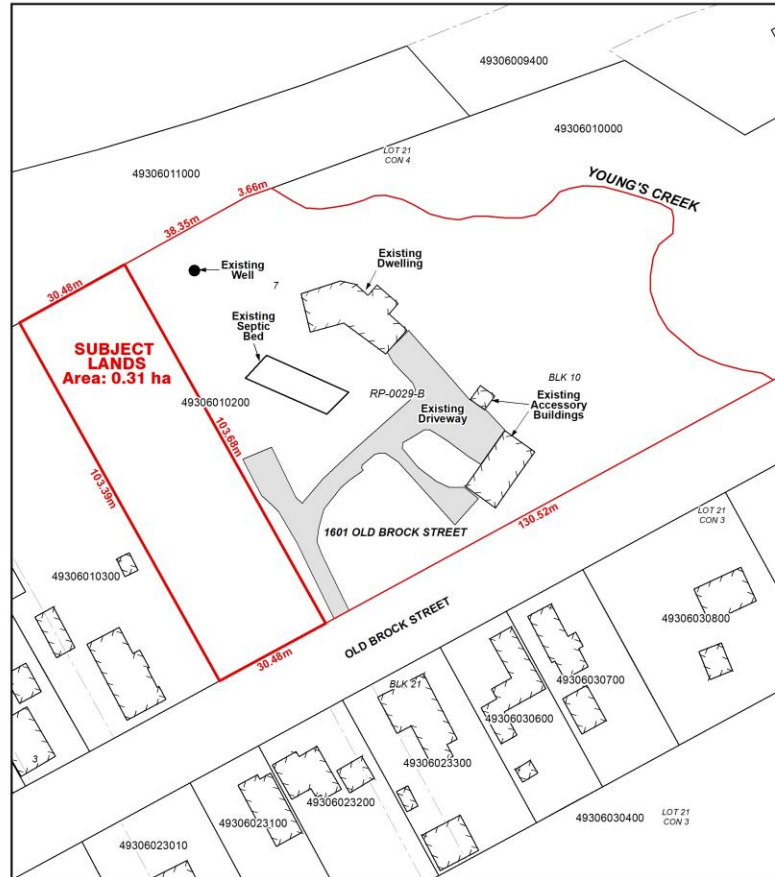
10 5 0 10 20 30 40 Meters



Development Proposal

MAP D
CONCEPTUAL PLAN
Geographic Township of CHARLOTTEVILLE

ZNPL2024092



Legend
Subject Lands
Lands Owned

Key Features:

- Existing single detached dwelling on private services and accessory structures
- Accessory structure abutting Old Brock Street permitted relief from height and setbacks through minor variance application AN-067/02
- Proposed to facilitate one severance for new residential building lot

Proposed Zoning Amendment:

- From Agricultural Zone to Hamlet Residential Zone
- Site specific provision to permit reduced lot area of 0.31 ha for the proposed lot to be severed.

Preliminary Review

Technical Reports

- Hydrogeological Report
- Planning Justification Report
- Archaeological Screening Criteria

Technical Comments

- No key concerns identified by staff
- Further review to occur at time of consent to sever.

Public Input

- None received as of the writing of this report.

Preliminary Considerations



Natural Heritage: The requirement for an EIS was waived recognizing the scope of the proposal and location of heritage features.



Housing: The subject application will facilitate creating an additional residential lot. As-of-right permissions in the Hamlet Residential zone include single detached dwellings with 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: The proposed 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 24-055 for development application ZNPL2024092 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 – Technical Comments

Zoning Department

No comments from zoning.

Building Department

Pending comments.

Development Engineering Department

Further Development Engineering comments will be provided at time of future planning application stage.

GIS Department

Norfolk GIS has no requirements at this time.

Fire Department

Norfolk Fire does not have any concerns with this proposal at this time.

Long Point Region Conservation Authority

The proposed subject lands is not subject to flooding or erosion hazards from Young's Creek. Therefore, the proposal is consistent with section 3.1 of the Provincial Policy Statement, 2020.

Six Nations of the Grand River

Pending comments.

Forestry Department

Pending comments.

Enbridge Gas

Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions. This response does not signify an approval for the site/development.

Health Unit

Pending comments.

Brant Haldimand Norfolk Catholic District School Board

Pending comments.

Grand Erie School Board

Pending comments.

Hydro One

Pending comments.

Bell Canada

Pending comments.

Canada Post

Please be advised that Canada Post does not have any comments on this application for severance, zoning change and creation of 1 lot. The customer will need to register at the Vittoria Post office for mail delivery as they will be in a Post office box.

Attachment C – Existing Planning Policy

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:

1. the protection of the agricultural resources of the Province;
2. the orderly development of safe and healthy communities;
3. the adequate provision of a full range of housing, including affordable housing;
4. the appropriate location of growth and development;

Provincial Policy Statement

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 subject application seeks to re-zone a portion of land which is part of the existing *settlement area*, to facilitate a future severance. 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.

Official Plan

Existing Land Use Designation: “Hamlet”, “Hazard Land”, “Provincially Significant Wetland”

Natural Heritage Features: Significant Woodland

Section 3.5.1. and 3.5.2. indicate that proposed development and site alteration in Natural Heritage Features is not permitted unless an Environmental Impact Study is complete, demonstrating that there will be no resulting ecological harm to the natural feature’s form or ecological function.

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.

Section 9.6.3.2. outlines considerations for consents to sever in Norfolk County. Subsection d) states, “The size of any parcel of land created by consent should be appropriate for the use proposed, considering the level of services available, the soil conditions, and other factors. No parcel shall be created which does not conform to the provisions of the Zoning By-law, except where a minor variance has been secured”. Additionally, Subsection e) states, “A hydrogeological study to confirm soil conditions and suitability for potential future private services may be required where the retained or severed parcel(s) is(are) sufficiently large to accommodate subsequent lots”.

Planning Comment: Conformity of the proposed development to the Official Plan policies will be explored in greater detail at the time of the recommendation report to Council. A Hydrogeological study was submitted as part of a complete application, additional requirements may be identified as part of the future consent to sever application.

Zoning By-Law

Existing Zoning: Agricultural (A) Zone, Hazard Land (HL), Provincially Significant Wetland (PSW)

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 outlines requirements for lands, buildings and structures in the RH Zone – subsection a) requires a lot area of 0.4 ha or 4000 sq. m.

Planning comment: Planning staff note that the application to amend the zone of the lands to be severed from Agricultural to Hamlet Residential will conform to the underlying Hamlet designation.

It is the understanding of staff that the intention of the minimum lot area identified in the Zoning By-Law is to ensure rural lots can support private services and reflect the surrounding rural character. Planning staff note that within the hamlet of Vittoria there are existing lots which are also below the 0.4 ha lot area requirement. Across Old Brock Road, several existing lots range in approximate lot area from 0.23 acres to 0.51 acres; it is the opinion of staff that a proposed lot size of 0.76 acres (0.31 ha) would be above average and therefore not be inconsistent with the surrounding neighbourhood character.



The Corporation of Norfolk County

By-Law __-Z-2024

Being a By-Law to Amend Zoning By-Law 1-Z-2014, as amended, for property described as Concession 3 Part Lot 21, municipally located at 1601 Old Brock Street, Vittoria.

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; and

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 14.____ as follows:

14.____ In lieu of the corresponding provisions in the RH Zone, the following shall apply:

a) minimum lot area:

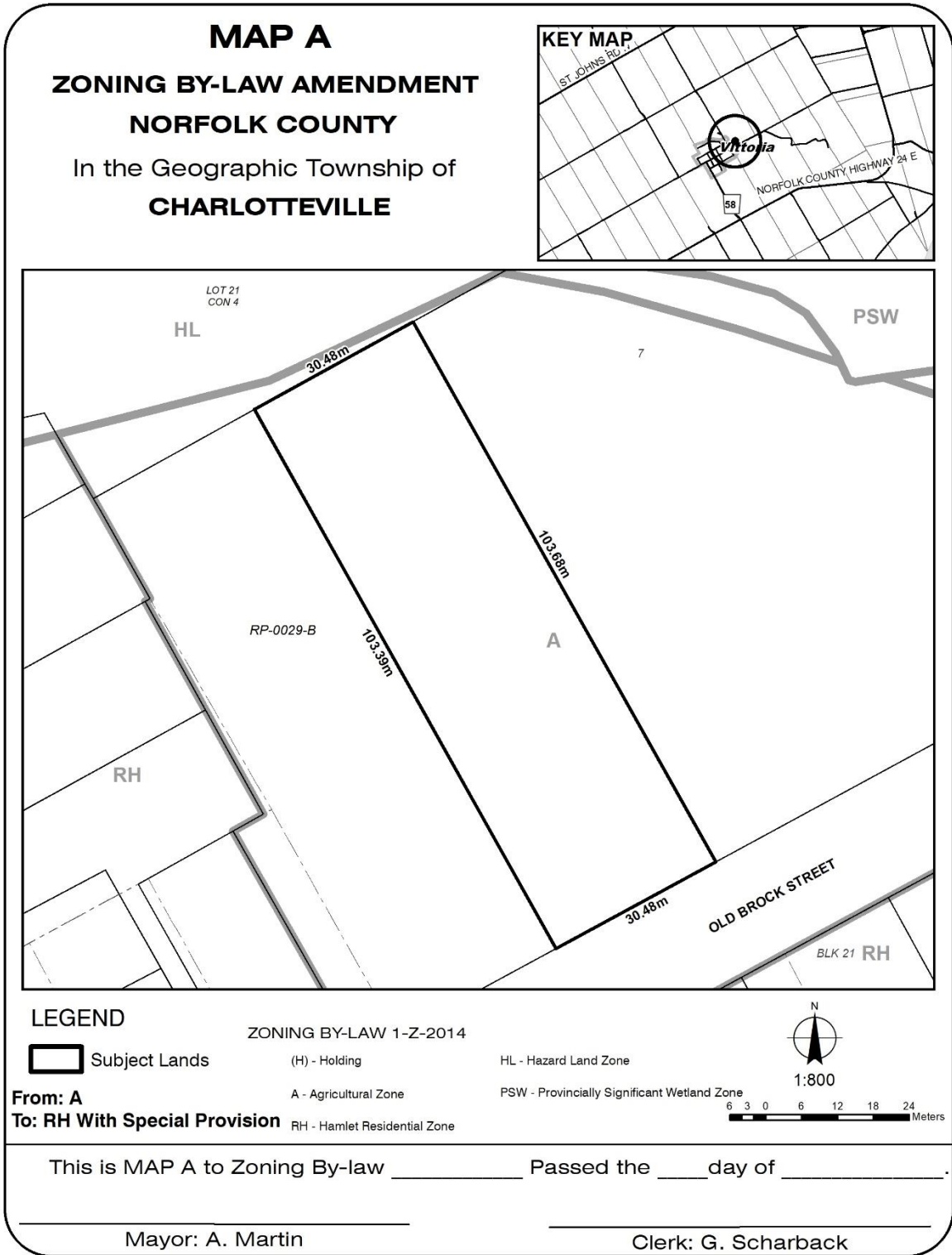
i. interior lot – 3100 square metres;

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

Enacted and passed this 18th day of June, 2024.

Mayor

County Clerk



**Explanation of the Purpose and Effect of
By-Law __-Z-2024**

This By-Law affects a parcel of land described as Concession 3 Part Lot 21, municipally located at 1601 Old Brock Street, Vittoria.

The purpose of this By-Law is to change the zoning of the subject lands from Agricultural to Hamlet Residential with a special provision for reduced lot area. The change would have the effect of facilitating a consent to sever to create one new residential lot.

DRAFT