



Working together with our community

## Public Hearings Committee – January 07, 2025

Subject: Development Application ZNPL2024386 proposing to extend Temporary Zoning By-law 39-Z2021 to continue the use of garden suite for a period of 3 years for the lands described as 1000 Concession 7 Townsend.

Report Number: CD 25-006  
Division: Community Development  
Department: Planning  
Ward: Ward 7  
Purpose: For Public Meeting

### Recommendation(s):

That staff Report CD-25-006 for development application ZNPL2024386 be received for information; and

That any comments received as part of the statutory public meeting be considered as part of the decision process; and

That the zoning bylaws for applications ZNPL2024386 shall be completed in accordance with By-law 2022-106 which assigns delegated approval to the Director of Planning or designate for these types of applications.

### 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 the Director of Planning making a final decision on the applications.

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 each site on December 17<sup>th</sup>, 2024.

### Discussion:

The subject application is proposing an extension of applicable Temporary Zoning By-Law 56-Z-2021 to continue the use of an existing garden suite for a period of 3 years.

An overview summary of the development application that has been submitted for the subject property at 1000 Concession 7 Townsend is contained within Attachment A.

The proposed draft by-law is included as Attachment E.

### **Strategic Plan Linkage:**

This report aligns with the 2019-2022 Council Strategic Priority "Foster Vibrant, Creative Communities" and "Build Solid Foundations"

Explanation: This application continues the use of a variety of housing types.

### **Conclusion:**

A decision will be made by the Director of Planning or designate under delegated authority as per By-law 2022-106 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 - Technical Comments  
Attachment D - Public Comments  
Attachment E - Draft By-Law

### **Approval:**

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

Prepared By:  
Kendall Wharton, BEDP  
Junior Planner  
Community Development Division  
Planning Department

Attachment A - Report CD 22-006  
**Development Application Overview**

# Extension of Temporary Use By-law

Application File Number:  
ZNPL2024386

Applicant:  
Wolfgang & Rita Frank

Agent: Mike Frank

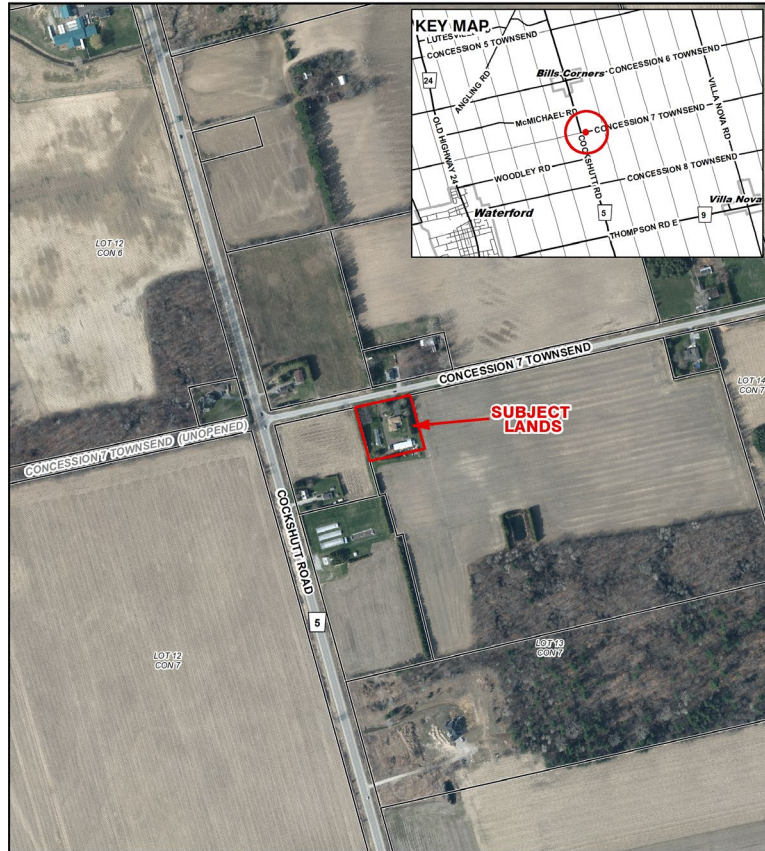
**Statutory Public Hearing**  
Date: January 7<sup>th</sup>, 2025

1

# Site Context

**MAP A**  
CONTEXT MAP  
Geographic Township of TOWNSEND

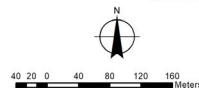
ZNPL2024386



Legend

- Subject Lands
- 2020 Air Photo

12/16/2024



## Site Characteristics:

- 0.51 hectares
- Frontage onto Concession 7 Townsend
- Located within the Hamlet of Waterford
- A single detached dwelling, barn, and existing garden suite are located on the property

## Surrounding Land Uses:

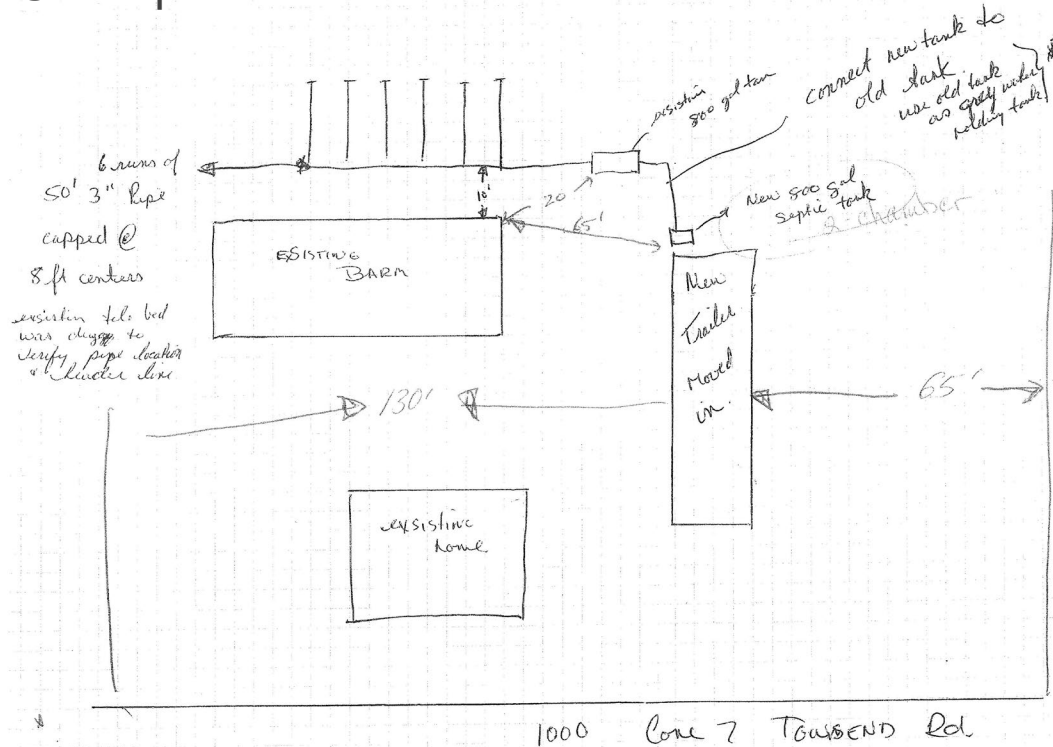
Agricultural

## Address:

1000 Concession 7 Townsend

# Development Proposal

## Concept Plan



## Development Proposal:

- The application is being considered to allow for the extension of the temporary use by-law to permit the continued use of the garden suite on the subject property.

## Proposed Zoning Amendment:

- The subject property would remain as currently zoned, with a temporary use by-law extension to permit the continued use of the existing garden suite.

# Preliminary Review


## Technical Comments:

- No technical comments have been received at the time of submission of this report for review.

## Technical Comments:

- No public comments have been received at the time of submission of this report for review.

# Preliminary Considerations

Key Items		Preliminary Review
Housing		The subject property contains an existing garden suite. The intent is for the use of the garden suite to continue for an additional period of 3 years through a temporary use by-law.

# Next Steps & Recommendation

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

## Public Hearing Committee Report Recommendation:

*That staff Report CD-25-006 for development application ZNPL2024386 received for information; and*

*That any comments received as part of the statutory public meeting be considered as part of the decision process; and*

*That application ZNPL2024386 shall be completed in accordance with By-law 2022-106 which delegates approval to the Director of Planning or designate for “minor zoning” bylaws.*



## **ATTACHMENT B Existing Policies and Zoning Considerations**

### **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:

- (h) the orderly development of safe and healthy communities;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (p) the appropriate location of growth and development and

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.

### **Consistency with the 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, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

Section 1.4.3, related to Housing policies, states that 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;

- promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;
- 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.

### **Conformity with the Official Plan**

The existing garden suite intended for temporary use extension are within the designated area of “Agricultural” and “Hamlet” in the Norfolk County Official Plan.

Section 9.4.4 relating to Temporary Use By-laws states that the County may pass a temporary use by-law to allow a use otherwise prohibited by the Zoning By-law. This by-law will define the land to which it applies, for a prescribed period of time.

Extensions may be permitted through the passing of further by-laws, subject to the specific policies of the Official Plan and the following considerations:

- The compatibility of the proposed use with the surrounding land uses;
- The adequacy of and serviced required for the use;
- Access and parking requirements;
- Traffic impacts; and
- The conformity of the proposed temporary use with the policies of the Official Plan

***Planning Comments:*** The proposed application is for the extension of the use of an existing garden suite. The property is located within the Agricultural designation, which permits garden suites. The potential extension will be reviewed according to the above noted criteria to ensure that an extension of the use is appropriate.

Section 5.3.3 related to special housing forms includes garden suites as a type of special housing.

Under this policy, the proposed special housing form must have regard for the surrounding neighbourhood and shall be compatible with it. The Zoning By-law shall provide the standards to ensure compatibility.

Section 5.3.3.2 refers specifically to garden suites (also referred to as “granny flats”), and outlines the policies that shall apply:

- A maximum of one garden suite shall be permitted per lot and shall only be permitted in association with a single-detached dwelling in the Agricultural or Hamlet Designations.

- A garden suite cannot be located on a lot that contains another form of special housing, such as an Accessory Residential Dwelling Unit (ARDU) or mobile home.
- The Province's Minimum Distance Separation Formulae shall apply, where appropriate.
- The development of a garden suite shall be subject to the following criteria:
  - 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;
  - the siting of the unit and any related features shall have a minimal effect on light, view and privacy of adjacent yards;
  - the garden suite shall not be placed in the front yard or the required front yard as set out in the Zoning Bylaw;
  - the garden suite does not require an additional separate access to a municipal road;
  - adequate parking can be provided on site;
  - the garden suite, if situated on a farm, shall be sited near to the principal farm residence;
  - the garden suite is well removed from potential land use conflicts such as animal operations and operating pits and quarries; and
  - 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.
- Garden suites shall be permitted by way of Temporary Use By-laws for a period of 11 years, renewable for further periods of up to 3 years, in accordance with the policies of Section 9.4.4 of the Official Plan and Section 39 of the *Planning Act*.
- In addition to the requirements of Section 9.4.4, the County must be satisfied that:
  - 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;
  - the use is temporary and shall only be required for a limited period of time; and
  - the unit must be removed once the legitimate need no longer exists.

**Planning Comments:** The proposed garden suite extension application will be tested with the above noted evaluation criteria.

### **Zoning By-law 1-Z-2014 and any Proposed Amendments**

The subject lands for application ZNPL2024368 is currently zoned Agricultural, which does not permit garden suites as a use as of right.

**Planning Comments:** The proposed use does not fall under the existing Zoning provisions in terms of use and would require the passing of a Temporary Use Zoning By-law for the continued use of the existing garden suite.

Section 3.2.3 f) of the Zoning By-law states that:

“only one (1) accessory residential dwelling unit is permitted on a lot occupied by a primary dwelling unit. Where an accessory residential dwelling unit is located on a lot, none of a garden suite, a boarding or lodging house, or rooming house are permitted on that lot. If a garden suite a boarding or lodging house, or rooming house already exists on a lot, an accessory residential dwelling unit is not permitted”.

***Planning Comments:*** The subject property does not contain any accessory residential dwelling units, allowing the existence of the garden suite to continue provided that all other requirements as set out in this report are met.

**ATTACHMENT C**  
**Technical Comments**

**Development Engineering**

Circulated.

**Zoning**

Circulated.

**GIS**

Circulated.

**Building**

Circulated.

**ATTACHMENT D**  
**Public Comments**

To date, no comments have been received from members of the public who were notified about the proposed developments.



## The Corporation of Norfolk County

### By-Law **XX-Z-2024**

Being a By-Law to Amend Zoning By-Law 1-Z-2014, as amended, for property described as Townsend Concession 7, Part Lot 13, Registered Plan 37R8329 Part 1, Geographic Township of Waterford, Norfolk County, municipally known as 1000 Concession 7 Townsend.

**WHEREAS** Norfolk Council is empowered to enact this By-Law, by virtue of the provisions of Section 34 and 39(1) (Temporary Uses) 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:

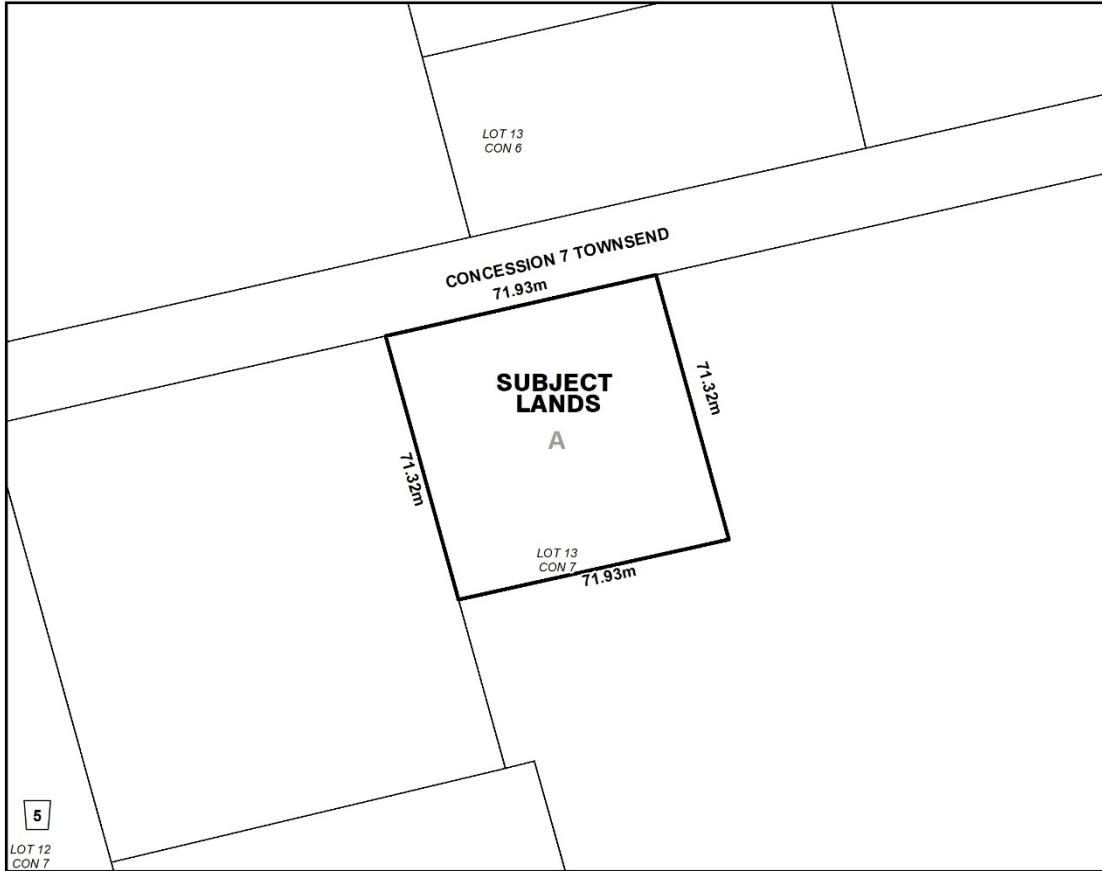
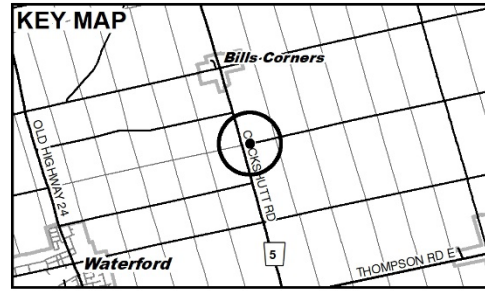
1. That for the purpose of this By-Law, a temporary dwelling unit shall be defined as follows:  
"a detached mobile home unit that is placed on the same lot as, and is ancillary to, the principal single detached dwelling whereby:
  - a) a legitimate and justified need exists to accommodate a person;
  - b) such unit is located in close proximity to the principal single detached dwelling;
  - c) such unit is established to accommodate a person on a temporary basis;
  - d) such unit shall be removed at such time the legitimate need no longer exists".
2. That in addition to the uses permitted in the A Zone (Subsection 12), a temporary dwelling unit may be permitted for a temporary period of time commencing at the time of passing of this By-law and to expire on December 31, 2028.
3. That this By-Law shall become effective upon final approval of this file.

**ENACTED AND PASSED** this xx day of xx, 2025.


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Director of Planning  
*Delegated Authority pursuant to  
By-law No. 2022-106*

**MAP A**  
**ZONING BY-LAW AMENDMENT**  
**NORFOLK COUNTY**  
 In the Geographic Township of  
**TOWNSEND**



**LEGEND**

 Subject Lands

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

**From: A**

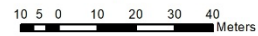
(H) - Holding

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

A - Agricultural Zone



1:1,500



This is MAP A to Zoning By-law \_\_\_\_\_ Passed the \_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Delegated Authority



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

This By-Law affects a parcel of land described as Townsend Concession 7, Part Lot 13, Registered Plan 37R8329 Part 1, Geographic Township of Waterford, Norfolk County, municipally known as 1000 Concession 7 Townsend.

The purpose of this By-Law is to permit the use of a garden suite on the subject lands for a period of three years until December 31, 2028.