



Working together with our community

Public Hearings Committee – November 05, 2024

Subject: County-initiated Technical Zoning By-law Amendment ZNPL2024277 proposing to amend definitions of “bunkhouse”, “farm operation”, “long-term care facility”, “retirement home”, “usable floor area”, to update general provisions related to Exemptions from Yard Provisions, Minimum Building Elevation for boathouses, Cannabis Production and Processing, and to add a provision to the Agricultural Zone.

Report Number: CD 22-140
Division: Community Development
Department: Planning
Ward: All Wards
Purpose: For Public Meeting

Recommendation(s):

That staff Report CD-24-140 for development application ZNPL2024277 be received for information; and

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

Further that the zoning bylaw for County-initiated application ZNPL2024277 shall be completed in accordance with By-law 2022-106 which assigns delegated approval to the Director of Planning or designate for minor zoning bylaws.

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. Public notification was posted in the newspaper on October 10, 2024.

Discussion:

This Zoning By-law Amendment is proposed to update the Norfolk County Zoning By-law 1-Z-2014 to address minor outstanding technical items related to implementation barriers and necessary clarifications.

An overview summary of the proposed is contained within Attachments A and C. This includes any technical or public feedback to date and overview of development considerations. The draft by-law amendment is included as Attachment F.

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 Housekeeping Changes Information Chart
Attachment D Technical Comments
Attachment E Public Comments
Attachment F Draft Proposed By-law

Approval:

Approved By:
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General Manager
Community Development Division

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Supervisor - Development Planning
Community Development Division
Planning Department

Prepared By:

Kendall Wharton, BEDP
Planner
Community Development Division
Planning Department

**Attachment A - Report CD 24-140
Development Application Overview**

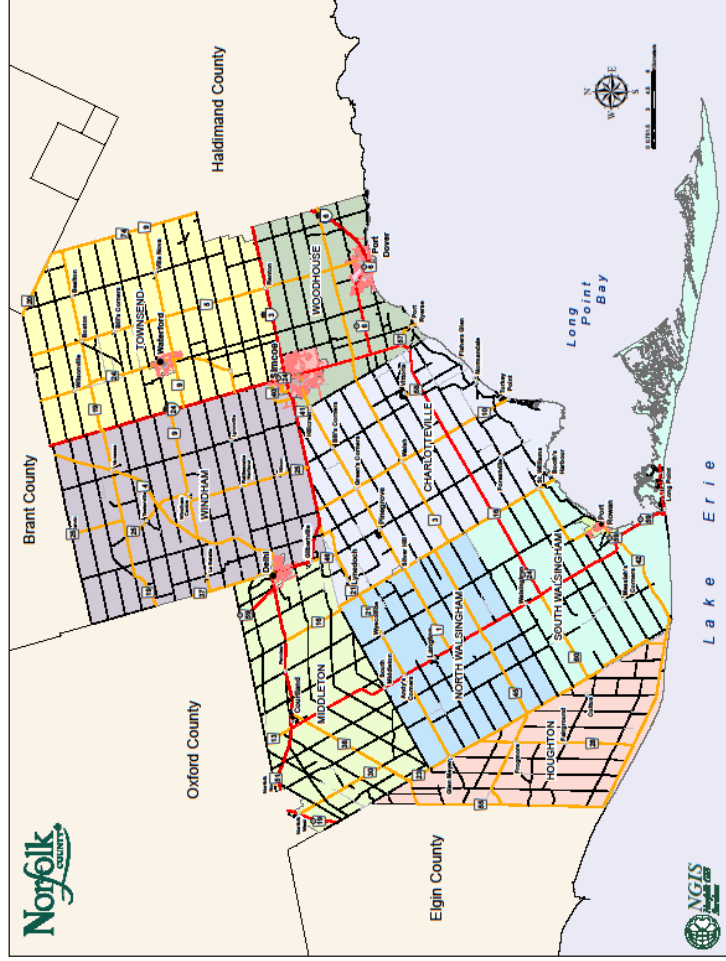
Housekeeping By-law Amendment

Application File Number: ZNPL2024277

Statutory Public Hearing
Date: November 5th, 2024

1

Context: ZNPL2024277



Section 34 of the Planning Act grants Councils of municipalities the authority to pass a Zoning By-law as well as subsequent amendments to the Zoning By-law.

This process is intended to ensure clarity in operations and correct minor inconsistencies in the Zoning By-law.

Proposed Changes

Housekeeping Changes to the Zoning By-Law 1-Z-2014 – Information Chart

S.No.	Item	Issue	Section	Existing	Proposal	Rationale
1	Exemptions from Yard Provisions	Implementation	3.10 h)	Air conditioner units, provided the encroachment is no closer than 0.6 metres to the side lot line.	Amend provision	Air conditioner units and generators, provided the encroachment is no closer than 0.6 metres to the side lot line.
2	Boathouse	Implementation	3.2.2 c)	maximum building height – 5 metres	Amend provision	maximum building height – 7 metres
3	Long-term Care Facility	Interpretation	2.88	"LONG-TERM CARE FACILITY" shall mean a building wherein lodging, meals and nursing care are provided in a supervised living environment for individuals. This definition does not include a retirement home or senior's apartments.	Amend definition	"LONG-TERM CARE FACILITY" shall mean a building wherein lodging, meals and nursing care are provided in a supervised living environment for individuals. This definition includes a retirement home or seniors' apartments.
4	Retirement Home	Interpretation	2.144	"RETIREMENT HOME" shall mean a multiple dwelling where all dwelling units do not contain full kitchens but where the building provides communal facilities such as kitchen/dining facilities, laundry facilities, lounges and where the residents are supervised in their daily living activities. A retirement home shall not be considered a long-term care facility, emergency shelter, lodging house or any other facility which is licensed, approved or regulated under any general or special Act.	Amend definition	"RETIREMENT HOME" shall mean a multiple dwelling where all dwelling units do not contain full kitchens but where the building provides communal facilities such as kitchen/dining facilities, laundry facilities, lounges and where the residents are supervised in their daily living activities. A retirement home may also be described as seniors' apartments. A retirement home shall not be considered an emergency shelter, lodging house or any other facility which is licensed, approved or regulated under any general or special Act.

Proposed Changes

5	Usable Floor Area	Interpretation	2.170 d)	a garage attached to a building	Amend definition	To amend the definition of Usable Floor Area to clarify that only garages attached to a dwelling be exempt from usable floor area calculations.	a garage attached to a dwelling
6	Cannabis Production and Processing	Implementation	2.21 h)	Cannabis Production and Processing shall only be permitted within the zones as explicitly indicated in this Zoning By-law.	Amend provision	To clarify that Cannabis Production and Processing is not permitted in all Residential Zones.	Cannabis Production and Processing shall only be permitted within the zones as explicitly indicated in this Zoning By-law, and shall not be permitted in any Residential Zone.
7	Bunkhouse	Interpretation	2.27	"BUNK HOUSE" shall mean a building or part of a building used for the temporary accommodation of seasonal farm workers provided such accommodation does not serve as the principal place of residence of an occupant and the bunk house is located on a farm. A mobile home may be used for the purposes of a bunk house.	Amend definition	To provide clarity and reflect advice from Ross & McBride.	"BUNK HOUSE" shall mean a building or part of a building used for the temporary accommodation of farm workers provided such accommodation does not serve as the principal place of residence of an occupant. A mobile home may be used for the purposes of a bunk house.
8	Zone Provisions	Implementation	12.1.2	N/A	Add provision	To include a maximum lot area size for residential lots surplus to a farm operation of 0.4 hectares (1 acre).	maximum lot area for residential lot surplus to a farm operation - 0.4 hectares
9	Farm Operation	Interpretation	2.61	"FARM OPERATION" shall mean an agricultural activity carried on a farm by one (1) person in the expectation of gain and operating on one (1) or more properties, which shall be situated within the County.	Amend definition	To include the requirement of a Farm Business Registration number to be in good standing.	"FARM OPERATION" shall mean an agricultural activity carried on a farm by one (1) person in the expectation of gain and operating on one (1) or more properties, which shall be situated within the County and having a valid Farm Business Registration Number in good standing.

Preliminary Review

Technical Comments

No comments.

Public Input

No Public input has been received at time of submission of this report and presentation.

Preliminary Considerations

Key Items	Preliminary Review
All items	The proposed changes are County wide.

Next Steps & Recommendation

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

Public Hearing Committee Report Recommendation:

That staff Report CD-24-140 for development application ZNPL2024277 be received for information; and

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

Further that the zoning bylaw for County-initiated application ZNPL2024277 shall be completed in accordance with By-law 2022-106 which assigns delegated approval to the Director of Planning or designate for minor zoning bylaws.

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Working together with our community

Public Hearings Committee – November 05, 2024

Subject: Application ZNPL2024276 proposing to change the use of part of the existing lot from Urban Residential Type 3 (R3) to Hamlet Residential (RH) with a special provision for the lands described as 24 St. Ladislaus Street, Courtland.

Report Number: CD 24-133
 Division: Community Development
 Department: Planning
 Ward: Ward 2
 Purpose: For Public Meeting

Recommendation(s):

That staff Report CD-24-133 for development application ZNPL2024276 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 October 8th, 2024..

Discussion:

The applicant is proposing zoning by-law amendment to allow for the change of use of part of an existing lot within the Hamlet OP designation of Courtland.

An overview summary of the development application that has been submitted for the subject property at 24 St. Ladislaus 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. The submitted or draft by-law amendment is included as Attachment E.

Strategic Plan Linkage:

This report aligns with the 2022-2026 Council Strategic Priority Empowering Norfolk - Putting the tools and resources in place to ensure our businesses' and residents' success.

Explanation: Development that results from applications under consideration can help contribute to a vibrant community, adding a much needed infill site for housing within the Hamlet boundaries.

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 Policies and Zoning Considerations
Attachment C Technical Comments
Attachment D Public Comments
Attachment D Proposed Zoning Bylaw Amendment

Approval:

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

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Planning Department

Prepared By:
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Planner
Community Development Division
Planning Department

**Attachment A - Report CD 24-133
Development Application Overview**

24 St. Ladislaus Street, Courtland

Application File Number: ZNPL2024276

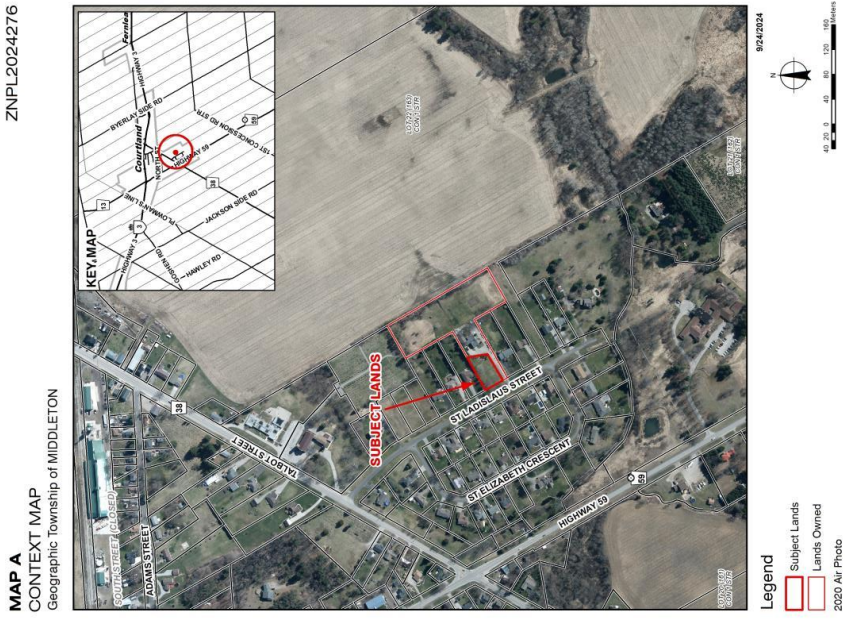
Applicant: Peter Leliveld

Statutory Public Hearing

Date: November 5th, 2024

1

Site Context



Site Characteristics:

- 1.54 hectare lot area.
- Lot has a frontage onto St. Ladislaus Street
- Located within the Hamlet OP designation
- Existing 4-plex
- Split-zone lot – part Urban Residential Type 3 (R3) and part Hamlet Residential

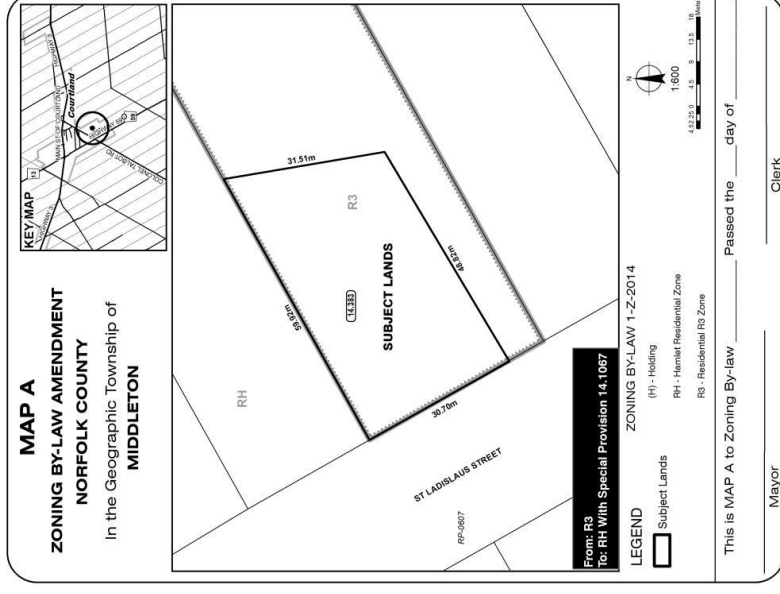
Surrounding Land Use: Hamlet Residential and Agricultural.

Site Context

Official Plan Map



Proposed Zoning By-law Amendment Map

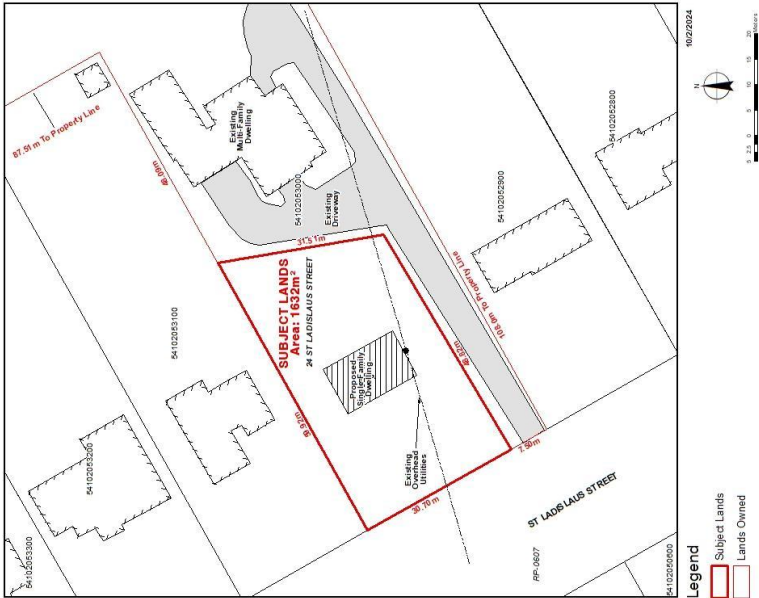


Development Proposal

Concept Plan

MAP D
ZNPL2024276

CONCEPTUAL PLAN
Geographic Township of MIDDLETON



Key Features/Proposed Subdivision:

Development Proposal:

- The Development being proposed is to allow the change of use of a section of the existing R3-zoned land to Hamlet Residential to allow for the construction of a single detached dwelling.

Proposed Zoning Amendment:

- The subject lands, an area of 0.1632 hectares, would be changed to Hamlet Residential.
- The site meets the Zoning provisions in terms of setbacks and lot coverage but would be deficient by 0.237 hectares in lot area. A special provision would be required to account for this deficit.

Preliminary Review

Technical Reports:

- Site Survey (Kim Husted Surveying Ltd, August 2024)
- Hydrogeological Assessment (Wilson Associates, October 2023).
- Grading and Servicing Plan (CJDL Consulting Engineers, February 2024).


Technical Comments:

There are a few technical comments pending but comments have been received from Development Engineering, Building, Zoning and GIS.

Public Input:

No Public input has been received at time of submission of this report and presentation. Staff will update Committee on this should any public input be received prior to the meeting.

Preliminary Considerations

Key Items	Preliminary Review
Housing 	The existing 4-plex would remain on the R3-zoned section of the lot. With the change of use of a section to RH, and a subsequent severance application, a new lot for housing would be created within the Hamlet boundary.
Parking	Adequate parking provision would remain in the R3-zoned section and the proposed RH lot would be sufficient size to allow for adequate parking.

Next Steps & Recommendation

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

Public Hearing Committee Report Recommendation:

THAT staff Report CD-24-133 for development applications ZNPL2024276 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 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:

- (b) the protection of the agricultural resources of the Province;
- (h) the orderly development of safe and healthy communities;
- (k) the adequate provision of employment opportunities;
- (l) the protection of the financial and economic well-being of the Province and its municipalities;
- (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 – 2024

The Provincial Policy Statement, 2024 (PPS), which came into force and effect on October 20, 2024, 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 2024 promotes strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

Section 2.2.1. Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by: b) 2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3.

Section 2.3.1.1. Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.

Section 2.3.1.2. Land use patterns within settlement areas should be based on densities and a mix of land uses which: a) efficiently use land and resources.

Conformity with the Official Plan

The proposed development is within the designated area of 'Hamlet OP' in Norfolk County Official Plan. The "Hamlet" designation denotes built up areas serving as service centres for the surrounding agricultural areas and as residential centres.

Section 2.2.3.1 states the goal of the Official Plan is to 'protect the unique character of Norfolk's cultural landscapes, Urban Areas, Hamlet Areas and Agricultural Area through heritage conservation, community design and redevelopment policies that promote community health, safety and broad aesthetic appeal.

Section 7.5 relates to lands within the Hamlet OP designation. It states that 'Hamlet development, in the form of residential, commercial, industrial, recreational and institutional facilities provide important services to the surrounding Rural Area. Hamlet development is a preferred alternative to scattered nonfarm development that reduces the impact of development on farming operations in the Rural Area.'

Section 7.5.1.a) allows for 'Low density residential dwellings on lots suitably sized to accommodate private servicing systems shall be the main permitted use.'

Section 7.5.2.d) allows for "additional residential development within a Hamlet Area shall be encouraged to occur through infilling or in-depth development. Provision shall be made at appropriate locations to provide access from the main road to an additional tier of lots behind existing development. The County shall strongly discourage linear development along roads."

Planning Comments: The proposed development will be tested with the above noted evaluation criteria.

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

The subject lands are currently zoned as "Urban Residential Type 3 (R3)" but seek a change of use to Hamlet Residential (RH).

Permitted Uses in RH zone:

In an RH Zone, no land, building or structure shall be used except in accordance with the following uses:

- a) dwelling, single detached*
- b) bed & breakfast, subject to Subsection 3.4*
- c) day care nursery*
- d) home industry*
- e) home occupation*
- f) accessory residential dwelling unit, subject to Subsection 3.2.3 [7-Z-2020]*

Planning Comments: Whilst the current R3 zoning would allow for a single detached dwelling, the surrounding uses are RH and therefore this change would perhaps allow more flexibility in how the land is used whilst maintaining the low-density character of the area. The lot area proposed is deficient so a special provision would be required to address this deficiency. A detached dwelling cannot be built on this land until a severance has been undertaken through Committee of Adjustment.

ATTACHMENT C

Technical Comments

Agreements Coordinator – Circulated

GIS – Reviewed

Norfolk GIS has no requirements at this time.

Development Engineering – Reviewed

Development Engineering has reviewed application **ZNPL2024276** and have no comments. Development Engineering comments will be applicable at the time of Detailed Engineering Review at future Site Plan application.

Zoning – Reviewed

26 Parking spaces shown, Confirmation of parking once interior floor plan has been shown. 17 required if no office space in building.

Outdoor storage has been indicated in rear yard which meets requirements.

Building – Reviewed

A Single Family Dwelling constructed on the proposed creation of parcel A would be considered a Residential Group C type occupancy as defined by the Ontario Building Code (OBC). You will need to retain the services of an individual with BCIN qualifications in House and HVAC House, or Small Buildings, or an Architect or a Professional Engineer to complete the design documentation for this application.

The site is serviced by municipal water supply only. The Design will need to comply with OBC Article 7.3.5.7. Spatial Separation in regards to protection of water supply piping. The provisions of this Article are intended to limit the probability that failure of an in-ground building drain or building sewer would lead to the contamination of potable water in a water service pipe.

The Design will need to comply with OBC Subsection 3.1.19. Above Ground Electrical Conductors, depending on the voltage, the clearances to the building will vary. The Designer will need to review OBC Section 9.5 Design of Areas, Spaces and Doorways, 9.7 Windows, Doors and Skylights and Subsection 9.10.15. Spatial Separation Between Houses.

If any of the proposed dwellings include an accessory dwelling unit this must be included as part of the design documents at time of building permit application. Any accessory dwelling units proposed after construction begins will require a separate building permit.

A qualified individual with BCIN qualifications for On-Site Sewage Systems will be required to complete the design for any proposed new septic system. The septic system will need to meet the previously mentions OBC Article 7.3.5.7. Spatial Separation in regards to protection of water supply piping. The hydrogeological assessment completed by Wilson Associates concludes that the lot requires an individual subsurface

sewage disposal system equipped with a tertiary treatment capable of nitrate reduction. Municipal septic permits/inspections are for the sum of all septic systems on the property up to a flow of 10,000L, above which requires MOE approvals. Location of existing septic system (tank and distribution lines corners) to be on plot plan.

The property at 24 St Ladislaus currently has an open building permit PRBD20151880 for the expansion of a third Unit.

No Ontario Building Code review has been completed at this time and will be done at permit application stage.

Fire – Reviewed

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

Drainage – Reviewed

No Drainage Conditions or Comments.

Economic Development – Circulated

Road – Circulated

Finance - Circulated

Canada Post – Reviewed

Please be advised that Canada Post does not have any comments on this zoning change as this will not affect mail delivery. If the business requires separate mail delivery from the residential portion then Canada Post will require a separate civic # or unit # to separate the properties.

Union Gas – Reviewed

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.

Please always call before you dig, see web link for additional details:

<https://www.enbridgegas.com/safety/digging-safety-for-contractors>

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Realty Services – Circulated

Mississaugas of the Credit – Reviewed

The MCFN Department of Consultation and Accommodation (DOCA) requires that we be in receipt of all Environmental Study reports and that a Stage 1 Archaeological Study be conducted on the site to determine its archaeological potential and further that the Stage 1 report be submitted to MCFN DOCA for review. If it is determined that a Stage 2 is required, MCFN DOCA is expected to be involved in the field study with MCFN

Field Liaison Representation (FLR) on-site participation. This study will be at the cost of the proponent.

Six Nations of the Grand River - Circulated

Hydro One - Circulated

ATTACHMENT D

Public Comments

To date, no public comments have been received at this time. Should any public comments be received prior to the Public Hearing meeting, Staff will update Members.



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 MID CON 1 STR PT LOT 21 RP, 37R6398 PART 4, REG 3.80AC 125.33FR D, Norfolk County, municipally known as 24 St. Ladislaus Street, Courtland.

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 Urban Residential Type 3 Zone (R3) to Hamlet Residential Zone (RH) with a Special Provision.

2. That Subsection 14 Special Provisions is hereby amended by adding new Special Provision 14.1067 to the subject lands as follows:

14.1067 In addition to the uses permitted in the Hamlet Residential (RH) Zone, the following shall apply:

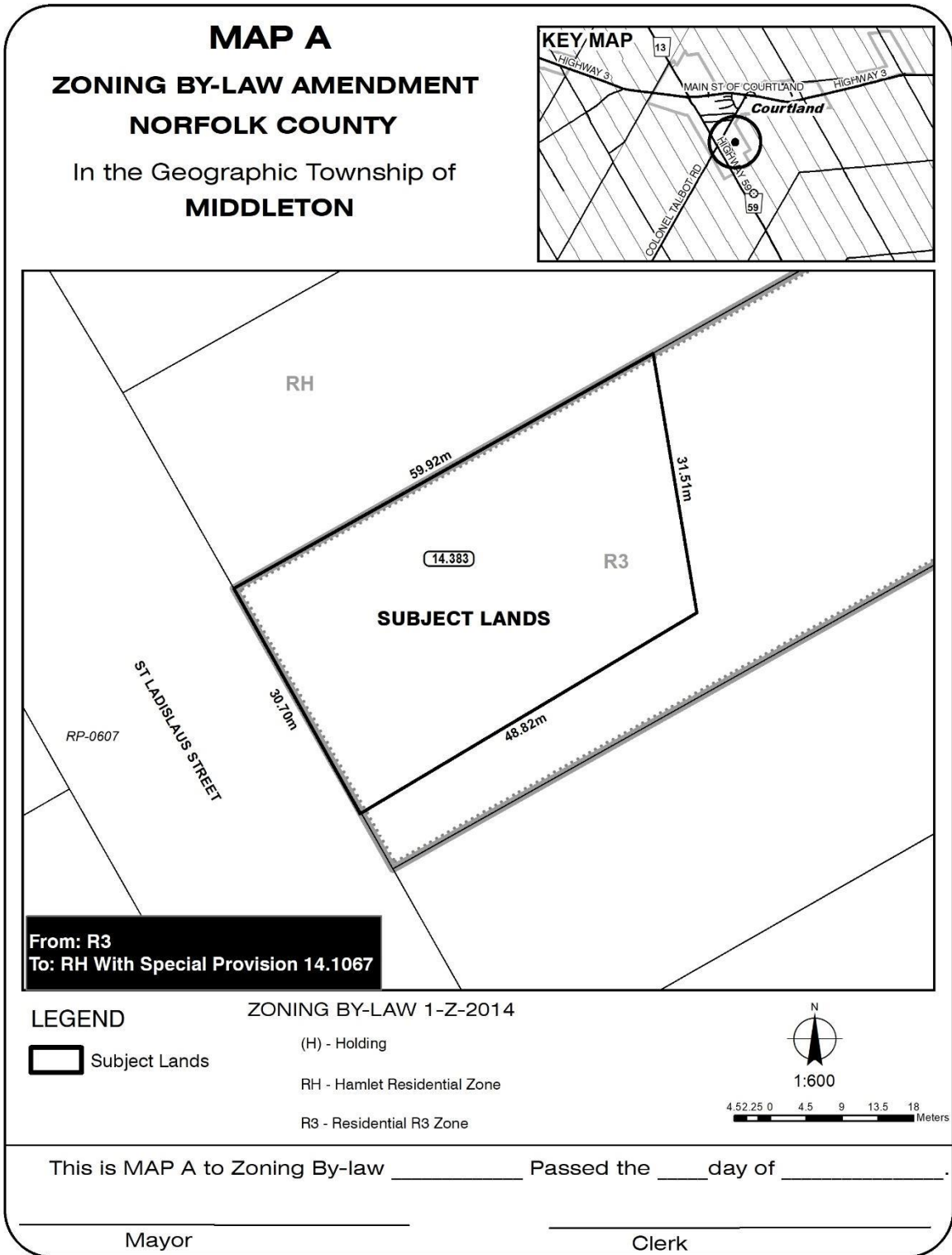
a) The subject lands will have a minimum lot area of 0.1632 hectares.

That this By-Law shall become effective upon final approval of this file.

Enacted and passed this ____ day of _____, 2024.

Mayor A. Martin

County Clerk



**Explanation of the Purpose and Effect of
By-Law 27-Z-2023**

This By-Law affects a parcel of land described as MID CON 1 STR PT LOT 21 RP, 37R6398 PART 4, REG 3.80AC 125.33FR D, Norfolk County, municipally known as 24 St. Ladislaus Street, Courtland.

The purpose of this By-Law is to change the zoning of the subject lands from Urban Residential Type 3 (R3) to Hamlet Residential (RH) with a Special Provision 14.1067 to allow for an undersized lot.