



Council report

Meeting date:	March 16, 2021
Title:	ZA.01.2021 – CANDUE Homes 2020 Ltd.
Prepared by:	Lorelie Spencer, Manager of Planning and Development
Reviewed by:	Laura Johnston, CAO

Recommendation

That the appropriate bylaw be brought forward to Council consideration to fulfill a condition of provisional consent B09.2020.

Executive summary

The applicant received provisional consent from the Committee of Adjustment on November 10, 2020. One of the conditions of consent is the passage of a Zoning By-law Amendment. The amendment will recognize the deficient lot area, frontage, and interior side yard setback and lot coverage of the residential parcel.

Background and discussion

The subject lands are located near the southeast corner of Grey Road 4 and 24th Avenue and are municipally referred to as 401248 and 401250 Grey Road 4. A single detached dwelling unit and commercial business are located on the lands approved for provisional consent. The provisional consent granted by the Committee separated the existing single detached dwelling unit and the commercial business. In order to address the deficiencies in zoning as a result of the newly created lot line an amendment was required to address lot area, frontage, and the interior side yard setback and lot coverage for the residential parcel. The amendment also recognizes that the previous site-specific amendment that applied to the entire original parcel was no longer required.

The subject lands are designated 'agricultural' and 'hazard lands' within the County of Grey Official Plan. The lands are currently zoned as C3-162 (Neighbourhood Commercial with exception) and NE (Natural Environment). Exception 162 recognized the use of the lands for equipment sales, a rental and leasing outlet and the existing single detached dwelling unit. The exception further recognized the minimum lot area and frontage of the current parcel.

The residential lot is approximately 0.2 hectares (0.4 acres) in size. The severed commercial lands are approximately 0.356 hectares (0.9 acres) in size. Both sizes are based on the provisional consent approval from the Committee.



Legal and legislated requirements

To determine the consistency of the application planning staff previously conducted a review of the Provincial Policy Statement (PPS, 2020), the County Official Plan and the Municipality's Comprehensive Zoning By-law as part of the consent process.

1. Provincial Policy Statement (PPS 2020)

Section 1.1.5 of the PPS provides guidelines as they relate to the development of agricultural lands within the municipality. The subject lands are designated as 'agricultural' and 'hazard lands' on Schedule 'A' of the County Official Plan. Policy 5.2.3 of the County Official Plan specifies that lot creation in the 'agricultural' designation is generally discouraged and may only be permitted for agricultural uses, agricultural-related uses, surplus farmhouse severances, infrastructure and conservation lots. As part of the consent application, staff reviewed the issues related to the lot creation and the aforementioned policy. Planning staff determined that as a result of the existence of the single detached dwelling unit and commercial operation on the subject lands and the limitation for the establishment of new land uses, that the lot creation generally maintained the intent of the overall policies of the Official Plan.

As part of the consent process policy 2.3.1, 2.3.3.3 and 2.3.3.4 of the 2020 PPS were also reviewed. The lands had been previously removed from active agricultural use, were not in proximity to identified livestock operations and did not conflict with minimum distance separation requirements. It was reviewed and determined that the lot creation was not defined as a legal or technical reason under the PPS and was not consistent with policy 2.3.3.4.

Planning Staff acknowledged that the application was not consistent with the PPS as part of the planning recommendation report to the Committee of Adjustment.

2. County of Grey Official Plan

The subject lands are designated 'agricultural' and 'hazard' under the County of Grey Official Plan.

Policy 5.2.2(3) of the County Plan outlines the minimum lot size within the 'agricultural land use type' for non-agricultural land uses. These lots are limited to the minimum size required, with as little acreage as possible taken out of productive agricultural land. Planning staff are generally satisfied that the active production on the provisionally created parcels has been removed for an extended period of time and noted that lot creation would not impact active agricultural lands.

Policy 5.2.2(8) states that new non-farm sized lot creation is not permitted within 500 metres of a defined primary settlement area boundary. The subject lands are within the 500 metre radius of the Town of Hanover however, the requested lot line would sever existing physical development on the subject lands.

The subject lands contain a portion of the 'hazard lands' designation within schedule 'A' of the



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County plan. Policy 7.2 of the County plan states that development shall generally be directed away from identified hazard lands. Policy 7.2(2) further defines the uses permitted within hazard lands and limits those uses to forestry and uses connected with the conservation of water, soil, wildlife and other natural resources. Other uses permitted include agriculture, passive public parks, public utilities and resource based recreational uses. The aforementioned uses are only permitted where site conditions are suitable and where the relevant hazard impacts have been reviewed. Policy 7.2(3) further states that in the hazard designation that buildings and structures are not permitted within this designation. Based on the information provided and review conducted as part of the consent process, Planning staff are satisfied that there is no intent to alter the existing structure at this time. Future alteration to the commercial structure will require further review through a minor variance process.

Policy 8.9 of the Official Plan was also reviewed with respect to the requirement for the redevelopment of existing lots of record to provide evidence supporting the ability of the site to function on private services. To address this a condition was recommended by planning staff and implemented as part of the Committee's decision regarding the same.

Planning Staff recognize that the provisional consent granted by the Committee creates a new property line to divide the two existing physical uses on the subject lands. The zoning by-law amendment will recognize the provisional consent and generally maintains the intent of the Official Plan.

3. Municipality of West Grey Comprehensive Zoning By-law 37-2006

The Municipality of West Grey Comprehensive Zoning By-law zones the subject lands as C3-162 (Neighbourhood Commercial with exception). Exception 162 states as follows:

Notwithstanding the provisions of section 19.1 and 19.2.10 to the contrary, the only permitted uses within the subject lands within the Neighbourhood Commercial zone shall be for an equipment sales, rental and leasing outlet, and the existing single detached dwelling unit. Such uses shall be subject to the following:

*Minimum lot area: 5,000 m²
Minimum lot frontage: 58.0 m*

Notwithstanding subsection 6.20.2 of By-law 37-2006 to the contrary, lands within the NE (Natural Environment) zone shall be included in the calculation of lot area for the lands subject to this by-law.

The C3 zone will continue to apply to the commercial property created as part of the approved provisional consent. The exception number will be removed. Provided the uses noted within exception 162 remain continuous they are not required to be recognized as part of an exception. The NE (Natural Environment) zone will also remain in effect on the commercial lands. The residential parcel will be zoned A3-424 (Restricted Rural with exception). Exception 424 will recognize the deficient lot area, frontage, and interior side yard setback and lot coverage of the residential parcel.



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Planning staff are satisfied that the proposed zoning by-law amendment will implement the required condition of consent while still maintaining the general intent and purpose of the zoning by-law.

Financial and resource implications

None

Staffing implications

None

Consultation

- County of Grey Planning and Development Department
- County of Grey Transportation Department
- Saugeen Valley Conservation Authority

Alignment to strategic vision plan

Pillar: Build a better future
Goal: Invest in business
Strategy: Review zoning by-laws and West Grey Official Plan

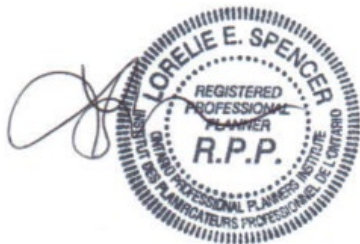
Attachments

- County of Grey Planning and Development Department comments
- Saugeen Valley Conservation Authority comments dated August 31, 2020

Next steps

That Committee forward the appropriate by-law to Council for 1st, 2nd and 3rd reading.

Respectfully submitted:



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