



PUBLIC MEETING | June 8, 2022

AMENDMENTS TO ZONING BY-LAW 2011-100

TOWNSHIP FILE: Z-2022-01 / Z-2022-02

INTRODUCTION

This meeting is being held pursuant to Section 34 of the Planning Act

Requests to be notified of the decision may be submitted to the Township of South Stormont Clerk, or United Counties of SDG Director of Planning Services

This evening's Public meeting items will be heard in the following order:

Applicant: Stephen Lefebvre

Location: 3871 County Road 12, Newington, ON - Part Lots 8 and 9, Concession 8, Geographic Township of Osnabruck

Zoning By-law Amendment File: Z-2022-01

Applicant: Peter Westenbroek

Location: 5403 Farran's Point Road, Part Lot 24, Concession 2; being Part 1 on 52R-8467, and Part of Lot 24, Concession 1; being PIN No. 60239-0053.

Zoning By-law Amendment File: Z-2022-02

PUBLIC MEETING OUTLINE

This meeting is an open forum for the public and Council to gather information, ask questions, and voice comments and concerns

A brief overview of the rezoning application process is provided, followed by a presentation of each item

Following the presentations there will be an opportunity for comments and questions from the public and members of council, and an opportunity for the applicant to address them

No decision will be made tonight

NOTICE OF PUBLIC MEETING

Notice of the Public Meeting was sent to all owners of land within 120 metres of the subject lands via First Class Mail on May 13, 2022.

Notice was posted on a sign at the entrance of the subject sites on the same day, May 13, 2022.

Notice was also provided electronically to the prescribed list established under the Planning Act.

ZONING AMENDMENT OVERVIEW

The Council of the Township of South Stormont has authority to approve or refuse the proposed zoning amendment. Following the public meeting, the Township will review all submissions made by the public and agencies respecting the proposal before making a decision.

Upon consideration of the comments made and documentation provided, Council will decide one of the following at a future meeting:

- pass and/or amend the By-Law;
- defer the decision; or
- refuse the zoning amendment application.

OPPORTUNITY FOR APPEAL

The legislated 20-day appeal period begins following a council decision

Rezoning: If a person or public body would otherwise have an ability to appeal the decision of the Township of South Stormont to the Ontario Land Tribunal (OLT), but they do not make oral or written submissions to the Councils before a decision is made to approve or refuse the proposal:

- the person or public body is not entitled to appeal the decision; and,
- the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal (OLT) unless, in the opinion of the Tribunal, there are reasonable grounds to do so

APPLICATION Z-2022-01 (LEFEBVRE)

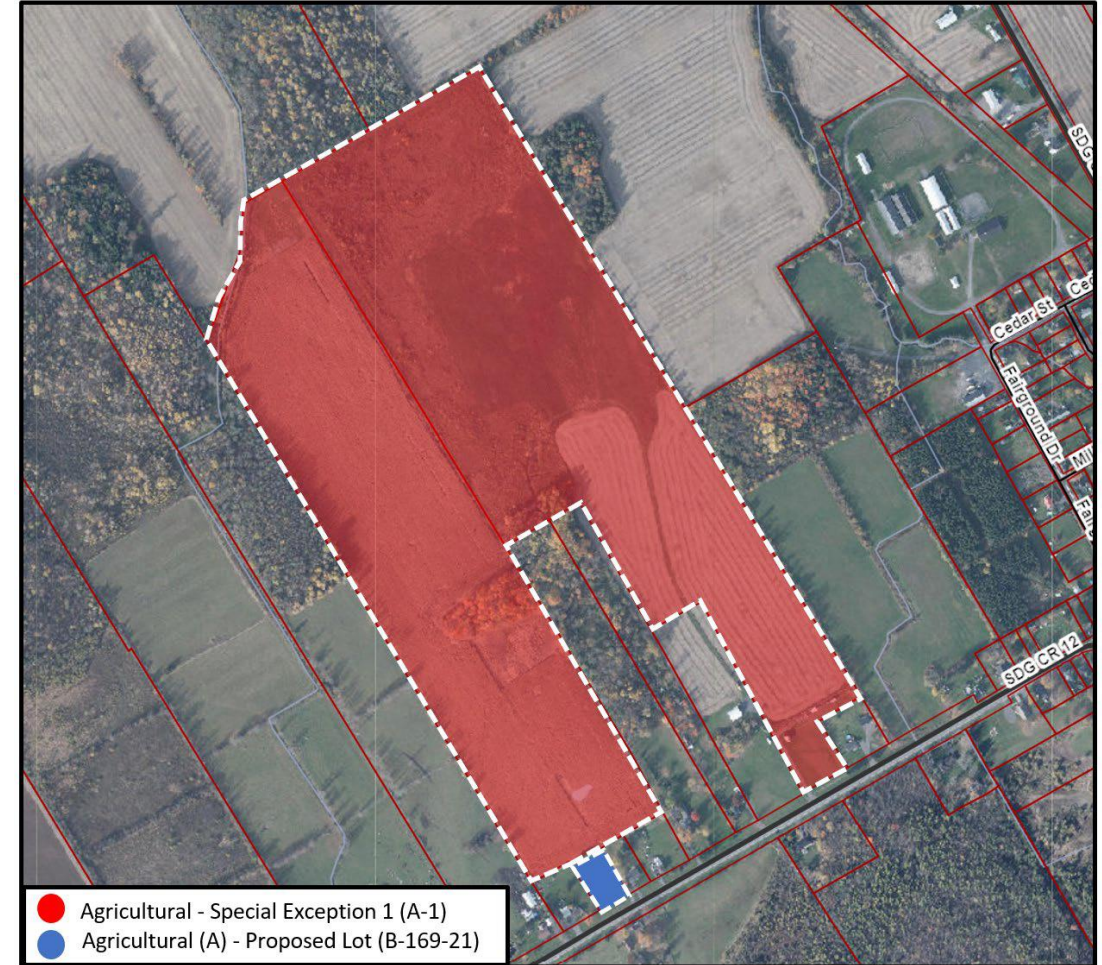
Z-2022-01 | SUBJECT PROPERTY

Location: 3871 County Road 12,
Newington, ON - Part of Lots 8 and 9,
Concession 8, Geographic Township of
Osnabruck

Lot Size: 95-acres (+/-)

Applicant: Stephen Lefebvre

Zoning By-law Amendment File:
Z-2022-01



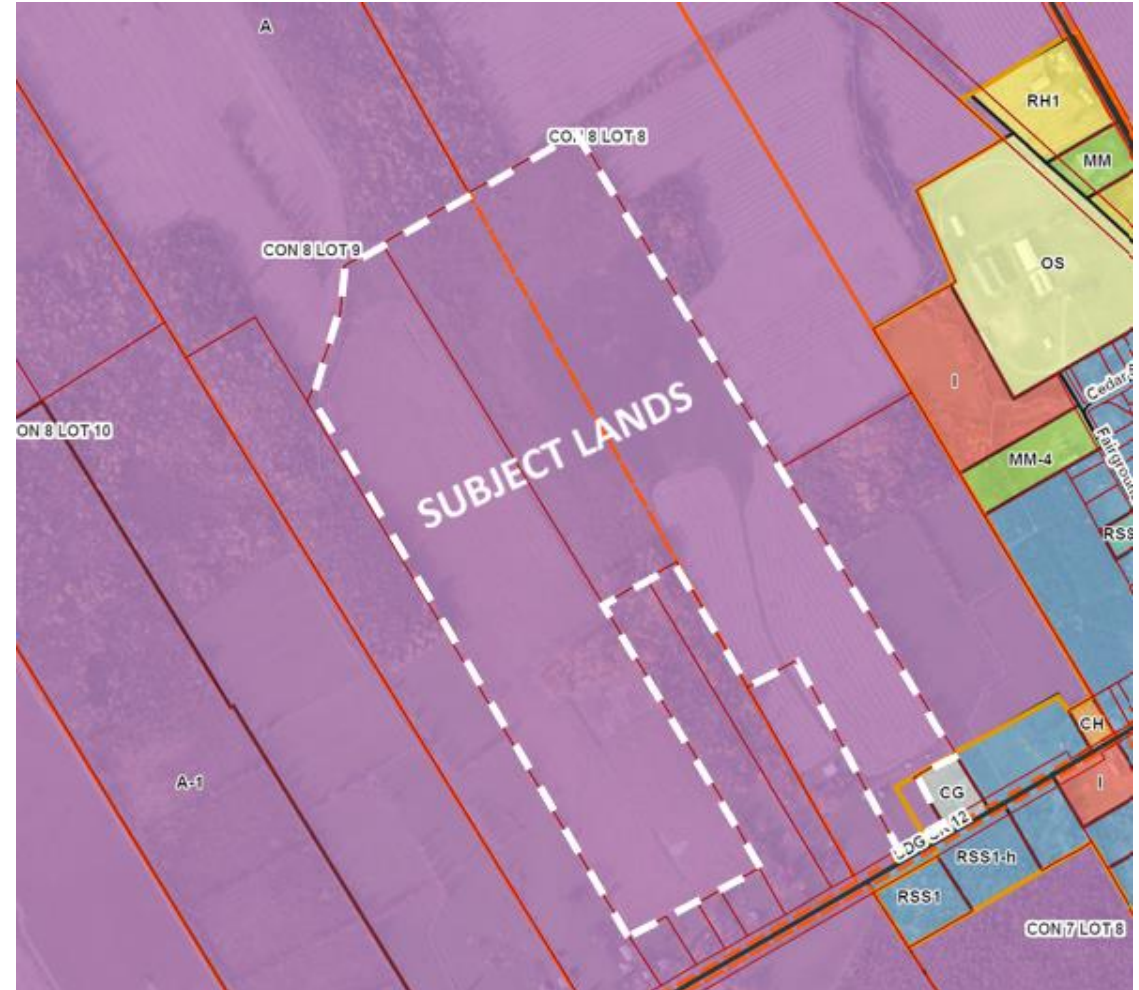
Z-2022-01 | CURRENT DESIGNATION & ZONING

Official Plan Designation

Agricultural Resource Lands

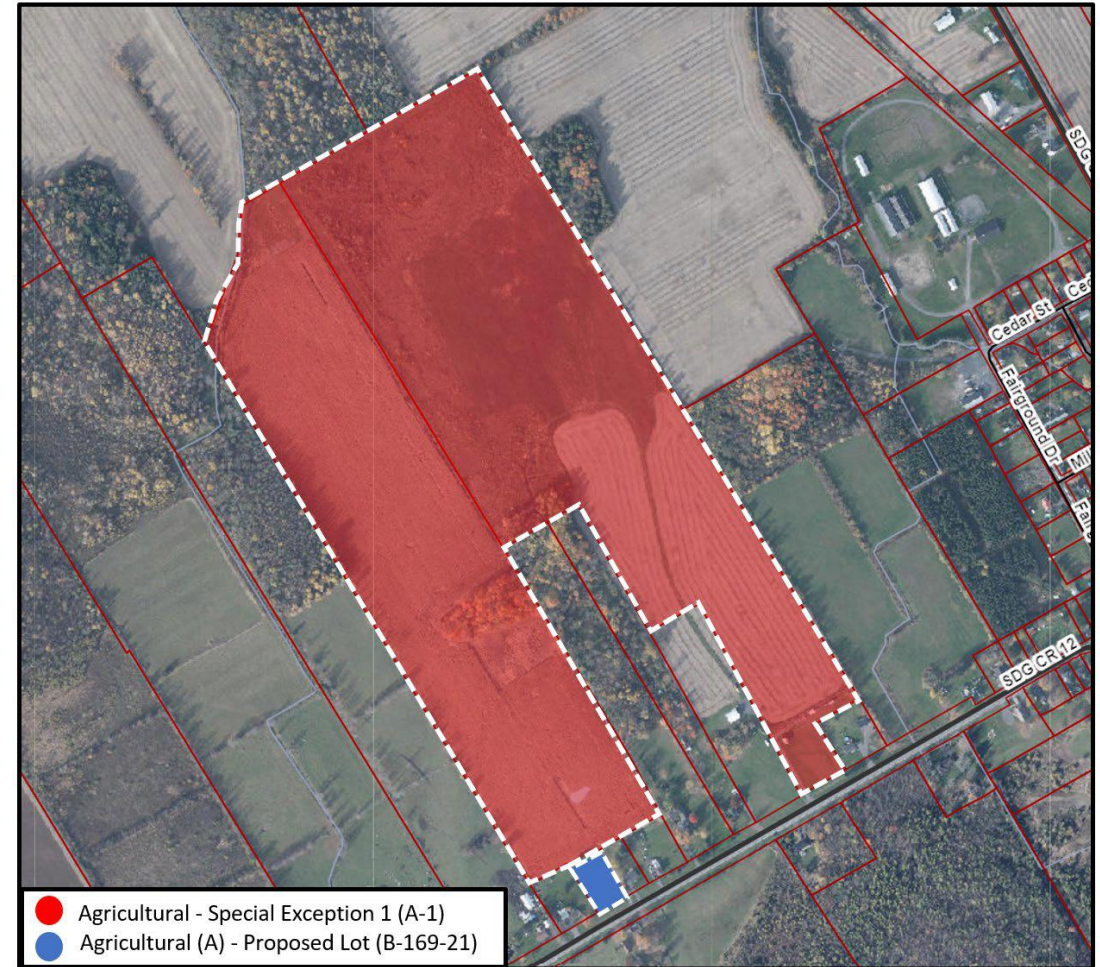
Current Zoning

Agricultural (A)



Z-2022-01 | BACKGROUND

- Consent Application B-169-21 given conditional approval to sever approximately 0.79-acres for a surplus dwelling
- New lot will continue to be used for residential purposes, retained lands will continue to be used as agricultural farmland
- As a condition of consent approval, Township required retained lands to be rezoned to prohibit future residential development



Z-2022-01 | PROVINCIAL POLICY STATEMENT (PPS)

Sections 2.3.1, 2.3.4.1 & 2.3.4.3 stipulates that the creation of a new lot in prime agricultural areas may only be permitted in a small number of cases, one being to accommodate a residence surplus to a farming operation.

Size of the lot should be kept to a minimum in order to accommodate the use and onsite water/wastewater, and to reduce amount of farmland taken out of production.

Retained lands must be rezoned to prohibit future residential uses.

Z-2022-01 | OFFICIAL PLAN (OP)

The intent of the “Agricultural Resource Lands” designation is to accommodate a variety of agricultural/agricultural-related land uses and ensure the protection of prime agricultural land. Limited residential uses are also permitted.

Section 8.12.13.3 (7) outlines the direction and policies for the development and use of Agricultural Resource Lands, which are similar and consistent with the PPS policies

The proposal conforms with the policies of the OP

Z-2022-01 | ZONING BY-LAW (ZBL)

Section 10.1 establishes provisions for uses in the Agricultural (A) zone. The proposal meets and/or exceeds the zoning requirements for a lot to be used for a dwelling.

To ensure compliance with the PPS and OP, the Township required that the applicant apply to rezone the retained lands to “Agricultural - Special Exception 1 (A-1)” to prohibit residential uses.

Z-2022-01 | COMMENTS RECEIVED

No comments received as of June 1, 2022

APPLICATION Z-2022-02 (Westenbroek)

Z-2022-02 | SUBJECT PROPERTY

Location: 5403 Farran's Point Road, Part Lot 24, Concession 2; being Part 1 on 52R-8467, and Part of Lot 24, Concession 1; being PIN No. 60239-0053

Lot Size: 0.73-acres
(enlarged benefitting parcel)

Applicant: Peter Westenbroek

Zoning By-law Amendment File:
Z-2022-02



Z-2022-02 | CURRENT DESIGNATION & ZONING

Official Plan Designation

Urban Settlement Area

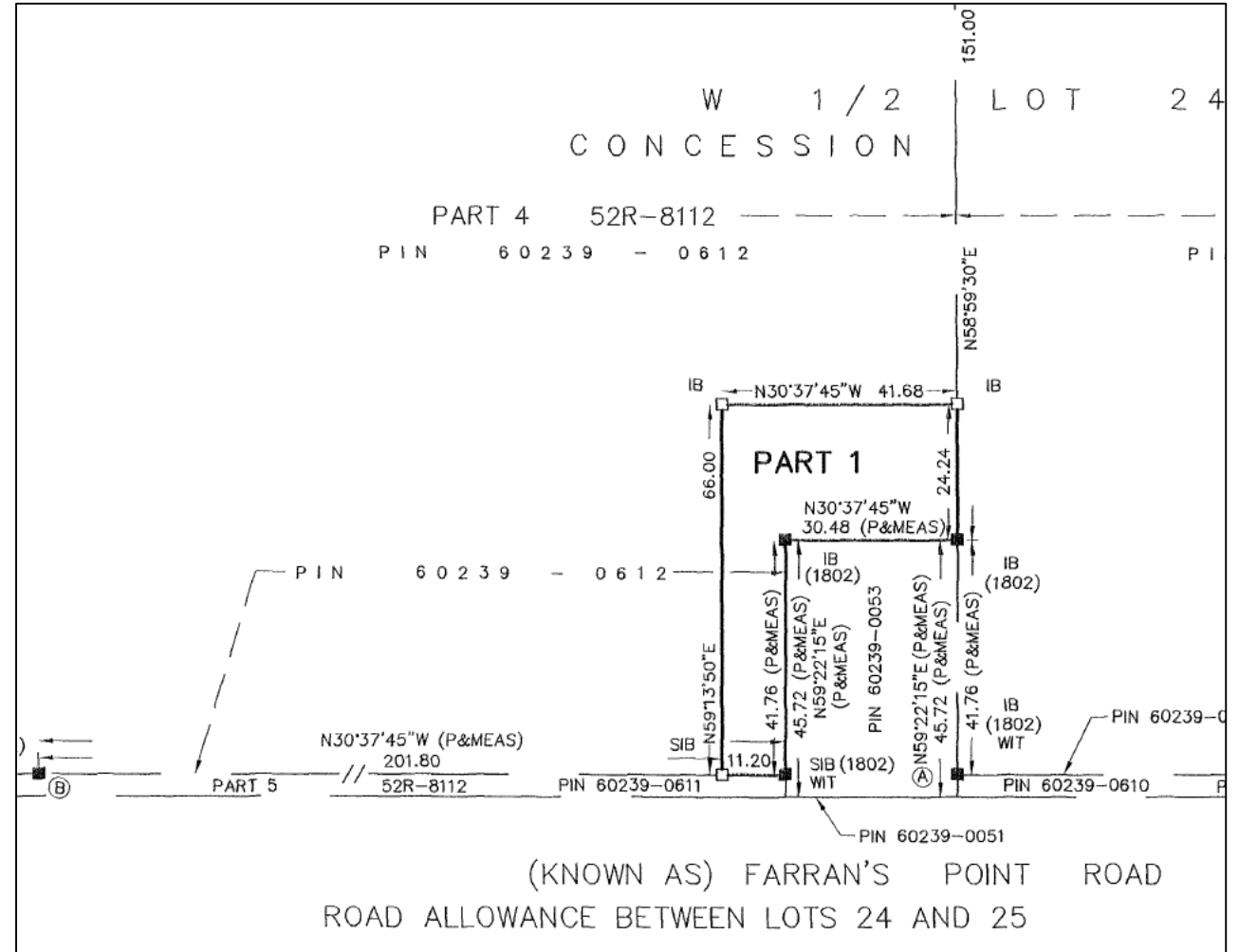
Current Zoning

Residential Serviced First -
Holding (RS1-h)



Z-2022-02 | BACKGROUND

- Consent Application B-82-21 given conditional approval to sever 1481.4 m² (Part 1) from 21.73-acres (Part 4) with the intent of increasing the size of the benefitting parcel, PIN No. 60239-0053 (i.e., Lot Addition).
- The benefitting parcel is zoned Residential Serviced-First - Holding (RS1-h). The hold on the existing lot of record was an oversight on the zoning schedule from 2011. No services are currently available to the subject lands and the property is already an established residential use on private services.



Z-2022-02 | PROVINCIAL POLICY STATEMENT (PPS)

Sections 1.1.5.5 stipulates that *“development shall be appropriate to the infrastructure which is planned or available, and avoid the need for unjustified and/or uneconomical expansion of this infrastructure”*

The benefitting parcel is already on private services, and the zoning amendment is intended to satisfy the conditional approval for B-82-21. The hold symbol will be lifted from both the severed portion and the benefitting parcel.

The application is consistent with the PPS.

Z-2022-02 | OFFICIAL PLAN (OP)

The subject land is designated as Urban Settlement Area/Residential District.

Section 4.3.3.4 (7) stipulates that a *“holding symbol may be used under Section 36 of the Planning Act to phase development in areas which do not have sufficient servicing capacity. Holding symbol zoned may be removed once servicing capacity is available and any other planning conditions are satisfied”*.

Section 8.12.7 notes that the holding symbol may be used to show a future zoning designation. The intent is to retain control of the timing of development and ensure the land is limited to the existing uses.

The existing lot of record for which the severed portion will be added to is already on private services and the use is not changing, therefore capacity is not an issue for the subject lands.

The application conforms with the policies of the Official Plan.

Z-2022-02 | ZONING BY-LAW (ZBL)

Section 5.1 (e) Holding Zones stipulates that for lands zoned RS1-h, the holding (h) symbol will not be lifted until municipal services are available to the site. However, the newly severed portion shall be added to an existing lot or record already on private services, and the use is not changing.

Section 3.18 (a) - Non-Conforming and Non-Complying uses, Continuance of Existing Uses ensures nothing in the by-law *“prevents the use of any land, building or structure for any purpose prohibited by the by-law if such land, building, or structure was lawfully used for such purpose on the day of the passing of the by-law so long as it continues to be used for that purpose”*.

To ensure compliance with the PPS and OP for the severed portion, as well as correct a 2011 oversight, the Township specified that the applicant apply to rezone the newly enlarged parcel from RS1-h to RS1.

Z-2022-02 | COMMENTS RECEIVED

No comments received as of June 1, 2022