



Council Meeting – December 12, 2017

Subject: General Zoning By-law Amendments to Norfolk County Zoning By-law 1-Z 2014.

Report Number: D.C.S. 17- 98
Department: Development and Cultural Services
Division: Community Planning

| | | |
|-------------------------|------------------------------|--|
| Closed Session: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Budget Amendment: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Strategic Plan Linkage: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Recommendations:

THAT the proposed general Zoning By-law Amendments proposed by staff to address provisions identified as needing revision through operation and applicability of the By-Law, BE APPROVED, for reasons set out in Report Number D.C.S. 17-98.

AND THAT public input was received for this application and therefore was considered as part of this recommendation.

Introduction and Background:

Since the induction of the comprehensive Zoning By-law in 2015, Planning Staff have proposed a Zoning By-Law update Amendment twice a year to address provisions that need revisions. These updates keep the by-law relevant and user friendly. The provisions proposed for this revision include the following:

- Definitions
 - Bunk House
 - Change House
 - Driveway
 - Landscape Area
 - Outdoor Event Space
- Urban Residential Type 5 (R5) Maximum Permitted Height
- Maximum Permitted Size – Accessory Building in Agricultural zone
- Permitted Uses with the Rural Commercial (CR) Zone
- Zoning Provisions for Crematoriums
- Prohibit Drive-Through within the Central Business District (CBD) Zone
- Parking Provisions
 - Parking Location (prohibit in the front and exterior lawns)
 - Parking of Recreational Vehicles
 - Group Homes
 - Recreational Vehicle Parking
 - Parking for Outdoor Events

- Driveway Provision
 - Lot of Records

The overall intent of the amendments are to streamline processes, provide consistency and create a more functional and usable document.

Discussion and Analysis:

Provincial Policy Statement 2014

The Provincial Policy Statement 2014 (PPS) provides policy direction on matters of provincial interest relating to land use planning and development. Decisions affecting planning matters “shall be consistent with” the policies of the PPS. Through the PPS, the Province determined that Building Strong Communities is a matter of provincial interest and is to be addressed, in part, through promoting efficient land use and development patterns that support strong, livable and healthy communities, protect the environment and natural resources, promote public health and safety, and facilitate economic growth. Staff is of the view that the proposed zoning changes would contribute to a more effective and efficient land use planning system.

The amendments are considered to be consistent with the Provincial Policy Statement 2014.

Norfolk County Official Plan

The Official Plan outlines a number of guiding principles which provide direction for the policies contained within the Plan. These principles include managing growth; land use; economic vitality; natural heritage; housing and healthy communities; and infrastructure. The proposed amendments align with these principles and assist the County in implementing the corporate priorities of growing the community and contributing to community vibrancy and healthy communities, as well as enhancing the corporate image and promoting efficient government.

The amendments are considered to be in conformity with the Norfolk County Official Plan.

Norfolk County Zoning By-law 1-Z 2014

The amendments drafted by staff intend to serve a balance between public interest matters, ease of use and applicability of by-law provisions, and compliance with policy. This is proposed to be accomplished through the implementation of revised definitions; parking provisions; minimum service requirements and building provisions. The proposed changes are identified below and further outlined in the following charts, with identification of the sections and existing provisions as well as the proposed changes and an explanation.

Proposed Amendments:

Definitions

- Bunk House

| Section | Existing | Proposed | Change |
|---------|---|---|--|
| 2.26 | 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 the farm. operation on which the seasonal workers are employed. A mobile home or recreational vehicle may be used for the purposes of a bunk house. | 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 the farm. A mobile home or recreational vehicle may be used for the purposes of a bunk house. | Remove the wording "operation on which the seasonal workers are employed." |

This is intended to create additional flexibility and recognize that bunk houses are not necessarily located on the same parcel to which the seasonal workers are employed.

- Change House

| Section | Existing | Proposed | Change |
|---------|----------|---|---|
| | N/A | CHANGE HOUSE shall mean a room or building used for the purpose of changing clothes only; | New definition proposed. Currently this definition does not existing within |

| | | | |
|--|--|----------------------------------|-------------------|
| | | no habitable space is permitted. | the Zoning By-law |
|--|--|----------------------------------|-------------------|

A Change House is a use that is permitted within Zoning By-law, but currently not defined. This will aid the development community and Building Department in terms of permits and understanding of permitted uses County-wide.

- Driveway

| Section | Existing | Proposed | Change |
|---------|---|---|--|
| 2.44 | Driveway shall mean a vehicle access provided between a street or lane and a parking area or a loading space, or between (2) parking areas, but does not include a parking aisle. | Driveway shall mean an internal roadway that is not a street, private road, internal road or lane, which provides vehicular access from a street, private road, private road, to parking or loading spaces. | The current definition addresses driveway as the access point – whereas the proposed definition recognizes a driveway as more of a function of the property. |

To create a definition that is more applicable for the zoning by-law as it relates to parking.

- Landscape Area

| Section | Existing | Proposed | Change |
|---------|----------|--|---|
| 2 | N/A | Landscape area shall mean an area of land comprising trees, shrubs, flowers, grass or other horticultural elements. Landscaping may include pervious paths, patios, or elements designed to enhance the visual amenity of a property but does not include open storage display areas, parking or loading areas, or areas covered by driveways. | This is new definition proposed for the By-law. |

The intent of this definition is to provide an understanding of what a landscape area is in the context of a property or development.

- Outdoor Event Space

| Section | Existing | Proposed | Change |
|---------|----------|---|---|
| 2 | N/A | Outdoor event space shall mean the area identified for a short term | This is new definition proposed for the By-law. |

| | | | |
|--|--|--|--|
| | | organized gather, festival or event, that may or may not be licenced, including an stage area, viewing area, eating area, but excluding the area identified for parking. | |
|--|--|--|--|

The inclusion of Outdoor Event Space will help to define what is included for the use and the applicability from a parking requirement.

General Provisions

- Accessory Uses to Residential Uses

| Section | Existing | Proposed | Change |
|---------|--|---|---|
| 3.2.1 | g) occupy more than 10 percent of the lot area, for all accessory buildings together, to a maximum of 55 square metres usable floor area in an Urban Residential Zone (R1 to R6) and 100 square metres usable floor area in all other Zones. Swimming pools shall not constitute a structure for the purposes of this provision; | g) occupy more than 10 percent of the lot area, for all accessory buildings together, to a maximum of 55 square metres usable floor area in an Urban Residential Zone (R1 to R6) and 100 square metres usable floor area in all other Zones, excluding Agricultural (A) zone were the maximum size of 200 square metres of useable floor area is permitted to a maximum of 10% of lot area. . Swimming pools shall not constitute a structure for the purposes of this provision; | Increase the maximum permitted floor area to be 200 square metres in the agricultural area. |

Include a larger accessory building area as of right for the Agricultural area based on the size and function of the properties and the fact that there is less impact on adjacent properties. Residents within the agricultural area generally require larger accessory buildings for storage for vehicles, trailers and agricultural equipment. In 2017 14 Minor Variance or Zoning Applications have been processed to increase the size from the current allowable size of 100 square metres in the agricultural area.

- Accessory Residential Dwelling Units

| Section | Existing | Proposed | Change |
|---------|---|--|-------------------------------------|
| 3.2.3 | i) the accessory residential dwelling unit shall not be | i) the accessory residential dwelling unit shall not be larger | Remove the cap of 75 square metres. |

| | | | |
|--|--|---|--|
| | larger than the lesser of: i. 45 percent of the total floor area of the dwelling unit; and, ii. 75 square metres | than 45 percent of the total floor area of the dwelling unit. | |
|--|--|---|--|

The intent of the removal of the 75 square metres is to allow flexibility for accessory residential units and remove barriers for construction. This will also assist Building and By-law in terms of permits and enforcement.

- Lot of Record

| Section | Existing | Proposed | Change |
|---|--|---|--|
| 5.1.2 5.7.2 5.8.2 6.6.2 6.8.2 12.1.2 | <p>5.1.2 a) minimum lot area iii) lot of record – interior Lot iv) lot of record – corner lot b) minimum lot frontage iii) lot of record – interior Lot iv) lot of record – corner lot</p> <p>5.7.2 a) minimum lot area ii) lot of record b) minimum lot frontage iii) lot of record</p> <p>5.8.2 a) ii) lot of record – minimum lot area</p> <p>6.6.2 a) minimum lot area ii) lot of record b) minimum lot frontage ii) lot of record</p> <p>6.8.2 a) minimum lot area ii) lot of record b) minimum lot frontage iii) lot of record</p> <p>12.1.2 a) minimum lot area ii) lot of record b) minimum lot frontage ii) lot of record</p> | Delete the provision for Lot of Record. | Delete zone references to the Lot of Record. |
| 2.86 | Lot of Record shall mean a lot existing on the date of passing of this By-law which could have been conveyed legally on the date of passing of this By-law without consent under Section 53 of the Ontario Planning Act, as amended, or a lot created by the registration of a deed after the date of the passing of this By-law pursuant to a | Delete the definition for Lot of Record | Delete the definition for a Lot of Record. |

| | | | |
|--|---|--|--|
| | valid consent obtained prior to the passing of this By-law. | | |
|--|---|--|--|

This provision is not required within each zone as any lot create legally is considered non-complying which is captured in Section 2.94.

Parking Provisions

- Location of Parking on a Lot

| Section | Existing | Proposed | Change |
|---------|--|---|---|
| 4.2 | a) for single detached dwellings, semi-detached dwelling and duplex dwelling, not more than one (1) required parking space per dwelling unit may be located within the required front yard or required exterior side yard. | 4.2.3 a) for single detached dwelling, semi-detached dwellings and duplex dwellings, within a front yard, exterior side yard, motor vehicles shall only be parked on a driveway, in a parking space or private garage. b) not more than one (1) required parking space may be located within the required front yard or required exterior side yard. c) vehicles shall not be parked within any landscape area. | Include new provisions relating to where vehicles can be parked on a lot. |

The intent of this amendment is to provide a framework for parking on a residential property and establish provisions relating to parking within a driveway. This would allow opportunities for enforcement when parking is continually occurring in yards that impacts a neighbourhood or sightlines. This provision would not allow vehicles to be parked on lawns.

- Minimum Landscape

| Section | Existing | Proposed | Change |
|---------|----------|---|---|
| 4.2.4 | N/A | 4.2.5 Parking and <i>Landscape Area</i> a) Within Urban Residential Type | A new provision for minimum landscape/yard requirements for residential |

| | | | |
|--|--|--|--------|
| | | <p>1-4 <i>Zones</i>, a minimum of 50% of the <i>front yard</i> shall be maintained as <i>landscape area</i>.</p> <p>b) In the case of a corner lot, a minimum 50% of each of the <i>front yard</i> and <i>exterior side yard</i> shall be maintained as <i>landscape area</i>.</p> | zones. |
|--|--|--|--------|

The inclusion of this new amendment would maintain a minimum standard for yards and restrict the paving of lots. The intent is to maintain both a visual element within a neighbourhood, limit against the width of driveways or paved areas for residential properties, and also maintain areas for rainwater infiltration and stormwater management.

- Parking for Recreational Vehicles

| Section | Existing | Proposed | Change |
|---------|---|---|---|
| 4.6 | c) Recreational vehicles, trailers, and vehicles that do not have a current license plate, shall be prohibited from parking continuously in any required front yard or required exterior side yard. | <p>4.6 Parking of <i>Recreational Vehicles</i></p> <p>In any Residential <i>Zone</i>, <i>Recreational Vehicle</i>:</p> <p>a) Shall not be parked in a <i>front yard</i> or <i>exterior side yard</i>;</p> <p>b) Notwithstanding above, may be parked on a <i>lot</i> -with a minimum 1.2 metre <i>setback</i> from an <i>interior lot line</i> or <i>rear lot line</i> between May 1st and October 31st provided that such <i>Recreational Vehicle</i> does not obstruct the visibility of movement of vehicular or pedestrian traffic within a street or lane.</p> <p>c) Shall not be parked on a <i>lot</i> for more than 72 consecutive hours.</p> | Add new provision for Recreational Vehicles |

This proposed amendment is to include provisions for the parking of recreational vehicles to ensure compatibility with adjacent use and safety for visibility.

- Minimum Driveway Width Requirements

| Section | Existing | Proposed | Change |
|---------|--|--|--|
| 4.1.5 | a)one-way traffic where only one-way direction of traffic flow is permitted and is clearly indicated by signs, pavement markings or both = 6 m b) two-way traffic = 7.3 m | Remove this provision from the by-law. | Remove this provision from the by-law. |

The provisions for driveway widths are addressed in the Norfolk County Design Criteria and reviewed by Public Works. The minimum widths are not required to be included within the Zoning By-law.

- Number of Parking Spaces – Group Home, Retirement Home

| Section | Existing | Proposed | Change |
|---------|----------|--------------------------|--|
| 4.9 | N/A | 1 space for every 3 beds | Establish parking value for Group Home, Retirement home uses |

There is currently no parking standard for this type of use within the Norfolk County Zoning By-law.

- Number of Parking Spaces – Parking For Outdoor Events

| Section | Existing | Proposed | Change |
|---------|--|--|--|
| 4.9 | tt) other non-residential uses: 1 parking space for every 35 square metres of useable floor area | tt)) other non-residential uses: 1 parking space for every 35 square metres of useable floor area or outdoor event space. | Include provision for outdoor event spaces - currently no parking standard for this type of use. |

Outdoor Special events are becoming increasingly popular, and within the Norfolk County Zoning By-law, there is no standard to ensure proper accommodate of vehicles. This amendment will address this matter and provide a framework for the use in terms of parking.

Zone Provisions

- Urban Residential Type 5 Zone (R5)

| Section | Existing | Proposed | Change |
|---------|--|---|---|
| 5.5.2 | f) maximum building height: three (3) storeys | f) maximum building height: five (5) storeys | Increase building height from three (3) storeys to five (5) storeys |
| | g) maximum floor area ratio: i) two (2) storey building: 0.6 ii) three (3) storey building: 0.66 | g) maximum floor area ratio: i) two (2) storey building: 0.6 ii) three (3) storey building: 0.66 iii) four (4) storey building: 0.72 iv) five (5) storey building: 0.79 | Include floor area ratio for fourth and fifth floors |

There were different standards for apartment building height under the former town By-laws, and the lowest height permitted was carried forward into the Norfolk County Zoning By-law. Through review and discussion, the recommendation is to increase the height for the R5 zone to five (5) storeys. This is considered a negotiation between the previously permitted three (3) storey and eight (8) storey heights. The amendment also includes floor area ratios for the fourth and fifth floors. The R5 zone is also subject to Site Plan Control. Apartment buildings are also permitted in the Urban Residential R6 and Central business District Zone to a height of eight (8) storeys.

- Central Business District Zone (CBD)

| Section | Existing | Proposed | Change |
|---------|----------|---|---|
| 6.1.8 | N/A | Zone Provision for Drive Through: A Drive through shall not be permitted within the Central Business District (CBD) Zone | To include provision to prohibit drive throughs within the CBD Zone |

The function of the Central Business District is to provide a vibrant shopping and service area that is accessible. Drive-through facilities are dependent on a high volume of vehicular traffic and a high turnover of customers. As such they can have significant traffic impacts with respect to site access, stacking or queuing lanes, and can create conflicts between internal traffic, parking areas, and pedestrian traffic. Drive-through fast food restaurants also require outdoor speakers/ ordering boards which may create visual and noise impacts.

- Rural Commercial Zone (CR)

| Section | Existing | Proposed | Change |
|---------|----------|---|--|
| 6.7.1 | N/A | Add the following additional permitted uses: ▪ Contractor shop ▪ Contractor supply and service shop | To include additional permitted uses within the CR zone. |

| | | | |
|--|--|--|--|
| | | <ul style="list-style-type: none"> ▪ Farm machinery and equipment repair shop ▪ Machine shop related to farm machinery and equipment | |
|--|--|--|--|

Planning staff are proposing the inclusion of the additional uses within the CR zone for flexibility and additional opportunity within that zone. This amendment will also create consistency for the uses that are also permitted within the Hamlet Commercial (RH) and Rural Industrial (MR) zone. The zones are considered to function in a similar context.

- General Industrial Zone (MG)

| Section | Existing | Proposed | Change |
|---------|----------|---|--|
| 7.1.8 | N/A | <p>7.1.8 Additional Zone Provisions for Crematoriums</p> <p>Additional <i>Zone</i> Provisions for Crematoriums</p> <p>Notwithstanding certain Zone provisions in Subsection 7.1.4, the following additional provisions shall apply to a crematorium:</p> <ul style="list-style-type: none"> a) Minimum <i>lot area</i> 8 hectares b) Minimum <i>front yard</i> 30 meters c) Minimum <i>exterior side yard</i> 30 metres d) Minimum <i>interior side yard</i> 30 metres e) Minimum <i>rear yard</i> 30 metres f) Minimum setback to any residential zone, school, community centre or place of recreation. 70 metres | To include provisions within the MG Zone for Crematoriums and to create consistency within the by-law for Crematoriums. The provisions are existing within the Community Institutional Zone (IC) |

This amendment will include setback provisions within the MG Zone for Crematoriums and to create consistency within the by-law for Crematoriums. The provisions are existing within the Community Institutional Zone (IC). Additionally, the amendment will include a minimum setback to any residential or sensitive land use which is keeping in line with the current Ministry of the Environment D6 Guidelines for Industrial Uses.

- Community Institutional Zone (IC)

| Section | Existing | Proposed | Change |
|---------|--|--|--|
| 8.1.4 | <p>8.1.4 Additional Zone Provisions for Crematoriums</p> <p>Additional Zone Provisions for Crematoriums</p> <p>Notwithstanding certain Zone provisions in Subsection 7.1.4, the following additional provisions shall apply to a crematorium:</p> <p>a) Minimum lot area 8 hectares</p> <p>b) Minimum front yard 30 meters</p> <p>c) Minimum exterior side yard 30 metres</p> <p>d) Minimum interior side yard 30 metres</p> <p>e) Minimum rear yard 30 metres</p> | <p>8.1.4 Additional Zone Provisions for Crematoriums</p> <p>f) Minimum setback to any residential zone, school, community centre or place of recreation. 70 metres</p> | To include clause f) for setbacks to residential or sensitive land uses. |

The amendment would include a provision for setback of a crematorium to a sensitive land use. This would create consistence with provisions for crematoriums and provide additional buffering/distance between the use and residential, school, community centre and place of recreation uses.

- Hazard Land and Change House (HL)

| Section | Existing | Proposed | Change |
|---------|----------|---|--|
| 11 | N/A | <p>Subsection 11.4 Additional <i>Zone</i> Provisions for a <i>Change House</i>.</p> <p>a) No <i>change house</i> shall contain a <i>habitable room</i> or washroom facilities.</p> <p>b) A <i>change house</i> is required to have a minimum 3.0 metre <i>setback</i> to an <i>interior lot line</i> or <i>rear lot line</i>.</p> <p>c) A <i>change house</i> is required to have a minimum 6.0 metre <i>setback</i> to a <i>front lot line</i> or <i>exterior side lot line</i>.</p> | Establish provisions for the use and location of a change house. |

A change house is a permitted use within the Hazard Land zone, however, currently there are no provisions that address the use. These provisions will provide setback requirements for placement on a lot.

Note

It is noted that all the relevant sections will be renumbered accordingly to address the addition of the new provisions where required.

Interdepartmental Implications:

The process is considered a procedural amendment and formal circulation was not required; however, Planning Staff did consult with Building and By-law; Public Works and the Tourism and Economic Development staff for review and input.

Regard For Public Input:

It is noted that Public Notice regarding the amendments was posted in local newspapers in accordance with the requirements of the Planning Act and associated regulations. An Open House was held on Wednesday November 22nd, 2017 wherein twenty-seven (27) people attended. The proposed amendments were also shared with the Agricultural Advisory Board and the Tourism and Economic Development Advisory Board, as well as Development Information Session (DIS) Group.

Public input has been received for this application and therefore will be considered as part of this decision.

The main issues of interest raised at the Open House included:

- Parking on front lawns
A number of people were concerned about the issue of vehicles parking on front lawns and the number of vehicles permitted.
- The uses of the Rural Commercial Zone (CR)
The issue raised regarding the CR zone was not wanting to see any uses removed.
- Setbacks for Crematoriums.
Additional setbacks and provisions for crematoriums is considered key for protecting surrounding land uses.

It is anticipated that the amendments proposed will assist to address the concerns raised.

Planning Advisory Committee Recommendation:

The Norfolk Planning Advisory Committee (PAC) is responsible for reviewing policy related planning matters. The proposed updates were presented to PAC and comments received for consideration.

Corporate Strategic Plan Linkage:

- ☐ Goal 1: Financial Sustainability and Fiscal Responsibility
- ☐ Goal 2: Improved Essential Infrastructure
- ☐ Goal 3: Recruitment and Succession Management
- ☒ Goal 4: Corporate Communications Strategy

Communication Plan:

- ☐ Not Required
- ☐ Media Release
- ☒ Public Consultation / Information
- ☒ Public Participation Plan

Details: The Planning Act, R.S.O. 1990, c.P.13 states that Council shall ensure that at least one public meeting is held for the purpose of giving the public an opportunity to make representations in respect of the proposed by-law amendment.

Conclusion:

The proposed amendments meet the intent of the Provincial Policy Statement 2014 and the Norfolk County Official Plan. The amendments are considered to be of a housekeeping matter and will provide clarity and allow for better understanding and applicability of the Zoning By-law. Planning Staff supports the amendments and recommends approval.

Respectfully Submitted By:

Christopher D. Baird, CET, CMMIII, Ec.D.
General Manager, Development and Cultural Services Division
For more information, call: 519.426.5870 ext. 1348

Reviewed By:

Pamela Duesling, MAES, MCIP, RPP, Ec.D., CMMIII
Manager, Planning Department
For more information, call: 519.426.5870 ext. 1342

Prepared By:

Shannon VanDalen, B.A. MCIP, RPP.
Principal Planner, Planning Department
For more information, call:
519.426.5870 ext 1834