



PLANNING & DEVELOPMENT

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Zoning By-law Amendment Report to Municipality of South Huron Council

Re: Zoning By-law Amendment Application (#D14-08/17)
Zoning By-law Amendment from Institutional (I1) to Agricultural Small Holding (AG4)

Location: Conc 3 PT Lot 15, Usborne Ward (40507 Huron Street)

Applicant: Cam and Lindsay Barton

Owner: WVRH Holdings Inc.

This report is submitted to South Huron Council for the Public Meeting on October 16, 2017

RECOMMENDATION

It is recommended rezoning application (#D14-08/17) **be approved.**

PURPOSE AND EFFECT

This rezoning application affects the property known legally as Conc 3 PT Lot 15, Usborne Ward. The property is currently zoned I1 (Institutional) which permits a range of institutional uses including an assembly hall, church, public clinic, school etc.

The purpose of this rezoning request is to change the zoning from I1 to AG4 (Agricultural Small Holding) to permit a residential use as the main permitted use on the site. The subject lands currently house a vacant school that is no longer in operation. The intent is to remove this existing structure and construct a new residential dwelling on the subject lands.

This By-law amends Zoning By-law 13-1984 of the former Township of Usborne. The effect of this application if approved, permits the use of the site for residential purposes as the main permitted use.

Figure 1: Aerial Photo of Subject Property.



Figure 2: View of subject lands.



COMMENTS

South Huron Official Plan

The South Huron Official Plan designates the property as Agriculture. Agricultural areas predominate in the Municipality of South Huron and the primary use of this land is for farming of all types, sizes and intensities, including related uses and on farm diversified uses. The Agricultural designation recognizes a range of agricultural uses including General Agriculture and farming, livestock, and crop production. The agricultural designation also recognizes and permits rural residential uses on small lots that are appropriately zoned.

The subject lands are an existing lot of record with an old school that is currently vacant. The applicant is interested in a future residential use on this site which is approximately 8.78 acres (3.5 hectares) in size. Under Section 4.4.3 in the South Huron Official Plan, policies are set out for residential uses in lands designated agriculture. The plan states that existing lots less than 4 hectares in size may be permitted a residence subject to a rezoning to an Agricultural Small Holding Zone (i.e. AG4 as is requested by the applicant through this application) permitting one dwelling and limiting the number of nutrient units on the property.

Under this policy in the Official Plan, the applicant will also have to demonstrate and/or seek approvals from the Municipality for public and/or private services for building permit and must obtain safe access onto an open public road. Based on preliminary review: the lands are an existing lot that meets the Official Plan policy size for residential use; the conversion of lands from a previous Institutional use (primary school) to a Residential use does not require a Record of Site Condition; the lands are not regulated by a local Conservation Authority; and there is existing access to this property. The construction of a proposed residential dwelling at this site should also have limited to no impact on Minimum Distance Separation Setback (MDS) for livestock operations as through the application submission it was demonstrated no livestock uses exist in the immediate area, nor are there any buildings or structures capable of housing livestock. If a future livestock use were to be proposed in proximity to this site a residential use would pose no additional setback requirements than what exists today. There are also existing dwellings and an Institutional use in close proximity (Municipal works yard) that would also be limiting factors for livestock development in this area. A new residential development on a pre-existing small agricultural parcel should have no negative impacts on the surrounding agricultural area as rural residential uses are permitted and recognized throughout the Municipality, and are a common occurrence in South Huron.

The rezoning of this parcel would be in line with the provisions set out for residential uses in Agricultural areas in South Huron Official Plan.

Township of Usborne Zoning By-law (#13-1984)

The current I1 (Institutional) zoning on the property permits an Institutional use; the intent of this rezoning request is to permit future residential uses under an AG4 zone. On review of the AG4 zone provisions, the subject lands at 3.5 hectares (8.78 acres) meet the

minimum lot area of 1,850 sqm (0.45 acres) and are below the maximum permitted AG4 lot size of 4 hectares (9.8 acres). The existing lot also meets AG4 zone provisions for minimum lot frontage of 23 metres as the lot frontage exists at approximately 142 metres. Therefore the related AG4 zone provisions would be met if the subject lands were rezoned to AG4, and as noted above the Official Plan recognizes small agricultural lots under the AG4. If reconstruction occurs on this property for residential purposes it also removes a currently vacant and underutilized property in the Municipality.

In siting a future residential dwelling, the applicant would need to meet zone provisions in the AG4 zone for building setbacks, height, lot coverage and related provisions for accessory buildings and structures. The applicant will be required to submit any necessary permits to the building department for use and/or development of this site and obtain appropriate approvals as deemed necessary.

STAFF AND AGENCY COMMENTS

This report has been prepared in advance of the public meeting. At the time of preparation no formal comments were received from any circulated agencies or the public. Comments may arise at the public meeting.

I will be in attendance at the public meeting to answer questions of Council and the public on this Zoning By-law amendment.

SUMMARY

The proposed zoning by-law amendment conforms to the South Huron Official Plan and reflects similar rural residential uses in the Agricultural area. The current lot meets AG4 zone provisions and any future dwelling will be required to maintain AG4 zone provisions. It is recommended this rezoning application **be approved**.

Sincerely,

“original signed by”

Sarah Smith, BES
Planner