



PLANNING & DEVELOPMENT

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

Re: Zoning By-law Amendment Application (#SHu D14-Z18/18)
Zoning By-law Amendment to amend text provisions under Agricultural Small Holding
Special Provisions Zone (AG4-25)

Location: Stephen Concession 2 PT Lot 21 RP 22R5795 Part 1 (39770 Huron Street)

Applicant: Matt Runge

Owner: Brand and Darlene Borland

This report is submitted to South Huron Council for the Public Meeting on January 7th, 2019.

RECOMMENDATION

This rezoning application (#D14-18/18) conforms to the provisions of the South Huron Official Plan and it is recommend that this application **be approved**.

PURPOSE AND EFFECT

This By-law affects the property known municipally at 39770 Huron Street, and legally as Stephen Concession 2 PT Lot 21 TP 22R5795 Part 1, Stephen Ward.

The subject lands are zoned AG4-25 (Agricultural Small Holding Special Provisions) in the South Huron Zoning By-law #69-2018. Under the AG4-25 zone provisions, the minimum required separation distance from the residence on the subject lands to the nearest livestock operation is required to be 243 metres. The owners of the property wish to construct a new residential dwelling on this parcel to replace the existing dwelling. In siting the dwelling, the proposed distance to the adjacent livestock use located on the south side of Huron Street is 210 metre distance. Under this zoning by-law amendment application, the applicant is requesting a change in AG4-25 special provisions to permit a reduced distance to the livestock facility of 210 metres.

This By-law amends Zoning By-law #69-2018 for the Municipality of South Huron.

Figure 1. Aerial view of subject parcel.



Figure 2. Street view of subject parcel. Existing dwelling to be removed and new dwelling to be constructed. Approximate new dwelling location identified in blue.



The site plan for 1000 Huron Street shows a rectangular lot with a dashed line indicating the 100-foot front setback. The lot is divided into two main sections by a diagonal line. The upper section contains an 'EXISTING DWELLING' and a 'PROPOSED DWELLING'. The lower section contains a 'PROPOSED SETBACK TO BARN ON SOUTH OF HURON STREET'. The plan includes various setbacks and dimensions, such as 100' (30.48m) for the front setback, 100' (30.48m) for the side setback, and 100' (30.48m) for the rear setback. A brown line indicates the proposed setback to the barn on the south of Huron Street. The plan also shows a 'PROPOSED DWELLING' and an 'EXISTING DWELLING' with their respective setbacks and dimensions. The lot is bounded by Huron Street to the north and a property line to the south. The plan includes a north arrow and a scale bar.

EXISTING DWELLING

PROPOSED DWELLING

PROPOSED SETBACK TO BARN ON SOUTH OF HURON STREET

HURON STREET

“Planning with the community for a healthy, viable and sustainable future.”

COMMENTS

South Huron Official Plan

The South Huron Official Plan designates the subject property as Agricultural. Agricultural areas predominate in the Municipality of South Huron and the primary use of land is for farming of all types, sizes and intensities, including related uses and on farm diversified uses. Residential uses are permitted accessory to a farming operation, or on lands zoned as an Agricultural Small Holding (i.e. AG4 Zone in South Huron Zoning By-law).

The subject lands constitute an existing Agricultural Small Holding, AG4 Special Zone. An existing residential dwelling is located on the subject lands which the applicant intends to replace. The South Huron Official Plan sets out criteria for residences on AG4 parcels under Section 4.4.3 Residences in Agricultural Areas. The existing parcel and proposed development meet related policies including provision of services via septic and well water, the lands are adequate for residential development, there are no conservation regulation limits affecting the subject lands, and there is existing access to an open and public road.

Official Plan Section 4.4.3 also references that proposed development must meet Minimum Distance Separation (MDS) setback requirements from livestock facilities in accordance with the MDS Implementation Guidelines, as amended, and prepared by the Ontario Ministry of Agriculture, Food and Rural Affairs. The subject lands are zoned AG4-25 which includes a special provision that requires any residential dwelling on this parcel to be located at a minimum setback of 243 metres to the neighbouring livestock use located on the south side of Huron Street. This special provision was implemented under By-law #98-2010 when the subject lands were severed from the larger surrounding farm parcel under a previously approved consent/severance application. The minimum 243 metre setback, which is the current approximate distance between the existing house and the barn, was implemented based on the calculated MDS setback requirement to the barn at that time.

As part of this current application the proposed dwelling is planned to be located further south on the property, therefore closer to the existing barn across the street, and does not meet the minimum 243 metre setback requirement that exists in the Zoning By-law. The applicant has requested a change to the AG4-25 zone provisions to remove the 243 metre requirement, and amend same to recognize the proposed 210 metre distance.

To support the application, the applicant completed a new MDS I calculation under current regulations and MDS software that is in effect. It is understood the existing barn is currently vacant, but same does have the capability of housing livestock. Based on the approximate square footage of the barn, the livestock housing capacity outputted was 36.3 nutrient units. Current MDS requirements output a corresponding MDS setback of 200 metres to the barn and 200 metres to the manure storage for any proposed residential dwelling. Based on the

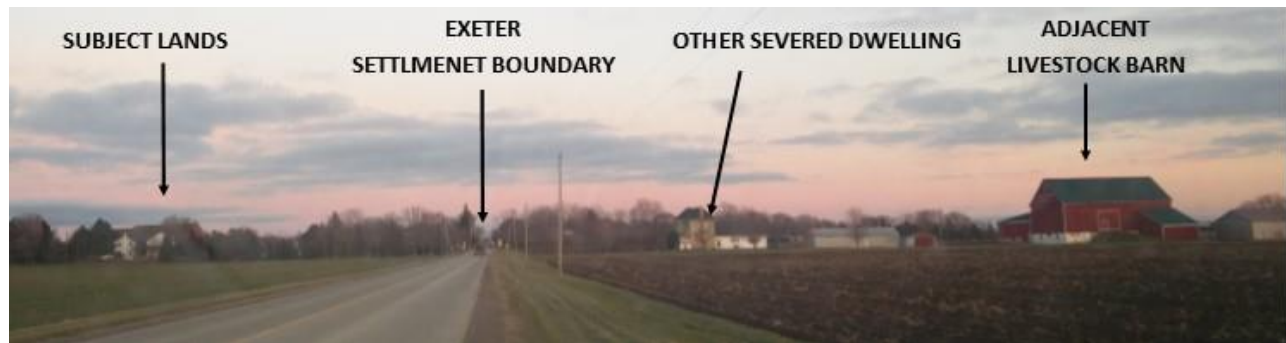
applicant sketch submitted for the proposed development, and the requests in this application, the house is proposed at a setback of 210 metres from the neighbouring barn. Under current MDS calculations it appears MDS would be met for the proposed building location.

In review of the application surrounding context should also be considered. There is an existing Agricultural Small Holding (AG4) lot between the subject property and the barn (see Figure 4 below) to which MDS would apply. The Exeter Urban Settlement Boundary is also approximately 185 metres from the existing barn (See Figure 4 below) which constitutes as a Type B Land use, and a double MDS distance would apply. Both these features act as limiting factors to the barn under MDS requirements.

Figure 4. Aerial view of subject parcel and adjacent uses including Exeter Settlement Boundary and other severed dwelling.



Figure 5. Street view of subject parcel and adjacent uses including Exeter Settlement Boundary and other severed dwelling.



South Huron Zoning By-law 69-2018

Upon review of the proposed residential structure, required AG4 zone regulations for lot frontage, side yard, rear yard, and lot coverage in the South Huron Zoning By-law would be met. Under the AG4 zone the applicant would be permitted a residential use as the main use of the site in addition to accessory buildings and structures.

As MDS can be met to the barn based on current MDS calculations, and considering the Urban Settlement Boundary of Exeter is a limiting factor, as well as there being another residential dwelling in closer proximity to the adjacent livestock operation, the request for a zone amendment to modify the text to recognize a distance of 210 metres is supportable.

Additional Comments:

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

SUMMARY

This Zoning By-law amendment is in conformity with the South Huron Official Plan and therefore it is recommended it be approved.

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

Sincerely,

“original signed by”

Sarah Smith, BES
Planner