



PLANNING & DEVELOPMENT

57 Napier Street, Goderich, Ontario N7A 1W2 CANADA

Phone: 519.524.8394 Ext. 3 **Fax:** 519.524.5677 **Toll Free:** 1.888.524.8394 Ext. 3

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

Re: Zoning By-law Amendment Application (#D14-07/17)
Zoning By-law Amendment from General Agriculture (AG1) to Agricultural Small Holding (AG4)

Location: Conc B N PT Lot 7 AS RP 22R43; Part 7 Part 18, Stephen Ward

Applicant: James Boere

Owner: Rita Bajzat

This report is submitted to South Huron Council for the Public Meeting on September 5, 2017

RECOMMENDATION

It is recommended rezoning application (#D14-07/17) **be approved.**

PURPOSE AND EFFECT

This rezoning application affects the property known legally as Conc B N PT lot 7 AS RP 22R43; Part 7 Part 18, Stephen Ward. The property is currently zoned AG1 (General Agriculture) which permits a range of agricultural uses and agricultural related uses.

The purpose of this rezoning application is to change the zoning from AG1 to AG4 (Agricultural Small Holding) to recognize a single detached dwelling as the main permitted use. The subject lands are currently vacant; the applicant wishes to construct a residential dwelling on the subject lands and use the parcel for residential purposes.

This By-law amends Zoning By-law #12-1984 of the former Township of Stephen. The effect of this application if approved would permit 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. Residential uses in this designation are permitted accessory to a farming operation and promote agriculture and farm activity, or on a rural residential lot in the Municipality.

The subject lands are an existing lot of record and are currently vacant. The applicant is interested in building a residential dwelling on the property which is approximately 3.93 acres (1.5 hectares) in size. Under Policy 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, the applicant will also have to demonstrate and/or seek approvals from the Municipality for public and/or private services, approval from the Ausable Bayfield Conservation Authority (notice of application was given to this agency, no comments received at time of writing the report) for siting the dwelling as a portion of the lands are regulated, and must obtain safe access onto an open public road. The lands are deemed suitable for residential development, and some of the parcels surrounding this property have also received previous approval for conversion from AG1 to AG4 to permit a residential use. The proposed dwelling should also have limited to no impact on Minimum Distance Separation Setback (MDS) for livestock operations as the group of dwellings existing in this area would already be considered a Type A land use that must be considered and appropriate setback provided (See neighboring dwelling in Figure 2 above). A new residential development on a pre-existing small agricultural parcel should have no negative impacts on the surrounding agricultural area.

Township of Stephen Zoning By-law (#12-1984)

The applicant would like to be able to construct a single-dwelling on the property. Currently the AG1 zoning on the property requires that a single-family dwelling must be accessory to an agricultural use, whereas the AG4 zoning permits one single family detached dwelling as a primary use. Due to the size of the property, it is impractical to consider that a dwelling could be considered accessory to agriculture.

In siting a building on this property the applicant must meet zone provisions in the AG4 zone for building setbacks, lot coverage and related provisions for accessory buildings and structures. The applicant will be required to submit a formal building permit application for proposed development on this site.

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 surrounding rural residential uses in this area. The proposed 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