



STAFF REPORT PUBLIC MEETING

February 27, 2023

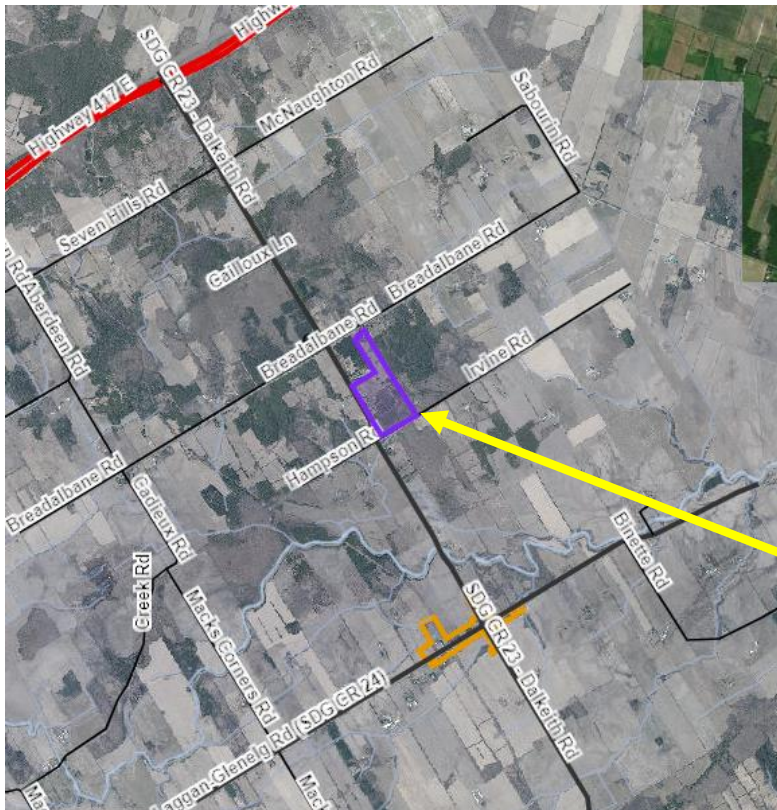
TO: Mayor and Council Members

FROM: Jacob Rheume, Director of Building, By-law & Planning

RE: Zoning By-law Amendment No. Z-01-2023

Owner: Andy SCHERER

Location: 1535 Dalkeith Road (County Road 23), Dalkeith, ON, K0B 1E0
Con 8 Part Lot 7; RP 14R2114 Part 4 & PT of Part 3

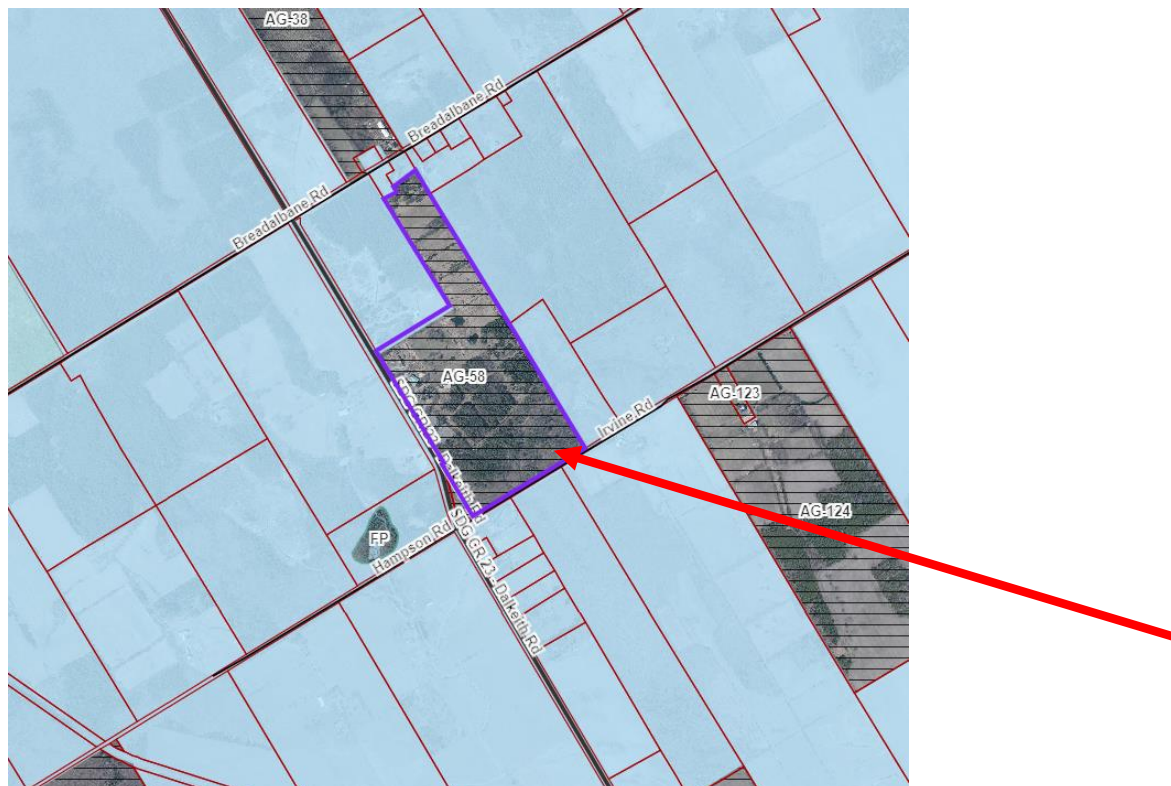




Official Plan designation: Agricultural Resource Lands



Zoning designation: General Agricultural-Special Exception (AG-58)



Purpose of application: To re-zone the property from General Agricultural-Special Exception (AG-58) to General Agricultural-Special Exception (AG-221) to permit a secondary dwelling (single detached home) on the subject lands and to permit the continuation of an agricultural commercial tourism use to the current agricultural operation.

Discussion: The subject lands have frontage of approximately 1300 feet on Dalkeith Road (County Road 23). It is of irregular shape, with an area of 68.94 acres. The Planning Department received a request from the applicant to rezone the property from General Agricultural-Special Exception (AG-58) to General Agricultural-Special Exception (AG-221) to permit a secondary dwelling (single detached home) on the subject lands and to permit the continuation of an agricultural commercial tourism use to the current agricultural operation.

The special exception AG-58 was passed in 2011 (Z-10-2011) to permit the addition of an agricultural commercial tourism use to the agricultural operation. The owner wishes to keep that permitted use for the property for future potential projects.

The current General Agricultural (AG-58) zoning permits only one (1) single detached dwelling and an accessory apartment. Secondary dwellings are currently not permitted, they are however encouraged in the Provincial Policy Statement, and allowed in the SDG Counties Official Plan. On January 1, 2012, the Planning Act was amended to encourage/allow municipalities to authorize secondary dwellings within their Official Plans and Zoning By-laws. It also provides that Official Plan Policies and implementing Zoning By-laws should permit secondary dwelling units in single detached, semi-detached and row houses, or in a detached structure.

On January 1, 2012, the *Planning Act* was amended to require municipalities to authorize secondary dwelling units within their Official Plans and Zoning By-laws.

Secondary dwelling units increase the supply and range of affordable rental accommodation. In addition, they benefit the community in many ways as they:

- a) Allow homeowners to earn additional income to help with the ownership costs; and,
- b) Support changing demographics by providing more housing options for extended families or elderly parents, or for live-in caregivers.

The proposed secondary dwelling, for now, is intended to be located in the circular “gazebo” structure and will have an approximate ground floor area of 1200 square feet, which will be fully compliant with our Zoning By-law minimum required floor area. The proposed dwelling will comply with the required setbacks in the zoning by-law for the General Agricultural (AG) zone: front yard depth (West): 15m, interior side yard depth (North & South): 6m, and rear yard depth (East): 15m. The location of the secondary dwelling will have to comply with the required setbacks; however, it is not definitive on the setbacks since the entire property is being rezoned therefore the owners may decide to construct elsewhere on the property.

The exact location for the new dwelling and septic system are to be determined later. It would most likely have its own private septic system if the existing one can't accommodate the flow, and a private water supply. Both are of no concern from a planning, geological, environmental, nuisance, or building code standpoint. They will also use the same existing driveway off County Road 23. A new civic number could be issued for the new proposed dwelling.

Designs for the new dwelling have not been finalized at this time as the owners want to confirm the construction is allowed before investing in architectural/structural drawings, and septic designs. The new dwelling will comply with our current Zoning By-law, and will have to comply with Ontario Building Code, requiring a building permit.

We have received a comment from RRCA that Provincially Significant Wetlands are mapped within 120m of the subject lot. Development or site alterations within and setback 120m from the wetlands shall require environmental reports and permission from the Raisin Region Conservation Authority, as per O. Reg. 175/06. There is however a lot of land on the property to avoid having to alter the wetlands.

We have received no other comments or concerns from any agencies or members of the public.

The surrounding official plan designation includes mostly Agricultural Resources Lands on all sides. Same for our Zoning, it's mostly general agricultural lands in the surroundings.

The surrounding uses include mostly rural residential properties as the area has some wetlands around, and a lot of significant woodlands, making farming more challenging even if all zoned as such.



Planning Act

The *Ontario Planning Act* gives municipal Councils the authority to pass zoning by-laws, and make amendments to existing zoning by-laws, under Section 34 of the Act. The *Planning Act* also requires that in making planning decisions Council must have regard for matters of Provincial Interest. The *Planning Act* requires that Council's decisions must be consistent with the Provincial Policy Statement, and conforms with the Stormont, Dundas and Glengarry Official Plan which apply to the lands.

Provincial Policy Statement (2020)

The Provincial Policy Statement, also known as the "PPS", provides policy directions on matters of provincial interest related to land use planning and development. It aims to provide for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

Section 1.1.1 supports healthy, livable and safe communities by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term, accommodate an appropriate affordable and market-based range and mix of residential types, (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for elderly) and avoids development and land use patterns which may cause environmental or public health and safety concerns.

2.3.3.1 In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

Secondary dwelling units in agricultural areas are consistent with the Provincial Policy Statement 2020.

SDG Counties Official Plan (2018)

The SDG Counties Official Plan permits dwellings and secondary dwellings in Agricultural Resource Lands. SDG Counties planning Staff have confirmed the application conforms to the SDG Counties Official Plan. They were notified of the proposed Zoning Amendment and offered no comments or concerns regarding the proposed application.

In conclusion, based on the criteria above, the proposed zoning amendment conforms to the relevant policies of the United Counties of Stormont Dundas and Glengarry's Official Plan. It is consistent with Provincial Policy Statement and compliant with the Township of North Glengarry Zoning By-law No. 39-2000. It also promotes the efficient use of land, and it is deemed appropriate for the subject lands.