



Municipality of North Grenville

Report No.
PD-011-2020

File No.
ZBA-03-20

Date:	May 27, 2020 – Council Meeting
Subject:	Zoning By-Law Amendment Application ZBA-03-20 Martha and Peter Bradburn – 554 Craig Road Part of Lot 5, Concession 5, Geographic Township of Oxford-on-Rideau, now the Municipality of North Grenville
Attachments:	Appendix 1: Location Plan Appendix 2: Details of Proposed Zoning

RECOMMENDATION

The following recommendation is provided for Council's consideration:

That Council approve Zoning By-Law Amendment Application ZBA-03-20 for the lands legally described as 554 Craig Road, Part of Lot 5, Concession 5, Geographic Township of Oxford-on-Rideau, now the Municipality of North Grenville, to amend the zoning of the property from Rural Special Exception Zone (RU-25) to Rural - Special Exception Zone (RU-54) to provide relief from the minimum side yard setback and maximum size of an accessory building provisions of the Rural zone.

BACKGROUND

The subject property with the civic address of 554 Craig Road legally described as Part of Lot 5, Concession 5, Geographic Township of Oxford-on-Rideau, now the Municipality of North Grenville, is located on the south side of Craig Road approximately 230 metres to the west of the intersection of Donoghue Road and Craig Road (**Appendix 1**). The property is approximately 48 acres in size with approximately 120 metres of frontage on Craig Road. The property is currently developed with two single family dwellings (554 A and 554 B) and accessory structures, and both are serviced by separate private services (well and septic). The property is currently zoned Rural – Special Exception (RU-25) which permits the two residential dwellings on the same lot.

This property is the subject of Consent Application B-32-19 filed with the United Counties of Leeds and Grenville, which was granted provisional approval on July 17, 2019. The consent application was made to create separate lots for two dwellings on the property. A condition of the consent application approval is for the applicants to apply for a Zoning By-Law Amendment to remove the site-specific zone provision that permits having two residential dwellings on one property. The Zoning By-Law Amendment application is also required to address any required relief from the Rural zone provisions resulting from severance application B-32-19 for the severed and retained lands.

The property is designated Rural and Mineral Aggregate on Schedule 'A' of North Grenville's Official Plan, and is zoned Rural Special Exception Zone (RU-25) according to the Municipality's Comprehensive Zoning By-Law 50-12. The applicants are seeking to remove the current site specific zoning (RU-25), and have the lands rezoned Rural Special Exception Zone (RU-54) to provide relief from the minimum side yard setback and maximum size of an accessory building provisions of the Rural zone.

DISCUSSION

The requested Zoning By-Law Amendment for the property is Rural – Special Exception to remove the current site specific zoning (RU-25), and provide relief from the minimum side yard setback and maximum size of an accessory building provisions of the Rural zone. The Zoning By-Law Amendment application has been reviewed against the following policy documents; Provincial Policy Statement (2020), United Counties of Leeds and Grenville's Official Plan, North Grenville's Official Plan and North Grenville's Comprehensive Zoning By-Law 50-12.

Provincial Policy Statement

The Provincial Policy Statement (PPS) came into effect on May 1, 2020 and requires that all planning matters be consistent with the policy statement issued under the Act.

Section 1.1.4 of the PPS provides policy direction for rural areas in municipalities, which includes rural lands (Section 1.1.5). Through Section 1.1.4 the PPS states that healthy, integrated and viable rural areas should be supported by building upon the rural character, and through encouraging the conservation and redevelopment of existing rural housing stock (Section 1.1.4.1 (a)(d)). Through Section 1.1.5, the PPS states that residential development which is locally appropriate is permitted within Rural lands, and that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

Section 2.5.1 and 2.5.2.4 of the PPS states that mineral aggregate resources shall be protected for long-term use, and from development and activities that would preclude or hinder their expansion or continued use.

Staff is of the opinion that the proposed Zoning By-Law Amendment is consistent with the PPS as the rezoning of the subject property will not result in additional development in the rural area, and will promote the conservation of existing rural housing stock that can be sustained by rural service levels. Further, as no additional development is proposed there will be no development which would preclude or hinder future extraction of mineral aggregate resources.

United Counties of Leeds and Grenville Official Plan

The subject property is identified within the *Rural Lands* designation on Schedule 'A' and *Sand and Gravel Resource Area* on Schedule 'B' of the United Counties of Leeds and Grenville's Official Plan.

Section 3.1 of the Counties' Official Plan states that limited growth and development may be accommodated on rural lands provided development is compatible with the rural landscape and character and can be sustained by rural service levels, which generally includes individual on-site sewage and individual on-site water services. Section 3.5.2 of the Counties' Official Plan states that mineral aggregate resources are to be protected in accordance with provincial policy (PPS).

Staff is of the opinion that the proposed Zoning By-Law Amendment is consistent with the policies and objectives of the Counties' Official Plan, as the proposed rezoning will formally recognize the existing residential development on the subject land(s) on separate private services, and will not result in additional development which would preclude or hinder mineral aggregate resources extraction.

North Grenville's Official Plan

The subject property is designated *Rural* and *Mineral Aggregate* on Schedule 'A' of the Municipality of North Grenville's Official Plan. As stated within Section 4 of North Grenville's Official Plan the amount and type of development in the rural area shall be consistent with maintaining its rural, natural heritage and cultural landscape, including maintenance of tree cover and large open space areas. Section 4 goes on to state that limited residential, commercial, industrial and outdoor recreation uses are permitted within the Rural designation, and that residential uses shall generally be single detached dwellings.

Section 7 of the Official Plan provides policy for mineral aggregate resources and states that in accordance with the Provincial Policy Statement, it is the intention of the Municipality to protect, wherever possible, the mineral aggregate resources designated in the Official Plan for aggregate extraction and to ensure that the resources are utilized in accordance with proper controls.

It is Staff's opinion that the application conforms to the Official Plan with respect to recognizing the existing development on the subject lands, and addressing any relief from the Rural Zone Provisions required for the subject land(s). There is no additional development proposed through this application, and as such there will be no negative impact on the rural character of the area, or for the long-term use of mineral aggregate resources.

North Grenville Comprehensive Zoning By-Law 50-12

The subject property is currently zoned Rural Special Exception Zone (RU-25) which permits a second residential dwelling as an additional use. The application being considered seeks to remove the RU-25 zoning from the lands, and to re-zone the property Rural Special Exception Zone (RU-54) to address required relief from the Rural Zone Provisions resulting from the land severance application B-32-19. Table 1 (on Page 4) shows whether any relief is required for the severed or retained parcels of Application B-32-19 when compared with the Rural (RU) zoning provisions.

Table 1: Assessment of Zoning Provisions

	Rural Zone Provisions	Severed 554A	Retained 554B	Required Relief
Permitted Uses	<ul style="list-style-type: none"> Single detached dwelling 	<ul style="list-style-type: none"> Single detached dwelling 	<ul style="list-style-type: none"> Single detached dwelling Agricultural uses 	<ul style="list-style-type: none"> No
Min. lot size	1 hectare	1 hectare	19 hectares	<ul style="list-style-type: none"> No
Min. lot frontage	60 m	60 m	60 m	<ul style="list-style-type: none"> No
Min. front yard	12 m	12 m	15 m	<ul style="list-style-type: none"> No
Min. side yard	6 m	20 m	1.8 m	<ul style="list-style-type: none"> Retained – 4.2 m
Min. rear yard	12 m	23 m	< 12 m	<ul style="list-style-type: none"> No
Max. lot coverage	15%	>15%	>15%	<ul style="list-style-type: none"> No
Max. Sq. ft of Accessory buildings	1,076 sq. ft	Nil	+/- 3,800 sf	<ul style="list-style-type: none"> Retained – 2,724 sf ft

Based on the figures within Table 1, the provisionally approved land severance will require relief from the zoning provisions for the retained parcel with the civic address 554B Craig Road with respect to the minimum side yard setback, as well as the total allowable square feet of accessory buildings. It is the opinion of Staff that providing relief from the Rural zoning provisions for the subject property as described above meets the intent of the permitted residential uses within the rural area (**Appendix 2**).

PUBLIC CONSULTATION

This application was circulated to persons and agencies as required by the *Planning Act*. At the time of writing this report no letters of concern were received. The Rideau Valley Conservation Authority and the Health Unit stated they had no concerns with the Zoning Amendment.

CONCLUSIONS

It is the opinion of Staff that the proposed Zoning By-Law Amendment Application is consistent with the policies of the Provincial Policy Statement, the United Counties of Leeds and Grenville's Official Plan and the Municipality's Official Plan, and will comply with the Comprehensive Zoning By-Law 50-12.

The approval of the requested Zoning By-Law Amendment to remove the site specific zoning provisions RU-25 from the subject lands, and provide relief from the Rural Zone Provisions for the retained parcel within the rural area will result in appropriate use of land and resources that maintain the intent for residential uses within the rural area.

RECOMMENDATION:

It is the recommendation of Staff that Council **Approve** Zoning By-Law Amendment Application ZBA-03-20 for the lands legally described as 554 Craig Road, Part of Lot 5, Concession 5, Geographic Township of Oxford-on-Rideau, now the Municipality of North Grenville to amend the zoning of the property from Rural Special Exception Zone (RU-25) to Rural - Special Exception Zone (RU-54) to provide relief from the minimum side yard setback and maximum size of an accessory building provisions of the Rural zone.

ALTERNATIVES

1. Council could refuse Zoning By-Law Amendment ZBA-03-20 to amend the zoning from Rural Special Exception Zone (RU-25) to Rural - Special Exception (RU-54). This alternative is not recommended as the land use policies applicable to the subject property are supportive of maintaining existing housing stock in the rural area, and the proposed Zoning By-Law Amendment is in keeping with the intent of the zoning provisions and land use designation.

FINANCIAL/STAFFING IMPLICATIONS

This item has been identified in the draft budget: Yes ☐ No ☐ N/A **X**

This item is within the draft budgeted amount: Yes ☐ No ☐ N/A **X**

Staffing implications, as they relate to implementing Council's decision on this matter, are limited to the existing staff complement and applicable administrative policies as approved by Council.

LINK TO COUNCIL WORK PLAN

The proposed application supports the community and environmental themes within Council's Work Plan through supporting the retention of existing housing stock in the rural area, and through supporting an application which will not negatively impact the rural character or natural heritage.

Prepared by:

**Reviewed and
submitted by:**

**Reviewed and submitted
for Council
Consideration by:**

Original Sign By

Original Sign By

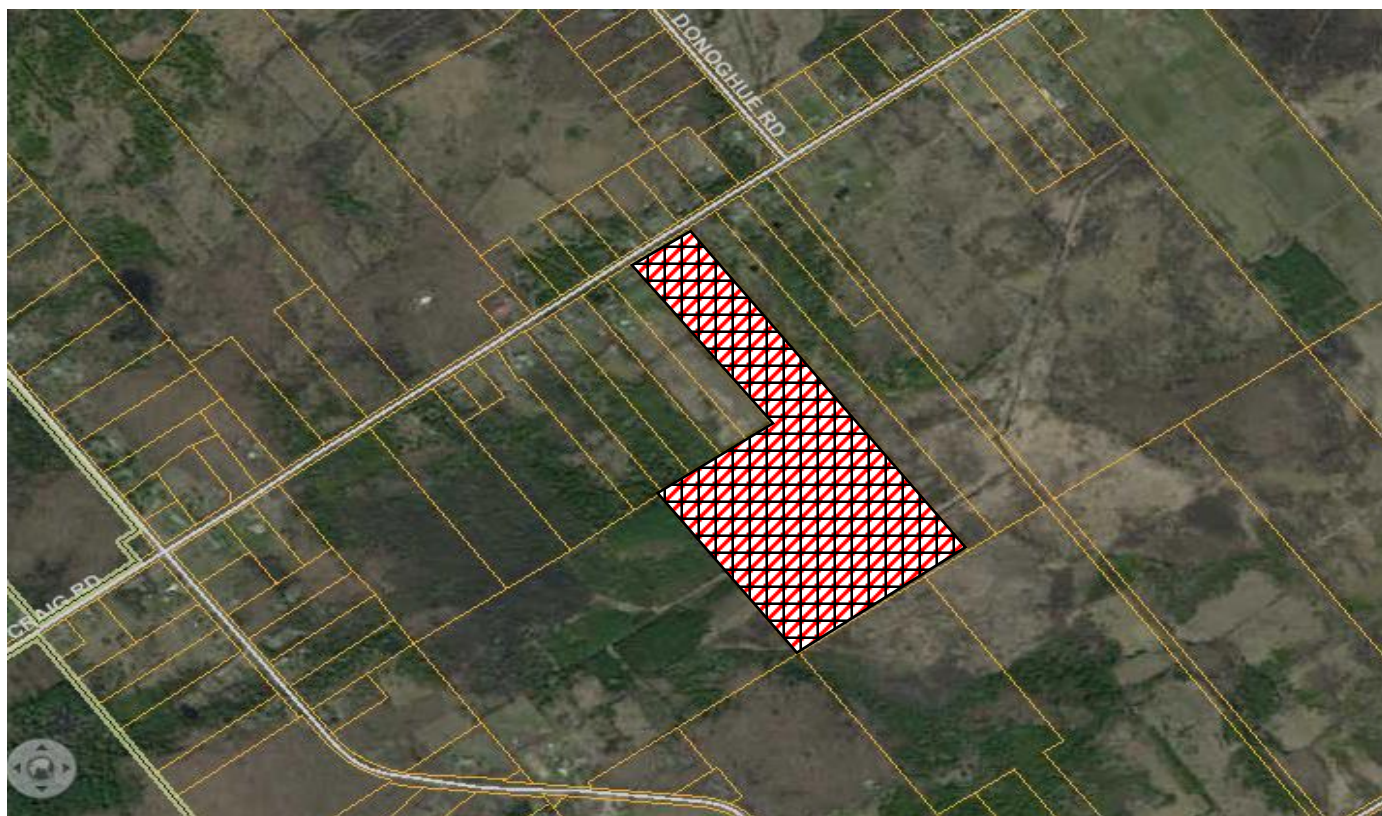
Original Sign By

**David Nanton
Planner II**

**Philip Gerrard
Director of Planning
& Development**

**Gary Dyke
CAO**

LOCATION PLAN



554 Craig Road Part of Lot 5, Concession 5, Geographic Township of Oxford-on-Rideau,
now Municipality of North Grenville

Details of Recommended Zoning Provisions

The proposed changes to Comprehensive Zoning By-Law 50-12 for 554 Craig Road are as follows.

1. Schedule to be amended by rezoning Area A, as shown on Appendix 1, from RU-25 to RU-54.
2. Amend Section 9 by adding the following new clause to Subsection 9.4.2 (RU Special Exception Zones) as follows:

(bbb) RU-54 (554 B Craig Road)

i. Zone Provisions

Minimum Side Yard Setback	1.8 metres
Maximum Accessory Structure Footprint	4,000 square feet

ii. Special Provisions

- (a) Notwithstanding the provisions of Section 6.1.2, that the provisions of Section 6.1.2 (a) shall not apply.