



Subject:	Zoning By-law Amendment Application by Dennis Skinner CN: 3-5-02-03 PLZATU20190104
To:	Planning & Economic Development Committee
From:	Planning and Development Department

Report Number:	PD-51-19
Wards Affected:	Ward 4
Date to Committee:	Monday, July 15, 2019
Date to Council:	Monday, July 22, 2019

Recommendation:

Council Receive Zoning By-law Amendment Application PLZATU20190104 in the name of Dennis Skinner for information and that a recommendation report be prepared once all comments have been received and issues have been addressed.

Purpose:

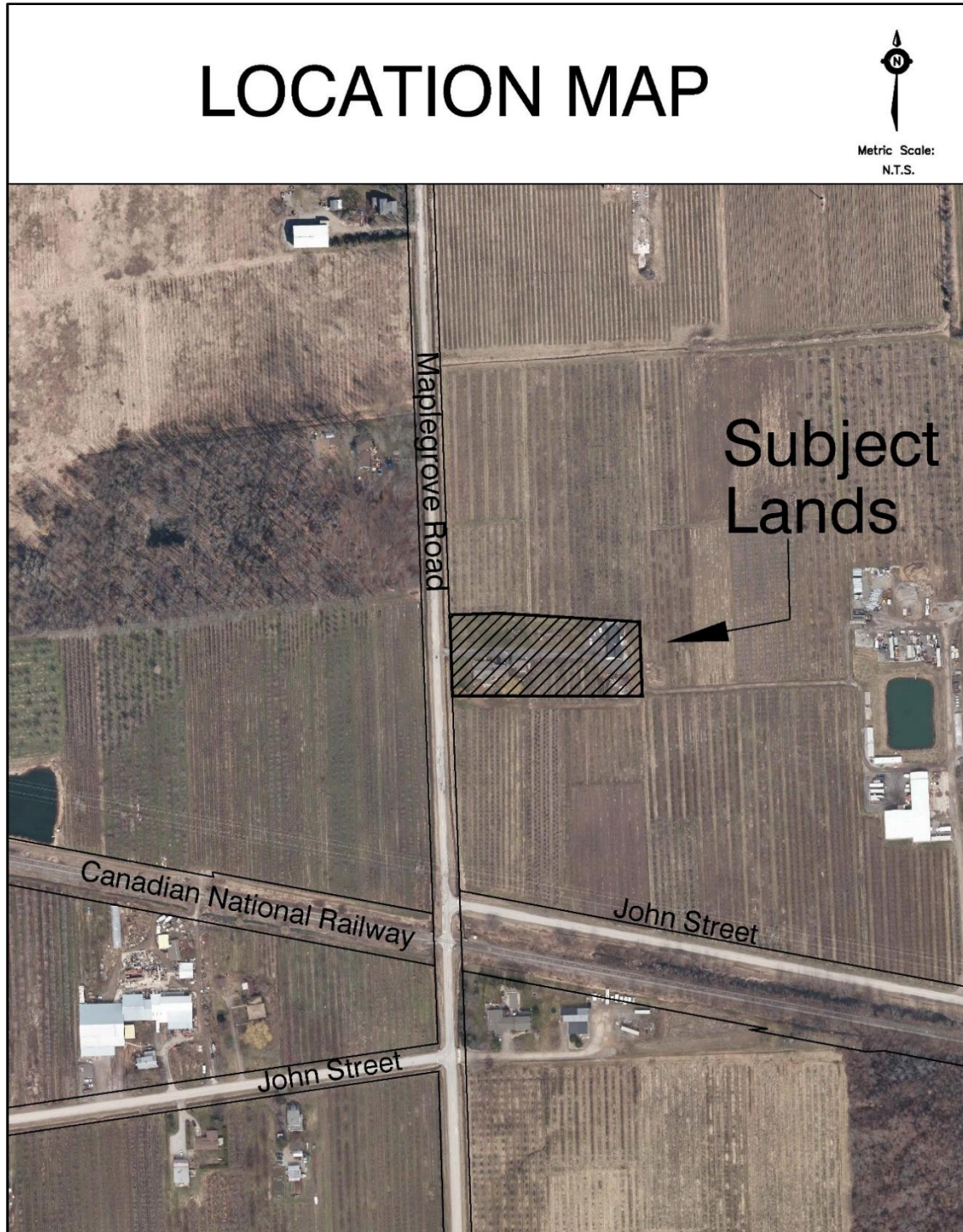
This report provides background information to Committee and Council and the general public for the public meeting being held on July 15, 2019. The purpose of the application is to permit a temporary garden suite.

Background:

The subject lands are municipally known as 4459 Maple Grove Road and are located on the east side of Maple Grove Road and to the north side of John Street. The subject lands are composed of part Lot 6, Concession 2, being Part 1, 30R-13038, in the former Township of Clinton. A map outlining the location of the subject lands is included on the following page and a preliminary sketch is included as Appendix A.

The subject lands possess a lot area of 0.8 hectares (2 acres) and presently support a single detached dwelling and a detached garage. Surrounding lands are predominantly being used for agricultural purposes.

The applicant has indicated that the proposed garden suite structure shown in Appendix A will be used to accommodate a family member.



Report:

It is required that municipal decisions affecting planning matters shall be consistent with Provincial Policy. The following policies are particularly relevant to this application.

Provincial Policy Statement:

Policy 1.4.3 states that planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area.

Planning Act:

Section 39 of the Planning Act permits a local municipality to authorize the temporary use of land, buildings or structures for any purpose set out within the by-law that is otherwise prohibited by the by-law. Section 39.1 (3) permits a by-law to be passed to authorize a garden suite (commonly referred to as granny flats) for a period of time not exceeding 20 years. In all other cases, Section 39 (2) restricts a by-law for a period of time not exceeding 3 years. Section 39.1 (2) defines a garden suite as:

"a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable."

Section 39.1 (1) states that as a condition of passing a by-law to permit a temporary use, Council may require the owner to enter into an agreement with the municipality. Section 39.1 (4) states that the Council may by by-law grant further extensions of not more than three years during which time the temporary use is permitted. Section 39.1 (5) states that upon the expiry of the temporary use by-law, the continued use of the land, buildings or structures is not lawfully permitted.

Places to Grow - Growth Plan for the Greater Golden Horseshoe 2019:

It is required that municipal decisions affecting planning matters shall be consistent with the principles and policies of the Growth Plan for the Greater Golden Horseshoe. The policies of the Growth Plan aim to curb sprawl and protect farmland and green spaces. The Growth Plan notes many challenges that communities will face, one being that people over the age of 60 are expected to comprise over 25% of the population by 2041. This will result in a need for more age-friendly development that can address their unique needs and circumstances. Section 1.2.1 of the Growth Plan supports a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes and ages of households.

Greenbelt Plan:

The lands are designated as protected countryside and further defined as specialty crop areas within the Greenbelt Plan. Section 4.1.1.2 of the Greenbelt Plan states proposals for non-agricultural uses must demonstrate that:

- (a) The use is appropriate for location on rural lands;
- (b) The type of water and sewer servicing proposed is appropriate for the type of use;
- (c) There are no negative impacts on key natural heritage features or key hydrologic features or their functions; and

- (d) There are no negative impacts on the biodiversity or connectivity of the Natural Heritage System.

Section 4.5 of the Greenbelt Plan states that all existing uses are permitted within the protected countryside and further indicates that outside of the Natural Heritage System, second dwelling units are permitted within single dwellings permitted in accordance with Sections 4.5.1 and 4.5.2 or within existing accessory structures on the same lot.

Regional Official Plan:

It is required that the municipality ensures that proposed developments conform to the Regional Official Plan. The lands are within a Unique Agricultural Area, which permits a range of agricultural and farm diversified uses.

Council Policy:

The lands are subject to a number of planning policies, including the policies of the Official Plan and the regulations of Zoning By-law No. 93-14-Z1.

Official Plan:

The subject lands are designated Specialty Agricultural in the Official Plan. The Specialty Agricultural designation implements the Province of Ontario's Greenbelt Plan and recognizes the importance of specialty croplands for their unique ability to produce certain crops and for their importance in the Provincial, Regional and Town economies. The designation permits a range of agricultural uses and farm related residential uses.

Section 9.7.1 of the Official Plan states that garden suites may have temporary use by-laws passed and that they are in effect for up to 20 years from the date of passage. Upon expiry, uses permitted by that by-law must cease and cannot be considered as non-conforming uses.

Section 9.7.2 of the Official Plan states that a garden suite in the form of a mobile home or a similarly mobile modular unit may be permitted as a second dwelling on a lot containing a single detached dwelling to facilitate common living. Where a need is demonstrated for a separate housing unit in close proximity to the existing housing unit, Council may consider the passage of a by-law for the temporary use. Council may require the Owner of the garden suite or any other person to enter into an agreement with the Municipality for the use and removal of the unit pursuant to Section 39 of the Planning Act.

In considering such proposals for a garden suite, the following shall be considered:

- (i) The unit shall only be used on a temporary basis in conjunction with an existing dwelling on the same lot;
- (ii) The unit shall only be used on a temporary basis for as long as common living is maintained;
- (iii) The housing unit proposed is portable and thus readily removable from the site;

- (iv) The unit is not placed in the front yard of the lot or the required front yard required by the Zoning By-law;
- (v) No additional access is provided to the lot from a public road;
- (vi) Placement of the unit is not exclusively removed from the existing dwelling;
- (vii) The proposed site is capable of accommodating an approved sewage disposal and water supply system as determined by the Regional Public Health Department; and
- (viii) The location of such unit shall be in accordance with the Minimum Distance Separation Formulas where the use is proposed near any livestock operation.

Zoning By-law:

The subject lands are currently zoned Agricultural (A) according to By-law No. 93-14-Z1. The Agricultural (A) zone permits one single detached dwelling except where additional dwellings are required for farm help purposes. In view of the fact that, the proposed garden suite is not for farm help, the second dwelling located on the subject lands can only be permitted through the approval of a temporary use by-law.

Planning and Development Staff:

Staff advises that this technical report has been prepared to provide general information. A further report will be prepared once all comments have been received and issues have been addressed.

Financial, Legal, Staff Considerations:

Financial: N/A

Staffing: N/A

Legal: N/A

Public Engagement Matters:

The Temporary Use Zoning By-law Amendment application notice was circulated to relevant government agencies and Town Departments as well as property owners within 120 metres of the subject lands in accordance with Planning Act regulations. An open house is scheduled for July 8, 2019 in addition to the public meeting on July 15, 2019. No comments have been received as of the preparation of this report.

Conclusion:

This report provides information regarding a temporary use zoning by-law amendment. The applicant is proposing to construct a garden suite to provide long-term affordable housing for a family member. Garden suites are a permitted use in the agricultural area according to the Official Plan, for up to 20 years.

Respectfully submitted

Daniel Borrelli
Planner

Appendices:

Appendix A Preliminary Sketch

Notification:

N/A

Report Approval:

This report has been reviewed by the Associate Director of Planning and Development and approved by the Director of Planning and Development and the Chief Administrative Officer.

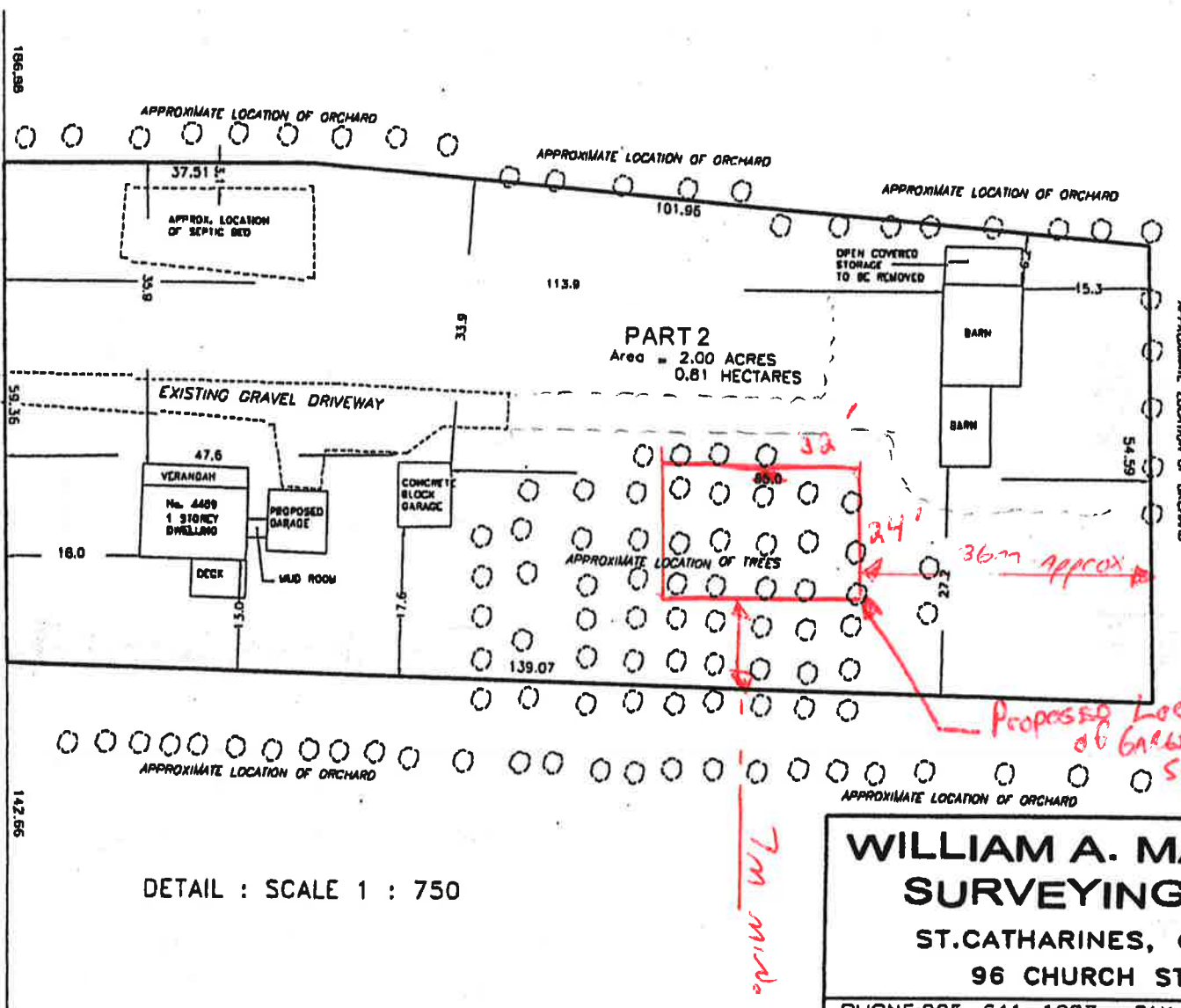
THE COMMITTEE OF ADJUSTMENT ONLY
MEASUREMENTS MAY VARY UPON FIELD SURVEY

SCALE : 1 : 4000

William A. Mascoe

WILLIAM A. MASCOE
ONTARIO LAND SURVEYOR

MAPLE GROVE ROAD



DETAIL : SCALE 1 : 750

**WILLIAM A. MASCOE
SURVEYING LTD.**

ST. CATHARINES, ONTARIO
96 CHURCH STREET

PHONE: 905-641-1007 FAX: 905-641-4424

EMAIL: mascoe.surveying@on.aibn.com

DATE: JANUARY 4, 2008

FILE : 7943

Proposed Suite

NOT TO SCALE

*Proposed Location
of Garden
Suite*

7m wide