



MUNICIPALITY OF HURON EAST
SPECIAL MEETING
TUESDAY, JULY 16th, 2013 – 7:00 P.M.
HURON EAST COUNCIL CHAMBERS

The purpose of the special meeting is to hold a public meeting to consider an amendment to the Huron East Zoning By-Law 52-2006.

AGENDA

- 1. Call to Order – Adopt Agenda for Special Meeting**
- 2. Disclosure of Elected Officials – Pecuniary Interest**
- 3. Zoning By-Law Amendment Applications**

Note: The following provisions are contained in Ontario Regulation 545/06, Section 5(11) 5

- i. If a person or public body does not make oral submissions at a public meeting or make written submissions to the Municipality of Huron East before the by-law is passed, the person or public body is not entitled to appeal the decision of the Council of the Municipality of Huron East to the Ontario Municipal Board.
- ii. If a person or public body does not make oral submissions at a public meeting or make written submissions to the Municipality of Huron East before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal to the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

- 3 a) Zoning By-Law Amendment Application by Jason, Donald and Mary Hulley which affects Part of Park Lots 6 and 7, Reference Plan 22R-5338, Part 3, RP 237, Egmondville, Tuckersmith Ward. The By-Law proposes to change the zoning to ‘Residential Medium Density – Special Zone (R2-15)’ from ‘Residential Low Density – Special Zone (R1-19)’. (Revised Proposal encl.) (Pages 2-7)**

This rezoning is required to permit 2 semi-detached residential dwellings to be constructed on the subject property and to recognize a minimum lot frontage of 14.6 metres (48 feet).

Comments Received:

- Report from Senior Planner Sandra Weber dated July 10th, 2013. (encl.) (Pages 8-11)

- 4. Close Special Meeting**

**2ND PUBLIC MEETING
CONCERNING A PROPOSED ZONING BY-LAW AMENDMENT
AFFECTING THE MUNICIPALITY OF HURON EAST**

REVISED PROPOSAL

Roll No. 4040-160-030-13100-0000

TAKE NOTICE that Council of the Corporation of the Municipality of Huron East will hold a public meeting on **July 16th, 2013 at 7:00 pm** in the Huron East Council Chambers to consider a proposed zoning by-law amendment under Section 34 of the Planning Act.

BE ADVISED that the Clerk/Council of the Corporation of the Municipality of Huron East considered this application to be complete on **April 23, 2013**.

ANY PERSON may attend the public meeting and/or make written or verbal representation either in support of, or in opposition to, the proposed zoning by-law amendment.

IF a person or public body does not make oral submissions at a public meeting or make written submissions to the Municipality of Huron East before the by-law is passed, the person or public body is not entitled to appeal the decision of the Municipality of Huron East to the Ontario Municipal Board.

IF a person or public body does not make an oral submission at a public meeting or make written submissions to the Municipality of Huron East before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to add the person or public body.

ADDITIONAL INFORMATION relating to the proposed zoning by-law amendment is available for inspection during regular office hours at the Huron East Municipal Office and the County of Huron Planning and Development Department (519) 524-8394 x 3.

DATED AT THE MUNICIPALITY OF HURON EAST THIS 26th DAY OF JUNE, 2013.

Brad Knight, CAO/Clerk, Municipality of Huron East
72 Main Street South, PO Box 610 Seaforth, Ontario N0K 1W0
Phone: 519-527-0160 1-888-868-7513 (toll free) Fax: 519-527-2561

PURPOSE AND EFFECT

The proposal has been revised by the applicant since the public meeting held on May 21st, 2013 and is being re-circulated for comments and a 2nd public meeting on July 16th, 2013.

This proposed Zoning By-law Amendment affects Part of Park Lots 6 & 7, Reference Plan 22R-5338, Part 3, Registered Plan 237, Municipality of Huron East (Tuckersmith Ward). The subject property fronts onto Nicholson Drive.

The By-law proposes to change the zoning on the subject property from R1-19 (Residential Low Density – Special Zone) to R2-15 (Residential Medium Density – Special Zone) to permit 2 semi-detached residential dwellings to be constructed on the subject property with a private communal septic system and public water, subject to the setback provisions of the R2 zone. The special zone also recognizes a minimum lot frontage of 14.6 metres (48 feet).

This rezoning is required to permit a maximum of 2 semi-detached residential dwellings on the subject property. Each semi-detached dwelling has a maximum of 2 units per dwelling for a maximum of 4 units in total. The buildings will be separated by 6 metres (20 feet) of open space area. The proposal to separate the units into 2 buildings is being done to make the design and scale of the development more compatible with the surrounding dwellings.

The subject property fronts onto Nicholson Drive and has a lot frontage of 14.6 metres (48 feet), a lot depth of 182 metres (600 feet) and a lot area of 0.627 hectares (1.55 acres). The lot is irregular in shape and the single storey semi-detached dwellings will be set back approximately 39.6 metres (120 feet) from the front lot line with the front of the units facing east. The R2-15 zoning will permit a maximum of 2 semi-detached dwellings subject to setback provisions of the R2 zone and compliance with the planting strip provisions as a buffer between the proposed development and neighbouring properties. The special zone permits 2 main buildings (semi-detached dwellings) on one lot serviced by a private communal septic system and municipal water, recognizes the lot frontage, and deems the lot frontage per unit to comply with the provisions of the Huron East Zoning By-law.

The units will be serviced with municipal water and a private communal septic system. A Drainage Plan, Evaluation of Soil and Groundwater Conditions, and revised Site Plan and Elevation drawings have been prepared and submitted with the application.

SCHEDULE 1

CORPORATION OF THE MUNICIPALITY OF HURON EAST

TUCKERSMITH WARD

BY-LAW NO. - 2013

BEING a by-law to amend the zoning on Part of Park Lots 6 & 7, Reference Plan 22R-5338, Part 3, Registered Plan 237, Municipality of Huron East (Tuckersmith Ward).

WHEREAS the Corporation of the Municipality of Huron East considers it advisable to amend Zoning By-law 52-2006, as amended.

NOW THEREFORE, the Council of the Corporation of the Municipality of Huron East enacts as follows:

1. This by-law shall apply to Part of Park Lots 6 & 7, Reference Plan 22R-5338, Part 3, Registered Plan 237, Municipality of Huron East (Tuckersmith Ward).
2. By-law 52-2006 is hereby amended by changing 'Residential Low Density – Special Zone' (R1-19)' to 'Residential Medium Density – Special Zone (R2-15)', the zone symbol on the lands designated zone change to 'R2-15' on the attached Schedule A.
3. Section 19.10 is hereby amended by the addition of the following:

R2-15

Notwithstanding the provisions of Sections 3.5 and 19, to the contrary, on the lands zoned R2-15, the permitted uses shall be limited to a single detached dwelling or a maximum of 2 semi-detached dwellings on a private communal septic system and public water, and accessory buildings subject to the provisions of Section 3.2. The setback provisions of Sections 19.4 and 19.5 shall apply. The lot frontage per unit for the semi-detached dwellings shall be deemed to comply and the total lot frontage for the subject property shall be a minimum of 14.6 metres (48 feet).

All other provisions of the Huron East Zoning By-law 52-2006 shall continue to apply.

Section 18.10 is hereby amended by deleting the following:

R1-19

The lands zoned R1-19 shall have a minimum lot frontage of 14.8 metres. All other applicable provisions apply.

4. Key Map 40C, Schedule A, By-law 52-2006 is hereby replaced with amended Key Map 40C attached hereto, which is declared to be part of the by-law.
5. This by-law shall come into force upon final passing, pursuant to Section 34(21) of the Planning Act, RSO 1990, as amended.

READ A FIRST TIME ON THE _____ DAY OF _____, 2013.

READ A SECOND TIME ON THE _____ DAY OF _____, 2013.

READ A THIRD TIME AND PASSED THIS _____ DAY OF _____, 2013.

Bernie MacLellan, Mayor

Brad Knight, Clerk/CAO

SCHEDULE 2

CORPORATION OF THE MUNICIPALITY OF HURON EAST

TUCKERSMITH WARD

BY-LAW - 2013

1. By-law - 2013 has the following purpose and effect:

The proposal has been revised by the applicant since the public meeting held on May 21st, 2013 and is being re-circulated for comments and a 2nd public meeting on July 16th, 2013.

This proposed Zoning By-law Amendment affects Part of Park Lots 6 & 7, Reference Plan 22R-5338, Part 3, Registered Plan 237, Municipality of Huron East (Tuckersmith Ward). The subject property fronts onto Nicholson Drive.

The By-law proposes to change the zoning on the subject property from R1-19 (Residential Low Density – Special Zone) to R2-15 (Residential Medium Density – Special Zone) to permit 2 semi-detached residential dwellings to be constructed on the subject property with a private communal septic system and public water, subject to the setback provisions of the R2 zone. The special zone also recognizes a minimum lot frontage of 14.6 metres (48 feet).

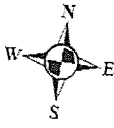
This rezoning is required to permit a maximum of 2 semi-detached residential dwellings on the subject property. Each semi-detached dwelling has a maximum of 2 units per dwelling for a maximum of 4 units in total. The buildings will be separated by 6 metres (20 feet) of open space area. The proposal to separate the units into 2 buildings is being done to make the design and scale of the development more compatible with the surrounding dwellings.

The subject property fronts onto Nicholson Drive and has a lot frontage of 14.6 metres (48 feet), a lot depth of 182 metres (600 feet) and a lot area of 0.627 hectares (1.55 acres). The lot is irregular in shape and the single storey semi-detached dwellings will be set back approximately 39.6 metres (120 feet) from the front lot line with the front of the units facing east. The R2-15 zoning will permit a maximum of 2 semi-detached dwellings subject to setback provisions of the R2 zone and compliance with the planting strip provisions as a buffer between the proposed development and neighbouring properties. The special zone permits 2 main buildings (semi-detached dwellings) on one lot serviced by a private communal septic system and municipal water, recognizes the lot frontage, and deems the lot frontage per unit to comply with the provisions of the Huron East Zoning By-law.

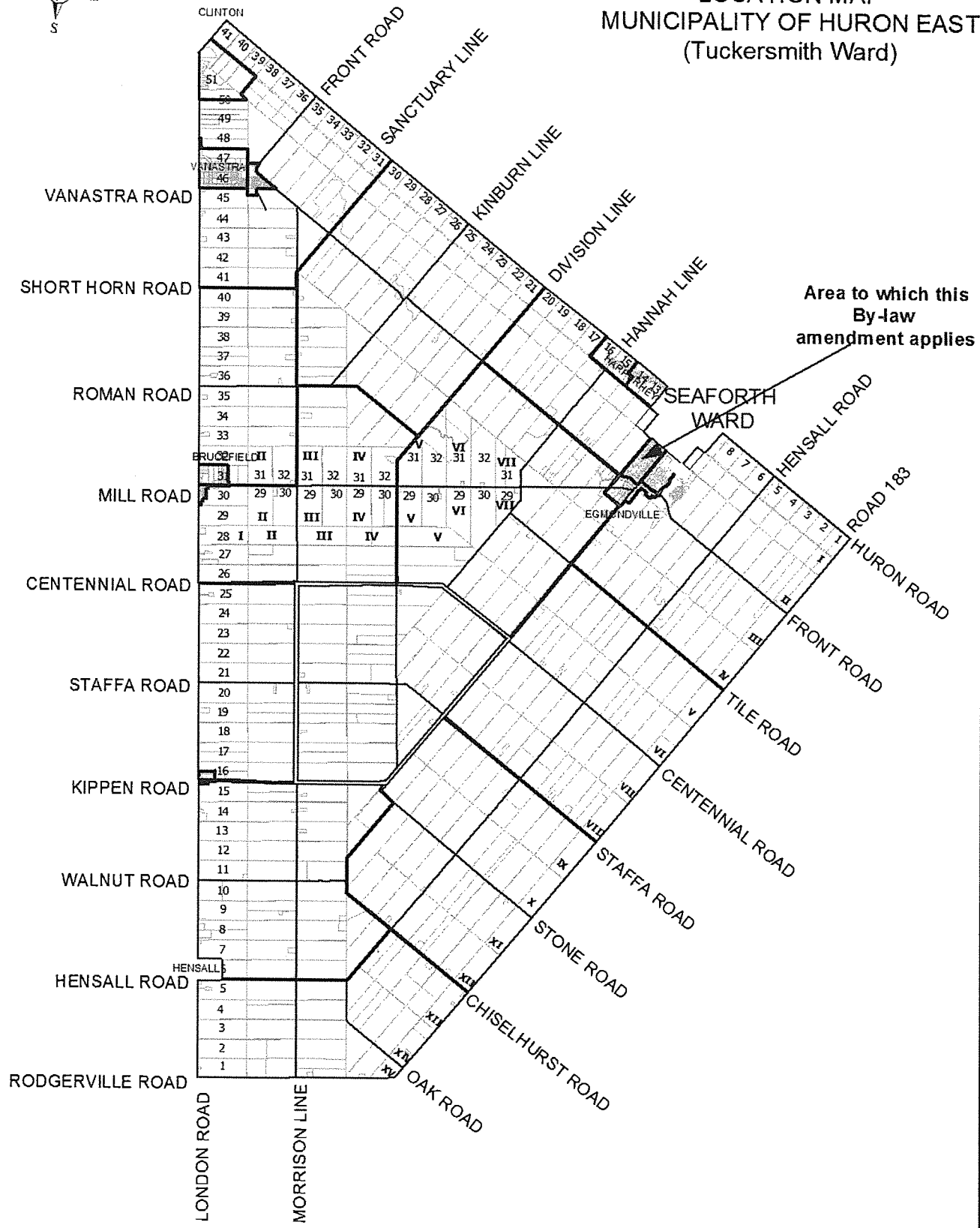
The units will be serviced with municipal water and a private communal septic system. A Drainage Plan, Evaluation of Soil and Groundwater Conditions, and revised Site Plan and Elevation drawings have been prepared and submitted with the application.

This by-law amends Huron East Zoning By-law # 52-2006. All other zone provisions apply.

2. A Location Map and Key Map (entitled Schedule 'A') showing the location of the lands to which this by-law applies are shown on the following pages.



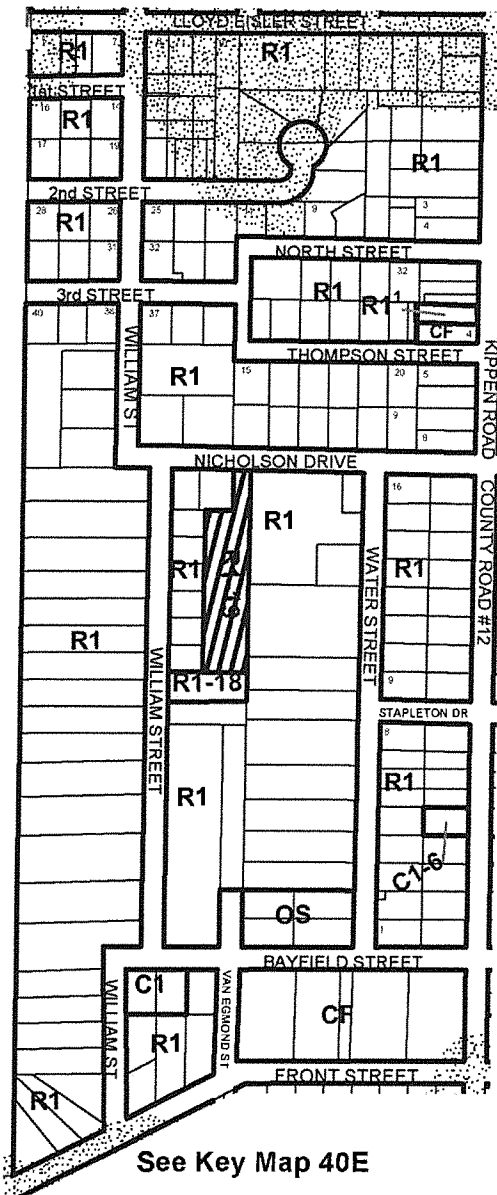
SCHEDULE 'A' LOCATION MAP MUNICIPALITY OF HURON EAST (Tuckersmith Ward)



Area to which this
By-law
amendment applies

SEAFORTH WARD
See Key Map 65

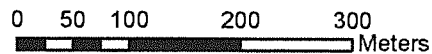
SEAFORTH WARD
See Key Map 66



See Key Map 40

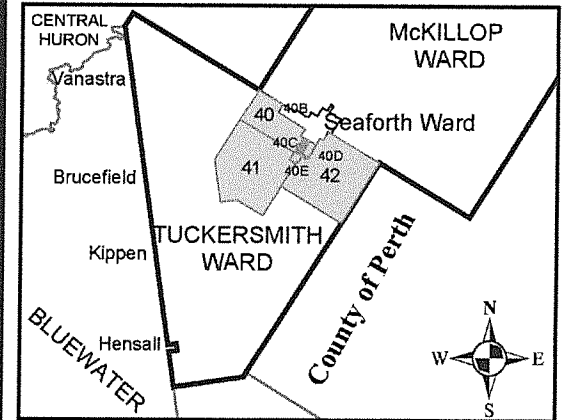
See Key Map 40D

See Key Map 40E



1:6,003

SCHEDULE 'A'
KEY MAP 40C
HURON EAST
TUCKERSMITH WARD
EGMONDVILLE



- | | | | |
|--|---------|--|--|
| | NE1 | | Natural Environment - Watercourse (NE1) |
| | NE2 | | Adjacent Lands and/or Conservation Authority Regulated Lands |
| | Zone | | Rivers |
| | Railway | | Roads |

Amendments

1 Amended by By-law 85-2009

- Zone change from R1-19 (Residential Low Density-Special Zone) to R2-15 (Residential Medium Density-Special Zone)

REVISION DATE May 11, 2010



PLANNING & DEVELOPMENT

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Zoning By-law Amendment Report To Huron East Council

Owner:	Jason Hulley, Donald Hulley, & Marj Hulley	Date: July 10, 2013
Property Address:	Nicholson Drive, Egmondville	
Property Description:	Part of Park Lots 6 & 7, Registered Plan Number 22R 5338 Part 3, Municipality of Huron East (Tuckersmith Ward)	

RECOMMENDATION

It has been determined that the septic system soil test pits were not dug in the correct location on the subject property. Based on this information, it is recommended that this Zoning By-law Amendment application be **deferred** for new septic system test pits and an Evaluation of Soil and Groundwater Conditions to be re-submitted by the applicant and reviewed by the Huron County Health Unit.

PURPOSE AND EFFECT

The proposal has been revised by the applicant since the public meeting held on May 21st, 2013 and was re-circulated for public comments.

This proposed Zoning By-law Amendment affects Part of Park Lots 6 & 7, Reference Plan 22R-5338, Part 3, Registered Plan 237, Municipality of Huron East (Tuckersmith Ward). The subject property fronts onto Nicholson Drive.

The By-law proposes to change the zoning on the subject property from R1-19 (Residential Low Density – Special Zone) to R2-15 (Residential Medium Density – Special Zone) to permit 2 semi-detached residential dwellings to be constructed on the subject property with a private communal septic system and public water, subject to the setback provisions of the R2 zone. The special zone also recognizes a minimum lot frontage of 14.6 metres (48 feet).

This rezoning is required to permit a maximum of 2 semi-detached residential dwellings on the subject property. Each semi-detached dwelling has a maximum of 2 units per dwelling for a maximum of 4 units in total. The buildings will be separated by 6 metres (20 feet) of open space area. The proposal to separate the units into 2 buildings is being done to make the design and scale of the development more compatible with the surrounding dwellings.

The subject property fronts onto Nicholson Drive and has a lot frontage of 14.6 metres (48 feet), a lot depth of 182 metres (600 feet) and a lot area of 0.627 hectares (1.55 acres). The lot is irregular in shape and the single storey semi-detached dwellings will be set back approximately 39.6 metres (130 feet) from the front lot line with the front of the units facing east. The R2-15 zoning will permit a maximum of 2 semi-detached dwellings subject to setback provisions of the R2 zone and compliance with the planting strip provisions as a buffer between the proposed development and neighbouring properties. The special zone permits 2 main buildings (semi-detached dwellings) on one lot serviced by a private communal septic system and municipal water, recognizes the lot frontage, and deems the lot frontage per unit to comply with the provisions of the Huron East Zoning By-law.

The units will be serviced with municipal water and a private communal septic system. A Drainage Plan, Evaluation of Soil and Groundwater Conditions, and revised Site Plan and Elevation drawings have been prepared and submitted with the application.

COMMENTS

Background

The subject property was created by Consent in 2004 when the applicant's residence and another vacant building lot facing William St. were severed from this 0.627 hectares (1.55 acre) parcel which fronts onto Nicholson Drive. Although the lot frontage of this parcel was deficient from the Zoning By-law requirements, it was determined that there was sufficient area for a lane to service future residential development which would be required to be built further south where the lot widens. The historical development pattern of this entire block with houses facing William St., Nicholson Drive and Water St., leaving a larger vacant interior block creates challenges from a development pattern standpoint.

Policy Review

The Provincial Policy Statement (PPS) supports development through intensification, which includes the development of vacant and/or underutilized lots within previously developed areas taking into account servicing requirements. It also promotes a mix of housing types and densities to meet projected requirements of current and future residents. The PPS does state that municipal sewers and water are the preferred form of servicing for settlement areas and should be promoted wherever feasible. However, the PPS does permit the use of private communal septic systems where municipal sewers are not available, provided they can be sustained by the water resources on which the services rely, comply with regulatory requirements and protect human health and the natural environment.

The Huron County Official Plan identifies Egmondville as a secondary settlement area with partial services. This area is intended to accommodate a limited amount of residential growth, new community facilities and employment uses on full municipal water and sewage services or private communal water and sewage services. Limited infilling or rounding out of existing development may occur provided the sewage from the development can be properly disposed of, and site conditions are suitable for the long-term provision of such services.

The subject property is designated 'Urban' in the Huron East Official Plan (OP) and is considered to be a Hamlet under Section 6.4. Hamlets are considered to consist of a residential focus of primarily single-detached dwellings. The Plan states that:

"Change of land uses in the hamlets will not require an amendment to this Plan but will be controlled by means of a Zoning By-law subject to the following:

- *"other residential use types will be allowed subject to design compatibility with the surrounding area, adequate servicing capacity and conformity with the Zoning By-law provisions."*

The applicants have submitted a revised elevation drawing and site plan with their application. The applicants are now proposing 2 semi-detached dwelling units on the subject property. Each single storey semi-detached dwelling has a maximum of 2 units per dwelling for a maximum of 4 units in total. The buildings will be separated by 6 metres (20 feet) of open space area. The design includes a mix of building materials including brick and siding and includes gable roofing over the garages. The rear yards of each unit will be separated by privacy fencing.

The Huron East Official Plan requires the applicants to demonstrate design compatibility with the surrounding area. The character of the surrounding neighbourhood is low density with predominantly single storey bungalows. There is a range of lot sizes with the subject property being one of the largest in the area. The location of the subject parcel in the interior of this block with no opportunity for development along Nicholson Drive does create challenges for compatibility. The rear of the proposed units will abut the rear of the lots facing William Street which is a typical residential development pattern. However, the front of the units with the garages and parking will also face the rear yards of the lots facing Water Street which is not a typical development pattern. Due to the irregular shape of the lot and its location in the interior of a block, compatibility is an important consideration when determining if this proposal fits in with the character of the neighbourhood. The proposed low building profile, mixture of building materials and change in roof lines at the front of the building are design features that address compatibility. In addition, the applicant's have changed the proposal from one long 4 unit multiple attached dwelling to 2 semi-detached dwellings separated by 6 metres (20 feet) of open space area. This design is compatible with the scale of surrounding dwellings and the density of this development is similar to that existing on William Street.

The subject property has a lot area of 0.627 hectares (1.55 acres). It is proposed that this development will be serviced with partial services (municipal water and a private septic system), as municipal sewers are currently not available in Egmondville. The applicants have provided an Evaluation of Shallow Soil and Groundwater Conditions, prepared by Wilson Associates, Consulting Hydrologists. It has been determined that the location of the soil test pits used in the study were taken at the north end of the property rather than in the location of the proposed septic system. Based on this information, the Huron County Health Unit has indicated that new test pits are required in the location of the septic system and a new soils report is required to determine if the subject property is suitable for the proposed development. Based on this information, it is recommended that Council defer the application for the new study to be completed and reviewed by the Health Unit.

At the public meeting on May 21st, 2013, neighbours raised a number of concerns regarding buffering/fencing, privacy for neighbours, surfacing of the laneway and drainage that need to be addressed. The Huron East Zoning By-law requires a 1.5 metre high continuous planting strip or fence where multiple dwellings abut lands zoned or use for single detached dwellings. The Municipality has the authority to place the development under Site Plan Control to regulate the specific details of the development including the type of planting/buffer strip, type of surfacing of the driveway, drainage and servicing requirements.

Concerns Raised By Neighbouring Property Owners at the May 21st Public Meeting

1. A letter of objection was received written by Harry and Donna Arts who are abutting property owners and residents to the west of the entrance to the subject property on Nicholson Drive, and signed by 16 other area property owners. They indicated that many of the neighbours, including themselves have concerns, comments or outright objections to the proposed rezoning.

The letter expresses numerous concerns regarding compatibility of increased density, rental housing in a well established low density residential community; concerns about the units being rented to those other than seniors; change of ownership of the dwelling in the future and ensuring the building will be maintained in a manner that benefits the neighbourhood; reduced lot frontage and proposed laneway that will become a busy street; 4 multiple attached units being permitted on a septic system in an area that may already have septic issues and impact on neighbouring septic systems; location of septic system test pits and drainage issues; privacy for neighbours; design of a long, uninterrupted stretch of building creating a much different look from the existing single detached dwellings; decreased property values; establishment of an adequate planting strip or fences which are not typical in this neighbourhood; setting a precedent for rezoning in the rest of the Village; distance of development from downtown services; and adequate access for fire trucks.

2. A letter of objection was received from Jean Lunn, 52 Water Street stating that she is in opposition to the proposed amendment. It is her opinion that the development is so significant in size for a restricted area of land, and the septic system will burden and already overloaded system in a single family housing area. She also believes the development will negatively affect the value of her property.

3. Verbal submission by Tom Phillips, neighbouring property owner who expressed concerns about the driveway, drainage, and pressure for future increased density in Egmondville.

Comments Received to Date for July 16th, 2013 Public Meeting

July 10, 2013 – Telephone call from Mr. Arts indicating that the objections submitted and presented at the May 21st, 2013 public meeting continue to apply to the revised proposal submitted by the applicants.

OTHER CONSULTED

Barry Mills, Public Works Manager – a review of the Drainage Report prepared by Burnside Engineering for the Papple Drainage Works is required prior to the issuance of a building permit.

Huron County Health Unit – Request that the application be deferred for new septic system test pits and an Evaluation of Soil and Groundwater Conditions to be re-submitted by the applicant and reviewed by the Huron County Health Unit.

Marty Bedard, Huron East Fire Chief – The only concern from the Fire Department is the confined space to drive a fire truck into the property. It would only be able to accommodate one truck which could not turn around. In the case of a fire, the trucks would be set up at the entrance of the property which is possible, however, traffic in and out of the property would be blocked during that time.



Sandra Weber, Senior Planner