



MUNICIPALITY OF HURON EAST

SPECIAL MEETING

TUESDAY, DECEMBER 16TH, 2014 – 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 Application**

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 G. L. Pryce Farms Inc., which affects Lot 17, Concession 11, McKillop Ward. The By-Law proposes to change the zoning from 'General Agriculture (AG1)' to 'Agricultural Small Holding – Special Provisions (AG4-30)' and 'Restricted Agriculture – Special Provisions (AG2-5)'. (encl.)

This rezoning is a condition of severance application B20/13 which severs a surplus farm dwelling.

Comments Received:

- Report from Senior Planner Claire Dodds dated December 10, 2014 (encl.)

4. **Close Special Meeting**

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

Roll No. 4040 380 011 02600 0000

TAKE NOTICE that Council of the Corporation of the Municipality of Huron East will hold a public meeting on **December 16, 2014 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 **November 24, 2014**

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 25th DAY OF NOVEMBER, 2014.

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

This proposed Zoning By-law Amendment affects Lot 17, Conc. 11, McKillop Ward, Municipality of Huron East. The By-law proposes to change the zoning to 'Agricultural Small Holding – Special Provisions (AG4-30)' and 'Restricted Agriculture – Special Provisions (AG2-5)' from 'General Agriculture (AG1)'.

This rezoning is a condition of severance application B20/13 which severs a surplus farm dwelling.

The severed lands require a zone change from 'General Agriculture (AG1)' to 'Agricultural Small Holding – Special Provisions (AG4-30)'. The area proposed to be severed is 1.07 ha (2.28ac.) with an existing residence and accessory shed. The special provision is to establish an increased side yard setback from the easterly side lot line for any future replacement dwelling on the severed parcel. The purpose of this is to keep any future dwellings on the severed parcel a reasonable distance from the driveway accessing the gravel pit to the rear of the severed parcel.

The retained lands require a zone change from 'General Agriculture (AG1)' to 'Restricted Agriculture – Special Provisions (AG2-5)' in order to prohibit the construction of new residential buildings as required by the Provincial Policy Statement and the Huron East Official Plan. The special provision is to acknowledge that there are lands zoned Extractive Resource (ER1) on the retained parcel, and these lands are to be included in the calculation of lot area. The retained parcel is 39.4 ha (97.3ac) in size and will continue to be used for agricultural purposes and an active gravel pit.

The property is located at 43460 Sawmill Road.

SCHEDULE 1

CORPORATION OF THE MUNICIPALITY OF HURON EAST

McKILLOP WARD

BY-LAW NO. - 2014

BEING a by-law to amend the zoning on Lot 17, Conc. 11, McKillop Ward, Municipality of Huron East.

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 Lot 17, Conc. 11, McKillop Ward, Municipality of Huron East
2. By-law 52-2006 is hereby amended by changing 'General Agriculture (AG1)' to 'Agricultural Small Holding - Special Provisions (AG4-30)' and 'Restricted Agriculture – Special Provisions (AG2-5)', the zone symbol on the lands designated zone change to 'AG4-30' and 'AG2-5' on the attached Schedule A.
3. Section 7.8 is hereby amended by the addition of the following:

AG4-30
Notwithstanding the provisions of Section 7.4, to the contrary, on the lands zoned AG4-30, the minimum interior side yard setback from the easterly side lot line shall be 15m. The minimum rear yard setback on the lands zoned AG4-30 shall be 15m. All other provisions of the Huron East Zoning By-law 52-2006 shall continue to apply.
4. Section 5.6 is hereby amended by the addition of the following:

AG2-5
Notwithstanding the provisions of Section 5.4, to the contrary, on the lands zoned AG2-5, the areas of the lot zoned "Extractive Resources" may be included in the calculation of lot area. All other provisions of the Huron East Zoning By-law 52-2006 shall continue to apply.
5. Key Map 26, Schedule A, By-law 52-2006 is hereby replaced with amended Key Map 26 attached hereto, which is declared to be part of the by-law.
6. 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	, 2014
READ A SECOND TIME ON THE	DAY OF	, 2014.
READ A THIRD TIME AND PASSED THIS	DAY OF	, 2014.

Bernie MacLellan, Mayor

Brad Knight, Clerk/CAO

SCHEDULE 2

CORPORATION OF THE MUNICIPALITY OF HURON EAST

McKILLOP WARD

BY-LAW - 2014

1. By-law - 2014 has the following purpose and effect:

This proposed Zoning By-law Amendment affects Lot 17, Conc. 11, McKillop Ward, Municipality of Huron East. The By-law proposes to change the zoning to 'Agricultural Small Holding – Special Provisions (AG4-30)' and 'Restricted Agriculture – Special Provisions (AG2-5)' from 'General Agriculture (AG1)'.

This rezoning is a condition of severance application B20/13 which severs a surplus farm dwelling.

The severed lands require a zone change from 'General Agriculture (AG1)' to 'Agricultural Small Holding – Special Provisions (AG4-30)'. The area proposed to be severed is 1.07 ha (2.28ac.) with an existing residence and accessory shed. The special provision is to establish an increased side yard setback from the easterly side lot line for any future replacement dwelling on the severed parcel. The AG4-30 zone is also recommended to include an increased rear yard setback of 15m. The purpose of this is to keep any future dwellings on the severed parcel a reasonable distance from the gravel pit located to the rear of the parcel & to the driveway accessing the gravel pit that runs along the east lot line of the severed parcel.

The retained lands require a zone change from 'General Agriculture (AG1)' to 'Restricted Agriculture – Special Provisions (AG2-5)' in order to prohibit the construction of new residential buildings as required by the Provincial Policy Statement and the Huron East Official Plan. The special provision is to acknowledge that there are lands zoned Extractive Resource (ER1) on the retained parcel, and these lands are to be included in the calculation of lot area. The retained parcel is 39.4 ha (97.3ac) in size and will continue to be used for agricultural purposes and an active gravel pit.

The property is located at 43460 Sawmill Road.

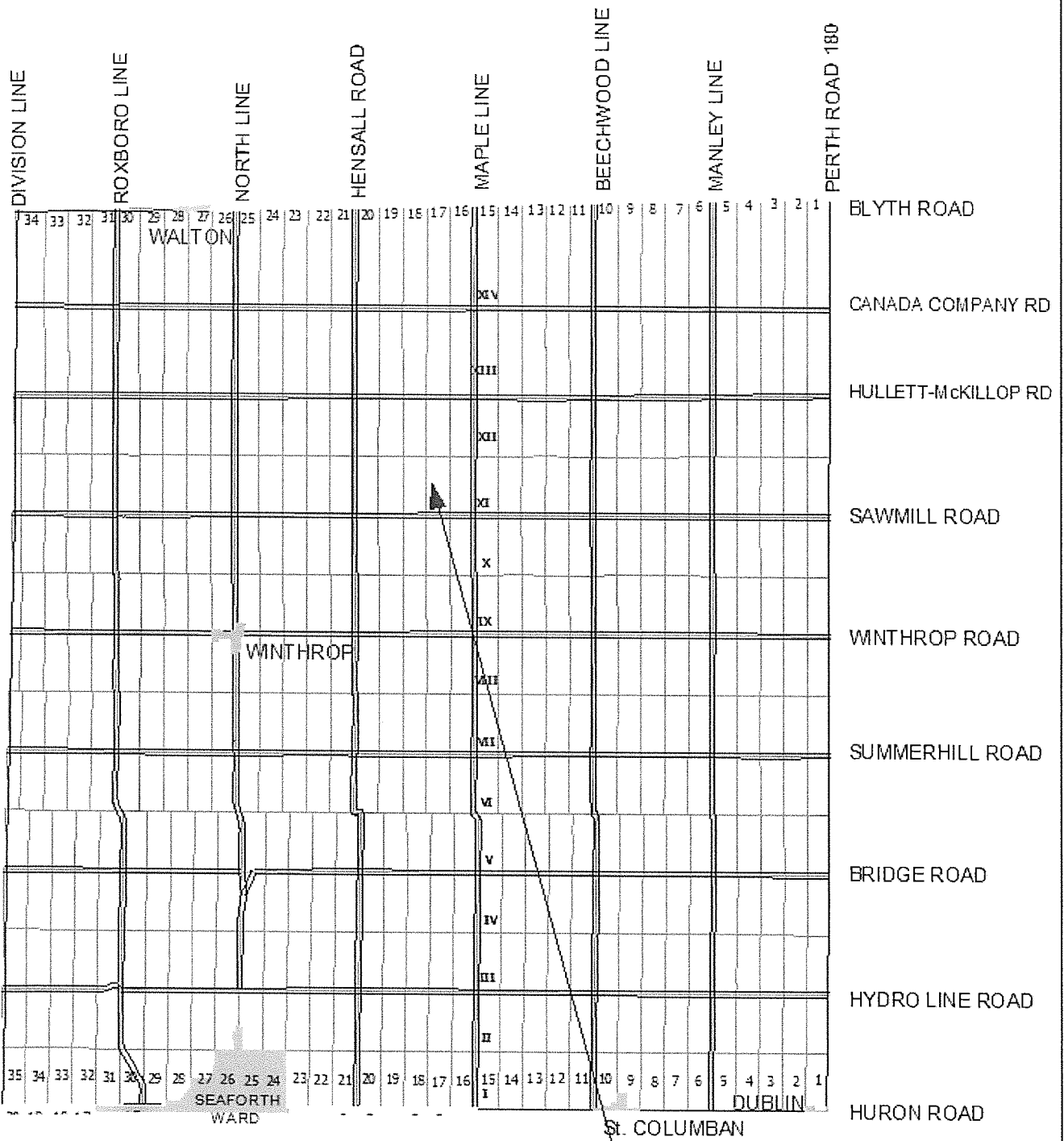
This by-law amends Huron East Zoning By-law # 52-2006. All other zone provisions apply.

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.

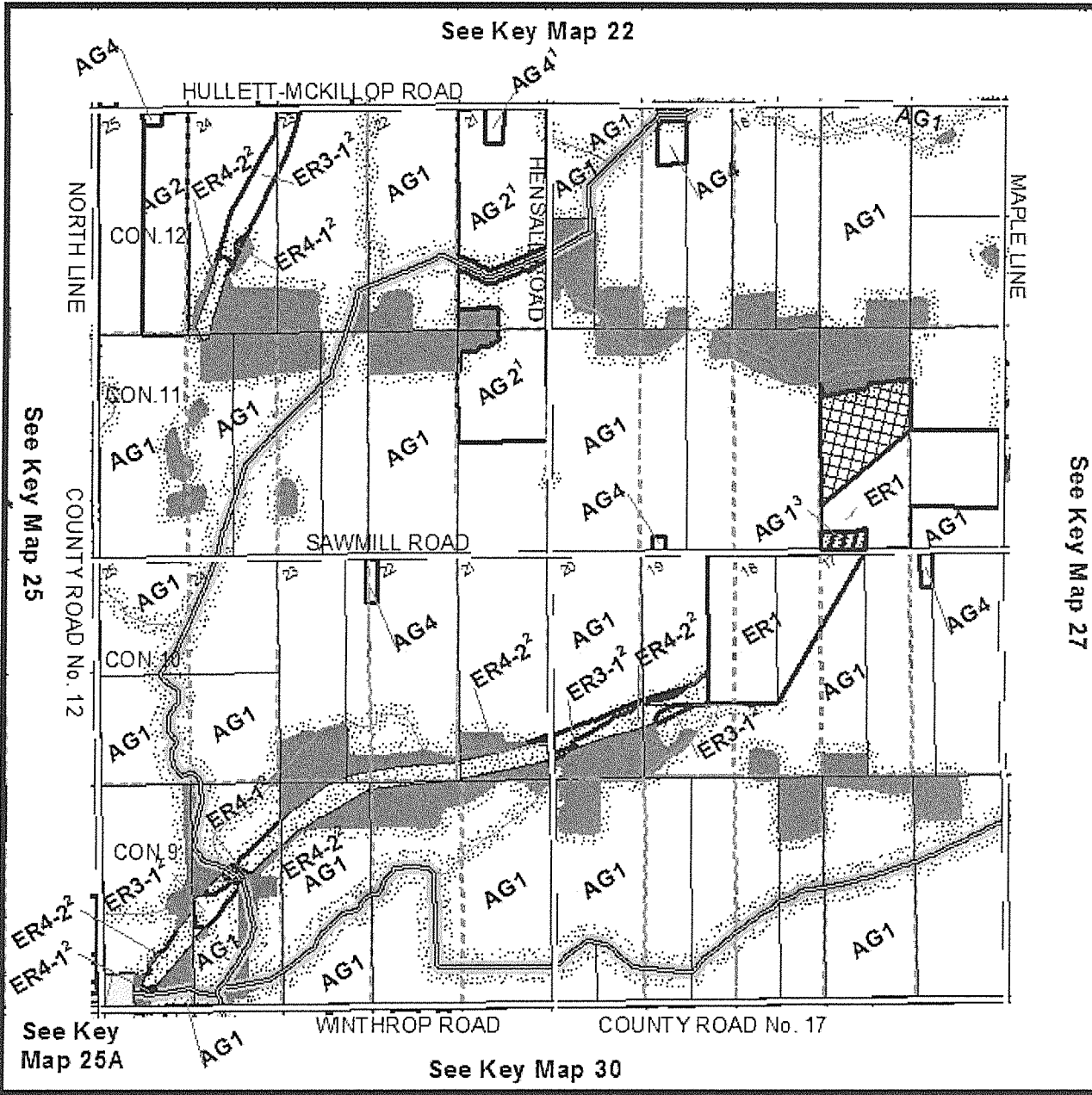
LOCATION MAP

MUNICIPALITY OF HURON EAST

McKILLOP WARD



Property to which this Zoning By-law amendment applies



SCHEDULE 'A' KEY MAP 26 HURON EAST McKILLOP WARD

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

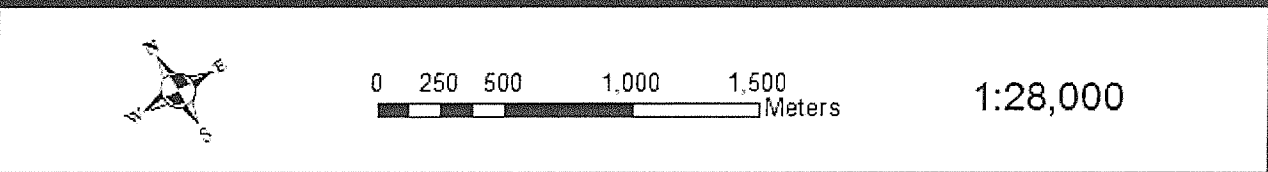
Amendments

1 Amended by By-law 12-2008
 2 Amended by By-law 81-2011
 3 Amended by By-law 25-2014

Zone change from AG1 (General Agriculture) to AG4-30 (Agricultural Small Holding-Special Provisions)

Zone change from AG1 (General Agriculture) to AG2-5 (Restricted Agriculture-Special Provisions)

REVISION DATE November 25, 2014





PLANNING & DEVELOPMENT

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Zoning By-law Amendment Report to Huron East Council

Owner: G.L. Pryce Farms Inc.	Date: December 10, 2014
Property Address: 43460 Sawmill Road	
Property Description: Lot 17, Conc. 11, McKillop Ward, Municipality of Huron East	

RECOMMENDATION

In my opinion, the application conforms with the provisions of the Huron East Official Plan and I am supportive of the zoning amendment, but recommend that:

1. Council add a provision to the AG4-30 zone that was circulated to establish a minimum rear yard setback of 15m.
2. Based on the nature of the proposed amendments to the zoning by-law, it is recommended that no further public notice be given and that Council pass a resolution under Section 34(17) of the Planning Act stating that no further notice is required.

PURPOSE AND EFFECT

This proposed Zoning By-law Amendment affects Lot 17, Conc. 11, McKillop Ward, Municipality of Huron East. The By-law proposes to change the zoning to 'Agricultural Small Holding – Special Provisions (AG4-30)' and 'Restricted Agriculture – Special Provisions (AG2-5)' from 'General Agriculture (AG1)'.

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The retained lands require a zone change from 'General Agriculture (AG1)' to 'Restricted Agriculture – Special Provisions (AG2-5)' in order to prohibit the construction of new residential buildings as required by the Provincial Policy Statement and the Huron East Official Plan. The special provision is to acknowledge that there are lands zoned Extractive Resource (ER1) on the retained parcel, and these lands are to be included in the calculation of lot area. The retained parcel is 39.4 ha (97.3ac) in size and will continue to be used for agricultural purposes and an active gravel pit.

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COMMENTS

At the time the County of Huron considered the severance application, it was recommended setbacks be established to ensure the placement of any future dwellings on the severed parcel to ensure compatibility between the proposed residential use of the severed lot and the adjacent mineral aggregate pit. The regulation of the placement of any future dwellings also helps ensure the adjacent active mineral aggregate pit is not put out of compliance with setbacks established in the current MNR license.

At the time of the severance it was noted that this would be addressed through a condition of rezoning.

The circulated zoning by-law amendment only included an increased side yard setback from the easterly lot line. On further review it is recommended that there also be an increased rear yard setback. The standard side yard setback for an AG4 property is 5m and the rear yard is 7.5m. It is proposed that the property zoned AG4-30 have a side yard setback from the easterly lot line of 15m and a rear yard of 15m. The existing dwelling on the severed parcel meets this setback. As mentioned above, the purpose of these increased setbacks is to assist with compatibility between the residential use and the active aggregate pit.

The Huron East Official Plan permits consents for surplus farm residences. This Zoning By-law Amendment application is a condition of Consent File B20/13 that was approved by the County of Huron. The application conforms to the Huron East Official Plan and is consistent with the Provincial Policy Statement.

OTHERS CONSULTED

No additional comments were received at the time of writing this report.

Claire Dodds

Claire Dodds, Senior Planner, MCIP, RPP

Photos of the Subject Property



Severed Parcel & Retained Parcels

Standing on Sawmill Road with severed parcel in the foreground. Tree planting in foreground is located on the rehabilitated area of the aggregate pit located on the subject property. The gravel stockpiles are located on the retained land.

Severed Parcel



Standing at driveway to aggregate pit on retained parcel looking west across the severed parcel.