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Council Meeting – May 22, 2024

Subject: Development application ZNPL2024067 to amend the Zoning By-Law from Rural Industrial (MR) to Agricultural (A) to fulfill a condition of approval for boundary adjustment application BNP2022150.
Report Number: CD-24-056
Division: Community Development
Department: Planning
Ward: Ward 4
Purpose: For Decision

Recommendation(s):

That application ZNPL2024067, affecting the lands described as Concession 2 Part Lot 2, 151 Highway 6, Norfolk County, to amend the Norfolk County Zoning By-Law 1-Z-2014 from Rural Industrial (MR) to Agricultural (A), **be approved**.

Further that all public input received for this application were considered as part of the decision, as outlined in staff report CD-24-038.

Executive Summary:

An application has been received to amend the Zoning By-Law of Norfolk County to fulfill a condition of approval for boundary adjustment application BNPL2022150.

Discussion -

See Public Hearing Committee report CD-24-038 <https://www.norfolkcounty.ca/wp-content/uploads/2024/05/CD-24-038-Public-Hearing-Committee-Report-151-Highway-6.pdf> for additional background information on the site, proposal and context.

Site Context:

As shown in the figure below, the subject lands are located northwest of the intersection of Port Ryerse Road and Highway 6 having civic address 151 Highway 6. The area of the subject lands is approximately 7.8 acres and is occupied by a landscaping business (mulch, stone, garden soil) to general public. The surrounding lands are predominantly agricultural in use with limited residential lots on Highway 6 and Port Ryerse Road.

The applicant is proposing a zoning by-law amendment to satisfy a condition of approval for a boundary adjustment (BNPL2022150) benefitting the abutting residential

lands to the east with civic address 459 Port Ryerse Road. As indicated by the staff report included as Attachment A, planning staff recommended refusal for file BNPL2022150 which was approved by the Committee of Adjustment on July 20, 2022.

These properties were subject of a similar exercise through paired boundary adjustment and zoning by-law amendment applications (BNPL2013016, ZNPL2013015) which were approved by Committee and Council in March of 2013.

The Planning recommendation reports for BNPL2022150 and BNPL2013016 is included as Attachment A.



Figure 1. Aerial view of the subject lands and surrounding area

Proposal Summary:

The applicant is proposing to amend the zoning of 151 Highway 6 from Rural Industrial to Agricultural Zone. The lands are designated Agricultural in the Official Plan. The intent through the associated consent approval is to add the subject lands to the existing lot with a residential dwelling to the east.

In support of this application, a concept plan was submitted by the applicant.

Consultation(s) -

Technical Comments / Analysis:

The application was circulated to various internal departments and external agencies for review and comment. Technical comments have been received by department staff. No

concerns were raised by department staff pertaining to the proposed Zoning By-Law Amendment.

See Attachment B for the complete technical comments.

Regard for Public Input and Statutory Public Hearing Committee Meeting:

The Statutory Public Meeting for the development application(s) was held at the May 7, 2024 Public Hearings Committee (of Council).

No public submissions were received as of the writing of this report.

Planning Considerations:

The subject lands are Class 3 soils, falling under the PPS definition of *prime agricultural lands*, and designated Agricultural in the Official Plan. The property is also predominantly surrounded by agricultural land base and can be understood as being within the *prime agricultural area* defined by the PPS.

The preceding boundary adjustment was evaluated in conformity to the PPS requirement that lot adjustments in *prime agricultural areas* may be permitted for *legal or technical reasons*. The severance application identified that the legal or technical reason was that the lot reflect the *de facto* use of the lands which have been maintained as a lawn or grassed area by the property owner of the lands to benefit. While the Committee decision pre-empted the Zoning By-Law Amendment application, the Zoning By-Law Amendment must be evaluated separately on its own merit.

The PPS provides guidance on the intended use of *prime agricultural lands*, *prime agricultural areas* and *rural areas*. *Prime agricultural areas* are to be protected for long-term use for agriculture, to facilitate three permitted uses: agricultural uses, agriculture-related uses and on-farm diversified uses. Agricultural-related uses are commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity. The Official Plan of Norfolk County reflects this direction from the PPS in its policies – suggesting the Agricultural designation should be protected from the intrusion of incompatible uses, and drivers of economic activity like agricultural-related uses, can benefit from their proximity to arterial roads.

The Rural Industrial Zone permits a range of uses – it is the opinion of staff these uses can accommodate commercial- and industrial- agricultural-related uses that reflects the intent of Official Plan policies for the Agricultural designation. Currently, the County has 51 parcels zoned Rural Industrial (see Attachment D).

In determining whether the intent of provincial and municipal policy is met by the proposed amendment, staff are tasked with weighing multiple values.

First, while residential amenity space is in essence being prioritized over lands currently zoned to accommodate a range of potential rural industrial uses, staff must also acknowledge that the MR zone and underlying Agricultural designation permits single detached dwellings as a use. This suggests that the amendment from MR zone to A zone does not introduce an incompatible use. The current parcel could be used to accommodate a single detached dwelling and lawn space, without the requirement of a planning application.

Second, the process of re-zoning the parcel to satisfy a condition of approval of a previous consent to sever can be understood as an administrative or technical exercise. Additionally, removing the permissions of the MR-Zone and site plan control will improve clarity on any requirements affecting the residential lands to benefit.

Lastly, staff must weigh the potential impact of the loss of MR-zoned land within the broader context of Agricultural areas and their respective economic viability. Desktop research through the County's Geographic Information System indicates that there are 37 properties totaling an approximate area of 110 hectares of comparable lands – specifically, lands within the MR-zone and Agricultural designation (Figure 3). It is the opinion of staff that when considering the impact comprehensively – the 1,224 square metres parcel affected through ZNPL2024067 will not have a significant impact on Norfolk County's catalogue of rural industrial zoned lands within the Agricultural designation.

See Attachment C for a detailed review of the policy and zoning considerations and planning comments and Attachment D for illustrative mapping on parcels in the Rural Industrial (MR) Zone.

Financial Services Comments:

This application would have a minor decreased impact on assessment growth and tax revenues as a result of the change in use from rural industrial to agricultural. The change to agricultural zoning will limit any future development on the re-zoned area.

Strategic Plan Linkage:

This report aligns with the 2022-2026 Council Strategic Priority Empowering Norfolk - Putting the tools and resources in place to ensure our business' and residents' success.

Explanation: Development that results from applications under consideration can help contribute to developing infrastructure and supports needed for complete communities.

Conclusion:

Planning staff are of the opinion the proposed Zoning By-Law Amendment can be considered to be consistent with the Provincial Policy Statement and conform to the Official Plan and are recommending this application be approved.

Attachment(s):

Attachment A - BNPL2022150, BNPL2013016 Planning Reports
Attachment B - Technical Comments
Attachment C - Planning Consideration Review
Attachment D - Parcels zoned Rural Industrial (MR)
Attachment E - Recommended Zoning By-Law

Approval:

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