

To: **Mayor and Members of Township of Zorra Council**

From: **Spencer McDonald, Development Planner, Community Planning**

Application for Zone Change ZN 5-24-02 – Township of Zorra

REPORT HIGHLIGHTS

- The application for zone change has been submitted to facilitate several housekeeping changes to the Township's Comprehensive Zoning By-law (By-law No. 35-99) that will provide administrative updates for clarification as well as updating provisions that are reflective of recently established Provincial policy to ensure continued effectiveness of the Township's Zoning By-law.
- Sourcewater protection provisions are also proposed as part of the updated amendment.
- Planning staff are generally supportive of the proposed rezoning, as it is consistent with the direction of the Provincially Policy Statement and maintains the intent and purpose of the Official Plan with respect to additional residential units.

DISCUSSION

Background

PROPOSAL:

The Township of Zorra has initiated a housekeeping amendment to the Township's Comprehensive Zoning By-law that will provide administrative updates for clarification as well as updating provisions that are reflective of recently established Provincial policy, correct errors and provide clarification to text and mapping schedules as well as update a number of provisions based on recent development activity, inquiries and planning application volumes.

The Township of Zorra's Comprehensive Zoning (By-law 35-99) was passed by Council in December, 1999. Subsequent housekeeping exercises were completed in 2007, 2009, 2015 and 2022. Regular housekeeping exercises are important to properly implement previous Council decisions, clarify existing definitions, regulations, add additional language to aid in clarifying zoning interpretation and to reflect changes to various standards implemented since the By-law and subsequent amendments were passed to ensure its continued effectiveness.

As detailed above, the proposed housekeeping amendment will generally address necessary updates, as well as correct minor errors and provide clarification to text. In particular, the proposed amendment will incorporate Source Water Protection regulations.

The incorporation of the proposed Sourcewater Protection provisions as required by the Thames Sydenham and Region Source Protection Plan (2015) and will implement the provisions of the Source Protection Plan and provide greater disclosure of properties and uses that could represent a drinking water threat. To do so, amendments are required to Section 2, [DEFINITIONS], and Section 5, [GENERAL PROVISIONS].

In addition to the above, it is noted that the proposed mapping changes to correct inaccurate references will not eliminate any 'as of right' uses or previous zoning approvals granted by Council.

The proposed amendments are summarized in Table 1 below:

Table 1 – Proposed Amendments

SECTION	PROPOSED AMENDMENT
1.6 – Validity	Remove reference to Schedules that are no longer applicable, including 'Schedule B – Site Plans' and 'Schedule D – Groundwater Recharge Area' and add 'Schedule E – Accessible Parking Standards'.
1.10 – Minor Variances to the Zoning By-law	Indicate that decisions by the Ontario Land Tribunal and the former Ontario Municipal Board remain in effect and shall be considered minor variances to the By-law. The current provision only addresses the Ontario Municipal Board.
2.1 – Schedules to the By-law	<ul style="list-style-type: none">Remove Schedule B – Site Plans and Schedule D – Groundwater Recharge Area, as they are no longer applicable. Site Plans are no longer tracked in the Zoning By-law and groundwater recharge areas are now considered under the new provisions for Sourcewater Protection Areas. <p>Add Schedule E – Accessible Parking Requirements.</p>
2.5 – Environmental Protection Overlays	General amendment to update the 'Ministry of Natural Resources' to the 'Ministry of Natural Resources and Forestry'.
2.8 – Flood Plain and Fill Regulated Area	Amend reference to Conservation Authority Regulation Limit that is illustrated on Schedule A of the Zoning By-law can be updated as new information becomes available from the Conservation Authority, without the requirement for an amendment.
2.10 – Groundwater Recharge Areas	This section is proposed to be deleted as they are no longer applicable. New sourcewater protection provisions are proposed.
2.10 – Source Protection Overlays Areas	Reflect that new source water protection provisions are proposed as per the Clean Waters Act and Thames Sydenham and Region Source Protection Plan (2015).
3 – Classification	General amendments are required to remove references to Schedules B and D, which are proposed to be deleted from the By-law as they are no longer applicable.

SECTION	PROPOSED AMENDMENT
	<ul style="list-style-type: none">Include a general provision to clarify the identification of a temporary use by-law.
4 – Definitions	<p>Planning staff propose the following changes:</p> <ul style="list-style-type: none">Revise definition of a 'municipal drain' to reflect updated reference (municipal sewage system) to aid in clearer interpretation;Include new definitions for 'mobile food truck', 'septic system and/or holding tank', 'significant drinking water threat', 'risk management official' and 'wellhead protection area' for the purpose of the proposed Sourcewater protection provisions.
5 - Add Sourcewater Protection Provisions	<p>As current Zoning By-Law predates the approval of the Thames Sydenham and Region Source Protection Plan, and Clean Water Act. Zoning By-Laws are required to be consistent with an approved Source Protection Plan, Planning staff are proposing the following new provisions:</p> <p><u>Sourcewater Protection</u></p> <p>Include a new section to reference the Sourcewater Protection Overlays that are illustrated on Schedule A of the Zoning By-law. The proposed Source Protection Overlays (SP1 and SP2), shown on Schedule A, identify the portions of the Wellhead Protection Areas (WHAs) associated with the County's municipal drinking water supply wells where a drinking water threat, as prescribed by the Clean Water Act, 2006, can be a significant drinking water threat. The mapping of these areas in this By-Law reflects the WHPA mapping contained in the applicable approved Source Protection Plans.</p> <p>The Source Protection Overlay 1 (SP1) applies to the portion of the WHPA closest to the wellhead, where the majority of the prescribed significant drinking water threats can occur, while the Source Protection Overlay 2 (SP2) applies to the remainder of the WHPA, where only certain chemical and waste related significant drinking water threats can generally occur.</p> <p>No new use, building and/or structure that requires the issuance of a Building Permit and/or an approval under the Planning Act shall be permitted within the SP1 or SP2 overlays unless a notice has been issued by the Risk Management Official in relation to such building permit or approval.</p> <p>It is important to note that no new septic system and/or holding tank shall be permitted within a Source Protection Overlay 1 (SP1).</p>

SECTION	PROPOSED AMENDMENT
5.1.1.3.1 – Accessory Uses	To increase the gross floor area an accessory building on a residential lot that is exempted from the calculation of total lot coverage from 10 m ² (107.6 ft ²) to 15 m ² (161.4 ft ²) to reflect changes made in the Ontario Building Code.
5.9 – Flood Plain and Fill Regulated Area	These provisions are proposed to be deleted and replaced with the new Conservation Authority Regulation Limit, which reflects the most updated information from the Upper Thames River Conservation Authority.
5.10.5 – (Garden Suites) Height and Gross Floor Area Requirements	Increase the maximum gross floor area limit from 70 m ² (753.5 ft ²) to 140 m ² (1,500 ft ²). All the recent garden suite requests have included a request for increased gross floor area. Given the financial investment that applicants are making for a garden suite (individual well, septic system, concrete foundation) it is reasonable to allow for a size that is more typical of the modular homes that are being currently designed as garden suites.
5.12 – Groundwater Recharge Areas	These provisions are outdated and are proposed to be deleted and replaced with Sourcewater protection provisions, which reflect the location and/or extent of the Well Head Protection Area, in accordance with an approved Source Protection Plan.
5.14.9 – Home Occupation	Provide clarification that a home occupation or combination of all home occupations within the dwelling unit shall provide one parking space for a non-resident employee. This provision shall clarify that such uses that are operated solely by the tenant shall be exempt from the parking requirement.
5.16 Municipal Services and Municipal Drains	A provision is required to indicate that no land within a serviced settlement area shall be used or built upon unless the land is serviced by municipal services (municipal water, sanitary sewers, drainage systems and improved streets) which meet the municipal standards in effect and have adequate capacity to service the use or development. This provision will provide clarity, to ensure development within the Township is serviced by municipal services, and with municipal water and is in accordance with source protection provisions (where applicable).
5.31.1.1 – Yard, Setback and Height – Permitted Encroachments	Amend to clarify that no building projections may be permitted to extend into a required parking area or registered easement.
6.2 Table 6.2 (A1 Zone)	Remove maximum # of nutrient units. Zoning superseded by provisions in the Nutrient Management Act
6.4.11 (A1-11 Zone)	Rezone parcel to A1 as the approved garden suite is now an additional residential unit. As a result, time lines affecting dwelling unit are no longer applicable.

SECTION	PROPOSED AMENDMENT
9.4.17 (RR-17)	Include provisions for site specific previously omitted.
R1, R2, R3 Zones	Staff recommend that provisions be included regarding attached garages to ensure sufficient area is maintained within garage to accommodate motor vehicle.
RR, RE, R1, R2, R3, V Zones	Staff are recommending that all minimum gross floor area provisions be removed to facilitate more modest or affordable housing options. The minimum gross floor area for a dwelling unit would be determined by the relevant provisions of the Ontario Building Code.
Embro	Staff recommend amending all 'V' zoned areas to 'CC'. In addition, all site specific 'V' zones reflected in site specific 'CC' zone.
16.3.12.1 (HC-12)	Staff recommend adding a business or professional office as an additional use.
All Zones – General Amendments	<ul style="list-style-type: none"> • General amendments to ensure consistency throughout the Zoning By-law. • Delete redundant special provisions and renumber existing provisions accordingly. • Add provisions regarding the location of an animal kennel to A1 and A2 zones to provide a buffer with adjacent uses similar to that as contained in AB zone. No such provision is currently contained in the A1 and A2 zones. • Special provisions that referenced expired garden suites (approximately 3 units) have been deleted and the properties are proposed to be rezoned to the underlying zone category.
Key Maps	<ul style="list-style-type: none"> • Include a new overlay to identify Sourcewater Protection Areas, in conjunction with the provisions that are proposed in Section 5. • Remove Flood and Fill Lines and replace with new Conservation Authority Regulation Limit, in conjunction with the provisions that are proposed in Section 5. • Update site specific zoning to reflect new numbering of duplicate zones.

Application Review

PROVINCIAL POLICY STATEMENT 2020 (PPS):

The 2020 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. In particular, the PPS focuses growth within settlement areas and promotes efficient development patterns that optimize the use of land, resources and public investment in infrastructure and public service facilities.

Section 1.1.1 of the PPS states that healthy, liveable, and safe communities are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term and cost-effective development patterns and standards to minimize land consumption and servicing costs.

Further, Section 1.1.3.2 directs that settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. Land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources and existing infrastructure and public service facilities. A range of uses and opportunities for intensification and redevelopment should also be promoted where it can be accommodated in settlement areas.

Section 1.1.3.3 also directs that planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated considering existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

OFFICIAL PLAN

No specific sections of the Official Plan are impacted as the proposed amendment deals with a number of minor changes as required to the Zoning By-law to correct errors and incorrect references within various sections of the By-law.

According to Section 2.1.1 [GROWTH MANAGEMENT], in order to manage growth, it is a strategic initiative of the Official Plan to ensure designated growth settlements are developed with efficient land use patterns and densities to minimize land consumption, to control infrastructure costs, and to limit growth pressure in rural areas. Section 4.1 (Strategic Approach) further states that the County shall aim to ensure existing designated land supplies and infrastructure be efficiently utilized, including achievement of intensification targets, prior to designating new areas for growth.

Section 4.2.2.4 [SERVICED VILLAGES] directs that Serviced Villages are settlements characterized by a broad range of uses and activities which have been developed or are proposed for development on centralized waste water and water supply facilities.

Section 6.2.1 [OBJECTIVES FOR RURAL SETTLEMENT RESIDENTIAL DESIGNATIONS] states that compact urban form and residential infilling, as well as a range of housing types, shall be promoted in all rural settlement areas where appropriate given the level of infrastructure available.

Section 10.3.5 [ZONING BY-LAWS AND NON-CONFORMING USES] identifies that the Zoning By-Law is the primary means of implementing the policies of the Official Plan by defining the uses permitted in specific locations within a municipality, and to provide specific development standards relating to those uses.

TOWNSHIP OF ZORRA ZONING BY-LAW:

The proposed amendment impacts all sections of the Zoning By-law, to correct errors, provide clarification to the definitions, general provisions and omissions that have occurred since the drafting of the existing By-law and subsequent amendments.

AGENCY COMMENTS:

The Township Chief Building Official, Oxford County Public Works, Township Public Works Department and Bell Canada indicated they had no concerns or comments on the proposed zone change.

PUBLIC CONSULTATION:

Notice of the zone change application was posted in the Oxford Review on two (2) occasions, being February 29, 2024 and April 1, 2024, in accordance with the requirements of the Planning Act. To date, no comments have been received with respect to the proposed zone change.

Planning Analysis

The application proposes a number of general amendments to the Zoning By-Law to correct minor errors and provide clarification to text and mapping schedules. The incorporation of the proposed Sourcewater Protection provisions as required by the Thames Sydenham and Region Source Protection Plan will implement the provisions of the Source Protection Plan and will provide greater disclosure of properties and uses that could represent a drinking water threat within the Township.

Further, the purpose of the amendments to 'RR', 'RE', 'R1', 'R2', 'R3', 'V' and 'CC' zones are to incorporate appropriate zoning provisions to reflect the development standards that have recently been approved in the Township, and to encourage flexibility in the types and sizes of dwelling units. This is intended to encourage compact and efficient development patterns while providing opportunities for alternative housing types and sizes to increase the range of housing affordability in the Township.

The proposed changes are a result of examining historical planning application types and volumes and daily experience with the Zoning By-Law, in consultation with the Township Chief Building Official.

It should be noted that the proposed mapping changes will not eliminate any 'as of right' uses or previous zoning approvals given by Council.

It is the opinion of this Office that the proposed rezoning application is consistent with the policies of the Provincial Policy Statement and is in keeping with the policies of the County Official Plan. As such, Planning staff are recommending approval-in-principle of the proposed housekeeping amendment so that the applicable Zoning By-Law schedules can be prepared following consultation with the public and Council consideration.

RECOMMENDATIONS

THAT the Council of the Township of Zorra approve-in-principle the proposed Zoning By-law amendment (File No.: ZN 5-24-02) to introduce "housekeeping" amendments to Township of Zorra Zoning By-Law Number 35-99.

SIGNATURES

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Final Audit Report

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