



PLANNING REPORT for the TOWN OF MINTO

Prepared by the County of Wellington Planning and Development Department

DATE: October 31, 2018
TO: Bill White, C.A.O.
Town of Minto
FROM: Jessica Rahim, Junior Planner
Curtis Marshall, Senior Planner
County of Wellington
SUBJECT: **Jeff Metzger**
401, 411, 417, and 423 Jane Street, Palmerston
Zoning By-law Amendment

PLANNING OPINION

The purpose and effect of the proposed amendment is to modify the site specific Agricultural Exception (A-113) zone and apply a Holding Provision (H) to address phasing and the orderly future development of the properties. This rezoning is a condition of severance applications B76/18 and B77/18, which has been granted provisional consent by the Wellington County Land Division Committee.

Planning Staff have prepared a draft zoning by-law amendment which serves to ensure that construction of dwellings on the existing lots does not jeopardize future development of the lands (eg. future separation of the lots and construction of additional dwellings) if the properties are brought into the Palmerston Urban Area in the future. A draft zoning by-law amendment is attached to this report for public viewing and Council's consideration.

INTRODUCTION

The property subject to the proposed amendment is legally described as Lots 76-79, Concession 1 with a civic address of 401, 411, 417 and 423 Jane Street, Palmerston. The proposal is a condition of consent application B76/18 and B77/18. The purpose of the lot line adjustment is to sever a vacant portion of the parcels and merged it with the adjacent vacant parcel. The retained and newly consolidated parcels are proposed to be developed for residential uses in the future. An air photo showing the property is provided in Figure 1.



Figure 1: Air Photo

PROPOSAL

The purpose and effect of the proposed amendment is to modify the site specific Agricultural Exception (A-113) zone and apply a Holding Provision (H) to address phasing and the orderly future development of the properties. This rezoning is a condition of severance applications B76/18 and B77/18, which has been granted provisional consent by the Wellington County Land Division Committee.

BACKGROUND

The subject properties (four lots) are located adjacent to the urban area of Palmerston. Municipal servicing including water and sewer is available for the development of the lots. A site-specific zoning amendment was approved in 2016 which established minimum and maximum building setbacks to ensure that the construction of single detached dwellings on the existing lots does not compromise the future development potential of the properties (with a higher residential density) if the properties are ever brought into the Palmerston Urban Area.

WELLINGTON COUNTY OFFICIAL PLAN

The subject lands are designated PRIMARY AGRICULTURAL within the County of Wellington Official Plan. Permitted uses on the Prime Agricultural area include single detached dwellings on existing lots.

ZONING BY-LAW

The subject lands are currently zoned Agricultural Exception (A-113). The purpose of this amendment is to rezone the subject lands to a revised Agricultural Exception (A-113) zone and apply a Holding Provision (H) to a portion of the subject lands. This will allow for the construction of single detached dwellings on the existing lots while not compromising the future development potential of the properties (eg. future division of the property if brought into urban area).

PLANNING DISCUSSION

Next steps:

The applicants have started construction of a single detached dwelling on 411 Jane St. (Lot 77) in accordance with the Agricultural Site Specific (A-113) zone approved in 2016. They are now in the process of finalizing consent applications B76/18 and B77/18 which will sever vacant land and merge it with adjacent vacant parcels. The applicant has indicated that they plan to construct a dwelling on 417 Jane St. (Lot 78) in accordance with the updated A-113 zone provisions and apply for consent applications to sever the newly consolidated lots in the future.

Revised Zoning Standards:

Planning Staff have prepared a draft zoning by-law amendment which revises and includes additional zoning standards to regulate the location of dwellings on the properties. The proposed standards are discussed below.

Side Yard Setbacks

The minimum and maximum side yard setbacks have been removed. It is proposed that the standard side yard setbacks of the R1C Zone be applied to the property. The minimum and maximum setbacks were established initially as a means to control the location of new homes on the existing lots, however the proposed Holding Provision (H) now serves this purpose.

Front Yard Setbacks

Minimum and maximum side yard setbacks were established with the approval of the site specific exception in 2016. Planning Staff have proposed to reduce the maximum setback to ensure that future dwellings are constructed with a setback that is consistent the current dwelling under construction which is set 12.0 m (39.36 ft) back from the street line.

Holding Provision

A Holding (H) Provision is being placed on the rear portions of 411 and 417 Jane St. and on the entirety of 401 and 423 Jane St. which remain undeveloped. The Holding provision will serve to prohibit future construction which could jeopardize the possible future separation of the lots (and construction of additional dwellings) if the properties are brought into the urban area in the future. No buildings or structures of any kind including pools will be permitted on the portion of the properties where the Holding provision (H) is in place. Provision are being included in the draft by-law which would allow Town Council to lift the Holding Provision (H) when Council deems the requirements to have been met. Building permits could be issued once the Holding (H) is lifted. The following prerequisite requirements are being proposed:

- (i) The owner shall prepare a development plan to the satisfaction of the Town showing proposed lots and building locations for all lands.
- (ii) Council is satisfied that the location of the proposed building(s) or structures (s) on the lot do not jeopardize future residential development on the lands;
- (iii) Municipal water and sewage services are available; and,
- (iv) The lot(s) has frontage on an open public street.

It is Planning Staff's understanding that the owner has not determined exactly where/which dwellings will be constructed on 401 and 423 Jane St. at this time. Planning Staff are recommending as a result that the Holding Provision (H) be placed on the entirety of the lots. Once the owner determines where the homes are to be located, he may request the Holding Provision (H) be lifted. If Town Council is satisfied with the proposed location of a home(s), the Holding (H) can be lifted on the applicable portion of the lots to allow the home(s) to be built.

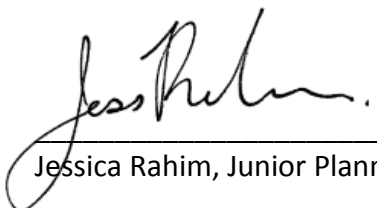
The Holding (H) applying to the rear portion of the lots may need to be kept in place until road access is provided in the future. The construction of Elgin St. and a possible future street along the rear of the lots may be required.

Draft Zoning By-law


A draft zoning by-law amendment has been attached to this report for public review and Council's consideration which revises the Agricultural Exception (A-113) zoning standards and introduces a Holding Provision (H) to a portion of the lands.

Respectfully submitted

County of Wellington Planning and Development Department



Jessica Rahim, Junior Planner



Curtis Marshall, MCIP, RPP
Senior Planner

THE CORPORATION OF THE TOWN OF MINTO
BY-LAW NUMBER _____.

BEING A BY-LAW TO AMEND ZONING BY-LAW NUMBER 01-86
FOR THE TOWN OF MINTO

WHEREAS, the Council of the Corporation of the Town of Minto deems it necessary to amend By-law Number 01-86; as amended pursuant to Section 34 of The Planning Act, R.S.O. 1990, as amended.

NOW THEREFORE the Council of the Corporation of the Town of Minto enacts as follows:

1. THAT Schedule "A" - Map 1 of the Town of Minto Zoning By-law 01-86 is amended by rezoning 401, 411, 417 and 423 Jane Street, Palmerston as shown on Schedule "A" attached to and forming part of this By-law, from **Agricultural Exception (A-113)** to **Agricultural Exception Holding (A-113 (H))**.
2. THAT Rural Area Exception 36.113 is deleted and replaced with the following:

| | | | | | | |
|---------------------|-------------------|--|---------------------|-----------------|---------------------|-------------------|
| 36.113 | A-113 | <p>Notwithstanding Section 8.5, Reduced Lot Regulations of the Agricultural Zone, the lands zoned A-113 shall be subject to the regulations of Section 11, Residential (R1C) Zone, except for as provided below:</p> <table><tr><td>Front Yard, Minimum</td><td>6.0 m (19.7 ft)</td></tr><tr><td>Front Yard, Maximum</td><td>13.0 m (39.36 ft)</td></tr></table> <p>Until the “H” symbol is removed no buildings or structures, of any kind including pools are permitted within the lands zoned A-113(H).</p> <p>Council may pass a by-law removing the holding symbol from a lot, or portion of a lot once it satisfied that the following matters have been adequately addressed:</p> <ul style="list-style-type: none">(i) That the owner prepare a development plan to the satisfaction of the Town showing proposed lots and building locations for all lands.(ii) Council is satisfied that the location of a proposed building(s) or structures (s) on a lot does not jeopardize future residential development on the lands;(iii) Municipal water and sewage services are available; and,(iv) The lot has frontage on an open public street. | Front Yard, Minimum | 6.0 m (19.7 ft) | Front Yard, Maximum | 13.0 m (39.36 ft) |
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| Front Yard, Maximum | 13.0 m (39.36 ft) | | | | | |

3. THAT except as amended by this By-law, the land shall be subject to all applicable regulations of Zoning By-law 01-86, as amended.
4. THAT this By-law shall come into effect upon the final passing thereof pursuant to Section 34(21) and Section 34(22) of The Planning Act, R.S.O., 1990, as amended, or where applicable, pursuant to Sections 34 (30) and (31) of the Planning Act, R.S.O., 1990, as amended.

READ A FIRST AND SECOND TIME THIS _____ DAY OF _____, 2018

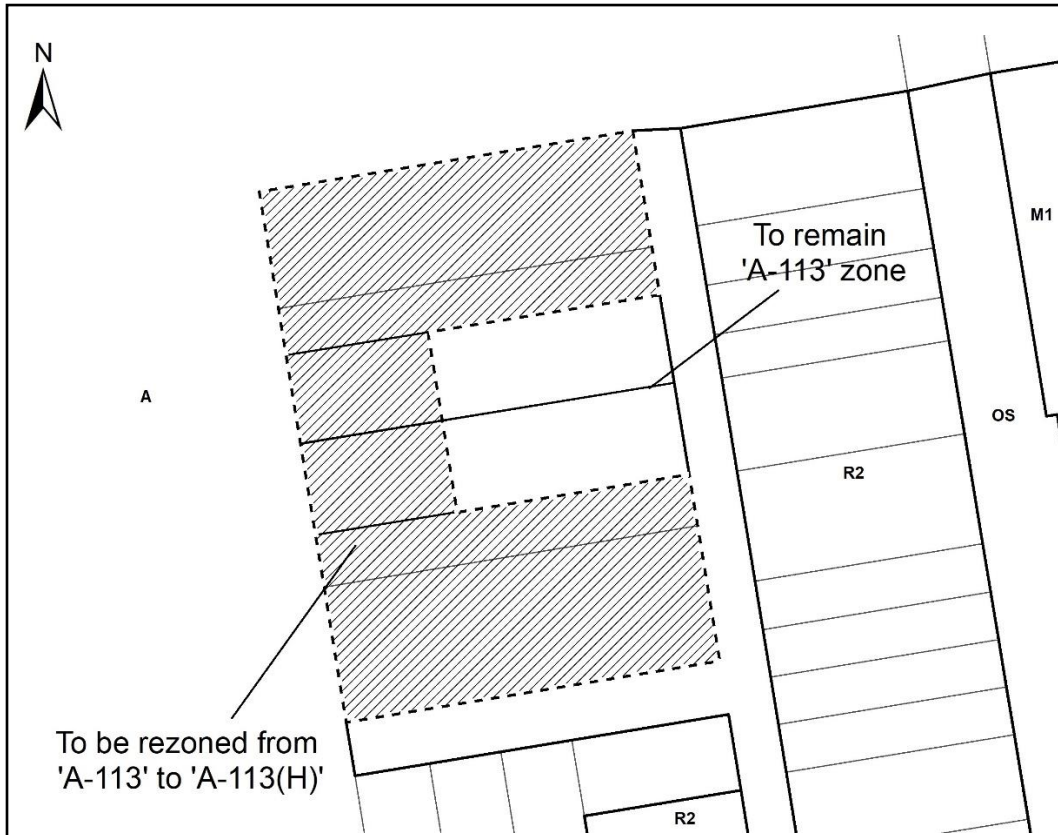
MAYOR

CLERK

THE TOWN OF MINTO

BY-LAW NO _____.

Schedule "A"



Rezone from Agricultural Exception (A-113) to Agricultural Exception Holding (A-113 (H)).

Passed this ____ day of _____ 2018.

MAYOR

CLERK

EXPLANATORY NOTE

BY-LAW NUMBER _____.

THE LOCATION of the properties subject to the proposed amendment is located on Lots 76-79, with a civic address of 401, 411, 417 and 423 Jane Street, Palmerston. The lands subject to the amendment is approximately 1.57 ha (3.87 ac) in size and are currently zoned Agricultural Exception (A-113).

THE PURPOSE AND EFFECT of the proposed amendment is to modify the site specific Agricultural Exception (A-113) zone and apply a Holding Provision (H) to address phasing and the orderly future development of the properties. This rezoning is a condition of severance applications B76/18 and B77/18, which has been granted provisional consent by the Wellington County Land Division Committee.