



## Planning Advisory Committee Report

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**To:** To the Chair and Members of the Planning Advisory Committee  
**From:** Dan Namisniak, Planner, Sec-Treasurer - Committee of Adjustment  
**Date:** March 5, 2019  
**Subject:** PA-19-09a (P. McMahon)  
Zoning By-law Amendment Application ZBA1/19/DN  
186 East River Rd, County of Brant  
**Purpose:** **Recommendation Report** for an Application to amend Zoning By-law 61-16 from Rural Residential (RR) to permit a Rural Residential lot with a frontage of 10 metres, where 40 metres is required.

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### Recommendation

That Application ZBA1/19/DN from David Roe, Agent for Peter & Jamie McMahon, Applicant of SOUTH DUMFRIES CON 2 SUB PT LOT 3 EGR R 2R7437 PART 2 IRREG, geographic Former Township of South Dumfries, County of Brant, also known as 186 EAST RIVER RD proposing to rezone a portion of the subject lands from Rural Residential (RR) to Rural Residential – Special Exemption (RR-xx) to permit a lot having a frontage of 10 metres, where a minimum of 40 metres is required, **BE REFUSED**.

### Key Strategic Priority

Undertaking actions that elevate customer service to those we serve.

### Financial Considerations

None

### Executive Summary / Proposal

The purpose of this report is to provide the Committee and Public with information from the Applicants and Staff regarding the details of an application to amend the County of Brant Zoning By-law 61-16.

This application proposes the following:

- To rezone a portion of the subject lands from Rural Residential (RR) to Rural Residential – Special Exemption (RR-XX) to permit a lot having a frontage of 10 metres, where a minimum of 40 metres is required.

The proposed rezoning is required in order to facilitate a subsequent Consent Application submitted to sever a new residential lot having a frontage of 10 metres, irregular depth of 200 metres and area of approximately 2.1 hectares (5.0 acres).

As part of the submission for this application, the Agent/ Applicants have provided planning justification for the request along with an Environmental Impact Study (EIS) which analyzes the potential impact and provides recommended mitigation measures for the proposed development.

The planning analysis focuses on literature review of applicable policy (i.e. Planning Act, PPS, Official Plan and Zoning By-law), consultation with departments, an inspection of the subject lands and discussions with both the agent/public.

Planning analysis as outlined in this report indicates that the proposal is not in conformity with the County of Brant Official Plan polices, specifically Sections 2.2.3.3, 2.7.2, 3.7 and 6.8.2.2 and does not maintain the general intent of Zoning By-law 61-16.

Staff are of the opinion that the request for a reduced frontage does not meet the intent of the Zoning By-law, is not logical, compatible or consistent within the context of existing development. Staff are of the opinion that the proposal does not represent good planning and are recommending refusal of the application.

## **Location**

The property is located on the east side of East River Rd, north of Blue Lake Rd within the Former Township of South Dumfries, County of Brant.

The subject lands are of an irregular shape having a frontage of 89 metres, depth of 200 metres and approximate area of 3.2 hectares (7.7 acres).

The subject lands contain an existing single detached dwelling and detached garage and are serviced by private well and septic.

## **Background & Related Applications**

The subject lands at 186 East River Rd were established as severed lands from #188 East River Rd via Consent Application B47/11. The subject lands were rezoned Agricultural (A) to Rural Residential (RR) to satisfy a condition of B47/11 consent approval.

The Applicants are now seeking further planning act applications to facilitate additional development on the subject lands.

## **Report**

### **Planning Act R.S.O (1990)**

Section 34(10) (see attached) of the *Planning Act* provides policy direction to be considered when reviewing Zoning By-law Amendment Applications.

Section 51(24) of the Planning Act sets out criteria to be considered when reviewing consent applications (see attached).

The application is in keeping with Section 34(10) & Section 51(24) of The Planning Act.

## **Consistency and/or Conformity with Provincial and/or Municipal Policies/Plans Growth Plan for the Greater Golden Horseshoe (2017)**

Policy 2.2.9.3 deals with development outside of settlement areas permitted on rural lands.

- *The proposed development is located outside of an Urban Settlement Boundary Area within an established for Rural Residential uses.*

Planning Staff are of the opinion that the application is consistent with the Growth Plan policies.

## **Provincial Policy Statement (2014)**

Section 1.1.4 and 1.1.5 of the PPS deals with Rural Areas and is described in the Definitions Section 6.0 (see attached).

- *The proposed development is located outside of an Urban Settlement Boundary Area within an established for Rural Residential uses.*

Planning Staff are of the opinion that the application is consistent with the PPS policies.

## **County of Brant Official Plan (2012)**

*Schedule 'A'* of the County of Brant Official Plan designates the subject lands as Rural Residential land use.

Sections 2.2.3.3 and 3.7 outline the policies in the Official Plan for the Rural Residential designation: (see attached)

- A limited amount of growth and development may occur within the Rural Residential designation and therefore the pattern of new development shall be logical and compatible within the context of existing development.
- Lots created within this designation must be consistent with the size and nature of surrounding lots while being consistent with the minimum size and frontage requirements of the Zoning By-law.

Section 2.7.2. of the Official Plan General Development Policies identifies that the following shall be the policies of the County when considering site suitability with respect to proposed development:

- a.) v.) Lot frontage and area is suitable for the proposed use and confirms to the standard required by the implementing Zoning By-law.

Section 6.8.2.2 outlines the policies of the County with respect to residential lot creation through consent.

- *The proposal would have the effect of creating a new parcel with limited frontage that is not consistent and compatible with the frontage of existing lots along East River Rd.*
- *A reduced frontage to allow access to the rear of the property facilitating a form of depth development that is not consistent, compatible or desirable within the existing built up area along the east side of East River Rd.*

*Schedule 'C'* of the County of Brant Official Plan identifies the woodlot present on the subject lands.

Section 2.3.2.2 of the Official Plan identifies policies that apply to development and site alteration within Natural Heritage areas.

c. Where permitted, development or site alteration proposed in or adjacent to a natural heritage feature or area (whether delineated or not as of the date of this Plan) shall require the completion of an Environmental Impact Study (EIS), prior to development or site alteration.

- *An EIS completed by Terrastory Environmental Consulting analyzing the potential impact of the proposed development has been submitted as part of this application.*
- *The EIS concludes that Terrastory is satisfied that no negative impacts to the Significant Woodland and other significant natural features will occur provided that all technical recommendations are implemented in full.*

Staff is of the opinion that the application does not conform to the Official Plan policies, specifically Sections 2.2.3.3, 2.7.2, 3.7 and 6.8.2.2 as a reduced lot frontage is not considered to be consistent, compatible or desirable within the existing built up area along East River Rd.

### **Zoning By-law 61-16 (2016)**

The subject lands are zoned Rural Residential (RR) according to Schedule 'A' of the County of Brant Zoning By-law 61-16.

Section 9, Table 9.2, outlines the requirements for lot creation, coverage and setbacks within the Rural Residential (RR) zone. (see attached)

### **Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA)** **Minimum Distance Separation (MDS) (2017 – Publication 853)**

'MDS I' guidelines review the creation of new lots / dwellings within proximity to existing livestock facilities.

Guideline #33 & #34 describe the variation between 'Type A' and 'Type B' land uses. 'Type A' land uses are interpreted to be any Agricultural land use. 'Type B' Land uses are interpreted to be any Non-Agricultural land use.

Guideline #12 permits a reduction in the required MDS calculation is there are four (4) existing dwelling units located within a closer proximity to the livestock barn (194 West River Rd).

- *The subject lands are located within a non-agricultural land use designation, therefore a type B land use calculation should be considered.*
- *The proposed dwelling location is located approximately 780 metres from the existing livestock barn at 194 West River Rd.*
- *The proposal benefits from Guideline #12 where there are at least four existing dwelling units closer to the existing livestock barn.*

It is Planning Staff's opinion that the proposed lot meets the OMAFRA Minimum Distance Separation requirements.

## **Interdepartmental Considerations**

### Development Engineering Department:

- A Site Development Plan will be required with a minimum \$5,000.00 Security.
- A 12m centreline radius will be required for the new Entrance to the severed parcel and for the relocation of the existing driveway on the retained parcel for a Fire Route. The minimum driveway widths at property line is 3.5m as per County of Brant Development and Engineering Standards (Section 7. 7. 03).
- A 0.3 metre reserve will be required from the relocation of the existing driveway south along the frontage to the south property line and be transferred to the County, at the sole expense of the Applicant, to the satisfaction of the County at the described location above prior to stamping of the deeds.
- The existing Garage on the severed parcel is required to be relocated to the retained parcel or demolished, as it is currently in the proposed driveway on the severed parcel.
- Erosion & Sediment Controls will be required around area of construction for future Development
- Works for the subject lands will require, but may not be limited to, works within the municipal road allowance, and installation of vehicular entrance(s). As such, approved Public Works Permits will be required prior to commencing works on the Subject Lands.

### Fire Department:

- Documentation is required to be submitted confirming that the construction of the proposed driveway will in fact support fire vehicle use.
- Adequate turning radius and turnaround access will be required for fire vehicles use.
- Rural Firefighting Fees (\$600) will apply at the time of lot creation

### Lot Grading:

- Detailed review of the proposed development through the required Site Development Plan will be completed as a condition of the subsequent consent application and application for building permit.

### Zoning Administrator:

- The proposed reduction in frontage from a minimum of 40.0 metres being required to 10.0 metres being proposed is significant as this is less than half of the requirement by By-Law.
- These requirements were approved in May of 2016 wherein the requirements of the Rural Residential Zones were given much consideration with respects to the character of the established surrounding development and the absence of Municipal Services.
- Staff has supported minor reduction requests with respects to lot frontage and area within the Non-Urban Residential Zones since the passing of By-Law 61-16, but not of this scale.
- The smallest increment of lot frontage permitted within the County of Brant Zoning By-Law 61-16 is 9.0 metres for a rowhouse and/or street fronting rowhouse dwelling and a minimum of 11.0 metres for a single detached dwelling within the Residential Singles (R1) Zone. These requirements are significantly different being located within the Urban Residential Zone Category and on full Municipal Services.
- Furthermore, if 10.0 metres of frontage is approved within the Non-Urban Residential Zone categories through Site Specific consideration than this would be potentially

attainable for other similar circumstances within all of the Non-Urban Residential Zone Categories (Suburban Residential (SR), Residential Hamlets and Villages (RH), and Rural Residential (RR) throughout the County of Brant.

Building Division:

- Detailed review of the proposed development through the required Site Development Plan will be completed as a condition of the subsequent consent application and application for building permit.

Civic Addressing:

- If this development application is approved, the Severed Lands will need a civic address.

Grand River Conservation Authority:

Preliminary comments (A. Graham)

- On the subject property there is a drainage feature along the southern property boundary. GRCA recommends a minimum 15 metre setback be maintained from the feature.
- A large portion of the property is forested and may be part of a larger significant woodland. This should be explored by the proponent and may require an EIS. We recommend development, including the creation of lots, occur outside any significant woodlands.

Hydro One: No objections.

The following departments/agencies did not provide any comments with regard to this application:

- Legal Division (Real Estate)
- Community Services
- Grand Erie District School Board
- Bell Canada
- Brant Heritage Committee
- Forestry
- Six Nation/New Credit
- Union Gas

**Public Considerations**

B. Wilson & C. Amodeo:

- Letter received as part of first public meeting circulation (received January 31, 2019) highlighting concerns related to impact of privacy on surrounding lots, impact on the significant woodlot & impact of reduced frontage on future development applications. A copy of this letter has been attached to this report.

**Conclusions and Recommendations**

The application proposes to rezone a portion of the subject lands from Rural Residential (RR) to Rural Residential – Special Exemption (RR-XX) to permit a lot having a frontage of 10 metres, where a minimum of 40 metres is required.

## Official Plan and Zoning By-law Review

The planning analysis of the application focuses on review of applicable policy (i.e. Planning Act, PPS, Official Plan & Zoning By-law).

*Schedule 'A'* of the County of Brant Official Plan designates the subject lands as Rural Residential land use.

*Section 2.2.3.3.a.* describes that the designation of a Rural Residential area not does necessarily mean that the land is suitable for further development. Rural Residential designated areas may experience limited growth where the pattern of new development is logical, compatible and consistent within the context of existing development.

*Section 2.7.2* of the Official Plan - General Development Policies recognize that adequate frontage is a factor for determining site suitability for growth among existing development patterns. *Section 3.7* also describes that lots created within the Rural Residential designation must be consistent with the size and nature of surrounding lots while being consistent with the minimum size and frontage requirements of the Zoning By-law.

Staff recognize that the lot fabric of existing lots within the surrounding area consists of a mix of large residential and undersized agricultural parcels of various irregular shapes. Frontage of the existing lots along East River Rd range from a minimum of 40 to 150+ metres. Although the existing lot fabric along East River Rd contains irregular and flag shaped lots, these existing lots maintain or exceed the minimum frontage requirements of the Zoning By-law.

The proposal would have the effect of creating a new parcel with frontage along a municipal right of way that is not consistent and compatible with the frontage of existing lots along East River Rd.

As noted in the comments received from the County of Brant Zoning Administrator, as part of the recent 2016 Zoning-Bylaw update from ZBL 110-01 to ZBL 61-16, requirements within the Rural Residential (RR) zone were given much consideration with respects to maintaining character of the established surrounding development and the absence of municipal services. Reduced frontages as low as 9 metres are permitted within Urban Residential land uses where full municipal services are available. Minor reductions for frontage have been granted throughout the County since the passing of ZBL 61-16, none that are comparable to this scale. If this application was approved, Staff anticipate that many similar applications would be brought forward.

'Map 1 – Existing Lot Configurations' as attached to this report identifies the existing lot configurations along East River Rd from Blue Lake Rd to Scenic Drive. The approximately 12 parcels highlighted on the map represent those existing flag shaped lots which could have the potential for similar reduced frontage, depth development to that proposed as part of this application.

## Additional Considerations

Schedule 'C' of the County of Brant Official Plan identifies the woodlot present on the subject lands. Section 2.3.2.2 of the Official Plan identifies that where permitted, development or site alteration proposed in or adjacent to a natural heritage feature or area shall require the completion of an Environmental Impact Study (EIS), prior to development or site alteration.

An EIS completed by Terrastory Environmental Consulting *analyzing the potential impact of the proposed development* has been submitted as part of this application. The EIS concludes that Terrastory is satisfied that no negative impacts to the Significant Woodland and other

significant natural features will occur provided that all technical recommendations are implemented in full. Technical mitigation recommendations include: limited removal of vegetation within areas directly in conflict with the proposed driveway by a professional, a tree compensation plan be prepared to address loss of woodland area and a tree protection fence installed prior to any site alteration.

Preliminary comments from the Grand River Conservation Authority (GRCA) identified a drainage feature along the southern property boundary. GRCA recommends a minimum 15 metre setback be maintained from the feature. Development proposed adjacent to the regulation limit and a copy of the completed Environmental Impact Study (EIS) has been forwarded to the GRCA for review. If the rezoning is successful, detailed comments on the EIS from the GRCA can be provided as part of the circulation or as condition of the consent application.

A shared access over the existing driveway is proposed. Engineering comments request that access be limited to the located of the existing access and that a 0.3 metre reserve along the remaining frontage of the subject lands be conveyed to the County of Brant to restrict further access.

Brant County Fire Department will require detailed site plan confirming that the construction of the proposed driveway will support fire vehicle load and turning radius for access when entering and exiting the site.

A detailed holistic review of the proposed development will be completed through the required 'Site Development Plan' as a condition of the subsequent consent application and application for building permit. The Site development plan review will include proposed access, grading, drainage, setbacks, hydro services, well and septic.

#### Conclusion and Recommendation

Based on the analysis above, a reduced frontage would allow access to the rear of the subject lands which would facilitate a new form of depth development that is not in keeping with the character among the existing built up area along East River Rd.

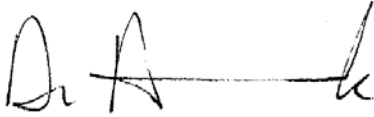
Furthermore, if 10.0 metres of frontage is approved within the Non-Urban Residential Zone categories through Site Specific consideration, this could potentially be attainable for other similar circumstances within all of the Non-Urban Residential Zone categories (Suburban Residential (SR), Residential Hamlets and Villages (RH), and Rural Residential (RR) throughout the County of Brant.

Although the proposal does meet the general intent of the Growth Plan and Provincial Policy Statements as the development is within an area identified for Rural Settlement, Planning analysis indicates that the proposal is not in conformity with the policies of the County of Brant Official Plan polices, specifically Sections 2.2.3.3, 2.7.2, 3.7 and 6.8.2.2. This is because a reduced lot frontage is not considered to be consistent, compatible or desirable within the existing built up area along East River Rd. and does not maintain the general intent of Zoning By-law 61-16.

Staff are of the opinion that the proposal does not represent good planning and are recommending refusal of the application.



Respectfully submitted,



**Dan Namisniak**

Planner / Secretary-Treasurer, Committee of Adjustment

**Attachments**

1. Aerial Photo
2. Official Plan Map
3. Legislative Excerpts

**Copy to**

1. Rob Trotter, Director of Planning
2. Heather Boyd, Clerk/Manager of Council Committee Services
3. Jennifer Mayhew, Planning Clerk
4. Mark Pomponi, General Manager of Development Services
5. Applicant/Agent

**File #** ZBA1/19/DN

**In adopting this report, is a bylaw or agreement required?**

If so, it should be referenced in the recommendation section.

By-law required (No)

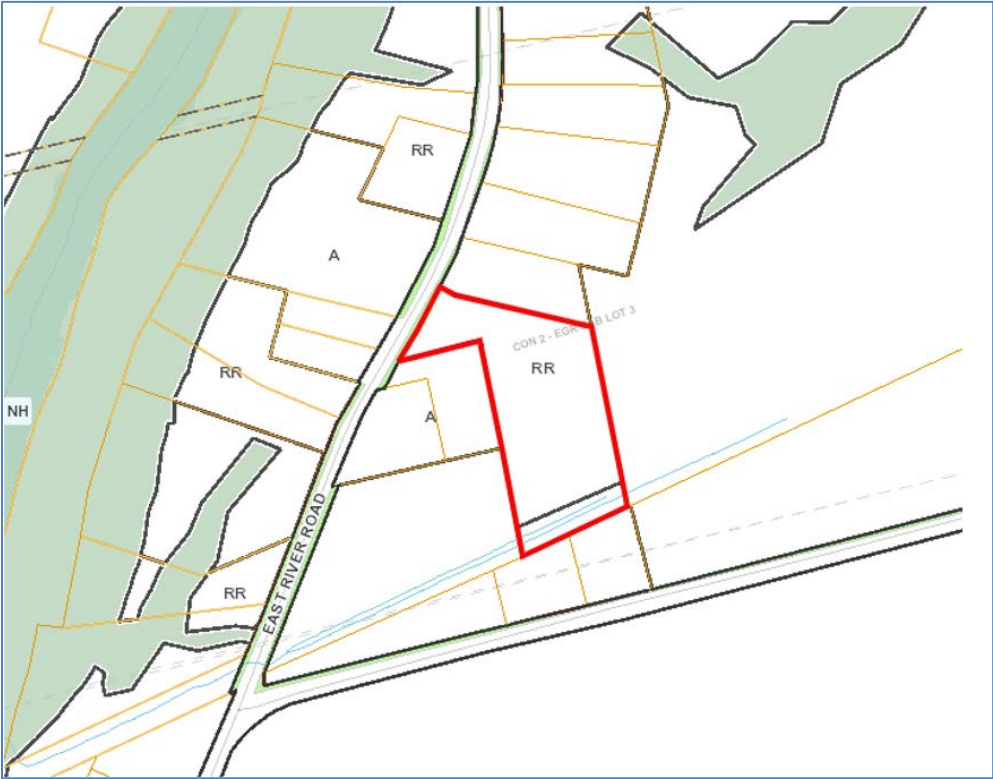
Agreement(s) or other documents to be signed by Mayor and /or Clerk (No)

Is the necessary by-law or agreement being sent concurrently to Council? (No)

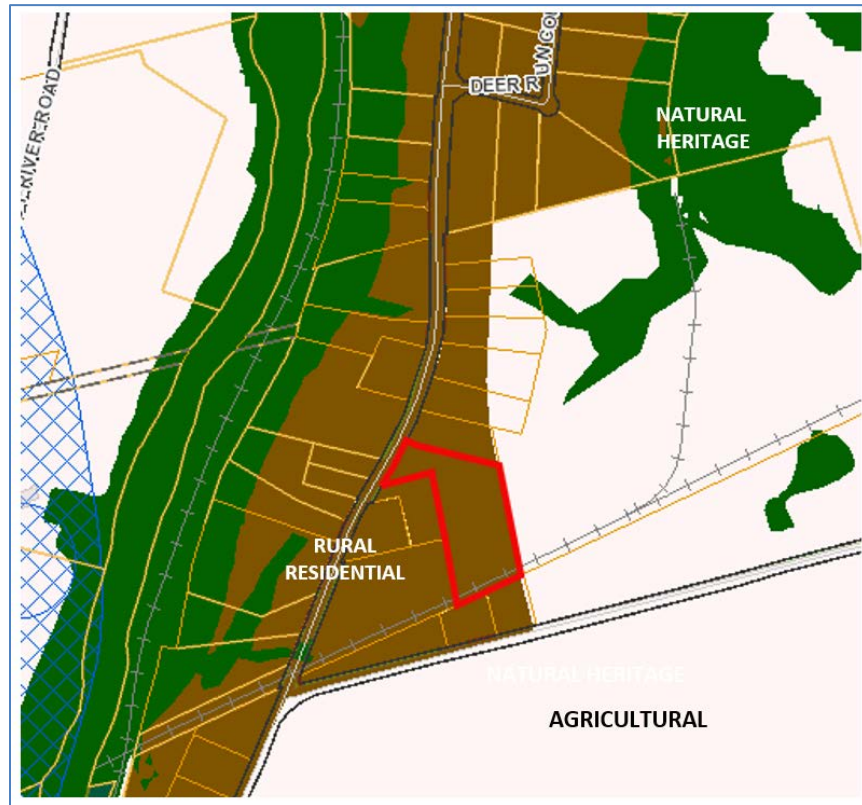
**AERIAL PHOTO - Proposal**



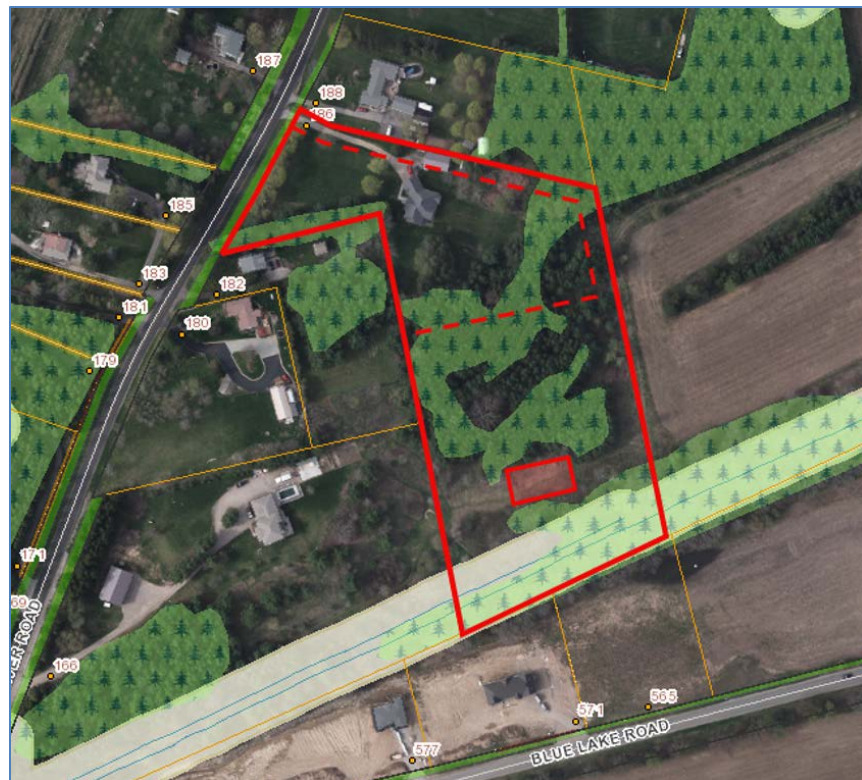
**ZONING BY-LAW 61-16 – ‘Schedule A’ Zone Map**



**OFFICIAL PLAN MAP – ‘Schedule A’ Land Use Map**



**OFFICIAL PLAN MAP – ‘Schedule C’ Woodland and Vegetation Map**



## **Legislative Excerpts**

### **Planning Act R.S.O.1990 Chapter P.13**

Section 34(10) states that:

(10) Despite any other provision of this section, any by-law passed under this section or a predecessor of this section may be amended so as to permit the extension or enlargement of any land, building or structure used for any purpose prohibited by the by-law if such land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day such by-law was passed. R.S.O. 1990, c. P.13, s. 34 (10).

Section 51(24) states that:

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (d) the suitability of the land for the purposes for which it is to be subdivided;
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- (f) the dimensions and shapes of the proposed lots;
- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;
- (j) the adequacy of school sites;
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes; and
- (l) the physical layout of the plan having regard to energy conservation.

### **Growth Plan for the Greater Golden Horseshoe 2006**

Policy 2.2.9.3 states that:

New multiple lots and units for residential development will be directed to settlement areas, and may be allowed in rural areas in site-specific locations with approved zoning or designation that permits this type of development in a municipal official plan, as of the effective date of this Plan.

## **Provincial Policy Statement 2014**

### **1.1.4 Rural Areas in Municipalities**

Rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. Rural areas and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.

Ontario's rural areas have diverse population levels, natural resources, geographies and physical characteristics, and economies. Across rural Ontario, local circumstances vary by region. For example, northern Ontario's natural environment and vast geography offer different opportunities than the predominately agricultural areas of southern regions of the Province.

#### **1.1.4.1 Healthy, integrated and viable *rural areas* should be supported by:**

- a. building upon rural character, and leveraging rural amenities and assets;
- b. promoting regeneration, including the redevelopment of *brownfield sites*;
- c. accommodating and appropriate range and mix of housing in rural *settlement areas*;
- d. encouraging the conservation and redevelopment of existing rural housing stock on *rural lands*;
- e. using rural *infrastructure* and *public service facilities* efficiently;
- f. promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management of resources;
- g. providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
- h. conserving biodiversity and considering the ecological benefits provided by nature; and
- i. providing opportunities for economic activities in *prime agricultural areas*, in accordance with policy 2.3.

1.1.4.2 In *rural areas*, rural *settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.

1.1.4.3 When directing development in rural *settlement areas* in accordance with policy 1.1.3, planning authorities shall give consideration to rural characteristics, the scale of development and the provision of appropriate service levels.

1.1.4.4 Growth and development may be directed to *rural lands* in accordance with policy 1.1.5, including where a municipality does not have a *settlement area*.

### **1.1.5 Rural Lands in Municipalities**

1.1.5.1 When directing development on *rural lands*, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

- 1.1.5.2 On *rural lands* located in municipalities, permitted uses are:
- a. the management or use of resources;
  - b. resource-based recreational uses (including recreational dwellings);
  - c. limited residential development;
  - d. home occupations and home industries;
  - e. cemeteries; and
  - f. other rural land uses.
- 1.1.5.3 Recreational, tourism and other economic opportunities should be promoted.
- 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.
- 1.1.5.5 Development shall be appropriate to the *infrastructure* which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this *infrastructure*.
- 1.1.5.6 Opportunities should be retained to locate new or expanding land uses that require separation from other uses.
- 1.1.5.7 Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.
- 1.1.5.8 *Agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices* should be promoted and protected in accordance with provincial standards.
- 1.1.5.9 New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae*.

## **County of Brant Official Plan (2012)**

### **2.2.3.3 Rural Residential Areas**

The County's Rural Residential Areas are existing areas of large lot residential developments that are designated Rural Residential by this Plan. Existing Rural Residential Areas have been identified based on their role as residential areas outside of the Urban Settlement Areas, Hamlets and Villages, and within the agricultural community. These areas do not have access to County water or sanitary sewage systems.

It is anticipated that the County's Rural Residential Areas will not accommodate significant additional growth and development during the course of the planning horizon. Development shall be limited to infilling on existing lots of record or new draft plans of subdivision within the boundaries of the Rural Residential designation, as shown on Schedule A.

The County shall not permit the establishment of new Rural Residential Areas. The boundaries of existing Rural Residential areas shall not be permitted to expand.

The following policies shall apply to the County's Rural Residential Areas:

- a) Designation of a Rural Residential Area does not mean that the land is suitable for further development. A limited amount of growth and development may occur, subject to the following criteria:
- i. the proposed development is subject to the policies of Section 3.7 of this Plan;
  - ii. the proposed development represents infill development or minor rounding out;
  - iii. the proposed development has access to potable water, and such supply does not adversely affect adjoining properties;
  - iv. a servicing feasibility study has been completed in accordance with the Ministry of the Environment guidelines which demonstrates that the proposal's impact on ground and surface water shall be within acceptable limits;
  - v. the proposed servicing shall be appropriate for the proposed densities and land uses;
  - vi. the pattern of new development shall be logical in the context of existing development;
  - vii. the proposed development complies with the Minimum Distance Separation Formulae;
  - viii. the proposed development is compatible with existing development; and
  - ix. each lot proposed shall include a comprehensive drainage and lot grading plan demonstrating no adverse impacts on surrounding properties and a satisfactory outlet for stormwater.
- b) Development shall be consistent with and guided by the Servicing System policies in Section 5.2 of this Plan.

Development shall be limited to large lot residential development, in accordance with the Rural Residential designation in Section 3.7 of this Plan. Proposed lots shall be of a size similar to existing lots.

## **2.7 General Development Policies**

### 2.7.2 Site Suitability

Growth and development patterns in the County shall be planned to minimize negative impacts to adjacent land, the environment, and the public. Site suitability shall be considered for all development proposals in the County.

The following shall be the policies of the County when considering site suitability with respect to proposed development:

a. Prior to the approval of any development or amendment to this Plan, it shall be established to the satisfaction of the County and all other bodies having jurisdiction that:

i. soil and drainage conditions are suitable to permit the proper siting of buildings;

ii. the services and utilities whether they are full, partial, or private, can adequately accommodate and sustain the proposed development, without resulting in unacceptable impact to the environment. Full or private communal

water and sanitary sewage services shall be the preferred method of servicing development;

iii. the road system is adequate to accommodate projected increases in traffic;

iv. the land fronts on a public road which is of a reasonable standard of construction;

*v. lot frontage and area is suitable for the proposed use and conforms to the standard required by the implementing Zoning By-law, and*

vi. adequate measures shall be taken to alleviate or prevent any adverse effects that the proposed use may possibly have upon any proposed or existing adjacent use or on the natural heritage features, areas, and systems.

### **3.7 Rural Residential**

#### **3.7.1 Intent**

The primary intent of the Rural Residential designation is to only recognize existing concentrations of large lot residential development in order to prevent scattered land consumption, inefficient use of existing infrastructure, and non-farm development in the Agriculture designation.

#### **3.7.2 Permitted Uses**

Subject to the applicable strategies, as set out in Section 2.0, and other policies of this Plan, the following policies shall apply in determining uses that are permitted on land that is designated Rural Residential:

- a) Single detached residential dwellings shall be permitted in the Rural Residential designation.
- b) An accessory residential dwelling unit shall also be permitted in the Rural Residential designation, in accordance with Section 2.4.5 of this Plan.
- c) Bed and breakfast establishments shall be permitted in the Rural Residential designation.

#### **3.7.3 Land Use Policies**

The following policies apply to land designated Rural Residential:

- a) Designation of a Rural Residential area does not mean that the land is suitable for further development. A limited amount of growth and development may occur within Rural Residential areas subject to the following criteria:
  - i. the proposed development represents an infill development within an existing Rural Residential area;
  - ii. the proposed development has access to potable water, and such supply does not adversely affect adjoining properties;
  - iii. it has been demonstrated to the satisfaction of the County that on-site servicing is feasible;
  - iv. the proposed servicing shall be appropriate for the proposed densities and land uses;



- v. the pattern of new development shall be logical in the context of the existing development within the Rural Residential area;
  - vi. the proposed development is compatible with existing development; and
  - vii. each lot proposed shall have provided a comprehensive drainage and lot grading plan demonstrating no adverse impacts on surrounding properties and a satisfactory outlet for stormwater.
- b) Development in the County's Rural Residential areas shall be consistent with and guided by the Servicing System policies in Section 5.2 of this Plan.
  - c) Within the Rural Residential designation, the maximum density for new development shall not exceed 3 units per net hectare.
  - d) Building permits shall be refused within areas designated Rural Residential if adequate servicing cannot be provided.
  - e) Where the number of units warrant, development may be required to supply a reservoir of water of sufficient volume to ensure adequate fire protection and a hydrogeology report on the adequacy of potable water.
  - f) Lots created within this designation must be consistent with the size and nature of surrounding lots while being consistent with the minimum size and frontage requirements of the Zoning By-law.

#### **6.8.2.2 Residential Consents**

The following shall be the policies of the County with respect to residential lot creation, through consent, in accordance with the policies of the applicable land use designation as established in Section 3.0:

- a) The division of land shall only be granted when the retained and severed parcels abut a public road of a standard of construction and maintenance acceptable to the County of Brant (and the Ontario Ministry of Transportation, where applicable) and safe and suitable access is available.
- b) The division of land shall not be granted where access to the retained or severed parcels could result in a traffic hazard because of limited sight lines on curves or grades or proximity to intersections. Access may also be restricted and/or prohibited to an Arterial Road and Provincial Highways if required to ensure safe traffic movement. It may be a condition of consent that a service road be constructed at the sole expense of the applicant to the satisfaction of the County.
- c) The division of land shall only be granted when it has been established that soil and drainage conditions for the retained and severed parcels are suitable:
  - i. to permit the proper siting of a building;
  - ii. to obtain a sufficient and potable water supply if a County water supply is not available; and/or
  - iii. to permit the installation of an adequate means of sewage disposal. In areas where no piped County services are available and the installation of a septic tank system or other private sewage disposal system is therefore required, the standards established by the Ministry of the Environment and/or its designated agent shall be met.
- d) Further to policy c) above, the following studies may also be required:

- i. lot grading and drainage plan;
- ii. hydrogeology study;
- iii. geotechnical study;
- iv. archaeological study;
- v. Environmental Impact Statement; and/or
- vi. other studies as deemed appropriate by the County.

e) The division of land shall only be granted if the retained and severed parcels comply with the provisions of the County Zoning By-law.

f) The division of land shall not be granted if development will occur on land subject to severe flooding, wetlands, severe erosion or unstable conditions or any other physical limitations as determined by the County of Brant in consultation with the appropriate Conservation Authority, unless adequate mitigation measures are approved by the County and the Conservation Authority having jurisdiction.

g) Notwithstanding any other section of this Plan, consents for the creation of easements or rights-of-way are permitted and minor lot adjustments or minor boundary changes are permitted provided they are granted conditional to Section 50(3) or 50(5) of the *Planning Act*, and the consent would not result in the creation of a new building lot.

h) The consent-granting authority may exercise its powers under Section 53(2) of the *Planning Act* when reviewing the shape, or size of any proposed lot.

### **2.3.2 Natural Heritage Features, Areas And Systems**

#### **2.3.2.2 Development And Site Alteration**

Section 2.3.2.2 of the Official Plan identifies policies that apply to development and site alteration within Natural Heritage areas.

The following policies apply to proposals for development and site alteration, within natural heritage features and adjacent to natural heritage features:

- a. The County shall ensure, in partnership with the Federal and Provincial governments, that Provincially significant natural heritage resources and locally significant natural heritage resources are protected from development and site alteration.
- b. Development and site alteration within natural heritage features and adjacent to natural heritage features, shall only occur in accordance with the standards of this section, including Table 2.2 and the policies for Woodlands and Vegetation, including Significant Woodlands (Section 2.3.2.3), and the policies of the Natural Heritage System designation (Section 3.16).
- c. Where permitted, development or site alteration proposed in or adjacent to a natural heritage feature or area (whether delineated or not as of the date of this Plan) shall require the completion of an Environmental Impact Study (EIS), prior to development or site alteration.
- d. The completion of an EIS shall be subject to the requirements, standards and guidelines of the Ministry of Natural Resources' Natural Heritage Reference Manual and any other requirements, standards and guidelines as established by the appropriate Conservation Authority. An EIS shall include but not be limited to, a review of the potential for

significant habitat of endangered or threatened species as well as a review of the potential for any unevaluated wetlands to be considered significant.

- e. Development or site alteration in, or on land adjacent to, natural heritage features and areas shall not be permitted unless it has been demonstrated to the satisfaction of the County that there shall be no negative impacts on the natural heritage features and areas or on their ecological functions. The extent of adjacent land shall be defined as indicated in Table 2.2.
- f. Numerous natural heritage features and areas, such as the significant habitat of endangered and threatened species and significant wildlife habitat, are not identified on the schedule mapping at this time. These features may be identified through appropriate studies, such as a sub-watershed plan or an Environmental Impact Study (EIS). The policies protecting these features shall apply, notwithstanding the land use designations illustrated on Schedule A of the Official Plan.

## **Zoning By-Law 61-16**

### **Section 9 – Non-Urban Residential**

Table 9.2

<b>Zones Provision</b>	<b>SR and RH</b>		<b>RR</b>
	<b>Partial Services</b>	<b>Private Services</b>	
<b>Lot Area</b> , Minimum (square metres)	1000	3000	4000
<b>Lot Frontage</b> , Minimum (metres)	20.0	30.0	40.0
<b>Street Setback</b> , Minimum (metres)	7.5		20.0
<b>Interior Side Yard Setback</b> , Minimum (metres)	1.5		5.0
<b>Rear Yard Setback</b> , Minimum (metres)	7.5		15.0
<b>Lot Coverage</b> , Maximum	30%		30%
<b>Landscaped Open Space</b> , Minimum	30%		30%
<b>Building Height</b> , Maximum (metres)	10.5		10.5

## OMAFRA - Minimum Distance Separation Guidelines 2017

### #12. Existing Uses that Do Not Conform to MDS

An MDS I setback is required for proposed *development or dwellings*, even though there may be existing or approved *development or dwellings* nearby that do not conform to MDS I requirements.

However, a reduced MDS I setback may be permitted provided there are four, or more, *non-agricultural uses, residential uses and/or dwellings* closer to the subject *livestock facility* than the proposed *development or dwellings* and those four or more *non-agricultural uses, residential uses and/or dwellings* are:

- located within the intervening area (120° field of view shown in [Figure 4](#) in Section 7 of this MDS Document) between the closest part of the proposed *development or dwelling* and the nearest *livestock facility or anaerobic digester*;
- located on separate *lots*; and
- of the same or greater sensitivity (i.e., Type A or Type B in accordance with Implementation Guidelines #33 and #34) as the proposed *development or dwelling*.

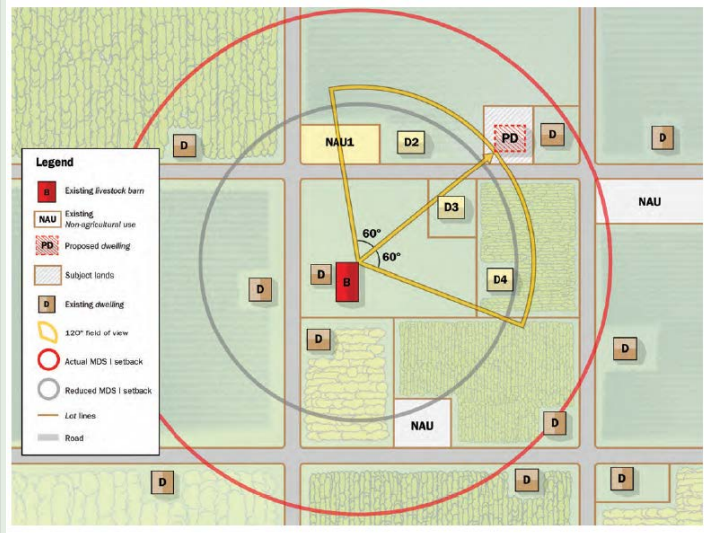


Figure 4. Implementation Guideline #12 — existing uses that do not conform to MDS.