

Municipality of Lakeshore – Report to Council

Growth and Sustainability

Community Planning



To: Mayor & Members of Council
From: Sahar Jamshidi, Division Lead– Community Planning
Date: October 4, 2023
Subject: Removal of Hold – 0 County Rd. 31 (ARN: 375153000002200)

Recommendation

Approve Zoning By-law Amendment Application ZBA-10-2023 to remove the Holding Symbol (h) from the subject lands known as Part of Lot 10, Concession North Middle Road, Rochester, designated as Part 1 on Plan 12R10912; except Parts 1 to 14 on Plan 12R15762; Lakeshore, being all of the Property Identifier Number (PIN) 75054-0153(LT); (indicated on the Key Plan, Appendix A); and

Direct the Clerk to read By-law 82-2023 during the “Consideration of By-laws”, all as presented at the October 10, 2023 Council meeting.

Background

The subject property is located on County Road 31, near County Road 46 in the hamlet known as Ruscom Station. The applicant has requested that a holding symbol applying to the property be removed in order to construct a single detached dwelling.

The subject property was zoned R3(h) in the former Township of Rochester’s Zoning By-law and was designated Hamlet in the former Township’s Official Plan. The above Zoning and Official Plan designations applied to the subject property until 2012, when the Municipality of Lakeshore’s current Zoning By-law came into effect and rezoned the lands to HR(h5), “Hamlet Residential” with a holding symbol, “h5”. Therefore, the Holding provisions which apply to the property today, are in fact a transfer of the previous zoning stipulations in the former Township of Rochester’s Zoning By-law.

The condition for the removal of the holding symbol (h5), according to the Municipality of Lakeshore’s Zoning By-law is that “a fully executed subdivision, condominium, development or site plan control agreement is executed by the owner and the Town (*now Municipality*) and if required, that the development receives final approval by the County.”

However, the Municipality of Lakeshore Official Plan and County of Essex Official Plan do not provide direction for restriction of development on the subject property, therefore there is no policy basis to justify retaining the Holding symbol.

A single-detached dwelling is permitted by the underlying Hamlet Residential (HR) zone, subject to provisions summarized below.

Subject Land:	Lot Area — 12.30 ac (4.97 ha) 49,776.33 m ² Existing Use — vacant land, farm land Proposed Use – single detached dwelling Access — access from County Road 31 Services — municipal water, private septic, municipal stormwater
Neighbouring Land Uses:	A mix of residential land uses to the south, east and west, agricultural land uses and Railway Right of-Way to the north.
Official Plan:	Hamlet
Existing Zoning:	Hamlet Residential – Holding Special Exception “HR(h5)”

The existing agricultural use (farming) is considered legal non-conforming. No livestock is permitted.

Comments

Engineering and Infrastructure Division

Existing Municipal Infrastructure:

Sanitary Sewer	N/A	Septic Tank Required
Storm Sewer	Municipal Drain - Ruscom Village Drain	0 connections exist
Water Main	150mm PVC	0 connections exist

Sanitary

- Sanitary servicing for the subject parcel will require a septic tank to be installed on private lands.

Water

- The Applicant will be subject to Lakeshore’s Tariff of Fees for water buy-in and connection. The cost to install the water service to this property is approximately \$10,262.00.

Storm Water

- A grading plan will be required to be submitted with the building permit application for this proposal.
- Quality control will not be required to be installed as part of the stormwater management of the subject lands.

- Any existing drainage tiles shall be redirected around the future dwelling.

Miscellaneous

- The applicant will be required to obtain an entrance permit from the County of Essex for the driveway to the proposed residence.

Provincial Policy Statement (2020)

The proposed Zoning By-law Amendment is generally consistent with the Provincial Policy Statement (2020). The PPS encourages residential development to be directed to Settlement Areas and Rural Settlements such as Hamlets.

The proposed development must be located outside of the Natural Hazard and Floodplain areas, as per Policy 3.1.1 of the PPS.

County of Essex Official Plan

The County of Essex Official Plan identifies the subject property as being within a Secondary Settlement Area. It also identifies a small portion of Secondary Natural Heritage System Restoration Opportunity on the property. This is likely the Ruscom Village Drain.

Under Section 3.2.5 of the Essex County Official Plan, Secondary Settlement Areas are residential in nature. New development within the boundaries of Secondary Settlement Areas is permitted.

Under Section 3.4.5 of the Essex County Official Plan, the Restoration Opportunity Overlay policies apply to lands that do not contain existing natural heritage features; however, they have been identified as potential areas to enhance the fragmented system in the County. Prior to the approval of any Zoning By-law Amendment or other Planning Act approval, an Environmental Impact Assessment shall be undertaken to evaluate:

- i. Opportunities to restore and enhance the natural heritage features in the area, including the establishment of linkages.
- ii. The incorporation of Low Impact Development elements into the project.
- iii. Opportunities to establish buffers into the project design that would promote the natural restoration of an area.
- iv. Opportunities to set aside strategic areas for restoration and enhancement.
- v. Opportunities for local stewardship, naturalization, and education about the benefits of enhancing the area's natural heritage system.
- vi. Public acquisition.
- vii. If lands are not acquired then the lands will be placed in a protected designation and zone.

Given that a single-detached dwelling is a permitted use in the underlying Hamlet Residential Zone, and that the proposed Zoning By-law Amendment is not intended to change any of the underlying zoning provisions, it is recommended that an Environmental Impact Assessment is not necessary at this time.

Lakeshore Official Plan

The Lakeshore Official Plan identifies the subject property as being within a “Hamlet Area” and designates the property as “Hamlet”. Schedule B.2 of the Official Plan identifies a “surface water body” on the subject property, which appears to be the Ruscom Village Drain.

Under Section 3.3.3 of the Lakeshore Official Plan, the Hamlet Areas are small rural settlements that provide limited commercial, institutional and recreational services to the surrounding agricultural community. Section 3.3.3(d) states:

For Hamlet Areas where full municipal services do not exist, development will only be permitted on partial services within the existing Hamlet Area to:

- i) address failed individual on-site sewage and individual on-site water services within existing development;
- ii) allow for infilling and rounding out of existing development provided that the development is within the reserve sewage system and/or reserve water system capacity; and
- iii) provided site conditions are suitable for the long-term provision of such services.

The proposed development is considered infilling, therefore the proposal for a single-detached dwelling on municipal water with private individual sewage service is acceptable.

Under Section 6.3 of the Official Plan, the Hamlet designation permits low density residential dwellings, as proposed by the applicant.

Overall, the development generally conforms to the land use policies of the County of Essex and Municipality of Lakeshore Official Plans.

Zoning By-law

The subject lands are zoned “Hamlet Residential” (HR) with a holding symbol, “h5”. The underlying Hamlet Residential zone permits a single detached dwelling, subject to provisions summarized below.

The “h5” holding symbol prohibits anything other than existing uses (in this case agriculture), until “a fully executed subdivision, condominium, development or site plan control agreement is executed by the owner and the Town and if required, that the development receives final approval by the County.”

The zoning provisions which apply to the Hamlet Residential Zone will need to be met by the proponent when applying for a building permit. The subject property is large

enough to accommodate a single-detached dwelling and driveway and comply with the zoning requirements.

Section 6.34 Natural Hazards and Flood Protection

The Ruscom Village Drain (Open) runs along the eastern portion of the property. Setbacks are to be confirmed by Essex Region Conservation Authority and Drainage department, 8.0 m from the nearest top of bank for an open municipal drain plus the depth of the open municipal drain, measured from the nearest top of bank of the open municipal drain.

Conclusion

It is recommended that Council approve Zoning By-law Amendment application ZBA-10-2023 on the basis that the proposal is consistent with the Provincial Policy Statement, and conforms with the County of Essex Official Plan and the Lakeshore Official Plan. Any subsequent development will be required to comply with the Lakeshore Zoning By-law provisions for the Hamlet Residential zone.

Financial Impacts

There are no adverse financial budget impacts resulting from the recommendation. Removal of the holding provision would ultimately allow for building permits process to begin, which will ultimately result in additional building permit revenue and tax assessment for the Municipality.

Attachments

Appendix A – Key Plan

Appendix B – Site Plan

Report Approval Details

Document Title:	ZBA-10-2023 Report.docx
Attachments:	- Key_Plan_0_County_Rd_31.pdf - Site_Plan_0_County_Rd_31.pdf
Final Approval Date:	Oct 5, 2023

This report and all of its attachments were approved and signed as outlined below:

Prepared by Sahar Jamshidi

Submitted by Tammie Ryall

Approved by Justin Rousseau and Truper McBride