

CORPORATION OF THE COUNTY OF DUFFERIN

BY-LAW NUMBER 2019-36

**A BY-LAW TO APPROVE OFFICIAL PLAN AMENDMENT
NO. 7 TO THE TOWNSHIP OF EAST GARAFRAXA
OFFICIAL PLAN.**


WHEREAS the Planning Act, R.S.O. 1990, c.P.13, as amended, permits the County of Dufferin to approve an Official Plan or amendments thereto;

AND WHEREAS County Council at its meeting on July 11, 2019, decided to approve Official Plan Amendment No. 7 to the Township of East Garafraxa Official Plan;

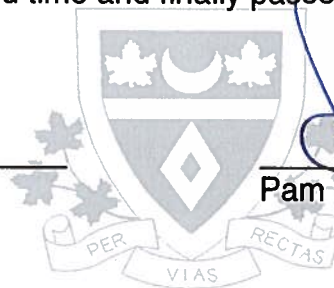
BE IT ENACTED BY THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE COUNTY OF DUFFERIN AS FOLLOWS:


1. Official Plan Amendment No. 7 to the Township of East Garafraxa Official Plan, as adopted by By-Law 19-2019 by the Township of East Garafraxa, as attached as Schedule A, is hereby approved.

READ a first, second and third time and finally passed this 11th day of July, 2019.



Darren White, Warden





Pam Hillock, Clerk

**THE CORPORATION OF THE
TOWNSHIP OF EAST GARAFRAXA**

**OFFICIAL PLAN
AMENDMENT NO. 7**

AMENDMENT NUMBER SEVEN (7)

**TO THE TOWNSHIP OF EAST GARAFRAXA
OFFICIAL PLAN**

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THE CONSTITUTIONAL STATEMENT

PART A - THE PREAMBLE does not constitute part of this Amendment.

PART B - THE AMENDMENT consisting of the following text and map constitutes Amendment Number Seven (7) to the Official Plan of the Township of East Garafraxa.

PART C - THE APPENDICIES does not constitute part of this Amendment. It contains the planning report and record of the public involvement

PART A - THE PREAMBLE

1.0 Purpose

The proposed Amendment is to re-designate lands of approximately 0.15 ha. described as Lot 4, Plan 103 and Part of Mary Street designated as Part 2 on 7R-6549 from "Community Institutional" to "Community Residential" to permit the development of the lands for residential uses as shown on Schedule A attached hereto.

2.0 Location

The Amendment applies to Lot 4, Plan 103, and Part of Mary Street, Plan 103, designated as Part 2 on 7R6549.

3.0 Basis

This Amendment has come about as a result of a site-specific application for an Official Plan Amendment by Paul Fram, owner, to re-designate the subject lands that is currently designated "Community Institutional", to "Community Residential".

The amendment is requested in order to rezone the lands for residential uses and convert the existing church to a residential dwelling.

Council is satisfied that the proposal conforms to the Provincial Plans and the County of Dufferin Official Plan, and that it is not contrary to the general purposes or intent of the Township of East Garafraxa Official Plan. Council is satisfied that the comments received as part of the public consultation process have been considered and that no adverse concerns were raised. Council is therefore satisfied that the proposed re-designation and subsequent development and use of this property, as proposed, is appropriate and desirable for the area and the Township generally.

PART B - THE AMENDMENT

1.0 Introduction

All of this part of the document entitled Part B - The Amendment, which consists of the following text and Schedule "A", constitute Amendment No. 7 to the Official Plan for the Township of East Garafraxa.

2.0 Details of the Amendment

The Official Plan of the Township of East Garafraxa, as amended, is hereby further amended as follows:

1. Schedule "A-1" is amended by changing the designation of the lands from the "Community Institutional" designation to the "Community Residential" designation, as shown on Schedule "A" attached to and forming part of this Amendment.

3.0 Implementation

The provisions of the Official Plan regarding the implementation of that Plan shall also apply to this Amendment.

4.0 Interpretation

The provisions of the Official Plan, as amended from time to time, regarding the interpretation of the Plan shall apply with respect to this Amendment.

PART C – THE APPENDICIES

1.0 Planning Report

The Township of East Garafraxa

Report to the Planning Advisory Committee

To: Chair Pinkney and Members of the Planning Advisory Committee

From: Christine Gervais, Township Planner

Date: May 14, 2019

Applicant/

Owner: Paul Fram

**Subject: Proposed Amendments to the Official Plan & Zoning By-law
(To re-designate and rezone the property from Institutional to Residential)
063011 County Rd. 3
Lot 4, Plan 103 and Part of Mary Street designated as
Part 2 on 7R-6549
Files: OPA1-19 & Z3-19**

Zoning: Institutional

Official Plan

Designation: Community Institutional

1. PURPOSE OF APPLICATION

This application proposes to amend to the Township Official Plan and Zoning By-Law to re-designate and rezone the subject property from institutional to residential land use.

No change to the policies is requested. However, the existing church to be converted into a residential dwelling does not conform with the 7.5m minimum front yard setback of the Township Zoning By-law as the entrance to the building is projecting 3m (9'-8") within the front yard with a setback of 0m to the front lot line. The site plan provided by the applicant shows that there is a space between the front façade of the entrance and the front lot line but according to the construction plan A4, the posts of the projecting roof of the entrance and the foyer projects 9'-8" (3m) which is the measurement between the main front wall of the building to the front lot line as shown on the site plan. Therefore, the Committee should also consider a reduction of 0m of the minimum front yard setback as well as the proposed change of use from Institutional to Residential.

2. BACKGROUND

The subject property is known as the Marsville United Church. Mr. Fram acquired the property on April 1, 2019 with the intention to use it as a single family dwelling. The property is located within the west end of the Community of Marsville and is surrounded by residential properties on the north side of County Rd. 3 and Agricultural lands on the south side of County Rd. 3.

The property was recently increased in size by adding a portion of the un-opened Mary St. declared surplus land by the Township. The total area of the property is 0.15ha (0.37ac.) with a lot frontage along County Rd. 3 of 31.69m/104ft.

The existing building is serviced by an existing private well and septic system.

Should the applications be approved, the applicant is proposing to add an attached garage and dormers to the roof of the existing building.

3. ANALYSIS AND DISCUSSION

3.1 Provincial Policy Statement 2014 (PPS)

The Provincial Policy Statement (PPS) 2014 came into effect on April 30, 2014. It provides direction on matters of provincial interest related to land use planning and development.

Section 1.1.3 – Settlement Areas provides Policies with respect to villages and hamlets. It states that: *“The vitality of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.”*

Section 1.1.3.2 also states that *“Land use patterns within settlement areas shall be based on:*

1. densities and a mix of land uses which:

- 1. efficiently use land and resources;*
 - 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
 - 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;*
 - 4. support active transportation;*
 - 5. are transit-supportive, where transit is planned, exists or may be developed;*
- and*

6. are freight-supportive; and

b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated."

Section 1.1.3.3 states that "Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account 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. Intensification and redevelopment shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety."

The proposal is not significant in the context of the PPS. The subject property is developed with a church building that is compatible with the surrounding residential properties. The use of the property when it was under the ownership of the Marsville United Church was for religious services and small community gatherings. The small 0.37 acre property has a small parking area and is serviced with a private well and septic system. It had very limited use for a number of years to the small community of Marsville.

The proposed change of use of the property will have a positive effect on the property by using it as a single family dwelling which is in keeping with the surrounding properties and is less disturbing by its intensity of human occupancy and traffic generation than a church and associated institutional uses and activities.

Therefore, the proposed Official Plan and Zoning By-law Amendment applications are not contrary to matters of Provincial interest as identified in the Provincial Policy Statement.

3.2 Growth Plan for the Greater Golden Horseshoe 2017 (Growth Plan)

It is the policy of the Growth Plan that municipalities are to meet the prescribed population and employment forecasts. In the case of the Township of East Garafraxa, the Province did not impose minimum targets, which were directed to the Urban Centres within the County of Dufferin including Orangeville, Shelburne and Grand Valley. However, growth within the Township of East Garafraxa is to be directed to the settlement areas.

The subject applications have very little significance within the context of the Growth Plan as the proposed conversion from an institutional use to a residential use is for only one dwelling unit. Therefore, the proposal is not contrary to the Growth Plan Policies.

3.3 County of Dufferin Official Plan (County OP)

The County Official Plan (County OP) is a policy document providing direction on matters of County significance and provide land use planning guidance to the local municipalities within the County of Dufferin. It has been approved on March 27, 2015.

The subject property is located within the Community Settlement Area of Marsville as identified on Schedule B Community Structure and Land Use. Section 3.3.3 of the County OP applies. This Section recognizes that limited growth will occur pursuant to the municipal Official Plan through infilling and development of vacant lands and will maintain a rural settlement character that may evolve as per the type of water and sewage services that can be provided.

The proposed Official Plan and Zoning By-law amendments do not constitute significant growth within the community and is an infilling situation.

The proposal is consistent with the Policies of the County OP.

3.4 Township of East Garafraxa Official Plan (Township OP)

The Official Plan is a policy document intended to guide development within the Township. The 2005 Official Plan designates the subject property Community Institutional. Section 5.4 applies.

The Community of Marsville is intended to be an area where growth is to occur. The proposed development to re-designate the land from Institutional to Residential use will not negatively impact the existing residents as it is a lesser intensity use, and it will not affect the scenic attribute nor the cultural character of the community as there will be limited changes to the property which will to be in keeping with the rural character of the Community. The proposed development does not require any additional services from the municipality in terms of park, open space, water and sewage services.

Section 5.4.2.1 allows single-detached dwellings within the Community Residential designation. As a result, Schedule A-1 of the Township OP shall be amended to show the land use change from Community Institutional to Community Residential.

The proposal is not significant in the context of the Development Criteria of the Township OP found in Section 7 in terms of Environmental Management as there are no stormwater management, development affecting steep slopes and ravines, water quality and quantity, floodplains, forest area, fisheries, significant habitats, etc., affecting this property and which generally applies to large scale development such as residential subdivisions or change of use for intensification uses.

Therefore, the proposal is consistent with the Community Residential designation Policies and other relevant Township OP Policies. Staff is of the opinion that the proposal should be adopted by Council and approved by the County of Dufferin.

3.5 Zoning By-law 60-2004

The subject property is zoned Institutional in the Township Zoning By-law 60-2004. The proposal includes an application for rezoning the subject property from Institutional to Hamlet Residential Zone.

The lands immediately surrounding the property are zoned Hamlet Residential. Other lands located across County Rd. 3 are zoned Institutional (Marsville Elementary School).

The property is 0.37 ac/0.15ha and has a lot frontage along County Rd. 3 of 31.69m/104ft. Currently, the property is considered legal non-complying as it does not meet the minimum lot size requirement of the Institutional Zone. If the land use change to Hamlet Residential is approved, the lot area will still not meet the minimum requirement of that Zone. Therefore, if the land use of the property is changed to Hamlet Residential, the lot area shall also be subject to the rezoning to permit the reduced lot area.

According to the plans submitted by the applicant, the existing building and the proposed addition will be at 0m from the front lot line, 7.3m and 3.7m from the side lot lines and 22.6m from the rear lot line (see attached plans). Note that the Applicant's site plan is not showing the existing front yard and measurements accurately. The Hamlet Residential Zone requires a minimum front yard setback of 7.5m, interior side yard setbacks of 3m and a rear yard setback of 7.5m. The front yard of the existing building does not meet the minimum requirement. Therefore, a reduced minimum front yard setback of 0m shall be subject to the proposed rezoning.

Currently, the existing building is also considered a non-complying building as it does not meet the minimum front yard setback of 7.5m required in the Institutional Zone.

Therefore, if the application for the proposed change of land use from Institutional to Hamlet Residential is approved, it shall include the reduced lot size of 0.35ha and front yard setback of 0m.

In all other aspects, the proposed development complies with the requirements of the Zoning By-law.

Since the existing property has never been subject of complaints for the institutional use, which is of a higher intensity than residential, Staff is of the opinion that the residential use and the proposed reduced lot size, and front yard setback will not affect negatively the neighbouring lands.

3.5 Minimum Distance Separation

The Township Official Plan, the County Official Plan and the Zoning By-law require development applications to comply with the MDS Formulae.

Section 7.14 of the Township Official Plan specifically exempts the application of the MDS1 "to existing and proposed development within approved settlement areas".

Furthermore, there are no livestock facilities within 750m from the subject property.

Therefore, the proposal complies with the MDS Formulae.

4. COMMENTS RECEIVED

This application has been circulated to internal departments, prescribed agencies and area property owners located within 120 metres from the subject lands. The following, provides a description of the comments received to date:

- **Grand River Conservation Authority** (Email dated May 8, 2019)

The subject property is outside GRCA's regulated areas and therefore, they have no comments on these applications.

- **Carl de Groot on behalf of Jabac Holdings Inc. (property owner in East Garafraxa)** (Email dated May 14, 2019)

"We Jabac Holdings Inc.(Carl de Groot Pres.) as owners of land across the road from the subject church property like to recommend approval of the applied rezoning from institutional to residential. The renovations of the proposed dwelling would be an asset to the community. Please pass this on to your council members and we would ask to be kept informed of the decision towards this application."

5. PUBLIC MEETING

The Statutory Public Meeting will be held on May 28, 2019.

6. CONCLUSION & RECOMMENDATION

A thorough review of the proposal has been completed against the planning policy framework and Staff is of the opinion that the applications are consistent with the Policies contained in the PPS, the Growth Plan and the County Official Plan, and other requirements of the Zoning By-law.


Staff reviewed the comments received to date and the supporting documents submitted for the applications and find that the proposed residential use, the reduced lot size and front yard setback will not affect negatively the neighbouring lands, and it will not affect the character of the area.

Staff is of the opinion that the proposed amendments to the Township Official Plan and Zoning By-law represent good and orderly planning, subject to any matters that may arise at the Planning Advisory Committee meeting on May 16, 2019 and at the Statutory Public Meeting of Council on May 28, 2019.

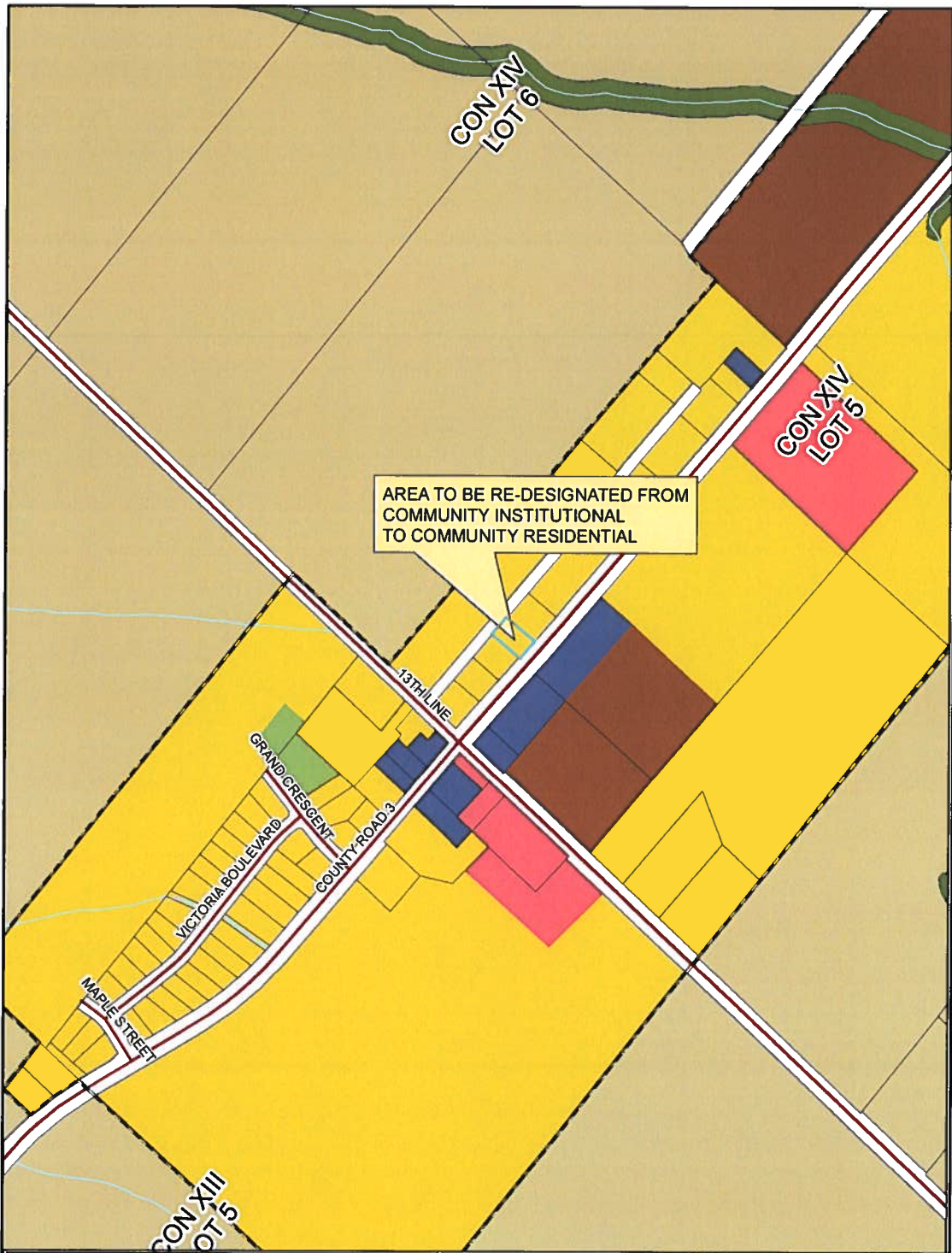
It is therefore recommended:

- a) **That the Staff Planning Report dated May 14, 2019 for Proposed Amendments to the Official Plan & Zoning By-law (To re-designate and rezone the property from Institutional to Residential); 063011 County Rd. 3; Lot 4, Plan 103 and Part of Mary Street designated as Part 2 on 7R-6549; Files: OPA1-19 & Z3-19, be received;**
- b) **And That Application OPA 1-19 be adopted & Application Z3-19 be approved, subject to the following:**
 1. To re-designate the subject land from Community Institutional to Community Residential in the Township of East Garafraxa Official Plan;
 2. To rezone the subject land from Institutional to Hamlet Residential Zone in the Township of East Garafraxa Zoning By-law 60-2004 including and exception to permit a minimum lot area of 0.15ha and a minimum front yard setback of 0m.

Respectfully submitted,


Christine Gervais, MCIP RPP
Director of Planning

Attachments.



**SCHEDULE A-1 - MARSVILLE LAND USE AND TRANSPORTATION
OF TOWNSHIP OF EAST GARAFRAXA OFFICIAL PLAN**



**SCHEDULE 'A' TO
OFFICIAL PLAN AMENDMENT NO. 7**