



REPORT

REPORT TO: Mayor R. Bonnette and Members of Council

REPORT FROM: Tara Buonpensiero, Planner – Policy

DATE: March 9, 2011

REPORT NO.: PDS-2011-0017

RE: Town Initiated Zoning By-law Amendment Related to the Protected Countryside Natural Heritage System Zones in the Comprehensive Zoning By-law

RECOMMENDATION:

THAT Report No. PDS-2011-0017 dated March 9, 2011, regarding a Town Initiated Zoning By-law Amendment related to the Protected Countryside Natural Heritage System Zones be received;

AND FURTHER THAT staff be authorized to hold a statutory public meeting to obtain public comments on the draft Zoning By-law Amendment related to the Protected Countryside Natural Heritage System Zones;

AND FURTHER THAT the draft Zoning By-law Amendment related to the Protected Countryside Natural Heritage System Zones be circulated to public agencies for comments.

REPORT PURPOSE:

The purpose of this report is as follows:

- To introduce changes to the Protected Countryside Natural Heritage System Zones in the Town of Halton Hills Comprehensive Zoning By-law (By-law 2010-0050) through a Town initiated draft Zoning By-law Amendment; and,
- To seek authorization to initiate public review and comment on the changes as described in this report.

BACKGROUND:

As was set out in memorandum PDS-2011-0003, the Ontario Municipal Board recently issued an Order putting the unappealed portions of the Town of Halton Hills Comprehensive Zoning By-law (By-law 2010-0050) into full force an effect retroactive to the Council approval date of July 19, 2010.

As mentioned above, this report proposes changes to the Protected Countryside Natural Heritage System Zones in the Comprehensive Zoning By-law (CZBL), which are lands included in the Provincial Greenbelt Plan. Table 1 below shows the relationship between the Provincial Greenbelt Plan, Official Plan designations and the Comprehensive Zoning By-law.

Table 1: Relationships between the Provincial Greenbelt Plan, Halton Hills Official Plan and Zoning in the Comprehensive Zoning By-law

Provincial Greenbelt Plan	Official Plan Designation	Zone in the Comprehensive Zoning By-law
Protected Countryside	Protected Countryside	Protected Countryside (PC)
Protected Countryside with a Natural Heritage System Overlay	Protected Countryside with a Natural Heritage System Overlay	Protected Countryside Natural Heritage System 2 (PC-NHS2)
Key Natural Heritage Features and Key Hydrologic Features	Greenbelt Greenlands with a Natural Heritage System Overlay	Protected Countryside Natural Heritage System 1 (PC-NHS1)

Policies in the Town of Halton Hills Official Plan generally permit single detached dwellings on existing lots of record within the Protected Countryside Area; however more restrictive policies apply to lands within a key natural heritage feature or key hydrologic feature, as would be the case for Greenbelt Greenlands. These policies state that single detached dwellings and accessory uses are permitted on existing lots of record provided it can be demonstrated that:

- there is no alternative and the expansion, alteration or establishment is directed away from the feature to the maximum extent possible; and
- the impact of the expansion or alteration on the feature and its function is minimized to the maximum extent possible.

Further, the policies state that single detached dwellings shall not be permitted on those portions of the lot containing Provincially Significant Wetlands, Significant Habitat of Endangered and Threatened Species and the Regulatory Floodplain.

Currently, in the CZBL, both the PC Zone and the PC-NHS2 Zone permit single detached dwellings on existing lots of record, while the PC-NHS1 Zone does not recognize existing dwelling units on lots of record, and does not permit any new single detached dwellings.

COMMENTS:

General Amendments to the Protected Countryside Natural Heritage System Zones in the Comprehensive Zoning By-law

In instances where there are existing lots of record within the PC-NHS1 Zone that are vacant, currently the CZBL would require a property owner to apply for a Zoning By-law Amendment to permit a new single detached dwelling on an existing lot of record. Through the Zoning By-law Amendment process, the applicant would need to demonstrate that the policy objectives included in the Official Plan (outlined above) can be met through the submission of a scoped Environmental Impact Study (EIS).

In order to minimize the time required and expenditure to applicants, staff are proposing an alternative approach for evaluating the appropriateness for the construction of new single detached dwellings on existing lots of record in the PC-NHS1 Zone which necessitates a general amendment to the CZBL. A draft of the Zoning By-law Amendment is attached to this report as Schedule A.

This draft Zoning By-law Amendment proposes to:

- recognize legally existing single detached dwellings within the PC-NHS1 Zone and therefore also permit expansions to single detached dwellings; and
- permit the construction of new single detached dwellings on existing lots of record within the PC-NHS1 Zone subject to a Holding provision.

The conditions for lifting the Holding provision would be dependent on the submission of the scoped EIS which would demonstrate that the applicable policies in the Official Plan have been met through identifying any portions of the subject property that would be within a no touch zone (e.g. Provincially Significant Wetland, Significant Habitat of Endangered and Threatened Species or the Regulatory Floodplain) and recommending an appropriate location for a single detached dwelling and accessory buildings and structures on the subject property.

Two other minor revisions are being proposed through the draft Zoning By-law Amendment. The first is related to the standards for the PC-NHS1 and PC-NHS2 Zone. The standards are currently tailored to large rural lots, however in other sections of the CZBL; single detached dwellings in rural zones are subject to the standards of the Country Residential Zone. The draft Zoning By-law Amendment proposes that single detached dwellings within the PC-NHS1 and PC-NHS2 be subject to the provisions of the Country Residential Zone.

The second minor revision proposes to add PC-NHS1 in the second column of Table 4.2 – Standards for Accessory Buildings. This revision recognizes that the CZBL permits accessory buildings on properties permitted to have a building or structure.

Exception to the Protected Countryside Natural Heritage System One Zone

The draft Zoning By-law Amendment proposes to permit a single family dwelling on the property described as Con. 1 Pt. Lot 16 RP 20R10472, Parts 2, 3, 4, without any further planning approvals from the Town as staff are satisfied that the applicable Official Plan policies have been met. Through consultation with the proponent, staff from the Region of Halton and Conservation Halton, the following has been demonstrated:

- there is an existing driveway on the property;
- the proposed location of the house is outside of the no touch zone (which includes Provincially Significant Wetlands, Significant Habitat of Endangered and Threatened Species or the Regulatory Floodplain) as demonstrated by a staking of the wetland completed by Conservation Halton approximately 2 years ago; and,
- there is an existing cleared area on the property that is proposed to be the location for the construction of the new single detached dwelling.

Given that the Town's requirements have been met, a single family dwelling could be located on the property subject to receipt of the necessary permits from Conservation Halton.

Next Steps

Through the recommendations of this report, staff are seeking direction from Council to proceed to hold a statutory public meeting to obtain public comments on the draft Zoning By-law Amendment as well as to circulate the draft Zoning By-law Amendment to public agencies for their review and comments.

RELATIONSHIP TO STRATEGIC PLAN:

The Strategic Plan sets out a broad vision for the community contained in the eight strategic directions. This report relates to the following Strategic Directions:

- Preserve, Protect and Enhance our Environment
- Preserve, Protect and Enhance our Countryside
- Provide Responsive, Effective Municipal Government

FINANCIAL IMPACT:

There is no financial impact associated with this report.

COMMUNICATIONS IMPACT:

Through the recommendations of this report, staff are seeking direction to proceed to hold a statutory public meeting to obtain comments on the draft Zoning By-law Amendment. Notice of this meeting will be advertised in the Independent and Free Press.

ENVIRONMENTAL IMPACT:

The approach proposed in the draft Zoning By-law Amendment continues to protect the natural heritage features and conforms to the Greenbelt Plan and the Town of Halton Hills Official Plan. The requirement for a scoped EIS ensures that impacts to the natural heritage features and their ecological and hydrological functions are minimized.

CONSULTATION:

Consultation on the draft Zoning By-law Amendment will be facilitated through a statutory public meeting and formal circulation to public agencies. In addition, staff from both the Town of Halton Hills Infrastructure Services Department and the Region of Halton were consulted during the preparation of this report.

CONCLUSION:

This report has summarized the changes proposed in the attached draft Zoning By-law Amendment which includes:

- Recognizing legally existing single detached dwellings within the PC-NHS1 Zone and also permitting expansions to single detached dwellings;
- Placing a Holding provision on the lands zoned PC-NHS1 which applies only to the construction of new single detached dwellings. The Holding provision would be lifted through the submission of a scoped EIS which demonstrates to the satisfaction of Council that the applicable Official Plan policies have been met;
- Applying the Country Residential standards for single detached dwellings within the PC-NHS1 and PC-NHS2 Zone;
- Adding PC-NHS1 in the second column of Table 4.2. This revision recognizes that where a building or structure may be erected on a property, an accessory building shall also be permitted;
- Permitting a single detached dwelling on the property described as Con. 1 Pt. Lot 16 RP 20R10472, Parts 2, 3, 4, without any further planning approvals from the Town subject to receipt of the necessary permits from Conservation Halton.

Through the recommendations of this report, staff are seeking direction to proceed to hold a statutory public meeting to obtain comments on the draft Zoning By-law Amendment.

Respectfully submitted,

Tara Buonpensiero, MCIP, RPP
Planner - Policy

John Linhardt, MCIP, RPP
Director of Planning Development
and Sustainability

Dennis Y. Perlin
Chief Administrative Officer



BY-LAW NO. 2011-

A By-law to amend By-law 2010-0050, as amended, being a By-law affecting the Protected Countryside Natural Heritage System Zones.

WHEREAS Council is empowered to enact this By-law by virtue of the provisions of Section 34 of the Planning Act, R.S.O. 1990, as amended;

AND WHEREAS said By-law conforms to the Official Plan for the Town of Halton Hills;

AND WHEREAS Council has recommended that Zoning By-law 2010-0050 be amended as hereinafter set out:

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:

1. THAT Schedule 'A2' to Zoning By-law 2010-0050, as amended, of the Town of Halton Hills be amended by adding a Holding Provision 2 (H2) through an overlay, to the lands zoned Protected Countryside Natural Heritage System One (PC-NHS1) as shown on Schedule "A" attached to and forming part of this By-law.
2. THAT Part 4 General Provisions – Table 4.2 Standards for Accessory Buildings in all Zones except those listed in Table 4.1 be amended to add PC-NHS1 in the heading of the second column.
3. THAT Part 10 Environmental and Open Space Zones – Table 10.1 Permitted Uses (Environmental and Open Space Zones) be amended to add Single Detached Dwellings as a permitted use in the PC-NHS1 Zone, subject to Special Provision 7 which specifies that the use is only permitted on lots that existed on the effective date of this By-law.
4. That Part 10 Environmental and Open Space Zones – Table 10.2 Standards for Environmental and Open Space Zones be amended as follows:
 - add a new Special Provision 1 as follows: "Single detached dwellings are subject to the provisions of the Country Residential (CR) Zone."

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- Add Special Provision 1 to the Minimum Required Front Yard, Minimum Required Rear Yard, Minimum Required Interior Side Yard and Minimum Required Exterior Side Yard for both the PC-NHS1 and PC-NHS2 Zone.
5. THAT Part 14 Holding Provisions – Table 14.1 Holding Zones be amended by adding the following under H2.

Zone Designation:

Protected Countryside Natural Heritage System One (PC-NHS1)

Property/Legal Description:

Multiple properties

Conditions for Removal:

This Holding Provision only applies to the construction of new single detached dwellings on lots that existed on the effective date of this By-law. The Holding (H2) Provision may be lifted once a scoped Environmental Impact Study has been completed which demonstrates to the satisfaction of Council that the applicable policies in Section E2.5.3.3 of the Official Plan have been met.

Date Enacted:

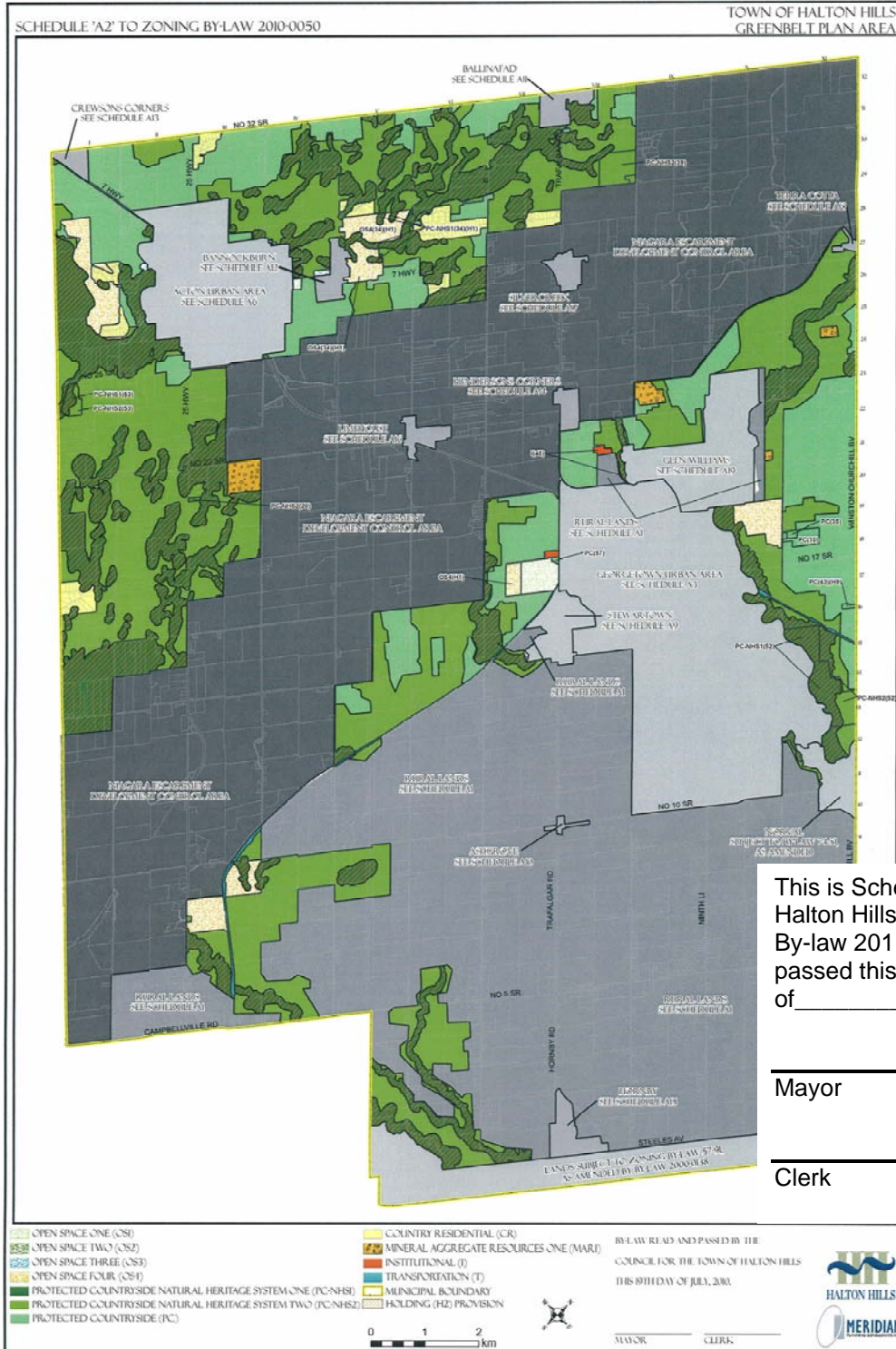
BY-LAW read and passed by the Council for the Town of Halton Hills this day of
, 2011.

MAYOR – Rick Bonnette

TOWN CLERK – Suzanne Jones

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Schedule 'A' to By-law 2011 -



This is Schedule "A" to Halton Hills Zoning By-law 2011-_____, passed this ____ day of _____, 2011.

Mayor

Clerk

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