



**Municipality of Brockton  
Planning Report**

<b>Application:</b>	Zoning By-Law Amendment
<b>File Number</b>	Z-58-18.34
<b>Date:</b>	December 17, 2018

**To:** Mayor Peabody and Council, Municipality of Brockton

**From:** John Ghent, Planner for the Municipality of Brockton

**Subject:** Rezoning Application by J and Y Batte to facilitate a severance for residential non-farm use

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**Recommendation:**

Subject to the submissions from the Public Meeting, the Bruce County Planning Dept recommends:

That the Municipality of Brockton **Approve** the proposed Zoning By-law Amendment submitted by J and Y Batte, File: Z-58-18.34 to facilitate the creation of a residential non-farm lot and to change the zoning status of the retained 13.2 ha property to an agricultural lot and approve the attached site-specific By-law.

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**Reasons for and Nature of the Application:**

The lands are currently zoned 'A1-5 General Agriculture Special Provisions' which is an agricultural zone but which limits the uses on the lot to what existed at the time of the passing of the site specific by-law.

The application proposes to rezone the subject lands to do two things:

1. To rezone 0.53 ha from "A1-5", to facilitate a reduced lot area that would result from the proposed consent application; and
2. To rezone the remaining land of 13.2 ha from a non-farm lot to an Agricultural Lot and permit the reduced lot area than what would otherwise apply to an 'Agricultural Lot'.

An associated consent application has been submitted to create the parcel.

**Location:**

The lands proposed to be rezoned are located on the south side of Bruce Road 4 between Walkerton and Hanover. The municipal address is 1209 Bruce Rd 4.

## Site Description:

The total parcel of land is 13.9 ha. The proposed severed parcel is 0.53 ha in area with a frontage of 67 m. Abutting to the east of the proposed severed parcel is a rural residential property and the balance of the subject land. To the south is the Saugeen River and further south are lands that are treed and farmed. To the west are more rural residential properties. The land directly to the north is a rural residential lot but the predominate use of the land to the north is agriculture. The land is relatively flat with no significant gradient. The land is currently in hay crop.

## Details of Proposal:

### Zoning application:

The lands are currently zoned A1-5. The special provision states that the lands delineated as A1-5 shall only be used for a non-farm use as it existed on the date of the passage of this by-law and in accordance with the provisions of the A1 zone.

The proposal is to permit a change to the dimensions and area of the proposed severed lot to facilitate the Consent application and for the retained lands, to change the non-farm use provisions in the Zoning By-law to an agricultural lot status that would permit agricultural uses.

The retained lands would retain the 'General Agriculture Special (A1-5)' zone but would recognize the reduced lot area and frontage.

The 'Environmental Protection (EP)' zone will remain unchanged.

### Consent application:

- Area of the property: 13.9 ha
- Retained lands to continue in an agricultural use (lands to the south and east): 13.35 ha
- Severed lands for residential development: 0.53 ha

## Summary:

Under the **Provincial Policy Statement (PPS)**, Rural Areas and Rural Lands, limited residential development is permitted. (Section 1.1.5.2).

Under the **Bruce County Official Plan**, the lands proposed to be developed are designated 'Rural Area' and 'Hazard Land Area'. On an original crown lot, the Plan permits three non-farm lots, including the retained lot (i.e., two severed lots).

The application is consistent with the Provincial Policy Statement (PPS), and is in general conformity with the County Official Plan.

Staff support the application and recommend the proposed zoning amendment be approved.

## Agency Circulation:

Brockton - no response

Historic Saugeen Metis - no concerns or objections

Bruce-Grey Catholic DSB - no comment

SVCA - the application is acceptable to SVCA

Union Gas - there is a main line with easement rights. Should the proposed severance impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any relocation required due to a severance would be at the cost of the property owner. The purchaser of the proposed severed lands needs to be aware of our easement and all rights pertaining thereto.

**Public Comment:**

No comments have been received from the public at the time of the report preparation.

**Provincial Interest - Policy Statement or Plans**

Under Section 3(5) of the *Planning Act*, the Municipality of Brockton "shall be consistent with" matters of provincial interest as set out in the Provincial Policy Statement (PPS).

The land which is subject to the proposed rezoning application is identified as Rural Land in the Rural Area of the Brockton municipality. Under section 1.1.5.2 c), limited residential development is permitted. In addition, the following provisions of the PPS are relevant:

- The proposed use is compatible with the rural landscape and can be sustained by rural service levels (section 1.1.5.4);
- The use is appropriate to the infrastructure that is planned or available (section 1.1.5.5); and
- The use complies with the MDS formulae (section 1.1.5.9).

**Comment:**

Staff consider the application to be consistent with the PPS policy.

An overview of the PPS policies is provided in the appendices.

**Bruce County Official Plan**

The subject lands are designated 'Rural Area' and 'Hazard Land Area' under the Bruce County Official Plan. The lands which involve the proposed severance are designated "Rural Area". In the area of the subject land, Bruce Road 4 is designated as a Collector Urban Road.

Uses permitted in the Rural area include agricultural uses, farm-related commercial and industrial uses, and rural commercial uses. In addition, the Consent policies that apply to Rural Lands permit the creation of three lots (meaning two severed parcels and one retained lot) from the original crown lot. The lot on which the severance is located is Lot 53, Concession 1 South of Durham Rd. The northeasterly portion of this lot has been merged with the northerly portion of Lot 54. One rural residential lot is split between the original Lot 53 and Lot 54. Together, over both original lots there are currently 4 parcels. The proposed Consent represents the fifth parcel and the OP would permit a maximum of six parcels.

Other policies relating to Non-Farm Consents in the Rural Area are:

Policy	Comment
i) The maximum size of any new Non-Farm lot shall be 4 hectares. The minimum lot area shall generally be no less than 0.4 hectares (1 acre).	Complies
ii) In order to be eligible for a severance as permitted in clause (i) above, there must be a minimum of 100% of the original Crown surveyed lot within the 'R - Rural' designation.	Complies
iii) In determining the designation of the original Crown surveyed lot for compliance with clause (ii) above, the designation(s) underlying the 'Hazard Land Areas' designation, if present on a lot, shall also be used. There shall be sufficient developable area outside of the 'Hazard Land Area', including applicable environmental setbacks, for the proposed development.	Complies
iv) All severed and retained parcels shall also meet the requirements of <a href="#">Section 6.5.3.1</a> [General Policies (Land Division Policies)] and all other applicable policies of this Plan.	Complies
v) The severed and/or retained parcels must be viable for their proposed future use in the opinion of the County of Bruce.	Complies
vi) In order to avoid narrow linear parcels of land the frontage-to-depth ratio shall be a maximum of 1:3 and conform to the appropriate zoning requirements for lot frontage.	Complies
vii) An initial application for consent from an original Crown surveyed lot shall not propose to create more than one new lot.	Complies
viii) All new lots must be located on a year-round maintained Municipal road.	Complies
ix) This Official Plan requires the severance of all new Non-Farm lots to comply with MDS I.	Complies
x) All new lots shall be located a minimum of 123 metres away from the boundary of an existing licensed gravel pit or 213 metres away from the boundary of an existing licensed quarry and not within 500 metres of lands zoned for a landfill site or within 500 metres of Mineral Resource Area shown on Schedule 'C'.	Complies
xi) All new lots must be within reasonable distance of an existing school bus route as determined by the appropriate school board(s).	Complies

**Comment:**

Staff consider the proposal to be in conformity with the Official Plan.

**Local Planning Documents - Zoning:**

The lands proposed to be developed are currently zoned "General Agriculture Special A1-5". The special provision states that the lands delineated as A1-5 shall only be used for a non-farm use as it existed on the date of the passage of this bylaw and in accordance with the provisions of the A1 zone.

The proposed rezoning is to permit a change to the dimensions and area of the proposed severed lot to facilitate the creation of a new lot and, for the retained lands, to change the non-farm use status in the Zoning By-law to an agricultural lot status that would then permit agricultural uses.

The retained lands would retain the 'General Agriculture Special (A1-5)' to recognize the reduced lot area and frontage requirements.

**Planning Comment / Analysis:**

The applicant is seeking to create a new rural residential lot with an area of 0.53 ha and to change the permitted uses that apply to the retained lands to permit agricultural uses. The applicant has been made aware of the comments of Union Gas. The subject lands are designated 'Rural Area' and are currently zoned 'General Agriculture Special (A1-5)'. The Official Plan permits agricultural uses and the proposed zoning amendment applying to the retained lot facilitates that purpose. The creation of the new lot is in conformity to the Official Plan.

Staff consider the application to be consistent with the PPS.

Respectfully submitted,

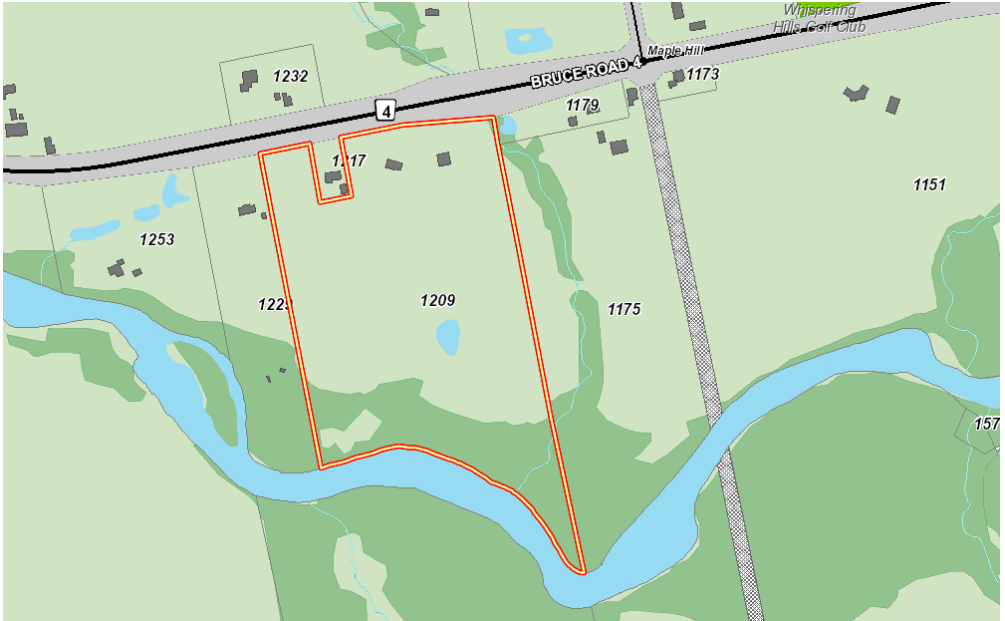


John Ghent, RPP

Planner, County of Bruce Planning and Development Department

## Appendix A - Context

<b>Development Proposal</b> <b>Zoning By-law Amendment</b>	The purpose of the application is to facilitate the creation of a residential lot. The new lot will have an area of +/- 0.53 ha (1.3 ac) and the retained agricultural parcel will have an area of +/- 13.35 ha (32.98 ac). The rezoning will recognize any deficient setbacks on the retained lands resulting from the severance. The rezoning will recognize the lot dimensions for the newly created non-farm residential parcel. The zoning amendment is also to permit agricultural uses on the retained lands.
<b>Related File(s)</b>	County of Bruce Consent File <b>B-94-18.34</b>
<b>Owner</b>	Joseph B. Batte and Yvonne Batte
<b>Agent</b>	N/A
<b>Legal Description</b>	North Part of Lot 53 and North Part of Lot 54, Concession 1 SDR, geographic Township of Brant
<b>Municipal Address</b>	<b>1209 Bruce Road 4</b>
<b>Lot Dimensions</b>	<b>Entire Parcel</b>
<b>Lot Frontage</b>	+/-272.2 m (893 ft)
<b>Lot Depth</b>	+/-432 m (1388 ft) West side; and, +/-613 m (2011 ft) East side
<b>Lot Area</b>	+/- 13.9 ha (34.28 ac.)
<b>Lot Dimensions</b>	<b>Parcel to be Severed</b>
<b>Lot Frontage</b>	+/-67.1 m (220 ft)
<b>Lot Depth</b>	+/- 79 m (259 ft)
<b>Lot Area</b>	+/- 0.53 ha (1.3 ac)
<b>Lot Dimensions</b>	<b>Parcel to be Retained</b>
<b>Lot Frontage</b>	+/- 205.1m (673 ft)
<b>Lot Depth</b>	Irregular
<b>Lot Area</b>	+/- 13.35 ha (32.98 ac)
<b>Existing Use</b>	Pasture lands
<b>Proposed Use</b>	Non-Farm Residential use (Severed parcel) No changes to existing uses of the retained lands
<b>Structures Existing</b>	House and barn (retained)
<b>Structures Proposed</b>	New residence proposed for newly created severed parcel
<b>Existing Servicing</b>	Private water and private septic (retained)

Proposed Servicing	Private water and private septic (newly created lot)
Access	Bruce Road 4, a year-round County road
County Official Plan	Rural Area and Hazard Land Area
Proposed Official Plan	No change
Zoning By-law	General Agriculture Special (A1-5) and Environmental Protection (EP), with Saugeen Airport Overlay, Municipality of Brockton By-law 2013-026.
Proposed Zoning By-law	'General Agriculture special (A1-x)' and General Agriculture Special (A1-5). The 'Environmental Protection (EP)' zone will remain unchanged.
Surrounding Land Uses	Agricultural and non-farm residential uses. A Travel Trailer Sales establishment is to the North.
Subject Lands	

## Appendix B - Provincial Policy Statement 2014

Apply?	Policy Area
X	1.0 Building Strong Communities
X	1.1 Managing and Directing Land Use
	1.1.3 Settlement Areas
x	1.1.4 Rural Areas in Municipalities
x	1.1.5 Rural Lands in Municipalities
	1.16 Territory Without Municipal Organization
	1.2 Coordination
	1.2.6 Land Use Compatibility
	1.3 Employment
	1.3.2 Employment Areas
	1.4 Housing
	1.5 Public Spaces, Recreation, Parks, Trails and Open Space
	1.6 Infrastructure and Public Service Facilities
	1.6.6 Sewage, Water and Stormwater
	1.6.7 Transportation Systems
	1.6.8 Transportation and Infrastructure Corridors
	1.6.9 Airports, Rail and Marine Facilities
	1.6.10 Waste Management
	1.6.11 Energy Supply
	1.7 Long-Term Economic Prosperity
	1.8 Energy Conservation, Air Quality and Climate Change
	2.0 Wise Use and Management of Resources
	2.1 Natural Heritage
	2.2 Water
x	2.3 Agriculture
x	2.3.3 Permitted Uses
x	2.3.4 Lot Creation and Lot Adjustments
	2.3.5 Removal of Land from Prime Agricultural Areas
	2.3.6 Non-Agricultural Uses in Prime Agricultural Areas
	2.4 Minerals and Petroleum
	2.4.2 Protection of Long-Term Resource Supply
	2.4.3 Rehabilitation
	2.4.4 Extraction in Prime Agricultural Areas
	2.5 Mineral Aggregate Resources
	2.5.2 Protection of Long-Term Resource Supply
	2.5.3 Rehabilitation
	2.5.4 Extraction in Prime Agricultural Areas
	2.5.5 Wayside Pits & Quarries, Portable Asphalt Plants and Portable Concrete Plants
	2.6 Cultural Heritage and Archaeology
	3.0 Protecting Public Health and Safety
	3.1 Natural Hazards
	3.2 Human-made Hazards



#### Other Provincial Interests

Ministry	Policy	Comment
MMAH	NA	
MCul	NA	
MOE	NA	
MTO	NA	
MNR	NA	
OMAFRA	NA	

County of Bruce Official Plan: 5.6 Rural Areas 5.8 Hazard Land Areas

#### Municipality of Brockton Zoning By-law 2013-26

6.0 Agriculture General (A1)

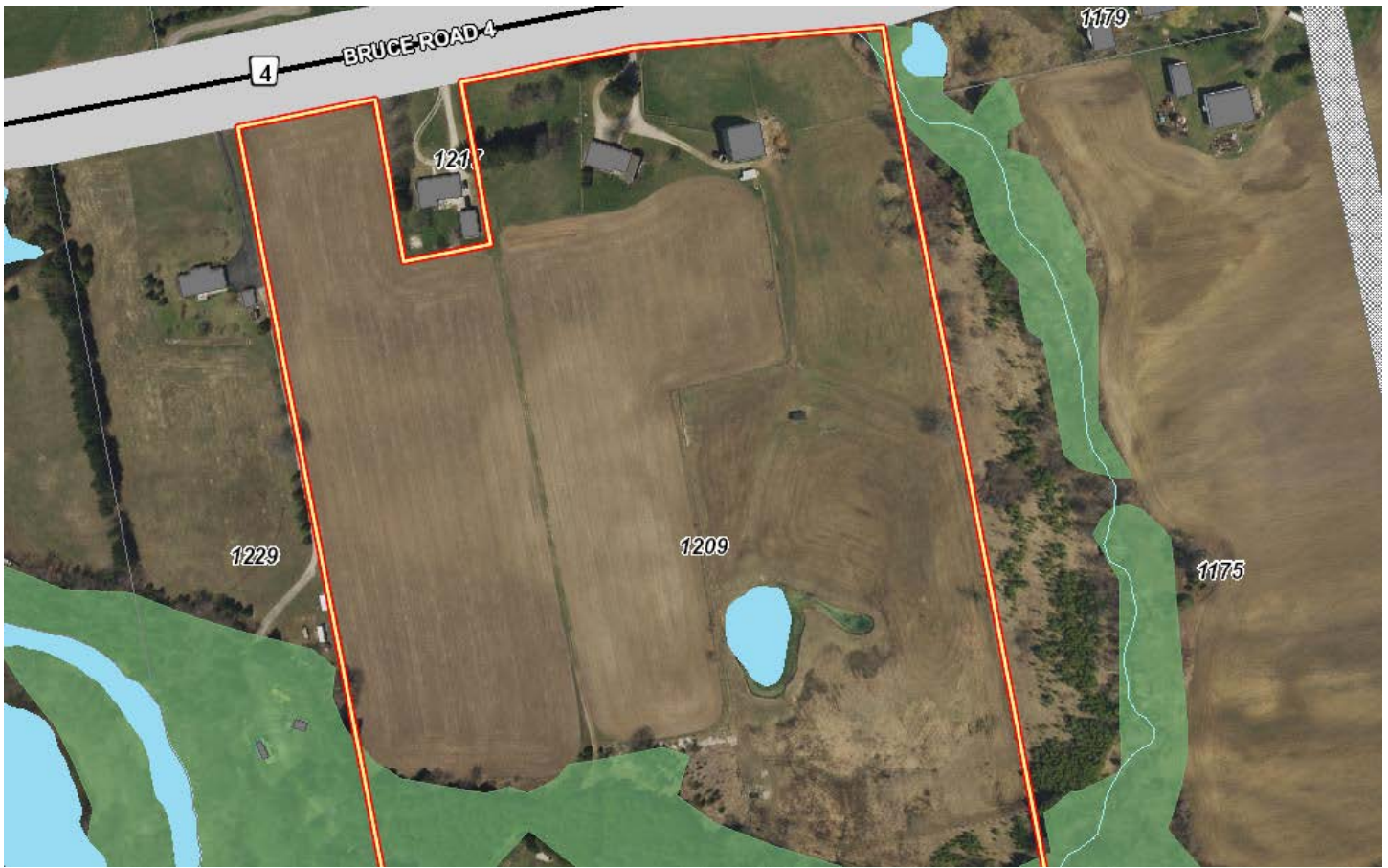
## Appendix D - Development Concept



Appendix E - Air Photo







## Appendix F - Bruce County Official Plan



## Appendix G - Brockton Zoning By-law



**Appendix H**  
**Draft Zoning By-law**  
**The Corporation of the Municipality of Brockton**  
**By-law No. 2018 - xxx**

Being a By-Law to Amend the Municipality of Brockton Comprehensive Zoning By-Law No. 2013-26, As Amended,

The Council of the Corporation of the Municipality of Brockton pursuant to Section 34 of the Planning Act, 1990, therefore enacts as follows:

1. That Schedule 'A' to By-Law No. 2013-26, as amended, is further amended by modifying the A1-5 zoning symbol that applies to the North Part of Lot 53 and North Part of Lot 54, Concession 1 SDR, geographic Township of Brant, Municipality of Brockton;
2. That the lands zoned A1 on Schedule A are subject to the 'Non-Farm Lot' uses permitted in the A1 zone and shall be subject to the Zone Provisions for 'Non-Farm lots';
3. That the lands zoned A1-5 on Schedule A shall be subject to the Agricultural Lot uses permitted in the A1 zone and also subject to the Zone Provisions for Agricultural Lots except where the Zone Provisions conflict with the lot area, frontage and yard conditions that existed at the time of the passing of this by-law, in which case the existing conditions shall prevail.
4. That this By-law shall come into force and effect on the final passing thereof by the Council of the Municipality of Brockton, subject to compliance with the provisions of the Planning Act, R.S.O. 1990.

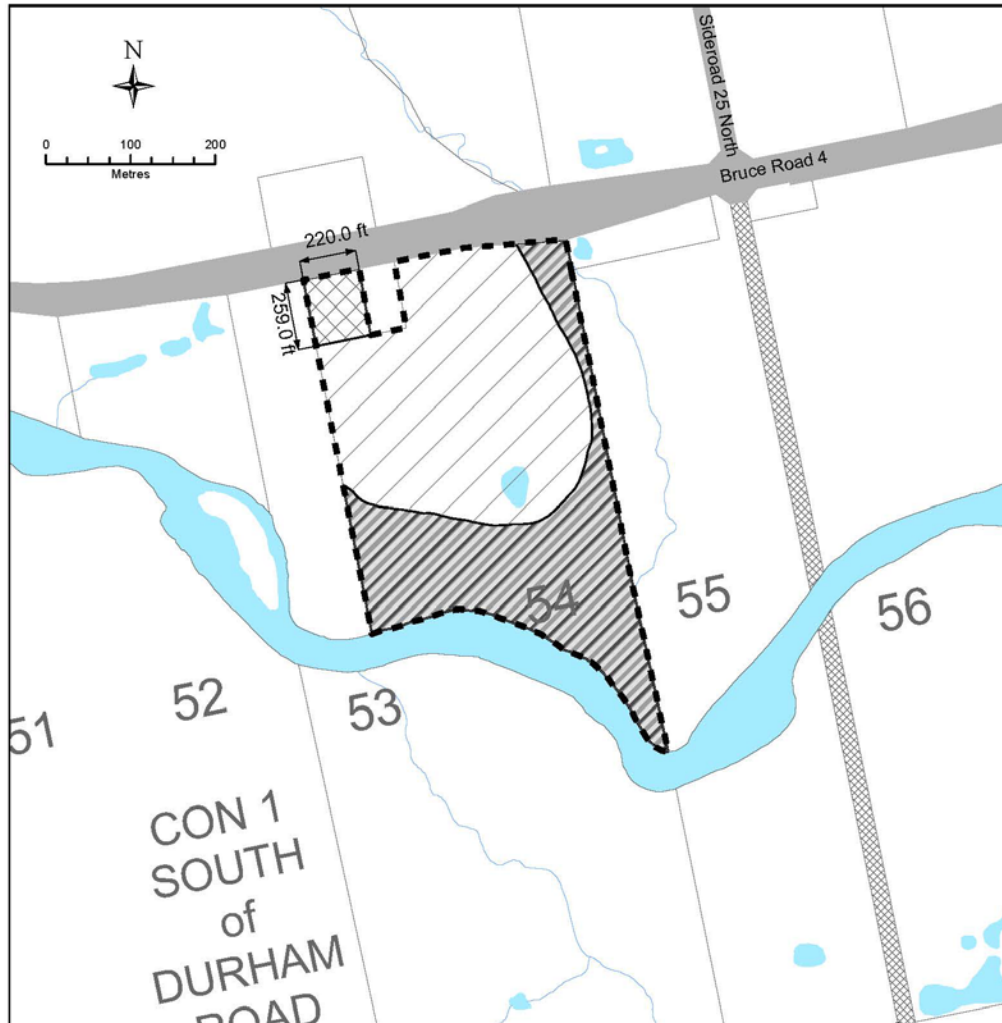
Read, Enacted, Signed and Sealed this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

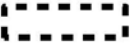


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Mayor - C Peabody

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CAO/Clerk - Sonya Watson

## Schedule 'A'

North Part of Lot 53 and North Part of Lot 54, Concession 1 SDR (1209 Bruce Road 4)  
Municipality of Brockton (geographic Township of Brant)



-  Subject Property
-  Lands to be zoned A1 - General Agriculture
-  Lands to be zoned A1-5 - General Agriculture Special
-  Lands zoned EP - Environmental Protection

This is Schedule 'A' to the zoning by-law  
amendment number \_\_\_\_\_ passed this  
\_\_\_\_\_ day of \_\_\_\_\_

Mayor \_\_\_\_\_  
Clerk \_\_\_\_\_

File: Z-58-2018.34

Applicant: Joseph & Yvonne Batte

Date: November, 2018