

**DATE:** October 15, 2024

**REPORT NO:** PD-43-2024

**SUBJECT:** **Recommendation Report – Cathy and William Vitucci – 5447 Regional Road 20 (File No. 1601-007-24)**

**CONTACT:** Brian Treble, Director of Planning & Building

**OVERVIEW:**

- An application for rezoning was submitted by William and Cathy Vitucci for the property municipally known as 5447 Regional Road 20 (please see Survey Sketch found in Schedule A).
- This application for rezoning is required as a condition of consent for a Surplus Farm Dwelling Severance application B04/2024WL, which was conditionally approved by the Township’s Committee of Adjustment on July 24<sup>th</sup>, 2024.
- The Surplus Farm Dwelling Severance application severed 0.50 hectares (1.25 acres) of land with a dwelling from the remnant farmland, being 23.02 hectares (57.05 acres).
- As a condition of the consent, the severed residential parcel is required to be rezoned from an Agricultural ‘A’ zone to a Rural Residential ‘RuR-235’ with site specific provisions recognizing a deficient front yard setback and to rezone the retained lands from an Agricultural ‘A’ zone to an Agricultural Purposes Only ‘APO-234’, with a site specific provision to recognize the deficient lot area and to allow the existing agricultural accessory building to remain on the property.
- The Agricultural Purposes Only ‘APO’ zone will restrict future residential uses and is required by Provincial Policy.
- No public comment submissions have been made at the time of writing this report.

**RECOMMENDATION:**

1. That, Recommendation Report PD-43-2024, titled “Application for Zoning Bylaw Amendment for 5447 Regional Road 20 (File No. 1601-007-24)”, dated October 15<sup>th</sup> 2024, be received; and,
2. That, the application for Zoning Bylaw Amendment submitted by William and Cathy Vitucci owners of 5447 Regional Road 20, be approved in accordance with the attached Zoning By-law Amendment with the site-specific regulations; and,

3. That, no further public meeting is required for the consideration of this by-law in accordance with Section 34(17) of the *Planning Act*.

#### **ALIGNMENT TO STRATEGIC PLAN:**

##### **Theme #2 & #3**

- **Champion** – Strategic Responsible Growth
- **Enrich** – Strong Agricultural Legacy

#### **BACKGROUND:**

An application for a Zoning By-law Amendment has been submitted by Cathy and William Vitucci for the property municipally known as 5447 Regional Road 20, located just east of the hamlet of Bismark. (Please see survey sketch found in Schedule A).

This application for rezoning has been submitted to fulfil a condition of consent for the surplus farm dwelling severance application B04/2024WL, that was conditionally granted approval by the Committee of Adjustment on July 24<sup>th</sup> 2024. This condition requires that the remnant farmland be rezoned to Agricultural Purposes Only to restrict future residential uses, and to rezone the severed parcel to Rural Residential. The Committee of Adjustment Report [COA-24-2024](#) provides a full planning policy review of the consent application.

#### **CURRENT SITUATION:**

##### **Provincial Policy Statement (2020), Growth Plan for the Greater Golden Horseshoe and Provincial Planning Statement (2024)**

The Provincial Policy Statement (PPS) remains in effect until October 19<sup>th</sup>, 2024, following which the new Provincial Planning Statement, 2024 comes into effect. The PPS provides guidance on all land use planning matters in Ontario. All planning decisions must conform to the policies of the PPS.

Both the PPS 2020 and PPS 2024 permit limited lot creation in *prime agricultural areas* including the severance of a residence surplus to a farming operation, provided they meet a number of criteria outlined in the PPS. Both PPS documents require that the new lot be limited to a minimum size needed to accommodate the use and appropriate sewage and water services and that the planning authority ensures that new dwellings and additional residential units are prohibited on the remnant parcel.

The severed lot in this application is limited in size to accommodate appropriate sewage and water services and the applicants have submitted this zoning application to rezone the remnant lands to Agricultural Purposes Only (APO) to ensure long-term agricultural operations continue on the lands and no new residential uses are established.

Therefore, this application is consistent with the intent and objectives of the Provincial Policy Statement (PPS) for protecting the prime agricultural area for continuous

agricultural use.

### **Greenbelt Plan**

Applications must conform to the Greenbelt Plan if they fall within the established Greenbelt Plan boundary. Since the subject lands are outside of the identified Greenbelt Plan, the PPS is the Provincial policy that applies for this application.

### **Niagara Official Plan (NOP) and Township Official Plan (OP)**

Both the Niagara Official Plan (NOP) and Township Official Plan (OP) provides long-term strategic policy planning and framework for the enhancement of the Agricultural System and the protection of the Region and Township's agricultural land base.

Lands within The Agricultural System shall be protected for long-term agricultural use, however, a limited amount of development, including surplus farm dwelling severances, are permitted in alignment with provincial policy. Both the NOP and local OP, in alignment with provincial policy, require that as a result of a surplus farm dwelling severance, the remnant agricultural lands be rezoned to restrict any future residential uses. This application is consistent with both the NOP and local OP as it proposes to an Agricultural Purposes Only zone over the remnant farmland which will not permit any future residential development.

The consent application was fully reviewed against planning policies in the Committee of Adjustment Report [COA-24-2024](#). The conditionally approved surplus farm dwelling severance was in alignment with both the NOP and local OP.

### **Township of West Lincoln Zoning By-law 2017-70, as amended (ZBL)**

The subject property is currently zoned Agricultural 'A'. As a condition of the related consent application (B04/2024WL), the applicants are to apply for and receive approval of a Zoning Bylaw Amendment application that rezones the remnant farmland to Agricultural Purposes only and recognizes any zoning deficiencies for both the severed and retained parcels.

The rezoning application will rezone Parcel 1 (Severed Lands) from an Agricultural 'A' zone to Rural Residential 'RuR-235' with site specific provisions recognizing a deficient front yard setback of 5 metres whereas 15 metres is required.

The rezoning application will also rezone Parcel 2 (Retained lands) from an Agricultural 'A' zone to an Agricultural Purposes Only 'APO-234, with a site specific provision to recognize the deficient lot size, being approximately 23.02 hectares (57.5 acres) whereas Table 12 in Part 5 of the Township's Zoning By-law 2017-70, as amended, identifies 39 hectares (96.37 acres) to be the minimum lot area within an Agricultural Purposes Only 'APO' zone. As well as recognizing a deficient lot frontage of 8.13 metres where 100 metres is required and to allow the existing agricultural accessory building to remain on the property. The subject property has over 400 meters of frontage along Regional Road 20 (west property line), however, the Township's zoning bylaw states that the frontage where a lot abuts more than one public road, shall be the shortest frontage, which in this case is Regional

Road 20 (south property line).

This application for a Zoning Bylaw Amendment is consistent with all other provisions of the Agricultural zone.

**FINANCIAL IMPLICATIONS:**

There are no financial implications associated with this report,

**INTER-DEPARTMENTAL COMMENTS:**

Notice of the Public Meeting was circulated to all relevant agencies and departments on September 11<sup>th</sup> 2024 and a notice of the hearing was also posted to the Township's website.

Township Building Department and Public Works Department had no objections or comments to provide on the application during the consent process. All comments received as part of the consent application can be found within the Committee of Adjustment Report [COA-24-2024](#).

The NPCA and Niagara Region provided comments which are included as Schedule D to this report. The NPCA provided no objections to the proposed application and the Niagara Region stated that the Survey Evidence adjacent to Regional road allowances is not to be damaged or removed during the development of the property. Administration has requested that any future agreements entered into for this development include a clause that requires the owner to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of said development.

**PUBLIC COMMENTS:**

A Notice of the Public Hearing was mailed to all residents within 120 metres of the subject property on September 11<sup>th</sup> 2024. In addition, a yellow sign was posted on the property on September 23<sup>rd</sup>, 2024. As of the preparation of this Report, Administration has not received any public comments regarding this application.

**CONCLUSION:**

An application for Zoning By-law Amendment application has been submitted for the property located at 5447 Regional Road 20 to rezone the retained agricultural lands to Agricultural Purposes Only, with site specific exceptions and to rezone the severed residential parcel to Rural Residential with site specific exceptions.

The application to amend the Zoning By-law has been reviewed in accordance with Section 2 and Section 34 of the Planning Act and against Provincial, Regional, and Township Policy, and meets the policies. As such, Administration recommends the approval of this Zoning By-law Amendment application and the By-law attached to this

report.

**ATTACHMENTS:**

1. Schedule A - Location Map
2. Schedule B - Survey Sketch
3. Schedule C - By-law
4. Schedule D - Agency Comments

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