



GRAND VALLEY

Council Planning Report

To: Mayor Soloman & Council
From: Mark H. Kluge, MCIP RPP, Manager of Planning
Date: February 11, 2025
Report No.: PLN2025-018
Subject: **Decision Proposed Zoning Hill Town Drive (Monticello) File Z02-2024**

Recommendation:

THAT Report No. PLN2025-018, dated February 11, 2025, be received;

AND FURTHER THAT Zoning By-law Amendment File Z02-2024, to amend the Town of Grand Valley Zoning By-law 2009-10, as amended, for the lands municipally located on Hill Town Drive (Monticello), as generally shown in **Appendix 5: Draft Zoning By-law** of this report, be approved and the necessary by-law be adopted.

Key Points:

The following are key points for consideration with respect to this report:

- The application is to recognize reduced lot sizes and maximum dwelling sizes located within the Hill Town Drive Subdivision in Monticello.
- The creation of the Subdivision will be through a Community Improvement By-law.
- Planning Report PLN14-2024 was presented at a Public Meeting on June 11, 2024.

History:

The Hill Town Drive subdivision was registered in two plans. Plan 127 was registered in February 1979, and Plan 128 was registered in June 1979. Together these two plans created the 21-lot rural (hamlet) residential subdivision in Monticello. The individual lots

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were all assigned a Municipal Address and Municipal Roll Number, via the Land Registry Office and were offered for sale.

The development lay dormant for almost 20 years due to the Developer's inability to provide the required securities for the construction of the Subdivision.

On April 7, 1992, Council for the Township of East Luther passed Deeming By-law Number 1788, designating Plans 127 and 128 as being deemed not to be a registered plan of subdivision. This then precluded the "lots" created under the plan of Subdivision from being conveyed or transferred.

Over the years the Town has been approached by some of the owners in the Hill Town Drive "Subdivision" enquiring as to what can be done with these "lots". The Town also has an interest in the use of these lots, as the Town has ownership of the lots that were acquired due to tax sales.

In late 2021, with Council direction, the Town reached out to all the Hill Town Drive owners to begin the process of deciding what to do with the lands, including options for developing the Subdivision. Both in-camera and open Council meetings were held with direction from Town Legal on how best to start the process, with the end result being direction from the owners to move forward with plans for the development of the subdivision.

Subdivision Development:

The first step in the process to build the subdivision is to rezone the lots as they do not conform to the existing Hamlet Residential (RH) Zone for lot size. All the lots are undersized and in order to be in conformity with Zoning, a site-specific by-law must be passed recognizing a reduced lot area and coverage and introducing a maximum dwelling size. These measures are needed to ensure the lots can accommodate private wells and septic systems and not over-build the lots.

The second step will be a Local Improvement Charges By-law (LICB) that will set out the financial and engineering aspects of the Subdivision. As the Town is front ending all the costs of the development, in order for it not to be a burden on the taxpayers, each lot will be responsible for a portion of the total cost of development to be outlined in the LICB. It is anticipated that the LICB will be brought forward in 2025.

Application:

A Town-initiated zoning amendment is required to permit reduced lot areas, lot coverage and a maximum dwelling size per lot, to allow for the development of a designated and zoned rural (hamlet) residential subdivision located on Hill Town Drive in Monticello, see **Appendix 1: Location Map.**

Public Meeting and Comments:

On June 11, 2024, Planning brought forward Public Meeting Report PLN14-2024 regarding the proposed zoning for the Hill Town Drive Subdivision located in Monticello, see **Appendix 2: Public Meeting Report, June 11, 2024.**

Two members of the Public attended the Meeting and Planning received one email; of support and one comment letter from the public, see **Appendix 3: Public Comment Letter.**

Issues raised and Planning's response are as follows:

Road Stubs in the subdivision

- *The road stubs shown in the current subdivision plan will not be part of the revised subdivision, the intention is to split the stubs and merge those lands with the adjacent lots.*

Why are we allowing these lots here with future well and septic issues

- *The lands have been zoned and designated since 1979; owners have been paying property taxes. This is not a new development.*

The proposed zoning is intended to limit the size of the dwellings and lot coverage to ensure the well and septic systems are appropriate to the dwelling size.

What are the long-term costs if the well and septic fail

- *Long term costs cannot be identified. Each property must prove that it can support a well and septic system.*

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Town Engineering was consulted on the maximum size of dwelling permitted on each lot to ensure adequate lands for the well and septic system.

How much longer do we have to wait?

- *The Town has been working to have this done as quickly as possible. Additional engineering work was required, which delayed the process.*

Fencing during construction

- *Boundary/Property Line fencing could be a requirement of the subdivision, and that cost would be borne by the individual lot owners.*

Lots 5, 14,16 are not shown on the Location Map

- *The Location Map lists Municipal and Roll Numbers not Lot Numbers*

Where is the designated parkland for this project?

- *There is no parkland for this project. It can only be assumed that in 1979 there was no requirement for parkland.*

Well Water protection for current homes

- *The availability of water supply is typically taken into account when a development is rezoned from Agriculture to Hamlet Residential, which is the decision that was made several decades ago. The current re-zoning only amends the terms of the residential building program which does not increase the water taking. However, the Town's Engineer was consulted regarding the current application and responded that the aquifer in the Monticello area appears to be capable of sustaining the proposed development. In the event that an impact to an existing well is reported, any Owner would have the same protections through the Ministry of Environment, Conservation and Parks that any rural landowner has when severed lots are developed or agricultural water takings are increased nearby.*

Minimum and Maximum square footage of homes

- *There is no minimum size - only a maximum size of homes and only single detached dwellings are permitted.*

Are Services and roads in prior to house construction

- *The road and public services will be constructed prior to house construction.*

Are the lots being sold separately or is there a set of home styles with covenants to allow for continuity

- *The lots are currently owned individually. The Owners can either build themselves or sell (once the subdivision is registered) to a builder. There are no urban design guidelines for this subdivision.*

Will existing homes be allowed to increase their size with additions or outbuildings

- *There is no restriction on existing lots or dwellings in Monticello. Owners are free to expand as per the Zoning By-law with the necessary Building Permits and Municipal Approvals.*

At the June 11, 2024, Council Meeting, Council passed Resolution 2024-06-11:

THAT Report No. PLN14-2024, dated June 11, 2024, be received;

AND FURTHER THAT the public has until Friday July 12, 2024, to provide comments to Planning on application Z02-2024;

AND FURTHER THAT all agency and public comments be referred to Planning and considered in a Recommendation Report to be scheduled for a future Council Meeting regarding the final disposition of this matter.

AND FURTHER THAT the decision on application Z02-2024 be deferred.

Agency Comments

Planning received one technical comment from the Grand River Conservation Authority (GRCA), which was included in the June 2024 Public Meeting Report. The GRCA has no objection to the approval of this Zoning By-law Amendment application; however, a permit will be required as some of the subdivision lands are regulated by the GRCA.

Both Town Engineering and Public works are involved with the aspects of creating the Subdivision and have no objection to the Zoning By-law. Engineering was consulted on the Draft Zoning By-law and revisions to the By-law were made to ensure adequate

reduced lot sizes, reduced lot coverage and maximum dwelling size were incorporated into the Draft Zoning By-law.

Planning Analysis

In reviewing the DRAFT Zoning By-law that was presented at the Public Meeting, Engineering provided clarification regarding maximum Gross Floor Area and Ground Floor Area, see **Appendix 4: Engineering Lot Review**. Planning had only referred to Gross Floor Area (incorrect area) in the Draft By-law.

Both Gross and Ground Floor in terms of maximum area need to be included in the By-law to ensure no over development on the individual lots. Maximum Gross Floor Area refers to the entire area of the dwelling (not including the basement) and Maximum Ground Floor area refers only to the first floor of the dwelling. The Draft By-law as shown in **Appendix 5** has been updated to show both maximums.

Planning has also increased the maximum lot coverage from the proposed 10% to 15%, which is still lower than the permitted 20% in the Rural Hamlet (RH) Zone. This was to allow accessory buildings (sheds, detached garages, etc.) on the individual lots. The proposed 15% maximum lot coverage is for all buildings on the lot combined.

Planning has also limited the permitted uses as follows:

- One (1) single detached dwelling
- One (1) internal Accessory Apartment
- One (1) Home Occupation.

Detached Additional Residential Units (ARU) will not be permitted, to ensure the well and septic system is not overburdened. The other special provision is that a Zoning Amendment would be required for any merged lots, to ensure the lot is not overbuilt.

In Planning's opinion, the proposed Zoning Amendment is in conformity with Provincial and Town Policies, allowing development to proceed while recognizing the existing limitations of the lot pattern of the proposed subdivision. Once built out, these 21 lots will provide additional rural housing units for the Town.

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Attachments:

- Appendix 1: Location Map
- Appendix 2: Public Meeting Report, June 11, 2024
- Appendix 3: Comment Letter
- Appendix 4: Engineering Lot Review
- Appendix 5: Draft Zoning By-law

Report Submitted by

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