

The Corporation of the City of Kawartha Lakes

Planning Report

Report Number PLAN 2016-008

Date: February 10, 2016

Time: 1:00 p.m.

Place: Council Chambers

Public Meeting

Ward Community Identifier: Ward 12

Subject: An application to amend the Township of Ops Zoning By-law to prohibit livestock in the barn on the property, permit a reduced lot frontage on a proposed residential lot and reduce a side yard setback for an accessory building on the retained lot on land identified as 36 and 44 Golden Mile Road. (REDMOND).

Author/Title: Sherry L. Rea, Planning Coordinator

Signature: 

Recommendation:

RESOLVED THAT Report PLAN2016-008, respecting Part Lot 15, Concession 6, geographic Township of Ops, and identified as 36 and 44 Golden Mile Road, Application No. D06-16-005, be received;

THAT the proposed zoning by-law amendment for Application D06-16-005, substantially in the form attached as Appendix "D" to Report PLAN2016-008, be approved and adopted by Council; and

THAT the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

Department Head:

Corporate Services Director / Other:

Chief Administrative Officer:




Background:

The proposal is to amend the Township of Ops Zoning By-law to reduce the minimum lot frontage requirement of a proposed residential lot, reduce a side yard setback requirement for an accessory building on the retained agricultural lot and prohibit the housing of livestock in the barn on the property. See Appendix "A" and "B" attached.

Owner:	Mike Redmond and Mike Redmond Septic Services Ltd.		
Legal			
Description:	Part Lot 15, Concession 6, geographic Township of Ops, now City of Kawartha Lakes		
Official Plan:	Designated Prime Agricultural, Rural and Environmental Protection on Schedule "A-3" of the City of Kawartha Lakes Official Plan.		
Zone:	Agricultural (A), Rural Residential (RR) and Rural Residential Exception Fifteen (RR-15) on Schedule "A" of the Township of Ops Zoning By-law No. 93-30.		
Total Area:	33.9 ha.		
Site Servicing:	Private wells and individual septic systems (existing and proposed).		
Existing Use:	Agricultural		
Adjacent Uses:	North & West:	Residential (Single detached dwellings)	
	South:	Residential and Agricultural	
	East:	Halter Road and Undeveloped Land	

Rationale:

The subject land is located in the south west corner of Golden Mile Road and Halter Road and is municipally known as 36 and 44 Golden Mile Road. The owner applied for and received provisional consent to create four (4) rural residential lots fronting Golden Mile Road and retain the agricultural parcel. The proposed residential lots will be serviced by private wells and individual septic systems located at the rear of the proposed lots. The land is currently zoned Rural Residential (RR) which will facilitate the creation of the lots. In 2014, the owner rezoned 2.52 ha. of land located down gradient of the proposed lots as a nitrate attenuation area which would preclude development on the land. See Appendix "A", "B" and "C" attached.

As a result of the planning review undertaken for the applications for consent to create the four (4) rural residential lots, two (2) zoning issues were identified. The Rural Residential (RR) Zone has a minimum lot area of 0.2 ha. and a minimum lot frontage of 38 m. All the proposed lots meet the minimum lot area requirement

and three (3) of the four (4) proposed lots meet the minimum lot frontage requirement. The most easterly proposed lot has a proposed lot frontage of 22.4 m. due to the oblique angle of the intersection of Halter Road and Golden Mile Road. Where the lot lines are not parallel, Lot Frontage, as defined in the Zoning By-law is measured parallel to the front lot line at a distance equal to the front yard depth of 9 m. The second issue is a small accessory building located between the barn and the limit of the most westerly proposed lot. It is proposed to reduce the minimum side yard setback from 2 m. to 0.55 m.

It is a condition of consent that the existing barn and foundation be removed from the property or demolished. Alternatively, the property could be rezoned to prohibit the barn from housing livestock. Agricultural uses (i.e. hay storage) are still permitted in the barn as the agricultural use occurring on land zoned Rural Residential (RR) is considered legal non-conforming.

In support of the application for rezoning, the applicant submitted a Planning Justification Report prepared by Bob Clark of Clark Consulting Services. Staff has reviewed the planning analysis and agrees with the planning opinion.

Applicable Provincial Policies:

The application for rezoning conforms with policies in the Growth Plan for the Greater Golden Horseshoe (Growth Plan) and the 2014 Provincial Policy Statement (2014 PPS). The application serves to maintain conformity with the provincial plans as new land uses, including the creation of lots, shall comply with the minimum distance separation formulae (MDS). Prohibiting the barn from housing livestock negates the regulation.

City of Kawartha Lakes Official Plan:

The land is designated Prime Agricultural, Environmental Protection and Rural in the City of Kawartha Lakes Official Plan. The consent applications conform to the consent policies in the City of Kawartha Lakes Official Plan and prohibiting the barn from housing livestock also ensures compliance with MDS criteria.

Zoning By-law Compliance:

The land is zoned Agricultural (A), Rural Residential (RR) and Rural Residential Exception Fifteen (RR-15) in the Township of Ops Zoning By-law No. 93-30. The applicant requests a reduction in the minimum lot frontage requirement for the most easterly proposed lot and a reduction in the side yard setback requirement for the retained agricultural lot. Staff supports the requests and recommends two (2) Rural Residential Exception (RR**) Zones be applied to identify those areas. One of the RR Exceptions Zones will also prohibit the barn from housing livestock.

Other Alternatives Considered:

No other alternatives were considered at this time.

Financial Considerations:

There are no financial implications for the City, unless the application is appealed to the Ontario Municipal Board. In the event of an appeal, there could be costs, some of which may be recovered from the applicant.

Relationship of Recommendation(s) To Strategic Priorities:

The City's Strategy Map outlines Council's Vision of a Community Pursuing Prosperity, Quality of Life and a Healthy Environment.

Approval of the proposed rezoning does not directly impact or align with a specific Strategic Priority.

Review of Accessibility Implications of Any Development or Policy:

There are no accessibility implications as a result of the proposed rezoning.

Servicing Comments:

The application was circulated to the City's Building Division – Sewage System Program for review and received confirmation that they have no objection to the zoning amendment.

Development Services – Planning Division Comments:

The application for zoning by-law amendment conforms to provincial policy and the City of Kawartha Lakes Official Plan. The application ensures that the MDS criteria has been addressed and that the proposed rural residential lots will comply with the Township of Ops Zoning By-law. Staff respectfully recommends that the application be approved and adopted by Council.

Consultations:

Notice of this application was circulated in accordance with the requirements of the Planning Act. The following comments have been received as of the drafting of this report.

Building Division –
Sewage System Program – January 15, 2016; no objection.

Community Services Department – January 18, 2016; no concerns or objections.

Ministry of Transportation – January 21, 2016; no concerns.

Attachments:

Appendix “A” – Location Map



Appendix 'A' -
Location Map.pdf

Appendix “B” – Conceptual Lot Layout



Appendix 'B' -
Conceptual Lot Layout.pdf

Appendix “C” – Draft Reference Plan



Appendix 'C' - Draft
Reference Plan.pdf

Appendix “D” – Draft Zoning By-law Amendment



Appendix 'D' - Draft
Zoning By-law.pdf

Phone: 705.324.9411, ext.1331 or 1-888-822-2225 ext. 1331

E-Mail: srea@city.kawarthalakes.on.ca

Department Head: Chris Marshall, Director

Department Files: D06-16-005

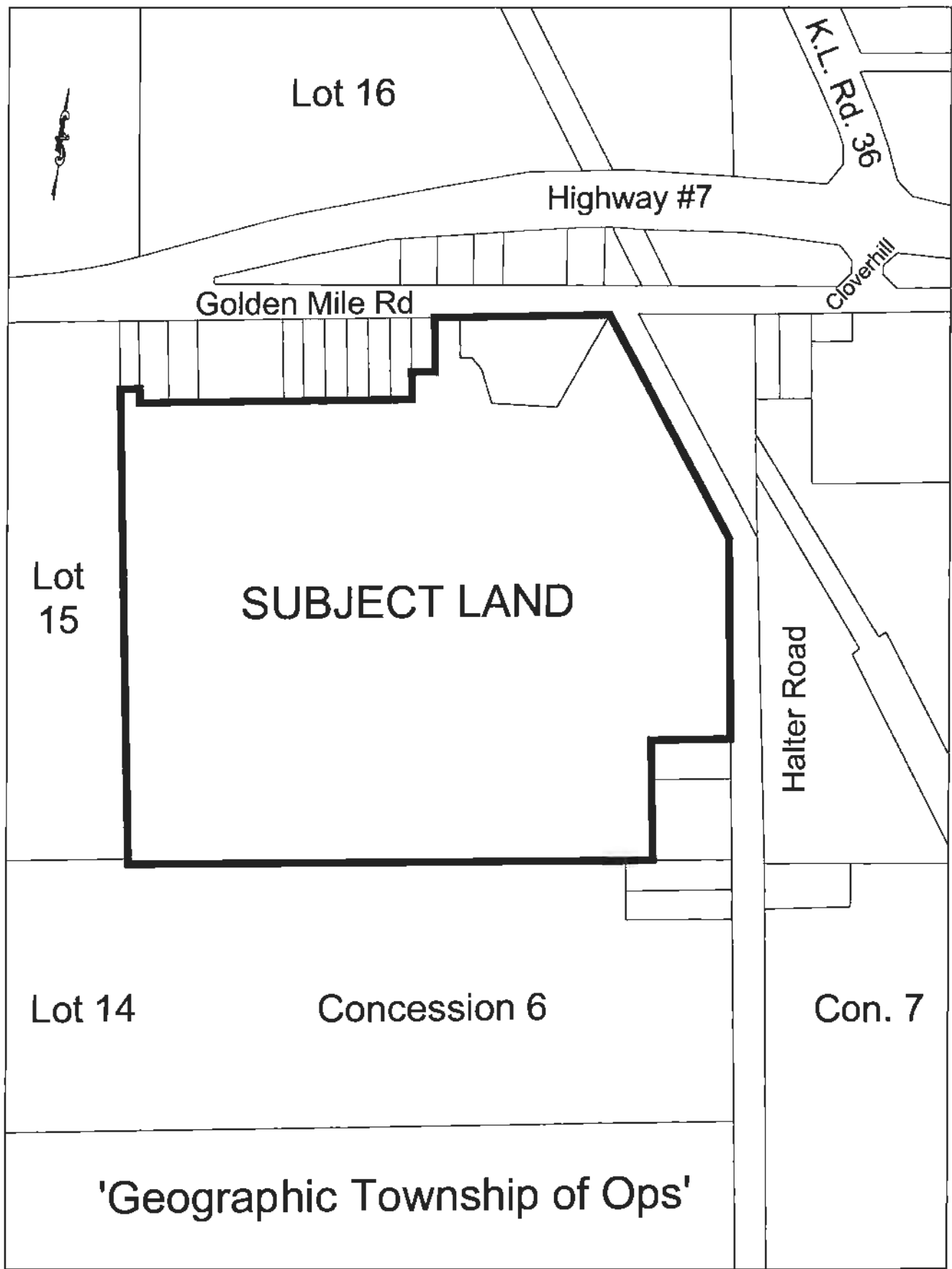


Figure 2 - Approved Consents
 East ½ Lot 15, Concession 6
 Geographic Township of Ops
 City of Kawartha Lakes



Date: September 2015

RECEIVED

OCT 21 2015

City of Kawartha Lakes
 Development Services
 Planning Dept.

FILED

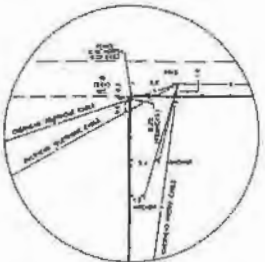
REPORT

APPENDIX 8

206-16-005

206-16-008

3 (3077-Miwa Rail) and Figure 2-Approved Consents



LOT

15

SCHEDULE			
PART	EST.	DESCRIPTION	NO.
1			
2			
3			
4			
5			
6			
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12			
13			
14			
15			

1. REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

DATE: _____

J.H. WARDEN
ON-LANDS LAND SURVEYOR

PLAN 57R-
REGISTERED AND DEPOSITED

DATE: _____

REPRESENTATIVE FOR THE LANDS REGISTRY FOR THE LAND TITLES DIVISION OF THE CITY

OCT 21 2015

PLAN OF SURVEY OF
PART OF E 1/2 LOT 15
CONCESSION 6
GEORGIAN TOWNSHIP OF O.P.S.
CITY OF KAWARTHA LAKES

SCALE 1" = 500'

COE, FISHER, CAMERON
METRIC: DISTANCES AND DIMENSIONS SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 3.2808

NOTES
1. THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEY ACT AND THE SURVEY REGULATIONS.
2. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE SURVEY AND HAS FOUND THEM TO BE CORRECT.
3. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE SURVEY AND HAS FOUND THEM TO BE CORRECT.

INTERSECTION DATA			
INTERSECTION	DATE	BY	REMARKS
1	2015	J.H. WARDEN	INTERSECTION OF LOT 15 AND CONCESSION 6
2	2015	J.H. WARDEN	INTERSECTION OF LOT 15 AND CONCESSION 6
3	2015	J.H. WARDEN	INTERSECTION OF LOT 15 AND CONCESSION 6
4	2015	J.H. WARDEN	INTERSECTION OF LOT 15 AND CONCESSION 6
5	2015	J.H. WARDEN	INTERSECTION OF LOT 15 AND CONCESSION 6
6	2015	J.H. WARDEN	INTERSECTION OF LOT 15 AND CONCESSION 6
7	2015	J.H. WARDEN	INTERSECTION OF LOT 15 AND CONCESSION 6
8	2015	J.H. WARDEN	INTERSECTION OF LOT 15 AND CONCESSION 6
9	2015	J.H. WARDEN	INTERSECTION OF LOT 15 AND CONCESSION 6
10	2015	J.H. WARDEN	INTERSECTION OF LOT 15 AND CONCESSION 6
11	2015	J.H. WARDEN	INTERSECTION OF LOT 15 AND CONCESSION 6
12	2015	J.H. WARDEN	INTERSECTION OF LOT 15 AND CONCESSION 6
13	2015	J.H. WARDEN	INTERSECTION OF LOT 15 AND CONCESSION 6
14	2015	J.H. WARDEN	INTERSECTION OF LOT 15 AND CONCESSION 6
15	2015	J.H. WARDEN	INTERSECTION OF LOT 15 AND CONCESSION 6

- LEGEND
- 1. SURVEYED AREA
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 - 15. SURVEYED AREA

SURVEYOR'S CERTIFICATE

1. THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEY ACT AND THE SURVEY REGULATIONS.

2. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE SURVEY AND HAS FOUND THEM TO BE CORRECT.

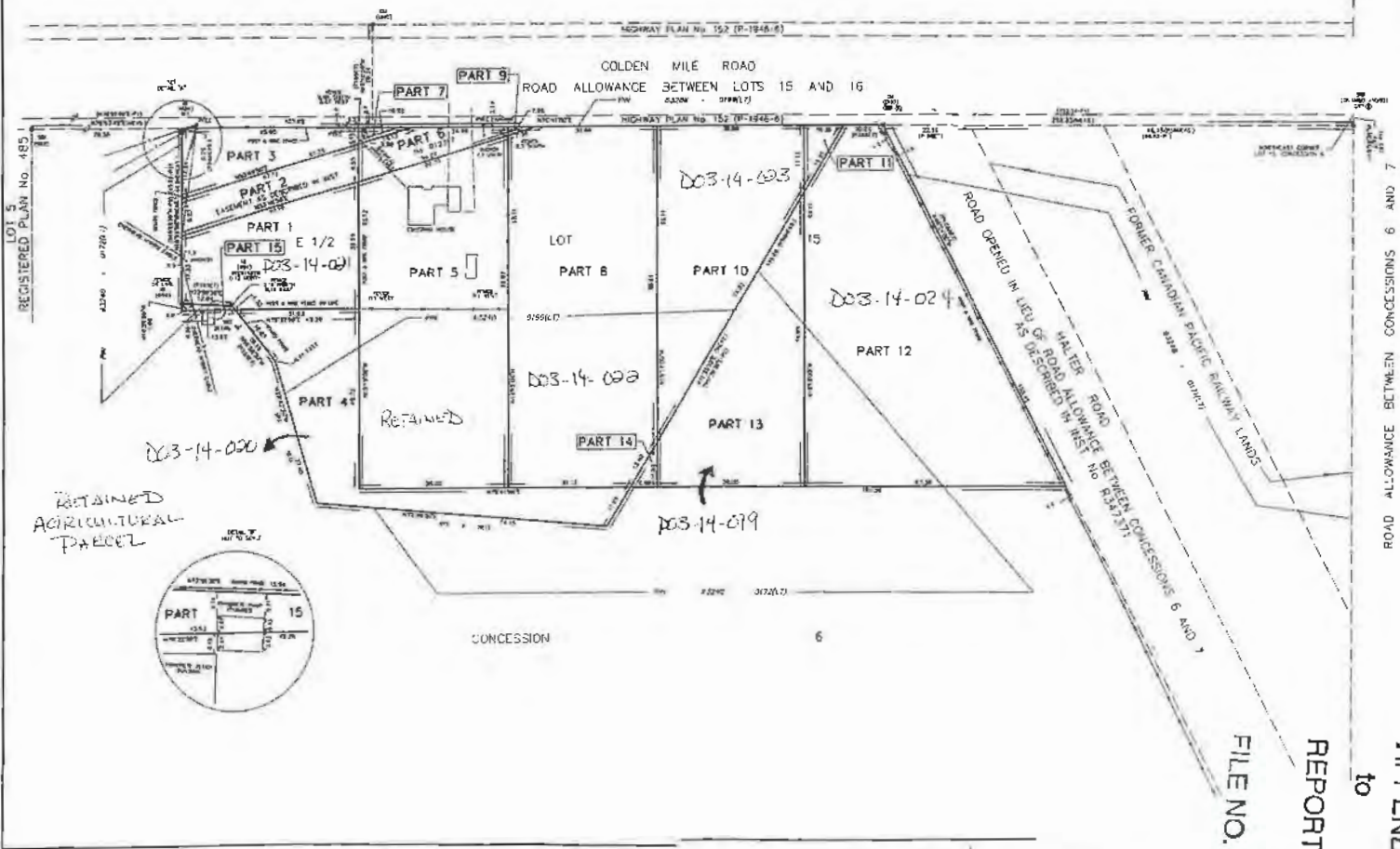
COE FISHER CAMERON

LAND SURVEYORS

1000 SHEPPARD AVENUE EAST, SUITE 100, SCARBOROUGH, ONTARIO M1S 1B7

TEL: (416) 291-1111 FAX: (416) 291-1112

WWW.CFC-SURVEYORS.COM



FILE NO.

REPORT

APPENDIX

D06-16-005

PLAN 2016-008

to
THE CORPORATION OF THE CITY OF KAWARTHA LAKES
REPORT

PLAN 2016-008

BY-LAW 2016 -

FILE NO. D06-16-005

A BY-LAW TO AMEND THE TOWNSHIP OF OPS ZONING BY-LAW NO. 93-30 TO
REZONE LAND WITHIN THE CITY OF KAWARTHA LAKES

[File D06-16-005, Report PLAN2016-008, respecting Part Lot 15, Concession 6, geographic Township of Ops, and identified as 36 and 44 Golden Mile Road - REDMOND]

Recitals:

- 1. Section 34 of the *Planning Act* authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
- 2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to reduce a minimum lot frontage and minimum side yard setback requirement and prohibit the use of the barn from housing livestock.
- 3. A public meeting to solicit public input has been held.
- 4. Council deems it appropriate to rezone the Property.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2016-__.

Section 1:00 Zoning Details

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part Lot 15, Concession 6, geographic Township of Ops, City of Kawartha Lakes, 36 and 44 Golden Mile Road.
- 1.02 **Textual Amendment:** By-law No. 93-30 of the Township of Ops is further amended to add the following sections to Section 5.3:
 - 5.3.8 Rural Residential Exception Eight (RR-8) Zone
 - a. Notwithstanding the permitted uses in subsection 5.1, on land zoned RR-8, the housing of livestock is prohibited.
 - b. Notwithstanding subsection 5.2, on land zoned RR-8, the minimum side yard setback for an accessory building shall be 0.55 m.
 - 5.3.9 Rural Residential Exception Nine (RR-9) Zone
 - a. Notwithstanding subsection 5.2, on land zoned RR-9, the minimum lot frontage shall be 22.4 m.
- 1.03 **Schedule Amendment:** Schedule 'A' to By-law No. 93-30 of the Township of Ops is further amended to change the zone category from the Rural Residential (RR) Zone to the Rural Residential Exception Eight (RR-8) Zone and Rural Residential Exception Nine (RR-9) Zone for the land referred to as 'RR-8' and 'RR-9', as shown on Schedule 'A' attached to this By-law.

Section 2:00 Effective Date

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the *Planning Act*.

By-law read a first, second and third time, and finally passed, this ** day of ***, 2016.

Andy Letham, Mayor

Judy Currins, City Clerk

THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW _____ PASSED

THIS _____ DAY OF _____ 2016.

MAYOR _____

CITY CLERK _____

