

# The Corporation of the City of Kawartha Lakes

## Planning Committee Report

Report Number PLAN2017-014

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**Date:** May 3, 2017

**Time:** 1:00 p.m.

**Place:** Council Chambers

**Public Meeting**

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**Ward Community Identifier:** Ward 2 – Bexley

**Subject:** An application to amend the Township of Bexley Zoning By-law to change the zoning provisions of the “Rural Residential Type Three Exception Seven (RR3-7) Zone” to permit additional uses; amend the development standards for an accessory building; and rezone a portion of the lot to the “Environmental Protection (EP) Zone” on the property identified as 1115 North Bay Drive, Bexley (ISNAR)

**Author/Title:** Ian Walker, Planner II

**Signature:** 

### Recommendations:

**RESOLVED THAT** Report PLAN2017-014, respecting North West Bay Range, Part Lot 34, 57R-242 Part 12, 12A & 12B; 57R-9630 Part 1, geographic Township of Bexley, “ISNAR – Application D06-17-006”, be received;

**THAT** a Zoning By-law Amendment respecting application D06-17-006, substantially in the form attached as Appendix ‘D’ to Report PLAN2017-014, be approved and adopted by Council; and,

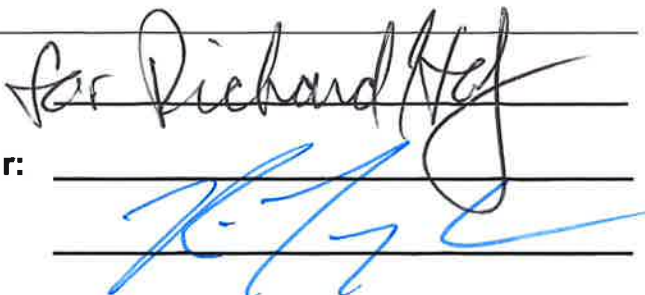

**THAT** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

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**Department Head:**

**Corporate Services Director / Other:**

**Chief Administrative Officer:**

## Background:

The applicant submitted a Zoning By-law Amendment application to:

1. Amend the “Rural Residential Type Three Exception Seven (RR3-7) Zone” provisions in order to:
  - a. Permit a single detached dwelling on the rear portion of the lot; and
  - b. Amend the development standards for an accessory building; and
2. To change a portion of the zoning to “Environmental Protection (EP) Zone”.

The proposal will facilitate the construction of a replacement detached dwelling on the rear portion of an existing lot of record. The applicant proposes to rezone a wetland and associated 30 metre buffer area to the EP Zone to prohibit development. The remaining portion of the lot will support a detached dwelling with an associated accessory building located partially in the front yard.

Owner:	Anahit and Hagop Isnar
Applicant:	TD Consulting – Tom deBoer
Legal Description:	North West Bay Range, Part Lot 34, 57R-242 Part 12, 12A & 12B; 57R-9630 Part 1, geographic Township of Bexley
Designation:	“Rural”, “Waterfront” and “Environmental Protection, City of Kawartha Lakes Official Plan
Zone:	“Rural Residential Type Three (RR3) Zone” and “Rural Residential Type Three Exception Seven (RR3-7) Zone” on Schedule ‘A’ of the Township of Bexley Zoning By-law No. 93-09, as amended
Lot Area:	0.85 ha. [2.17 ac. – MPAC]
Site Servicing:	Private individual on-site sewage disposal and well
Existing Uses:	Shoreline Residential
Adjacent Uses:	North: Shoreline Residential East: North Bay Drive, Balsam Lake South: Shoreline Residential West: Vacant Land, Wetland

## Rationale:

The property is located on the northwest side of North Bay Drive, between Balsam Lake Provincial Park and Coboconk. See Appendix ‘A’. It contains an existing one storey single detached dwelling with associated septic system and well, and a frame shed. The owners wish to replace the existing dwelling with a new two-storey, 239.6 sq. m. gross floor area (G.F.A.) single detached dwelling with replacement septic system and new detached garage. See Appendix ‘B’.

While the “Rural” designation in the Official Plan (OP) permits single detached dwellings, the portion of the lot identified for the proposed residential use is

zoned RR3-7 Zone, which only permits a residential accessory building. A Zoning By-law amendment is necessary to permit the principle residential use on this portion of the lot.

The applicant has submitted the following reports and plans in support of the application, which have been circulated to various City Departments and commenting Agencies for review.

1. Planning Justification Report prepared by Morgan Planning & Development Inc., dated November 2016. The report discusses and assesses the proposal in context of the 2014 Provincial Policy Statement, Growth Plan, the City of Kawartha Lakes Official Plan (OP), and the Township of Bexley Zoning By-law 93-09.
2. Environmental Impact Study prepared by Niblett Environmental Associates Inc., dated November 2016. The report discusses and assesses the proposal in context of the Natural Heritage Features and Conservation Authority Regulated Features on the lot.
3. Well Testing Report prepared by GHD, dated October 25, 2016.
4. Site Grading Plan prepared by Coe Fisher Cameron Land Surveyors, dated November 29, 2016.

Staff have reviewed the Planning Justification Report (PJR) filed in support of the proposed zoning by-law amendment. Kawartha Region Conservation Authority has reviewed the Environmental Impact Study (EIS) filed in support of this application.

### **Provincial Policies:**

#### **Growth Plan for the Greater Golden Horseshoe, 2006:**

This application conforms to the Growth Plan (GP). Section 2.2.9.2 allows that development may be permitted in rural areas in accordance with Section 2.2.2.1(i), which directs development to settlement areas, except where related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in settlement areas. This is an existing lot of record in the rural area, which cannot be located in a settlement area. The proposed use is a detached dwelling, which is currently permitted on a portion of the lot. This application serves to extend the residential use to an additional portion of the property, and to remove development potential on a natural heritage feature.

Therefore, this application does not conflict with the GP.

#### **Provincial Policy Statement, 2014 (PPS):**

The Provincial Policy Statement (PPS) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS provides that in rural areas, permitted uses and activities shall relate to the management or use of resources,

resource-based recreational uses, limited residential development, and other rural land uses. Section 1.1.5.4 of the PPS provides that development which is compatible with the rural landscape, and can be sustained by rural service levels should be promoted.

A Scoped EIS has been submitted and reviewed by KRCA in accordance with the PPS and the City's Official Plan. A locally significant wetland and significant wildlife habitat have been identified on and adjacent to this lot. Section 2.1.8 of the PPS prohibits development and site alteration on lands adjacent to the natural heritage features, which are identified in Sections 2.1.4 through 2.1.6 of the PPS, unless the ecological function of those lands have been evaluated, and it has been demonstrated there will be no negative impacts on the natural features or their ecological functions. The EIS has provided mitigation measures, including rezoning the wetland and adjacent 30 metres to an "Environmental Protection (EP) Zone" to protect it from any development. The EIS confirmed that the proposed development will have no negative impacts on the wetland and wildlife habitat. KRCA concurs with this conclusion.

On this basis, the application conforms to the policies of the PPS.

### **Official Plan Conformity:**

The lot is designated "Rural", "Waterfront" and "Environmental Protection" in the City's Official Plan (OP). The "Environmental Protection" designation follows a watercourse which traverses the rear portion of the lot. It will be contained within the proposed "EP" zone. The "Rural" designation encompasses the remaining rear portion of the lot, which is currently zoned "RR3-7" zone. Section 16.3 of the OP permits limited, low density single detached dwellings. The front portion of the lot is designated "Waterfront", and also permits single detached dwellings.

As noted above, the scoped EIS has confirmed the proposed development will have no negative impacts on the natural heritage features, identified on Schedule 'B' of the OP.

Therefore, this application conforms to the policies of the OP.

### **Zoning By-Law Compliance:**

The lot is zoned "Rural Residential Type Three (RR3) Zone" and "Rural Residential Type Three Exception Seven (RR3-7) Zone" in the Township of Bexley Zoning By-law. The "RR3" zone permits a vacation dwelling or single detached dwelling, including accessory buildings or structures. The "RR3-7" zone only permits a residential accessory building, with a minimum setback of 7.5 m. from the rear lot line of the abutting properties.

This application proposes to extend the uses in the "RR3" zone to the "RR3-7" zone; and to rezone the rear portion of the current "RR3-7" zone to the "Environmental Protection (EP) Zone" to protect an unevaluated wetland and associated 30 metre buffer from development. No buildings or structures will be permitted in the "EP" zone. The applicant has submitted a scoped EIS in support

of this application, which confirms that the proposed residential use will not negatively impact the natural heritage features and functions which are to be protected by the proposed “EP” zone. As noted above, the scoped EIS has been reviewed by KRCA, in accordance with the Natural Heritage and Hazard policies of the PPS. The EIS has delineated the wetland boundaries and other natural heritage features, based on field verification.

The original application sought to rezone a portion of the lot to the “RR3” zone, however, staff recommend retaining the current “RR3-7” zone exception, in order to maintain specific development standards for this lot, based on the proposal.

The “RR3” zone and current and proposed “RR3” exception zone” provisions are noted in the following table:

	<b>RR3 Zone Requirements:</b>	<b>RR3-7 Zone Requirements:</b>	<b>Proposed (NEW) RR3-7 Zone Requirements:</b>
Permitted Uses	<ul style="list-style-type: none"> <li>• Vacation dwelling</li> <li>• Single detached dwelling</li> <li>• Private cabin</li> <li>• Park</li> <li>• Home occupation</li> </ul>	<ul style="list-style-type: none"> <li>• Residential accessory uses to a residence located in the RR3 Zone</li> </ul>	<ul style="list-style-type: none"> <li>• Vacation dwelling</li> <li>• Single detached dwelling</li> <li>• Private cabin</li> <li>• Park</li> <li>• Home occupation</li> </ul>
Yard Location For Accessory Building	Side or Rear Yard	Side or Rear Yard	Front Yard
Minimum Interior Side Yard Setback (Residential Uses)	3 m. on one side and 1.2 m. on the other side	Only residential accessory uses are currently permitted	3 m. on one side, 1.2 m. on the other side, and 7.5 m. from an abutting rear lot line
Minimum Interior Side Yard Setback (Accessory Uses)	1.2 m. from any interior side	1.2 m. from any interior side, and 7.5 m. from an abutting rear lot line	1.2 m. from any interior side, and 4.0 m. from an abutting rear lot line

By maintaining the exception zone and modifying the provisions, this application would have the same effect as rezoning the lot to the “RR3 Zone”, and maintaining a larger setback to the abutting rear lot lines. The application complies with all other relevant provisions of the Zoning By-law.

### **Other Alternatives Considered:**

No other alternatives have been considered.

## **Financial Considerations:**

There are no financial considerations unless Council's decision to adopt or its refusal to adopt the requested amendments are appealed to the Ontario Municipal Board. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

## **Relationship of Recommendations To The 2016-2019 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

This application aligns with the healthy environment strategic goal as it provides to protect an existing wetland on the property.

## **Review of Accessibility Implications of Any Development or Policy:**

There are no accessibility implications for the City.

## **Servicing Comments:**

The existing dwelling is serviced by an on-site private sanitary sewage disposal system and individual well. The replacement dwelling will be serviced by a new on-site private sanitary sewage disposal system.

## **Consultations:**

Notice of this application was circulated to persons within a 500 metre radius, agencies, and City Departments which may have an interest in the application. To date, we have received the following comments:

### Agency Review & Public Comments:

March 16, 2017 – Bill Wiffen advised that he has no concerns.

March 17, 2017 – JT requested a copy of a survey showing the proposal.

March 19, 2017 – Mike Weckauf inquired if the proposed change would affect property tax values.

March 20, 2017 – The Building Division Part 8 Sewage System Program advised it has no objection, as the portion of the property to be rezoned rural residential will allow for the installation of an on-site sewage disposal system to service the proposed dwelling that will meet the requirements of the Ontario Building Code.

April 3, 2017 – Kawartha Conservation (KRCA) advised it has no objection based on consideration for natural heritage, natural hazards, and water quality and quantity protection policies, subject to adhering to the recommendations contained in Section 9 of a scoped Environmental Impact Study (EIS) prepared by Niblett Environmental Associates Inc., dated November 2016. A permit is required from KRCA for the proposed development, prior to issuance of municipal building permits.

April 10, 2017 – The Building Division advised it has no concerns.

April 13, 2017 – Ed and Nancy Koe advised that they were concerned the proposal could permit commercial uses on the property, and requested additional information.

April 17, 2017 – The Engineering and Corporate Assets Department confirms it has no objection to this application.

### **Development Services – Planning Division Comments:**

The appropriate background studies in support of the applications have been submitted and circulated to the appropriate agencies and City departments for review and comment. The application conforms to the Growth Plan and is consistent with the 2014 Provincial Policy Statement. The application also conforms to the policies of the Official Plan. The rezoning will ensure the subject land complies with the Zoning By-law. All other zoning provisions within the RR3 Zone will be maintained.

### **Conclusion:**

The application conforms to the provincial policies concerning rural lands. The application also conforms to the “Rural” designation and policies of the City’s Official Plan. Staff and circulated agencies support the application based on the information contained in this report and the comments received as of April 20, 2017. Staff respectfully recommends that the application be referred to Council for APPROVAL.

### **Attachments:**

Appendix ‘A’ – Location Map



PLAN2017-014  
Appendix A.pdf

Appendix ‘B’ – Site Plan – dated November 29, 2016



PLAN2017-014  
Appendix B.pdf

Appendix 'C' – RR3-7 Zone and General Provisions, By-law 93-09, as amended



PLAN2017-014  
Appendix C.pdf

Appendix 'D' – Proposed By-law Amendment



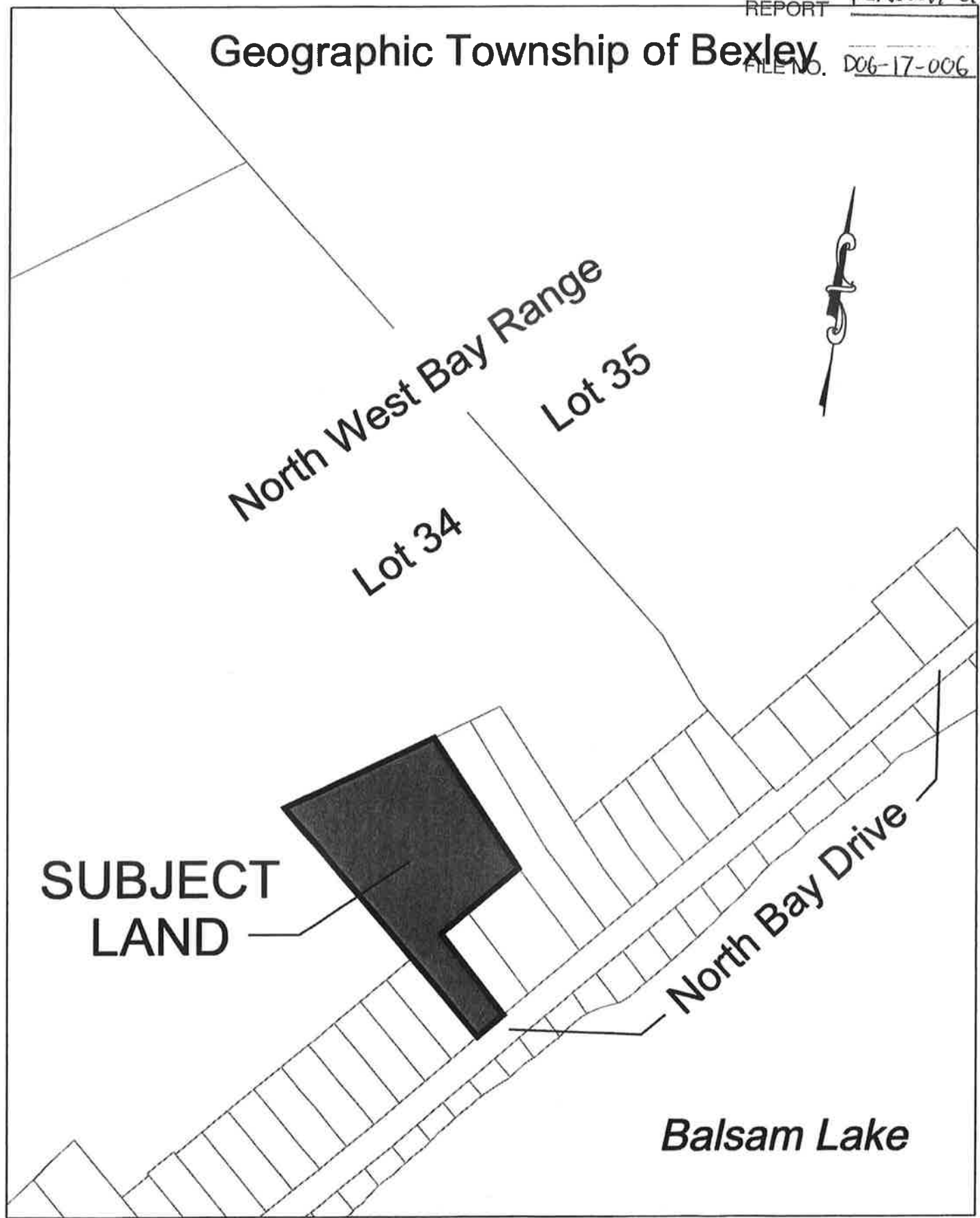
PLAN2017-014  
Appendix D.pdf

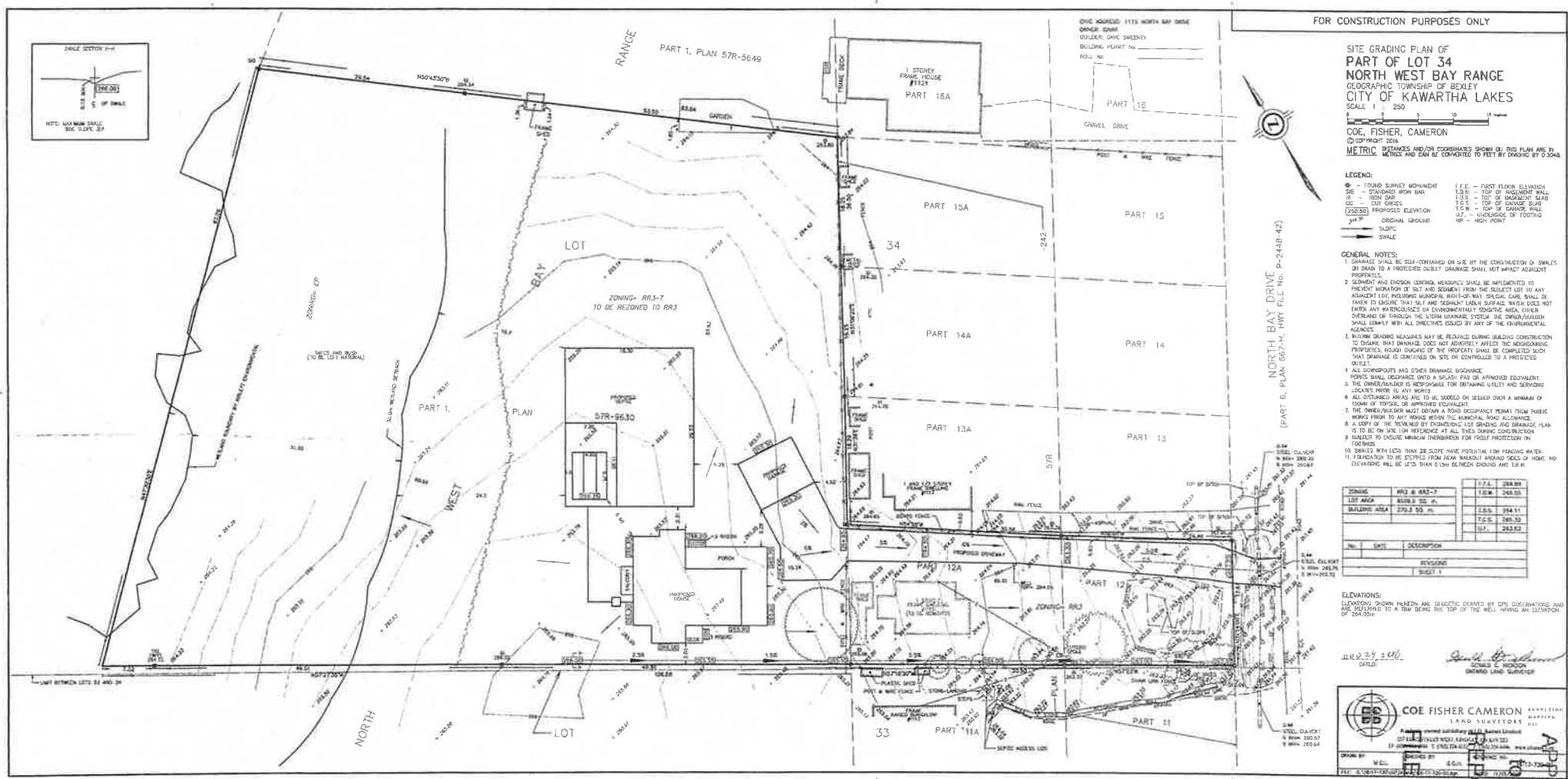
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<b>Phone:</b>	705-324-9411 ext. 1368 or 1-888-822-2225 ext. 1368
<b>E-Mail:</b>	<a href="mailto:iwalker@city.kawarthalakes.on.ca">iwalker@city.kawarthalakes.on.ca</a>
<b>Department Head:</b>	Chris Marshall, Director, Development Services
<b>Department File:</b>	D06-17-006



# Geographic Township of Bexley





SITE GRADING PLAN OF  
PART OF LOT 34  
NORTH WEST BAY RANGE  
GEOGRAPHIC TOWNSHIP OF BEXLEY  
CITY OF KAWARTHA LAKES

**METRIC:** DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRICS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

☆ - FOUND SURVEY MONUMENT  
 S16 - STANDARD IRON BAR  
 IIR - IRON BAR  
 CC - CUT GROES  
 (250.90) PROPOSED ELEVATION  
 218.30 ORIGINAL GROUND  
 F.F.E. - FIRST FLOOR ELEVATION  
 1.13 - TOP OF BASEMENT WALL  
 1.03 - TOP OF BASEMENT SLAB  
 T.G.S. - TOP OF GARAGE SLAB  
 T.G.W. - TOP OF GARAGE WALL  
 U.F. - UNDERSIDE OF FOOTING  
 HP - HIGH POINT

[illegible]

ELEVATIONS:  
ELEVATIONS SHOWN HEREON ARE GLOSATIC DERIVED BY GPS OBSERVATIONS AND  
ARE REFERRED TO A TBM BEING THE TOP OF THE WELL HAVING AN ELEVATION  
OF 264.03m



COE FISHER CAMERON  
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A member company of the U.S. Survey Limited  
251 EAST 121ST STREET, KENNESAW, GA 30144  
TELEPHONE: 770-424-6152 FAX: 770-424-6154 www.usurvey.com

DESIGNED BY: M.C. L. L.L.C. DRAWN BY: J.C. L. L.L.C. CHECKED BY: J.C. L. L.L.C. DATE: 12-22-01

APPENDIX "D"

REPORT

PLAN2017-044

Do6-17-006

12.3.4 **RURAL RESIDENTIAL TYPE THREE EXCEPTION FOUR (RR3-4) ZONE**

REPORT PLAN 2017-014

12.3.4.1 Notwithstanding subsection 12.2.1, article 12.2.1.2 (a), land zoned "RR3-4" shall be subject to the following zone provision:

FILE NO. D06-17-006

(a) Lot Frontage (min.) 17 m

12.3.5 **RURAL RESIDENTIAL TYPE THREE EXCEPTION FIVE (RR3-5) ZONE**

12.3.5.1 Notwithstanding subsection 12.1.1, land zoned "RR3-5" may only be used for one of the following uses:

- (a) Not more than two single detached dwellings
- (b) Home Occupation

12.3.5.2 Notwithstanding subsection 12.2.1, article 12.2.1.2 (c), land zoned "RR3-5" shall be subject to the following zone provisions:

- (a) Lot Frontage (min.) 60 m
- (b) distance between dwelling units (min.) 2.4 m

12.3.6 **RURAL RESIDENTIAL TYPE THREE EXCEPTION SIX (RR3-6) ZONE**

12.3.6.1 Notwithstanding subsection 12.2.1 article 12.2.1.8, on land zoned "RR3-6" a maximum of two dwelling units is permitted provided there is a minimum of 40 metres between dwelling units.

12.3.7 **RURAL RESIDENTIAL TYPE THREE EXCEPTION SEVEN (RR3-7) ZONE**

12.3.7.1 Notwithstanding subsections 12.1 and 12.2, land zoned RR3-7 shall only be used for residential accessory uses and such uses to be no closer than 7.5 m. to an abutting rear lot line.  
(B/L 2008-101)

**PART 12 - RURAL RESIDENTIAL TYPE THREE (RR3) ZONE**

**12.1 USES PERMITTED**

12.1.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Rural Residential Type Three (RR3) Zone, except for the following uses:

12.1.1.1 Vacation dwelling

12.1.1.2 Single detached dwelling

12.1.1.3 Private Cabin

12.1.1.4 Park

12.1.1.5 Home Occupation

**12.2 ZONE PROVISIONS**

12.2.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Rural Residential Type Three (RR3) Zone, except in conformity with the following zone provisions:

12.2.1.1 Lot Area (min.)

- |     |   |            |
|-----|---|------------|
| (a) | Communal or municipal water supply          | 1700 sq. m |
| (b) | Individual water supply and sewage disposal | 2000 sq. m |

12.2.1.2 Lot Frontage (min.)

- |     |   |      |
|-----|---|------|
| (a) | Communal or municipal water no shore lot line                   | 25 m |
| (b) | Individual water supply and sewage disposal - no shore lot line | 30 m |
| (c) | with shore lot line   | 30 m |

12.2.1.3 Yard Requirements (min.)

- |     |               |  |
|-----|---------------|--|
| (a) | front         | 7.5 m  |
| (b) | interior side | 3 m on one side and<br>1.2 m on the other side |
| (c) | exterior side | 7.5 m  |
| (d) | rear          | 7.5 m  |
| (e) | water setback | 15 m   |

12.2.1.4 Lot Coverage (max.) 30 %

**PART 3 - GENERAL PROVISIONS**

**3.1 ACCESSORY BUILDINGS, STRUCTURES AND USES**

**3.1.1 PERMITTED USES**

3.1.1.1 Where this By-law provides that a lot may be used or a building or structure may be erected or used for a purpose, that purpose shall include any accessory building or accessory use, but shall not include the following:

- (a) any occupation for gain or profit conducted within or accessory to a dwelling unit or on the lot, except as in this By-law is specifically permitted; or,
- (b) any building used for human habitation, except as in this By-law is specifically permitted.

**3.1.2 LOCATION**

3.1.2.1 Except as otherwise provided herein or within a specific zone, any accessory building which is not part of the main building shall only be erected in an interior side or rear yard.

3.1.2.2 An accessory building may be erected not closer than 1.2 metres from a rear lot line and 1.2 metres from the side lot line nor closer to a street than the required front yard setback for the zone in which it is located and shall not be closer than 1.2 metres to a residential building located on the same lot.

3.1.2.3 Where a lot fronts on a navigable waterway, a private garage shall be permitted between the main building on the lot and the street line, provided such private garage complies with the yard provisions of the applicable zone.

**3.1.3 LOT COVERAGE AND HEIGHT**

3.1.3.1 The total lot coverage of all accessory buildings and structures, excluding private garages attached to the main building and outdoor swimming pools, shall not exceed 8 percent of the lot area to a maximum of 225 square metres.

# THE CORPORATION OF THE CITY OF KAWARTHA LAKES

## BY-LAW 2017 -

APPENDIX " D "  
to 1/2  
REPORT PLAN 2017-014  
FILE NO. D06-17-006

### A BY-LAW TO AMEND THE TOWNSHIP OF BEXLEY ZONING BY-LAW NO. 93-09 TO REZONE LAND WITHIN THE CITY OF KAWARTHA LAKES

[File D06-17-006, Report PLAN2017-014, respecting Part of Lot 34, North West Bay Range, geographic Township of Bexley, identified as 1115 North Bay Drive – ISNAR.]

#### **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 permit Rural Residential Type Three uses and to amend development standards on a portion of the subject land.
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 2017-\_\_.**

#### Section 1:00 Zoning Details

**Property Affected:** The Property affected by this by-law is described as Part of Lot 34, North West Bay Range, 57R-242 Part 12, 12A and 12B, 57R-9630 Part 1, geographic Township of Bexley, City of Kawartha Lakes.

- 1.02 **Textual Amendment:** By-law No. 93-09 of the Township of Bexley is further amended by deleting Section 12.3.7.1 and replacing it with the following:
  - "12.3.7.1 Notwithstanding subsection 12.2.1.3, land zoned "RR3-7" shall be subject to the following zone provisions:  
In addition to the minimum interior side yard provisions in 12.2.1.3(b), a vacation dwelling or single detached dwelling shall be no closer than 7.5 m. to an abutting rear lot line.
  - 12.3.7.2 Notwithstanding articles 3.1.2.1 and 3.1.2.2, on land zoned "RR3-7", an accessory building may be constructed in the front yard, and such building shall be no closer than 4.0 m. to an abutting rear lot line."
- 1.03 **Schedule Amendment:** Schedule 'A' to By-law No. 93-09 of the Township of Bexley is further amended to change the zone category from the Rural Residential Type Three (RR3) Zone to the Rural Residential Type Three Exception Seven (RR3-7) Zone for the land referred to as 'RR3-7'; and to change the zone category from the Rural Residential Type Three Exception Seven (RR3-7) Zone to the Environmental Protection (EP) Zone for the land referred to as 'EP', 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 \*\*\*, 2017.

\_\_\_\_\_  
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 \_\_\_\_\_ 2017.

MAYOR \_\_\_\_\_

CITY CLERK \_\_\_\_\_

"D"  
2/2

## Geographic Township of Bexley

North West Bay Range  
Lot 34 Lot 35

EP

RR3-7

North Bay Drive

*Balsam Lake*