

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2017-030

Date: June 7, 2017

Time: 1:00 p.m.

Place: Council Chambers

Public Meeting

Ward Community Identifier: Ward 15 – Omemee

Subject: An application to amend the Village of Omemee Zoning By-law to change the zone category from the Residential Type One (R1) Zone to the Residential Type Two (R2) Zone to allow a duplex as a permitted use for the property identified as 28 Rutland Street East, Omemee (MADSEN/BARKER)

Author and Title: Ian Walker, Planner II

Recommendations:

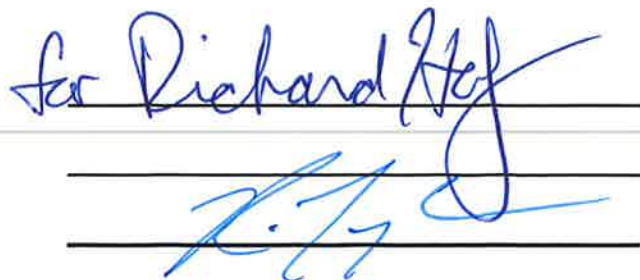
RESOLVED THAT Report PLAN2017-030, respecting **Plan 109 Part Mill Reserve, Concession 3 Part of Lot 7 Formerly Emily, 57R-7515 Parts 1, 3, 4 and 5, Former Village of Omemee, “MADSEN/BARKER – Application D06-17-017”**, be received; and

THAT Report PLAN2017-030 respecting Application D06-17-017 be referred back to staff to address the issues raised through the public consultation process and for further review and processing until such time that all comments have been received from all circulated agencies and City departments and that any comments and concerns have been addressed.

Department Head:

Legal/Other:

Chief Administrative Officer:



Background:

The applicant submitted a Zoning By-law Amendment application to change the zone category from the “Residential Type One (R1) Zone” to the “Residential Type Two (R2) Zone”. The intent of the change is to allow the conversion of the existing single detached dwelling into a duplex. The “R1” zone permits a single detached dwelling; a home occupation; a public park; and an elementary or secondary school. The “R2” zone permits all uses in the “R1” zone, in addition to a duplex dwelling; converted dwelling; or semi-detached dwelling. See Appendix ‘C’. The site is developed with a recently constructed replacement single detached dwelling. This proposal would result in the conversion of the dwelling to a duplex.

Owner:	Klaus Madsen and Denise Barker
Applicant:	TD Consulting – Tom deBoer
Legal Description:	Plan 109 Part Mill Reserve, Concession 3, Part of Lot 7 formerly Emily, 57R-7515 Parts 1, 3, 4 and 5, Former Village of Omemee
Designation:	“Urban Settlement Area”, City of Kawartha Lakes Official Plan; “Urban”, Victoria County Official Plan
Zone:	“Residential Type One (R1) Zone” and “Residential Type One – Flood [R1(F)] Zone” on Schedule ‘A’ of the Village of Omemee Zoning By-law No. 1993-15
Lot Area:	1,897.7 sq. m. [21,344.4 sq. ft. – MPAC]
Site Servicing:	Private well and municipal sanitary sewers and ditches
Existing Uses:	The property is currently developed with a single detached dwelling
Adjacent Uses:	North: Rutland Street East, Residential East: Mill Pond South: Mill Pond West: Vacant Land

Rationale:

The property is located on the south side of Rutland Street East to the north of the Mill Pond in Omemee. See Appendix ‘A’. The site is developed with a single

detached dwelling. The proposed development would convert the existing dwelling into a duplex, to create one additional dwelling unit in the same building. See Appendix 'B'. The lot subject to this proposal is located in the "Urban Settlement Area" designation in the City of Kawartha Lakes Official Plan (City OP), which requires the designations and associated land use policies of the Victoria County Official Plan (VCOP) apply until such time as the Omemee Secondary Plan (Omemee SP) is in force and effect. The "Urban" designation in the VCOP allows a broad range of residential uses, with low density uses predominating.

The applicant has submitted an as constructed grading plan of the property, including elevations, which has been circulated to various City Departments and commenting agencies for review. At this time, staff cannot determine the appropriateness of the proposal as responses from all City departments and commenting agencies have not been received. Staff recommend that the application be referred back to staff until such time as commenting agencies and/or City departments have submitted comments, and any concerns have been addressed, and to permit discussions with the applicant respecting conformity to applicable policies, if required.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2006:

The Growth Plan (GP) provides that growth should be directed towards settlement areas, and utilizes existing or planned infrastructure. The lot is located within the Omemee settlement area, and the proposed development will utilize the existing infrastructure. The GP envisions increasing intensification of the existing built-up area. This application facilitates the efficient use of existing building stock within a designated settlement area. Therefore, this application conforms to the policies of the Growth Plan.

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 requires planning authorities to direct growth to settlement areas, including redevelopment which utilizes existing or planned infrastructure, and to achieve efficient and resilient development and land use patterns. Redevelopment shall be directed in accordance with the policies of Section 2 and 3 of the PPS. The subject lot is not within or adjacent to natural heritage features or species at risk (SAR) as identified in Section 2 of the PPS. A portion of the lot has been identified as subject to a flooding hazard, as identified in Section 3 of the PPS. An as-constructed grading plan has been submitted, which has been circulated to Kawartha Region Conservation Authority (KRCA) for review and comment. KRCA has advised that the applicant requires

the surveyor to update the grading plan to show the flood elevation on the drawing. Full conformity with the PPS will be established through the review of the application.

Official Plan Conformity:

The lot is designated “Urban Settlement Area” on Schedule ‘A-3’ of the City OP. The “Urban” designation policies of the VCOP continue to apply to this property. The designation provides that development should proceed on the basis of a full range of municipal services anticipated in the community. The VCOP states that Omemee is anticipated to develop on communal sewage treatment with communal piped water in subdivisions. This property is serviced by municipal sewers, with a private well. Low density residential uses, such as a duplex, are permitted uses in the “Urban” designation.

Zoning By-Law Compliance:

The lot subject to this application is zoned “Residential Type One (R1) Zone” in the Village of Omemee Zoning By-law 1993-15. A “Flood” (F) provision applies to a portion of the property. See Appendix ‘C’. The applicant has submitted an application to change the use from the “R1” zone to the “Residential Type Two (R2) Zone” to permit two dwelling units on the lot. See Appendix ‘D’. The flood zoning limits the property to existing uses only. An increase in the number of dwelling units would not comply with the By-law, unless it is demonstrated that the use is located outside of the floodplain. Full compliance with the By-law will be established through the review of the application.

Other Alternatives Considered:

No other alternatives have been considered.

Financial/Operation Impacts:

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:

- Goal 1 – A Vibrant and Growing Economy
- Goal 2 – An Exceptional Quality of Life

- Goal 3 – A Healthy Environment

This application aligns with the exceptional quality of life strategic goal as it potentially provides to increase the supply of affordable housing and attract new residents to the City.

Servicing Comments:

The lot is serviced by a private individual well and municipal sanitary sewer system.

Consultations:

Notice of this application was circulated to persons within a 120 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:

May 12, 2017 – The Building Division advised that conversion of the dwelling to a duplex will require a building permit and/or change of use permit.

May 15, 2017 – The Engineering and Corporate Assets Department confirms it has no objection to this application.

May 26, 2017 – The Kawartha Region Conservation Authority advised that the building is within the floodplain. The flood line is required to be shown on the plan.

Development Services – Planning Division Comments:

The appropriate background information which includes a topographic survey has been submitted in support of the application and circulated to the appropriate agencies and City Departments for review and comment. At this time, comments have not been received from all circulated agencies and City Departments, and KRCA has requested the survey be amended to confirm the location of the floodplain relative to the dwelling. Staff recommend that the application be referred back to staff until such time as comments have been received from all circulated agencies and City Departments, and that any comments and concerns have been addressed.

Conclusion:

In consideration of the comments and issues contained in this report, staff respectfully recommend that the proposed Zoning By-law Amendment application be referred back to staff for further review and processing until such

time as comments have been received from all circulated agencies and City Departments, and that any comments and concerns have been addressed.

Attachments:

The following attached documents may include scanned images of appendixes, maps, and photographs. If you require an alternative format, please call Ian Walker, Planner II, (705) 324-9411 extension 1368.

Appendix 'A' – Location Map



PLAN2017-030
Appendix A.pdf

Appendix 'B' – Site Plan – dated February 9, 2015



PLAN2017-030
Appendix B.pdf

Appendix 'C' – Excerpt – Schedule 'A', Zoning By-law 1993-15, as amended



PLAN2017-030
Appendix C.pdf

Appendix 'D' – Excerpts – Zoning By-law 1993-15, as amended

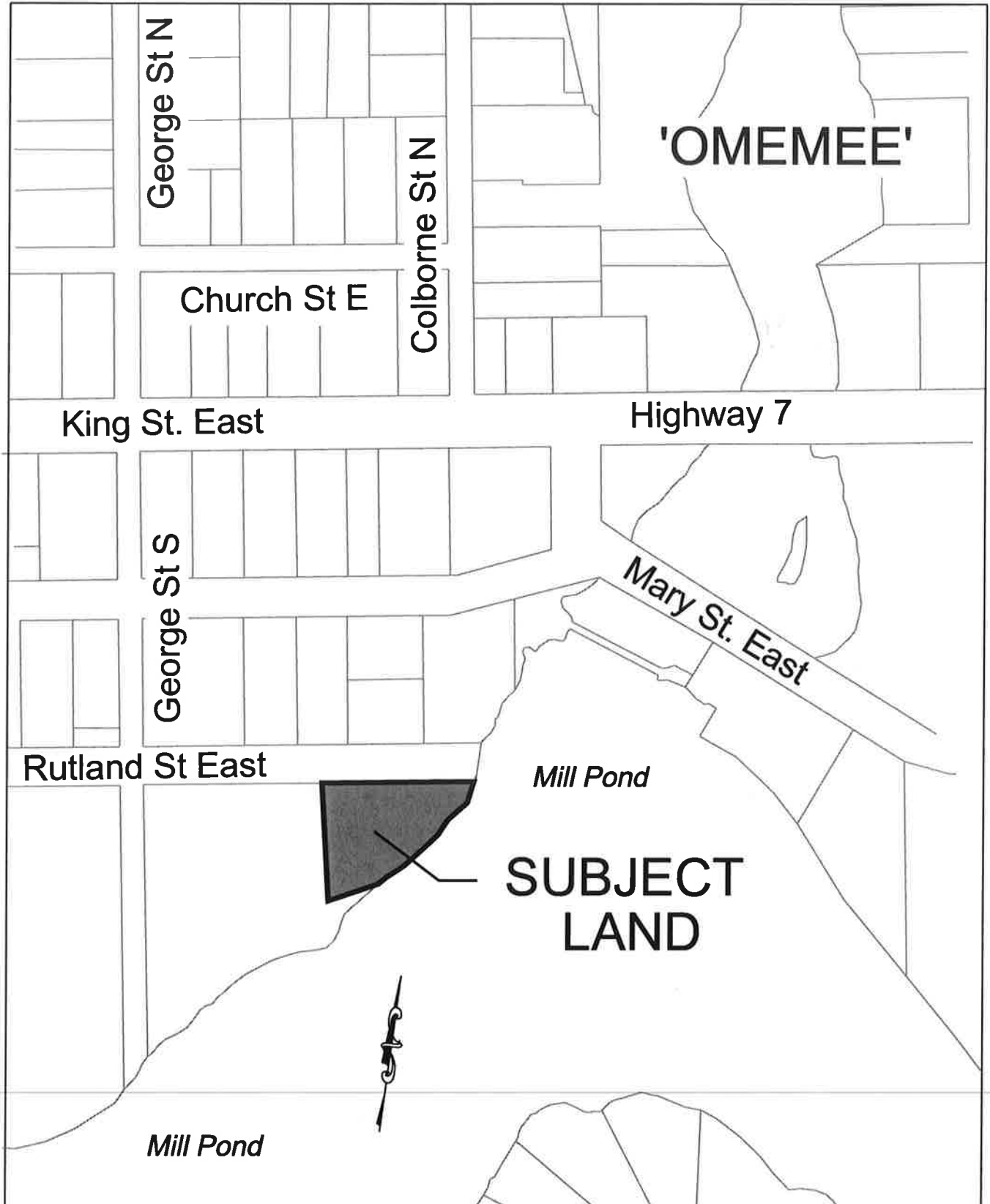


PLAN2017-030
Appendix D.pdf

Department Head E-Mail: cmarshall@city.kawarthalakes.on.ca

Department Head: Chris Marshall, Director, Development Services

Department File: D06-17-017



AS CONSTRUCTED
PART OF
REGISTERED
VILLAGE

PART OF
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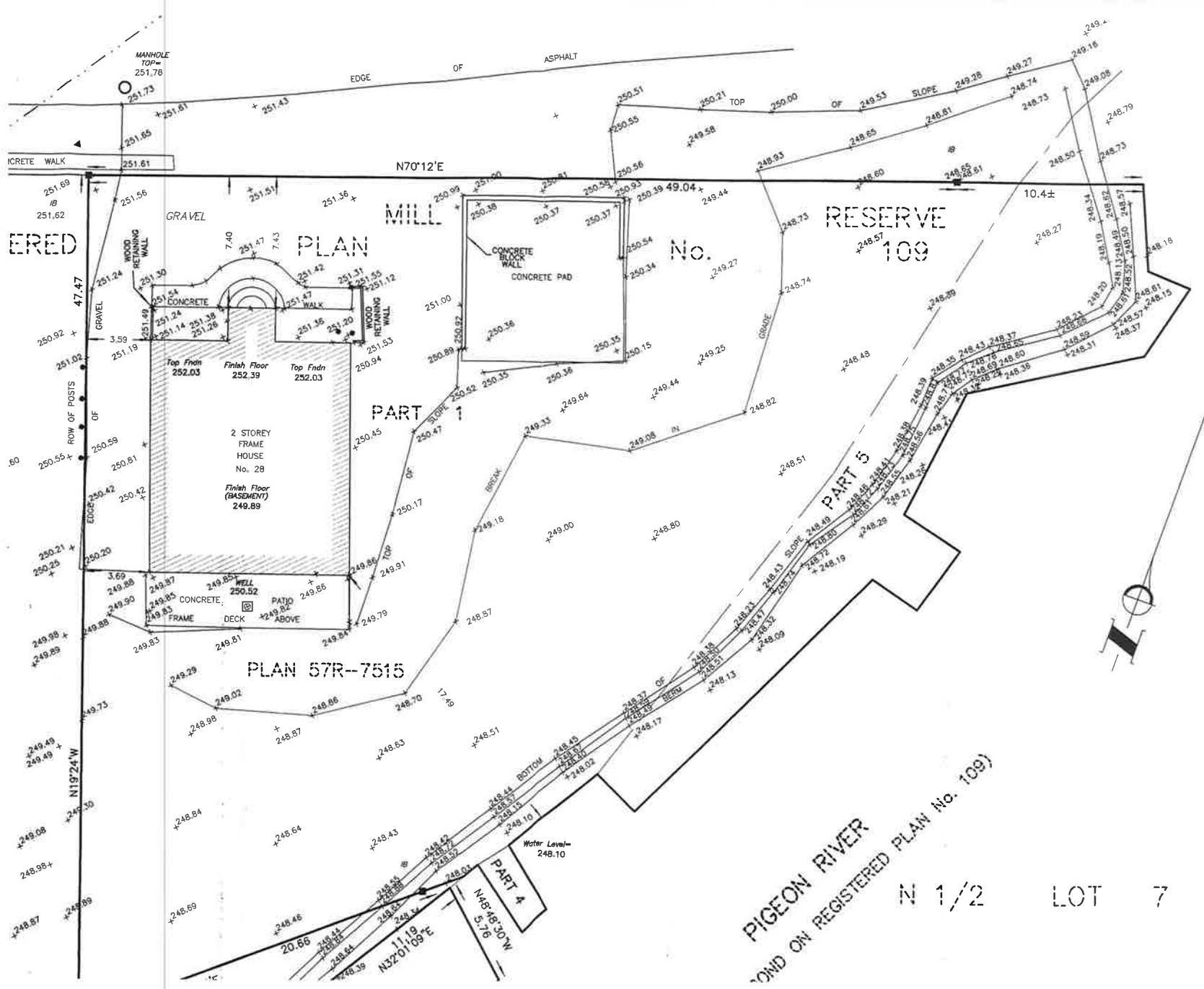
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COE, F
ONTARIO

LEGEND:
■ - FOUND SURVEY MONUMENT
□ - SET SURVEY MONUMENT
SIB - STANDARD IRON BAR
IB - IRON BAR

249.36 GROUND ELEVATION

ELEVATIONS:
ELEVATIONS SHOWN HEREON ARE
No. 00819828135 BEING A TABLE
OFFICE HAVING AN ELEVATION OF

APPENDIX "B"
to
REPORT PLAN 2017-030
FILE NO. D06-17-017



PIGEON RIVER
BOUND ON REGISTERED PLAN No. 109)

N 1/2 LOT 7



PART 9 - RESIDENTIAL TYPE TWO (R2) ZONE

9.1 USES PERMITTED

9.1.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Residential Type Two (R2) Zone, except for the following uses:

9.1.1.1 All uses permitted in the R1 Zone

9.1.1.2 Duplex dwelling, converted dwelling or semi-detached dwelling

9.1.1.3 Public Park

9.1.1.4 Elementary or Secondary School

9.2 ZONE PROVISIONS

9.2.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Residential Type Two (R2) Zone, except in conformity with the following zone provisions:

9.2.1.1 Lot Area (min. per d.u.)
(a) serviced with municipal sewers only 850 sq. m
(b) serviced with municipal sewers 700 sq. m
and a communal water system

9.2.1.2 Lot Frontage (min. per d.u.) 12 m

9.2.1.3 Yard Requirements (min.)
(a) front 7.5 m
(b) interior side 3 m
(c) exterior side 4.5 m
(d) rear 7.5 m

9.2.1.4 Lot Coverage (max.) 35 %

9.2.1.5 Building Height (max.) 11 m

9.2.1.6 Gross Floor Area (min. per d.u.) 65 sq. m

9.2.1.7 Landscaped Open Space (min.) 30 %

9.2.1.8 Density (max. per lot)
(a) Duplex or converted dwelling 2 d.u.
(b) Semi-detached dwelling 1 d.u.

PART 8 - RESIDENTIAL TYPE ONE (R1) ZONE

8.1 USES PERMITTED

8.1.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Residential Type One (R1) Zone, except for the following uses:

8.1.1.1 Single Detached Dwelling

8.1.1.2 Home Occupation

8.1.1.3 Public Park

8.1.1.4 Elementary or Secondary School

8.2 ZONE PROVISIONS

8.2.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Residential Type One (R1) Zone, except in conformity with the following zone provisions:

8.2.1.1	Lot Area (min.)	
	(a) serviced with municipal sewers and a communal water system	460 sq. m
	(b) serviced with municipal sewers only	830 sq. m
	(c) serviced with a communal water system only	1390 sq. m
	(d) serviced with a private well and private waste disposal system	2000 sq. m
8.2.1.2	Lot Frontage (min.)	
	(a) serviced with municipal sewers and a communal water system	15 m
	(b) serviced with municipal sewers only	17 m
	(c) serviced with a communal water system only	24 m
	(d) serviced with a private well and private waste disposal system	30 m
8.2.1.3	Yard Requirements (min.)	
	(a) front	7.5 m
	(b) interior side (corrected typo of 2 m)	1 m
	(i) one and one half storey	1.2 m
	(ii) two storeys or greater	2 m
	(c) exterior side	4.5 m
	(d) rear	7.5 m

3.17 **RELOCATED BUILDINGS**

- 3.17.1 In all zones, no buildings, residential or otherwise, shall be moved within the area covered by this By-law or shall be moved into the limits of the area covered by this By-law without a permit from the Chief Building Official.

3.18 **SPECIAL SETBACKS OR RESTRICTIONS**

3.18.1 ENVIRONMENTAL PROTECTION ZONE SETBACKS AND RESTRICTIONS

- 3.18.1.1 The following minimum setbacks shall apply to all buildings and structures:

- (a) from any class of environmental zone, the applicable yard requirement for the zone or a water setback of 15 metres whichever is greater.

- 3.18.1.2 No opening to any residential dwelling unit shall be permitted below a minimum opening elevation equal to the high water level, for an adjacent body of water, watercourse or lake, plus 0.3 metres.

- 3.18.1.3 For the purpose of establishing minimum opening elevations the following high water levels shall apply:

- (a) 247.0 metres C.G.S. Datum for the Pigeon River north of King Street
(b) 250.4 metres C.G.S. Datum for the Pigeon River south of King Street and for the Mill Pond Flood Plain north and south of King Street

3.18.2 DWELLING UNIT RESTRICTION

- 3.18.2.1 Except as specifically provided for within the applicable zone provisions, and notwithstanding article 3.13.1 a maximum of one dwelling unit per lot shall be permitted.

3.18.3 THROUGH LOTS

- 3.18.3.1 A through lot shall be subject to the front yard setback and other requirements contained herein on each street in accordance with the provisions of the zone or zones in which such lot is located.

- 3.18.3.2 In the case of a through lot having lot lines of equal length on each street, accessory buildings may be

located in only one yard adjoining a street, but no closer to the street line than the minimum front yard requirements.

3.18.4 INDUSTRIAL AND RESIDENTIAL SETBACKS AND RESTRICTIONS

3.18.4.1 In addition to the the landscaping requirements of Section 3.10 and notwithstanding the yard requirements of any zone,

- (a) Industrial uses shall be separated from residential lots based upon the following minimum setbacks:
 - (i) light industry 30 m
 - (ii) medium industry 90 m
 - (iii) heavy industry 300 m
- (b) Notwithstanding clause (a) the minimum setbacks from residential lots shall be reduced to 10 metres for light or 30 metres for medium industrial uses where the following provisions and regulations are met:
 - (i) mechanical ventilation, heating, cooling or dust collection equipment are located at ground level and located or equipped to suppress noise generation;
 - (ii) truck access, turnaround, parking and loading areas are separated from residential lots by the main building;
 - (iii) outside storage areas are separated from residential lots by the main building;
 - (iv) the main building has no openings other than emergency or employee entrances adjacent to residential lots.

3.18.5 COUNTY ROAD SETBACKS

3.18.5.1 The following minimum setbacks shall apply to all buildings and structures:

- (a) from the centre line of a County Road the setback shall be 21.5 metres except as otherwise provided by subsection 3.3.2.

3.18.6 FLOOD PLAIN (F)

3.18.6.1 Unless, otherwise specified within the applicable zone provisions, where the zone symbol, shown on Schedule A to this By-law, is followed by the flood plain (F) symbol, the use of land so zoned shall be limited to existing uses and conservation or forestry uses, exclusive of buildings or structures. New structures

or additions shall be permitted subject to compliance with the following provisions:

- (a) any building wall or floor that is constructed below the applicable minimum opening elevation listed in article 3.18.1.3 must be designed by an engineer or architect and certified as being capable of withstanding the hydrostatic pressures, created by flooding to the level specified by article 3.18.1.3;
- (b) vehicular and pedestrian ingress and egress to any new buildings shall not be subject to flooding to a depth greater than 0.5 metres;
- (c) non-residential accessory buildings shall be secured to a concrete pad or footing. Garages will only be permitted if flooding does not exceed 0.3 metres in depth.

3.19 **TEMPORARY USES PERMITTED**

- 3.19.1 Nothing in this By-law shall prevent the use of land or the use or erection of a building or structure for a scaffold or other temporary building or structure including a sales or rental office, incidental to construction in progress until such construction has been finished or discontinued for a period of 60 days or the building permit has lapsed.
- 3.19.2 In the case of a temporary sales or rental office, parking shall be provided in accordance with Section 3.14 hereof.
- 3.19.3 The use of temporary living quarters on a lot in any class of agricultural or residential zone may be permitted, on a temporary basis, for a period not to exceed 9 months, while a permitted residential dwelling unit is under construction. Such temporary living quarters shall be removed from the lot immediately after the expiry of the 9 month period or upon occupancy of the new dwelling, whichever occurs first.

3.20 **UNENCLOSED STORAGE OF UNLICENCED MOTOR VEHICLES**

- 3.20.1 No lot or part of a lot except a private garage shall be used for the storage of motor vehicles or parts of motor vehicles that have not been licenced for one year.