

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2019-014

Date: March 6, 2019
Time: 1:00 p.m.
Place: Council Chambers
Public Meeting

Ward Community Identifier: Ward 6 – Emily

Subject: An application to amend the Township of Verulam Zoning By-law 6-87 to rezone the property to facilitate a condition of provisional consent to sever rural land and consolidate it with an existing vacant rural residential lot. The portion of the proposed severed lands near the shoreline are to be rezoned from General Rural (A1) Zone to an Open Space (OS) Zone to prohibit the construction of buildings. The balance of the proposed severed land, as well as the benefitting land is to be rezoned from General Rural (A1) to a General Rural Exception Zone to adjust the setback requirements of the enlarged vacant rural residential lot

The property is described as Part of Lots 12-14, Concession 9, geographic Township of Verulam, City of Kawartha Lakes, identified as 34 Berry Lane (Elley) – Planning File D06-2019-002

Author and Title: David Harding, Planner II

Recommendations:

That Report PLAN2019-014, respecting Part of Lots 12-14, Concession 9, geographic Township of Verulam, City of Kawartha Lakes, identified as 34 Berry Lane – Planning File D06-2019-002, be received;

That a Zoning By-law Amendment respecting application D06-2019-002, substantially in the form attached as Appendix D to Report PLAN2019-014, 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.

Department Head:

Legal/Other:

Chief Administrative Officer:

Background:

On August 8, 2018 the Director of Development Services granted provisional consent to Consent Application D03-17-020. The application proposed to sever approximately 0.42 hectares of rural land belonging to 34 Berry Lane and add it to the abutting 0.58 hectare vacant rural residential lot.

Conditions of provisional consent were imposed to adjust the zone provisions for residential development.

The applicant has submitted a rezoning application for rural lands addressed as 34 Berry Lane as well as the vacant rural residential lot to the north, which the owners also hold title to. The applicant has submitted the following documentation in support of the application, which have been circulated to various City Departments and commenting Agencies for review:

1. Planning Justification Report prepared by EcoVue Consulting Services Inc. dated January 8, 2019. This document discusses the appropriateness of the application in the context of the Growth Plan (2017), Provincial Policy Statement (2014), applicable Official Plan and Zoning By-law.

Owners:	Emma and Paul Elley
Applicant:	Nolan Drumm, EcoVue Consulting Services Inc.
Legal Description:	Part of Lots 12-14, Concession 9, geographic Township of Verulam, now City of Kawartha Lakes
Official Plan:	"Rural" in the City of Kawartha Lakes Official Plan
Zone:	Severed and Retained - "General Rural (A1) Zone" Benefitting Lot: "General Rural (A1) Zone" and "Open Space (OS) Zone" Township of Verulam Zoning By-law 6-87, as amended
Site Size:	Benefitting Lot (Consolidated): 1 hectare Retained: 64.3 hectares
Site Servicing:	Retained: Private Individual Well and Sewage System Severed and Benefitting: None
Existing Uses:	Rural Land
Adjacent Uses:	North: Shoreline Residential East: Little Bob Channel South: Rural, Agricultural West: Rural Residential, Shoreline Residential

Rationale:

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2017 (GP):

Section 2.2.9 states that development outside of settlement areas may be permitted upon rural lands for resource-based recreational uses. The lot line adjustment proposes to add to an existing vacant rural residential lot that abuts the recreational resource of Little Bob Channel.

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

Provincial Policy Statement, 2014 (PPS):

The 2014 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 manage and direct land use to achieve efficient and resilient development and land use patterns. Development on rural lands is intended to compliment and be compatible with the rural landscape and rural service levels. Limited residential development (including recreational dwellings) and resource-based recreational uses are permitted. The application will facilitate a lot line adjustment to enlarge the area of a rural residential lot. As the lot has the ability to utilize the recreational resource of Little Bob Channel and no new lots are being created that would cause an increase in rural service levels, this proposal is consistent with the intent of development for recreational uses in the PPS.

Therefore, this application is consistent with the PPS.

City of Kawartha Lakes Official Plan (OP)

Land Use Designation: Rural

The designation anticipates an assortment of uses that cannot be contained within settlement areas due to the products and/or services they offer. Such uses are ranching, crop production, and forestry. Within the Rural designation, limited rural residential use is permitted, as are minor lot line adjustments. The Rural designation permits lots for residential purposes provided they do not exceed 1 hectare. The consolidated lot is proposed to fall under the 1 hectare maximum.

While the lot is within the Rural designation, it has shoreline frontage, is intended to function as a shoreline residential lot due to its size and is on the edge of a shoreline residential neighborhood to the north and northwest. That neighborhood is within the Waterfront designation. Due to the location of this lot, direction will also be sought from the lot creation policies within the Waterfront designation.

The Waterfront designation permits lots provided they are at least 4,000 square metres in area. The application meets the policy objectives of both designations by providing for a larger residential lot. Policy 3.11 sets new development 30

metres from the high water mark to retain as much natural shoreline vegetation as possible. The application proposes to amend the zoning by-law amendment to meet this policy objective.

Zoning By-law Compliance:

The subject property is zoned “General Rural (A1) Zone” in the Township of Verulam Zoning By-law 6-87.

The application seeks to expand the Open Space Zone category along the shoreline to protect it from development and to set an increased water setback to provide for an enhanced buffer between the shoreline and future development.

Other Alternatives Considered:

No alternatives have been considered at this time.

Financial/Operation Impacts:

There are no financial considerations unless Council’s decision is appealed to the Local Planning Appeal Tribunal. 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 goal as the application proposes to enlarge an existing vacant rural residential lot.

Servicing Comments:

The retained lot is serviced by a private individual well and septic system and the consolidated benefitting lot is un-serviced.

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 comments were received from the Building Division, Building Division Part 8 Sewage Systems, Community Services Department and Engineering and Corporate Assets Department.

No comments were received from the public.

Development Services – Planning Division Comments:

The application conforms to the Growth Plan and is consistent with the Provincial Policy Statement. The application also conforms to the policies of the Official Plan. The proposed Zoning By-law Amendment contained in Appendix “D” will ensure the enhanced protection of the shoreline once residential development occurs.

Conclusion:

The application conforms to the provincial policies concerning rural lands. The application also conforms to the “Waterfront” designation policies in the City’s Official Plan. Staff support the application based on the information contained in this report and the comments received as of February 18, 2019. Staff respectfully recommends that the application be referred to Council for APPROVAL.

Attachments:

Appendix ‘A’ – Location Map



Appendix A to
PLAN2019-014.pdf

Appendix ‘B’ – Aerial Photograph



Appendix B to
PLAN2019-014.pdf

Appendix ‘C’ – Sketch and Elevation



Appendix C to
PLAN2019-014.pdf

Appendix ‘D’ – Draft Zoning By-law Amendment



Appendix D to
PLAN2019-014.pdf

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall

Department File: D06-2019-002