

The Corporation of the City of Kawartha Lakes

Council Report

Report Number PLAN2020-012

Meeting Date: May 26, 2020

Title: Official Plan and Zoning By-law Amendments to facilitate a residential severance of an existing dwelling

Description: Applications to amend the City of Kawartha Lakes Official Plan and Township of Verulam Zoning By-law 6-87 on land described as Part Lot 5, Concession 4, geographic Township of Verulam, City of Kawartha Lakes and identified as 2152 City Road 36 (Parkbridge Lifestyle Communities Inc.)

Ward Number: Ward 6

Author and Title: Anna Kalnina, Planner II

Recommendation(s):

That Report PLAN2020-012, respecting Part Lot 5, Concession 4, geographic Township of Verulam, Parkbridge Lifestyle Communities Inc. – Applications D01-2020-001 and D06-2020-003, be received;

That a By-law to implement the proposed Official Plan Amendment, substantially in the form attached as Appendix B to Report PLAN2020-012, be approved and adopted;

That the Zoning By-law Amendment, substantially in the form attached as Appendix C to Report PLAN2020-012, be approved and adopted; and

That the Mayor and Clerk be authorized to execute any documents required by the approval of these applications.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

The statutory public meeting was held by the Planning Advisory Committee on March 11, 2020 and the following resolution was passed:

PAC2020-007

Moved By Mayor Letham

Seconded By Councillor Seymour-Fagan

That Report PLAN2020-007, **respecting Part Lot 5, Concession 4, geographic Township of Verulam, Parkbridge Lifestyle Communities Inc. – Applications D01-2020-001 and D06-2020-003**, be received; and

That Report PLAN2020-007 respecting Applications D01-2020-001 and D06-2020-003 be referred back to staff to address any 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.

Carried

This report addresses that direction.

This report provides an evaluation of the applications in the context of the recently updated Provincial Policy Statement 2020 and a review of conditions proposed in the draft Zoning By-law.

Rationale:

EcoVue Consulting Services Inc. has submitted applications to amend the 'Rural' designation in the City of Kawartha Lakes Official Plan to include a Special Provision, and to amend the 'General Rural (A1) Zone' and 'Open Space (OS) Zone' in the Township of Verulam Zoning By-law 6-87 with Exception Zones in order to facilitate a severance of an existing dwelling from the existing recreational commercial operation. The Report PLAN 2020-007, included as Appendix 'A,' provides further details of the proposal.

Provincial Policy Statement (PPS) 2020

The applications were received and reviewed under the PPS 2014 and staff have concluded in the Report PLAN 2020-007 that the applications are consistent with the PPS 2014.

The PPS 2020 was released on February 28, 2020 and came into effect on May 1, 2020. In accordance with the Planning Act, subsection 3(5), a decision of the Council of a municipality shall be consistent with the policy statement that is in

effect on the date of the decision. Therefore, the applications are now subject to the policies in the PPS 2020.

The PPS 2020 was reviewed for changes as they relate to the applications, and there is one applicable change. Policy 1.1.5.2 in the PPS 2020 permits on rural lands, residential development, including lot creation that is locally appropriate. The proposed severance is not anticipated to affect the rural character, nor would it result in additional non-agricultural development as the dwelling subject to the proposed severance already exists and additional dwellings are proposed to be prohibited on the remnant A1 area. The proposed residential lot, therefore, is considered to be locally appropriate.

There are no further applicable changes in the PPS 2020 that affect the applications. Staff are satisfied that the applications are consistent with the PPS 2020.

Analysis of Conditions in the Draft Zoning By-law Amendment

1. Expansions in the vegetation protection buffer

The applicant has proposed to amend the OS zone boundary in the Township of Verulam Zoning By-law 6-87 to delineate a 30-metre vegetation protection buffer and floodplain area. The majority of the existing dwelling falls within the 30-metre vegetation buffer. In the OS zone, however, dwellings are not permitted. The applicant has, therefore, requested that the OS zone have an exception that recognizes the existing buildings and structures within the proposed 30-metre vegetation protection buffer and permits expansions to the existing buildings and structures subject to conditions.

The Report PLAN2020-007 notes that the GP policy 4.2.3.1.e) allows expansions to existing buildings and structures into the vegetative protection zone where there is no other alternative. Where that is the case, the GP provides that expansions must be limited in scope and kept within close geographical proximity to the existing structure.

The majority of the existing dwelling's footprint is within the vegetative protection buffer and expansion opportunities are limited. The applicant has delineated the floodline and intends to maintain it zoned OS, which ensures development in the hazardous lands is prohibited and some buffering is maintained from the hydrologic and natural heritage features. Consequently, Staff have determined it reasonable to recognize the existing residential use within the OS zone and allow for limited expansion outside of the floodplain.

To develop appropriate limits on any potential expansion in accordance with the GP, Staff consulted with Kawartha Conservation (KRCA). The existing dwelling and the surrounding areas are within the KRCA's regulated area and any additions to the existing dwelling would be subject to a permit from the Conservation Authority. KRCA's policies 4.4.2(7) and 4.4.2(8) provide that development should be directed away from the floodplain and areas susceptible to erosion hazard (area within 6 metres of the floodplain), where possible.

Staff also considered relevant City of Kawartha Lakes Zoning By-laws on expansions in protected areas. Section 18.2.1 Enlargements of an Existing Building in the Township of Ops Zoning By-law 93-30 allows for enlargements to existing buildings within the Hazard Lands (HL) Zone by a maximum of 25 percent of the ground floor area that existed as of the date of passing of the By-law. The overall intent of the HL Zone in the Ops Zoning By-law is similar to the OS Zone in the Verulam Zoning By-law.

Further to the above, Staff recommend that the OS-16 Zone boundary be delineated such that it directs any potential expansions away from the floodplain or the erosion hazard area, and that the Zone limit expansion to the existing dwelling to be no more than 25 percent of the ground floor area, which Staff computed to be 30 square metres from the existing ground floor area. Provided that the existing dwelling has a gross floor area of 247 square metres, the maximum expansion to the gross floor area may not exceed 277 square metres.

2. Residential development in remnant area

The proposed severance would create a retained lot where recreational activities are intended to continue unaffected. Within the proposed retained lot, the area immediately abutting the proposed residential lot would remain zoned A1. The resulting abutting remnant A1 area would be about 1.5 hectares. Once the existing dwelling is severed off, this remnant area would have the effect of allowing an agricultural use, and a single detached or a seasonal dwelling.

A new dwelling on the remnant A1 area would not be desirable and would not be locally appropriate. In considering the goals and objectives of the Rural designation, Staff conclude that it is appropriate to limit further non-farm development and the possibility of another residential lot in the remnant A1 area. The applicant has provided that there are no plans to expand the commercial use into the remnant A1 area. Staff, therefore, recommend the remnant A1 area be zoned A1-22 and prohibit dwellings.

Other Alternatives Considered:

No other alternatives have been considered.

Financial/Operation Impacts:

There are no financial/operational 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 Recommendation(s) To The 2020-2023 Strategic Plan:

The Council Adopted Strategic Plan identifies four Strategic Priorities:

- A Vibrant and Growing Economy

- An Exceptional Quality of Life
- A Healthy Environment
- Good Government

The applications align with a vibrant and growing economy, as they meet the goal of protecting and supporting agricultural land and rural business, while also supporting tourism by responding to the changing needs of the business model. The applications also support a healthy environment by promoting sustainable development.

Consultations:

Public:

No additional comments have been received since those detailed at the Public Meeting on March 11, 2020.

Agency Review Comments

May 14, 2020 Agriculture Development Officer, Economic Development is supportive of the severance of the residential lot on the lands to be zoned A1-21 and supportive of the restriction prohibiting a dwelling on the lands to be zoned A1-22. These provisions will allow current and future agricultural uses to remain on this portion of the property. Protection of agricultural lands for current and future uses is supported in the Kawartha Lakes Strategic Plan as well as the Economic Development Strategy and there are often demands for small pieces of agricultural lands for small scale production.

Conclusion:

In consideration of the comments and issues in this report, Staff respectfully recommend the proposed Official Plan and Zoning By-law Amendment applications be approved.

Attachments:

The following attached documents may include scanned images of maps and drawings. If you require an alternative format, please contact Anna Kalnina, Planner II, akalnina@kawarthalakes.ca.

Appendix 'A' – Report PLAN 2020-007



Appendix A -
Report PLAN2020-00

Appendix 'B' - Proposed Official Plan Amendment



Appendix B -
Proposed OP Amenc

Appendix 'C' - Proposed Zoning By-law Amendment



Appendix C -
Proposed Zoning By

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall, Director, Development Services

Department File: D01-2020-001 and D06-2020-003