



## Planning Advisory Committee Report

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<b>Report Number:</b>	<b>PLAN2022-030</b>
<b>Meeting Date:</b>	August 10, 2022
<b>Title:</b>	<b>Amend the Verulam Zoning By-law 6-87 at Vacant Land on North Bayou Road, Verulam</b>
<b>Description:</b>	An application to amend the Township of Verulam Zoning By-law to permit a single detached dwelling on an existing lot of record on the property identified as Vacant Land on North Bayou Road, Verulam (Boehm)
<b>Type of Report:</b>	Regular Meeting
<b>Author and Title:</b>	Ian Walker, Planning Officer – Large Developments

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### Recommendations:

**That** Report PLAN2022-030, **Amend the Verulam Zoning By-law 6-87 at Vacant Land on North Bayou Road, Verulam, Boehm – Application D06-17-024**, be received;

**That** the zoning by-law amendment, substantially in the form attached as Appendix 'D' to Report PLAN2022-030, be referred to Council for approval and adoption;

**That** in accordance with Section 34(17) of the Planning Act, Council having considered the changes to the proposed Zoning By-law Amendment deems no further public notice to be necessary; and

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

**Department Head:** \_\_\_\_\_

**Legal/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

## **Background:**

The statutory public meeting was held by the Planning Advisory Committee on September 13, 2017 and the following resolution was passed:

### **PC2017-038**

**Moved By** Mayor Letham

**Seconded By** Councillor Miller

**Recommend That** Report PLAN2017-052, **Plan 551 Lot 63, Concession 2 Part of Lot 13, Geographic Township of Verulam, Boehm – Application D06-17-024**, be received; and

**That** Report PLAN2017-052 respecting Application D06-17-024 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.

The applicant originally submitted a zoning by-law amendment application to change the zone category from the 'Open Space (OS) Zone' to the 'Residential Type One (R1) Zone'. The 'OS' zone permits agricultural or forestry uses; a public park; or public use. The 'R1' zone permits a single detached dwelling; a seasonal dwelling (cottage); home occupation; and a neighbourhood park or parkette. Through consultation with the various agencies and City Departments, the proposed amendment will now change the zone category on the developable portion of the property to the 'Open Space Exception Eighteen (OS-18) Zone', to recognize the site specific use.

The subject property was originally vacant land, and the intent of the change is to facilitate the construction of a single detached dwelling on the lot. As such, a rezoning is required.

Owner: Dennis Boehm

Original Applicant: EcoVue Consulting Services Inc. c/o Kent Randall

Legal Description: Lot 63 Registrar's Compiled Plan 551; Part of Lot 13, Concession 2, Geographic Township of Verulam

Designation: 'Waterfront' on Schedule 'A-5' of the City of Kawartha Lakes Official Plan

Zone:	'Open Space (OS) Zone' on Schedule 'A' of the Township of Verulam Zoning By-law Number 6-87
Lot Area:	2,169.2 square metres [7,840.8 square feet – MPAC]
Site Servicing:	Currently none. Proposed private individual on-site sewage disposal and well are required
Existing Uses:	Vacant Land
Adjacent Uses:	North: North Bayou Road; Vacant Residential; Wetland East: North Bayou Road; Shoreline Residential; Wetland South: Shoreline Residential; Canal (Sturgeon Lake) West: Canal (Sturgeon Lake); Shoreline Residential

### **Rationale:**

The property is located on the south and west sides of North Bayou Road to the east of Hickory Beach Road, along the shoreline of Sturgeon Lake to the east of Sturgeon Point. See Appendix 'A'. According to the Municipal Property Assessment Corporation (MPAC) records, it is considered a vacant lot, however the initial concept plan shows an existing cottage to be removed, two (2) frame sheds, and a metal shed. The proposed development would remove the cottage and permit the construction of a new single detached dwelling on private services. See Appendix 'B'.

To address issues and concerns raised by the circulated commenting agencies and City Departments, the following additional information has been provided:

### **Flood Assessment and Flood Risk Mitigation Plan:**

- A review of flooding potential and mitigation measures was provided by C.C. Tatham & Associates Ltd. The study confirms no development within the wetland, and that the development will not be impacted by flooding.

The above revised information has been circulated to the appropriate agencies and City Departments for review and comment.

## **Provincial Policies:**

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 and including Amendment 1, 2020 (Growth Plan):**

Section 2.2.9 3. of the Growth Plan provides that development outside of settlement areas may be permitted on rural lands for: a) the management or use of resources; b) resource-based recreational activities; and c) other rural land uses that are not appropriate in settlement areas, provided they:

- i. are compatible with the rural landscape and surrounding local land uses;
- ii. will be sustained by rural service levels; and
- iii. will not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations.

Section 2.2.9 4. of the Growth Plan provides that where permitted on rural lands, resource-based recreational uses should be limited to tourism-related and recreational uses that are compatible with the scale, character, and capacity of the resource and the surrounding rural landscape, and may include where appropriate, resource-based recreational dwellings for seasonal accommodation. In accordance with Section 2.2.9 6., a new unit for residential development may be allowed on rural lands in site-specific locations with approved zoning or designation in an official plan that permitted this type of development as of June 16, 2006. The existing lot is designated 'Waterfront' which allows for one single detached dwelling. The applicant has submitted the appropriate studies to demonstrate the development can be serviced and appropriately placed outside of the natural features.

On this basis, this application demonstrates conformity with the Growth Plan.

### **Provincial Policy Statement, 2020 (PPS):**

The Provincial Policy Statement, 2020 (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. 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.

Development and site alteration shall be directed in accordance with the policies of Section 2 and 3 of the PPS. This includes natural heritage and hydrologic features (Section 2), and natural and man-made hazards (Section 3). The applicant submitted an Environmental Impact Study (EIS) prepared by Cambium Inc. and a supplementary Flood Assessment and Flood Risk Mitigation Plan (Flood Study) prepared by C.C. Tatham & Associates Ltd., which indicates all development can be accommodated outside of the floodplain and wetland.

Kawartha Conservation staff reviewed the EIS and Flood Study prepared in support of the zoning by-law amendment. Kawartha Conservation is accepting of rezoning the property to a site-specific 'Open Space' exception zone to recognize development of the identified portion of the property.

On this basis, this application is consistent with the policies of the PPS.

### **Official Plan Conformity:**

The subject property is designated 'Waterfront' on Schedule A-5 of the Official Plan. Permitted uses in this designation include limited low density residential development and accessory uses. Portions of the abutting properties have been identified as 'Provincially Significant Wetlands' (PSWs) on Schedule 'B-5' of the Official Plan. New development is not permitted in PSWs, but may be permitted in areas adjacent to the PSWs.

Section 3.11 of the Official Plan requires that new development achieve a minimum 30 metre setback from the high water mark to be maintained in its natural state with no disturbance of the vegetation and soils, with the exception of a boathouse and dock in the 30 metre setback. This is an existing lot of record which has sufficient area to accommodate this setback.

In accordance with Section 20.3.6 of the Official Plan, new development will be developed on individual services at a low density. Single unit residential lots are the preferred form of development. Such development shall be compatible with the surrounding character and not result in adverse environmental impacts.

In accordance with Section 28.6.7 of the Official Plan, where lots do not have direct access onto a maintained year round municipal road or provincial highway, the City will not permit development to take place, unless the development complies with one of five exceptions, including:

- if the lot is zoned 'Limited Service' in the local Zoning By-law;

- the lot is within a plan of subdivision where the road is to be assumed by the municipality as provided for in a subdivision agreement;
- the land owner has entered into an agreement or licence with the City for maintenance and/or construction of the road; or
- access will be over a road that is part of a condominium where the owner of the lot or unit is a member of the condominium.
- The area is within DP8 (Longford Area) except if application for consent, subdivision or condominium is made.

Currently, the eastern portion of North Bayou Road is held in private ownership. The eastern portion of the road, along with another unimproved, unassumed road allowance looping to the north have been identified as 1 ownership by the Land Registry Office (LRO) using a Property Identification Number (PIN) which is different from the western portion of North Bayou Road. The City's Realty Services Division has confirmed that the portion of North Bayou Road fronting this property is held in private ownership. As such, the use of a site-specific 'Open Space Exception' zone can achieve the same purpose as a 'Limited Service' zone in the Township of Verulam Zoning By-law, in recognition that the lot does not front on an improved, assumed public street held in public ownership.

The applicant has submitted the appropriate technical reports and background studies to demonstrate conformity with the Official Plan. On this basis, conformity with the policies of the Official Plan have been demonstrated.

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

The property is zoned 'Open Space (OS) Zone' in the Township of Verulam Zoning By-law 6-87 (the 'By-law'). The applicant originally requested to change the zone category to the 'Residential Type One (R1) Zone' for the entire site, to permit a single detached dwelling and accessory uses. Through the detailed analysis of the proposal and discussion with Kawartha Conservation, it was determined that the appropriate zoning would be an 'Open Space Exception (OS-) Zone', to recognize the existing development footprint located outside of the wetland boundary. As such, the portion of the property where development may be proposed will be changed to the 'Open Space Exception Eighteen (OS-18) Zone', with the balance of the lands remaining in the 'Open Space (OS) Zone'.

**Exception Zone:**

The 'OS-18' zone will specifically permit the same uses as the 'Limited Service Residential (LSR) Zone', being only a single detached dwelling or seasonal dwelling along with the required accessory uses, or a neighbourhood park or parkette, and in addition, recognizes a number of site-specific development standards as follows:

<b>Zone Standard:</b>	<b>'R1' zone:</b>	<b>'LSR' zone:</b>	<b>'OS' zone</b>	<b>'OS-18' zone:</b>
Permitted Uses	a. Single Detached Dwelling b. Seasonal Dwelling c. Home Occupation d. Neighbourhood Park or Parkette	a. Single Detached Dwelling b. Seasonal Dwelling c. Neighbourhood Park or Parkette	a. Agricultural or Forestry Use b. Public Park c. Public Use	a. Single Detached Dwelling b. Seasonal Dwelling c. Neighbourhood Park or Parkette
Minimum Lot Area	2,050 sq. m.	2,050 sq. m.	Not Applicable	2,150 sq. m.
Minimum Lot Frontage	36 m.	36 m.	Not Applicable	12 m.
Minimum Water Frontage	36 m.	36 m.	Not Applicable	12 m.
Minimum Front Yard Depth	7.5 m.	7.5 m.	Not Applicable	7.5 m.
Minimum Exterior Side Yard Width	7.5 m.	7.5 m.	Not Applicable	7.5 m.
Minimum Interior Side Yard Width	3.0 metres on one side, 1.8 metres on the other side	3.0 metres on one side, 1.8 metres on the other side	Not Applicable	3.0 m.
Minimum Rear Yard Depth	7.5 m.	7.5 m.	Not Applicable	5.0 m.
Minimum Dwelling Unit Area	85 sq. m.	85 sq. m.	Not Applicable	60 sq. m.

<b>Zone Standard:</b>	<b>'R1' zone:</b>	<b>'LSR' zone:</b>	<b>'OS' zone</b>	<b>'OS-18' zone:</b>
Minimum Landscaped Open Space	30%	30%	Not Applicable	30%
Maximum Lot Coverage	33%	33%	Not Applicable	25%
Maximum Height of Building	10.5 m.	10.5 m.	Not Applicable	10.5 m.
Maximum Dwelling Units Per Lot	1 only unless a converted dwelling	1	Not Applicable	1
Accessory Uses, Parking, Etc.	In accordance with the provisions of Section 5 hereof.	In accordance with the provisions of Section 5 hereof.	Not Applicable	In accordance with the provisions of Section 5 hereof.
Minimum Water Setback	15 m.	15 m.	Not Applicable	30 m.
Minimum Opening Elevation	Not Applicable	Not Applicable	Not Applicable	248.70 masl
Minimum Setback to OS zone	Not Applicable	Not Applicable	Not Applicable	3.0 m.

The proposed location of the development has not changed since the initial submission. The By-law requires 2 parking spaces for the dwelling unit type (single detached or seasonal dwelling). Based on the definitions in the By-law, the shoreline is considered to be the Front Lot Line. As such, the Rear Lot Line is the lot line abutting North Bayou Road, and a reduced 5.0 metre setback is proposed, due to the constraints on the western shoreline portion of the site. The existing building has a gross floor area of 64 square metres, as such, a minimum of 60 square metres is proposed. The 'OS-18' zone is estimated to be approximately 33% of the entire property, therefore a maximum of 25% has been selected for the maximum lot coverage, as parking spaces and on-site sewage need to be located in the 'OS-18' zone, and no other buildings or structures are permitted outside the 'OS-18' zone.

A Minimum Opening Elevation of 248.70 metres above sea level (masl) has been included in the By-law, which requires that all openings are located a minimum of 0.3 metres above the flood elevation of 248.40 masl for Sturgeon Lake. 0.3 metres of freeboard is the standard used for floodproofing. In addition, all buildings or structures are required to be a minimum of 3.0 metres away from the 'OS' zone, which applies to the wetland. All other setbacks are the same or similar to the existing 'LSR' zone. On this basis, compliance with the By-law has been demonstrated.

### **Other Alternatives Considered:**

No other alternatives have been considered.

### **Alignment to Strategic Priorities:**

The Council Adopted Strategic Plan identifies these Strategic Priorities:

1. Healthy Environment
2. An Exceptional Quality of Life
3. A Vibrant and Growing Economy
4. Good Government

This application aligns with the 'Healthy Environment' priority by continuing to protect the natural shoreline while allowing development on an existing lot of record; and aligns with the 'Exceptional Quality of Life' priority by allowing a new development which provides new housing stock.

### **Financial/Operation Impacts:**

There are no financial considerations unless Council's decision to adopt or their refusal to adopt the requested amendment is appealed to the Ontario Land Tribunal (the 'Tribunal'). In the event of an appeal, there may be costs, some of which may be recovered from the applicant.

### **Servicing Comments:**

The property is currently serviced with a Class 1 Privy. Private individual water and sewage services are proposed for the development.

## **Consultations:**

Notice of this application was circulated to agencies and City Departments which may have an interest in the application; to persons within a 500 metre radius of the property; and a Public Meeting was held by the Planning (Advisory) Committee on September 13, 2017. Including the writing of the original report for the Public Meeting and as of July 28, 2022, we have received the following comments:

### **Public Comments:**

Comments were received from residents G. Sicilia, Mr. and Mrs. Tarantino and Ms. Monteleone in support of the application. Comments were received from D. Waterson indicating they do not anticipate any impact to them from drainage issues associated with the proposed development.

### **Agency Review Comments (most recent response):**

- |                   |  |
|-------------------|--|
| August 24, 2017   | The Engineering and Corporate Assets Department confirmed it has no objection to this application.   |
| September 7, 2017 | The Chippewas of Rama First Nation confirmed they reviewed the Public Meeting Notice, shared it with Council, and also forwarded a copy to the Williams Treaties First Nation Process Co-ordinator/Negotiator.   |
| November 15, 2017 | The Community Services Department confirmed they have no concerns or comments.   |
| March 15, 2022    | Kawartha Conservation advised they will allow for an exception zoning to recognize the residential use, while retaining the Open Space zoning which recognizes the hazards associated with the property.   |
| June 14, 2022     | The Building and Septic Division's Part 8 Sewage Systems confirmed that the property could be serviced with a Class 5 Holding Tank for development as the site currently has sanitary disposal through a Class 1 Privy. A site visit was completed, and confirmation provided that the application can proceed with an alternative system. |
| July 27, 2022     | The Public Works – Roads Division confirmed that North Bayou Road is assumed by service and fully maintained with an approximate length of 690 metres.   |

July 28, 2022

The Realty Services Division confirmed that the portion of North Bayou Road fronting this property with PIN 63125-0500 is held in private ownership.

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

The background information which has been submitted in support of the application has been circulated to the appropriate agencies and City Departments for review and comment. Kawartha Conservation has confirmed they are in support of the site specific exception zone, with the wetland portion of the site remaining undeveloped and in the appropriate 'Open Space' zoning. The Building and Septic Division has confirmed that an appropriate on-site Class 5 sewage system can fit in the developable portion of the site.

The application conforms to the Growth Plan, and is consistent with the PPS. Conformity with the City of Kawartha Lakes Official Plan policies for waterfront development has also been demonstrated.

### **Conclusion:**

In consideration of the comments and issues contained in this report, Staff respectfully recommend the proposed Zoning By-law Amendment application be referred to Council for **Approval**.

### **Attachments:**

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please email or call Ian Walker, Planning Officer – Large Developments, [iwalker@kawarthalakes.ca](mailto:iwalker@kawarthalakes.ca) or (705) 324-9411 extension 1368.

Appendix A – Location Map



PLAN2022-030  
Appendix A.pdf

Appendix B – Original Development Concept Plan, dated April 27, 2017



PLAN2022-030  
Appendix B.pdf

Appendix C – Flood Assessment Plan, dated August, 2018



PLAN2022-030  
Appendix C.pdf

Appendix D – Proposed Zoning By-law Amendment



PLAN2022-030  
Appendix D.pdf

**Department Head Email:** [rholy@kawarthalakes.ca](mailto:rholy@kawarthalakes.ca)  
**Department Head:** Richard Holy, Director of Development Services  
**Department Files:** D06-17-024