



## Planning Advisory Committee Report

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<b>Report Number:</b>	<b>PLAN2022-056</b>
<b>Meeting Date:</b>	September 14, 2022
<b>Title:</b>	Rezoning Application by 1231674 Ontario Inc. (Apex Development Group)
<b>Description:</b>	Rezoning Application (D06-2022-022) to Permit Porch and Rear Deck Encroachments, Increase Lot Coverage, and Reduce Side Yard Setbacks
<b>Type of Report:</b>	Public Meeting
<b>Author and Title:</b>	Richard Holy, Director of Development Services

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### Recommendations:

**That** Report PLAN2022-056, **Rezoning Application – 1231674 Ontario Inc. (Apex Development Group)**, be received;

**That**, provided that there are no substantive public concerns raised at the Public Meeting, the rezoning application for the Apex Development Group, substantially in the form attached as Appendix "D" to Report PLAN2022-056 be approved by Council; and

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

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

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

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

## **Background:**

The proposed development is in Bobcaygeon (see Appendix “A”) and was registered in the 1990’s. The subdivision is partially developed with a number of the lots having single detached dwellings located on them; however numerous lots in the subdivision are presently not developed.

It became apparent to staff in 2005/2006 that insufficient securities were against the subdivision to ensure the completion of the required services. The previous developer was not interested in bringing the existing subdivision up to current standards.

This development was deemed by the City in October 2006 to ensure that no further development would take place in the subdivision until the matter of completing the services with appropriate guarantees was achieved. The matter with the previous developer has been adjudicated and the Apex Development Group has purchased the property with the intent of completing the servicing to current City standards and developing remaining 62 lots (see Appendix “B”).

Owner:	1231674 Ontario Inc. (Apex Development Group)
Applicant:	MHBC Limited
Legal Description:	Lots 48 to 81, 86 and 87 on Plan 626 and Lots 1 to 27 on Plan 627
Official Plan:	Urban in the County of Victoria Official Plan
Zoning:	Urban Residential Type One (R1) Zone in Village of Bobcaygeon Zoning By-law 16-78
Area:	3.86 hectares (9.54 acres)
Site Servicing:	The property will be serviced by full municipal water, sanitary, and stormwater management facilities.
Existing Uses:	The property is currently vacant.
Adjacent Uses:	North: Parkland  East: Urban residential  South: Urban residential  West: Vacant land

## **Rationale:**

MHBC Limited has submitted the rezoning application on behalf of Apex Development Group to change to the R1 zone is to accommodate:

- Reduce the front yard setback from 7.5 metres to 6.0 metres;

- Reduce the side yard setback for a partial or second storey from 2.2 metres to 1.2 metres;
- Increase the lot coverage from 30% to 50%;
- Permit a 4.5 metre front yard encroachment consisting of 3.0 metres for a porch and 1.5 metres for stairs;
- Permit a 3.5 metre flankage yard encroachment consisting of 2.0 metres for a porch and 1.5 metres for stairs; and
- Permit a 1.8 metre rear yard encroachment for a deck and stairs.

The Village of Bobcaygeon Zoning By-law 16-78 does not permit encroachments into required front or rear setbacks, relying instead on a larger lot fabric where encroachments are not necessary. The zoning change will permit encroachments into the front, flankage and rear yards for front porches, stairs and decks that are currently not permitted by the Zoning By-law 16-78. It will also reduce side yard setbacks for a subsequent storey and increase lot coverage to permit front porches, decks, and somewhat larger homes. Overall, the changes are more in keeping with urban zoning provisions elsewhere in the City. This will not change the lot pattern or the proposed uses when the lotting pattern is reinstated. A demonstration plan has been prepared showing the proposed changes (see Appendix "C").

Through more recent review, it was also noted that Lot 1 will be used as a small stormwater management pond instead of for residential purposes. Block 29, a roadway connection for lands to the east of the subject lands, will be used as a temporary stormwater detention facility until the lands to the east develop. The temporary facility will be removed and replaced with a road connection once development of the abutting lands to the east takes place. Permanent stormwater facilities will then be constructed elsewhere on the property to facilitate future development.

## **Provincial Policies:**

### **Provincial Policy Statement, 2020:**

The Provincial Policy Statement, 2020 (PPS) sets the policy foundation for regulating development and land use planning in Ontario. A balance between economic development, efficient use of resources, public health and safety, and the quality of the natural and built environment is facilitated through the policies contained in this document. The intent of the proposed amendments is to facilitate the development of housing that is more street friendly and allows some outdoor amenity space.

Section 1.1.1. includes provisions that aim to sustain healthy, liveable and safe communities. The proposed location and type of housing that comprise this development are supported by 1.1.1.b) which states that, "healthy, liveable and safe communities are sustained by accommodating an appropriate affordable and market-

based range and mix of residential types, employment, institutional, recreation, park and open space, and other uses to meet long-term needs." Provisions 1.1.1.d and 1.1.1.e support intensification of lands within an established settlement area in order to achieve cost-effective development patterns and minimize land consumption and servicing costs. Both of these sections are realized through the proposed amendment.

As previously stated, the proposed development is within a Settlement Area. The PPS contains policies that pertain to the vitality and development of settlement areas such section 1.1.3.2. which states that, "Land use patterns within settlement areas shall be based on densities and a mix of land uses which: efficiently use land and resources; are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and, are transit-supportive, where transit is planned, exists or may be developed." Staff feel that the proposed amendments would facilitate an efficient use of land given that, following preliminary review of the supported materials, no upgrading of municipal servicing or traffic infrastructure is required.

The Engineering and Corporate Assets Department has no concerns with the additional lot coverage from a stormwater servicing perspective. This satisfies Section 1.6.6: Sewage, Water and Stormwater of the PPS, which states that: "Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services."

Staff feels that the application conforms to the policies of the PPS.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020:**

To plan for growth and development in a manner that supports economic prosperity, protects the environment, and assists communities in achieving a high quality of life, the Ontario government prepared A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan).

Section 2.2.6 of the Growth Plan contains policies that pertain to housing. This proposal achieves many of the policies within Section 2.2.6 in addition to supporting complete communities.

The Growth Plan places emphasis on the creation of complete communities through the implementation of the policies contained within. For instance, as per section 2.2.1.4, such policies are supporting the achievement of complete communities that provide a

diverse range and mix of housing options to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.

Staff feels that the application conforms to the policies of the Growth Plan.

### **Official Plan Conformity:**

The property is designated “Urban” in the County of Victoria Official Plan. This proposed rezoning application conforms to the policies and land use designations in the County of Victoria Official Plan.

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

The residential lands are zoned “Urban Residential Type One (R1) Zone” in the Village of Bobcaygeon Zoning By-law 16-78. Given that the Zoning By-law does not permit yard encroachments, the applicant has submitted a rezoning application to consider front porch and stair encroachments into the front yards and deck and stair encroachments into the rear yards of lots on the subject land, reduce front and side yard setbacks, increase lot coverage, and permit a stormwater management pond.

### **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 Vibrant and Growing Economy priority by providing economic opportunities for local contractors as well as with the Exceptional Quality of Life priority as it provides for new housing availability.

[Kawartha Lakes Strategic Plan 2020-2023](#)

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

There are no financial or operational impacts pertaining to the proposed amendments. Costs would be incurred in the event of an appeal to the Ontario Land Tribunal of the decision made by Council.

### **Servicing Comments:**

The lots will be serviced through full urban municipal services, including water, sanitary sewer and storm sewer. Stormwater will be handled through a small stormwater management pond on Lot 1.

### **Consultations:**

Notice of this application was delivered to property owners within 120m of the subject site. In alignment with Public Notice procedure, signage detailing the amendment was placed on site.

### **Public Comments:**

A letter and one phone call have been received from area residents containing the following comments.

1. Residents in the existing development have experienced storm sewer backups and wonder whether these can be rectified through this development.
2. Will the new and existing portions of Cedartree Lane be assumed by the City once the new development is constructed?
3. Will a traffic light be installed at Cedartree Lane and CKL Road 36 when the new development is constructed?

The following answers are provided by Staff to these concerns.

1. The City is aware that the current road segments may not meet all of the City's current road design standards and will review what, if any upgrades will be undertaken.
2. The new road sections in this proposed development will be assumed once they are constructed and inspected to the City's satisfaction and have passed their maintenance period.
3. Any installation of traffic lights at Cedartree Lane and CKL Road 36 by the City would need to be subject to further review of traffic warrants and approval by Council through future capital budgeting.

Staff would point out that these comments are not directly related to the rezoning being considered by Council but rather commentary on the existing road segments.

### **Agency Review Comments:**

The application was also circulated to all required agencies for comment. Both the Engineering and Corporate Assets Department and the Building and Septic have no concerns with the proposed zoning by-law amendment.

Kawartha Conservation has reviewed the proposal for natural features, natural hazards, and water resources and not raised any direct objections to the proposal but has requested that the following items be submitted for review.

- A scoped environmental impact study should be prepared to assess the small abutting intermittent wetlands.
- A stormwater management report is required for review. Since the property is within the Pigeon Lake Management Plan, the report must include a phosphorus budget demonstrating zero net increase in phosphorus loadings from the site.
- An erosion sediment control plan must be submitted for review.

Discussions with KRCA indicate that these materials can be submitted through the engineering review for the development. Provided that the Holding symbol is in place, they have no objections to the rezoning application proceeding.

### **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. The application conforms to the Growth Plan, and is consistent with the Provincial Policy Statement, 2020. Conformity with the City of Kawartha Lakes Official Plan has also been demonstrated.

The proposed rezoning application would allow a better use of the lots by permitting front porches on the fronts of homes and creating a more intimate street feeling. Similarly, allowing decks to encroach into the rear yards allows new home owners to enjoy their back yards.

The applicant also agrees with the provision that moves the habitable portion of the dwelling towards the street. This has been increased to a 3.0 metre encroachment for the porch and 1.5 metre encroachment for the steps.

Staff are also proposing that the lot coverage be increased to 50% to accommodate larger building footprints, which in the case of a bungalow, would benefit from the increased lot coverage provision.

The zoning provisions also do not include the rear decks and stairs into the lot coverage provisions because they are not fully enclosed. Any precipitation would drain off the decks between the boards and infiltrate into the ground, as such not contributing to runoff characterized by a hard surface.

The proposed zoning by-law would also rezone Lot 1 to an Open Space Exception One (O1-S1) Zone to allow a stormwater management pond to be developed. Although not specifically referenced in the Public Notice, staff would consider this part of the implementation and captured in the intent of the notice to bring this development forward. The facility does not abut any existing development and actually lowers the development yield by one lot.

In summary, the proposed zoning amendment (see Appendix "D") will not change the design or intensity of the development. The applicant has submitted their engineering design for review. Once approved, the City will prepare a development agreement to implement the road construction and lot fabric. The applicant has also submitted an application to rescind the deeming by-law and reinstate the existing lot fabric. A further staff report will be prepared containing the draft development agreement along with a by-law to rescind the deeming by-law currently in effect.

## **Conclusion:**

City staff has completed their review of the rezoning application and supports the proposed zoning by-law amendment contained in Appendix "D" to the Report. Staff respectfully recommends that the proposed zoning by-law amendment be forwarded 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 call Richard Holy, Director of Development Services, (705) 324-9411 extension 1246.

### Appendix "A" – Location Map



PLAN2022-056  
Appendix A.pdf

### Appendix "B" – Subdivision Development Plan



PLAN2022-056  
Appendix B.pdf

### Appendix "C" – Lot Demonstration Plans



PLAN2022-056  
Appendix C.pdf

### Appendix "D" – Proposed Zoning By-law Amendment



PLAN2022-056  
Appendix D.pdf

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**Department Head:** Richard Holy, Director of Development Services

**Department File:** D06-2022-022