



Planning Advisory Committee Report

Report Number:	PLAN2023-045
Meeting Date:	September 13, 2023
Title:	Amend former Township of Verulam Zoning By-law 6-87 at 17 Bellamy Road
Description:	Rezoning to facilitate the severance of a surplus farm dwelling from the retained agricultural land - D06-2023-013
Type of Report:	Public Meeting
Author and Title:	Jonathan Derworiz, Senior Planner, MCIP, RPP; WSP Canada Inc., on behalf of Kawartha Lakes Planning Division

Recommendations:

That Report PLAN2023-045, **former Township of Verulam Zoning By-law 6-87 at 17 Bellamy Road**, be received;

That a Zoning By-law, respecting application D06-2023-013, substantially in the form attached as Appendix D to Report PLAN2023-045 be approved for adoption 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:

The Director of Development Services, as delegated by Council, approved consent application D03-2022-001 on July 26, 2022. The application proposes to sever a surplus farm dwelling on approximately 0.56 hectares of land deemed surplus to the needs of the farming operation as well as the consolidation of approximately 26.91 hectares of retained agricultural land with an abutting agricultural lot (benefiting lot).

The severed lot containing the surplus farm dwelling requires rezoning to a rural residential zone category to address zoning deficiencies as a result of the consent application. The subject property is currently zoned as General Rural (A1) Zone in the Township of Verulam Zoning By-law 6-87. The application proposes to rezone the severed lot from the General Rural (A1) Zone, to the Rural Residential (RR) Zone. The current zoning of the retained lot will be maintained. Owner: Hamilton Group Inc., c/o David Young.

Applicant:	EcoVue Consulting Services Inc., c/o Kent Randall
Legal Description:	Part of East ½ Lot 1, Concession 7, geographic Township of Verulam, now City of Kawartha Lakes
Official Plan:	Rural and Environmental Protection within the City of Kawartha Lakes Official Plan (2012)
Zones:	General Rural (A1) Zone, in the Township of Verulam Zoning By-law 6-87, as amended
Site Size:	Total – Approximately 243.65 hectares (602.07 acres) Severed – 0.56 hectares (1.34 acres) Retained – 26.97 hectares (66.64 acres) Benefiting Lands – 216.14 hectares (534.09 acres)
Site Servicing:	Severed – existing private well and septic Retained – No servicing

Rationale:

The original conditions of consent (D03-2022-001) required that the applicant rezone the retained lands to prohibit residential uses. The PPS directs that residential uses be prohibited on retained lands in Prime Agricultural Areas. Prime agricultural land is to be protected and preserved from non-agricultural development or any other incompatible land use that may hinder existing or future agricultural operations. The subject site is

not designated as Prime Agricultural Land. The retained lands are designated as Rural in the City's Official Plan. In Rural Areas, rezoning to prohibit residential uses is applicable to lands that are non-abutting. The lands subject to the consent and zoning by-law amendment applications are abutting. Staff believe that the severance meets the applicable requirements of the Rural Designation, and therefore believe that there is no need to sterilize the retained lands, but rather that a rezoning of the severed lands to recognize the residential use and zoning deficiencies as a result of the severance is more appropriate and represents good planning.

Provincial Policies:

Provincial Policy Statement, 2020 (PPS):

Section 1.1.5 speaks to rural lands within municipalities. Per Section 1.1.5.2, "On rural lands in municipalities, permitted uses are:

- a) The management or use of resources;
- b) Resource-based recreational uses;
- c) Residential development, including lot creation, that is locally appropriate;
- d) Agricultural uses, agricultural related uses, on-farm diversified uses, and normal farm practices in accordance with provincial standards;
- e) Home occupations and industries;
- f) Cemeteries; and,
- g) Other rural land uses."

Section 1.1.5.8 states that "new land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae."

Staff believe that the lot creation is locally appropriate. The consent application and rezoning will recognize the existing farm surplus dwelling, where the amalgamation of the benefitting and retained lands is locally appropriate in that it maintains existing agricultural lands and uses. Further, the applicant has demonstrated that the lot creation complies with the minimum distance separation formulae.

Therefore, this application is consistent with the PPS.

A Place to Grow - Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan)

Section 2.2.1.2.(b)(i) states that growth will be limited in settlement areas that are rural settlements. Staff feel that this application does not result in any additional growth, as

as the consent does not result in new residential lot creation. The existing agricultural uses on the retained lands will be maintained as they will be amalgamated with the benefiting lot. Staff believe this satisfies Section 2.2.1.2 of the Growth Plan.

While the existing zoning of the severed lot does permit a single detached dwelling, the rezoning is required to prevent further residential development on the severed lands. Staff believe that this satisfies Section 2.2.9.6 of the Growth Plan.

Therefore, this application conforms to the Growth Plan.

City of Kawartha Lakes Official Plan (Official Plan):

The subject site is designated as Rural in the Official Plan. Section 16 of the Official Plan contains the Rural designation policies. Per Section 16.1, one of the goals of the Rural designation aims to preserve and promote the rural character of the City and maintenance of the natural countryside. One of the objectives outlined in 16.2(b) speaks to protecting and strengthening the agricultural community while permitting uses that would support the agricultural community and not conflict with them. Section 16.3.8 provides that new agricultural lots may be permitted only where the severed and retained lots are intended for agricultural use. Further, the lots shall have a minimum lot size of 40 hectares.

The retained and benefiting lands will meet the minimum lot size for agricultural lots prescribed by the Official Plan, with a lot size of 243.11 hectares once amalgamated.

The City, through its Official Plan, recognizes the generally desirable practice of the consolidation of farms wherever possible. Per Section 16.3.5, "Dwellings that become surplus as a result of a consolidation of abutting farm parcels may be severed provided that:

- a) The residential lot does not exceed 1 hectare in area and is not less than 4,000 square metres in area;
- b) The residential lot meets the Minimum Distance Separation Formula;
- c) The dwelling is not required for farm employees; and
- d) Any adjoining agricultural parcels owned by the applicant are merged into a single lot."

The proposed severed parcel meets the lot size requirements 0.56 hectares (5,600 square metres). The severed parcel and residential dwelling meets the Minimum Distance Separation criteria as this formula does not apply to existing dwellings, and the dwelling is not required for farm employees. The retained lands and benefitting lands abutting the retained parcel will be amalgamated into one lot comprised of farm land.

Therefore, this application conforms to the applicable policies of the Official Plan.

Zoning By-law Review:

The subject land is zoned General Rural (A1) Zone in the Township of Verulam Zoning By-Law 6-87. The subject site, comprising the severed and retained lot is large, approximately 27.53 hectares in size. The lands have frontage on Bellamy Road. The application seeks to rezone a portion of the subject site (approximately 0.56 hectares) from the General Rural (A1) Zone to the Rural Residential (RR) Zone to recognize the existing residential development on the severed lot, and one retained lot which will be amalgamated with the abutting benefiting lands north of the retained lot.

The retained lot will maintain the General Rural (A1) Zone designation, and will meet the zone provisions. The severed lot is to be rezoned to the Rural Residential (RR) Zone. The proposed severed lot will meet the zoning requirements of the RR Zone as detailed in the table below:

Zone Regulations	Requirement	Severed Property
Minimum Lot Area	4,000 sq.m	5,600 sq. m
Minimum Lot Frontage	45 m	101.4 m
Minimum Water Frontage	30 m	N/A
Minimum Front Yard Depth	7.5 m	25 m
Minimum Exterior Side Yard Width	7.5 m	N/A
Minimum Interior Side Yard Width	3 m	69.46 m (1.3m from shed)
Minimum Rear Yard Depth	7.5 m	10 m
Minimum Dwelling Unit Area	85 sq. m	150 sq. m
Minimum Landscaped Open Space	30%	N/A
Maximum Lot Coverage	33%	3%
Maximum Height of Building	10.5m	5 m
Maximum Dwelling Units Per Lot	1 only	1
Accessory Uses in accordance with Section 5	Section 5.1	Complies
Minimum Water Setback	15 m	N/A

Section 5.1 of the Verulam Zoning By-law provides provisions with respect to accessory uses. Section 5.1.3 (b) states that “any accessory building or structure which is not

attached to the main building shall not be erected in any yard other than the interior side yard or rear yard”. Section 5.1.4 (a) states that when an “accessory use is located in an interior side yard, it shall be no closer than 1.2 metres to the interior side lot line”. The storage sheds on the proposed severed parcel are located within the interior side yard and are approximately 1.3 metres and 4.9 metres from the interior side lot line. The accessory structures comply with the Accessory Building standards of the Township of Verulam Zoning By-law.

The proposed Zoning By-law Amendment complies with the RR zone requirements.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Alignment to Strategic Priorities:

For reference the four strategic priorities within the 2020-2023 Kawartha Lakes Strategic Plan are:

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

This application would align with a vibrant and growing economy as it provides opportunity to expand the economic base by supporting the amalgamation of two pieces of agricultural land.

Financial/Operation Impacts:

There are no financial considerations unless Council’s decision is appealed to the Ontario Land Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Servicing Comments:

The existing residential dwelling on the severed lot is serviced by private well and septic systems. There will no changes to the existing servicing conditions.

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. The Building and Septic Division – Part 8 Sewage Systems Supervisor, Director of Development Services, and Engineering and Corporate Assets Department raised no concerns as a result of the circulation. 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 recognize existing residential development but prevent further residential development on the severed lands. Staff feel that the Rural Residential Zone is an appropriate zone category for the severed parcel. Further, as the subject site is designated as Rural, is not designated as Prime Agricultural Land, and that the lands subject to the consent and zoning by-law amendment applications are abutting, Staff believe that the severance and zoning by-law amendment meets the applicable requirements of the Rural Official Plan designation. Staff also feel that as the land is not designated as Prime Agricultural, that there is no need to prohibit residential uses on the retained lands. The rezoning of the severed parcel is appropriate and represents good planning.

Conclusion:

The application conforms to the Growth Plan and is consistent with the PPS. The application also conforms to the City's Official Plan. Staff support the application based on the information contained in this report and the comments received as of August 29, 2023. Staff respectfully recommends the 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 call Jonathan Derworiz, Senior Planner, (519) 904-1761.

Appendix A – Location Map



Appendix A (Location
Map).pdf

Appendix B – Aerial Photograph



Appendix B
(Aerial).pdf

Appendix C – Sketch



Appendix C
(Sketch).pdf

Appendix D – Draft Zoning By-law Amendment



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Department Head email: rholy@kawarthalakes.ca

Department Head: Richard Holy, Director of Development Services

Department File: D06-2023-013