



Planning Advisory Committee Report

Report Number:	PLAN2024-045
Meeting Date:	July 10, 2024
Title:	58 Shoreview Road & 55 Perdue Road Part of Lot 20, Concession 12, Township of Emily, City of Kawartha Lakes Zoning By-law Amendment
Description:	Rezone a portion of the 'Subject Land' from the Agricultural (A1) Zone to the Rural Residential Type One (RR1) Zone and Environmental Protection (EP) Zone in order to restrict agricultural uses while retaining the existing residential use on the property and to protect the existing wetlands
Type of Report:	Public Meeting
Author and Title:	Lindsay Nooren, RPP, MCIP and Michael Hanifi, RPP, MCIP – Dillon Consulting Limited (City of Kawartha Lakes)

Recommendation(s):

That Report PLAN2024-045, **Amend the Township of Emily Zoning By-law at 58 Shoreview and 55 Perdue Road**, be received for information; and

That a Zoning By-law Amendment respecting application D06-2024-010, substantially in the form attached as Appendix D to Report PLAN2024-045, **Amend the Township of Emily Zoning By-law at 58 Shoreview and 55 Perdue Road**, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute the documents required by the approval of this application.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

Owner:	Roy Purdue and Nina Stookes
Applicant:	Kent Randall, EcoVue Consulting Services
Legal Description:	58 Shoreview Road &; 55 Perdue Road; Part of Lot 20, Concession 12, Township of Emily, City of Kawartha Lakes
Official Plan:	'Rural' in Schedule 'A-3' of the City of Kawartha Lakes Official Plan
Zoning:	'Agricultural' (A1) Zone in Schedule 'A' of the Township of Emily Zoning By-law 1996-30
Area:	Total: Approx. 41.92 hectares. Through the Consent application for lot line adjustment, the Benefitting Lands (to be rezoned) would be approx. 3.05 hectares (post-lot line adjustment) and the Retained would be approx. 38.87 hectares (post-lot line adjustment)
Site Servicing:	Private well and septic
Existing Uses:	Existing residential dwelling and shed
Adjacent Uses:	North – Farmland and garden centre East – Agricultural South – Agricultural West – Agricultural and dwellings

The applicant is proposing to rezone the property as a condition of consent approval for a lot line adjustment under the File No. D03-2023-015. To fulfill a condition of provisions consent, that being to restrict agricultural uses while retaining the existing residential use on the property, the applicant is proposing to amend the Township of Emily Zoning By-law to rezone a portion of the 'Subject Land' from the 'Agricultural' (A1) Zone to the 'Rural Residential Type One' (RR1) Zone for the existing residential lot and 'Environmental Protection' (EP) Zone to protect the existing wetlands. The retained portion of the 'Subject Lands' is approx. 38.87 hectares (post-adjustment) and will remain the 'Agricultural' (A1) Zone for agricultural uses.

Through the consent process, existing wetland features were identified on a portion of the 'Subject Lands'. In order for the Kawartha Region Conservation Authority to approve the lot line adjustment, they required the applicant to protect the portion of the lands with the wetland features, including a 30 metre buffer, from future

development. This has been protected through the 'Environmental Protection' Zone in accordance with the wetland mapping provided by the Conservation Authority on February 16, 2024.

Upon submission of the Zoning By-law Amendment application, the applicant requested an 'Agricultural Exception' (A1-X) Zone to restrict agricultural uses on the existing residential lot. However, as per discussions with the applicant, the RR1 Zone, which was requested per the condition of the consent approval, was determined to be more appropriate. The applicant concurred.

Rationale:

Through the consent process for the lot line adjustment, a Zoning By-law Amendment (ZBA) application is required to rezone a portion of the 'Subject Lands' from the 'Agricultural' (A1) Zone to the 'Rural Residential Type One' (RR1) Zone and 'Environmental Protection' (EP) Zone in order to restrict agricultural uses while retaining the existing residential use on the property and to protect the existing wetlands. It should be noted that the retained lot, as part of the lot line adjustment, will remain in the A1 Zone and meets all applicable zoning provisions.

Policy Conformity

Provincial Policy Statement 2020 (PPS 2020)

The PPS provides a policy framework for land use planning within the Province of Ontario. The detached dwelling is currently serviced by a private well and on-site septic system. The 'Subject Lands' are within the Kawartha Region Conservation Authority (KRCA) Regulated Area.

As per Section 1.1.5.2 of the PPS, on rural lands located in municipalities, permitted uses include residential development, including lot creation that is locally appropriate. Further, as per Policy 1.1.5.5, development shall be appropriate to the infrastructure which is planned or available. No new development is proposed and the existing residential uses are permitted on rural lands. New lot creation is not contemplated as part of the consent application, which was for a lot line adjustment.

Moreover, as per Policy 1.1.5.6, opportunities should be retained to locate new or expanding land uses that require separation from other uses. Policy 1.1.5.7 states that, opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to

areas where it will minimize constraints on these uses. The proposed Zoning By-law Amendment would protect the wetland features on the site through the 'Environmental Protection' Zone. It also limits any future structures or buildings on those lands. This is in keeping with the natural hazards policies in Section 3.1 of the PPS.

Growth Plan for the Greater Golden Horseshoe (2019)

The proposal conforms to the applicable policies of the Growth Plan for the Greater Golden Horseshoe (2019) in particular Subsections 2.2.9 (Rural Areas) and Section 4, for land use, servicing and natural heritage and hazard features. The applicant has been in communication with the Kawartha Regional Conservation Authority (KRCA) to ensure that the existing hazard lands on the property have been properly delineated and appropriately rezoned through this process. KRCA reviewed the proposal and advised they have no concerns.

City of Kawartha Lakes Official Plan (2012)

The 'Subject Lands' are within the 'Rural' designation of the City of Kawartha Lakes Official Plan (CKLOP), where limited residential development may occur. No new residential development is proposed as a result of the previously approved lot line adjustment and proposed rezoning. The existing dwelling is to remain and the wetland features are to be protected on the adjusted lot line through the rezoning. The delineation of the wetland within the 'Subject Lands' was identified at the consent approval stage by the KRCA as the 'Subject Lands' are within the KRCA Regulated Area.

Further, as per Policy 15.3.7 of the CKLOP for Rural lands, "A severance for a minor lot line adjustment may be permitted provided it does not create a separate building lot that would otherwise require an amendment to this Plan". The approved lot line adjustment did not create a separate building lot. However, should a separate building lot be contemplated in the future, a severance would need to be approved via consent. Further, in order for a severance within the 'Rural' designated lands to be approved, an Official Plan Amendment would also be required at that time.

Township of Emily Zoning By-law 1996-30

The 'Subject Lands' are currently zoned 'Agricultural' (A1) Zone in the Township of Emily Zoning By-law 1996-30. As per Section 7.1 of the Zoning By-law, a single detached dwelling, as well as agricultural use, are permitted in the A1 Zone.

Prior to the lot line adjustment, the lot with the existing single detached dwelling was approximately 0.79 hectares, which complied with Section 7.2.1.7 of the Zoning By-law, which states that “[...] an existing lot or a lot created by consent with a lot area of 1.0 hectare or less shall only be used in accordance with Sections 10.1 and 10.2 of this By-law”. Section 10.1 and 10.2 relate to the permitted uses and zoning provisions of the ‘Rural Residential Type One’ (RR1) Zone.

After the lot line adjustment, this lot would now be approximately 3.05 hectares, and provisions in the Zoning By-law would enable agricultural uses in the absence of a rezoning to restrict these uses. However, the reduced size of the lot would not support nor be appropriate for agricultural uses.

Accordingly, this Zoning By-law Amendment, as a condition of consent approval for the lot line adjustment, proposed to rezone a portion of the lot to ‘Rural Residential Type One’ (RR1) Zone to restrict agricultural uses while still permitted the existing residential dwelling.

Furthermore, as noted, in order for the Kawartha Conservation Authority to approve the lot line adjustment, they required the applicant to protect the portion of the lands with the wetland features, including a 30 metre buffer. This protection is provided through an ‘Environmental Protection’ Zone in accordance with the wetland mapping provided by the Conservation Authority on February 16, 2024. The applicant has delineated the wetland buffer accordingly and the Conservation Authority has no concerns with the proposed zoning.

Planning Staff are of the opinion that the Zoning By-law Amendment is appropriate as it restricts the uses on the residential lot to those permitted in the ‘Rural Residential Type One’ (RR1) Zone, thus facilitating the lot line adjustment, and protects the wetland features through an ‘Environmental Protection’ Zone.

Other Alternatives Considered:

No alternatives have been considered.

Alignment to Strategic Priorities:

For reference the four strategic priorities within the 2024 Kawartha Lakes Strategic Plan are:

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

In alignment with strategic priorities, the proposed rezoning would facilitate a lot line adjustment that would further protect and enhance wetlands, which supports a healthy environment, and encourages sustainable growth, which supports a vibrant and growing economy.

Financial/Operation Impacts:

Not Applicable.

Consultations:

Notice of this application was circulated to persons within a 120 metre radius, agencies, and City Departments which may have an interest in the application. To date, we have received the following comments:

Development Services Department - Planning Division reviewed the proposal and has no further comments.

Economic Development - Agriculture Division reviewed the proposal and flagged comments pertaining to the existing house on the property, the removal of the Agricultural lands for the EP zone, the future of the property and the delineated wetland hazards. Through discussions between the applicant and the Planning Division, questions have been clarified and any issues have since been resolved.

Policy Planning reviewed the proposal and has provided no comments.

Building and Septic Division reviewed the proposal and has provided no comments.

Development Services Department - Building and Septic Division reviewed the proposal and has provided no comments.

Engineering and Corporate Assets Department reviewed the proposal and has provided no comments.

Kawartha Regional Conservation Authority reviewed the revised proposal with the delineated hazards and has no concerns regarding the proposed Zoning By-law Amendment.

Conclusion and Recommendation:

The proposal represents good land use planning by providing additional lands to an undersized non-farm residential lot, in accordance with policies of the PPS, and the Growth Plan, Kawartha Lakes Official Plan, and Township of Emily Zoning By-law.

Staff respectfully recommends that the Zoning By-law Amendment respecting application D06-2024-010, substantially in the form attached as Appendix 'D' to Report **PLAN2024-045**, be approved and adopted by Council.

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please email Lindsay Nooren at dillonplanning@kawarthalakes.ca.

Attachments:

Appendix A – Location Map



APPENDIX A
D06_2024_010 -Loca

Appendix B – Aerial



APPENDIX B_.pdf

Appendix C – Sketch



APPENDIX C
22-2326 Shoreview F

Appendix D – Draft Zoning By-law and Schedule



APPENDIX D Draft
By-law Perdue_Shor

Department Head Email: ibarrie@kawarthalakes.ca

Department Head: Leah Barrie, Director of Development Services

Department File: D06-2024-010