

# The Corporation of the City of Kawartha Lakes

## Planning Committee Report

Report Number PLAN2017-013

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**Date:** March 8, 2017

**Time:** 1:00 p.m.

**Place:** Council Chambers

**Public Meeting**

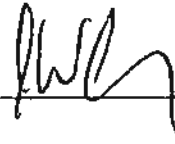
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**Ward Community Identifier:** Ward 5 – Fenelon

**Subject:** An application to amend the Township of Fenelon Zoning By-law to add a custom metal roofing, siding and supplies business as a permitted use on a portion of the property identified as 1993 Glenarm Road, Fenelon (BRENNEMAN)

**Author/Title:** Ian Walker, Planner II

**Signature:**



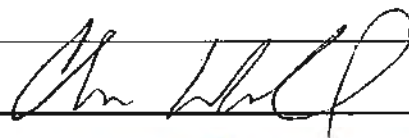
### Recommendations:

**RESOLVED THAT** Report PLAN2017-013, respecting West Half of Lot 21 and Part of Lot 22, Concession 5, geographic Township of Fenelon, "BRENNEMAN – Application D06-17-007", be received; and

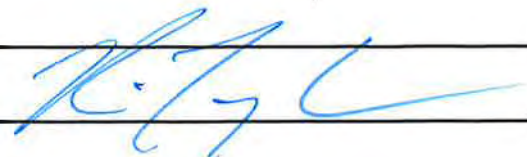
**THAT** the application respecting Application D06-17-007 be referred back to staff for further review and processing until such time that all comments have been received from all circulated agencies and City departments and that any comments and concerns have been addressed.

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**Department Head:**



**Corporate Services Director / Other:**



**Chief Administrative Officer:**

## **Background:**

The subject lot is an agricultural parcel which contains Stoll Metal Sales, a business that has been operating on the property for approximately 16 years. The applicant submitted a Zoning By-law Amendment application to amend the "Agricultural (A1) Zone" to recognize this use as an on-farm diversified use. The intent of the change is to recognize the existing business, and to permit an expansion to that business. The proposed amendment would add this use as an additional use on a specific identified portion of the property, in addition to maintaining the existing permitted uses in the A1 Zone.

Owner:	Joseph, Simon, and Regina Brenneman
Legal Description:	West Half of Lot 21 and Part of Lot 22, Concession 5, geographic Township of Fenelon
Designation:	"Prime Agricultural" and "Environmental Protection", City of Kawartha Lakes Official Plan
Zone:	"Agricultural (A1) Zone" and "Environmental Protection (EP) Zone" on Schedule 'A' of the Township of Fenelon Zoning By-law No. 12-95
Lot Area:	58.8 ha. [141.78 ac. – MPAC]
Site Servicing:	Private individual on-site sewage disposal and well
Existing Uses:	Agricultural, Stoll Metal Sales, Prov. Significant Wetland
Adjacent Uses:	North: Rural Residential, Agricultural East: Lee's Road, Rural Residential, Agricultural South: Glenarm Road, Rural Residential, Agricultural West: Balsam Grove Road, Rural Residential, Agricultural

## **Rationale:**

The property is located on the north side of Glenarm Road, to the east of Balsam Grove Road, in the geographic Township of Fenelon. See Appendix 'A'. It contains two single detached dwellings (Building #1 and 6), five agricultural and industrial buildings (Buildings #2, 2A, 3, 4 and 5), a silo (Building #7), and an associated gravel courtyard. See Appendix 'B'. The proposal would see the demolition of Buildings #3 and 5, and the replacement with a new 1,486.5 sq. m. (16,000 sq. ft.) industrial building. Buildings #2, 2A and 4 would be re-purposed for agricultural uses. See Appendix 'C'.

The portion of the property in question is designated "Prime Agricultural" in the City's Official Plan (OP), which came into effect on June 8, 2012. The goals of this designation include:

- protecting land that is primarily Class 1-3 agricultural production from development and non-farm related uses; and

- protecting prime agricultural lands by encouraging the business of agriculture by providing additional economic opportunities through secondary uses.

In 2014, the Province of Ontario released the updated Provincial Policy Statement (PPS), which added “on-farm diversified uses” as a permitted use in prime agricultural areas. They shall be compatible with, and shall not hinder surrounding agricultural operations. Criteria for these uses have been developed by the Province. The proposed industrial use is not a permitted use in the A1 Zone. See Appendix ‘D’. Therefore, an amendment to the Zoning By-law is necessary to permit the additional industrial use on this property.

The applicant has submitted the following reports and plans in support of the application, which have been circulated to various City Departments and commenting Agencies for review.

1. Planning Justification Report prepared by Thorstone Consulting Services, dated November 2016. The report discusses and assesses the proposal in context of the 2014 Provincial Policy Statement (PPS), the PPS Guidelines for On-Farm Diversified Uses, the Growth Plan, the City of Kawartha Lakes Official Plan (OP), and the Township of Fenelon Zoning By-law 12-95.
2. Existing Development Sketch prepared by Thorstone Consulting Services, dated June 17, 2016. The Plan outlines the existing development on the lot.

Staff have reviewed the Planning Justification Report (PJR) filed in support of the proposed zoning by-law amendment. At this time, staff cannot determine the appropriateness of the proposal as responses from all City departments and commenting agencies have not been received, and to ensure the proposed land use is compatible with, and shall not hinder surrounding agricultural operations. Staff recommend that the application be referred back to staff until such time as commenting agencies and/or City departments have submitted comments, and any concerns have been addressed, and to permit discussions with the applicant respecting conformity to applicable policies, if required.

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe, 2006:**

The Growth Plan (GP) provides that growth should be directed towards settlement areas, and utilizes existing or planned infrastructure. Development may be permitted in rural areas in accordance with Section 2.2.2.1(i), which directs development to settlement areas, except where related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in settlement areas. This is an existing agricultural lot in the rural area, which cannot be located in a settlement area. The proposed use is small-scale, limited in size and secondary to the primary

agricultural use of the land, therefore, this application does not appear to conflict with the GP.

### **Provincial Policy Statement, 2014 (PPS):**

The Provincial Policy Statement (PPS) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. 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. Healthy, integrated and viable rural areas should be supported by promoting diversification of the economic base and employment opportunities through goods and services including value-added products, and providing opportunities for economic activities in prime agricultural areas in accordance with Section 2.3.

The PPS defines that agriculture-related uses means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity. On-farm diversified uses means uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products. As noted in the rationale above, the Province has developed guidelines on permitted uses in prime agricultural areas. Based on these criteria, an on-farm diversified use on this property cannot exceed 2% of lot area, to a maximum of 1.0 ha. (2.47 ac.), and the building area cannot exceed 20% of that area, therefore 2,000 sq. m. (21,344 sq. ft.) maximum. The applicant is proposing a total area of 0.65 ha. (1.6 ac.) devoted to the use, with a building area of 1,486.5 sq. m. (16,000 sq. ft.).

Development and site alteration shall be directed in accordance with the policies of Section 2 and 3 of the PPS. The portion of the lot subject to this application is within the Kawartha Region Conservation Authority (KRCA) area regulated under Ontario Regulation 182/06. Regulated components include floodplains, wetlands, and other water related hazards, as identified in Section 3 of the PPS. Through the Preconsultation process, KRCA identified that there is an identified wetland within 120 m. of the subject site. The PPS prohibits development and site alteration on lands adjacent to natural heritage features, unless the ecological function of the adjacent lands have been evaluated, and it has been demonstrated there will be no negative impacts on the natural features or their ecological functions. KRCA will evaluate the application and provide response to the City indicating if this application is consistent with Section 2 (natural heritage features) and Section 3 (natural hazards) of the PPS.

### **Official Plan Conformity:**

The property is designated "Prime Agricultural" and "Environmental Protection" in the City of Kawartha Lakes Official Plan (OP). The "Environmental Protection"

designation corresponds with a Provincially Significant Wetland on the northern portion of the property, however, the portion of the lot subject to this application is designated "Prime Agricultural". This designation permits agricultural uses, agriculture-related uses, secondary uses, and agri-business uses, subject to criteria.

While the use is not specifically listed as a permitted use in the prime agricultural designation, it aligns with the goals and objectives of the designation, which include protecting prime agricultural lands from non-farm activities. The use may be considered a secondary use to the permitted agricultural uses on the property. The PJR notes that approximately 50% of the business provides supplies to the local farm and rural community. The PJR also notes that the portion of the lot subject to this application is within the developed portion of the site, currently not used for agriculture. The proposed re-design and repurpose of the existing buildings will allow some of the currently occupied buildings to convert back to agricultural use. Planning staff accept this analysis.

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

The lot is zoned "Agricultural (A1) Zone" and "Environmental Protection (EP) Zone" in the Township of Fenelon Zoning By-law. The portion of the lot subject to this application is currently zoned A1 Zone. The applicant has submitted a Zoning By-law Amendment application for consideration, proposing to add a site-specific Agricultural Exception (A1-\*\*) Zone to permit the proposed industrial use on a 0.65 ha. portion of the lot.

The minimum lot area required for the Agricultural (A1) Zone is 25 ha. The portion of the property to be rezoned is approximately 0.65 ha. Section 3.13 of the By-law provides that when a lot is located within two or more zones, the provisions of the applicable zone apply to each portion of the lot, save and except lot frontage and lot area. The proposed A1-\*\* Zone would need to include any site-specific standards or setbacks, including limits on floor area and location of the industrial use. The PJR recommends a maximum floor area of 1,556.3 sq. m. (16,752 sq. ft.) for the entire industrial operation (including storage, office and manufacturing). The placement of the proposed A1-\*\* Zone would control the location of the use.

### **Other Alternatives Considered:**

No other alternatives have been considered.

### **Financial Considerations:**

There are no financial considerations unless Council's decision to adopt or its refusal to adopt the requested amendments are appealed to the Ontario Municipal Board. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

## **Relationship of Recommendations To The 2016-2019 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

This application aligns with the vibrant and growing economy strategic goal as it provides to expand the employment base.

## **Review of Accessibility Implications of Any Development or Policy:**

There are no accessibility implications for the City.

## **Servicing Comments:**

The lot is serviced by a private sanitary sewage disposal system and individual well.

## **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. To date, we have received the following comments:

### Agency Review Comments:

February 14, 2017 – Enbridge Gas Distribution advised they do not object to the proposed application, and reserve the right to amend or remove development conditions.

February 16, 2017 – The Building Division advised there are a number of open permits pertaining to this property. The applicant is required to contact the Building Division, provide the necessary information, and schedule inspections to close all open building permits. Change of use permits will be required for the conversions of agricultural buildings to industrial classification under the Ontario Building Code (OBC). Engineers' audit/report will be required to support these applications.

February 16, 2017 – The Building Division – Sewage System Program advised it has no concerns with this application, but note that as the original use of the buildings was for agricultural purposes, sewage disposal requirements were not established. For the purposes of the current/proposed use, the buildings may have to be altered to accommodate the industrial component. The property and building use would have to be assessed to determine potential requirements for on-site sewage disposal systems or any alterations to existing sewage disposal systems for the staff and public. Should it be determined that works are required

around the sewage disposal systems, permits are required to be completed through the City of Kawartha Lakes.

February 17, 2017 – The Engineering and Corporate Assets Department confirms it has no objection to this application.

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

The appropriate background studies in support of the applications have been submitted and circulated to the appropriate agencies and City departments for review and comment. At this time, comments have not been received from all circulated agencies and City departments, or from the public. Staff recommend that the application be referred back to staff until such time as comments have been received from all circulated agencies and City departments, and that any comments and concerns have been addressed.

### **Conclusion:**

In consideration of the comments and issues contained in this report, Staff respectfully recommend that the proposed Zoning By-law Amendment application be referred back to staff for further review and processing until such time as comments have been received from all circulated agencies and City departments, and that any comments and concerns have been addressed.

### **Attachments:**

#### **Appendix 'A' – Location Map**



PLAN2017-013  
Appendix A.pdf

#### **Appendix 'B' – Existing Development Sketch – dated June 17, 2016**



PLAN2017-013  
Appendix B.pdf

#### **Appendix 'C' – Proposed Re-development Sketch – dated June 17, 2016**



PLAN2017-013  
Appendix C.pdf

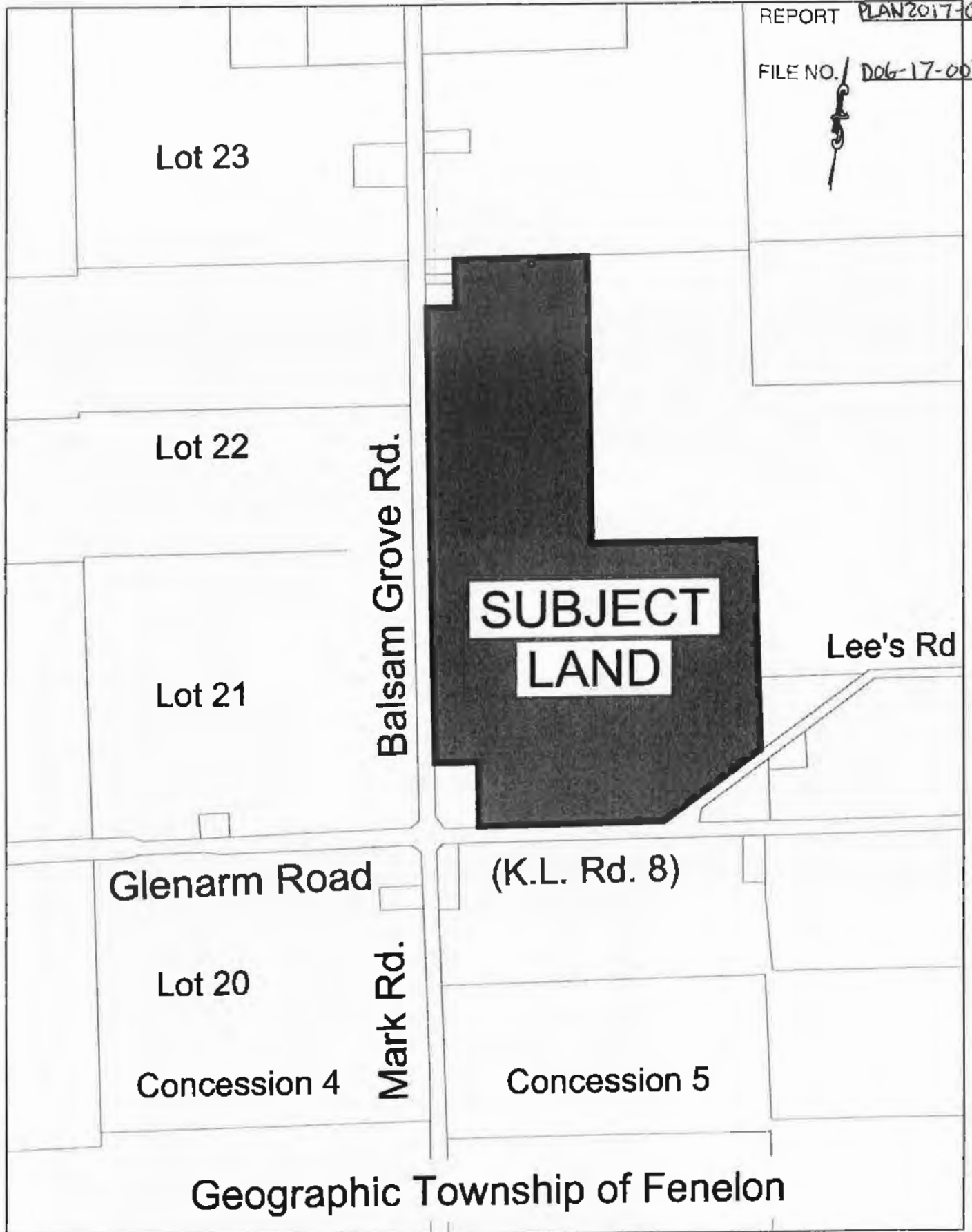
#### **Appendix 'D' – Agricultural (A1) Zone, By-law 12-95, as amended**



PLAN2017-013  
Appendix D.pdf

**Phone:** 705-324-9411 ext. 1368 or 1-888-822-2225 ext. 1368  
**E-Mail:** [iwalker@city.kawarthalakes.on.ca](mailto:iwalker@city.kawarthalakes.on.ca)  
**Department Head:** Chris Marshall, Director, Development Services  
**Department File:** D06-17-007





# EXISTING BUILDING and LAND USE INVENTORY 2016

BUILDING NUMBER	DATE CONSTRUCTED	SIZE (APPROXIMATE)	USE
1	1890 (EST.)	111.5 m <sup>2</sup> [1,200 ft <sup>2</sup> ]	RESIDENTIAL
2	1890 (EST.)	223.0 m <sup>2</sup> [2,400 ft <sup>2</sup> ] 29 x 34 m [3,200 ft <sup>2</sup> ]	AGRICULTURAL / INDUSTRIAL
2A	2001	107.3 m <sup>2</sup> [1,150 ft <sup>2</sup> ]	BUSINESS (INDUSTRIAL)
3	1970S (EST.)	244.8 m <sup>2</sup> [2,650 ft <sup>2</sup> ]	INDUSTRIAL
4	2002	196.8 m <sup>2</sup> [2,118 ft <sup>2</sup> ] 209.0 m <sup>2</sup> [2,250 ft <sup>2</sup> ]	AGRICULTURAL / INDUSTRIAL
5	2002	157.1 m <sup>2</sup> [1,700 ft <sup>2</sup> ]	INDUSTRIAL
6	2001	118.9 m <sup>2</sup> [1,280 ft <sup>2</sup> ]	RESIDENTIAL
7	2001	N/A - SILD	AGRICULTURAL

TOTAL INDUSTRIAL FLOOR AREA - 1245.1 m<sup>2</sup> [13,402 ft<sup>2</sup>]



FIGURE 4 - EXISTING DEVELOPMENT SKETCH  
1993 GLENARM ROAD, CAMERON  
LOT 21, CONCESSION 5  
GEOGRAPHIC TOWNSHIP OF FENELTON  
CITY OF KAWARTHA LAKES  
BRENNEMAN

THIS DRAWING IS FOR ILLUSTRATION PURPOSES ONLY.  
BASE MAPPING CREATED FROM MINISTRY OF NATURAL RESOURCES MAKE A TOPOGRAPHIC MAP.  
ALL DIMENSIONS, BUILDING LOCATIONS/SIZES AND AREAS ARE APPROXIMATE.

THIS IS NOT A PLAN OF SURVEY.

PROPERTY NOT SHOWN IN IT'S ENTIRETY - TOTAL LOT AREA IS APPROXIMATELY 142 ACRES

APPENDIX 3  
to  
REPORT PLAN 2017-013  
FILE NO. D06-17-007

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SCALE	PROJECT NO.	DATE	BY
1 : 1,000	ANL000	June 27, 2016	JL
NO.	DATE	REVISIONS	BY
1.			
2.			

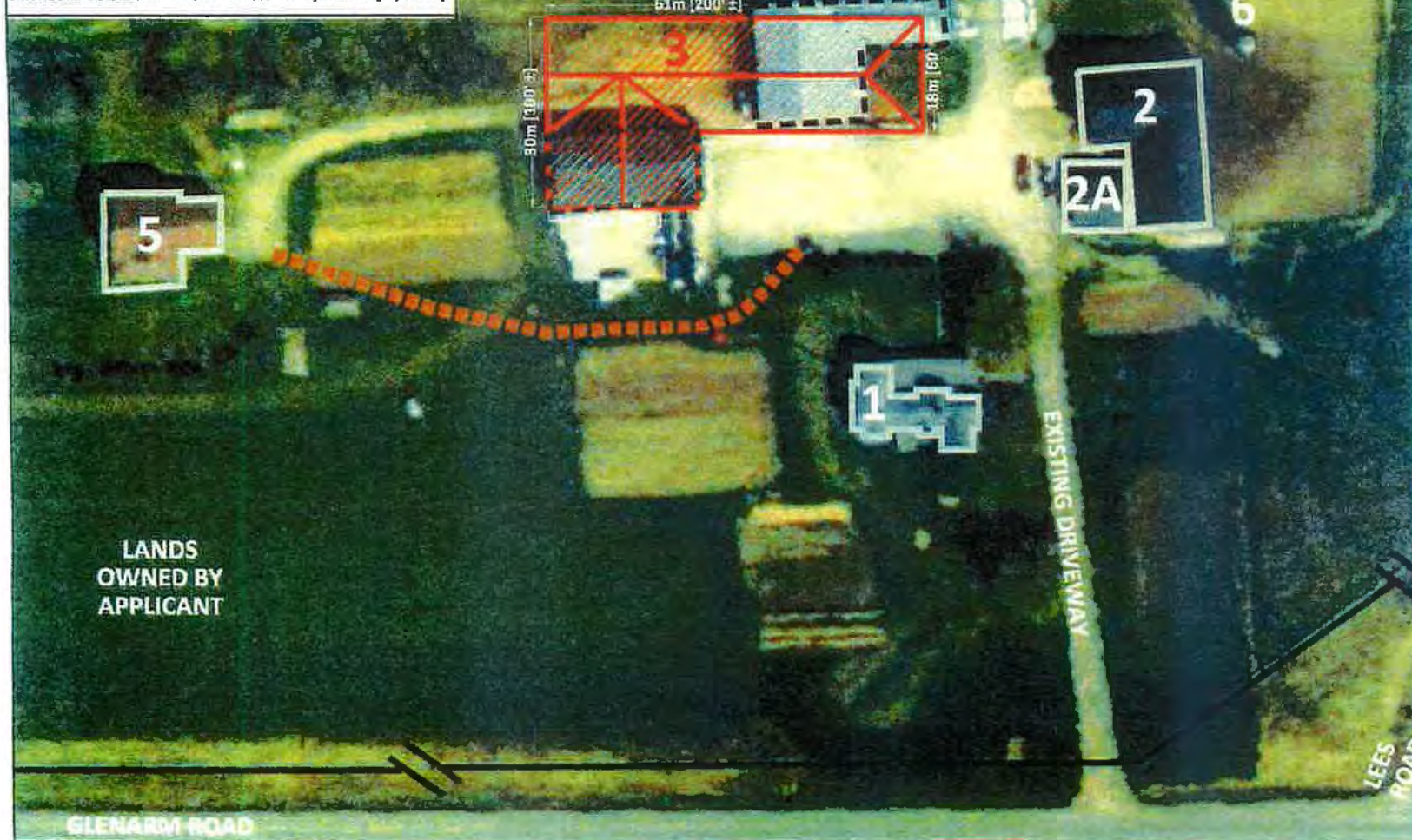
BASE MAP SOURCE:  
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# EXISTING & PROPOSED BUILDING and LAND USE INVENTORY - 2016

BUILDING NUMBER	DATE CONSTRUCTED	SIZE (APPROXIMATE)	USE
1	1890 (EST.)	111.5 m <sup>2</sup> (1,200 ft <sup>2</sup> )	RESIDENTIAL
2	1880 (EST.)	418.1 m <sup>2</sup> (4,500 ft <sup>2</sup> )	AGRICULTURAL
2A	2001	107.3 m <sup>2</sup> (1,155 ft <sup>2</sup> )	AGRICULTURAL
	PROPOSED	1,486.5 m <sup>2</sup> (16,000 ft <sup>2</sup> )	INDUSTRIAL
4	2002	405.8 m <sup>2</sup> (4,355 ft <sup>2</sup> )	AGRICULTURAL
5	2001	118.9 m <sup>2</sup> (1,280 ft <sup>2</sup> )	RESIDENTIAL
6	2001	N/A - SILO	AGRICULTURAL

PROPOSED TOTAL INDUSTRIAL FLOOR AREA - 1,486.5 m<sup>2</sup> (16,000 ft<sup>2</sup>)





**FIGURE 5 - PROPOSED & EXISTING DEVELOPMENT SKETCH**  
1993 GLENARM ROAD, CAMERON  
LOT 21, CONCESSION 5  
GEOGRAPHIC TOWNSHIP OF FENELON  
CITY OF KAWARTHA LAKES  
BRENNEMAN

THIS DRAWING IS FOR ILLUSTRATION PURPOSES ONLY.  
BASE MAPPING CREATED FROM SUMMARY OF NATURAL RESOURCES MAKE A TOPOGRAPHIC MAP.  
ALL DIMENSIONS, BUILDING LOCATIONS/SIZES AND AREAS ARE APPROXIMATE.  
THIS IS NOT A PLAN OF SURVEY.  
PROPERTY NOT SHOWN IN ITS ENTIRETY - TOTAL LOT AREA IS APPROXIMATELY 142 ACRES

- PROPOSED INDUSTRIAL DEVELOPMENT
- EXISTING DEVELOPMENT (NON-INDUSTRIAL USE)
- RELOCATED DRIVEWAY (APPROXIMATE WIDTH & LOCATION)
- EXISTING DEVELOPMENT (TO BE REMOVED)

APPENDIX C  
to  
REPORT PLAN 2017-013  
FILE NO. D66-IT-007

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SCALE	PROJECT NO.	DATE	
1 : 1,000	S01600	June 27, 2015	
NO.	DATE	REVISIONS	
1.			
2.			

BASE MAPPINGS  
Obtained from Natural Resources Make A Topographic Map-2015

APPENDIX " D "

to

REPORT PLAN 2017-013

**PART 8 - AGRICULTURAL (A1) ZONE**

**8.1 USES PERMITTED**

8.1.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in an Agricultural (A1) Zone, except for the following uses:

FILE NO. D06-17-007  
1/3

8.1.1.1 Airstrip

8.1.1.2 Agricultural, Market Garden Farm or Forestry Uses

8.1.1.3 Agricultural produce storage facility or seasonal fruit flower or farm produce outlet for goods grown or produced on the property.

8.1.1.4 Bed and Breakfast Establishment

8.1.1.5 Home Occupation

8.1.1.6 Kennels and the boarding of domestic animals

8.1.1.7 Single Detached Dwelling

8.1.1.8 Riding or Boarding Stables

8.1.1.9 Wayside Pit

8.1.1.10 Seasonal Farm Residential Use is subject to Section 3.21 of the General Provisions

**8.2 ZONE PROVISIONS**

8.2.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in an Agricultural (A1) Zone, except in conformity with the following zone provisions:

8.2.1.1 Lot Area (min.) 25 ha

8.2.1.2 Lot Frontage (min.) 230 m

8.2.1.3 Yard Requirements (min.)

(a) front 30 m

(b) interior side 9 m

(c) exterior side 15 m

(d) rear

(i) public use 7.5 m

(ii) all other uses 25 m

(e) kennel setback 45 m or 150 m from an existing dwelling on an abutting lot whichever is greater.



(f) building for animal husbandry or manure storage site shall be subject to the provisions of article 3.18.5.2.

(g) dwelling units shall be subject to the provisions of article 11.2.1.3

8.2.1.4 Lot Coverage (max.) 5 %

8.2.1.5 Building Height (max.)

- (a) building accessory to a farm - No restriction
- (b) all others 11 m

8.2.1.6 Gross Floor Area per dwelling (min.) 93 sq. m

8.2.1.7 Notwithstanding subsections 8.1.1 and 8.2.1 an existing lot or a lot which was or is created by consent which has a lot area of 1.0 hectares or less shall only be used in accordance with Sections 11.1 and 11.2 of this By-law.

8.2.1.8 In the case of an accessory building being used for the parking or storage of school buses or commercial motor vehicles on a lot in an agricultural zone, the maximum height of such building shall be 5 metres and the total floor area for all accessory buildings on the lot shall not exceed 150 square metres.

8.2.1.9 Where an existing lot having less lot area or frontage than required is located in any agricultural zone, subsection 3.11.1 shall not apply to permit the establishment of a non-residential use on a lot having an area of less than 1 hectare.

8.2.1.10 Where a lot is created by consent in an agricultural zone the retained lot shall be deemed to be an existing non-complying lot and the provisions of subsections 3.4.1 and 3.4.2 shall apply.

8.2.1.11 Notwithstanding article 8.1.1.7 and subsection 3.18.2, a second single detached dwelling may be erected or a single detached dwelling, existing at the date of passing of this By-law, may be changed to a converted dwelling having a maximum of two dwelling units subject to the following requirements.

- (a) the lot is being used for agriculture
- (b) the lot has a minimum area of 38 hectares
- (c) the lot has a minimum of 25 hectares in the A1 Zone
- (d) the second dwelling is located within 30 metres of the principal dwelling

- (e) the second dwelling is located not closer than 10 metres to the principal dwelling.

8.3 AGRICULTURAL EXCEPTION ZONES

8.3.1 AGRICULTURAL EXCEPTION ONE (A1-1) ZONE

- 8.3.1.1 Notwithstanding article 8.2.1.1 land zoned "A1-1" shall have a minimum lot area of 18 ha.

8.3.2 AGRICULTURAL EXCEPTION TWO (A1-2) ZONE

- 8.3.2.1 Notwithstanding articles 8.2.1.1 and 8.2.1.2 land zoned "A1-2" shall be subject to the following zone provisions:

- |                         |       |
|-------------------------|-------|
| (a) lot area (min.)     | 4 ha  |
| (b) lot frontage (min.) | 100 m |

8.3.3 AGRICULTURAL EXCEPTION THREE (A1-3) ZONE

- 8.3.3.1 Notwithstanding articles 8.2.1.1 and 8.2.1.2 land zoned "A1-3" shall be subject to the following zone provisions:

- |                         |       |
|-------------------------|-------|
| (a) lot area (min.)     | 6 ha  |
| (b) lot frontage (min.) | 160 m |

8.3.4 AGRICULTURAL EXCEPTION FOUR (A1-4) ZONE

- 8.3.4.1 deleted by amendment

- 8.3.4.2 deleted by amendment

8.3.5 AGRICULTURAL EXCEPTION FIVE (A1-5) ZONE

- 8.3.5.1 Notwithstanding Section 8.1, land zoned "A1-5" may also be used for a honey processing and packaging facility including accessory retail sales of honey.

- 8.3.5.2 Notwithstanding articles 8.2.1.3, 3.14.1.2 and 3.14.2.1, land zoned "A1-5" shall be subject to the following zone provisions:

- |  |               |
|--|---------------|
| (a) front yard (min.)  | 15 m          |
| (b) side yard (min.)   | 6 m           |
| (c) parking spaces (min.)  | 1 per 30 sq.m |
| (d) loading spaces (min.)  | 1             |
| (e) Outdoor storage of equipment or materials shall be located in the rear yard in one contiguous area which does not exceed 3% of the lot area. |               |

8.3.6 AGRICULTURAL EXCEPTION SIX (A1-6) ZONE