



REPORT TO: Mayor Taylor & Council

FROM: Jamie Hoefling, Junior Planner

DATE: February 11th, 2019

SUBJECT: Z01-19- Zoning Report (Consents B121-17 & B122-17- Johnston)

RECOMMENDATION:

THAT Council approves ZBA application Z01-19, which is required for Consent approval (B121-17 and B122-17) and which is in conformity with Township Official Plan policies 5.3.1 and 5.3.2, as follows:

- Rezone both severed parcels of B121-17 and B122-17 from the Agricultural (A) zone to the Rural Residential (RR) zone; and
- Rezone the retained lands from the Agricultural (A) zone to the Agricultural-27 (A-27) zone.

Subject Lands

The subject lands for this application include both the severed and retained lands of two (2) current Consent applications, B121-17 and B122-17, which are applications to create two (2) residential lots with frontage on Third Line. The lots are being severed off of property No. 15-06-020-020-18000 which has the civic address of 996 Third Line (Key Map further below).

Purpose of Application

The purpose of this application is to rezone the subject lands in order to fulfill the conditions of approval for Consent Applications B121-17 and B122-17. These applications received conditional approval from Peterborough County Land Division.

At Council’s meeting on February 12th, 2018, Council indicated on the Municipal Appraisal Forms (MAF) to County Land Division that they were supportive of a rezoning, if required, for Consent approval. The CAO’s planning report for B121-17 and B122-17 included the following information regarding zoning:

“Zoning

Section 4.2.1 (n) (ii) of the Township Official Plan provides that conditions of consent may include rezoning of the severed or retained parcels.

The subject property is zoned Agricultural (A) however it should be noted that A zoning in the area of the proposed lots is not currently in conformance with the Existing Residential designation in the OSM Official Plan (2015) as the Zoning By-law update is pending.



The proposed lots are equally sized 56.5m x 53.6m (0.3 ha) which meets both the 0.3ha minimum lot size for a Rural Residential (RR) lot and the minimum frontage requirement of 38m. The severed lands should be rezoned to Rural Residential as a condition of consent.

It is also noted that the lot sizes are approximate and will need to be confirmed at the time of the survey. As the lot depth cannot be increased beyond the Existing Residential designation (which can be determined by the rear lot line of the residential lot to the east), the lot width may need to be adjusted to ensure that the minimum lot size of 0.3ha is attained.

Retained lands:

According to the MPAC data, the current property is 96.89 AC (39.2 ha). By severing the 2 proposed lots, the retained lands would be approximately 38 ha depending upon the final survey

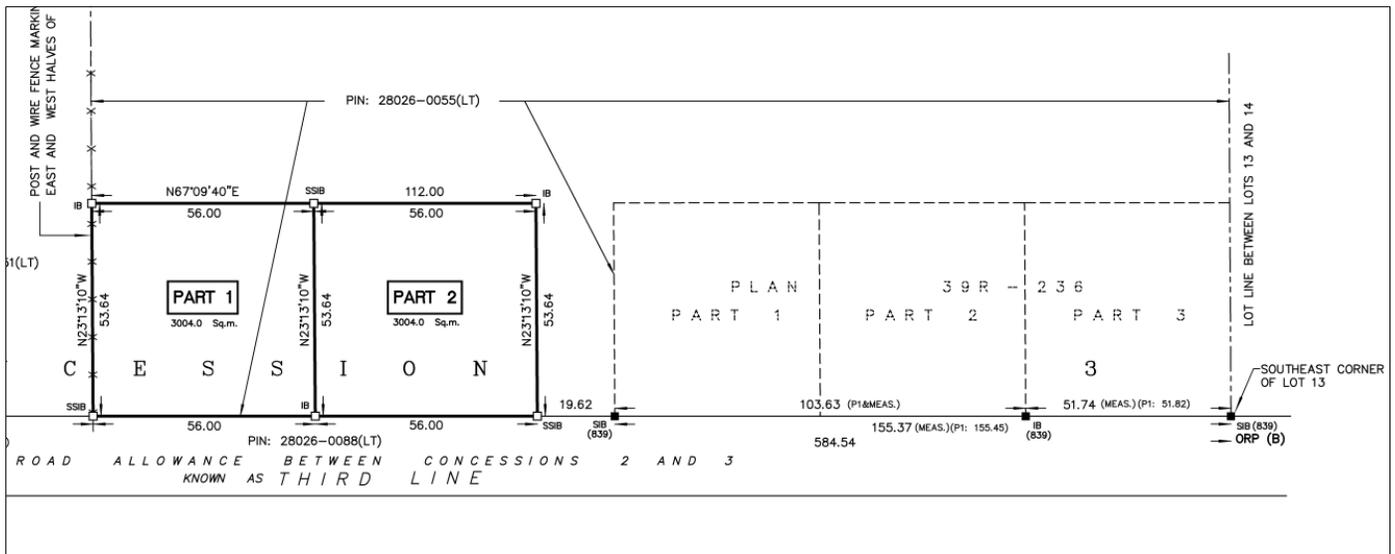


dimensions. The retained Agricultural lands will continue to be in excess of the Agricultural zone lot size requirement of 36 ha.

As the frontage of the retained lands on the Third Line would now be less than the minimum of 150m in the A zone, it is recommended that the lands be rezoned to an exception zone, whereby the frontage of the parcel on County Road 2 is deemed to be the frontage for zoning purposes. This dimension is well in excess of the A zone minimum. This is consistent with a similar zoning by-law amendment in the A zone where an agricultural land holding fronting on two public roads recognizes the larger farm frontage.

Additional Information or Variations

The application before Council reflects the zoning information provided in the previous Consent report. The application proposes to rezone the severed parcels to the Rural Residential (RR) zone and the retained lands to an Agricultural exception zone, being A-27, to deem the frontage of the property to be along County Road 2. The survey has confirmed that the severed parcels meet the minimum frontage and lot area requirements of the RR zone and the depth of the lots do not exceed the depth of the Existing Residential designation, which has been determined by the using the depth of the existing lot located east (see below).



Analysis

Provincial Policy/Growth Plan for the Greater Golden Horseshoe (2017)

As per the Growth Plan, new growth is to be directed to settlement areas (2.2.1 d). Although not a ‘settlement area’ by definition, the subject lands are identified in the Township’s Official Plan (2015) as being Existing Residential, which was intended to recognize existing small clusters of predominately single-detached dwellings outside of the Hamlet and Shoreline areas. In this designation, limited lot creation is permitted, but only by way of infilling. The new Growth Plan (2017) did not recognize these designations in local Official Plans as being areas to



support limited residential growth, so some of these areas were impacted by the new Agricultural Systems mapping, including this one. The small area designated Existing Residential has now been identified by the Province as being a prime agricultural area, which does not support lot creation for residential purposes (4.2.6(5)). As the consent applications were filed prior to the release of the Agricultural Systems mapping and the sole purpose of the Existing Residential designation in this area was to support infilling, the Township supported the applications and the final decision had to be made by County Land Division as they did not conform to Provincial Policy. Land Division approved the applications in October of 2018.

As these applications were conditionally approved subject to a rezoning (and other conditions), rezoning to uphold the decision of Land Division and OSM Township Council is appropriate in this instance.

Official Plan (2015)

Official Plan conformity regarding the Consent applications can be found in the CAO's planning report for B121-17 and B122-17 which were separate applications under the *Planning Act*.

In the Township's Official Plan, the subject property is predominately designated as Agricultural with a small amount of Existing Residential along the Third Line. There are no proposed changes to the lands designated Agricultural aside from the frontage location of the property.

For the severed lots in the Existing Residential designation, Section 5.3.2(b) permits lot creation by Consent, only by way of infilling and 5.3.1 permits single-detached dwellings, duplex dwellings, semi-detached dwellings and converted dwellings (i.e. residential-type uses). Development shall be limited to the lands designated Existing Residential and shall not extend beyond the boundaries of the designation (5.3.2a). As previously shown, the new lots are contained within the Existing Residential designation and do not extend onto the lands designated as Agricultural. Lastly, new residential lots shall comply with the requirements of the implementing Zoning By-law (5.3.2 e), which is the purpose of the rezoning application. The lots have demonstrated compliance with the RR zone.

This application conforms to the Official Plan.

Budget Implications

The Zoning By-law Amendment application was submitted with the application fee of \$1000 and the required \$500 deposit which is the fee structure for a Minor/Technical amendment under the Tariff of Fees By-law.

Next Steps

Once a decision has been made by Council the decision will be in an appeal period for 20 days. Once the remaining conditions have been completed the Township will issue its Clearance



Letter to County Land Division to indicate the Township-related conditions have been completed.

Notice & Communications

Public Notices for the Zoning By-law Amendment applications are issued by the Township. Notice of Complete Application and Public Meeting has been circulated to neighbouring properties within 120 metres of the subject lands, as well as the applicable agencies.

Since circulation of the Notice, the Township has received a submission from Enbridge Gas Distribution to indicate there is no objection to the amendment. No other written submissions were received.

Prepared by: Jamie Hoefling, Junior Planner
in consultation with Barbara Waldron, Director of Building and Planning/CBO