



REPORT TO: Mayor Taylor & Council

FROM: Jamie Hoefling, Junior Planner

DATE: March 12th, 2019

SUBJECT: Z03-19- Zoning Report (Consent B57-18 Harley-Leahy)

RECOMMENDATION:

THAT Council approves ZBA application Z03-19, which is required for Consent approval (B57-18) and which is in conformity with Township Official Plan policy 5.9.2(d) as follows:

- Rezone the severed lands of Consent B57-18 and former application B172-06 from the Rural (RU) zone to the Rural Residential (RR) zone; and
- Rezone portions of the retained lands of Consent B57-18 from the Rural (RU) zone to the Environmental Protection (EP) zone.

Subject Lands

The subject lands for this application include both the severed and retained lands of Consent B57-18, as well as the severed lands of a previous application (B172-06) which are adjacent to each other. The severed lands of B57-18 are being added/merged with the previously severed lot (B172-06) to become one residential property. The lands are located at 1578 Heritage Line and can be identified By Roll # 15-06-010-004-11000 and 15-06-010-004-11001 in Otonabee, Concession 7, Part of Lots 18 & 19 (Key Map further below).

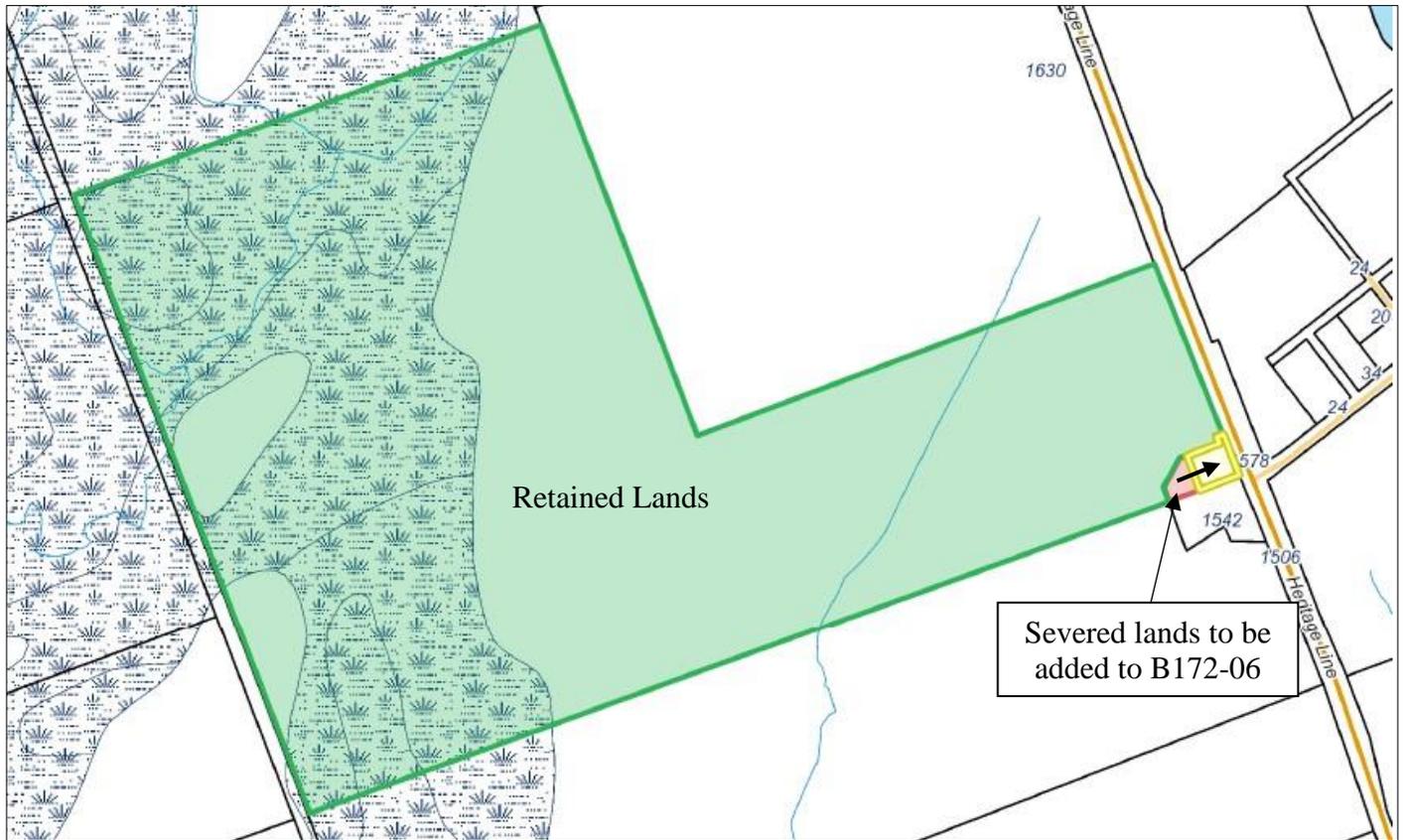
Purpose of Application

The purpose of this application is to rezone the subject lands in order to fulfill the conditions of approval for Consent Application B57-18 and to place the previously severed lands (B172-06) into the proper residential zoning category.

At Council's meeting on September 24th, 2018, Council indicated on the Municipal Appraisal Form (MAF) to County Land Division that they were supportive of a rezoning, if required, for Consent approval. The planning report for B57-18 included the following information regarding zoning:

"Zoning

The residential property receiving the additional lands is zoned Rural (RU) as it appears to have been missed in the 2010 Zoning By-law update. The additional lands are also zoned Rural. The severed lands and benefitting will need to be rezoned to Rural Residential (RR). With the additional lands, the property area will now be approximately 1.12 acres with 58.6 metres of frontage. The RR zone (Section 7) requires a minimum lot area of 0.74 acres (0.3 ha) and 38 metres of frontage. This property will meet the requirements of the RR zone.



Retained Lands

The retained lands are currently zoned Rural (RU) and Environmental Protection (EP). As these lands have been identified by the Province as being prime agricultural, the RU lands should be rezoned to the Agricultural (A) zone. The retained lands exceed the provisions of the A zone, which requires a lot area of 88.95 acres (36 hectares) and 150 metres of frontage (Section 6). In addition, there are portions of the property which will need to be rezoned to Environmental Protection (EP) to conform to the Official Plan.”

Additional Information or Variations

The application before Council reflects the zoning information provided in the previous Consent report, however, there has been some variation regarding the retained lands. It was previously recommended that portions of the retained lands be rezoned to the Agricultural (A) zone as they were identified by the Province as being prime agricultural in the updated 2017 Growth Plan. There have been recent discussions between the Province and municipalities within the Growth Plan area regarding the prime agricultural mapping and it is anticipated that the mapping will be lifted until it can be reviewed and implemented into the Upper-tier’s Official Plan. As these lands currently remain in the Rural designation of the Township Official Plan, it would be premature to rezone these lands to the Agricultural (A) zone. They should remain in



the Rural (RU) zone until the Province finalizes their decision or until they are identified in the County and Township Official Plan as being prime agricultural.

Analysis

Provincial Policy Statement (2014) / Growth Plan for the Greater Golden Horseshoe (2017)

The Province has mapped the Agricultural System within the new Growth Plan where prime agricultural policies apply. This property was identified as being prime agricultural. See “Retained Lands” section above.

Official Plan (2015)

Official Plan conformity regarding the Consent application can be found in the planning report for B57-18 which was a separate application under the *Planning Act*.

Section 5.9.2(d) of the Official Plan permits non-farm related residential uses in the form of one single-detached dwelling on lots created by consent. This would permit the severed lands of B57-18 and B172-06 to be rezoned to Rural Residential.

For the retained lands, there are portions of the property that are designated as Environmental Protection but not zoned accordingly. The rezoning of these lands from Rural (RU) to Environmental Protection (EP) is to ensure the property 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 current 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. The Township will issue its Clearance Letter to County Land Division once all of the Township-related conditions for B57-18 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 submissions have been received.

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