

**Recommendation:**

That Report Planning-2023-07, dated February 7, 2023, regarding Zoning By-law Amendment – File R-05-22 be received and;  
That Council receive all comments related to Zoning By-law Amendment File R-05-22; and;  
That the By-law to enact the amendment be passed at the appropriate time in the meeting.

**Overview:**

The Owner, Gary Michael Bolton, has applied to amend the existing zoning on portions of the property located at 4131 County Road 32, being Roll No. 1522-010-003-14620.

The rezoning is required as a condition of consent for severance application Files B-21-22 and B-22-22, that were conditionally approved by Peterborough County on November 2, 2022.

The subject property is currently zoned the Rural Zone (RU), The Development Zone (D2), the Environmental Conservation Zone (EC) and the Special District 43 Zone (S.D. 43) as shown on Schedule A1 to By-law No. 10-1996, as amended.

The Zoning By-law Amendment proposes to rezone the severed parcels (Lot A and Lot B) from the Rural Zone (RU) to the Special District 255 Zone (S.D. 255) to address a lack of frontage (the parcels front on the Rotary Greenway Trail).

The retained parcel is proposed to be rezoned as follows:

1. from the Rural Zone (RU) to the Special District 256 Zone (S.D. 256) to address a reduced lot area and to address a lack of frontage (the retained parcel fronts on the Rotary Greenway Trail);
2. from the Rural Zone (RU) to the Environmental Conservation Zone (EC) to recognize the wetland and 30 m buffer (VPZ); and
3. the Special District 43 Zone (S.D. 43) is proposed to be amended to accurately reflect the location based on the survey prepared by J.B. Fleguel, dated January 28, 2005 and to recognize the existing buildings and structures and their setbacks.

There are no changes proposed to the existing Development Zone (D2) and Environmental Conservation Zone (EC) on the retained lands.

A copy of the draft By-law is attached to this Report.

### **Conformity to Provincial Policy Statement (PPS) and A Place to Grow, Growth Plan for the Greater Golden Horseshoe (Growth Plan):**

A Natural Heritage Evaluation (NHE) was prepared by Oak Ridge Environmental Ltd. (ORE), dated December, 2021 in support of the severance applications. A further response was provided by ORE on June 24, 2022. Copies of the ORE documents are attached to this Report.

In correspondence dated July 27, 2022, ORCA concluded that the severance applications demonstrated consistency with Section 3.1 of the PPS as it relates to natural hazards.

ORCA stated that, provided the severance applications adhere to the recommendations of the NHE, including Figure 4R and Figure 7R of the June 24, 2022 ORE response (i.e. ensuring the severed lots are located outside of the wetland and 30 m VPZ), the applications are consistent with Sections 2.1 and 2.2 of the PPS as they relate to natural heritage and water and conform with Sections 4.2.3 and 4.2.4 of the Growth Plan as they relate to key hydrologic features, key hydrologic areas and key natural heritage features outside of settlement areas and lands adjacent to these features.

Notice of the proposed Zoning By-law was provided to ORCA and in correspondence dated January 6, 2023, ORCA indicated that the rezoning application is consistent with Section 3.1, 2.1 and 2.2 of the PPS and consistent with Sections 4.2.3 and 4.2.4 of the Growth Plan. Permits from their agency will be required prior to any site alteration or construction in the regulated areas.

The subject property is located within a Vulnerable Area for a municipal drinking water source. A notice under the Clean Water Act has been received and is attached to this Report.

A copy of the ORCA comments are attached to this Report.

### **Conformity to Official Plan:**

The subject property is designated Rural, Recreational – Open Space and Waste Management Assessment Area.

With the exception of Provincially Significant Wetlands and significant portions of the habitat of endangered and threatened species, development and site alteration such as filling, grading and excavating may be permitted within or adjacent to natural heritage features, provided it has been demonstrated through an Environmental Impact Assessment that there will be no negative impacts on the natural features or ecological functions of the area (S. 4.1.3.1).

As noted previously, the NHE identified the wetland boundaries and 30 m VPZ. The severed parcels are located outside of the 30 m VPZ and are proposed to be zoned

(S.D. 255) to permit a single detached dwelling and related accessory uses. The wetland and 30 m VPZ are proposed to be zoned (EC) to define the limits of the wetland and to prohibit development and site alteration within 30 metres of this natural heritage feature.

The attached Draft By-law varies slightly from the Draft posted with the Notice of Public Meeting on the Township website. The Owner has requested that the rear lot lines for the severed parcels be straight rather than irregular. A sketch prepared by JBF Surveyors dated January 17, 2023 and attached to this Report identifies the desired shape of the severed parcels and proposed building envelopes. Given the configuration of the lots on the JBF sketch, there will be a small piece of land located between the rear lot lines of the severed parcels and the 30 m VPZ. The zoning of this area was discussed with the Owner who agreed that the area could be incorporated into the proposed (EC) Zone. As a result, the (EC) Zone generally goes beyond the 30 m VPZ to the rear of the severed parcels and is greater than required by the NHE.

The Waste Management Assessment Area indicates the subject property is located within 500 metres of a closed waste disposal site. This area is zoned (D2) in the Township Zoning By-law. Section 6.2.18.3(e) of the Official Plan states that "within 500 metres of waste management footprints, only land uses compatible with the potential impacts [from the former landfill] shall be permitted..." The proposed severed parcels are located outside the 500 metre buffer area and the area zoned (D2) is proposed to remain.

With the implementation of the proposed zones and the continuation of the existing zones, the application appears to conform to the Official Plan.

#### **Comments:**

- Bell: No concerns
- Enbridge Gas Inc.: No objections to the application.
- KPRDSB: no concerns or issues related to their mandate.

#### **Conclusion:**

The requested zoning by-law amendment, to rezone portions of the subject lands from the Rural Zone (RU) to the Special District 255 Zone (S.D. 255); the Special District 256 Zone (S.D. 256); and the Environmental Conservation Zone (EC), is required in order to meet conditions of Peterborough County Land Division Files B-21-22 and B-22-22.

The rezoning will ensure a minimum 30 metre vegetation protection zone is maintained between the wetland and all development activities and will recognize the existing uses on the retained lands. The proposed rezoning meets the intent of municipal and provincial policies.

**Financial Impact:**

All costs related to the application for a Zoning By-law Amendment are the responsibility of the owner.

**Strategic Plan Applicability:** N/A

**Sustainability Plan Applicability:** N/A

**Report Approval Details**

Document Title:	Staff Report regarding ZBA R-05-22 (Bolton).docx
Attachments:	<ul style="list-style-type: none"> <li>- R-05-22 - Draft By-law.pdf</li> <li>- 21-22 and 22-22 NHE.pdf</li> <li>- PPLD-2222andPPLD-2223_Ecology-Review_4131CtyRd32_15Mar2022.pdf</li> <li>- ORE 21-2882 FINAL Response to ORCA Comments County Road 32 June 24 2022 - Scanned.pdf</li> <li>- 2nd SUB_B-21-22 and B-22-22_4131 County Road 32_ORCA_PPLD-2222 and PPLD-2223_27_JUL_2022.pdf</li> <li>- ORCA (R-05-22 - PPLD-2261) (January 6, 2023).pdf</li> <li>- 2022-0275-N2a.pdf</li> <li>- 8800_Bolton_Prop_BLD_ENVL_17_JAN_2023.pdf</li> </ul>
Final Approval Date:	Jan 31, 2023

This report and all of its attachments were approved and signed as outlined below:

Martina Chait-Hartwig

Elana Arthurs