

Recommendation:

That the Planning-2023-28 report, dated September 19, 2023, regarding Zoning By-law Amendment – File R-06-23 be received; and

That Council receive all comments related to Zoning By-law Amendment File R-06-23; and

That the By-law to enact the Amendment be passed at the appropriate time in the meeting.

Overview:

At the June 20, 2023 Special Council Meeting, Staff were directed to develop Zone provisions to regulate sports courts and playing surfaces and to bring forward an amendment to the Township Zoning By-law at a future public meeting (Planning Department Report - Planning-2023-20).

The direction was based upon a legal opinion sought from the Township's current solicitor, Aird & Berlis, regarding the application of the accessory structure provisions to sports courts and playing surfaces.

In correspondence dated May 15, 2023, Aird & Berlis provided Staff with an opinion on this matter. Legal Counsel for the Township found that sports courts such as pickleball and tennis court would fall within the definition of "Recreation Use, Active" in the Township Zoning By-law and not within the definition of "Structure". Counsel confirmed that an "active recreational use" is considered a principle/primary use of a property.

Currently, there are no regulations or provisions in the Zoning By-law for an active recreational use. This means there are no minimum lot area requirements, no planting strip, no minimum yard setbacks and no maximum lot coverage limitations for example.

Report Planning-2023-20 recommended that Section 3.45 – Swimming Pools of the Township Zoning By-law be amended to include provisions for active recreational uses.

A copy of the Draft By-law is attached to this Report. The Draft By-law does not alter the existing swimming pool regulations (Sections 3.45.1 – 3.45.4). The Draft By-law introduces new regulations for active recreational uses (Sections 3.45.5 – 3.45.11), amends the definition of active recreational uses (Section 22.192) and maintains the existing definition of active recreational use as it is applicable to Section 18.6 Open Space – Three Zone (OS-3) to recognize Warsaw Caves which has a special exception to specifically permit an active recreational use as previously defined.

Notice of the public meeting was given on August 25, 2023 by ordinary mail and/or e-mail to all prescribed public bodies and to every person and public body that has provided a written request for Notice.

Notice of the public meeting was published in the Peterborough This Week on August 31, 2023 and in the Lakefield Herald on September 1, 2023. The Notice was posted on the Township Website.

A copy of the Notice 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):

The Draft By-law is consistent with the Provincial Policy Statement and conforms to the Growth Plan.

Conformity to Official Plan:

The goal of the Official Plan is to ensure that residents and visitors of the County have access to a range of recreational activities (S. 4.5.1). Public parks, playfields and outdoor recreational activities are specifically permitted within the Recreational – Open Space designation (S. 6.2.14.2) of the Official Plan. The Draft By-law does not apply to public recreational uses, but rather to these types of uses on private properties.

Nevertheless, Section 6.2.14.3 provides that recreational and conservation developments intended for the use of the general public or private members be regulated by suitable provisions in the Zoning By-law, including setbacks from property lines and appropriate off-street parking requirements (S. 6.2.14.3 (b)).

Section 6.2.14.2 (e) states that regard shall be had for the compatibility of recreation and open space uses with adjacent land uses and, where necessary, those facilities shall be designed to provide adequate spatial separation, buffer planting, landscaping and fencing to ensure that any adverse effects associated with those uses are minimized.

The Draft By-law conforms to the existing Official Plan.

Comments:

As of the writing of this Report, no comments have been received from members of the public.

All department managers have been circulated for comment on this application and there were no comments or concerns identified.

Comments were received from the following agencies:

- Enbridge Gas Inc.: No objections to the application.

Conclusion:

Currently, active recreational uses are only permitted on one property within the Township and there are no provisions in the Zoning By-law to regulate them. The proposed amendment will permit active recreational uses in all of the Townships' Residential Zones as well as the Commercial Tourist and Commercial Tourist – Trailer Park Zone. The proposed regulations have been developed to provide adequate setbacks, buffer planting, landscaping and lighting provisions to ensure that any adverse effects associated with these uses are minimized.

Financial Impact:

The fee for the legal opinion from Aird & Berlis was \$4,141.45. The cost of advertising the public meeting in the Lakefield Herald was \$200.01 and the cost of advertising in Peterborough This Week was \$750.67.

Strategic Plan Applicability:

To ensure and enable an effective and efficient municipal administration.

Sustainability Plan Applicability:

N/A

Report Approval Details

Document Title:	R-06-23 (Active Recreational Uses).docx
Attachments:	- R-06-23 - ZBA Notice.pdf - R-06-23 Draft By-law final.pdf
Final Approval Date:	Sep 13, 2023

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

Martina Chait-Hartwig

Elana Arthurs