

**Recommendation:**

That Report Planning-2023-32, dated September 19, 2023, regarding Zoning By-law Amendment – File R-05-23 be received; and

That Council receive all comments related to Zoning By-law Amendment File R-05-23; and

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

**Overview:**

Michael and Marcy Mundell have applied to amend the existing zoning on their property located at 1513 County Road 4, being Roll No. 1522-020-003-28700. The subject property is currently zoned the Rural Zone (RU) as shown on Schedule B13 to By-law No. 10-1996, as amended.

The effect of the Amendment is to rezone a portion of the subject lands (Lot 1) from the Rural Zone (RU) to the Environmental Conservation Zone (EC) to recognize existing wetlands and their 30 m Vegetation Protection Zone (VPZ). The remainder of Lot 1 will be rezoned to the Special District 257 Zone (S.D. 257) in order to recognize the existing garage/shop in the absence of a primary structure (principle building).

The Special District 257 Zone (S.D. 257) will permit all of the uses and regulations outlined in Section 9 – Rural Zone (RU) of the By-law.

This rezoning is required as a condition of Consent Application (File B-08-22), that was conditionally approved by Peterborough County on August 2, 2022.

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

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 posted on the subject property and on the Township Website.

A copy of the Notice is attached to this Report. The giving of Notice complies with the applicable Regulation of the Planning Act.

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

The application has demonstrated consistency with PPS Sections 2.1 and 2.2 referencing Natural Heritage and Water and Sections 4.2.3 and 4.2.4 of the Growth Plan referencing key hydrologic features, key hydrologic areas and key natural heritage features and lands adjacent to key hydrologic features and key natural heritage features.

In correspondence dated September 8, 2023, the Otonabee Region Conservation Authority indicated that the subject property is not located within a known flooding hazard and the application is consistent with Section 3.1 of the PPS referencing Natural Hazards.

A copy of the ORCA comments are attached to this Report and further comments are outlined below.

**Conformity to Official Plan:**

The subject property is designated Rural within the Local Component of the County Official Plan. Portions of the subject property are also located within an ANSI Earth Science (ES) overlay as illustrated on Schedule 'A4-2' to the Official Plan.

Peterborough County GIS mapping indicates the severed lot is located within a non-evaluated wetland and the Warsaw Caves Area of Natural and Scientific Interest (ANSI), a Life Science ANSI of Provincial Significance. There is a discrepancy between Schedule A4-2 to the Official Plan which identifies the ANSI as an Earth Science ANSI i.e. ES (ANSI Earth Science) and the GIS which identifies the ANSI as a Life Science ANSI i.e. LS.

The Official Plan prohibits development and site alteration within significant areas of natural and scientific interest until it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions (S. 7.28).

Due to the presence of the key natural heritage features and key hydrological feature, an Environmental Impact Study (EIS) was prepared by Cambium Inc., dated November 3, 2021 in support of the severance applications. The EIS outlined a number of recommendations to ensure impacts to the woodland associated with the ANSI are avoided and mitigated. A mitigation measures agreement is required to be registered on title to the severed parcel as a condition of the severance applications. In addition, the wetland and 30 m VPZ are being rezoned to Environmental Conservation (EC) in order to limit development.

The predominant use of land within the Rural designation may include all agricultural uses outlined in Section 6.2.1 of the Official Plan. Other permitted uses shall include

forestry, passive outdoor recreation uses and activities connected with the conservation of soil and wildlife (S. 6.2.2.2). Low density residential development as defined by the Policies of Section 6.2.2.3, home occupations and home industries shall be permitted (S. 6.2.2.2).

A very limited amount of small-scale commercial uses, or farm-related commercial/industrial uses will also be permitted. Commercial and industrial uses shall be subject to site plan control, and shall require a site-specific amendment to the implementing Zoning By-law, as part of the approval process (S. 6.2.2.2).

Based on the above, all of the uses permitted within the Rural (RU) Zone will be permitted within the Special District 257 Zone (S.D. 257). However, some of the uses (i.e. uses that are commercial or industrial in nature) may be subject to site plan control. For example, the existing shop/garage could be used for a veterinary clinic which would require a site plan approval application.

The existing approximately 5000 square foot (464.51 square metre) shop/garage could not be used for a Type 'B' home occupation or a Type 'A' or Type 'B' home industry until a single detached dwelling is constructed on the property and then, only in accordance with Sections 3.16 and 3.17 of the Zoning By-law.

A building permit for a single detached dwelling and the subsequent use of the existing shop/garage for a Type 'A' or Type 'B' home occupation or home industry would not require site plan approval, but must comply with the applicable sections of the Zoning By-law, including but not limited to Sections 3.16 and 3.17.

The rezoning application indicates there are no structures proposed at this time. The application appears to comply with the Official Plan.

### **Comments:**

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

Comments were received from the following agencies:

- Enbridge Gas Inc.: No objections to the application.
- Hiawatha First Nation: No concerns.
- County of Peterborough Public Works: No further comments than those provided for the Severance Review. No changes required to the existing entrance.
- Otonabee Region Conservation Authority:

The proposed rezoning is not located within a known flooding hazard and the application is consistent with Section 3.1 of the PPS referencing Natural Hazards.

The subject property is subject to Ontario Regulation 167/06 Otonabee Conservations "development, interference with wetlands and alterations to shorelines and watercourses" regulation. Permits from this agency will be required prior to any site alteration or construction in those areas regulated by Otonabee Conservation.

The subject lands are not located in a vulnerable area as per the Revised Trent Source Water Protection Plan (SPP).

Copies of these agency comments are attached to this Report.

The application was circulated to Senior Staff on August 25, 2023. As of the writing of this Report, there were no concerns identified by Senior Staff.

**Conclusion:**

The requested zoning by-law amendment, to rezone the subject lands from the Rural Zone (RU) to the Environmental Conservation Zone (EC) and the Special District 257 Zone (S.D. 257), is required in order to meet conditions of Peterborough County Land Division File B-08-22.

Given the size of the severed parcel (Lot 1), a survey illustrating the lot area has not been prepared. According to the severance application, Lot 1 is approximately 49.07 acres (19.85 hectares) in size with approximately 272.37 feet (83.02 metres) of frontage.

A single detached dwelling requires a minimum lot area of 0.4 hectares and a minimum lot frontage of 45 metres (S. 9.2.4). Lot 1 exceeds these minimums. The setbacks for the existing garage/shop are illustrated on the Plan of Survey prepared by JBF surveyors, signed August 10, 2023 and attached to this Report. Should the garage/shop be used for a permitted use in the (RU) Zone that requires greater setbacks, further amendment to the Zoning By-law would be required. However, as applied for, 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/Applicant.

**Strategic Plan Applicability:** N/A

**Sustainability Plan Applicability:** N/A

**Report Approval Details**

Document Title:	R-05-23 (Mundell).docx
Attachments:	<ul style="list-style-type: none"> <li>- R-05-23 Application_Redacted.pdf</li> <li>- R-05-23 (Mundell) County Public Works (September 9, 2023).pdf</li> <li>- R-05-23 (Mundell) Enbridge Comments (August 28, 2023).pdf</li> <li>- R-05-23 (Mundell) HFN Comments (August 29, 2023).pdf</li> <li>- JBF Survey (Signed August 10, 2023).pdf</li> <li>- R-05-23 (Mundell) ORCA File No. PPLD-2282 (September 8, 2023).pdf</li> <li>- R-05-23 - ZBA Notice.pdf</li> <li>- R-05-23 - Draft By-law.docx</li> </ul>
Final Approval Date:	Sep 12, 2023

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

Martina Chait-Hartwig

**No Signature - Task assigned to Elana Arthurs was completed by workflow administrator Martina Chait-Hartwig**

Elana Arthurs

**Report Approval Details**

Document Title:	R-05-23 (Mundell).docx
Attachments:	<ul style="list-style-type: none"> <li>- R-05-23 Application_Redacted.pdf</li> <li>- R-05-23 (Mundell) County Public Works (September 9, 2023).pdf</li> <li>- R-05-23 (Mundell) Enbridge Comments (August 28, 2023).pdf</li> <li>- R-05-23 (Mundell) HFN Comments (August 29, 2023).pdf</li> <li>- JBF Survey (Signed August 10, 2023).pdf</li> <li>- R-05-23 (Mundell) ORCA File No. PPLD-2282 (September 8, 2023).pdf</li> <li>- R-05-23 - ZBA Notice.pdf</li> <li>- R-05-23 - Draft By-law.docx</li> </ul>
Final Approval Date:	Sep 12, 2023

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

Elana Arthurs