

Recommendation:

That Report Planning-2024-27, dated November 5, 2024, regarding Zoning By-law Amendment – File R-13-24 be received; and

That Council receive all comments related to Zoning By-law Amendment File R-13-24; and

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

Overview:

Agent, Holly Richards-Conley on behalf of Owner, Deborah Sandeman has applied to amend the existing zoning on the property known municipally as 800 Canal Road, being Roll No. 1522-010-005-24400. The subject property is zoned the Special District 155 Zone (S.D. 155) as shown on Schedule B1 to By-law No. 10-1996, as amended.

The subject property is currently vacant and the owner wishes to construct a two-storey single detached dwelling with a ground floor area of approximately 134 square metres (1445.49 square feet) and a gross floor area of approximately 223 square metres (2403.90 square feet). Due to the smaller size of the subject property and the design of the septic system, the proposed development cannot meet the minimum front, rear and side yard requirements. In addition, the proposed dwelling will exceed the maximum first story floor area, lot coverage and height requirements. Lastly, the rezoning will identify the existing lot area of the subject lands.

A Zoning By-law Amendment is required to permit the construction of a single detached dwelling and related private services (well and septic).

The proposed development is illustrated on the site plan prepared by Elliott and Parr, dated 07/22/2024, and attached to this Report. The proposed dwelling elevations prepared by Molly Conlin Design and Drafting, dated June 2024 are also attached to this Report.

The property was originally rezoned to a Special District through By-law No. 2007-94 to facilitate the issuance of a building permit for the construction of a 22 foot by 28 foot two-storey detached dwelling. Since that time, ownership of the property has changed and the new owners desire to construct a dwelling that would not fit within the requirements of the Special District Zone. A pre-consultation was held on January 19, 2023 on an initial design proposal for the subject property. Since then, the design and layout of the proposed development has been modified mainly to accommodate the septic system.

As part of the pre-consultation process, Hiawatha First Nation commented that they would like to see a Stage 1 Archaeological Assessment done due to the proximity of the

canal. The Owner hired Northeastern Archaeological Associates Ltd. who completed a Stage 1 and 2 assessment of the property. The assessment did not find any archaeological resources. A copy of the Northeastern comments dated September 20, 2024 is attached to this Report.

As proposed, the effect of the Amendment is to revise the Special District 155 Zone (S.D. 155) to permit the construction of a single detached dwelling and related private services (well and septic). The Special District 155 Zone (S.D. 155) is proposed to be amended to recognize deficiencies in lot area and yard setbacks and increases for the maximum first storey floor area, maximum lot coverage and maximum height.

All other applicable provisions of By-law No. 10-1996, as amended will continue to apply.

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

Notice of the public meeting was provided on October 15, 2024 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 circulated by ordinary mail to every owner of land within 120 metres of the subject property on October 15, 2024. 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 Planning Statement (PPS, 2024):

Effective October 20, 2024, the Growth Plan and the Provincial Policy Statement were consolidated into one document called the Provincial Planning Statement (PPS, 2024).

The PPS, 2024 is considered a policy statement for the purpose of Section 3 of the Planning Act. All municipal decisions, as well as comments, submissions or advice affecting planning matters, are required to be consistent with the PPS, 2024 pursuant to subsections 3(5) and 3(6) of the Planning Act.

The subject property is within a settlement area for the purposes of the PPS, 2024. Settlement areas are the focus of growth and development (Policy 2.3.1.1). The PPS, 2024 requires that planning authorities support general intensification and redevelopment (Policy 2.3.3.3).

The property is flagged for species at risk. Policy 4.1.7 of the PPS, 2024 states that development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

Regarding policy 4.1.7, the PPS, 2024 defines provincial and federal requirements to be “legislation and policies administered by the provincial government or federal government, where applicable, for the purpose of protecting species at risk and their habitat.”

In previous correspondence, SAROntario has stated that the “provincial requirements” would include the Endangered Species Act (ESA), and there are no requirements under the ESA to undergo a species at risk site assessment for passing By-laws.

The landowner/applicant, not the planning authority, is responsible to demonstrate compliance with the ESA prior to any on-site development (clearing, grading, roads, infrastructure, buildings) regardless of planning approvals or EIS/survey efforts/data in accordance with MECP comments/guidance. For more information, visit <https://www.ontario.ca/page/development-and-infrastructure-projects-and-endangered-or-threatened-species>.

In correspondence dated October 18, 2024, the Otonabee Region Conservation Authority indicated that the proposed development is not located within a known natural hazard. Therefore, it is the opinion of Otonabee Conservation that the application is consistent with Section 3.1 of the Provincial Policy Statement (PPS), referencing Natural Hazards [now Section 5.2 of the PPS, 2024].

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

The rezoning application has demonstrated consistency with the applicable provisions of the PPS, 2024.

Conformity to Official Plan:

The subject property is within the Donwood settlement area and is designated Hamlet as illustrated on Schedule A4-4 to the Official Plan.

The Hamlet designation refers to existing settlement areas which function as residential and commercial service nodes. They may contain a mix of residential, commercial, small scale industrial, public and institutional facilities (S. 6.2.3.1).

In the Township of Douro-Dummer, the settlement areas of Donwood, Douro and Warsaw function as the primary growth and service centres for the Township. It is intended that residential growth opportunities in Douro-Dummer be directed to these communities (S. 6.2.3.1).

A single detached residential dwelling is permitted within the Hamlet designation (S. 6.2.3.2 & 7.34).

The Hamlet policies require provisions be made for, among other matters, adequate setbacks from property lines (S. 6.2.3.3 (a)). The site plan attached to this Report illustrates the rear of the dwelling has been designed to be “stepped” to match the angle of the rear lot line and reduce encroachment to the greatest extent possible. Although the south side yard setback is proposed to be only 1.5 metres, the property immediately adjacent, at 796 Canal Road, is the current residence of the Owner. The existing dwelling located at 796 Canal Road is set back a further 5.16 metres from the closest point of the proposed dwelling.

The 6.05 metre (rounded to 6 metre) front yard setback to the proposed septic bed is within the acceptable setback distance from Canal Road as provided by the Manager of Public Works through the pre-consultation process. While the previous setback distance for a septic system from a public road in By-law No. 10-1996, as amended, was 15 metres, this has been reduced to 3 metres through By-law No. 2024-62. The appeal period for By-law No. 2024-62 expires on November 5, 2024. Although the passing of this By-law would permit the septic to be setback only 3 metres from the lot line abutting Canal Road, the septic designer has determined the system will require a raised bed. Through the pre-consultation process, the Chief Building Official stated that 6 metres would be the Ontario Building Code minimum setback for this type of system.

The application appears to comply with the Official Plan.

Comments:

As of the writing of this Report, Staff received one phone call from a member of the public. The caller did not identify any concerns, but did inquire about the number of bedrooms and bathrooms proposed for the new dwelling. The Planner stated that the rezoning application and preliminary drawings identified two bedrooms and two bathrooms.

Comments were received from the following agencies:

- Bell Canada: No comments on zoning by-law amendments.
- City of Peterborough: Planning Staff have reviewed the notice and the surrounding areas with respect to the City’s Zoning By-law and Official Plan. Planning staff have not identified any concerns with the application and therefore no comments are provided on behalf of the City of Peterborough.
- Enbridge Gas Inc.: No objections to the application.
- Kawartha Pine Ridge District School Board (KPR): KPR has reviewed the application; and has not identified any concerns or issues related to our mandate with the proposed application.
- Otonabee Region Conservation Authority:

Otonabee Conservation mapping indicates that the proposed development is not located within a known natural hazard. Therefore, it is the opinion of Otonabee Conservation that the application is consistent with Section 3.1 of the Provincial Policy Statement (PPS), referencing Natural Hazards.

Otonabee Conservation has reviewed this application through our mandated responsibility under Ontario Regulation 686/21. This application is not creating new or proposing to aggravate existing natural hazards.

Otonabee Conservation mapping indicates that the lands are partially subject to Ontario Regulation 41/24 Otonabee Conservation's "Prohibited Activities, Exemptions and Permits" regulation. Permits from this agency may be required prior to any site alteration or construction in those areas regulated by Otonabee Conservation.

It was determined that the subject property is not located within a vulnerable area that is subject to Trent Source Protection Plan (SPP) policies. Significant drinking water threats are not possible and a Restricted Land Use Notice is not required.

Copies of these agency comments are attached to this Report.

The application was circulated to Senior Staff on October 15, 2024. During circulation Staff recommended that the requested maximum lot coverage of 17.51% be increased to 17.6% to allow some minor flexibility for the proposed development. As a result, the attached draft By-law has been amended accordingly.

As of the writing of this Report, there were no further concerns identified by Senior Staff.

Conclusion:

The requested zoning by-law amendment is required to permit the construction of a single detached dwelling and related private services (well and septic) on the subject property. The Special District 155 Zone (S.D. 155) will be amended to recognize deficiencies in lot area and yard setbacks and increases for the maximum first storey floor area, maximum lot coverage and maximum height.

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.



Service Modernization and Innovation

Modernizing, refining and innovating services for residents is essential to effectively meet the needs of our community, enhance our operational efficiency, and ensure we remain adaptable in a rapidly changing world.



Business Attraction, Expansion, and Retention

Business attraction, expansion, and retention is vital for the economic health and sustainability of our Township, such as job creation, tax revenue, investing in innovation, maintaining our quality of life, and supporting community stability.



Infrastructure Renewal

Infrastructure renewal is a critical investment for our Township as it will ensure our adherence to health and safety, economic development, investment attraction, environmental sustainability, quality of life, public confidence, and regional competitiveness.

Report Approval Details

Document Title:	R-13-24 (Sandeman) Public Meeting Report.docx
Attachments:	<ul style="list-style-type: none"> - R-13-24 - Draft By-law.pdf - R-13-24 Application_Redacted.pdf - R-13-24 24-19-185-00_SITEPLAN_2024-07-22.pdf - R-13-24 Archaeological Comments.pdf - R-13-24 Elevations.pdf - R-13-24 - Bell (October 15, 2024).pdf - R-13-24 - City of Peterborough (October 18, 2024).pdf - R-13-24 - Enbridge (October 18, 2024).pdf - R-13-24 - KPRDSB (October 16, 2024).pdf - R-13-24 - ORCA PPLD-2333 (October 18, 2024).pdf
Final Approval Date:	Oct 30, 2024

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

Martina Chait-Hartwig

Todd Davis