Recommendation

That the report of the Planner regarding the Zoning By-law Amendment related to lands described as Part of Lot 13, Concession 7 in the Smith Ward be received for information; and

That By-law 2017-075, being a By-law to rezone certain lands situated in Part of Lot 13, Concession 7 in the Smith Ward from “Residential Type One (R1) Zone” to “Residential Type One Exception 554 (R1-554) Zone”, be brought forward to the by-law section of the agenda for consideration.

Information

Summary of Application

The Township has received a complete application for a Zoning By-law Amendment for the lands described as being Part of Lot 13, Concession 7 in the Smith Ward (municipally known as 1045 Ward Street).

The subject lands are designated Low Density Residential; and are zoned Residential Type One (R1).

The Zoning By-law Amendment is intended to permit a pet grooming facility as a home occupation located in an attached garage.

It is my professional planning opinion that the proposal is consistent with the Provincial Policy Statement and the Growth Plan and maintains the spirit and intent of the County and Township Official Plans and the Township Zoning By-law.

Response to Circulation of Notice

Dated November 21, 2017, the Township provided Notice of a Complete Application and a Public Meeting by prepaid first-class mail to any property owner(s) within a 120 metre radius of the subject lands. Notice was provided to the prescribed Ministries and
Agencies via email and fax. The subject property was posted with a sign advertising the public meeting. The notice is available on the Township’s website. The notice circulation complies with the requirements of The Planning Act. We have received comments from Peterborough Public Health (November 23, 2017), Enbridge Gas (November 23, 2017) and Otonabee Conservation (December 6, 2017), who have no objection to the application.

A letter of concern was received from a neighbouring property owner (1051 Ward Street dated November 27, 2017) related to the potential for a kennel, number of dogs already located at the site (pets) and whether or not there would be additional dogs as a result of the facility allowed in the yard. The home occupation is specifically a dog grooming facility that would take place in the attached garage. The zoning by-law does not permit a kennel, or a dog walking/exercise facility to be located on the site.

No further correspondence or comments have been received to date.

**Financial Impact**

The recommendation in this report has no financial impact.

**Strategic Plan Reference**

Goal 3: Support a sustainable, balanced, and investment-ready community.

Official Plan and Zoning By-law updates that support environmental and agricultural stewardship, housing diversity and economic investment.

**Attachment**

- Draft Zoning By-law Amendment prepared by Township Planning Staff

**Jeannette Thompson**

Prepared By: Jeannette Thompson, Planner

**Robert Lamarre**

Reviewed By: Robert Lamarre, Manager of Building & Planning

**Janice Lavalley**

Approved By: Janice Lavalley, CAO
Planning Analysis for
Zoning By-law Amendment File No. C-18-17

The Development Proposal

The Township has received a zoning by-law amendment application for the lands described as Part of Lot 13, Concession 7 in the Smith Ward (Figure 1).

Figure 1: Location Map

The subject lands are designated **Low Density Residential**; and are zoned **Residential Type One (R1)**.

The Zoning By-law Amendment is intended to permit a pet grooming facility as a home occupation located in an attached garage.

Presently in the R1 Zone, home occupations are limited to those home occupations which are administrative office type uses (i.e. lawyer’s office, accounting office).

The applicant has been conducting the business from the home, in the belief that this type of home occupation was permitted. The Township became aware of the business and informed the applicant that the business was not a permitted use within the R1 zone. It was noted that the business would have to either cease to exist, or an
amendment to the zoning by-law be applied for to permit the use to continue. Following a pre-consultation meeting with the property owner, an application for a zoning by-law amendment was submitted, complete with supporting documentation, which included a description of the business operations.

The scope of the business includes:

- Servicing for dogs only, including hair clipping, nail trimming, ear cleaning, shampooing and bathing
- One client in the home at a time, with typically maximum of 3 clients per day
- Typical time frames are 2 – 4 hours per appointment
- Business hours are 9:00 to 5:00 Monday through Friday.

A site visit was conducted and it was determined that the site can accommodate additional parking spaces for the home occupation, which eliminates the potential of on-street parking.

Based on the supporting documentation provided and my review of the proposal within the context, it is my professional planning opinion that the proposal is consistent with the Provincial Policy Statement and the Growth Plan and maintains the spirit and intent of the County and Township Official Plans and the Township Zoning By-law.

**Description of the Subject Lands**

The subject lands are 0.1618 hectares (0.41 acre) in area, and have 32 metres (106 feet) of frontage on Ward Street. Presently located on the property is a dwelling with an attached garage and a shed. The proposal will not result in the expansion of any of the structures, or with the construction of any new structures. Access to the site is provided via a residential laneway off of Ward Street. There is adequate area provided for parking.

Surrounding land uses are primarily residential, with some commercial uses scattered throughout the area (refer to Figure 2).

**Analysis**

**The Provincial Policy Statement**

The Provincial Policy Statement (PPS) 2014 as issued under the authority of Section 3 of The Planning Act came into effect on April 30, 2014. Further, Section 3 of The Planning Act requires that planning authorities “shall be consistent with” the PPS. The intent of the PPS is to provide direction on matters related to land use planning and
development. Within the context of the proposal, certain provisions of the PPS are considered to have relevance.

Figure 2: Surrounding Land Uses

Section 1 (Building Strong Communities) promotes efficient land use and development patterns in order to support strong, liveable, and healthy communities; and to protect the environment, public health and safety; and to facilitate economic growth. Specifically Section 1.1.1 b) suggests that an appropriate mix of residential areas, employment areas, institutional areas, recreational area, parkland and open spaces be planned for to meet long-term needs.

The proposed zoning by-law amendment, which would permit a home occupation use as a pet grooming facility, will provide for an appropriate mix of residential and employment uses. Therefore, I am of the opinion that the proposal is consistent with the policies of the PPS.

Places To Grow – Growth Plan for the Greater Golden Horseshoe, 2006

The Places to Grow Act, 2005 (Bill 136), which received Royal Assent on June 13, 2005; promotes the use of growth plans to ensure that growth occurs throughout the Province in a positive manner. The Growth Plan for the Greater Golden Horseshoe (2017) came into effect on July 1, 2017.
The legislation is centered on the idea of building sustainable communities while making use of existing infrastructure. It also sets out to ensure that long term visions and goals guide decision-making, in order to maintain healthy and sustainable future growth opportunities.

Similar to the PPS, 2014, Section 2.2.1 of the Growth Plan 2017 indicates that municipalities are encouraged to plan for a variety of economic opportunities to serve the needs of area residents. As noted above, the amendment would permit a pet grooming facility as a home occupation on the subject lands, which is consistent with the directives of the Growth Plan.

**County of Peterborough Official Plan**

In the County Official Plan, the subject property is identified as “Settlement Area”. The goal of this designation is “to provide a form of growth that is consistent with the need to conserve energy resources, preserve and enhance the natural environment, encourage an efficient and economic use of infrastructure and space, maintain County unity and retain local community identity”. The proposal does not detract from this goal.

**Township of Selwyn Official Plan**

Official Plan Amendment No. 3 received Ministerial consent on October 22, 2008. The amendment functions as the lower tier Official Plan for the Township. Section 6.0 (Local Plan Policies) provides detailed strategies, policies and land use designations for planning and development at the local municipal level.

Schedule A1 (Land Use Plan – Rural Component) of the Official Plan, designates the subject lands **Low Density Residential** (refer to Figure 3).
Section 6.3.2.3 of the Official Plan outlines policies within the **Low Density Residential** designation. Permitted uses include residential uses in the form of single detached dwellings, semi-detached dwellings, and multiple dwellings. Other permitted uses include home occupations. I am of the opinion that the proposal maintains the spirit and intent of the Official Plan.

**Township of Selwyn Comprehensive Zoning By-law No. 2009-021**

According to Schedule ‘A’ – Map 2, the subject lands are zoned **Residential Type One (R1)** (refer to Figure 4).

The Zoning By-law Amendment will change the zone category to Residential Type One Exception 554, which is intended to permit a dog grooming facility as a home occupation located in an attached garage. The draft by-law has been attached for your review.
Conclusion

The subject property is zoned Residential Type One (R1), and will be rezoned to Residential Type One Exception 554 (R1-554), in order to permit a dog grooming facility as a home occupation on the subject lands.

In conclusion, it is my professional planning opinion that the proposal is consistent with the Provincial Policy Statement and the Growth Plan and maintains the spirit and intent of the County and Township Official Plans; and represents good planning.

Staff therefore recommends that Council forward draft By-law No. 2017-075 to the By-law section of the agenda for consideration.

Jeannette Thompson
Jeannette Thompson, B.Sc., MCIP, RPP
Planner/Economic Development Officer