Recommendation

That the report of the Planner regarding the Zoning By-law Amendment related to lands described as Part of Lot 24, Concession 17 in the Smith Ward be received for information; and

That By-law No. 2019-037, being a by-law to rezone certain lands situated in Part Lot 24, Concession 17 in the Smith Ward from Lakeshore Residential (LR) Zone to Lakeshore Residential Exception 572 (LR-572) Zone, be brought forward to the By-law section of the agenda for consideration; and

That a By-law No. 2019-038, being a by-law to authorize the execution of an agreement to permit a garden suite as a temporary use 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 24, Concession 17 in the Smith Ward, municipally known as 1772 Gordon Fitzgerald Lane.

The subject lands are designated Seasonal Residential; and are zoned “Lakeshore Residential (LR)”. The proposed Zoning By-Law Amendment related to the subject lands will change the zoning to “Lakeshore Residential Exception 572 (LR-572) Zone”, in order to permit the construction or erection of a “garden suite” as a temporary use on the subject lands.

The applicants are proposing to locate a garden suite to the south of the existing structures (Figure 1). It has been located so as to minimize the visual impact from the road, and to minimize the amount of vegetation to be cleared. It is the intent of the applicants that the garden suite be inhabited by the property owners, and the principal
dwelling will be inhabited by their family. The “garden suite” is permitted as a temporary use, by virtue of a zoning by-law amendment.

The temporary use by-law would have duration of 20 years from the date of passing of the by-law. Upon the expiration of the 20 year period, Council may by by-law grant further periods of not more than three (3) years each during which the temporary use may continue to be authorized. At such time as the garden suite is no longer required by the tenant or the temporary use by-law expires and is not extended, the garden suite is then to be removed from the property.

Section 5.1 (Housing) of the County Official Plan indicates that municipalities should provide “opportunities for a range of housing by type and density to be built throughout the County to respond to the varying needs of the permanent population based on demographic, income, market and special needs considerations”. Garden Suites are included as potential housing types. The County Official Plan indicates that specific regulations related to Garden Suites shall be in municipal plans and zoning by-laws.

The Zoning By-law defines garden suite as “a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable”.

Section 3.12 of the Township’s Zoning By-law provides regulations specific to Garden Suites. As noted in the planning analysis, the proposed garden suite meets with the intent of this Section. Further, it complies with the regulations of the by-law with the exception of subsection 3.12.1 iii). This subsection indicates that the garden suite is to be located in the rear yard. The proposed location is technically in the front yard, as it is a water front lot. The draft by-law recognizes that the garden suite is proposed to be located in the front yard.

Further, Subsection 3.21 (h) requires the property owners to enter into an agreement with the municipality, to address certain matters including, the installation, maintenance and removal of the suite; the period of occupancy of the garden suite by any person named in the agreement; and any monetary or other security required by Council for monetary or other costs to the municipality related to the garden suite. This agreement has been drafted and is attached for Council’s information.

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 March 19, 2019, 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. The prescribed Ministries and Agencies were provided notice via email and facsimile. 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*. The Township has received correspondence from: Enbridge Gas Inc. dated March 27, 2019 (no objections) and the Otonabee Region Conservation Authority dated *April 3, 2019* (no objections). No further responses 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.

Environmental Impact

The recommendation in this report has no environmental impact.

Attachment

- Draft Zoning By-law Amendment prepared by Township Planning Staff
- Draft Agreement re: Garden Suite prepared by Township Planning Staff
- Agency Comments

Jeannette Thompson
Prepared By: Jeannette Thompson, Planner

Robert Lamarre
Reviewed By: Robert Lamarre, Manager of Building & Planning

Janice Lavallee
Reviewed By: Janice Lavallee, CAO
Planning Analysis for
Zoning By-law Amendment File No. C-02-19

The Development Proposal

The Township has received a zoning by-law amendment application for the lands described as Part of Lot 24, Concession 17 in the Smith Ward (Figure 2).

![Figure 2: Location Map](image)

The subject lands are designated **Seasonal Residential**; and are zoned “**Lakeshore Residential (LR)**”. The proposed Zoning By-Law Amendment related to the subject lands will change the zoning to “**Lakeshore Residential Exception 572 (LR-572) Zone**”, in order to permit the construction or erection of a “garden suite” as a temporary use on the subject lands.

The properties are accessed via a private driveway off of Gordon Fitzgerald Lane (private road) via the Seventeenth Line.

Surrounding land uses include residential and rural / vacant lands (refer to Figure 3).
Analysis

The Planning Act

Section 39.1 of the Planning Act addresses ‘garden suites’, and indicates that a temporary use by-law permitting a ‘garden suite’ may be in place for a period of 20 years, with a renewal period of not more than 3 years each.

Section 39.1(2) defines a garden suite as a “one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable”.

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.

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.
Section 1.1.4 specifically addresses rural areas within municipalities. This section identifies permitted land uses and activities as being those which relate to the management or use of resources, resource-based recreational activities, limited residential development, and other rural land uses. This section of the PPS also ensures that new development is appropriate for the planned or available infrastructure. The residential lot can be sustained by existing service levels, including private well and septic.

In addition, Section 1.4 (Housing) of the PPS encourages a mix of housing forms and densities to meet with projected requirements of current and future residents.

Specifically subsection 1.4.3 states:

Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

b) permitting and facilitating:
   1. all forms of housing required to meet the social, health and wellbeing requirements of current and future residents, including special needs requirements

As the proposal will provide affordable housing for a member the applicants’ family, which is compatible with the cultural landscape and can be sustained by rural service levels, the application is considered to be consistent with the Provincial Policy Statement.

Places To Grow – Growth Plan for the Greater Golden Horseshoe, 2017

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.

Section 2.2.3.6 i) of the Growth Plan indicates that growth strategies developed to implement the policies of the Growth Plan shall include “a range and mix of housing, taking into account affordable housing needs”.
As stated earlier, the proposed use is intended to provide affordable housing to a member of the applicants’ family, therefore the proposal 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 “Shoreland Areas and the Waterfront”. The goal of this designation is “to improve and protect the waterfront areas in Peterborough County as a significant cultural, recreational, economic and natural environment resource and enhance land areas adjacent to the shore”. The proposal does not detract from this goal.

Further, Section 5.1 (Housing) of the County Official Plan indicates that municipalities should provide “opportunities for a range of housing by type and density to be built throughout the County to respond to the varying needs of the permanent population based on demographic, income, market and special needs considerations”. Garden Suites are included as potential housing types. The County Official Plan indicates that specific regulations related to Garden Suites shall be in municipal plans and zoning by-laws.

**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 **Seasonal Residential** (refer to Figure 4). Section 6.2.5 of the Official Plan outlines policies within this designation. The use of lands within this designation includes residential uses in the form of single detached dwellings and accessory uses thereto. I am of the opinion that the intent of the Official Plan is maintained.
According to Schedule ‘A’-Map 4, the subject lands are zoned “Lakeshore Residential (LR)” (refer to Figure 5). As previously noted, the proposed Zoning By-Law Amendment related to the subject lands will change the zoning to “Lakeshore Residential Exception 572 (LR-572) Zone”, in order to permit the construction or erection of a “garden suite” as a temporary use on the subject lands.
Section 3.12 of the Township’s Zoning By-law provides regulations specific to Garden Suites.

3.12 Garden Suites

A garden suite is only permitted by means of a site specific Temporary Use Zoning Bylaw, approved in accordance with Section 39.1 of the Planning Act. Where a garden suite is permitted by temporary zoning, the following provisions apply:

a) only one garden suite is permitted per lot;
b) the garden suite must be on the same lot as a principal residential use building;
c) the principal residential use building must be either a single detached dwelling, or a semi-detached dwelling;
d) the garden suite must comply with the Additional Provisions for Garden Suites set out in Section 3.12.1;
e) despite subsection 3.12.1, these provisions may be varied on a site–specific basis through the Temporary Zoning By-law;
f) Subsection 3.12.1 does not preclude both units of a semi-detached dwelling from having a garden suite.
g) the development of a garden suite on a residential lot shall not result in the creation of a planned unit development.
h) Council may require the owners of the suite or any other person to enter into an agreement with the municipality to address such matters as:
   i) the installation, maintenance and removal of the suite;
   ii) the period of occupancy of the garden suite by any person named in the agreement; and,
   iii) monetary or other security required by the Council for monetary or other costs to the municipality related to the garden suite.

3.12.1 Additional Provisions for Garden Suites

i) Number of garden suites per lot (Maximum) One
   ii) Building Height (Maximum) 4.5 m
   iii) Permitted Location rear yard
   iv) Side Yard Setback (Minimum) same as principal building
   v) Rear Yard Setback (Minimum) 2.3 m
   vi) Lot Coverage (Maximum) 35% of the area of the rear yard
   vii) Separation of Buildings (Minimum) 1.2 m
   viii) Floor Area (Maximum) 65% of the gross floor area of the principal building on the lot
   ix) Additional Driveway not permitted
   x) Additional Parking none required
For the purposes of this Section, the rear yard area shall be measured from the exterior wall of the principal dwelling closest to the rear lot line, to the rear lot line. A garden suite is not included in the calculation of any other maximum lot coverage requirements.

The applicants have illustrated that they are able to meet all of the above requirements, with the exception of subsection 3.12.1 iii). This subsection indicates that the garden suite is to be located in the rear yard. The proposed location is technically in the front yard, given the definition of front yard in the Township’s Zoning By-law. As the property is a waterfront lot – it is considered more appropriate to locate the garden suite on the road side. Further, it could not be situated in the rear yard, as it would then be within 30 metres of the high-water mark. The draft by-law recognizes that the garden suite is proposed to be located in the front yard.

Although not a requirement, adequate parking is available on the lot for both the single detached dwelling and the garden suite. Also the lot is large enough to accommodate the garden suite and still offer amenity space. In addition, the scale and appearance of the garden suite is compatible with the area and will be designed is such a manner that it could be easily removed from the property once it is no longer required. In regards to servicing, prior to a building permit being issued, a permit from Peterborough Public Health will be required to ensure that the property can support and accommodate the septic system or expansion of the existing system required to service the garden suite. The draft by-law has been attached for your review.

Conclusion

The proposed Zoning By-Law Amendment related to the subject lands will change the zone category from “Lakeshore Residential (LR) Zone” to “Lakeshore Residential Exception 572 (LR-572) Zone”, in order to permit the construction or erection of a garden suite on the subject lands as a temporary use.

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. 2019-037 to the By-law section of the agenda for consideration.

Further, I would recommend that By-law No. 2019-038, which is a by-law to authorize the execution of a Garden Suite Agreement, be brought forward to the by-law section of the agenda for consideration.

Jeannette Thompson
Jeannette Thompson, B.Sc., MCIP, RPP
Planner