Date: December 10, 2019
To: Mayor Andy Mitchell and Council Members
From: Jeannette Thompson, Planner
Subject: Zoning By-law Amendment – 1688 Young’s Point Road – Smith Ward
Status: For Direction

Recommendation

That the report of the Planner regarding the Zoning By-law Amendment related to lands described as Part of Lot 29, Concession 10 in the Smith Ward (municipally known as 1688 Young’s Point Road) be received for information; and

That By-law 2019-111, being a By-law to rezone certain lands situated in Part of Lot 29, Concession 10 in the Smith Ward from “Rural Residential (RR) Zone” to “Rural Residential Exception 579 (RR-579) 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 lands described as being Part of Lot 29, Concession 10 in the Smith Ward, municipally known as 1688 Young’s Point Road.

The subject lands are designated Rural; and are zoned “Rural Residential (RR)”. The proposed Zoning By-Law Amendment related to the subject lands will change the zoning to “Rural Residential Exception 579 (RU-579) Zone”. The intent of the Zoning By-law Amendment is to permit a Type ‘B’ Home Industry to be located within an existing building (accessory structure) on the subject lands. The amendment will also include site specific zone provisions that will permit the home industry in an accessory structure that will not exceed a footprint area of 170 square metres; and permit up to three (3) non-residents (individuals that do not reside on the property) to be employed on the lot.

The Rural designation permits limited residential uses, including home occupations provided that the establishment is operated by one or more permanent residents of the dwelling. The property has been historically utilized for residential purposes. Further, the property owner resides on the property is the proprietor of the home occupation use.
The Rural Residential Zone permits a Type ‘A’ Home Industry. Type ‘A’ Home Industries are limited to “craft shops, custom workshops, service shops, and similar type uses and associated retail sales”.

The applicant’s proposed home industry use is proposed is a machine shop, which is outside of the scope of a Type ‘A’ Home Industry. According to Section 3.16.2 of the Township’s Zoning By-law the use would be considered a Type ‘B’ Home Industry. Therefore the site specific exception zone would permit a Type ‘B’ Home Industry on the subject lands. Section 3.16.2 of the by-law also includes provisions which are specific to Type ‘B’ Home Industry uses, which include:

a) Any accessory structure used for a Type ‘B’ Home Industry shall not exceed 50 sq. m.
b) Not more than 1 non-resident shall be permitted to be employed on the lot.
c) The minimum lot size for a Type ‘B’ Home Industry shall be 2 ha.
d) One commercial vehicle associated with the home industry is permitted.
e) Where an interior side yard and/or rear yard abuts any residential zone, than such interior side yard and/or rear yard shall be a minimum of a 30 m planting strip in accordance with Section 3.34 of this By-law and shall be maintained in an open space condition and the open storage of good or materials shall not be permitted within this area.

With the exception of clauses a) and b), the applicant is able to comply with the provisions of the zoning by-law related to Type ‘B’ Home Industries. The proposed zoning by-law amendment will permit the home industry in an accessory structure with a maximum footprint area of 170 square metres; and permit up to three (3) non-residents to be employed on the lot.

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 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.
notice circulation complies with the requirements of *The Planning Act*. The Township has received correspondence from:

- Enbridge Gas Distribution (November 21, 2019) – no objections
- Ministry of Transportation (November 21, 2019) – no objections
- Peterborough Public Health (November 22, 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.

**Attachment**

- Draft Zoning By-law Amendment 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 Lavalley*

Reviewed By: Janice Lavalley, CAO
Planning Analysis for
Zoning By-law Amendment File No. C-13-19

The Development Proposal

The Township has received a zoning by-law amendment application for the lands described as Part of Lot 29, Concession 10 in the Smith Ward (Figure 1).

![Figure 1: Location Map](image)

The subject lands are designated Rural; and are zoned “Rural Residential (RR)”. The proposed Zoning By-Law Amendment related to the subject lands will change the zone category to “Rural Residential Exception 579 (RR-5798) Zone”.

The subject lands are approximately 3.5 hectares in area with approximately 70 metres of frontage on Young’s Point Road. The southern portion of the subject lands are presently developed with a single detached dwelling and various outbuildings, including an accessory structure utilized for a home industry use (machine shop). The large portion of the property is vacant/vegetated. The property is accessed via Young’s Point Road.

Surrounding land uses included agricultural, rural/vacant and extractive industrial to the north, west and east. Residential uses are occurring to the east and south (refer to Figure 2).
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 indicates that rural areas are important to the economic success of the Province and our quality of life. This section of the PPS also ensures that new development is appropriate for the planned or available infrastructure. As the residential lot including the home industry use can be sustained by existing service levels, including private well and septic, I believe that the proposal is considered to be consistent with the PPS.

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 (2019) came into effect on May 16, 2019.
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.

The Growth Plan directs development to recognized ‘settlement areas’. Development outside of ‘settlements areas’, may be permitted in accordance with Section 2.2.9 which indicates that development in rural areas should be related to the management or use of resources, resource-based recreational activities and rural land uses that cannot be located in settlement areas provided that they are compatible with the rural landscape and surrounding local uses, can be sustained by rural service levels and will not adversely impact the protection of agricultural uses and other resource-based uses. I am of the opinion that the proposal to permit a home industry on an existing residential lot 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 “Rural and Cultural Landscape”. The goal of this designation is “preserve and enhance the rural character of the County as a cultural resource and ensure the viability of the agricultural industry”. 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 Rural (refer to Figure 3). Sections 6.2.2 of the Official Plan outline policies within this designation. The Rural designation permits limited residential uses, including home occupations/industries provided that the establishment is operated by one or more permanent residents of the dwelling. The property has been historically utilized for residential purposes. Further, the property owner resides on the property and is the proprietor of the home industry use. Therefore, I am of the opinion that the intent of the Official Plan is maintained.
According to Schedule ‘A’ of the Township’s Zoning By-law, the subject lands are zoned “Rural (RU)” (refer to Figure 4).

The proposed Zoning By-Law Amendment related to the subject lands will change the zoning to “Rural Residential Exception 579 (RU-579) Zone”. The intent of the Zoning By-law Amendment is to permit a Type ‘B’ Home Industry to be located within an existing building (accessory structure) on the subject lands; included some site specific zone provisions.

The Rural Residential Zone permits a Type ‘A’ Home Industry. Type ‘A’ Home Industries are limited to “craft shops, custom workshops, service shops, and similar type uses and associated retail sales”.

The applicant’s proposed home industry use is proposed is a machine shop, which is outside of the scope of a Type ‘A’ Home Industry. According to Section 3.16.2 of the Township’s Zoning By-law the use would be considered a Type ‘B’ Home Industry. Therefore the site specific exception zone would permit a Type ‘B’ Home Industry on the subject lands. Section 3.16.2 of the by-law also includes provisions which are specific to Type ‘B’ Home Industry uses, which include:

a) Any accessory structure used for a Type ‘B’ Home Industry shall not exceed 50 sq. m.
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e) Where an interior side yard and/or rear yard abuts any residential zone, than such interior side yard and/or rear yard shall be a minimum of a 30 m planting strip in accordance with Section 3.34 of this By-law and shall be maintained in an open space condition and the open storage of good or materials shall not be permitted within this area.

With the exception of clauses a) and b), the applicant is able to comply with the provisions of the zoning by-law related to Type ‘B’ Home Industries. The proposed zoning by-law amendment will permit the home industry in an accessory structure with a maximum footprint area of 170 square metres; and permit up to three (3) non-residents to be employed on the lot.

The draft by-law has been attached for your review.

Figure 4: Excerpt from Zoning By-law 2009-021

**Conclusion**

The proposed Zoning By-Law Amendment related to the subject lands will change the zone category to “*Rural Residential Exception 579 (RR-579) Zone*”.

The intent of the Zoning By-law Amendment is to permit a Type ‘B’ Home Industry to be located within an existing building (accessory structure) on the subject lands. The amendment will also include site specific zone provisions that will permit the home industry in an accessory structure that will not exceed a footprint area of 170 square
metres; and permit up to three (3) non-residents (as in individuals that do not reside on the property) to be employed on the lot.

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. 2019-111 to the By-law section of the agenda for consideration.

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