



Regular Council Meeting

To:	Mayor and Council
Date:	September 20, 2022
From:	Karen Ellis, Director of Planning
Report Number:	Planning 2022-45
Subject:	Plumton Zoning By-law Amendment

Recommendation:

That By-law No. 2022-61 be approved to amend By-law No. 2018-58, as amended, with regard to lands located at 16 Frederick Street in the Millbrook Ward and identified by property assessment roll number 1509-020-010-155-00.

Overview:

Darrel Plumton applied to the Township of Cavan Monaghan for a zoning by-law amendment for lands located at 16 Frederick Street in Millbrook and identified by property assessment roll number 1509-020-010-155-00. A key map showing the location of the subject property is provided as Attachment No. 1 to this Report.

The Amendment is required to permit the construction of a detached garage with an accessory apartment on the second floor.

By-law No. 2022-61 will zone a portion of the subject property from the Urban Residential One (UR1) Zone to the Urban Residential One Exception Ten Temporary Use Six (UR1-10-T6) Zone. The portion of the lot zoned Natural Linkage (NL) will remain zoned (NL).

The (UR1-10-T6) Zone will permit an accessory apartment in a portion of a new detached garage as a temporary use for a period of up to three (3) years. The accessory apartment will be limited in size to a maximum of 80.3 square metres (864 square feet) in size.

Council may, by by-law, extend the temporary use period by as much as three (3) years at any one time. Upon expiry, the lands affected will revert to the Urban Residential One (UR1) Zone (or equivalent) and the accessory apartment will not be considered an existing non-conforming use as specified by the Planning Act, Section 39, R.S.O. 1990, as amended.

For the purposes of the (UR1-10-T6) Zone, an accessory apartment is defined as “a separate dwelling unit, which is located within a detached accessory building (garage) that is subordinate to the existing single detached dwelling”.

A complete copy of By-law No. 2022-61 is provided as Attachment No. 2 to this Report.

A public meeting for the Application was held on September 6, 2022. Report Planning 2022-42 was presented at the meeting. A copy of the Report is attached to this Report for reference (Attachment No. 3).

The Report confirmed that the Application conforms to the Township of Cavan Monaghan Official Plan and the Peterborough County Official Plan and is consistent with the Provincial Policy Statement 2020 (PPS) and conforms to A Place to Grow, Growth Plan for the Greater Golden Horseshoe (2020 Growth Plan).

The Report also confirmed that there are no objections to the Amendment from the circulated Ministries and Agencies. Township Staff had no objection to the Application. Staff will be confirming water and wastewater servicing to the detached building at the time of building permit application. A grading and drainage plan will also be required at that time.

The Application conforms to and/or is consistent with the policy framework currently in place. There are no public or agency objections to the Application. Township Staff comments can be addressed through the building permit process. As such, the approval of By-law No. 2022-61 is recommended.

Financial Impact:

None at this time.

Attachments:

Attachment No. 1: Key Map
Attachment No. 2: By-law No. 2022-61
Attachment No. 3: Report Planning 2022-42

Respectfully Submitted by,

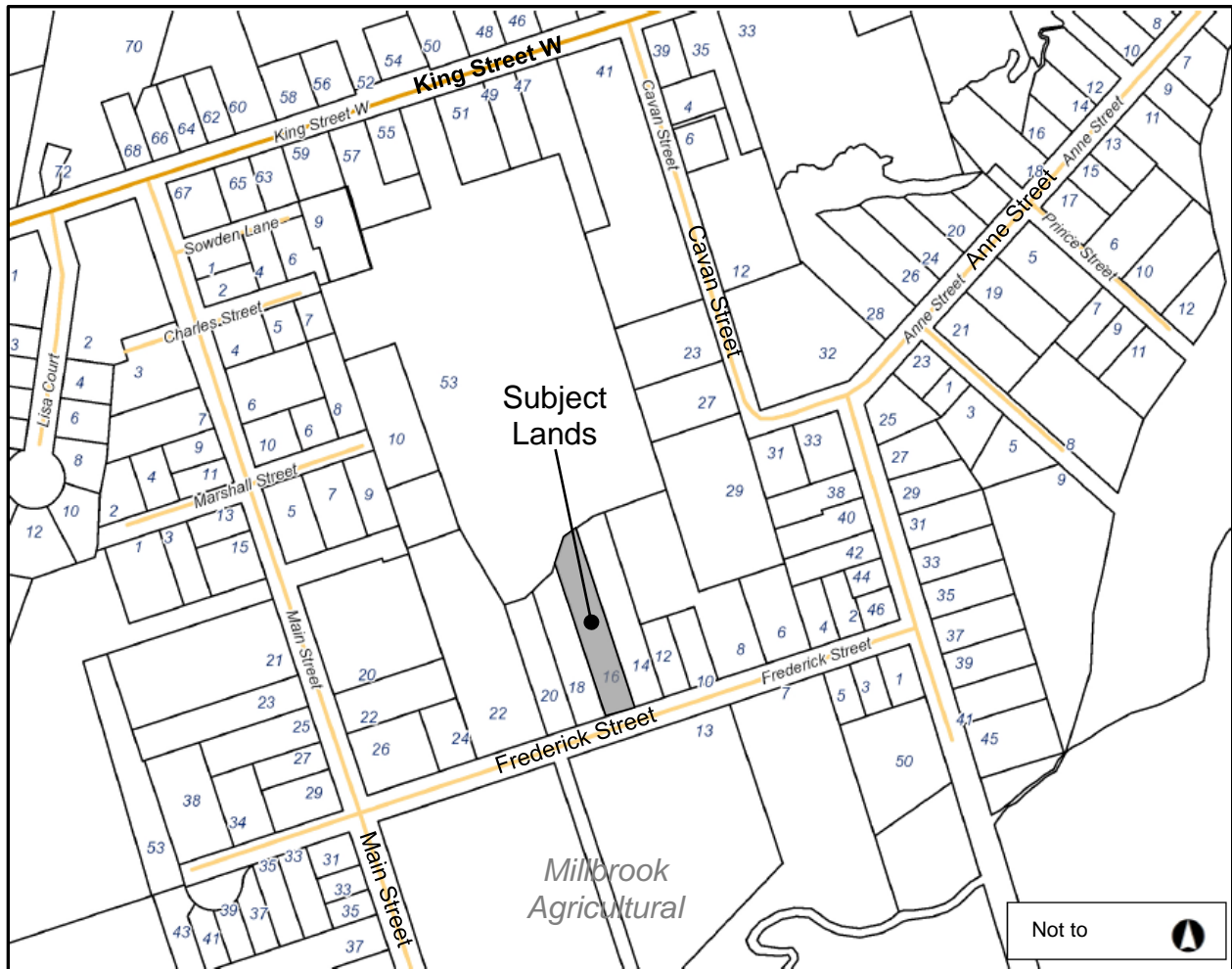
Reviewed by,

Karen Ellis, B.A.A.
Director of Planning

Yvette Hurley
Chief Administrative Officer

Attachment No. 1 Key Map

Key Map



The Township of Cavan Monaghan

By-law No. 2022-61

**Being a by-law to amend By-law No. 2018-58, as amended, otherwise known as
“The Township of Cavan Monaghan
Zoning By-law”.**

Whereas the Township of Cavan Monaghan received an application to amend Zoning By-law No. 2018-58, as amended.

And Whereas the Council of the Township of Cavan Monaghan reviewed the proposed rezoning and now deems it advisable to further amend By-law No. 2018-58, as amended.

Now Therefore the Council of the Township of Cavan Monaghan hereby enacts as follows:

1. Map F-2A of Schedule “A” to By-law No. 2018-58, as amended, is hereby amended by changing the zone category on lands known municipally as 16 Frederick Street in the Millbrook Ward from the Urban Residential One (UR1) Zone to the Urban Residential One Exception Ten Temporary Use Six (UR1-10-T6) Zone as shown on Schedule “1” attached hereto and forming part of this By-law.
2. Section 3.4 of By-law No. 2018-58, as amended, is further amended by the addition of Section 3.4.73 that shall read as follows:
“3.4.73 **(UR1-10) Map F-2A on Schedule A** *(2022-61 Plumton)*
 - a) For the purposes of the UR1-10 Zone, a maximum of one accessory apartment shall be permitted on the subject lot within the detached garage.
 - b) The accessory apartment shall only be permitted for the temporary use period outlined in Table 15A.
 - c) The accessory apartment shall not exceed 80.3 square metres (864 square feet) in size.
 - d) For the purposes of the UR1-10 Zone, an accessory apartment shall be defined as a separate dwelling unit located within a detached accessory building (garage) that is subordinate to the existing single detached dwelling.

3. Section 15, Table 15A of By-law No. 2018-58, as amended, is further amended by the addition of a new Temporary Use Number UR1-10-T6 (2022-61) immediately following HR-T5 (2019-38) that shall read as follows:

Table 15A Temporary Use Zones			
Temporary Use Number	Temporary Uses Permitted	Date Enacted	Date Expires
ORME-T1 (2014-30)	• Garden suite	July 2, 2014	July 2, 2034
A-T2 (2014-58)	• Garden suite	November 12, 2014	November 12, 2034
C2-T3 (2016-02)	• Chip truck	February 1, 2014	February 1, 2019
A-T4 (2016-71)	• Garden suite	November 21, 2016	November 21, 2036
HR-T5 (2019-38)	• Two shipping containers and one stucco and stone sided barn	June 17, 2019	June 17, 2022
UR1-10-T6 (2022-61)	• Accessory apartment in a detached garage	September 20, 2022	September 20, 2025

4. The UR1-10-T6 Zone will be deemed to be in full force and effect on the date of passage of this By-law for a period not to exceed three (3) years thereafter. Council may, by by-law, extend the temporary use period by as much as three (3) years at any one time. Upon expiry, the lands affected will revert to the Urban Residential One (UR1) Zone (or equivalent) and the accessory apartment will not be considered an existing non-conforming use, as specified by the Planning Act, Section 39, R.S.O. 1990, as amended.”
5. All other relevant provisions of By-law No. 2018-58, as amended, shall apply.

If no notice of objection is filed with the Clerk within the time provided, this By-law shall become effective on the date of passing.

If a notice of objection is filed with the Clerk, this By-law shall become effective on the date of passing hereof subject to the disposition of any appeals.

Read a first, second and third time and passed this 20th day of September, 2022.

Scott McFadden
Mayor

Cindy Page
Clerk

Schedule "1" to By-Law No. 2022-61



Area Affected by this By-law

16 Frederick Street, Millbrook
Part of Lots 22 and 23, Plan 3
Township of Cavan Monaghan

Certificate of Authentication

This is Schedule "1" to By-law No. 2022-61 passed this 20th, day of September, 2022.



Rezone from the 'Urban Residential One (UR1) Zone' to the 'Urban Residential One Exception Ten Temporary Use Six (UR1-10-T6) Zone'



Lands to remain zoned the Natural Linkage (NL) Zone.

Mayor

Clerk



Regular Council Meeting

To:	Mayor and Council
Date:	September 6, 2022
From:	Karen Ellis, Director of Planning
Report Number:	Planning 2022-42
Subject:	Plumton Zoning By-law Amendment

Recommendations:

1. That Council receive all comments related to Zoning By-law Amendment Application ZBA-05-22; and
2. That a By-law to amend Zoning By-law No. 2018-58, as amended, be presented to Council for consideration at a future meeting.

Overview:

Darrel Plumton applied to the Township of Cavan Monaghan for a zoning by-law amendment. The Application applies to lands located at 16 Frederick Street in Millbrook as identified by property roll number 1509-020-010-155-00. The Zoning By-law Amendment is required to permit the construction of a detached garage with an accessory apartment on the second floor on the subject property.

A Key Map showing the location of the subject lands is provided as Attachment No. 1 to this Report.

Zoning By-law Amendment

The subject property is approximately 0.31 hectares (0.76 acres) in size with approximately 21.3 metres (70 feet) of frontage on Frederick Street. The property is developed with a single detached dwelling approximately 111.5 square metres (1200 square feet) in size (main level) and a detached garage, approximately 36.8 square metres (396 square feet) in size. The dwelling is serviced with municipal piped water and sewer services and Frederick Street is a year round municipally maintained road.

The owner is proposing to demolish the existing detached garage and replace it with a new accessory building approximately 80.3 square metres (864 square feet) in size. The new building will be two storeys. The proposed accessory apartment will be located on the second floor of the accessory building. A site plan showing the location of the new garage is provided as Attachment No. 2 to this Report.

Purpose and Effect of Zoning By-law Amendment Application

The purpose of the proposed amendment is to rezone the subject lands to permit an accessory apartment within a portion of a new detached garage as a temporary use for a period of up to three years.

The subject property is zoned “Urban Residential One (UR1) Zone” and the Natural Linkage (NL) Zone as displayed on Map F-2A of By-law No. 2018-58, as amended.

Currently, By-law No. 2018-58, as amended, permits a maximum of one accessory apartment within a detached dwelling. Unless expressly permitted by the By-law, no accessory building or structure can be used for human habitation. The Township Official Plan (S. 3.9) permits separate accessory apartments on a temporary basis only. A Temporary Use By-law is required to permit an accessory dwelling unit in an accessory building.

The Amendment seeks to provide relief from Section 11.2 of By-law No. 2018-58, as amended, to allow the accessory apartment to be located within a detached accessory building. The subject property is proposed to be rezoned from the Urban Residential One (UR1) Zone to the Urban Residential One Exception Ten Temporary Use Six (UR1-10-T6) Zone to permit an accessory apartment within a portion of the new detached garage as a temporary use for a period of up to three (3) years.

Council may, by by-law, extend the temporary use period by as much as three (3) years at any one time. Upon expiry, the lands affected will revert to the Urban Residential One (UR1) Zone (or equivalent) and the accessory apartment will not be considered an existing non-conforming use, as specified by the Planning Act, Section 39, R.S.O. 1990, as amended.

For the purposes of this proposal, an accessory apartment shall be defined as “a separate dwelling unit, which is located within a detached accessory building (garage) that is subordinate to the existing single detached dwelling”.

All other provisions of the (UR1) Zone and the (NL) Zone will apply to the subject property.

A complete copy of the draft Zoning By-law Amendment is provided as Attachment No. 2 to this Report.

Response to Notice

Notice of the Zoning By-law Amendment application was circulated, by first class prepaid mail, to all assessed persons within 120 metres (400 feet) of the lands affected by the Zoning By-law Amendment application and to all required ministries and agencies. Notice was provided by email to all Township Department Directors. A sign was posted on the frontage of the subject property and the Notice of Public Meeting was posted on the Township website. The Notice complies with the requirements of the Planning Act.

To date, Township Staff have not received any written or verbal comments about the proposed Amendment from members of the public.

Township Staff have no objections to the Application. Township Staff will be confirming water and wastewater servicing for the detached building. A grading and drainage plan will be required as part of the Building Permit.

Otonabee Conservation Staff confirmed that the Application is consistent with Sections 2.1, 2.2 and 3.1 of the Provincial Policy Statement (PPS), a permit is not required from the Authority for the project, and the subject property is not located within an area that is subject to the policies contained in the Source Protection Plan (SPP).

Township of Cavan Monaghan Official Plan:

The subject lands are currently designated Residential and Natural Linkage in the Township of Cavan Monaghan Official Plan. The Natural Linkage designation applies to a small area at the rear of the property.

Permitted uses in the Residential designation include single detached, semi-detached, duplex, three-plex, four-plex, street, block and stacked townhouses, apartment dwellings, long-term care facilities, retirement homes and special needs housing. Accessory apartment and detached accessory dwelling (garden suites) on a temporary basis are also permitted when Council is satisfied that:

- a) The accessory apartment is being permitted in conjunction with a single detached dwelling unit and that the garden suite is secondary to the single detached unit;
- b) There is adequate sewage disposal and water service capacity available to service the unit acceptable to the appropriate approval agency;
- c) The roads are of a standard that can accommodate the increased use;
- d) Adequate parking is available for the unit and buffering can be provided where necessary;
- e) The development will not adversely affect the character of the area and is designed to be in keeping with the character of the surrounding area; and
- f) The development complies with the Ontario Building Code.

Information provided by the Applicant, file information, Staff comments and a site visit confirm that:

- the accessory apartment is being permitted in conjunction with the existing single detached dwelling;
- there is allocation available for the provision of municipal water and sewer to the apartment;
- Frederick Street can accommodate the increase in traffic associated with the apartment;

- the property can safely accommodate the parking of three (3) vehicles; and
- the new garage will not adversely affect the character of the area. While the proposed architectural design may be more “modern” than the existing aesthetic in the area, the height and massing of the building is in keeping with the existing community.

The Township may require the landowner to enter into an agreement regarding the maintenance, alterations and improvement and eventual removal of the accessory apartment.

The location and development of accessory apartments shall satisfy the General Development criteria of the Plan.

Section 4.1.3 e) of the Plan confirms that an accessory apartment may be permitted in conjunction with a single detached dwelling in the Residential designation subject to the regulations in the Zoning By-law and the following criteria:

- i) The accessory apartment shall comply with the Ontario Building and Fire Codes;
- ii) Adequate parking is available on the lot for both dwelling units without the loss of appropriate outdoor amenity areas and landscaping;
- iii) The accessory apartment is designed and located in such a manner so as to not have a negative impact on the character the surrounding neighbourhood and any building addition shall be compatible with the massing, height, and setbacks of adjacent dwelling units;
- iv) Municipal water and waste water facilities are adequate and available; and
- v) Onsite parking is provide in accordance with the provisions of the Zoning By-law.

A Building Permit will be required for the construction of the new garage and accessory apartment. Compliance with Building and Fire Codes will be assessed at that time. Adequate parking is available on site on the existing driveway. The new building is compatible with the existing height and massing of structures in the area and the interior side yard setback meets the minimum setback requirement for accessory buildings in the UR1 Zone. Municipal water and wastewater facilities are adequate and available.

The housing goal of the Official Plan (S. 2.1.2) encourages intensification and infill development within the built up area where adequate services such as water supply, sanitary sewage, storm sewage and drainage, schools and parkland are available and commercial and community facilities are accessible. The section also encourages rental housing and directs the housing to areas in close proximity to support services such as community and medical facilities, shopping, parks and green space.

This Zoning By-law Amendment application provides an additional housing unit in a new accessory building in an established neighbourhood. The existing detached garage will be demolished and replaced with a new building that contains living space on the second floor. Public water and wastewater facilities are available. The new accessory dwelling unit will be located in a built up area with commercial and community services within walking distance.

With the implementation of the temporary use by-law, the Application will conform to the Township Official Plan.

Peterborough County Official Plan:

The subject property is located within the Millbrook Settlement Area as identified in Section 4.2.3 of the Official Plan. Residential land uses are permitted in this designation.

Section 5.1 of the Plan contains policies that speak specifically to housing. The housing goal of the Plan is to provide opportunities for a range of housing by type and density throughout the County to respond to the varying needs of the permanent population based on demographics, income, market and special needs considerations. In addition, the objectives of the Plan (S. 5.1.2) include encouraging the provision of affordable housing and a variety of housing types on a County-wide basis and maximizing the efficient use of land, buildings and services consistent with good planning principles.

Residential intensification policies are outlined in Section 5.1.3.2 of the Plan. The County encourages local municipalities to permit residential intensification developments where servicing, the physical potential of the building stock, and the physical potential of the site is deemed appropriate and suitable for intensification. Residential intensification development forms include conversion, infill, redevelopment, the creation of rooming, boarding and lodging houses, garden suites and the creation of accessory apartments.

The Application conforms to the County Official Plan.

Provincial Policy Statement (PPS) (2020):

In the Provincial Policy Statement 2020 (PPS), settlement areas are the focus of growth and development (S.1.1.3). Appropriate ranges and mixes of housing options and densities are required to meet projected requirements of current and future residents (S. 1.4.1). Planning authorities shall provide an appropriate range and mix of housing options and densities by permitting and facilitating all types of residential intensification, including additional residential units.

The Application is consistent with the above noted components of the PPS.

A Place to Grow - Growth Plan for the Greater Golden Horseshoe (2020):

Section 2.2.1 of the Growth Plan for the Greater Golden Horseshoe, 2020 (GPGGH) states that the vast majority of growth will be directed to settlement areas that have a delineated built boundary, have existing or planned municipal water and wastewater systems, and can support the achievement of complete communities. Planning authorities are to achieve complete communities by considering a range and mix of housing options and densities of the existing housing stock and planning to diversify the overall housing stock across the municipality (S. 2.2.6 #2).

The Application conforms to the Growth Plan.

Financial Impact:

None at this time.

Attachments:

Attachment No. 1:	Key Map
Attachment No. 2:	Site Plan
Attachment No. 3:	Draft By-law

Respectfully Submitted by,

Reviewed by,

Karen Ellis, B.A.A.
Director of Planning

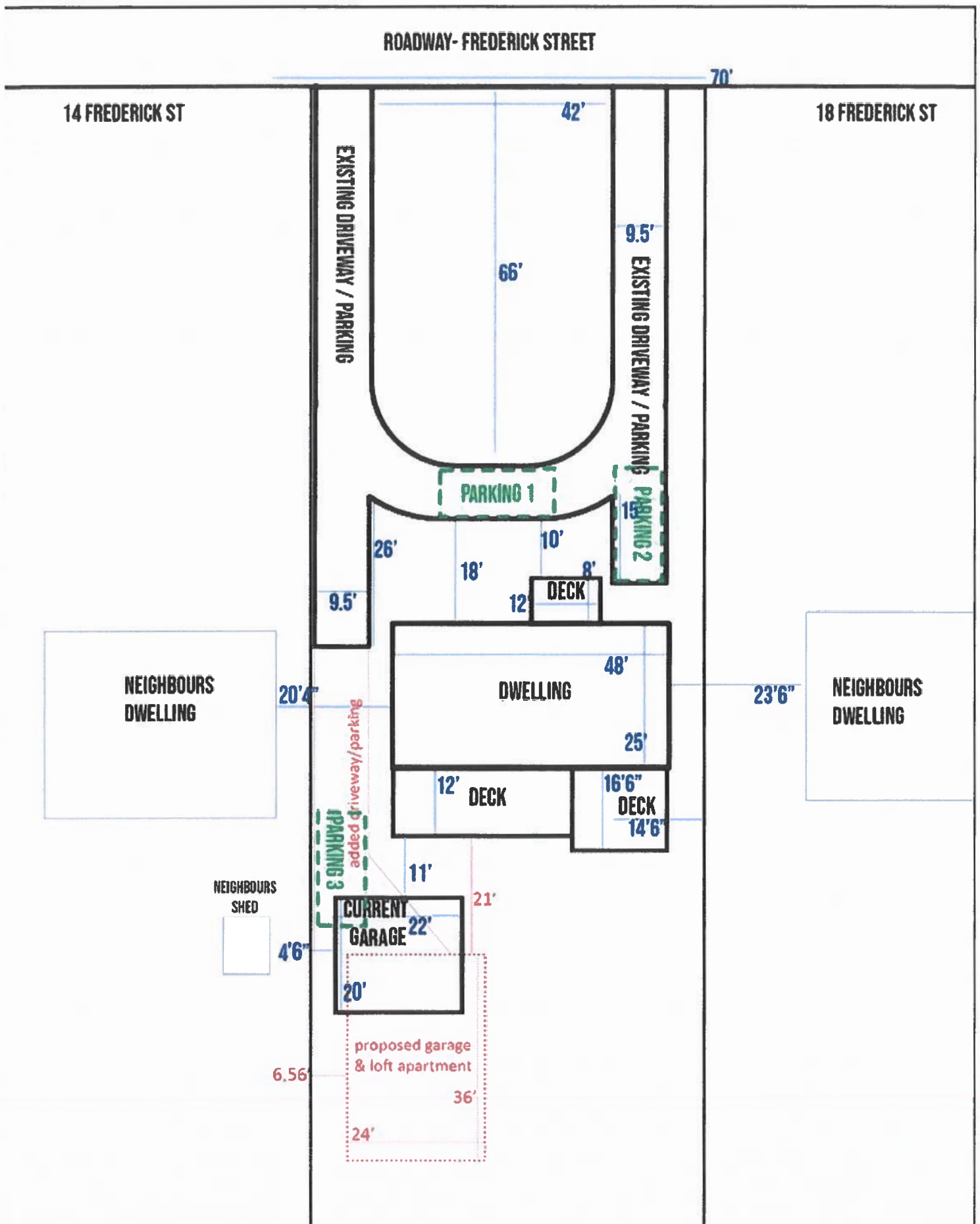
Yvette Hurley,
Chief Administrative Officer

Attachment No. 1: Key Map

Key Map



Attachment No. 2: Site Plan



The Township of Cavan Monaghan

By-law No. 2022-XX

**Being a by-law to amend By-law No. 2018-58, as amended, otherwise known as
“The Township of Cavan Monaghan
Zoning By-law”.**

Whereas the Township of Cavan Monaghan received an application to amend Zoning By-law No. 2018-58, as amended.

And Whereas the Council of the Township of Cavan Monaghan reviewed the proposed rezoning and now deems it advisable to further amend By-law No. 2018-58, as amended.

Now Therefore the Council of the Township of Cavan Monaghan hereby enacts as follows:

1. Map F-2A of Schedule “A” to By-law No. 2018-58, as amended, is hereby amended by changing the zone category on lands known municipally as 16 Frederick Street in the Millbrook Ward from the Urban Residential One (UR1) Zone to the Urban Residential One Exception Ten Temporary Use Six (UR1-10-T6) Zone as shown on Schedule “1” attached hereto and forming part of this By-law.
2. Section 3.4 of By-law No. 2018-58, as amended, is further amended by the addition of Section 3.4.73 that shall read as follows:

“3.4.73 (UR1-10) Map F-2A on Schedule A (2022-XX Plumton)

- a) For the purposes of the UR1-10 Zone, a maximum of one accessory apartment shall be permitted on the subject lot within the detached garage.
- b) The accessory apartment shall only be permitted for the temporary use period outlined in Table 15A.
- c) The accessory apartment shall not exceed 80.3 square metres (864 square feet) in size.
- d) For the purposes of the UR1-10 Zone, an accessory apartment shall be defined as a separate dwelling unit located within a detached accessory building (garage) that is subordinate to the existing single detached dwelling.

3. Section 15, Table 15A of By-law No. 2018-58, as amended, is further amended by the addition of a new Temporary Use Number UR1-10-T6 (2022-XX) immediately following HR-T5 (2019-38) that shall read as follows:

Table 15A Temporary Use Zones			
Temporary Use Number	Temporary Uses Permitted	Date Enacted	Date Expires
ORME-T1 (2014-30)	<ul style="list-style-type: none">Garden suite	July 2, 2014	July 2, 2034
A-T2 (2014-58)	<ul style="list-style-type: none">Garden suite	November 12, 2014	November 12, 2034
C2-T3 (2016-02)	<ul style="list-style-type: none">Chip truck	February 1, 2014	February 1, 2019
A-T4 (2016-71)	<ul style="list-style-type: none">Garden suite	November 21, 2016	November 21, 2036
HR-T5 (2019-38)	<ul style="list-style-type: none">Two shipping containers and one stucco and stone sided barn	June 17, 2019	June 17, 2022
UR1-10-T6 (2022-XX)	<ul style="list-style-type: none">Accessory apartment in a detached garage	September 20, 2022	September 20, 2025

4. The UR1-10-T6 Zone will be deemed to be in full force and effect on the date of passage of this By-law for a period not to exceed three (3) years thereafter. Council may, by by-law, extend the temporary use period by as much as three (3) years at any one time. Upon expiry, the lands affected will revert to the Urban Residential One (UR1) Zone (or equivalent) and the accessory apartment will not be considered an existing non-conforming use, as specified by the Planning Act, Section 39, R.S.O. 1990, as amended.”
5. All other relevant provisions of By-law No. 2018-58, as amended, shall apply.

If no notice of objection is filed with the Clerk within the time provided, this By-law shall become effective on the date of passing.

If a notice of objection is filed with the Clerk, this By-law shall become effective on the date of passing hereof subject to the disposition of any appeals.

Read a first, second and third time and passed this ___ day of _____, 2022.

Scott McFadden
Mayor

Cindy Page
Clerk

Schedule "1" to By-Law No. 2022-XX



Area Affected by this By-law

16 Frederick Street, Millbrook
Part of Lots 22 and 23, Plan 3
Township of Cavan Monaghan

Certificate of Authentication

This is Schedule "1" to By-law
No. 2022-XX passed this ____,
day of ____, 2022.



Rezone from the 'Urban Residential One (UR1) Zone' to
the 'Urban Residential One Exception Ten Temporary
Use Six (UR1-10-T6) Zone'

Mayor

Clerk