



Regular Council Meeting

To:	Mayor and Council
Date:	September 8, 2020
From:	Karen Ellis, Director of Planning
Report Number:	Planning 2020-26
Subject:	Proposed Housekeeping Zoning By-law Amendment re: Ebenezer Cemetery

Recommendations:

1. That Council review and consider all public and agency comments received regarding this application; and
 2. That By-law No. 2020-52 be approved.
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Overview:

Township Staff became aware of a mapping error in the Township of Cavan Monaghan Zoning By-law No. 2018-58, as amended, as it affects the Ebenezer Cemetery and the adjacent agricultural parcels. The lands known municipally as 115 Stewart Line in part Lot 2, Concession 11 of the Cavan Ward and lands known municipally as 52 Sharpe Line in Part Lot 1, Concession 11 of the Cavan Ward are the properties affected by the mapping error. A key map showing the location of these lands is provided as Attachment No.1 to this Report.

A zoning by-law amendment is required to correct the error.

Zoning By-law Amendment

The proposed Zoning By-law Amendment (File No. ZBA-01-20) will introduce Schedule (mapping) changes to Schedule A, Map B-1 of the Township of Cavan Monaghan Zoning By-law No. 2018-58, as amended.

The purpose and effect of the Zoning By-law Amendment is to change the zone category on a portion of lands known municipally as 115 Stewart Line in part Lot 2, Concession 11 of the Cavan Ward from the 'Institutional (I) Zone' to the 'Agricultural (A) Zone' and to change the zone category on a portion of lands known municipally as 52 Sharpe Line in part Lot 1, Concession 11 of the Cavan Ward from the 'Agricultural (A)

Zone' to the 'Institutional (I) Zone'. This change will restore the zones to those intended to be in effect prior to the error in mapping – a housekeeping zoning matter.

The Institutional (I) Zone for the Ebenezer Cemetery was incorrectly applied to an approximately 0.63 hectare (1.56 acres) area in the north west corner of 115 Stewart Line – the wrong property. The Institutional (I) Zone will be removed from 115 Stewart Line and replaced with the Agricultural (A) Zone to reflect the existing agricultural use of the property.

The Institutional (I) Zone will be added to approximately 0.23 hectares (0.56 acres) of land in the north west corner of 52 Sharpe Line to reflect the appropriate zoning, location and size of the Ebenezer Cemetery (based on aerial photography). The zoning on the remainder of 52 Sharpe Line will remain unchanged.

A complete copy of the By-law No. 2020-52 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, to all required ministries and agencies and to all Township Department Directors. Signs were posted on the subject properties. The Notice of Public Meeting was posted on the Township website. The notice complies with the requirements of the Planning Act.

Township staff has no objection to the Application.

As of the date of this Report, no objections to the zoning by-law amendment have been received from the public or ministry/agency.

Township of Cavan Monaghan Official Plan

The subject lands are designated Agricultural and Natural Linkage in the Township Official Plan. The zoning by-law amendment affects only those lands that are located within the Agricultural designation

Agricultural uses are permitted in the Agricultural designation. Existing public uses are also permitted in the Agricultural designation (S. 5.1.2 c). Although the Cemetery is no longer active and the lands are not owned by the Township, the Cemetery can be considered a public use because the Township is responsible for the care and maintenance of the lands and the monument.

Cultural heritage resources are to be identified, protected, conserved and managed for present and future generations (S. 3.5). The Ebenezer Cemetery is an identified cultural asset that is being maintained for future generations. The Institutional (I) Zone will recognize the existence of the Cemetery and help protect the sensitive use of the lands.

The Application conforms to the Township Official Plan.

Peterborough County Official Plan

The subject lands are located on lands within the Agricultural Area of the County Official Plan. Agricultural uses are permitted in this area.

Heritage policies are contained in Section 5.2 of the Plan. The policies strive to ensure that heritage resources in the County are managed in a manner which perpetuates their existence and maintains their heritage value and benefit to the municipality (S. 5.2.1). The prevention, demolition, destruction, inappropriate alteration or use of heritage resources is discouraged (S. 5.2.2.).

The zoning by-law amendment will recognize the existing cemetery use on the subject lands. The Institutional (I) Zone will help prevent the possible demolition, destruction or inappropriate alteration of the existing monument.

The Application conforms to the County Official Plan.

Provincial Policy Statement (2020) (PPS)

The subject lands are located within a prime agricultural area. Prime agricultural areas are to be protected for long term use for agriculture. The permitted uses in prime agricultural areas do not include cemeteries.

The Ebenezer Cemetery is an existing use that does not adversely impact the agricultural uses on the adjacent lands. No change in land use is proposed, simply recognition of the historical use of the property. Given that the PPS does not include any specific policy framework for the protection of cultural heritage resources or the recognition of existing uses, Staff is of the opinion that the Application conforms to the PPS.

A Place to Grow – Growth Plan for the Greater Golden Horseshoe (2019)

In accordance with Section 4.2.7 of the Growth Plan, cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.

The Application conforms to and supports the policies of the Growth Plan.

Financial Impact:

Costs associated with the processing of the proposed amendment will be covered in the 2020 Operating Budget of the Planning Department.

Attachments:

Attachment No. 1: Key Map

Attachment No. 2: By-law No. 2020-52

Respectfully Submitted by,

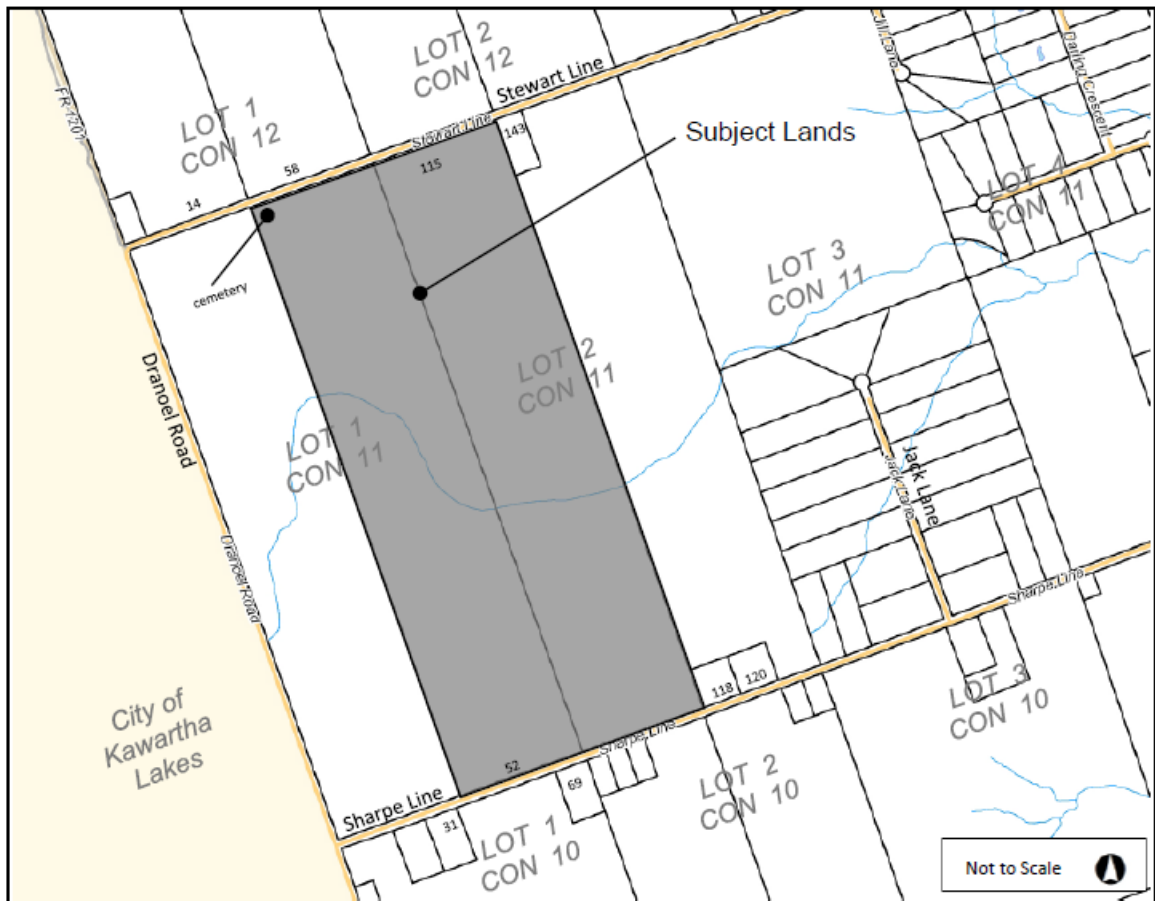
Reviewed by,

Karen Ellis,
Director of Planning

Yvette Hurley
Chief Administrative Officer

Attachment No. 1: Key Map

Key Map



Attachment No. 2: By-law No. 2020-52

The Township of Cavan Monaghan

By-law No. 2020-52

**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 recently approved Comprehensive Zoning By-law No. 2018-58, as amended for all lands in the Township of Cavan Monaghan;

And Whereas the Township recognized that there is a mapping error in By-law No. 2018-58, as amended;

And Whereas the Township now wishes to correct this mapping error;

And Whereas Section 34 of the Planning Act permits the Council of the Township of Cavan Monaghan to pass an amending Zoning By-law;

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

1. Schedule A, Map B-1 to By-law 2018-58, as amended is hereby amended by changing the zone category on a portion of lands known municipally as 115 Stewart Line in part Lot 2, Concession 11 of the Cavan Ward from the ‘Institutional (I) Zone’ to the ‘Agricultural (A) Zone’ as shown on Schedule “1” attached hereto and forming part of this this By-law.
2. Schedule A, Map B-1 to By-law 2018-58, as amended is hereby amended by changing the zone category on a portion of lands known municipally as 52 Sharpe Line in part Lot 1, Concession 11 of the Cavan Ward from the ‘Agricultural (A) Zone’ to the ‘Institutional (I) Zone’ as shown on Schedule “1” attached hereto and forming part of this this By-law.
3. All other relevant provisions of By-Law 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.

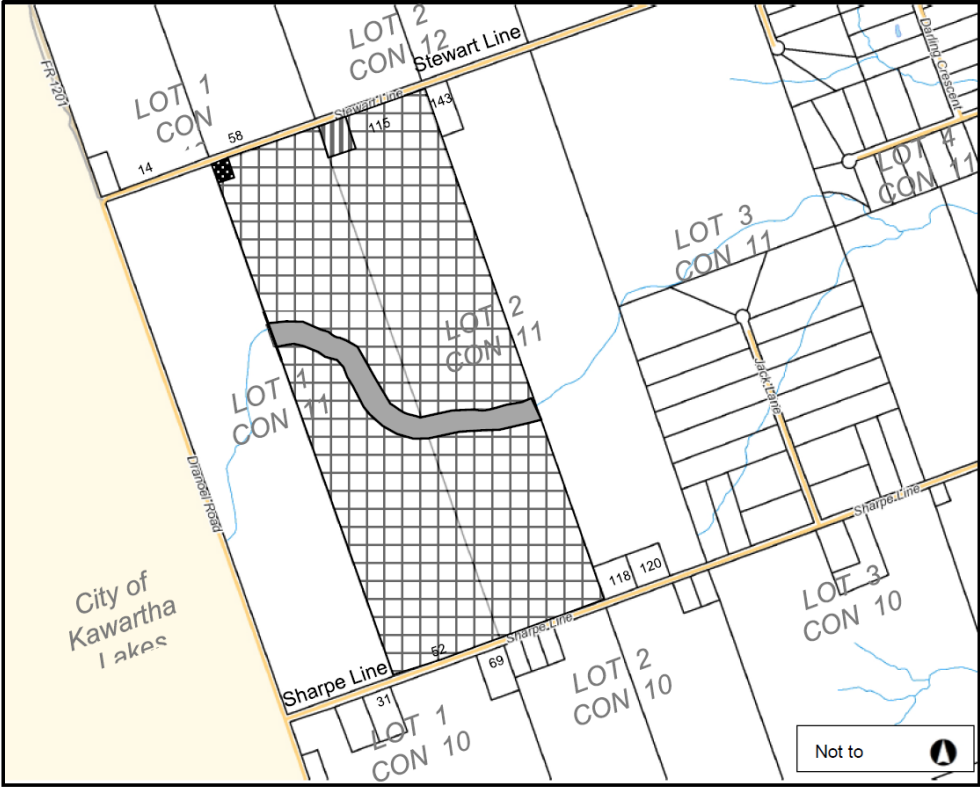
If a notice of objection is filed with the Clerk, this By-law shall become effective on the date of passing hereof subject to the disposition of any appeals.

Read a first, second and third time and passed this 8th day of September, 2020.

Scott McFadden
Mayor





Elana Arthurs
Clerk

Schedule “1” to By-law No. 2020-52



Areas Affected by this By-law
115 Stewart Line, Part Lot 2, Con. 11
And
52 Sharpe Line, Part Lot 1, Con. 11
Cavan Ward
Township of Cavan Monaghan

Certificate of Authentication
This is Schedule “1” to By-law
No. 2020-52 passed this
8th day of September, 2020

-  Rezone from the Institutional (I) Zone to the Agricultural (A) Zone
-  Rezone from the Agricultural (A) Zone to the Institutional (I) Zone
-  Area to remain zoned the Agricultural (A) Zone
-  Area to remain zoned the Natural Linkage (NL) Zone

Mayor

Clerk