



## Regular Council Meeting

<b>To:</b>	Mayor and Council
<b>Date:</b>	February 20, 2024
<b>From:</b>	Matt Wilkinson, Planner and Karen Ellis, Director of Planning
<b>Report Number:</b>	PEB 2024-05
<b>Subject:</b>	Watson –Temporary Garden Suite Zoning By-law Amendment

### Recommendation:

That By-law No. 2024-08 be approved to rezone a portion of the subject lands from the Rural Residential (RR) Zone to the Rural Residential Exception Twenty-nine Temporary Use Six (RR-29-T6) Zone.

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### Overview:

In October 2023, a formal pre-consultation meeting was held at the Township Office with agencies attending virtually. The landowner, Michelle Watson, discussed options to establish a detached temporary garden suite on her property to support her aging family.

On January 19, 2024 Ms. Watson submitted a Zoning By-law Amendment application to the Township for lands in part of Lot 8, Concession 7 (Cavan), known municipally as 584 Larmer Line. The Application was deemed complete on January 22, 2024. A key map showing the location of the subject property is provided as Attachment No. 1 to this Report.

The Zoning By-law Amendment is required to permit the temporary use of a garden suite for a period of up to twenty (20) years on the property. The Amendment will also permit the garden suite to be located a maximum of five (5) metres closer to the front lot line than the existing dwelling.

The property is currently developed with a single detached dwelling and an accessory building. The accessory building will be removed to accommodate the establishment of the garden suite on the property. A site plan illustrating the proposed location of the garden suite is provided as Attachment No. 2.

As drafted, By-law No. 2024-08 will rezone a portion of the subject lands from the Rural Residential (RR) Zone to the Rural Residential Exception Twenty-nine Temporary Use Six (RR-29-T6) Zone.

## **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, Ministries and Agencies requesting notice by email. A sign was posted on the Lamer Line 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.

Otonabee Conservation Staff confirmed that the Application is consistent with Section 3.1 (related to flooding and erosion hazards) of the 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).

## **Provincial Policy Statement (2020) (PPS)**

Policy 1.1.5 of the PPS speaks to Rural Lands located in municipalities. Section 1.1.5.2 states that the permitted uses within the rural lands shall include:

- a) the management or use of resources;
- b) resource-based recreational uses (including recreational dwellings);
- c) residential development, including lot creation, that is locally appropriate;**
- d) agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;
- e) home occupations and home industries;
- f) cemeteries; and
- g) other rural land uses.

The Zoning By-law Amendment will permit a temporary garden suite on the subject property. With the approval of By-law No. 2024-08 a locally appropriate and diverse residential development will be permitted.

The Application is consistent with the PPS.

## **A Place to Grow, Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation (Growth Plan)**

Section 2.2.9.3 of the Growth Plan speaks development outside settlement areas may be permitted on rural lands that are compatible with the rural landscape and surrounding local uses.

Policy 2.2.6.1 a) of the Growth Plan states that the Planning Authorities will support housing choices by establishing a diverse range and mix of housing options including

additional residential units. The proposed Zoning By-law Amendment will permit the establishment of temporary housing that will be compatible with the existing use on the property and surrounding rural residential uses.

Growth Plan Policy 4.2.4 (Lands Adjacent to Key Hydrological Features) states that 'Outside settlement areas, a proposal for a new development for site alteration within 120 metres of a key hydrological feature will require a natural heritage evaluation...'. Section 4.2.3.1 e) permits 'expansions to existing buildings and structures, accessory structures and uses, and conversions of legally existing uses which bring the use more into conformity with this Plan, subject to demonstration that the use does not expand into the key hydrologic feature or key natural heritage feature or vegetative protection zone unless there is no other alternative, in which case any expansion will be limited in scope and kept within close geographical proximity to the existing structure.

The location of the garden suite is within 120 metres of a mapped key hydrological feature (wetland). Typically, this development would require a natural heritage evaluation. However, as the proposed garden suite will be placed in the same location as the existing accessory structure, in a previously disturbed area, further environmental review was not requested.

The Application conforms to the Growth Plan.

### **Peterborough County Official Plan**

The subject lands are described as Rural in the County of Peterborough Official Plan.

Rural lands are generally the focus of to preserve and enhance the rural character of the County as a cultural resource and ensure the viability of the agricultural industry. The County Official Plan recognizes the need for housing and provides 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. If the uses cannot be located within settlement areas, they must reflect the cultural and rural character of the area, promote a variety of living and employment opportunities for the rural community and must not negatively affect the natural environment (S. 4.3.3.1, S.5.1.1).

Permitting the temporary garden suite at the proposed location will not interfere with the character of the rural area, any agricultural activity, or the natural environment. The garden suite provides a permissible solution to a housing need for the applicant at this property.

The Application conforms to the County Official Plan.

### **Township of Cavan Monaghan Official Plan:**

The subject lands are currently designated Rural and Natural Core in the Township of Cavan Monaghan Official Plan as shown on Schedule 'A' to the Township's Official Plan. The garden suite will be located in the Rural Designation.

Garden suites and accessory apartments are permitted in all designations that permit residential units (S. 3.9). Residential units are permitted in the Rural designation.

Township Staff received comment from Peterborough Public Health that the site can support the additional sanitary sewage flow to service the garden suite. A full septic review will be completed at the time of building permit. Adequate parking is available on the site; the development will not interfere with the character of the surrounding area; and the project will be reviewed at the time of permitting to ensure it complies with Ontario Building Code (S. 3.9).

The Application conforms to the Township Official Plan.

**Financial Impact:**

None at this time.

**Attachments:**

Attachment No. 1: Key Map  
Attachment No. 2: Site Plan  
Attachment No. 3: By-law No. 2024-08

Respectfully Submitted by,

Respectfully Submitted by,

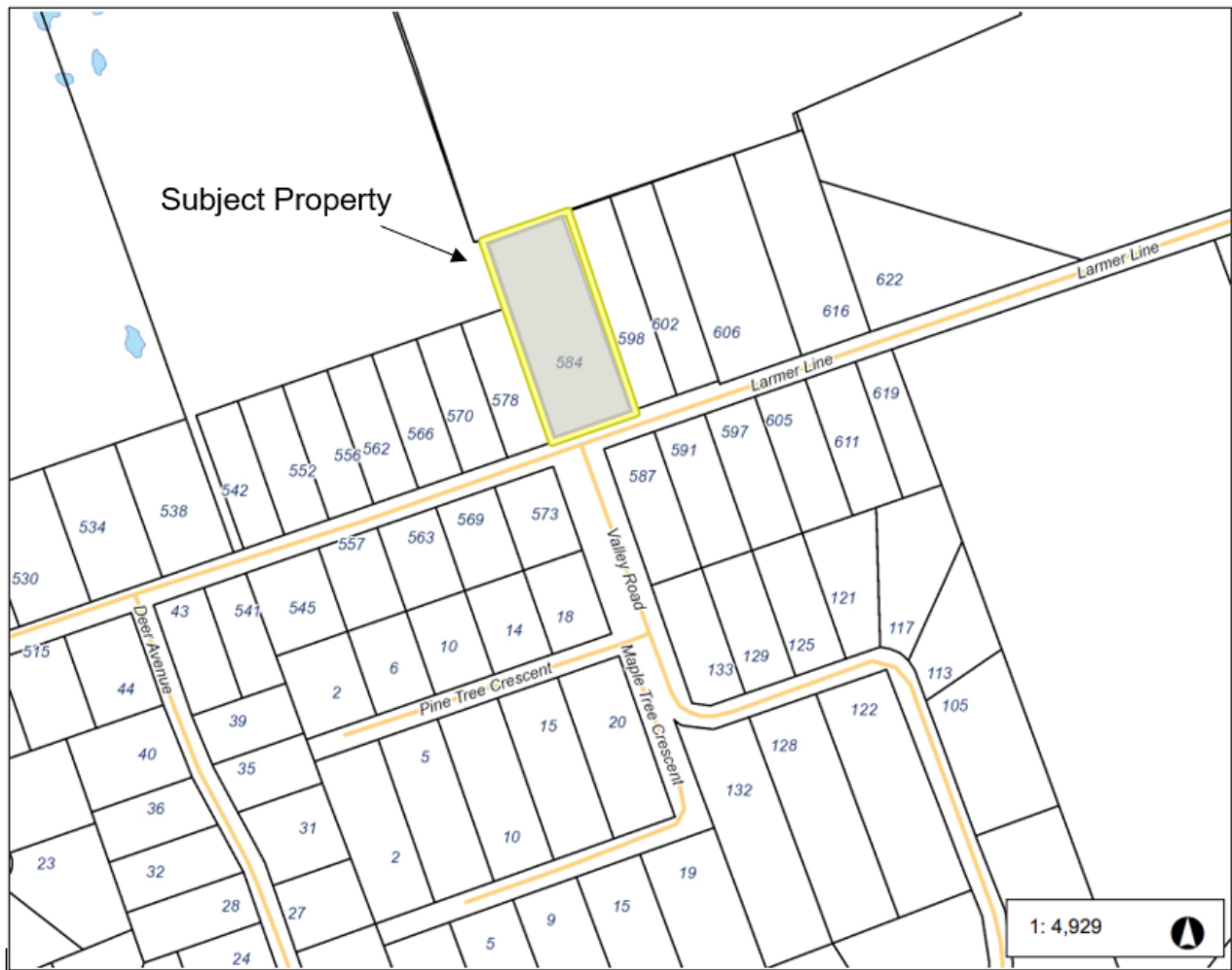
Matt Wilkinson  
Planner

Karen Ellis  
Director of Planning

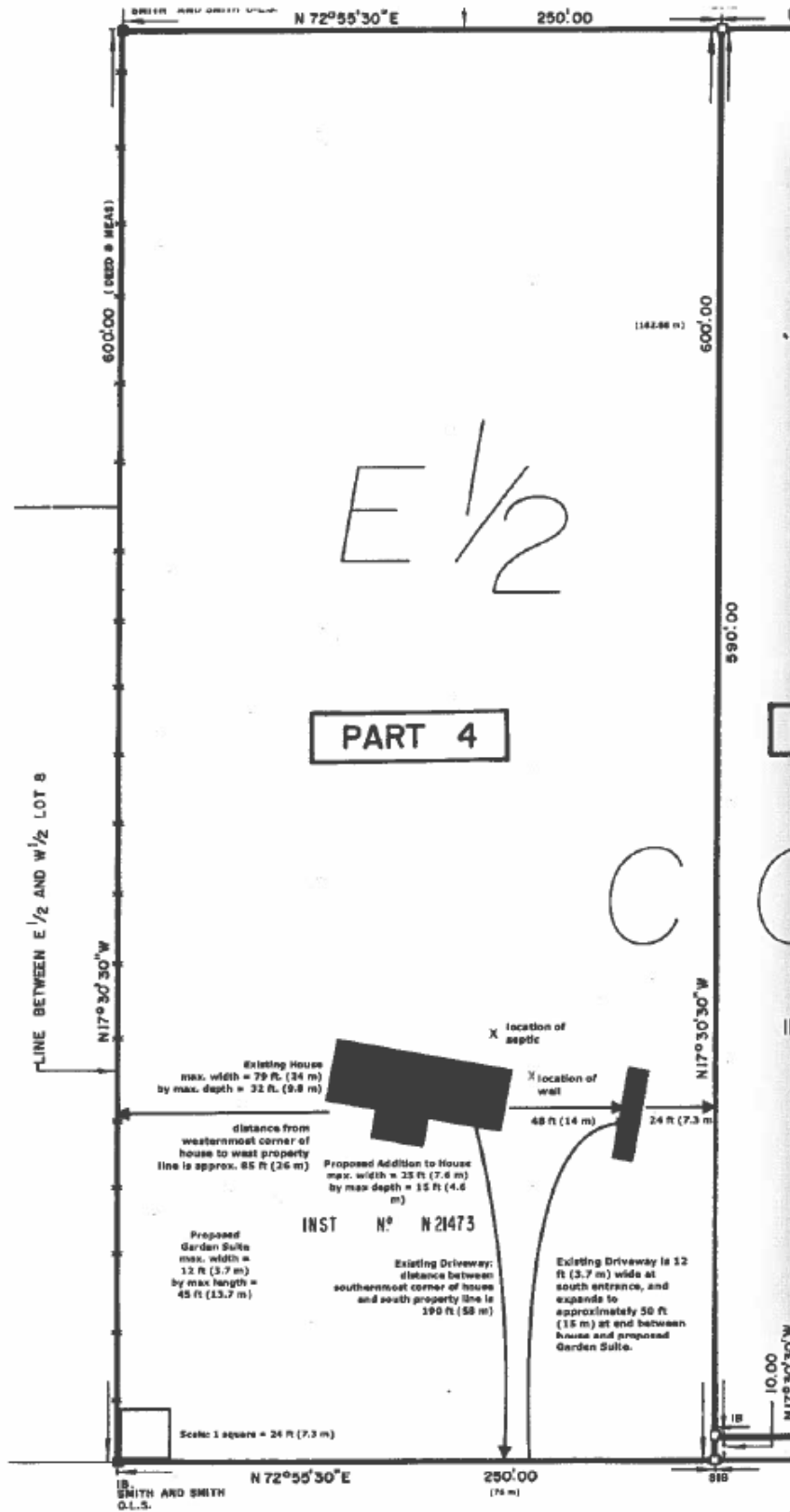
Reviewed by,

Yvette Hurley  
Chief Administrative Officer

## Attachment No.1: Key Map



## Attachment No. 2: Site Plan: 584 Larmer Line



## Attachment No. 3: By-law No. 2024-08

### The Township of Cavan Monaghan

#### By-law No. 2024-08

**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 Township of Cavan Monaghan required the rezoning of a portion of the subject lands to permit the temporary use of a garden suite;

**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 D-2 of Schedule “A” to By-law No. 2018-58, as amended, is hereby amended by changing the zone category on a portion of the lands known municipally as 584 Lamer Line and described as Part Lot 8, Concession 7 (Cavan) from the Rural Residential (RR) Zone to the Rural Residential Exception Twenty-nine Temporary Use Six (RR-29-T6) Zone as shown on Schedule “1” attached hereto and forming part of the By-law.
2. Section 3.4 of By-law No. 2018-58, as amended, is further amended by the addition of Section 3.4.68 that shall read as follows:

**“3.4.68            RR-29            Map D-2 of Schedule A            (2024-08 Watson)**

- a) The garden suite may be located no more than 5 metres closer to the front lot line than the main wall of the principal building. “

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 RR-29-T6 (2024-08) immediately following HR-T5 (2019-38) that shall read as follows:

<b>Table 15A Temporary Use Zones</b>			
<b>Temporary Use Number</b>	<b>Temporary Uses Permitted</b>	<b>Date Enacted</b>	<b>Date Expires</b>
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)	<ul style="list-style-type: none"> <li>• Garden Suite</li> </ul>	November 21, 2016	November 21, 2036
HR-T5 (2019-38)	<ul style="list-style-type: none"> <li>• Two Shipping Containers and one stucco and stone barn</li> </ul>	June 17, 2019	June 17, 2022
RR-29-T6 (2024-08)	<ul style="list-style-type: none"> <li>• Garden Suite</li> </ul>		

4. The RR-29-T6 Zone is deemed in full force and effect on the date of passage of this By-law for a period not to exceed twenty (20) 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, lands affected will revert to the Rural Residential (RR) Zone (or equivalent) and the garden suite will not be considered an existing non-conforming use, as specified by the Planning Act, Section 39, R.S.O. 1990.

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 20<sup>th</sup> day of February 2024.

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**Matthew Graham**  
Mayor

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**Cindy Page**  
Clerk



**Area Affected by this By-law**  
 584 Larmer Line,  
 Part of Lot 8 Concession 7 (Cavan)  
 Township of Cavan Monaghan

**Certificate of Authentication**  
 This is Schedule "1" to By-law  
 No. 2024-08 passed this 20<sup>th</sup>  
 day of February 2024.



Rezone from the 'Rural Residential (RR) Zone' to the  
 'Rural Residential Exception Twenty-nine Temporary Use  
 Six (RR-29-T6) Zone'.



Existing 'Natural Core (NC) Zone' to remain.

**Matthew Graham**  
 Mayor

**Cindy Page**  
 Clerk