



## Regular Council Meeting

<b>To:</b>	Mayor and Council
<b>Date:</b>	March 4, 2024
<b>From:</b>	Matt Wilkinson, Planner and Karen Ellis, Director of Planning
<b>Report Number:</b>	PEB 2024-11
<b>Subject:</b>	Giroux–Zoning By-law Amendment (ZBA-04-24)

### Recommendation:

1. That Council receive and consider any public comments received on March 4<sup>th</sup>, 2024; and
2. That By-law No. 2024-13 be approved to rezone the subject lands from the Oak Ridges Moraine Countryside (ORMCO) Zone to the Oak Ridges Moraine Countryside Exception Five (ORMCO-5) Zone.

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### Overview:

On January 31, 2024, Mr. Giroux submitted a Zoning By-law Amendment application to the Township for lands in Part Lot 16, Concession 1 (Cavan), known municipally as 1215 Carmel Line. A key map showing the location of the subject property is provided as Attachment No. 1 to this Report. An air photo of the property and the surrounding area is provided as Attachment No. 2 to this Report. A site plan of the subject property is provided as Attachment No. 3 to this Report.

The Applicant built a new accessory building on the property without obtaining a building permit. In accordance with Section 11.4.2 of the Zoning By-law, the lot coverage for accessory building and structures cannot exceed the ground floor area of the principal building. The total lot coverage for all accessory buildings on the site exceeds the lot coverage of the existing house on the property. As such, an amendment to the zoning by-law is required to permit the building.

### Zoning By-law Amendment

As drafted, By-law No. 2024-13 will rezone the subject lands from the Oak Ridges Moraine Countryside (ORMCO) Zone to the Oak Ridges Moraine Countryside Exception Five (ORMCO-5) Zone. In the ORMCO-5 Zone, the maximum lot coverage for accessory buildings and structures will be 9% of the total lot area. By-law No. 2024-13

is limited to permit existing accessory buildings would not support any further expansion. The lot coverage is less than the standard maximum lot coverage for accessory buildings and structures in residential zones lots (10%). The By-law is provided as Attachment No. 4 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, Ministries and Agencies requesting notice by email. A sign was posted on the Carmel 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 received one phone call asking for additional information from a member of the public.

Staff have received comments from Canada Post, Enbridge Gas, Hiawatha First Nation, Ministry of Transportation and Otonabee Conservation, who did not have any objection to the Application.

Township Staff have no objections to the Application.

## **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.

With the approval of By-law No. 2024-13, up to 9% of the total lot coverage for residential accessory structures and buildings will be permitted in the Oak Ridges Moraine Countryside Exception Five (ORMCO-5) Zone.

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 permits development outside settlement areas on rural lands that are compatible with the rural landscape and surrounding local uses; provided the application can conform to the policies in Section 4, regarding natural features.

The accessory structure is compatible with the surrounding rural uses.

The location of the accessory structure is beyond 120 metres of any mapped key hydrological feature or known significant natural heritage feature.

The Application conforms to the Growth Plan.

### **Peterborough County Official Plan**

The subject lands are described as Oak Ridges Moraine Countryside in the County of Peterborough Official Plan.

Section 4.1.3.6 of the County Official Plan speaks to Oak Ridges Moraine Designations. It is the expectation that the Township Plan will contain policies regarding the expansion, reconstruction and conversion of existing buildings, uses and structures and policies relating to Accessory Structures in addition to Existing Lots of Record.

The application will recognize an expansion of an accessory structure in close proximity to the existing development on an existing lot of record.

The Application conforms to the County Official Plan.

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

The subject lands are designated Oak Ridges Moraine Prime Agriculture in the Township of Cavan Monaghan Official Plan as shown on Schedule 'A' to the Township's Official Plan.

Section 5.1.5.1 g) of the Township Official Plan states that new single-detached dwellings and expansions to existing single-detached dwellings and accessory uses on existing lots of record are permitted if it is demonstrated that the impact of the expansion or alteration on the feature and its functions is minimized to the maximum extent possible is permitted in the ORM – Prime Agricultural designation.

Township Staff are satisfied that the accessory structure is in close proximity to the existing house in a disturbed and developed area. The proposed lot coverage is less than the standard maximum lot coverage for accessory buildings and structures in residential zones lots. No further studies were requested. A building permit review will be required pending the approval of the zoning by-law amendment application to ensure it complies with Ontario Building Code (S. 3.9).

The Application conforms to the Township Official Plan.

**Financial Impact:**

The fee for the Zoning By-law Amendment application was received. The fee for the required building permit will be twice the standard amount for accessory structures as per the Township Fee Schedule.

**Attachments:**

Attachment No. 1: Key Map  
Attachment No. 2: Air Photo of Surrounding Area  
Attachment No. 3: Site Plan  
Attachment No. 4: By-law No. 2024-13

Respectfully Submitted by,

Respectfully Submitted by,

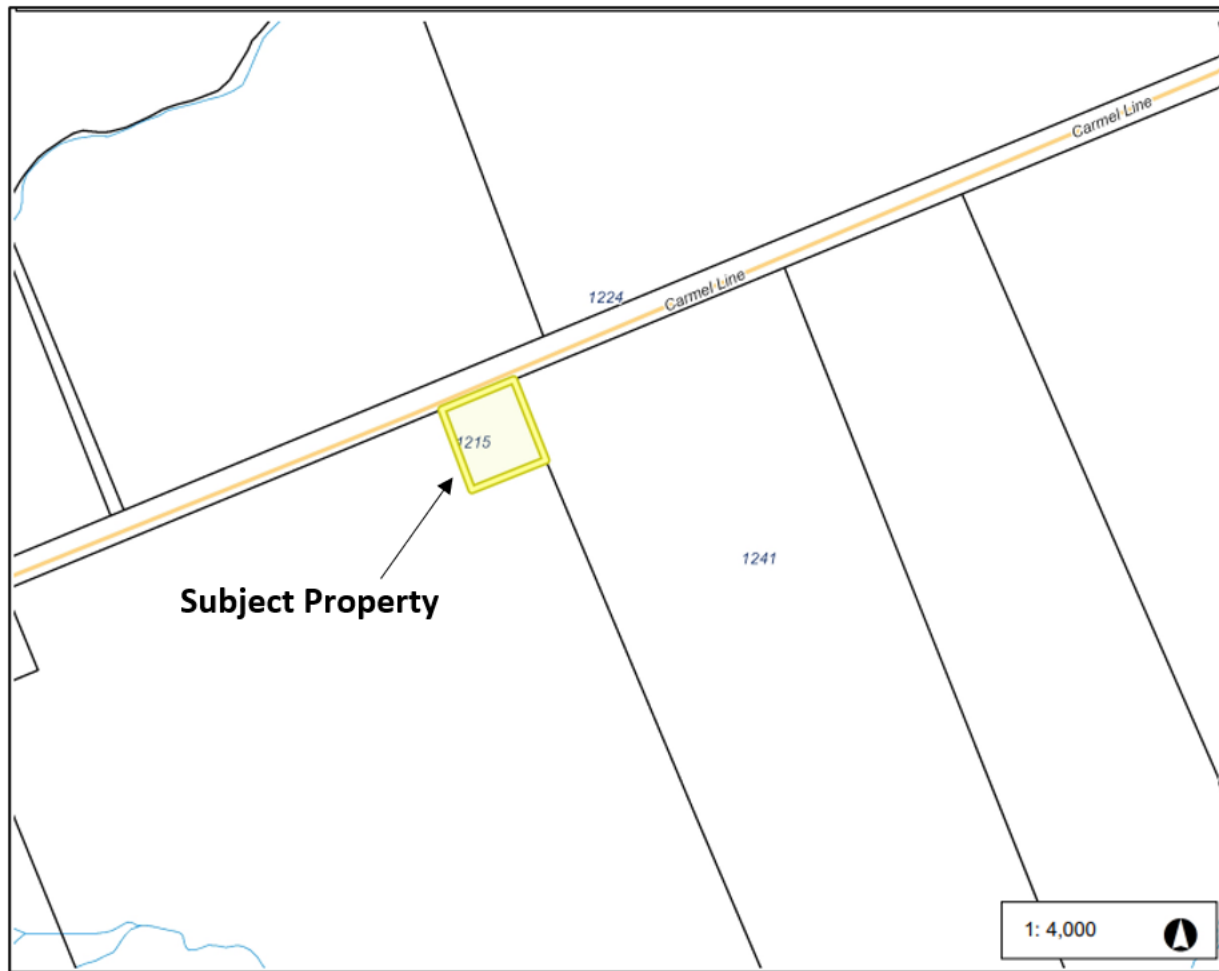
Matt Wilkinson  
Planner

Karen Ellis  
Director of Planning

Reviewed by,

Yvette Hurley  
Chief Administrative Officer

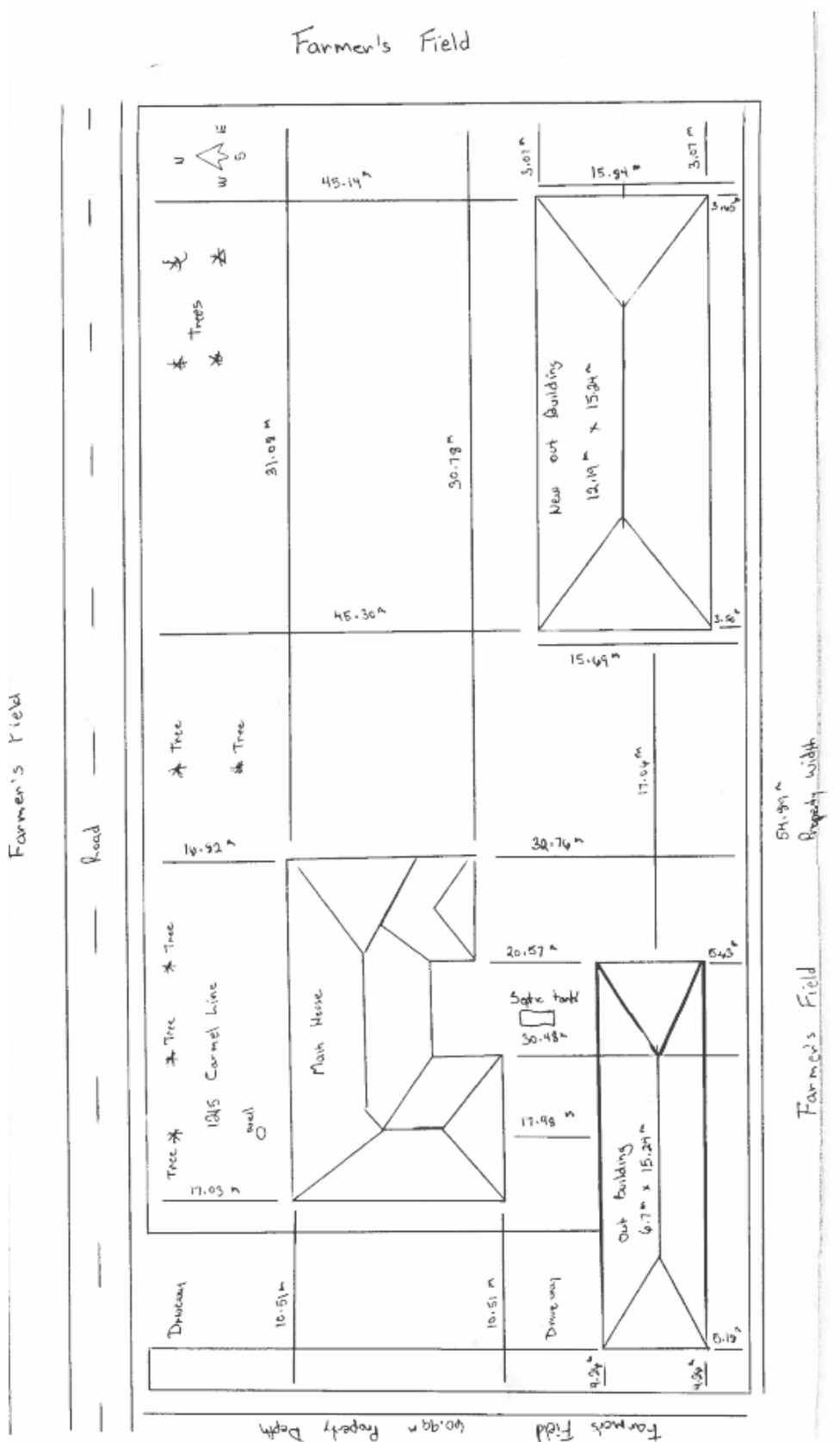
## Attachment No.1: Key Map



**Attachment No. 2: Air Photo of Surrounding Area**



Farmer's Field



## **Attachment No. 4: By-law No. 2024-08**

### **The Township of Cavan Monaghan**

#### **By-law No. 2024-13**

**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 the subject lands to permit the establishment of an accessory structure (3-bay garage) on the property;

**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 G-3 of Schedule “A” to By-law No. 2018-58, as amended, is hereby amended by changing the zone category on the lands known municipally as 1215 Carmel Line and described as Part Lot 16, Concession 1 (Cavan) from the Oak Ridges Moraine Countryside (ORMCO) Zone to the Oak Ridges Moraine Countryside Exception Five (ORMCO-5) Zone as shown on Schedule “1” attached hereto and forming part of the By-law.
2. Section 9.3 of By-law No. 2018-58, as amended, is further amended by the addition of Section 9.3.5 that shall read as follows:

“9.3.5                      **ORMCO-5              Map G-3 of Schedule A    (2024-13 Giroux)**

a) Maximum lot coverage for Accessory Buildings and Structures:  
9%.”

3. 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 4th day of March, 2024.

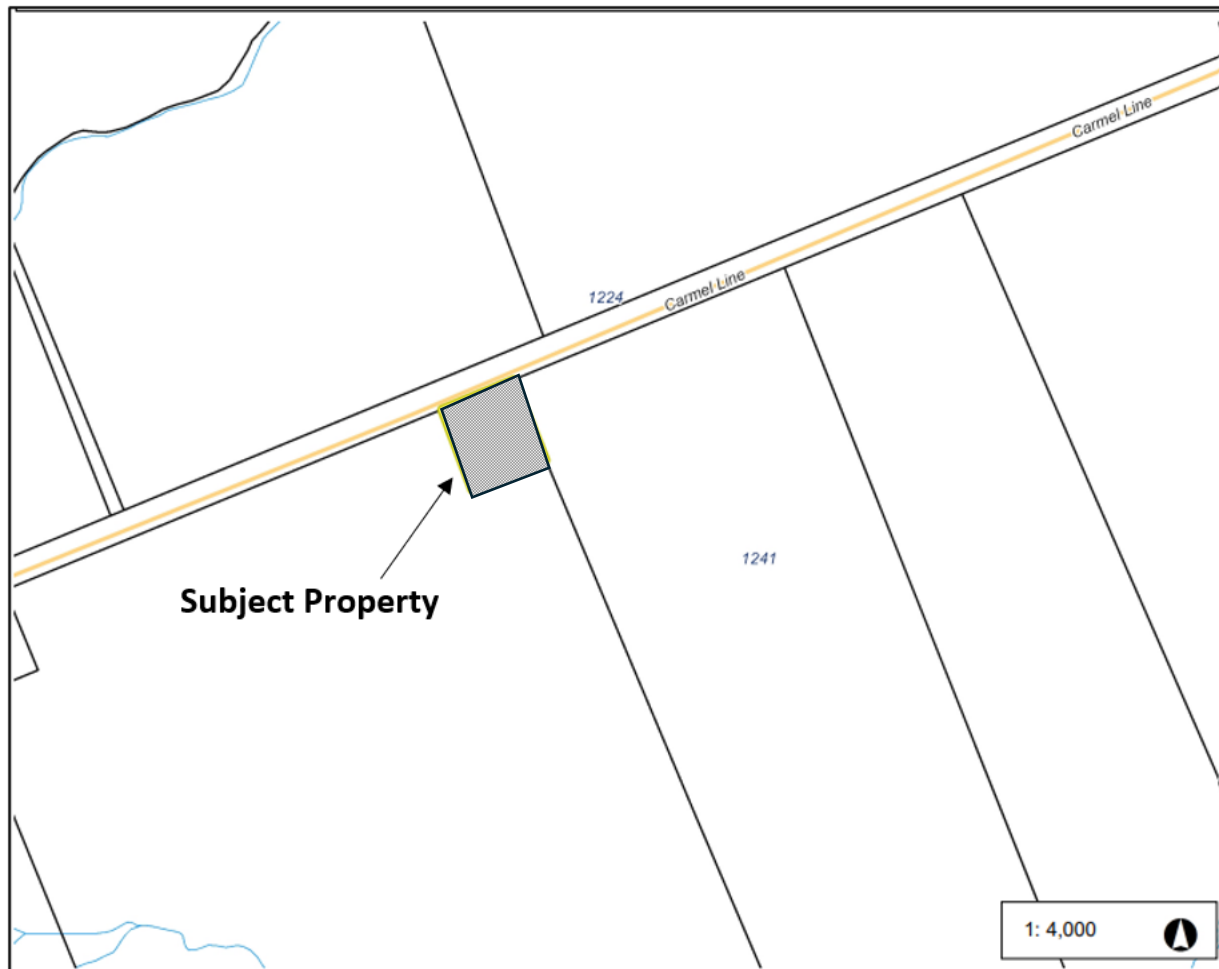
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**Matthew Graham**  
**Mayor**

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**Cindy Page**  
**Clerk**

**Schedule “1” to By-Law No. 2024-13**



**Area Affected by this By-law**  
1215 Carmel Line,  
Part of Lot 16 Concession 1 (Cavan)  
Township of Cavan Monaghan

**Certificate of Authentication**  
This is Schedule “1” to By-law  
No. 2024-13 passed this 4<sup>th</sup>  
day of March, 2024.



Rezone from the ‘Oak Ridges Moraine Countryside (ORMCO) Zone’ to the ‘Oak Ridges Moraine Countryside Exception Five (ORMCO-5) Zone’.

**Matthew Graham**  
Mayor

**Cindy Page**  
Clerk