



Planning Report

To: Township of Huron-Kinloss Council

From: Coreena Smith, Senior Development Planner

Date: June 13, 2022

Re: Zoning By-law Amendment - Z-2022-055 (B Clancy)

Recommendation:

Subject to a review of submissions arising from the public meeting:

That Council approve Zoning By-law Amendment Z-2021-074 as attached and the necessary by-law be forwarded to Council for adoption;

And that Council resolves that no further notice is necessary with respect to a minor change in the proposed amendment in accordance with the provisions of Section 34(17) of the Planning Act.

Summary:

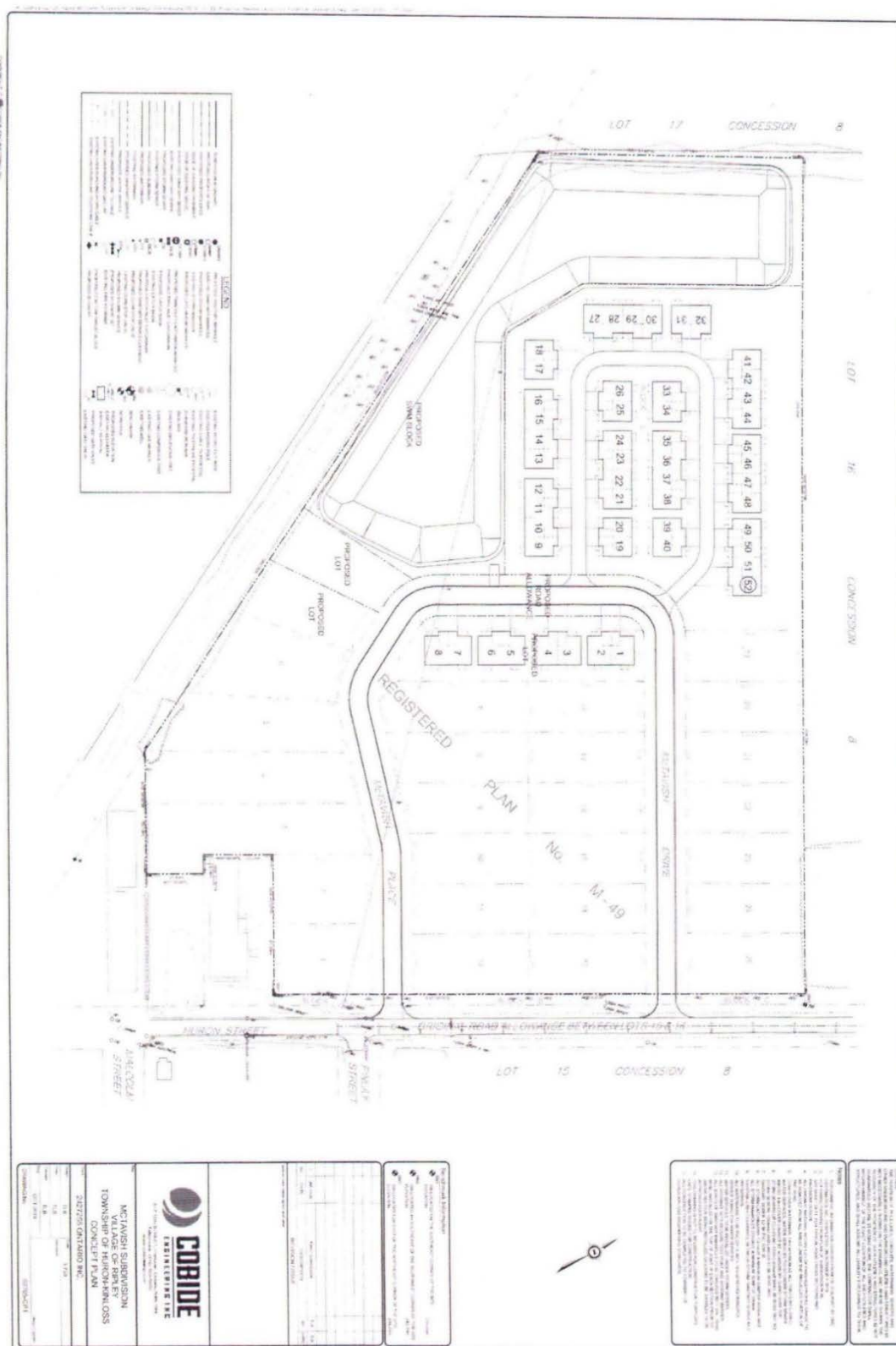
The purpose of the application is to add 'Semi-detached Dwelling', 'Townhouse Dwelling', 'Life Lease Community', and 'Life Lease Community Home' as permitted uses in the existing Lifestyle Community Residential (LCR) zones within the previously approved McTavish Subdivision, in the Village of Ripley. The application would also amend and add new definitions to reflect these additional uses. If approved, the application would facilitate a life lease occupancy development on this site.

A minor change to the proposed amendment was made after the circulation of the Notice of Public Meeting. The application also proposes to remove the Holding symbol from the Lifestyle Community Residential (LCR), Open Space (OS) and Residential One (R1) zones because the applicant has met the requirements for lifting the Holding. It is recommended that Council resolve that no further notice is necessary in accordance with the provisions of Section 34(17) of the Planning Act.

Airphoto



Site Plan



R-Plan



Planning Analysis:

The following section provides an overview of the planning considerations that were factored into the staff recommendation for this application, including relevant agency comments (attached) and planning policy sections.

Background

On April 15, 2020, Council passed a Zoning By-law Amendment (File Z-2020-021) to rezone the subject lands from Residential One with Holding (R1-H) to Residential One with Holding (R1-H), Open Space with Holding (OS-H), Lifestyle Community Residential with Holding (LCR-H) and Lifestyle Community Residential Special with Holding (LCR-25.147-H). There were no appeals, and the By-Law is now in full force and effect.

Based on a later review by Township staff, it was determined that the zoning did not align with the proposed construction on the site. Council subsequently passed the following resolution:

That the Township of Huron-Kinloss Committee of the Whole hereby approves Report Number CLK2022-5 prepared by Emily Dance, Clerk and Mary Rose Walden, CAO and directs staff to initiate a Zoning By-Law Amendment for the McTavish Subdivision to amend the Lifestyle Community Residential Zoning to clearly define Dwelling, Semi-Detached, and Dwelling, Townhouse to be permitted as a "Land Lease Community Home."

AND FURTHER that the Township covers the associated application fees.

Carried

Zoning By-law Amendment

The current Lifestyle Community Residential with Holding (LCR-H) and Lifestyle Community Residential Special with Holding (LCR-25.147-H) zones permit the following uses:

- Accessory Use (Section 4.1)
- Associated Community Facilities
- Dwelling, Single Detached
- Land Lease Community
- Land Lease Community Home
- Mobile Home
- Mobile Home Park

The applicant is proposing to construct semi-detached and townhouse dwellings on these lands in a Life Lease Community format. These uses are not permitted in the LCR zone nor captured in the definitions of a 'Land Lease Community' or 'Land Lease Community Home' in the Municipality's Zoning By-law.

In a 'land lease', the dwelling is owned by the resident and the land on which the dwelling sits is leased. Owned homes can be bought and sold by successive residents who, in turn, rent the lot from the landlord.

In a 'life lease', ownership means holding an interest in property providing the right to live in the unit, usually for the duration of the lease holder's life or until the lease holder decides to move. Life leases can be sold by the life lease holder and inherited by their heirs.

Given the applicant's intent is to create a Life Lease Community, this use is proposed to be added to the list of permitted uses along with definitions to support that use. Given the overall intent is similar to the permitted Land Lease Community, the proposed amendment is supported by staff.

The current zoning also only allows single detached dwellings. The applicant is proposing to construct semi-detached and townhouse dwellings. These uses are also proposed to be added to the list of permitted uses. Semi-detached dwellings and townhouse dwellings are compatible with the single detached dwellings approved on the adjacent lots within the subdivision. As such, this amendment is also supported by staff.

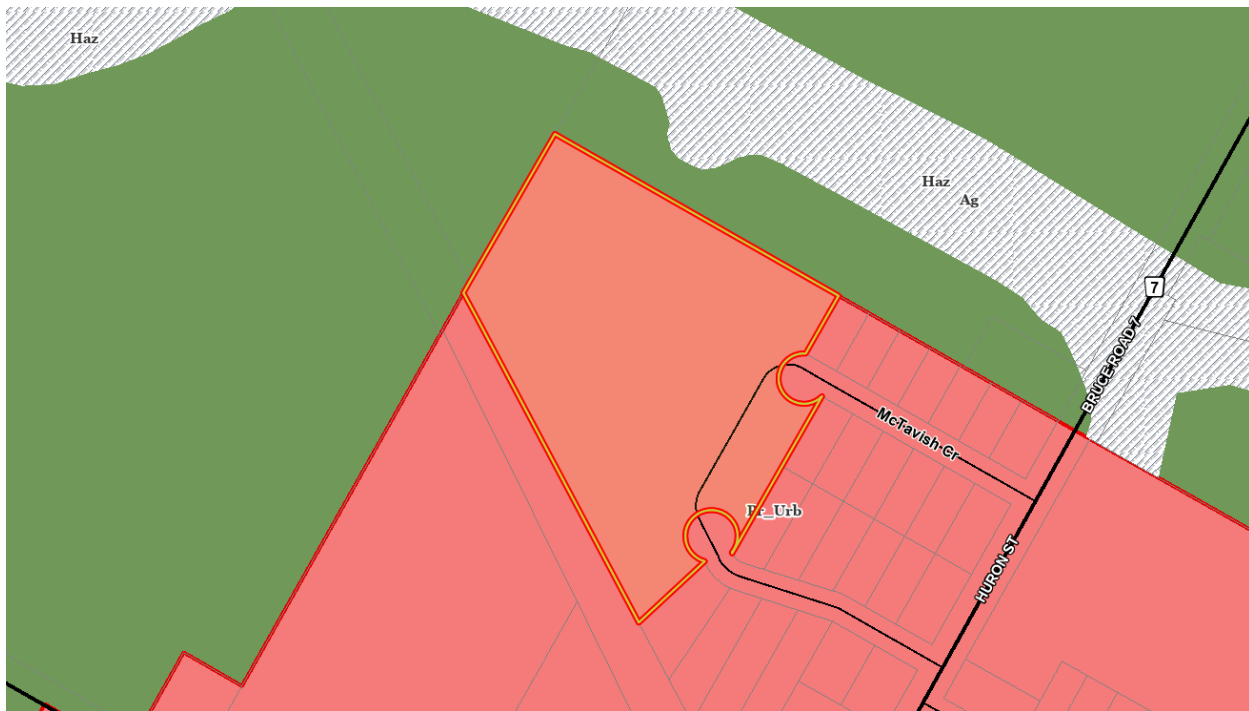
The exterior side yard on the smaller of the two LCR zoned parcels is also proposed to be no less than +/-4.5m. Due to the configuration of the road and how it curves around the subject lands, both side yards are exterior yards. This reduction from the required 6.0m is warranted and will still preserve sight lines. Council also previously approved this reduction as part of the previous Zoning By-law Amendment.

Council also previously approved the inclusion of Holding provisions on the LCR, OS and R1 zones. Township staff have more recently advised that these Holding provisions are no longer required: the Subdivision Agreement has been registered to the satisfaction of the Municipality and the overall density of the subject lands is no less than +/-12 units/ha. As such, the proposed amendment also intends to remove the Holding symbol from each of the zones.

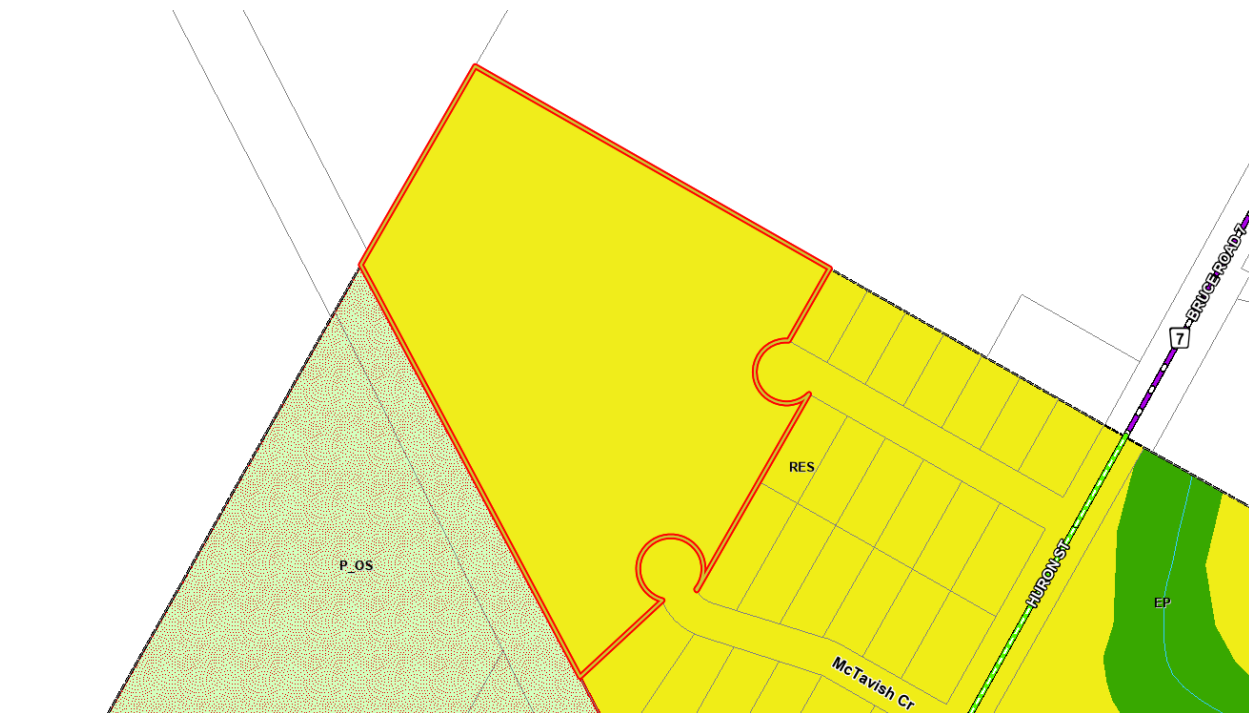
Appendices

- County Official Plan Map
- Local Official Plan Map
- Local Zoning Map
- Agency Comments
- Public Notice

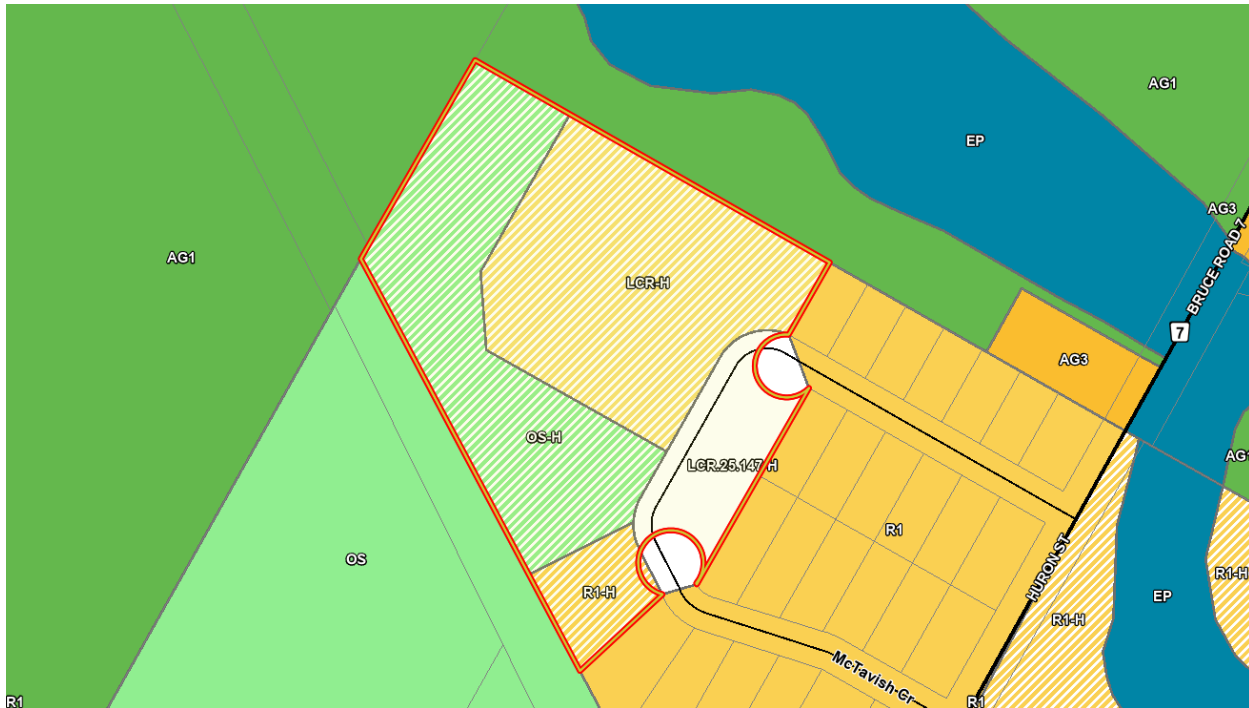
County Official Plan Map (Designated Primary Urban Communities)



Local Official Plan Map (Designated Residential)



Local Zoning Map (Zoned LCR-H - Lifestyle Community Residential Holding, LCR-25.147-H - Lifestyle Community Residential Special Holding, OS-H - Open Space Holding, R1-H - Residential One Holding)



Agency Comments

Township of Huron-Kinloss: The Subdivision Agreement has been registered to the satisfaction of the Township of Huron-Kinloss and the overall density of the subject lands is demonstrated to be no less than +/-12 units/ha. Therefore, the holding provisions are not required.

Bruce County Transportation and Environmental Services (TES): No comment.

Saugeen Ojibway Nation (SON): At this point, the SON's Environment Office does not have the resources to engage in consultation on this project. We have no further comments on this project. If at any point anything of archeological interest is revealed on site, please contact the SON Environment Office immediately. You can learn more about the Saugeen Ojibway Nation and SON territory here: <https://www.saugeenojibwaynation.ca/resources>.

Historic Saugeen Métis (HSM): The HSM Lands, Resources and Consultation Department has reviewed the relevant documents and have no objection or opposition to the proposed Zoning By-law Amendment as presented.

Bruce-Grey Catholic District School Board: No comment.

Risk Management Office, Source Water Protection: There are no concerns related to Source Water Protection for the proposed application to "add 'Semi-detached Dwelling', 'Townhouse Dwelling', 'Life Lease Community', and 'Life Lease Community Home' as

permitted uses in the existing Lifestyle Community Residential (LCR) zones.” In light of this application, the Risk Management Official reviewed the source protection Notice # 330 issued in 2020 for this property, and found no need to issue a new Notice. The restrictions in Notice # 330 still apply.

Saugeen Valley Conservation Authority (SVCA): SVCA has no objection to the proposed Zoning By-law Amendment. The property does not contain any natural hazard features or significant natural heritage features, and the property is not subject to the SVCA’s Regulation 169/06. Therefore, an SVCA permit is not required for development on the property.



County of Bruce
Planning & Development Department
30 Park Street, Box 848
Walkerton, ON N0G 2V0
brucecounty.on.ca
226-909-5515



May 17, 2022

File Number: Z-2022-055

Public Meeting Notice

You're invited: On-line Public Meeting
Monday, June 13, 2022 at 7:00 pm

A change is proposed in your neighbourhood: The purpose of the application is to add 'Semi-detached Dwelling', 'Townhouse Dwelling', 'Life Lease Community', and 'Life Lease Community Home' as permitted uses in the existing Lifestyle Community Residential (LCR) zones. The application would also amend and add new definitions to reflect these additional uses. If approved, the application would facilitate a life lease occupancy development on this site.



41 MCTAVISH CR – CON 8 PT LOT 16 HURON W SEC; M49 PCL PLAN 2 (Ripley)
Township of Huron-Kinloss, Roll Number 410716001000100

Learn more

You can view limited information about the application at <https://brucecounty.on.ca/living/land-use>. Additional information, including the supporting materials, can be provided upon request by e-mailing bcplwa@brucecounty.on.ca or calling 226-909-5515. Information can also be viewed in person at the County of Bruce Planning Office noted above, between 8:30 a.m. and 4:30 p.m. (Monday to Friday).

The Planner on the file is: Coreena Smith

Have your say

Comments and opinions submitted on these matters, including the originator's name and address, become part of the public record, may be viewed by the general public and may be published in a Planning Report and Council Agenda. Comments received after June 6, 2022 may not be included in the Planning report but will be considered if received prior to a decision being made and will be included in the official record on file.

Before the meeting: You can submit comments by email bcplwa@brucecounty.on.ca or mail, or phone (226-909-5515) if you have any questions, concerns or objections about the application. Comments will be provided to Council for its consideration.

On the day of and during the Public Meeting: you can speak during the online public meeting.

How to access the public meeting

As a result of the COVID-19 Pandemic, the Township of Huron-Kinloss is holding public meetings in electronic format.

For information on how to participate in the public meeting, please visit the municipal website at <https://calendar.huronkinloss.com/meetings>.

Details on participating in the electronic meeting will be provided when the agenda is published. Please contact the Township of Huron-Kinloss by 12:00 pm on June 13, 2022 (edance@huronkinloss.com or 519-395-3735 ext. 123) if you have any questions regarding how to participate in the meeting.

Stay in the loop

If you'd like to be notified of the decision of the Township of Huron-Kinloss on the proposed application, you must make a written request to the Bruce County Planning Department.

Know your rights

Section 34(11) of the [Planning Act](#) outlines rights of appeal for Zoning By-law Amendment applications.

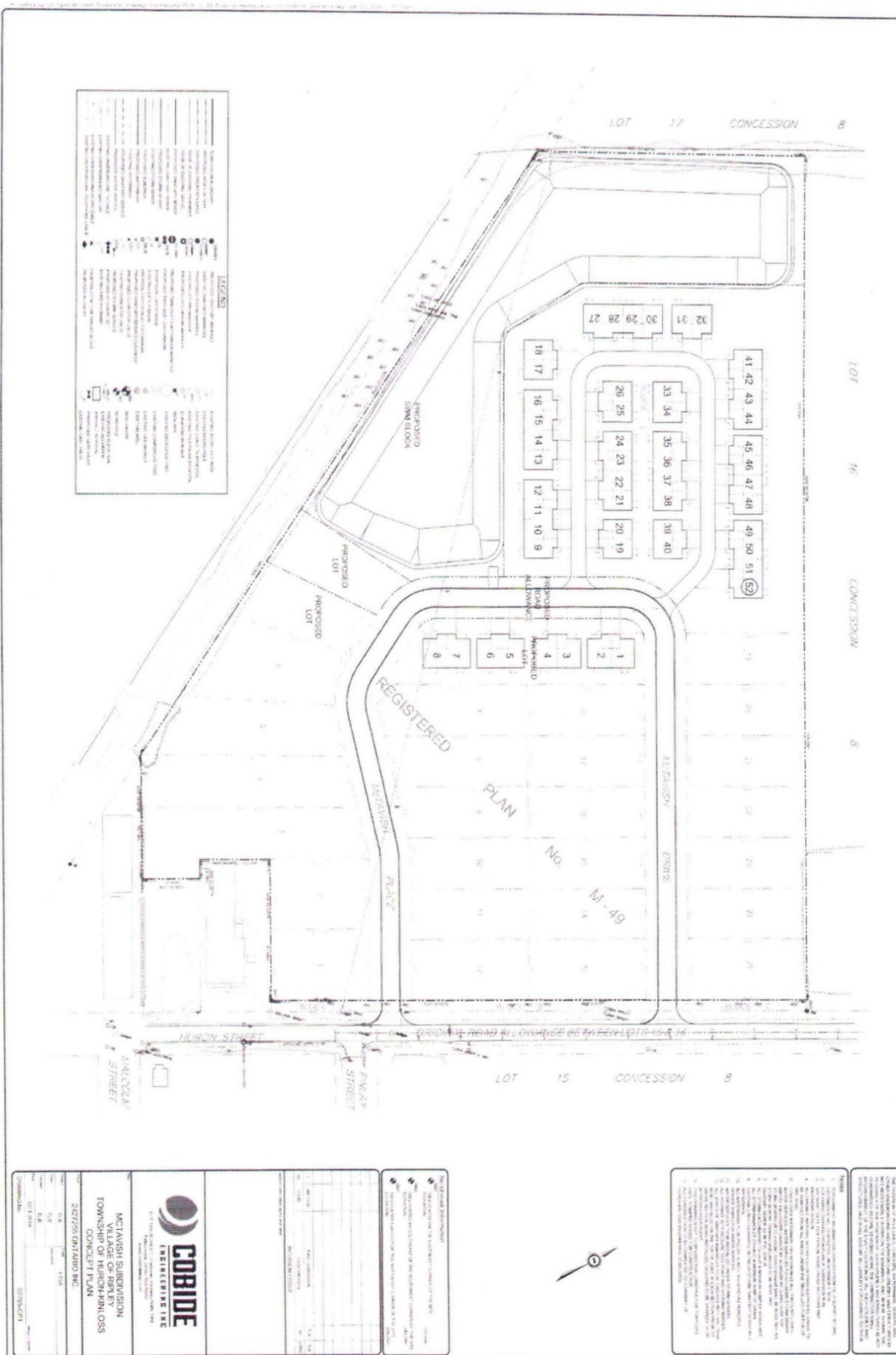
If a person or public body would otherwise have an ability to appeal the decision of the Council of the Township of Huron-Kinloss to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Bruce

County Planning Department before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Bruce County Planning Department before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

For more information please visit the Ontario Land Tribunal website at <https://olt.gov.on.ca/appeals-process/>.

Site plan



Schedule A

<p>McLAWSON SUBDIVISION TOWN OF PETERBOROUGH CONCEPT PLAN</p> <p>212755 ONTARIO INC.</p>		<p>COBIDE ENGINEERING INC.</p> <p>1000 Highway 104, Unit 10 Peterborough, Ontario K9A 1A1 Tel: (705) 751-1111 Fax: (705) 751-1112</p>		<p>DATE: 10/1/2011 BY: [Signature] CHECKED: [Signature] APPROVED: [Signature]</p>		<p>NOT TO SCALE N</p>		<p>1. This plan is submitted for the purpose of obtaining a zoning by-law amendment from the Town of Peterborough. It is not to be used for any other purpose without the written consent of the Engineer.</p> <p>2. The Engineer is not responsible for the accuracy of the information provided by the client or for the results of any survey or other work not performed by the Engineer.</p> <p>3. The Engineer is not responsible for the accuracy of the information provided by the client or for the results of any survey or other work not performed by the Engineer.</p> <p>4. The Engineer is not responsible for the accuracy of the information provided by the client or for the results of any survey or other work not performed by the Engineer.</p> <p>5. The Engineer is not responsible for the accuracy of the information provided by the client or for the results of any survey or other work not performed by the Engineer.</p> <p>6. The Engineer is not responsible for the accuracy of the information provided by the client or for the results of any survey or other work not performed by the Engineer.</p> <p>7. The Engineer is not responsible for the accuracy of the information provided by the client or for the results of any survey or other work not performed by the Engineer.</p> <p>8. The Engineer is not responsible for the accuracy of the information provided by the client or for the results of any survey or other work not performed by the Engineer.</p> <p>9. The Engineer is not responsible for the accuracy of the information provided by the client or for the results of any survey or other work not performed by the Engineer.</p> <p>10. The Engineer is not responsible for the accuracy of the information provided by the client or for the results of any survey or other work not performed by the Engineer.</p>	
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R-Plan

