

MINUTES OF THE MEETING OF THE PLANNING & DEVELOPMENT COMMITTEE
HELD IN THE ADMINISTRATION OFFICE, 1024 HURLWOOD LANE, THURSDAY,
MARCH 20, 2014 AT 7:00 P.M.

PRESENT:	Chair	Mark Taylor
	Members	Mike Burkett Judith Cox Ian Crichton Jane Dunlop Ron Stevens
ABSENT:	Member	Rob Ferguson
STAFF:	Director of Planning & Development	Andrew Fyfe
	Deputy Clerk	Sharon Goerke

CALL TO ORDER

Chair Taylor called the meeting to order.

DISCLOSURE OF PECUNIARY INTEREST & THE GENERAL NATURE THEREOF

- "NIL"

PUBLIC MEETINGS

Public Meeting with respect to a Proposed Zoning By-law Amendment Application No. Z-14-03 (see attached notes).

MOTION PD032014-01: *Moved by Member Stevens and seconded by Member Cox that an Application for Amendments to Zoning By-law No. 2010-65 – General Housekeeping Amendments be approved.*

CARRIED

Recessed 7:11 p.m.
Reassembled 7:14 p.m.

DELEGATIONS

- "NIL"

REPORTS FROM OFFICIALS (*for information*)

Building Report for the Month of February 2014.

By-law Enforcement Report for the Month of February 2014.

Society for the Prevention of Cruelty to Animals – Statement of Pound Services for the Month of February 2014.

Planning Report No. P14-017, 03/10/14, with respect to Housekeeping Amendments – Proposed Text Revisions.

Planning Report No. P14-020, 03/11/14, with respect to the New Provincial Policy Statement.

MOTION PD032014-02: *Moved by Member Cox and seconded by Member Stevens that the following Reports from Officials be received as information:*

- (a) Building Report for the month of February 2014;*
- (b) By-law Enforcement Report for the month of February 2014;*
- (c) Society for the Prevention of Cruelty to Animals – Statement of Pound Services for the month of February 2014;*
- (d) Planning Report No. P14-017, 03/10/14, with respect to Housekeeping Amendments – Proposed Text Revisions.*
- (e) Planning Report No. P14-020, 03/10/14, with respect to New Provincial Policy Statement.*

CARRIED

REPORTS FROM OFFICIALS (*for direction*)

Planning Report No. P14-016, 03/10/14, with respect to Society for the Prevention of Cruelty to Animals – Contract Renewal.

MOTION PD032014-03: *Moved by Member Burkett and seconded by Member Dunlop that Planning Report No. P14-016, dated March 10, 2014, with respect to Society for the Prevention of Cruelty to Animals – Contract Renewal be received; AND FURTHER THAT the Township of Severn enter into a contract with the Ontario SPCA for the provisions of canine control services, subject to the placement of a cap of \$2,500 on emergency veterinary care.*

CARRIED

Planning Report No. P14-018, 03/11/14, with respect to North Ridge Estates Phase II – Request for Reduction of Securities.

MOTION PD032014-04: *Moved by Member Stevens and seconded by Member Cox that Planning Report No. P14-018, dated March 11, 2014, with respect to North Ridge Estates Phase II Subdivision be received;
AND FURTHER THAT the securities held for the North Ridge Phase II, being Plan 51M-1003, be reduced by \$288,445.44 to the amount of #392,050.41.*

CARRIED

Planning Report No. P14-019, 03/11/14, with respect to Deeming By-law – 1703 Twin Oaks Crescent.

MOTION PD032014-05: *Moved by Member Crichton and seconded by Member Dunlop that Planning Report No. P14-019, dated March 11, 2014, with respect to Deeming By-law – 1703 Twin Oaks Crescent be received;
AND FURTHER THAT a Deeming By-law pursuant to Section 50(4) of the Planning Act having the effect of deeming Lot 36, Plan 1323 not to be a lot on a plan of subdivision be presented to Severn Township Council for its consideration.*

CARRIED

CORRESPONDENCE (for information)

Ontario Municipal Board, 03/11/14, with respect to a Notice of Appeal – Riverdale Subdivision.

MOTION PD032014-06: *Moved by Member Cox and seconded by Member Stevens that a Notice of Appeal from the Ontario Municipal Board, dated March 11, 2014, with respect to the Riverdale Subdivision be received as information.*

CARRIED

CORRESPONDENCE (for direction)

- “NIL”

UNLISTED ADDITIONS

- “NIL”

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CONFIDENTIAL AGENDA

Reports from Officials

- "NIL"

Correspondence

- "NIL"

ADJOURNMENT – 7:26 p.m.

MOTION PD032014-07: *Moved by Member Cox and seconded by Member Stevens that this meeting be and it is hereby now adjourned.*

CARRIED

Mark Taylor
Chair

Sharon R. Goerke
Deputy Clerk

NOTES OF PUBLIC MEETINGS HELD IN THE COUNCIL CHAMBERS OF THE ADMINISTRATION OFFICE, 1024 HURLWOOD LANE, ON THURSDAY, MARCH 20, 2014 AT 7:00 P.M.

PRESENT:	Chair	Mark Taylor
	Members	Mike Burkett Judith Cox Ian Crichton Jane Dunlop Ron Stevens Mark Taylor
ABSENT:	Member	Rob Ferguson
ALSO PRESENT:	Director of Planning & Development	Andrew Fyfe
	Deputy Clerk	Sharon Goerke

Chair Taylor advised those in attendance that there is one public meeting called this evening in accordance with the Planning Act with respect to general housekeeping amendments to Zoning By-law No. 2010-65.

The Chair advised that the purpose of this public meeting is to inform and provide the public with an opportunity to ask questions or express views with respect to the general housekeeping amendments. In accordance with By-law No. 2007-153, members of the Planning & Development Committee are here to observe and listen to comments.

- The Chair advised that the format of the public meetings will be as follows:*
- 1. The Township Planner will generally explain the purpose and details of the application;*
 - 2. Next, the public will be permitted to ask questions and express views on the proposal and then the public portion of the meeting will be closed; and*
 - 3. Next, members of the Committee will be given the opportunity to ask questions for clarification on the proposal.*

The Chair advised that at the conclusion of the meeting Township staff will be given the opportunity to respond to the questions and comments received. After the public meeting is concluded, this Committee will consider the application with due regard to the presentations and views expressed this evening. The Committee will then do one of three things:

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- (1) *recommend the application be approved by Township Council - at a future meeting, or*
- (2) *deny the application, or*
- (3) *defer the application pending further reports from Township staff.*

Chair Taylor advised that if Township Council decides in favour of the application by adopting this Committee's recommendation, members of the public who have provided oral submissions or written objections but disagree with the decision may appeal the decision to the Ontario Municipal Board, as entitled under the Planning Act. If individuals wish further notification of this application, please record your name, address and telephone number on the appropriate list located at the rear of the Council Chambers.

PUBLIC MEETING

The Chair requested the Township Planner to explain the intent and purpose of the Application for a Zoning By-law Amendment for housekeeping amendments to By-law No. 2010-65.

The Planner advised those in attendance that the purpose and effect of the proposed Zoning By-law Amendment is to amend Zoning By-law No. 2010-65 of the Township of Severn as it applies to provisions in the test as follows:

1. Amend **Section 3.27 Refreshment Vehicles** by deleting Subsection c) which restricts the gross floor area to a maximum of 100 square metres. The current provisions do not meet the Fire Code which makes enforcement difficult.
2. Amend **Section 3.1 Accessory Apartments** to add permission for accessory apartments in Rural (R) and Agricultural (Ag) Zones in addition to the existing permission for various residential zones. Under planning policies, the municipality is required to accommodate accessory apartments and this also supports affordable housing.
3. Amend the definition of **storey, one-half** by replacing the minimum distance required from the floor to the point where the outer wall and roof meet from 5.2 metres to 1.2 metres.

The Planner advised that notice of this application was given in accordance with the *Planning Act* on February 28, 2014 and the following correspondence has been received:

Planning Report No. P14-017, 03/10/14

Background

In August of 2010, Council passed By-law No. 2010-65, the Township's new Comprehensive Zoning By-law. This replaced the zoning by-laws of the former Townships of Orillia, Medonte, Matchedash, Tay and the Village of Coldwater. No appeals to the By-law were lodged and thus, the By-law came into full force and effect as of August 5, 2010.

Township staff have been working with the new Comprehensive Zoning By-law for four-and-a-half years. As with any new zoning by-law, various minor discrepancies and interpretation issues have come to light with respect to some of the text provisions as well as the zoning map schedules.

In administering a comprehensive zoning by-law, it is common practice to undertake "housekeeping amendments" to correct discrepancies and issues that have arisen during implementation. These typically address either the map schedules where a property has inadvertently been placed in an incorrect zone or changes to the text where interpretation of a particular provision has proved problematic or circumstances have changed, necessitating a revision.

Two years ago, Council adopted By-law 2012-30 which incorporated a number of improvements to the text and corrected the map schedules with regard to a number of properties. As that By-law, like the Zoning By-law itself, applied to all properties in the Township, it was necessary to publish notice of the public meeting in the local newspaper in order to meet the statutory notice requirement and to reach the widest local circulation as set out in the *Planning Act*. Since then, staff has been bringing forward any site-specific mapping corrections on an "as-needed" basis. Several amendments have been passed which basically return properties to the zoning which was in effect under the previous by-law. This type of amendment does not require advertising as the required statutory notice can be given to the neighbours by mail.

As experience is gained with the new Zoning By-law and the appropriate "tweaks" implemented, the volume and extent of identified shortcomings is expected to diminish. However, due to the large number of properties involved and the complexities associated with combining multiple zoning by-laws into a single document, shortcomings will continue to be identified.

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Since April 2012 staff has been compiling an on-going list of desirable revisions and it is intended that amending by-laws addressing provisions that affect multiple properties will be brought forward through the public process, subject to the notice requirements under the *Planning Act*. The Township intends to deal with these on a priority basis, depending on the difficulties that the existing provisions are creating and the complexities associated with implementing a solution.

At this time staff have identified three areas that have created some on-going difficulties in administering zoning controls in the Township which can be addressed through relatively simple amendments in a timely fashion. As the proposed solutions involve amendments to provisions which have wide application across the Township, advertising of the statutory public meeting was done through publication of a notice in the newspaper.

Discussion

Refreshment Vehicles

Section 3.27 of By-law 2010-65 identifies the general provisions which govern refreshment vehicles, including the specification of a maximum size of 10 square metres (107.6 sq. ft.). This requirement creates a conflict with the applicable requirements of the Fire Code as it appears those requirements cannot be satisfied within a unit that is that small. The applications the Township are seeing no longer reflect the re-use of delivery vehicles, school buses, etc. but are for modern custom-built trailer-type units. Therefore, the incorporation of the current size restriction in the zoning by-law is felt to be no longer appropriate, as the size restriction in the By-law can only be respected by overriding the Fire Code which zoning by-laws cannot do. It is proposed to delete the maximum size limitation from the By-law.

Fire, Building By-law and licensing officials have been consulted regarding this proposed change and are in support.

Definition of a Half Storey

The current definition references a situation where floor space is located within a roof structure, but speaks to a situation where there is at least 5.2 metres between the floor and the line where the roof and walls meet. This creates an apparently nonsensical situation where a half-storey would be substantially higher than a typical full storey. Therefore, it appears that the 5.2 metre requirement is a typographical error. It is proposed to clarify the situation by amending the definition to specify a 1.2 metre distance in place of the 5.2 metre requirement in the text.

Accessory Apartments in a Rural or Agricultural Zone

By-law 2010-65 currently allows for the creation of accessory apartments in the R1, R2, SR1, RR and ER zones subject to specific requirements regarding unit size, servicing and preservation of the character of the residential building. It is proposed that Section 3.1 Accessory Apartments be amended to add the Agricultural and Rural zoning categories (AG & RU) as zoning categories where accessory apartments are permitted. Currently, subject to the application of specific criteria, accessory apartments are permitted in all detached dwellings, except those in Shoreline areas without piped services and larger rural properties. Retention of the restriction in shoreline areas which are intended to reflect the more recreational residential character of those areas is felt to be appropriate, but staff feels that prohibiting them on larger rural properties is not justified. The generally larger parcel size involved should reduce potential concerns regarding reliance on private services and potential impact on neighbours.

The ability to create a second unit within an existing home would also enable families to accommodate family members without the complications associated with the creation of a garden suite and helps to address affordability issues. The extension of permission for ancillary units is also supported by the direction recently added to the *Planning Act* by Section 16.3 to allow secondary units in homes.

With changes to provincial policy which have removed the ability to create retirement lots for farmers, the proposed amendment will help to facilitate the succession process for existing farms as the operation transitions from one generation to the next. Under the current By-law, the only alternative allowed for is the creation of a garden suite. This requires the passage of a temporary use by-law and the execution of an agreement with the Municipality, including the posting of securities to ensure the eventual removal of the second unit. This process has proved to be onerous on applicants and creates substantial administrative headaches for the Township.

Financial

There do not appear to be any significant financial impacts on the Municipality. There will be a minor beneficial impact resulting from additional tax revenue from the additional units. As the new units will be incorporated within existing dwellings, the potential demand for increased services and expenditures is expected to be minimal.

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THE CORPORATION OF THE TOWNSHIP OF SEVERN

BY-LAW NO. 2014 - XX

BEING A ZONING BY-LAW TO FURTHER AMEND BY-LAW NO. 2010-65 AND TO REGULATE THE USE OF LAND AND THE CHARACTER, LOCATION AND USE OF BUILDINGS OR STRUCTURES ON ALL PROPERTIES WITHIN THE JURISDICTION OF THE TOWNSHIP OF SEVERN (General)

WHEREAS Council enacted By-law 2010-65 to regulate the use of land within the Township of Severn;

AND WHEREAS it is desirable to amend the By-law to ensure its proper application and interpretation;

AND WHEREAS Council has determined that certain amendments can be made to By-law 2010-65 to improve the By-law;

AND WHEREAS the matters hereinafter set out comply with the Official Plan in effect for the Township of Severn;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SEVERN HEREBY ENACTS AS FOLLOWS:

Section 1 – Textual Amendments:

- 1 THAT **Section 3.1 “Accessory Apartments”** shall be amended by the insertion in the first paragraph of “RU, AG” before “R1, R2, SR1, RR and ER zones”
- 1.2 THAT **Section 3.27 “Refreshment Vehicles”** shall be amended by deleting “c) All refreshment vehicles shall not exceed a gross floor area of 10.0 square metres;” in its entirety.
- 1.3 THAT the following amendment shall be made to **Section 11 “Definitions”**:
 - i) The definition of “STOREY, ONE HALF” shall be amended by replacing the numerical value 5.2 with 1.2, so that portion of the definition reads “... not lower than 1.2 metres below the line where the roof and outer wall meet ...”

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Section 2 – Application

3.1. THAT Zoning By-law No. 2010-65, as otherwise amended, is hereby further amended to give effect to the foregoing, but Zoning By-law No. 2010-65, as otherwise amended, shall in all other respects remain in full force and effect save as same may be otherwise amended or herein dealt with.

Section 3 – Force and Effect

4.1 THAT subject to the provisions of the *Planning Act*, R.S.O. 1990, as amended, this By-law shall come into force on the date it is passed by the Council of the Corporation of the Township of Severn.

By-law read a first and second time this day of , 2014.

By-law read a third time and finally passed this day of , 2014.

CORPORATION OF THE TOWNSHIP OF SEVERN

MAYOR

CLERK-TREASURER

The Chair inquired if there were any persons present who had either questions or comments on the application? The Chair requested that those providing comments on the application please rise, state their name and address and spell their last name for the minutes. The Chair also advised that the names and addresses of those individuals who speak at the meeting will appear in the meeting minutes which are public documents.

There were no comments from the public.

As there were no further comments on this application, the Chair declared the public portion of the meeting closed at 7:07 p.m.

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The Chair inquired if members of the Committee required further clarification of the application or had any further comments.

Members Stevens inquired if two accesses were required for accessory apartments in order to meet the Building Code.

- The Planner advised that all new construction is required to meet the Building Code but older homes can provide a shared common hallway for access.

Member Cox inquired if the maximum coverage of a property would still apply for additions to existing buildings.

- The Planner advised that the maximum coverage would still apply.

Member Burkett requested the Planner to provide a definition of accessory apartment.

- The Planner advised that an accessory apartment is required to have a bathroom, kitchen and separate access.
- The connection between dwelling units must provide the ability to be locked and additional parking must be accommodated.

(See Resolution No. PD032014-01)