



Tuesday May 4th, 2010

7:00 p.m.

**Lanark Highlands Municipal Office - 75 George Street, Lanark, Ontario
Council Chambers**

**2:30 p.m. Committee of the Whole - Budget*

**7:00 p.m. Public Meeting: Zoning By-Law Amendments
(File #ZA10-02)*

**Following Council*

**Following "Special" Corporate Services – Budget (Public Delegations)*

Chair, Mayor Bob Fletcher

1. CALL TO ORDER

2. INTRODUCTION

- The purpose of this public meeting is to hear applications for Zoning By-Law Amendments for the following applications:
 - ZA10-02 - Berthelot
- The Planning Consultant will provide a brief overview of the details of the file. The applicant will then be given an opportunity to explain the need for the Zoning By-Law Amendment. Then, any person or public body, in opposition and then in favour, to the application will be heard.
- If a person or public body does not make oral or written submissions at a public meeting, or make written submissions to the Township of Lanark Highlands before the by-law is passed, the person or public body may not be added to the hearing of an appeal before the Ontario Municipal Board (OMB) unless, in the opinion of the Board, there are reasonable grounds to do so.
- If you wish to be notified of the decision of Council in respect to any of the below listed applications, you must submit a written request to the Clerk or you must sign the attendance list provided at today's meeting. This will also entitle you to be advised of a possible Ontario Municipal Board Hearing. Even if you are the successful party, you should request a copy of the decision since the Council of the Township of Lanark Highlands decision may be appealed to the Ontario Municipal Board by the applicant or another member of the public.

- The Clerk must provide notice of Council's decision to all those who request a copy within 15 days after the day the by-law is passed. Anyone may appeal the decision to the OMB by filing with the Clerk within 20 days of the notice of decision.
- An appeal to the Municipal Board may be filed with the Clerk of the Township not later than 20 days after the day that the notice of decision was given. The notice of appeal must set out the objection to the by-law and the reasons in support of the objection, accompanied by the required fee.

3. APPLICATIONS

- i) **FILE #:** **ZA10-02 - Berthelot** – *attached, page 4.*
 - a) PLANNER FILE REVIEW & PROPOSED BY-LAW
 - b) APPLICANT COMMENTS
 - c) ORAL & WRITTEN SUBMISSIONS

4. ADJOURNMENT

APPLICATIONS



**Planning Report
Zoning Amendment**

Part Lot 20, Concession 12
Former Township of Lanark

Now in the Township of Lanark
Highlands

412 Oriole Lane

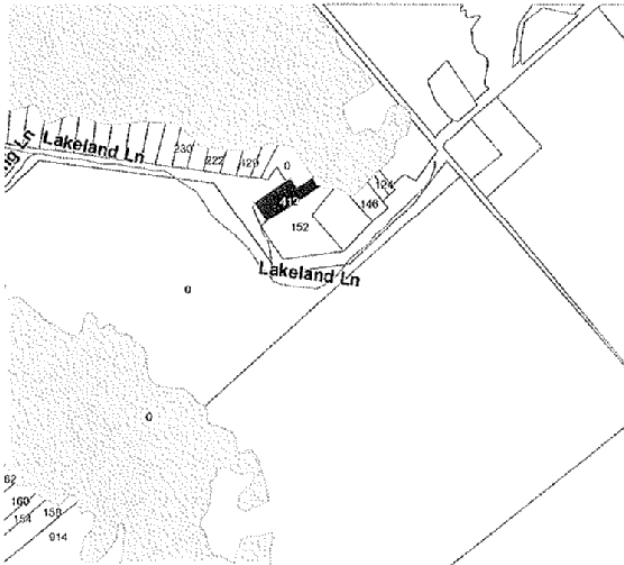
April 27, 2010

1.0 Introduction

Mr. Berthelot and Ms. Haug have applied to the Township of Lanark Highlands to amend the zoning provisions that currently apply to the lands legally described as Part Lot 20 Concession 12, former Township of Lanark now in the Township of Lanark Highlands. The property is located at 412 Oriole Lane.

1.1 BACKGROUND

The subject lands were given conditional approval for severance subject to a zoning amendment to recognize the existing lot area and built form.

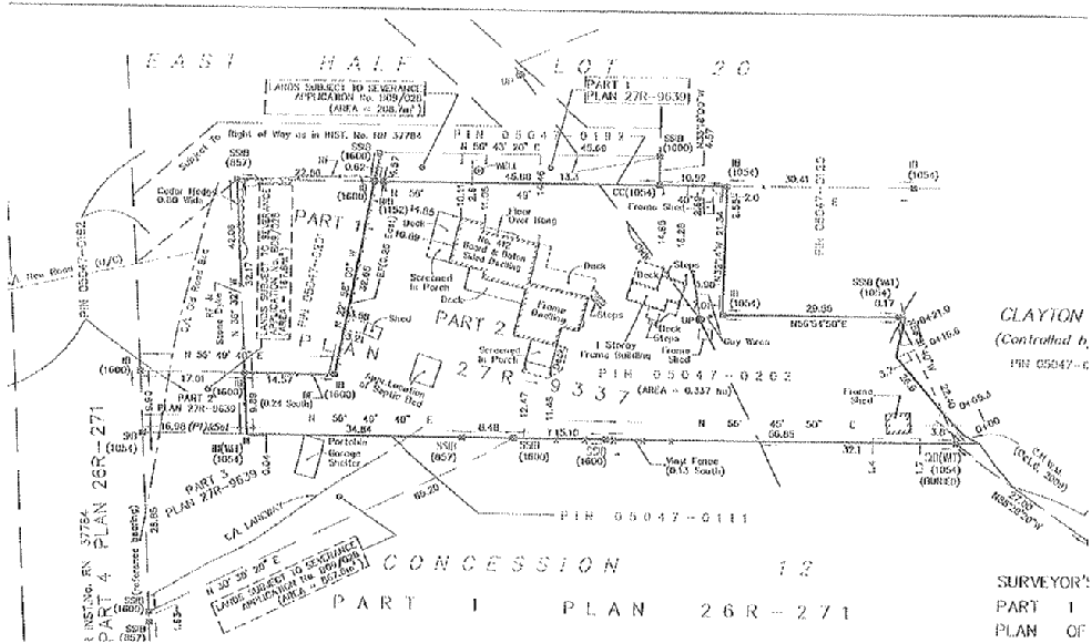


The properties are designated Lakefront Development on Schedule 'A4' of the Township of Lanark Highlands Official Plan and zoned Lakefront District on Schedule 'A4' of the Township of Lanark Highlands Zoning By-law. Abutting the lands is a Provincially Significant Wetland

The property is irregular in shape and approximately 1.13 acres in area. Abutting land uses include a commercial recreational establishment and residential.

Currently constructed on the lands is a large cottage, a Bunkie and numerous accessory structures as illustrated on the enclosed sketch.

Stantec
PLANNING REPORT
ZONING AMENDMENT



1.2 PROVINCIAL POLICY

As part of the province's long term commitment to economic prosperity and social well being all planning applications must be consistent with the Provincial Policy Statement 2005 (PPS). As such a review of applicable policies must be undertaken and evaluated under the "consistent with" test.

The Provincial Policy directs that in rural areas limited residential development is permitted and that it should be appropriate to the infrastructure which is planned or available and in addition shall be compatible with the rural landscape.

1.2.1 Sewage and Water, Section 1.6.4

The proposed lot is serviced privately. No new development is proposed by means of this application.

1.2.2 Transportation, Section 1.6.5

The use of existing transportation infrastructure is required. The proposal as submitted does not propose or require any new municipal roadways/ infrastructure. There will not be a requirement to extend the private road.

1.2.3 Wise Use and Management of Resources, Section 2.0

Surrounding lands are designated as a Provincially Significant Wetland. The Province protects these lands for the long term from any adverse impacts. Any development proposed within 120 metres of a wetland is required to study potential impacts to the wetland. Development is defined in the Provincial Policy Statement as: the creation of a new lot, a change in land use, or the construction of buildings.

The proposal as submitted is not considered "development" as defined. There is therefore no trigger for the requirement of an Environmental Impact Statement. In addition, there is no new construction proposed as part of this application.

The application facilitates current property use and configuration. As such the proposal can meet the "consistent with" test.

1.3 OFFICIAL PLAN

The Official Plan designates the lands as Lakefront Development. Policies and general principles of the Official Plan must be reviewed prior to a decision on the proposed zoning amendment. Generally applications require compliance to the policies entrenched within the Official Plan. Guiding principles of the Official Plan direct development to: "preserve and enhance unique natural features and environmentally significant resources and to promote environmentally sensitive and responsible practices and development. This includes conservation and management of water resources.

Policies of Section 2.7 of the Official Plan outline the Township's Environmental Principles which direct that no net decrease will occur by means of development approvals to water quality or quantity and that any potential adverse impacts will be mitigated. The plan recognizes that waterbodies are scattered throughout the Township and should be protected from development that might deteriorate their water quality.

The plan allows for amendment to the zoning as long as the general principles of protection of water resources are achieved. In this specific case the zoning amendment is required as the lot cannot meet the performance standards with respect to area and setbacks outlined in the Township's Zoning By-law 2003-451. As previously noted no new development is proposed by means of this application and the by-law is only required to recognize existing and long standing conditions.

It is my professional opinion the proposal meets the general intent of the policies of the Official Plan.

1.4 ZONING BY-LAW

The lands are zoned Lakefront Development. Performance standards of the Lakefront Development Zone include:

Main Dwelling

- Lot area 1 ha
- Lot Frontage 50 metres
- Lot Depth 80 meters
- Front Yard Shoreline 30 metres
- Front Yard back lot 17 metres
- Rear Yard 10 metres
- Interior Side Yard 7 metres
- Lot Coverage 10 %

Accessory Building

- Front Yard Road 17 metres
- Rear Yard 3 metres

Maximum Dwellings per Lot 1

The zoning amendment required to move forward with this application will be a site specific zone of the Lakefront Development Zone - Lakefront Development exception 37, LD-37. The bylaw will provide for the following relief:

Minimum Lot Area 0.46 hectares (1.14 acres)

Lot Frontage 45.69 metres (149.9 feet)

Main Dwelling

Front Yard (2) back lot (from centre line of road) 12.39 metres (40.6 feet)

Accessory Building

Interior Side Yard 1.7 metres (5.5 feet)

Maximum Dwelling per Lot 2

1.5 COMMENTS

The application has been circulated as required by the Planning Act. As of the date of the drafting of this report no comments have been received.

1.6 CONCLUSION

This proposal for zoning amendment must be reviewed and be consistent with Provincial Policy and in addition comply with policies of the Official Plan. The PPS provides for long term sustainability by managing and directing growth and development to areas where efficient, cost effective and appropriate development can occur. The application does not propose any new construction or development on the lands and is solely to recognize existing use and built form.

1.7 RECOMMENDATION

That Council approve zoning amendment ZA10-02.



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