



# Seguin Township

## Report to Council

**Prepared for:** Township Council      **Department:** Development and Protective Services

**Agenda Date:** March 4, 2019      **Report No:** DPS-PL-2019-032

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**Application No:** Consent B-2019-0005-C, B-2019-0006-C  
Zoning By-law Amendment R-2019-0002-C

**Applications Complete:** February 5, 2019

**Days to Public Meeting:** 27

**Owner:** Richard Cole

**Subject Lands:** Concession 7 Lots 22-24

**Civic Address:** 91 Tally Ho-Swords Road

**Roll No.:** 4903-040-006-02400

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### 1.0 Recommendation

a) **THAT** Consent Applications B-2019-0005-C and B-2019-0006-C for 2 new lots be Provisionally Approved, subject to the Township's standard conditions of approval, including but not limited to the following conditions:

1. That this approval applies described as follows:

| File          | Type    | Area (ha)+/- | Frontage (m)+/- |
|---------------|---------|--------------|-----------------|
| B-2019-0005-C | New Lot | 4.45         | 90              |
| B-2019-0006-C | New Lot | 9.71         | 90              |

2. The owner shall have delivered to the Planning Official the following:

(i) A plan of survey prepared by an Ontario Land Surveyor (submitted in duplicate – 2 copies and an electronic version in Adobe Acrobat pdf format) indicating the parcel(s) (The severed parcels) to be conveyed including all rights-of-way to each parcel. All dimensions are to be provided in metric units.

(ii) Three copies in registrable form of the document conveying the severed parcel and right-of-way so the final consent may be endorsed thereon by the Planning Official.

3. That the Deed Stamping and Review Fee of \$150.00 per deed with respect to this application shall have been paid for by the applicant.

4. That all Municipal taxes to date shall be paid in full.

5. That all Township fees and disbursements (legal, engineering, planning), if any incurred by the Township with respect to this application shall be paid for by the owner.

6. A payment in lieu of a parkland dedication for the resulting severed parcels shall be paid in accordance with Section 51.1 of the Planning Act acceptable to the Township of Seguin in cash or certified cheque.

7. That the proposed severed lots be rezoned from the existing Rural (RU) Zone to the Rural Residential (RR) Zone.

8. Written confirmation from the North Bay-Mattawa Conservation Authority that the Severed Lands are satisfactory for the installation of a septic system for an individual dwelling.

9. The applicant provides confirmation from the Township of Seguin Public Works Department with respect to entrance approval for the proposed severed lots onto Tally Ho-Swords Road.

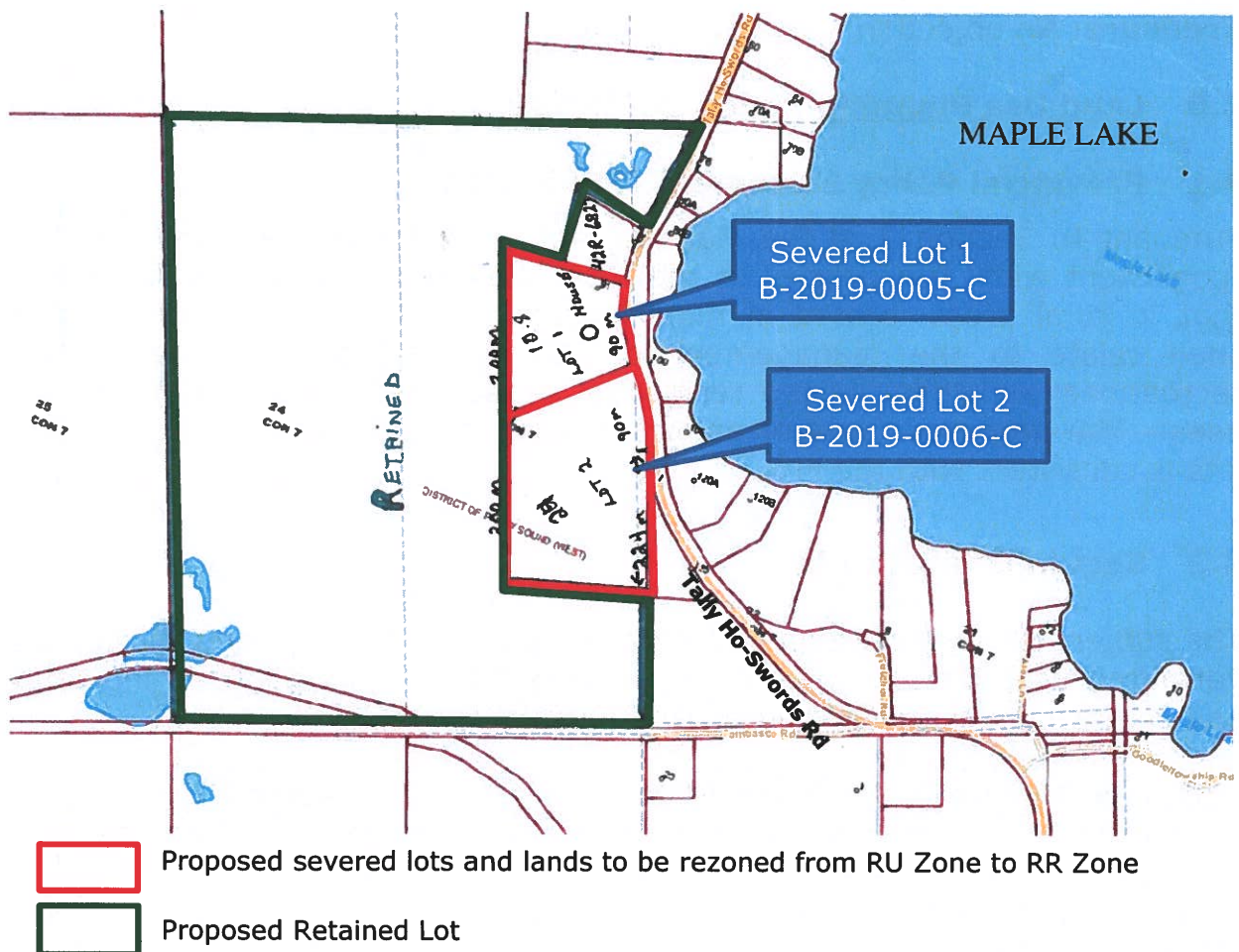
**b) THAT** Rezoning Application R-2019-0002-C be approved as follows:

1. Map 7 to Schedule "A" to Zoning By-law No. 2006-125 is hereby amended by rezoning the "severed lands" subject to Consent Applications B-2019-0005-C and B-2019-0006-C from the Rural (RU) Zone to the Rural Residential (RR) Zone as shown on Schedule "A" forming part of By-law 2019-020.

## 2.0 Background & Property Description

**THE PURPOSE AND EFFECT** of the proposed consent application is to create two new rural residential lots. The proposed severed lot created through B-2019-0005-C would have a lot area of 4.45 hectares and 90 metres of frontage on Tally Ho-Swords Road, and would contain an existing dwelling. The proposed severed lot created through B-2019-0006-C would have a lot area of 9.71 hectares and 90 metres of frontage on Tally Ho-Swords Road, and would be vacant. The retained lot would have a lot area of 62.73 hectares and 200 metres of frontage on Tally Ho-Swords Road, and would be vacant. The associated Zoning By-law Amendment would rezone both of the severed lots from the Rural (RU) Zone to the Rural Residential (RR) Zone.

Figure 1 – Severance sketch & Rezoning



**Official Plan Designation:** Rural and Resource Area  
**Zoning:** Rural (RU) Zone  
**Access:** Tally Ho-Swords Road (Municipal year-round)  
**Lot Area:** 77 hectares  
**Frontage:** 380 metres  
**Existing Development:** Single detached dwelling

### **3.0 Comments**

**CAO:** No objection.  
**Clerk:** No objection.  
**Building:** No objection.  
**Fire/By-law:** No objection.  
**Public Works:** No objection.  
**Treasury:** No objection.

### **4.0 Land Use Planning Policy & Analysis**

#### **4.1 Provincial Policy Statement (PPS) 2014**

Pursuant to Section 3 of the Planning Act, all planning decisions must be "consistent with" the policies of the PPS. Section 1.1.4 of the PPS states that in rural areas located in municipalities permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses. The proposed Consent applications to create 2 new rural residential lots is consistent with the PPS.

#### **4.2 Seguin Official Plan**

The subject lands are designated Rural & Resource Area by the Official Plan. Permitted uses include "low density residential uses; small scale industrial and commercial uses, agriculture, and forestry".

Section B.12.2 NEW LOTS BY CONSENT - B.12.2.1 General Criteria lists requirements for new lot creation in all land use designations, such as frontage and area requirements, conformity to applicable Official Plan policies and the Planning Act, and servicing requirements. Prior to issuing provisional consent for a new lot for any purpose, Council or its delegate shall be satisfied that the lot to be retained and the lot (or lots) to be severed:

a) conform to the specific land division policies contained in the land use designation sections of this Plan;

In the Rural and Resource Area Designation, the following severance policies apply to the subject lands of this application:

**B.12.2.5 Rural and Resource Area - New Lots for Residential Purposes**

In accordance with the Growth Management Goals and Objectives of this Plan to focus growth to settlement areas and maintain the rural character of the Township, only a limited number of new lots for residential purposes can be created in the Township. Limited residential development in the *Rural and Resource Area* will occur by consent. In this regard, lot creation by consent in the *Rural and Resource Area* will be limited to:

- a) A maximum of three severed lots and one retained lot on a parcel having an area of 40 hectares or greater, as existed on April 24, 2007.
- d) A maximum of 15 new lots may be created in the *Rural and Resource Area* Designation per calendar year.

In considering the creation of a new lot in the *Rural and Resource Area*, Council shall be satisfied that the proposed lot(s):

- i) should have a minimum lot area of 1.2 hectares;
- ii) should have a minimum lot frontage of 90 metres;
- iii) is located at least 300 metres from the limits of the shoreline of a high sensitivity, over-threshold lake, in accordance with Section B.3.1.1.1 a) and b) of the Official Plan or an at capacity Lake Trout Lake in accordance with Section B.3.2.1 b) of the Official Plan

Section B.12.2.5 permits lot creation within the Rural and Resource Area designation of the Official Plan. The subject lands contain sufficient area and frontage to permit creation of 2 new lots. The proposed severed and retained lands would conform with the minimum frontage and area requirements of 90 metres and 1.2 hectares of the RR Zone, and otherwise satisfies the rural severance requirements of Section B.12.2.5.


The proposed severance applications therefore conform with the land division policies of the Seguin Official Plan.

## **5.0 Conclusion**

It is the Planning Department's position that the applications to permit creation of 2 new rural residential lots is consistent with the Provincial Policy Statement. The applications will maintain the intent of land division policies of the Seguin Official Plan, provisions of the Zoning By-law, and represents good planning. The associated Zoning By-law Amendment will place the severed lots within the appropriate Rural Residential (RR) Zone, reflecting 90 metres of frontage for each lot and future residential use of the lands.

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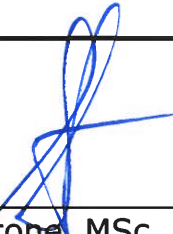
**Respectfully submitted**



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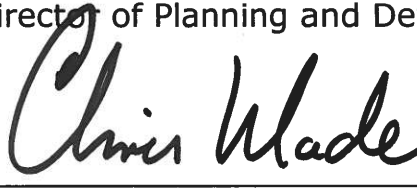
Adam Kozlowski, MCIP, RPP  
Senior Planner

**Reviewed**



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Stephen Stone, MSc, BES, MCIP, RPP  
Director of Planning and Development



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Chris Madej, MA, MCIP, RPP  
Chief Administrative Officer

### **Attachments:**

Schedule A: Draft Zoning By-law Amendment 2019-020

AK/SS/CM/bd

**THE CORPORATION OF THE TOWNSHIP OF SEGUIN**  
**BY-LAW NO. 2019-020**

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"Being a By-law to amend Township of Seguin Zoning By-law No. 2006-125"  
4903-040-006-02400, R-2019-0002-C, 91 Tally Ho-Swords Road

**WHEREAS** the Council of The Corporation of the Township of Seguin received and considered an application to amend the Township of Seguin Zoning By-law No. 2006-125 respecting lands described as PT LT 22-24 CON 7 CHRISTIE AS IN RO161024 N OF RAILWAY; SEGUIN; and,

**WHEREAS** Council has the authority pursuant to Section 34 of the Planning Act R.S.O. 1990, Chapter P.13 as amended, to pass amendments to the Zoning By-law; and,

**WHEREAS** Council has approved the application to amend the By-law and deems it appropriate to pass this By-law;

**NOW THEREFORE** the Council of The Corporation of the Township of Seguin hereby enacts as follows:

1. Map 7 to Schedule "A" to Zoning By-law No. 2006-125 is hereby amended by rezoning those lands described as PT LT 22-24 CON 7 CHRISTIE AS IN RO161024 N OF RAILWAY; SEGUIN from the Rural (RU) Zone to the Rural Residential (RR) Zone as shown on Schedule "A" attached hereto and forming part of this By-law.
2. This By-law shall take effect from the date of passage by Council and shall come into force in accordance with the provisions of the Planning Act R.S.O. 1990, Chapter P.13 as amended.

**BY-LAW** read a **FIRST**, **SECOND** and **THIRD** time and finally **PASSED** and **ENACTED** this 4<sup>th</sup> day of March, 2019.

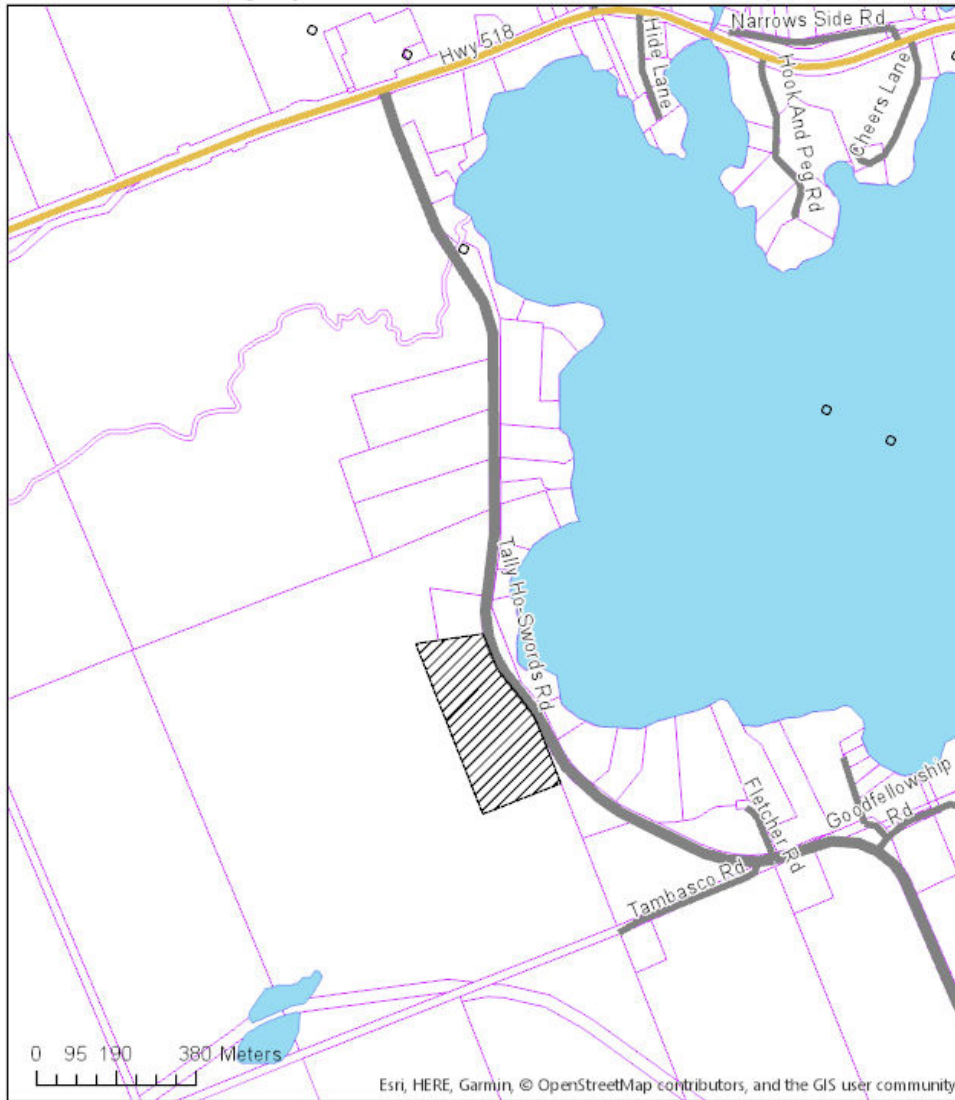
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Ann MacDiarmid  
Mayor

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Craig Jeffery  
Clerk

The Corporation of the Township of Seguin  
By-law No. 2019-020 Schedule "A"  
PT LT 22-24 CON 7 CHRISTIE AS IN RO161024 N OF  
RAILWAY; SEGUIN  
Zoning By-law 2006-125 Schedule A - Map 7



 Lands to be rezoned from the Rural (RU) Zone to the Rural Residential (RR) Zone

