



# **Planning Justification Report**

## **Zoning By-law Amendment Application**

### **1965 Pinehurst, Township of Selwyn**

**Prepared by: One Community Planning Inc.**  
**On behalf of: Gila and Josh Martow**  
**September 10<sup>th</sup>, 2024**



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# Planning Justification Report

## Zoning By-law Amendment Application

### 1965 Pinehurst Avenue, Township of Selwyn

September 10<sup>th</sup>, 2024

#### 1.0 Introduction

One Community Planning has been retained by the owner of the subject lands, 1965 Pinehurst Avenue, to assist with filing a Zoning By-law Amendment Application. This Planning Justification Report (PJR) has been prepared in support of the Application and is intended to provide an overview of the site and proposal and includes a review of the applicable Provincial and local planning policies as they pertain to the subject lands.

#### 1.1 Subject Lands

The property is known municipally as 1965 Pinehurst Avenue. The property is located on the east side of Chemong Lake with frontage onto the lake. The property is bisected by Pinehurst Avenue.



Figure 1- Key Map. County of Peterborough eMaps, July 2024



Figure 2-Google Earth-Local Neighbourhood, July 2024

Surrounding Land Uses are as follows:

- NORTH: Waterfront residential
- SOUTH: Waterfront residential
- EAST: Rural
- WEST: Chemong Lake

Subject Lands

## 1.2 Concept Plan and Overview

The concept plan below illustrates proposed development for the property. The purpose of this Application is to permit an Accessory Dwelling Use above the garage on the rear portion of the property. As noted, the property is bisected by Pinehurst Avenue. The garage is proposed to be on the rear of the property, opposite to the lakefront portion of the lot.

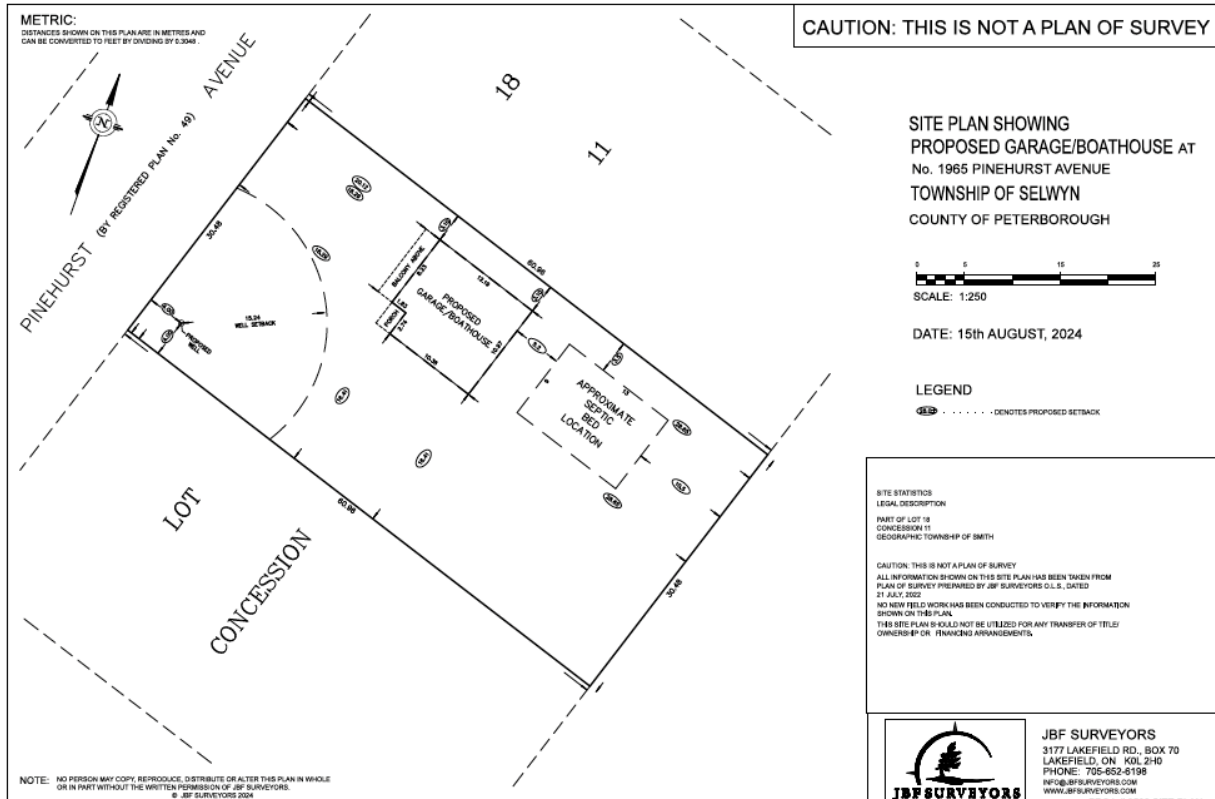


Figure 3- Excerpt from Concept July 2024

### 1.3 Pre-consultation

A mandatory pre-consultation meeting was held in June 19, 2024. The meeting addressed the processing, technical and application requirements associated with the proposed rezoning application. This culminated in a Record of Pre-consultation, detailing comments and providing a list of required drawings and reports.

During pre-consultation it was investigated if an an accessory dwelling unit would be permitted on the rear portion of the property that has an Official Plan designation of Rural.

In terms of required technical reports and drawings, aside from the Planning Justification Report and site plan, additional studies and drawings were required, being:

- Archaeological Stage 1 and 2.

### 2.0 Proposed Zoning By-law Amendment Application

In order to recognize the proposal to permit an Accessory Dwelling Unit in the Lakeshore Residential Zone, the following amendment is required.

The proposed “modified” Lakeshore Residential Zone regulations are summarized as such:

“Notwithstanding Section 3.41 of the Comprehensive Zoning By-law, a second unit is permitted in the Lakeshore Residential Zone”.

We recognize that the proposed amendment may need to be refined with Staff through the processing of the Application.

## 2.1 Site Parking Detail

A minimum of one (1) parking space will be provided for the second unit.

## 3.0 Policy Analysis

### 3.1 Provincial Policy Statement (PPS 2020)

The Provincial Policy Statement (PPS) provides policy direction to guide development and land use planning within the Province. For the purposes of preparing this report, the PPS has been reviewed in its entirety. The following Policies have direct relevance to the proposed Application as they relate to the subject lands:

Policy	
1.1	Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns:
1.1.1	<p>Healthy, liveable and safe communities are sustained by:</p> <p>a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;</p> <p>b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons) employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;</p> <p>e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.</p>
<b>Opinion</b>	<b>The Application seeks to permit a second unit in an accessory structure. This proposal provides a mix of housing options that can be appropriately serviced.</b>
1.1.5	Rural Lands in Municipalities
1.1.5.1	When directing development on rural lands, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety
1.1.5.2	<p>On rural lands located in municipalities, permitted uses are:</p> <p>a) The management or use of resources;</p>

<p>1.1.5.3</p> <p><b>Opinion</b></p>	<p>b) Resource-based recreational uses (including recreational dwellings); c) Residential development, including lot creation, that is locally appropriate.</p> <p>Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.</p> <p><b>The lands are located within rural lands and the Application seeks to permit a second dwelling unit to provide alternative housing while efficiently using land and resources. The second dwelling unit can be maintained by private well and septic. The property takes advantage of resource-based uses (Chemong Lake).</b></p>
<p>1.4</p> <p>1.4.1</p> <p><b>Opinion</b></p>	<p>Housing</p> <p>To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:</p> <p>a) Maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development.</p> <p><b>The proposed Application complies with the above by providing appropriate mild intensification with a mix of housing options.</b></p>
<p>1.6.6</p> <p>1.6.6.4</p> <p><b>Opinion</b></p>	<p>Sewage, Water and Stormwater</p> <p>Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long term provision of such services with no negative impacts.</p> <p><b>The property is serviced by individual well and septic. Building Permits are required construct residential units whereby the Township can ensure there continues to be appropriate servicing available.</b></p>

It is my opinion that the proposed Zoning By-law Amendment Application is in conformity with the Provincial Policy Statement.

**3.2 A Place to Grow- Growth Plan for the Greater Golden Horseshoe (2020)**

The 2020 Growth Plan sets forth a series of detailed policies addressing population and employment growth and other related development, planning and land use matters for the Greater Golden Horseshoe Area. The County of Peterborough is located within the eastern portion of the outer-ring of the 2020 Plan. For the purposes of preparing this report and Application, the Growth Plan has been reviewed in its entirety.

Relative to the Zoning By-law Amendment Application, the following policies of the 2020 Growth Plan are considered to have direct relevancy as they relate to the subject lands:

Policy	
2.2	<p>Policies for Where and How to Grow</p> <p>Managing Growth</p> <ol style="list-style-type: none"> <li>1. Population and employment forecasts contained in Schedule 3 will be used for planning and managing growth in the GGH to the horizon of this Plan in accordance with the policies in subsection 5.2.4.</li> </ol> <p><b>Opinion</b></p> <p><b>The ZBLA Application serves to permit a second dwelling unit. This part of the community is supported by individual well and septic.</b></p>
2.2.9 2.2.9.3	<p>Rural Areas</p> <p>Subject to the policies in Section 4, development outside of settlement areas may be permitted on rural lands for:</p> <ol style="list-style-type: none"> <li>a) The management or use of resources;</li> <li>b) Resource based recreational uses; and</li> <li>c) Other rural land uses that are not appropriate in settlement areas provided they: <ol style="list-style-type: none"> <li>i) Are compatible with the rural land scape and surrounding local land uses;</li> <li>ii) Will be sustained by rural service levels; and</li> <li>iii) Will not adversely affect the protection of agricultural uses and other resource based uses such as mineral aggregate operations.</li> </ol> </li> </ol> <p><b>The ZBLA Application seeks to permit a second dwelling unit on a waterfront property in a rural area. The dwelling unit will be sustained by individual well and septic.</b></p>

It is my opinion that the proposed Zoning By-law Amendment Application is in conformity with the Growth Plan.

As of September 2024, the provincial government has released the 2024 Provincial Policy Statement which eliminates the Growth Plan for the Greater Golden Horseshoe and updates the policies to be reflective of updated needs for the Province of Ontario.

Relative to the Zoning By-law Amendment Application, the following policies of the 2024 Provincial Policy Statement are considered to have direct relevancy as they relate to the subject lands:

Policy	
2.1	<p>Planning for People and Homes</p> <ol style="list-style-type: none"> <li>1. As informed by provincial guidance, planning authorities shall base population and employment growth forecasts on Ontario Population Projections published by the Ministry of Finance and may modify, as appropriate.</li> </ol>



<p><b>Opinion</b></p>	<p>2. Notwithstanding policy 2.1.1, municipalities may continue to forecast growth using population and employment forecasts previously issued by the Province for the purposes of land use planning.</p> <p>3. At the time of creating a new official plan and each official plan update, sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of at least 20 years, but not more than 30 years, informed by provincial guidance. Planning for infrastructure, public service facilities, strategic growth areas and employment areas may extend beyond this time horizon.</p> <p>4. To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:</p> <p style="padding-left: 40px;">a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through lands which are designated and available for residential development;</p> <p>6. Planning authorities should support the achievement of complete communities by:</p> <p style="padding-left: 40px;">a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, long-term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;</p> <p style="padding-left: 40px;">b) improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and</p> <p style="padding-left: 40px;">c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.</p> <p><b>This application seeks to permit a second dwelling unit which provides a mix of housing options.</b></p>
<p>2.2</p>	<p>Housing</p> <p>1. Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:</p> <p style="padding-left: 40px;">a) establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate income households, and coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;</p> <p style="padding-left: 40px;">b) permitting and facilitating:</p> <p style="padding-left: 80px;">1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and</p>

<p><b>Opinion</b></p>	<p>2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;</p> <p>c) Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and</p> <p>d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.</p> <p><b>The proposal for the second dwelling unit provides a new housing option which efficiently uses the land and resources.</b></p>
<p>2.5</p>	<p>Rural Areas in Municipalities</p> <ol style="list-style-type: none"> <li>1. Healthy, integrated and viable rural areas should be supported by: <ol style="list-style-type: none"> <li>a) Building upon rural character, and leveraging rural amenities and assets;</li> </ol> </li> </ol>
<p>2.6</p> <p><b>Opinion</b></p>	<p>Rural Lands in Municipalities</p> <ol style="list-style-type: none"> <li>1. On rural lands located in municipalities, permitted uses are: <ol style="list-style-type: none"> <li>a) The management or uses of resources;</li> <li>b) Resource-based recreational uses;</li> <li>c) Residential development.</li> </ol> </li> <li>2. Development that can be sustained by rural service levels should be promoted.</li> </ol> <p><b>The proposal for the second dwelling unit in Rural Lands is in keeping with this section of the Provincial Policy Statement.</b></p>
<p>3.6</p>	<p>Sewage, Water and Stormwater</p> <ol style="list-style-type: none"> <li>1. b) ensure that these services are provided in a manner that: <ol style="list-style-type: none"> <li>1. can be sustained by the water resources upon which such services rely;</li> <li>2. is feasible and financially viable over their life cycle;</li> <li>3. protects human health and safety, and the natural environment, including the quality and quantity of water; and</li> <li>4. aligns with comprehensive municipal planning for these services, where applicable.</li> </ol> </li> <li>c) promote water and energy conservation and efficiency;</li> <li>d) integrate servicing and land use considerations at all stages of the planning process;</li> </ol>

<p><b>Opinion</b></p>	<p>f) be in accordance with the servicing options outlined through policies 3.6.2, 3.6.3, 3.6.4 and 3.6.5.</p> <p>4. Where municipal sewage service and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impact.</p> <p><b>The proposed second dwelling unit will be serviced by individual well and septic, which require permits from the Township and the province.</b></p>
<p>4.1</p>	<p>Natural Heritage</p> <p>1 .Natural features and areas shall be protected for the long term.</p> <p>2. The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.</p>

**3.3 County of Peterborough Official Plan (April 11, 2023)**

The property is designated on the following Official Plan Schedules or identified on the following:

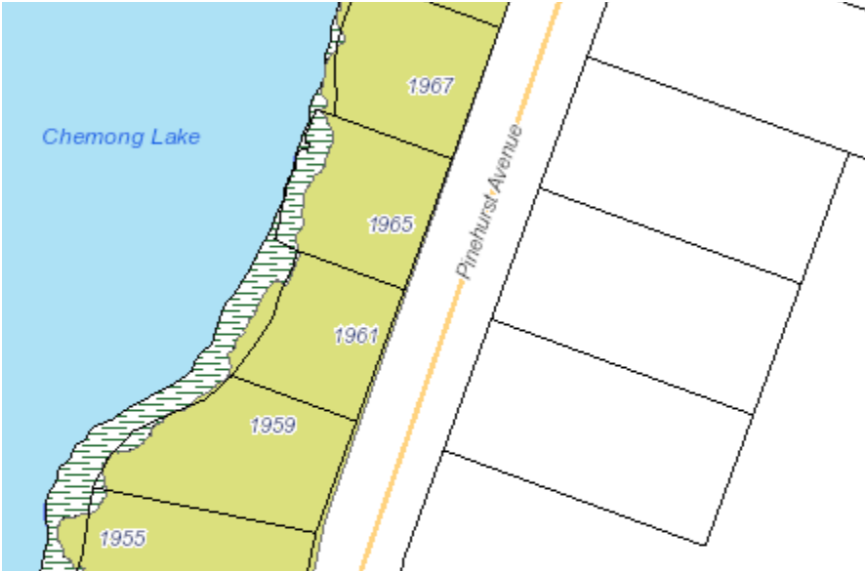


Figure 4- Excerpt from County of Peterborough GIS July 2024

The waterfront portion of the property is designated Lakeshore Residential and Environmental Constraint and the rear portion of the property is designated Rural. As the portion of the

property proposed to be developed is located exclusively within the designation of “Rural”, the Rural policies will be examined for the purpose of this discussion. Relative to the proposed Zoning By-law Amendment Application, the following provides a summary of relevant policies of the County of Peterborough’s Official Plan (OP), which has been read in its entirety.

## Section 6.2.2 Rural

### 6.2.2.2 - Permitted Uses

*The predominant use of land within the Rural designation may include all agricultural uses outlined in Section 6.2.1 of this Plan. Other permitted uses shall include forestry, passive outdoor recreation uses and activities connected with the conservation of soil and wildlife.*

*Development by consent will be permitted within the Rural designation, although that development shall be limited and will be subject to the following policies. A very limited amount of small-scale commercial uses, or farm-related commercial/industrial uses will also be permitted. Commercial and industrial uses shall be subject to site plan control, and shall require a site specific amendment to the implementing Zoning By-law, as part of the approval process.*

*Low density residential development as defined by the Policies of Section 6.2.2.3, home occupations and home industries shall be permitted.*

### 6.2.2.3 - Rural Policies

*a) It shall be a policy of this Plan to discourage the development of non-rural related uses within the Rural designation and to prevent uncontrolled and scattered development. This leads to an unnecessary fragmentation of the land base. Non-rural growth related uses shall be encouraged to locate within designated growth centres and hamlet areas as identified on the land use schedules.*

*b) A maximum of one single-detached dwelling shall be permitted on a lot.*

## Section 7.34 – Second Units

*Second units Second units can provide an effective form of intensification and increase the availability of affordable housing choices for residents. Second units are defined as a dwelling unit which is ancillary and subordinate to the primary dwelling unit that may be contained within the main building on a lot or in an accessory structure.*

*It shall be the policy of this Plan to permit a second unit within a single detached dwelling, semi-detached dwelling or townhome dwelling provided that the physical character of the dwelling is not substantially altered. Pursuant to this policy, the implementing Zoning By-Law shall define second units and establish zone provisions which would consider the following criteria:*

*a) Only one second unit per single detached, semi-detached, or row/townhouse dwelling will be permitted;*

*b) A second unit may be contained within the primary residential dwelling or in a building accessory thereto, but not in both;*

*c) Mobile homes are not permitted as second units;*

*d) A second unit will not be permitted in waterfront areas/developments on private roads which are not maintained by the municipality and where emergency access may be limited;*

*e) A second unit will not be permitted within a floodplain;*

*g) A second unit shall not be permitted within 300 metres of lakes that have been determined to be at development capacity;*

*h) Adequate servicing must be available to service the second unit through either the municipal system or through individual, privately owned systems;*

*i) Second units connected to municipal services must be connected to the service lines of the primary dwelling to the Township's specifications;*

*j) A second unit that is to be serviced via private water source must demonstrate an adequate source of potable water;*

*k) A second unit serviced via a private sanitary sewage disposal system must demonstrate to the satisfaction of Peterborough Public Health, or appropriate approval authority, the capacity of the system to do so;*

*l) Severance to subdivide a second unit from its primary residential dwelling will not be permitted;*

*m) A second unit must comply with the requirements of the Ontario Building Code, Ontario Fire Code, the Township's Comprehensive Zoning By-law and Property Standards By-law*

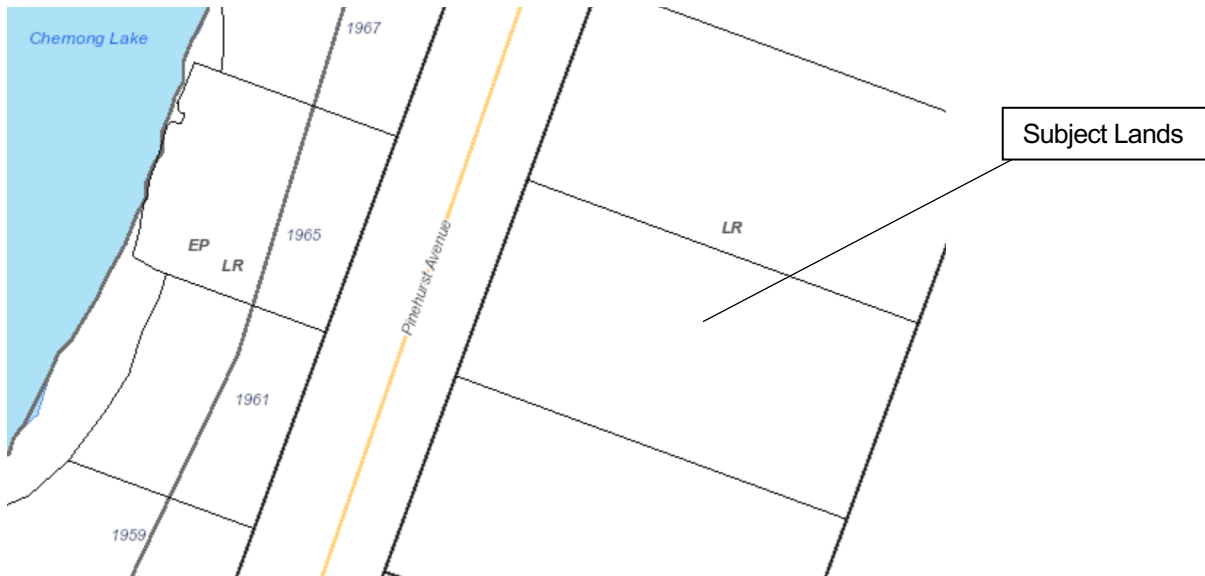
*n) Existing Garden Suites may be considered as second units provided they conform to these policies and the zoning by-law.*

**Opinion: As previously remarked, the proposed Application seeks to permit a second dwelling unit located above an accessory structure in the portion of the property designated as Rural. The County's Official Plan permits this development.**

**Based on my review of the relevant Official Plan policies and opined above, it is my opinion that the Zoning By-law Amendment Application is in keeping with the general purpose and intent of the policies and land use designations of the Official Plan.**

### **3.4 Township of Selwyn Zoning By-law & Proposed Amendment**

The property is currently zoned Lakeshore Residential (LR).



The current permitted uses (LR) are as follows:

- (a) a single detached dwelling;
- (b) seasonal dwelling;
- (c) type A home occupation use within the principal dwelling;
- (d) second unit in accordance with the provisions of Section 3.41 of this By-law.

To permit the proposed development of a second unit located on the parcel of the property rear of the waterfront, an amendment is required to Section 3.41 – Second Units.

Second units are a permitted use in the Township of Selwyn provided the following provisions are applied:

- a) Only one second unit per single detached, semi-detached, or townhome dwelling is permitted.
- b) Where a second unit is permitted on a lot, neither a garden suite, any rooming units such as a bed and breakfast nor a group home are permitted on that lot.
- c) The second unit may be contained within the principal residential dwelling or in a building accessory to the residential dwelling, but not in both.
- d) The second unit is clearly subordinate to the principal residential dwelling unit; and shall not be greater in area than the principal dwelling unit.
- e) If the second unit is located within the principal dwelling, the exterior appearance of the dwelling is unaltered to accommodate the second unit.
- f) One (1) off-street parking space shall be provided for a second unit, in addition to any parking space required by this by-law for the other residential unit(s). The off-street parking

associated with the dwelling unit(s) may be stacked provided that the number of spaces so arranged does not exceed two (2).

g) That second units which are located in accessory buildings which are detached from the principal dwelling shall comply with the following:

i) be located no further than 30 metres from the principal dwelling;

ii) shall not be situated in the front or exterior side yard;

iii) if the second unit is situated in an accessory structure, the second unit shall not exceed the height of the principal structure;

iv) if the second unit is situated in an accessory structure within the Residential Type One (R1) Zone or the Residential Type Two (R2) Zone, the second unit shall be limited to one (1) storey;

v) if the second unit is situated above a detached garage within the Agricultural (A), Rural (RU) or Rural Residential (RR) Zones, the entire structure shall be limited to 2 storeys or 8 metres in height;

vi) if the second unit is located within the Residential Type One (R1), Residential Type Two (R2) or Rural Residential (RR) Zone category, the second unit shall not be greater than 40% of the footprint area of the principal dwelling unit;

vii) if the second unit is located within the Agricultural (A), or Rural (RU) Zone category, the second unit shall not be greater than 60% of the footprint area of the principal dwelling unit.

viii) shall comply with the residential zone regulations of the respective zone;

ix) shall not be in the form of a mobile home;

x) shall not have a basement;

xi) if located in a serviced area is to be connected to the municipal water and sewer services through the existing dwelling; and

xii) shall not be permitted in the Lakeshore Residential (LR) Zone.

h) That private amenity space to be situated outdoors, which is a minimum of 7.5 square metres with a dimension being no less than 1.5 metres be provided. Such space may be provided in the form of a balcony, deck or patio.

i) That the second unit complies with the requirements of the Ontario Building Code and Fire Code.

j) That the second unit shall be registered with the Township of Selwyn in accordance with the normal requirements of the Township;

k) Notwithstanding the above, second units shall not be permitted:

i) Within a dwelling that is located in an Environmental Protection (EP) Zone or in a floodplain;

Given that the property is zoned Lakeshore Residential, an amendment is required to permit this use on the portion of the property designated as Rural in the Official Plan but LR in the Zoning By-law.

**The proposed amendment is summarized as such:**

**“Notwithstanding Section 3.41 of the Comprehensive Zoning By-law, a second unit is permitted in the Lakeshore Residential Zone”.**

#### **4.0 Summary**

The Zoning By-law Amendment Application has been filed to permit an amendment to allow a second unit.

The Township and surrounding area has been and will continue to experience housing supply challenges.

The foregoing policy review demonstrates conformity with the objectives and policies.

In summary, it is my opinion that the Zoning By-law Amendment Application is:

- Consistent with the policy directives of the Provincial Policy Statement (2020 and 2024);
- In Conformity with the policies of the Growth Plan;
- In keeping with the general purpose and intent of the policies and land use designations of the County’s Official Plan; and
- Is representative of good planning.

Respectfully submitted,



Laura Stone, Planner



## The Corporation of the Township of Selwyn

### By-Law Number ##DRAFT

Being a By-law to amend the Zoning By-law for the lands known as 1965 Pinehurst Avenue

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The Corporation of the Township of Selwyn by the Council thereof hereby enacts as follows:

1. “Notwithstanding the provisions of this By-law to the contrary, within the Lakeshore Residential zone, the following shall apply:

#### Permitted Uses

No person shall within an SP.xxx District use any land or erect, alter or use any building or part thereof for any purpose other than:

- a) second unit contained within an accessory structure.

By-law passed this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_, Mayor

\_\_\_\_\_, Clerk

# Concept Site Plan

