



**Meeting:** GENERAL PURPOSE & ADMINISTRATION COMMITTEE

**Date:** March 1, 2010

**Dept:** Planning and Public Works

**Report No:** PLAN-2010-15-GP&A

---

**Title:** SECOND DWELLING AGREEMENT – MR. GARY LAWLOR AND MRS. CAROL LAWLOR – 590 REACH STREET (PART LOT 6, CONCESSION 6, NOW PART 5, PLAN 40R-24614), WARD 1

---

**RECOMMENDATION:**

**THAT** this Committee recommend to Council that an agreement be executed with Mr. Gary Lawlor and Mrs. Carol Lawlor, 590 Reach Street, to permit the owners to reside in their existing dwelling during the construction of a new dwelling and to provide for its removal upon completion;

**AND THAT** the necessary by-law be passed to authorize the execution of the agreement with the property owners in substantially the form appended as Attachment 1.

---

**BACKGROUND:**

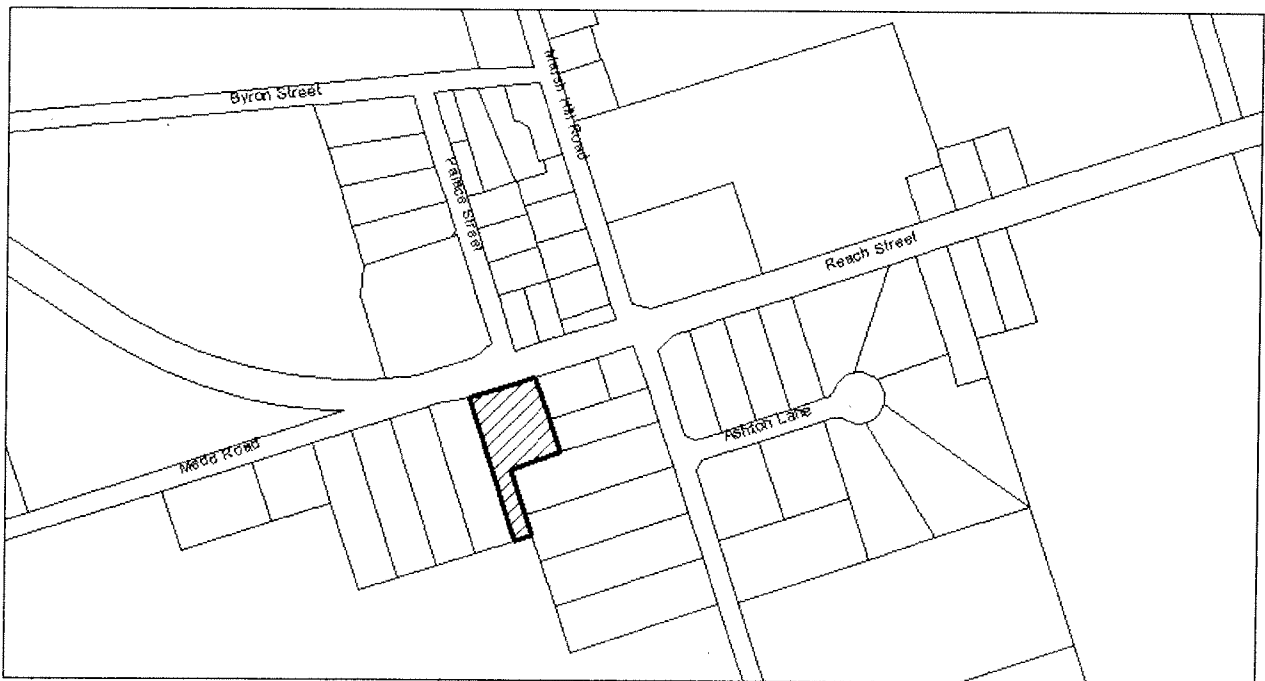
**1. INTRODUCTION**

The purpose of this report is to make a recommendation on a second dwelling agreement with Mr. Gary Lawlor and Mrs. Carol Lawlor (the Owners), the residents of 590 Reach Street.

## 2. REQUEST TO MAINTAIN SECOND DWELLING

On February 11, 2010, the Owners made application to the Township for permission to live in an existing dwelling during the construction of a new house on their recently purchased property. The Owners plan to demolish the current structure and recycle as many of the building materials as practical, donating surplus items to charitable organizations and disposing of the balance.

The existing dwelling is the original house on the former Tapscott farm in the Hamlet of Epsom. The subject property is shown below:



Committee may recall that this lot, which comprises 0.63 hectares (1.56 acres), is one of five parcels created by consent and severed from the farm in 2007. Although the original dwelling was constructed in 1880, there is no impediment to its demolition. The dwelling has experienced significant deterioration over the years and it was anticipated that the structure would eventually be removed and the lands redeveloped with the five new lots.

Staff is of the opinion that the proposal conforms to the intent and purpose of the Greenbelt Plan, Durham Regional Official Plan and Township of Scugog Official Plan, and recommends that the request be granted, subject to the Owners entering into a Second Dwelling Agreement. This agreement, registered on the title of the lands, would contain provisions to

ensure that the original dwelling is removed within a specified period of time. A refundable security deposit would also be collected to ensure that the work is completed to the satisfaction of the Township.

The proposed agreement is appended as Attachment 1 to this report.

**3. ENVIRONMENTAL CONSIDERATIONS**

Recycling of building materials is encouraged from sustainability and waste reduction perspectives.

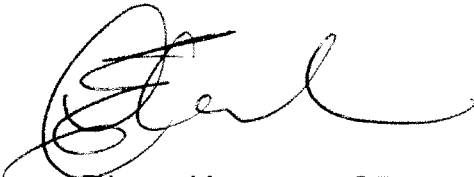
**4. ACCESSIBILITY CONSIDERATIONS – N/A**

**5. FUNDING OPTIONS – N/A**

**6. CONCLUSION**

Staff is of the opinion that this proposal conforms to applicable planning policies and is reasonable under the circumstances. **It is recommended that approval to maintain the second dwelling during construction be granted, subject to the owners entering into an agreement as described in this report.**

Respectfully submitted:



Diane Knutson, CPT  
Planning Technician

Concurred by:



Gene Chartier, P.Eng.  
Commissioner of Planning &  
Public Works/Deputy CAO

Approved for presentation to Committee:



Bev Hendry  
CAO

**TOWNSHIP OF SCUGOG**  
**SECOND DWELLING AGREEMENT**

**THIS AGREEMENT** made this            day of            , 2010.

**BETWEEN:**

**THE CORPORATION OF THE TOWNSHIP OF SCUGOG**  
hereinafter called the "TOWNSHIP"  
  
OF THE FIRST PART,  
- and -

**GARY JOHN LAWLOR AND CAROL ELIZABETH LAWLOR**  
hereinafter called the "OWNER"  
  
OF THE SECOND PART.

**WHEREAS** the Owner has made application to construct a new dwelling in Part Lot 6, Concession 6, Part 5, Plan 40R-24614, Reach, in the Township of Scugog, Region of Durham, municipally known as 590 Reach Street;

**AND WHEREAS** the Owner wishes to remain living in the existing dwelling awaiting the completion of the new dwelling;

**AND WHEREAS** the Owner wishes to remove the existing dwelling within twelve months following the occupancy of the new dwelling in order to permit the Owner time to re-use or recycle as much of the existing dwelling as practicable;

**AND WHEREAS** the Township so agrees, provided the Owner enters into an agreement to undertake the removal of the existing dwelling

within twelve months following the occupancy of the new dwelling where the date of occupancy of the new dwelling is determined by the Township in its sole discretion;

**AND WHEREAS** the execution of this Agreement was authorized by By-Law Number \_\_\_\_\_;

**AND WHEREAS** this Agreement is an agreement between the parties pursuant to Section 8 of the *Building Code Act*;

**AND WHEREAS** the Owner and any Encumbrancer(s) consent to the registration of this Agreement on the title of the Lands;

**NOW THEREFORE THIS AGREEMENT WITNESS** that in consideration of the premises, the said entering into of this Agreement and the payment of two dollars (now paid by the Owner to the Township), the receipt of which is hereby acknowledged, the Party of the Second Part agrees as follows:

1. The Owner shall remove the existing dwelling no later than 12 months from occupancy, as determined by the Township in its sole discretion, of the new dwelling; and,
2. The Owner shall obtain any permits required by the Township of Scugog and those agencies having jurisdiction; and,
3. The Owner agrees to provide a Letter of Credit or other form of security satisfactory to the Township in the amount of \$5,000.00 at the time of signing this Agreement to ensure compliance with the provisions of this Agreement. The security shall be released upon final inspection of the original dwelling by the Township.

It is hereby declared and agreed that this Agreement shall enure to the benefit of and be binding upon the parties hereto and each of their respective successors and assigns.

PL23

**IN WITNESS WHEREOF** the Parties hereto have hereunto set their hands and seals.

THE CORPORATION OF THE  
TOWNSHIP OF SCUGOG

\_\_\_\_\_  
MAYOR, MARILYN PEARCE

\_\_\_\_\_  
CLERK, KIM COATES

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
GARY JOHN LAWLOR

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
CAROL ELIZABETH LAWLOR



**Meeting:** GENERAL PURPOSE & ADMINISTRATION COMMITTEE

**Date:** March 1, 2010

**Dept:** Planning and Public Works

**Report No:** PLAN-2010-16-GP&A

---

**Title:** FURTHER MODIFICATIONS AND DEFERRALS TO THE  
ADOPTED TOWNSHIP OF SCUGOG OFFICIAL PLAN

---

**RECOMMENDATION:**

**THAT** this Committee recommend to Council that the Region of Durham be requested to further modify or defer the policies and schedules within the adopted Township of Scugog Official Plan, dated June 22, 2009, as described in Staff Report No. PLAN-2010-16-GP&A;

**AND THAT** the Clerk be requested to circulate copies of Staff Report No. PLAN-16-GP&A to Ms. Carmella Marshall, Ms. Heather Sadler (on behalf of Adamson Development Inc.) and Mr. Michael Fowler (on behalf of Mr. John and Mrs. Sandra Frey).

---

**BACKGROUND:**

**1. INTRODUCTION**

The purpose of this report is to update Committee on the status of the approval of the adopted Township of Scugog Official Plan (the new Official Plan). The report also proposes further modifications and deferrals to the plan in response to submissions received by the Region of Durham Planning Committee at its meeting on February 23, 2010.

## 2. STATUS OF NEW OFFICIAL PLAN APPROVAL

On June 22, 2009, Council passed By-Law No. 70-09 to adopt a new Official Plan for the municipality. Under the *Planning Act*, the Region of Durham is the authority responsible for approving the new Official Plan.

Following Council adoption in June, Staff made application to the Region for approval and any required Regional Official Plan Amendments to implement the new Official Plan. The Regional Planning Department circulated the document to prescribed agencies and interested parties for comment and issued its post-circulation letter on December 17, 2009. On January 18, 2010, the Township indicated its concurrence with the 43 proposed modifications and 10 recommended deferrals in the Region's letter (see Staff Report No. PLAN-2010-02-GP&A), except for the deferral of the Hamlet boundaries (see Staff Report No. PLAN-2010-06-GP&A).

The Regional Planning Committee, the standing committee responsible for making the recommendation to Regional Council on the new Official Plan, considered Regional Planning Commissioner's Report No. 2010-P-15 regarding the plan at its meeting on February 23, 2010. A copy of the Regional staff report is available in the Councillor's Office. The meeting was held in the Township Council Chambers to allow interested parties an opportunity to make deputations before the Committee.

The Regional staff report recommended approval of the new Official Plan, subject to the modifications and deferrals noted in their post-circulation letter and the changes to Schedule B – Parks and Open Space requested by the Township (see Staff Report No. PLAN-2010-02-GP&A). The report also recommended approval of most Hamlet boundaries, as modified (see Staff Report No. PLAN-2010-06-GP&A). The exceptions were Blackstock and Caesarea, which were recommended for deferral in response to concerns expressed by the Ministry of Municipal Affairs and Housing about the scale of the proposed "rounding out".

Regional Planning Committee received eight written submissions and heard 13 deputations on the new Official Plan at the February 23 meeting. Most of these parties had made submissions to the Township during the preparation of the plan. After considering the comments, the Committee endorsed the Regional staff recommendation to approve the new Official Plan, with the proposed modifications and deferrals, subject to a few changes. Of note:

- The Committee did not endorse the Regional staff proposal to modify the Durham Regional Official Plan designation on the Simcoe Street lands at the south end of the Port Perry Urban Area from Employment Area to Living Area. Regional staff had recommended this change to facilitate approval of the proposed Gateway Regeneration Area designation and policies in the new Official Plan. However, concern was expressed that the Living Area designation would be too flexible and could permit a residential-only subdivision on the lands in the future, which is inconsistent with Council's intent for mixed-use development.

References to the Gateway Regeneration Area designation in policy and schedules in the new Official Plan will remain deferred to provide Staff an opportunity to revise the description to conform to the Regional Official Plan. A subsequent report will be presented to Township Council on this matter;

- At the request of Mr. Jerry Taylor, who appeared as a delegation, the Committee recommended approval of the land use designations on the North Port Group lands in the Port Perry Employment Area as depicted in the new Official Plan, and not deferral, as proposed by Township Council. Council will recall that Mr. Michael Fowler had appeared before the General Purpose and Administration Committee on January 18, 2010 on behalf of the landowners group to request the deferral; and
- At the request of Mr. Richard Rondeau, who was represented by Mr. Ron Kanter at the meeting, the Committee recommended deferral of the modification proposed by Regional staff to revise the north boundary of the Port Perry Urban Area in the vicinity of Whitfield Road. Staff had advanced this modification to achieve conformity with the boundary designated in the Durham Regional Official Plan.

The Regional Planning Committee resolution will be considered by Regional Council at its regular meeting on March 31, 2010. The new Official Plan (or portions thereof) will then come into force and effect if there are no appeals received within 20 days. Staff will inform Council of any appeals and will seek further direction on matters in dispute. Any unresolved issues would ultimately be addressed by the Ontario Municipal Board if other attempts to settle prove unsuccessful.

### 3. FURTHER MODIFICATIONS AND DEFERRALS IN RESPONSE TO SUBMISSIONS

In light of the recent submissions received by the Region, Township Staff is of the opinion that two further modifications and two more deferrals to the new Official Plan should be considered at this time:

#### 3.1 Land Use Policies for Lands Surrounding Chalk Lake

In its review of the draft Official Plan last year, the Central Lake Ontario Conservation Authority requested references be made to Chalk Lake in the Shoreline policies of Section 5.2, notwithstanding the surrounding lands are currently designated ORM Natural Core Area and Residential Cluster. The intent of this request was to ensure the more strident environmental policies of the Shoreline designation would apply to any development of the Residential Cluster lands, where limited infill and expansion is permitted. Unfortunately, a linkage back to the Residential Cluster policies in Section 5.4 was not included.

To address this situation, **it is recommended that the new Official Plan be modified to add a new Section 5.4.3 d), as follows:**

***“d) For the Residential Cluster at Chalk Lake, the provisions of Section 5.2.3.1 e), f) and g) and Section 5.2.4 e) and g) shall apply to new development and significant expansions to existing development.”***

#### 3.2 Nestleton Station Hamlet Boundary

Staff Report No. PLAN-2010-06-GP&A provided revised mapping for several Hamlets in the Township in response to comments from the Ministry of Municipal Affairs and Housing about the scale of proposed expansions. Inadvertently, lands in the south-east quadrant of the Highway 7A and McLaughlin Road intersection in Nestleton Station, included in the new Official Plan to round-out the Hamlet designation, were left out of the revised mapping. Since the lands should have remained in the designation, **it is recommended that Schedule H-4 – Nestleton Station Hamlet Boundary, and all other schedules depicting the boundary, be modified as shown in Attachment 1.**

### 3.3 Proposed North Port Road Extension

The new Official Plan depicts a proposed extension of North Port Road from its current terminus at Taylor Boulevard to Scugog Line 6. As currently envisioned, the new road would traverse property owned by Adamson Development Inc. The owner has expressed concern about the proposed alignment for the road and how it may affect future development plans.

Through deliberations on Official Plan Amendment No. 9, the secondary plan for the Port Perry Employment Area, Staff attempted to address this concern by shifting the road to the east boundary of the subject property, which is the location currently shown in the new Official Plan.

Unfortunately, the owner is still not satisfied with the alignment and has requested the matter be deferred to allow further opportunity for dialogue. For this reason, **it is recommended that the proposed North Port Road extension be deferred in Schedule C-1 – Port Perry Urban Area Transportation System, as shown in Attachment 2.**

### 3.4 Land Use Designation in Port Perry Employment Area

Adamson Development Inc. has also requested that the northerly portion of its property be redesignated from General Industrial to Prestige Industrial. This would place greater limitations on the use of the land and require enhanced landscaping and building design, which the owner desires.

Although not opposed to an expansion of the Prestige Industrial designation, Staff is of the opinion that some General Industrial land should be retained to preserve options for small scale industrial development. This form of growth has historically been very successful in providing employment and assessment in the Township.

To provide an opportunity to determine the preferred distribution, **it is recommended that the General Industrial designation on the Adamson Development Inc. lands be deferred in Schedule A-1 – Port Perry Urban Area Land Use, as shown in Attachment 3.**

## 4. ENVIRONMENTAL CONSIDERATIONS

The new Official Plan is founded upon an ecosystem and sustainability approach to environmental and natural heritage planning.

**5. ACCESSIBILITY CONSIDERATIONS**

Accessibility is a key consideration of the new Official Plan and is reflected in numerous policies.

**6. FUNDING OPTIONS N/A**

**7. CONCLUSION**

Approval of the new Township Official Plan by the Region of Durham is expected on March 31, 2010. Further modifications and deferrals to the adopted plan are recommended in light of recent verbal and written submissions received by the Region through its approval process. Accordingly, **it is recommended that the Region of Durham be requested to further modify or defer the policies and schedules of the adopted Township Official Plan denoted in this report.**

If these changes are endorsed, Regional Planning Committee would consider the proposed modifications and deferrals at its meeting on March 16, 2010, prior to the Regional Council meeting on March 31.

This report has been prepared with the assistance of Meridian Planning Consultants.

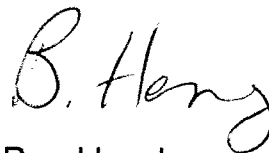
---

Respectfully submitted:



Gene Chartier, P.Eng.  
Commissioner of Planning &  
Public Works/Deputy CAO

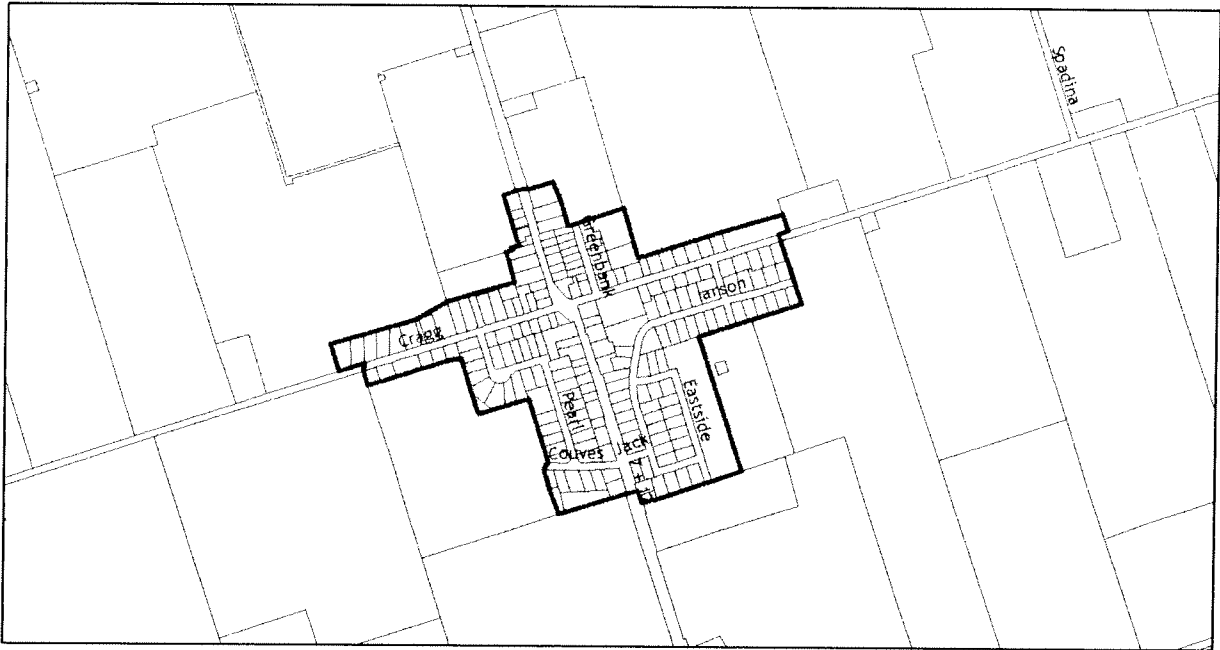
Approved for presentation to Committee:



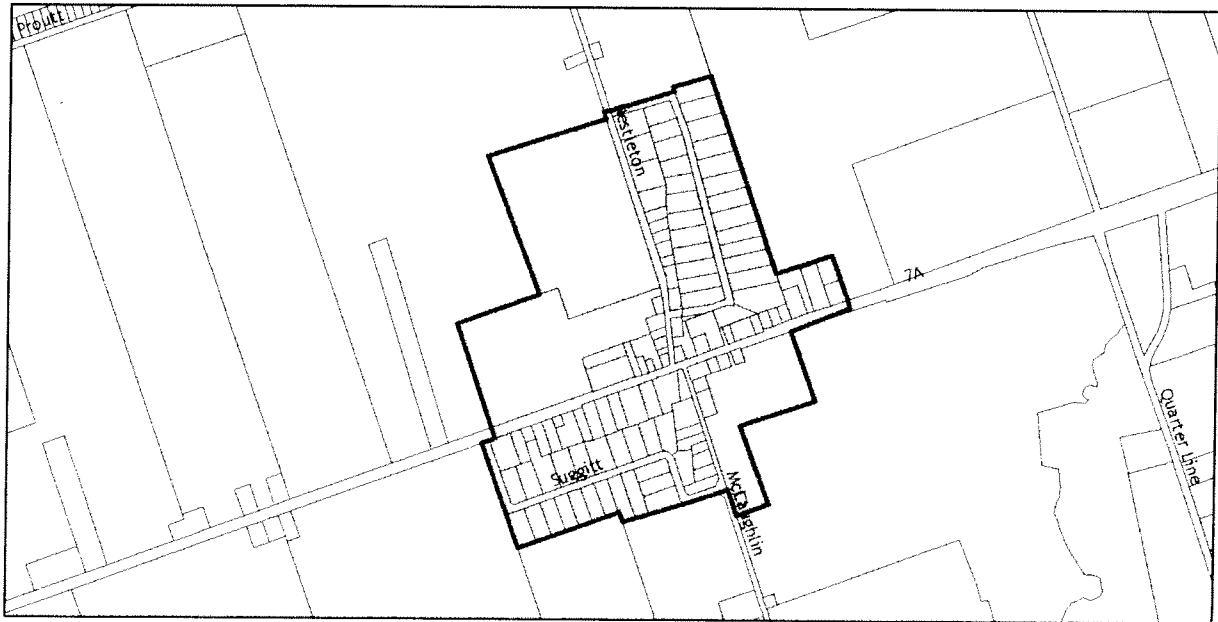
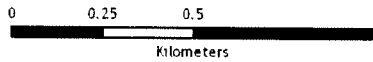
Bev Hendry  
CAO

# TOWNSHIP OF SCUGOG HAMLET BOUNDARIES

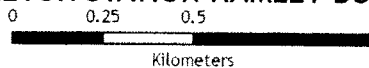
## Attachment 1

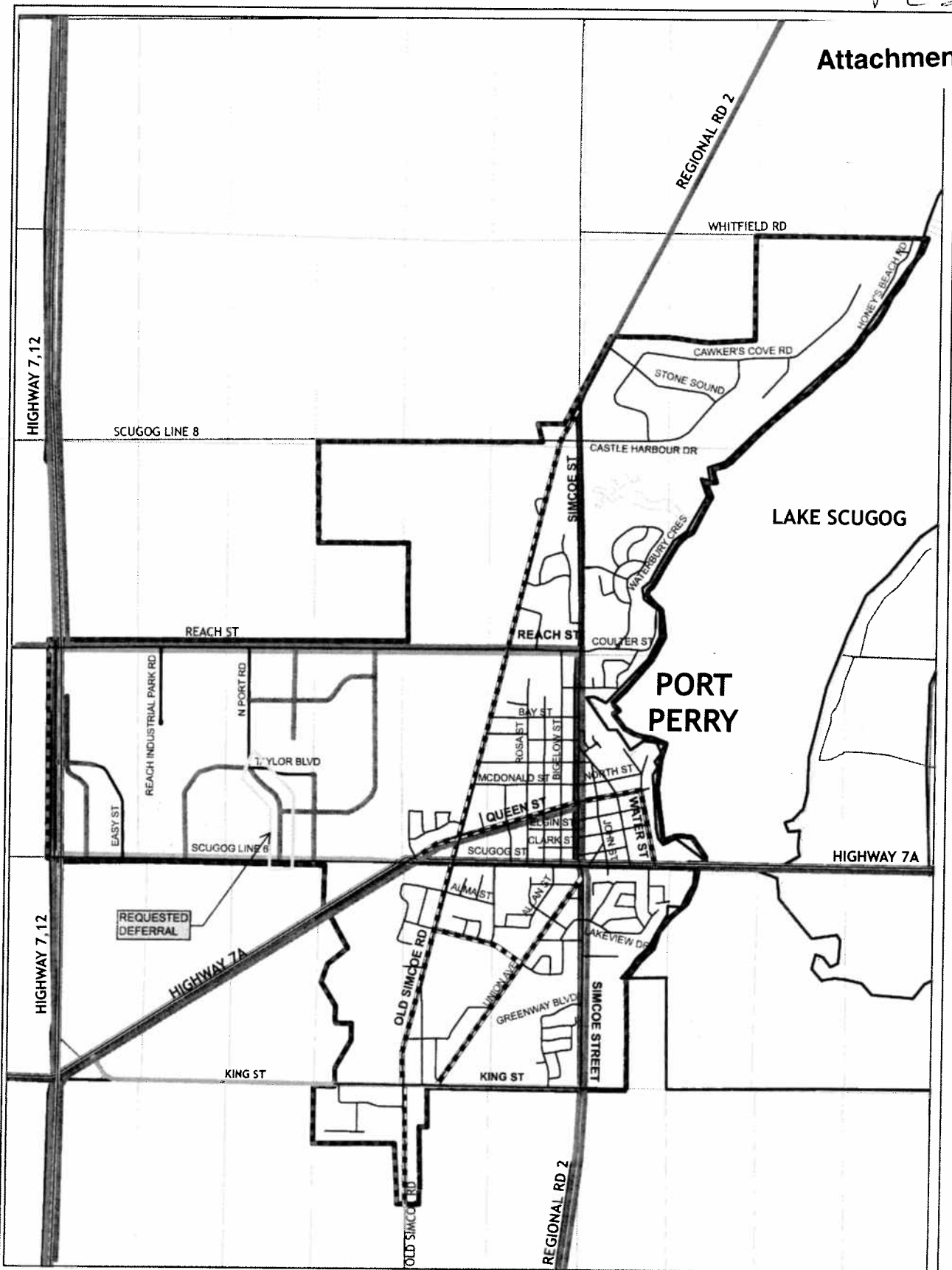


Schedule H-3  
GREENBANK HAMLET BOUNDARY



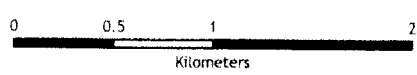
Schedule H-4  
NESTLETON STATION HAMLET BOUNDARY





- LEGEND**
- ARTERIALS**
- TYPE A
  - TYPE B
  - TYPE C
  - PROPOSED LOCAL ROADS
  - LOCAL ROADS
  - TRANSIT SPINE
  - COLLECTOR
  - STRATEGIC GOODS MOVEMENT NETWORK
  - PORT PERRY URBAN BOUNDARY

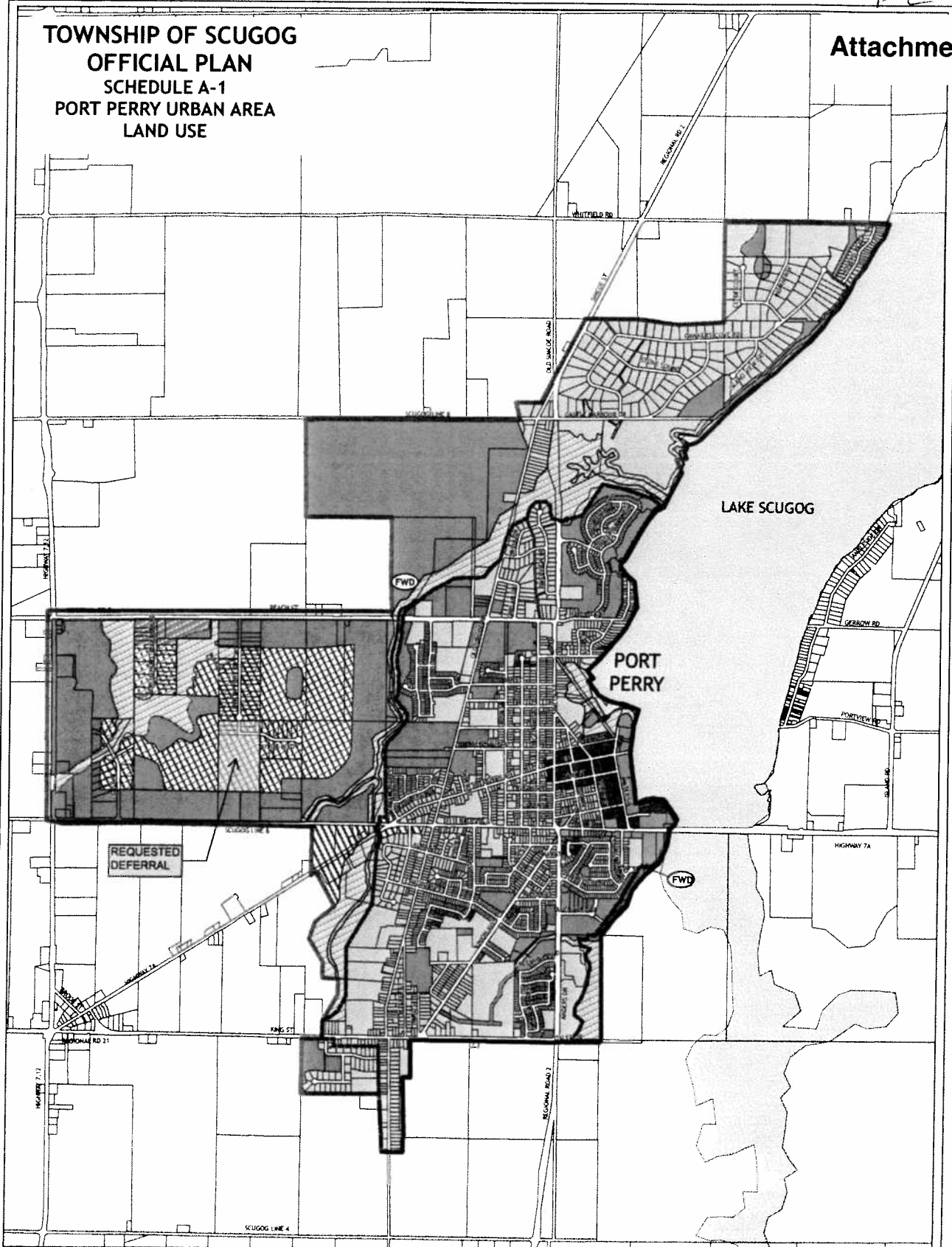
**TOWNSHIP OF SCUGOG  
OFFICIAL PLAN  
SCHEDULE C-1  
PORT PERRY URBAN AREA  
TRANSPORTATION SYSTEM**



PL 32

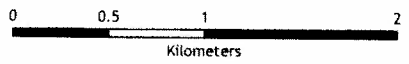
**TOWNSHIP OF SCUGOG  
OFFICIAL PLAN  
SCHEDULE A-1  
PORT PERRY URBAN AREA  
LAND USE**

**Attachment 3**



**LEGEND**

- RESIDENTIAL
- MAIN CENTRAL AREA
- COMMUNITY COMMERCIAL
- CORRIDOR COMMERCIAL
- GATEWAY REGENERATION AREA
- NEIGHBOURHOOD COMMERCIAL
- FORMER WASTE DISPOSAL SITE
- PRESTIGE INDUSTRIAL
- GENERAL INDUSTRIAL
- HAZARD LANDS
- OPEN SPACE
- FLOODLINE
- PORT PERRY URBAN AREA BOUNDARY
- URBAN SERVICE AREA BOUNDARY



**OUTSTANDING MATTERS  
PLANNING & DEVELOPMENT**

**March 1, 2010**

Date	Dept.	Description	Status
<b>OTHER MATTERS</b>			
Feb. 16/10	P&PW	Heritage Conservation District Plan	Draft Plan presented and released for comment
Nov. 2/09	P&PW	Large Accessory Structures – Zoning By-Law	Staff directed to initiate an amendment to Zoning By-Law No. 75-80 to revise the zoning provision for attached private garages based on Option 3 (Total Gross Floor Area Limited to Percentage of Principal Dwelling), as presented in Staff Report No. PLAN-2009-55-GP&A
<b>CORRESPONDENCE REFERRED TO STAFF - NIL</b>			
<b>TABLED STAFF REPORTS – NIL</b>			