

# **The Corporation of the City of Kawartha Lakes**

## **Agenda**

### **Planning Advisory Committee Meeting**

**PC2018-02**

**Wednesday, March 7, 2018**

**1:00 P.M.**

**Council Chambers**

**City Hall**

**26 Francis Street, Lindsay, Ontario K9V 5R8**

#### **Members:**

**Mayor Andy Letham**

**Councillor Brian Junkin**

**Councillor Rob Macklem**

**Councillor Gord Miller**

**Councillor Patrick O'Reilly**

**Councillor Heather Stauble**

**Councillor Andrew Veale**

**Mike Barkwell**

**Debbie Girard**

Accessible formats and communication supports are available upon request.

1.	Call to Order and Adoption of Agenda	
2.	Declarations of Pecuniary Interest	
3.	Public Meeting	
3.1	PLAN2018-024	4 - 14
	<p>An application to amend the Township of Fenelon Zoning By-law 12-95 to make textual amendments to the Rural Residential Type Three Exception Seven (RR3-7) Zone and adjust the boundaries of the Rural Residential Type Three (RR3) Zone and Rural Residential Type Three Exception Seven Zone categories in order to facilitate two lot line adjustments between two residential lots with different zone categories and to recognize the setbacks established by the existing dwelling, deck, and pool on 14 Jubbs Shore Road. The subject lands are described as Lot 9 and Block 10, Plan 573, Geographic Township of Fenelon, City of Kawartha Lakes, identified as 14 and 24 Jubbs Shore Road (Robert (Bob) and Lois Elaine Bereznicki) – Planning File D06-2018-008 David Harding, Planner II</p>	
3.2	PLAN2018-025	15 - 26
	<p>Applications for Official Plan and Zoning By-law Amendment together with a Revised Draft Plan of Subdivision to permit 146 lots for single detached dwellings on the west side of Angeline Street North, Lindsay (CIC Developments Inc.) Ian Walker, Planning Officer – Large Developments</p>	
3.3	PLAN2018-026	27 - 38
	<p>Applications to amend the Lindsay Official Plan from the “Residential” to “Residential-Commercial” designation and to amend the Lindsay Zoning By-law from the “Residential (R3) Zone” to “Mixed Residential Commercial (MRC-S*) Special Exception Zone” to permit either a residential use or limited commercial uses on the property identified as 21 Victoria Avenue North, Lindsay (1035479 Ontario Limited – Rick Carter) Mark LaHay, Planner II</p>	
4.	Business Arising from Public Meeting	
5.	Deputations	

6. Correspondence
7. City of Kawartha Lakes Reports
  - 7.1 PLAN2018-023 39 - 51

An application to amend the City of Kawartha Lakes Oak Ridges Moraine Zoning By-law 2005-133 to change the zone category on the majority of the property from Oak Ridges Moraine Country Side Area (ORMCS) Zone to an Oak Ridges Moraine Country Side Area Special (ORMCS-\*) Zone to prohibit residential use on the proposed retained agricultural land described as Part of Lots 8 and 9, Concession 3, Geographic Township of Manvers, City of Kawartha Lakes, identified as 510 Telecom Road (Darmar Farms Inc.) – Planning File D06-17-002  
David Harding, Planner II
8. Adjournment

# **The Corporation of the City of Kawartha Lakes**

## **Planning Advisory Committee Report**

**Report Number PLAN2018-024**

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**Date:** March 7, 2018  
**Time:** 1:00 p.m.  
**Place:** Council Chambers  
**Public Meeting**

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**Ward Community Identifier:** Ward 6 - Fenelon

**Subject:** An application to amend the Township of Fenelon Zoning By-law 12-95 to make textual amendments to the Rural Residential Type Three Exception Seven (RR3-7) Zone and adjust the boundaries of the Rural Residential Type Three (RR3) Zone and Rural Residential Type Three Exception Seven Zone categories in order to facilitate two lot line adjustments between two residential lots with different zone categories and to recognize the setbacks established by the existing dwelling, deck, and pool on 14 Jubbs Shore Road. The subject lands are described as Lot 9 and Block 10, Plan 573, geographic Township of Fenelon, City of Kawartha Lakes, identified as 14 and 24 Jubbs Shore Road (Robert (Bob) and Lois Elaine Bereznicki) – Planning File D06-2018-008.

**Author and Title:** David Harding, Planner II

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### **Recommendations:**

**RESOLVED THAT** Report PLAN2018-024, respecting Lot 9 and Block 10, geographic Township of Fenelon, and identified as 14 and 24 Jubbs Shore Road, “Bereznicki – Application D06-2018-008”, be received;

**THAT** a Zoning By-law Amendment respecting application D06-2018-008, substantially in the form attached as Appendix “D” to Report PLAN2018-024, be approved and adopted by Council; and

**THAT** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## Background:

On May 12, 2017, the Director of Development Services granted provisional consent to Applications D03-16-027 and D03-16-028. The applications proposed lot line adjustments between two residential lots: approximately 2,730.1 square metres of land from 14 Jubbs Shore Road would be added to 24 Jubbs Shore Road, and approximately 1,447.5 square metres of land from 24 Jubbs Shore Road would be added to 14 Jubbs Shore Road.

A condition of provisional consent was imposed to recognize the existing development that had occurred on 14 Jubbs Shore Road and the new lot configurations.

Owners:	Robert (Bob) and Lois Elaine Bereznicki
Legal Description:	Lot 9 and Block 10, Plan 573, geographic Township of Fenelon
Official Plan:	"Waterfront", City of Kawartha Lakes Official Plan
Zones:	14 Jubbs Shore Road – "Rural Residential Type Three Exception Seven (RR3-7) Zone" 24 Jubbs Shore Road - "Rural Residential Type Three (RR3) Zone" Township of Fenelon Zoning By-law 12-95, as amended
Site Size:	14 Jubbs Shore Road, when consolidated – 0.81 hectares 24 Jubbs Shore Road, when consolidated – 0.85 hectares
Site Servicing:	14 Jubbs Shore Road, when consolidated – private individual well and septic system 24 Jubbs Shore Road, when consolidated – private individual well (unused)
Existing Uses:	Shoreline Residential
Adjacent Uses:	North: Shoreline Residential/Commercial South: Shoreline Residential East: Residential/Commercial West: Shoreline Residential

## Rationale:

The subject property is located within a shoreline residential neighbourhood on the southwest corner of Cameron Lake. A condition of provisional consent requires a zone change on each portion of land to be severed so that it matches the zone category of the benefitting lot, and recognize the development which has occurred on 14 Jubbs Shore Road.

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe, 2017:**

Section 2.2.9 states that development outside of settlement areas may be permitted upon rural lands for resource-based recreational uses.

Two lot line adjustments are proposed between two residential lots that abut a canal which leads to a recreational resource: Cameron Lake.

Therefore, this application conforms to the policies of the Growth Plan.

### **Provincial Policy Statement, 2014 (PPS):**

The 2014 Provincial Policy Statement (PPS) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns. Development on “Rural Lands” is intended to compliment and be compatible with the rural landscape and rural service levels. Limited residential development (including recreational dwellings) and resource-based recreational uses are permitted. The application will facilitate two lot line adjustments between two shoreline residential lots. As the lots have the ability to utilize the recreational resource of Cameron Lake via a private canal system, and no new lots are being created that would cause an increase in rural service levels, this proposal is consistent with the intent of development for recreational uses in the PPS.

Therefore, this application is consistent with the PPS.

### **Official Plan Conformity:**

The subject land is designated “Waterfront” within the City of Kawartha Lakes Official Plan (Official Plan). This designation anticipates low density shoreline residential development.

This application proposes no change to the existing land uses, no new lots are being created, and no alterations are proposed to the zoning by-law to permit development closer to the shoreline that the by-law currently requires.

Therefore, this application conforms to the applicable policies of the Official Plan.

### **Zoning By-law Compliance:**

14 Jubbs Shore Road is zoned “Rural Residential Type Three Exception Seven (RR3-7) Zone” and 24 Jubbs Shore Road “Rural Residential Type Three (RR3) Zone” within the Township of Fenelon Zoning By-law 12-95 as amended.

The RR3-7 Zone currently requires a minimum lot area of 9,000 square metres, and a minimum lot frontage of 70 metres. Historically, it was common practice for shoreline property that had undergone a severance to be rezoned to reflect the proposed lot frontage and area so that future shoreline residential severances

would not occur. As this lot is the sole property where the RR3-7 Zone exists, this is likely the approach that was taken when it was rezoned for residential use in the early 1980s. However, the zoning by-law amendment overstated the lot's area causing a conformity issue which has existed for approximately 30 years. As the boundaries of the lot are being further adjusted, which impacts both lot area and frontage, it is necessary to revise the RR3-7 Zone requirements. As the requirements are being revised, the owners and City staff are taking this opportunity to recognize the setbacks to the existing development on the lot.

The secondary purpose of the Zoning By-law Amendment is to change the zone category on each portion of land to be severed so that it matches the zone category of the benefitting lot.

### **Other Alternatives Considered:**

No alternatives have been considered at this time.

### **Financial/Operation Impacts:**

There are no financial considerations unless Council's decision is appealed to the Ontario Municipal Board. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

### **Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

This application would align with the exceptional quality of life goal as the zoning by-law amendment will facilitate two lot line adjustments between two existing properties, recognizing the way both function.

### **Servicing Comments:**

14 Jubbs Shore Road is serviced by a private individual well and septic system. 24 Jubbs Shore Road used to contain a dwelling, demolished in 2006. The private individual well and a decommissioned septic system remain on this lot.

### **Consultations:**

Notice of this application was circulated to persons within a 500 metre radius, agencies, and City Departments which may have an interest in the application. The Building Division, and Engineering and Corporate Assets Department raised no concerns as a result of circulation. No comments were received from the public.

## **Development Services – Planning Division Comments:**

The application conforms to the Growth Plan and is consistent with the Provincial Policy Statement. The application also conforms to the policies of the Official Plan. The proposed Zoning By-law Amendment contained in Appendix “D” will ensure the continued function of both shoreline residential properties, recognize the existing development that has taken place, and has placed mechanisms to ensure an improved spatial separation to the rear lot line should work be done on the existing deck. All other RR3 Zone provisions will be maintained.

## **Conclusion:**

The application conforms to the provincial policies concerning rural lands. The application also conforms to the “Waterfront” designation policies in the City’s Official Plan. Staff support the application based on the information contained in this report and the comments received as of February 23, 2018. Staff respectfully recommends that the application be referred to Council for APPROVAL.

## **Attachments:**

Appendix ‘A’ – Location Map



Appendix A to  
PLAN2018-024.pdf

Appendix ‘B’ – Aerial Photograph



Appendix B to  
PLAN2018-024.pdf

Appendix ‘C’ – Sketch for Consent Application – dated October 2, 2017



Appendix C to  
PLAN2018-024.pdf

Appendix ‘D’ – Draft Zoning By-law Amendment



Appendix D to  
PLAN2018-024.pdf

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**Department Head E-Mail:** [cmarshall@kawarthlakes.ca](mailto:cmarshall@kawarthlakes.ca)

**Department Head:** Chris Marshall

**Department File:** D06-2018-008

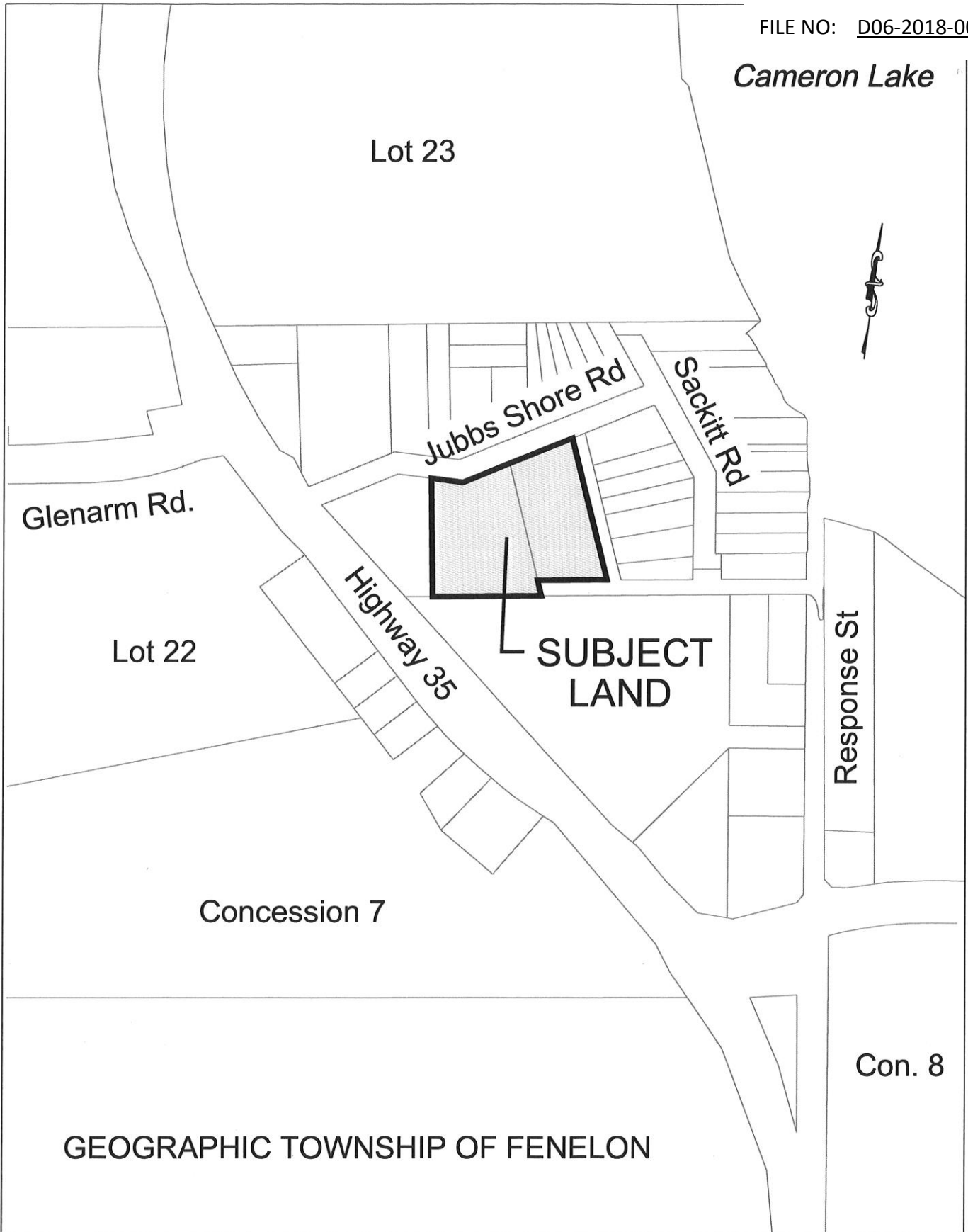


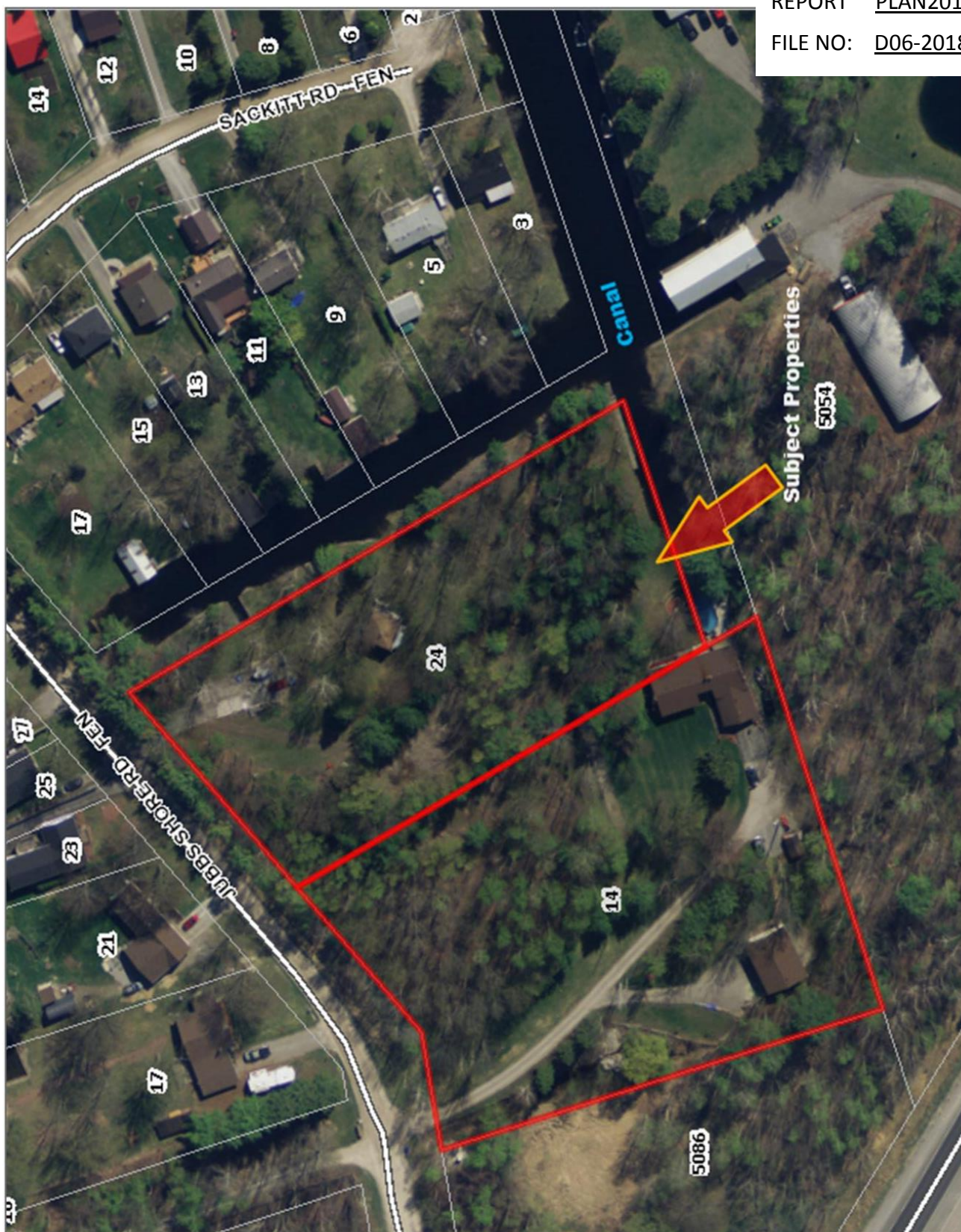
to

REPORT PLAN2018-024

FILE NO: D06-2018-008

*Cameron Lake*





This map is a user generated static output from an Internet mapping service and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise.



0.10 Kilometers  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© City Of Kawartha Lakes



**PLAN 57R-10619**

RECEIVED AND DEPOSITED

DATE **October 2, 2017**

**'P. INSEAM'**  
 REPRESENTATIVE FOR THE LAND  
 REGISTRAR FOR THE LAND TITLES  
 DIVISION OF VICTORIA (No 57)

I REQUIRE THIS PLAN TO BE  
 DEPOSITED UNDER THE  
 LAND TITLES ACT.

DATE **October 2, 2017**

**Gerard G. Hickson**  
 GERALD G. HICKSON  
 ONTARIO LAND SURVEYOR

SCHEDULE			PIN	AREA
PART	LOT/BLOCK	PLAN		
1	ALL 1/2 <sup>nd</sup> BLOCK 10	ALL 1/2 <sup>nd</sup> REGISTERED PLAN No. 573	63162-0778(L1)	5772.7 sqm.
2		ALL 1/2 <sup>nd</sup> REGISTERED PLAN No. 573	63162-0778(L1)	2730.1 sqm.
3	ALL 1/2 <sup>nd</sup> LOT 8	ALL 1/2 <sup>nd</sup> REGISTERED PLAN No. 573	63162-0777(L1)	5624.4 sqm.
4		ALL 1/2 <sup>nd</sup> REGISTERED PLAN No. 573	63162-0777(L1)	1447.5 sqm.

157-2-10619-2017

PLAN OF SURVEY OF  
LOT 9 AND BLOCK 10  
REGISTERED PLAN No. 573  
GEOGRAPHIC TOWNSHIP OF FENELON  
CITY OF KAWARTHA LAKES



COE, FISHER, CAMERON

**METRIC**  
DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

**NOT**

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0).

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999942.

FOR BEARING COMPARISONS, A ROTATION OF 1°35'50" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON PLANS P1, P2 AND P3.

## INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORP<sub>9</sub>): UTM ZONE 17, NAD83 (CSRS) (2010.0).  
COORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF O.REG 216/10.

POINT ID	EASTING	NORTHING
ORP (A)	676 386.05	4 932 404.03
ORP (B)	676 319.16	4 932 507.57

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

### LEGEND

- [illegible]

ALL SET SSIB AND PB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF O.REG. 525/91.

**SURVEYOR'S CERTIFICATE**  
CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRE  
ACT, THE SURVEYORS ACT AND THI  
MADE UNDER THEM.

2. THE SURVEY WAS COMPLETED ON JA

DATE 05/05/2017



A wholly owned  
257 KENT STREET

257 KANSAS OFFICE  
TF: (800) 752-2704 T: (7  
DRAWN BY: CHECKED BY:

DHT	FILE: G:\17-17-156\00\Drawing\17-17-156-
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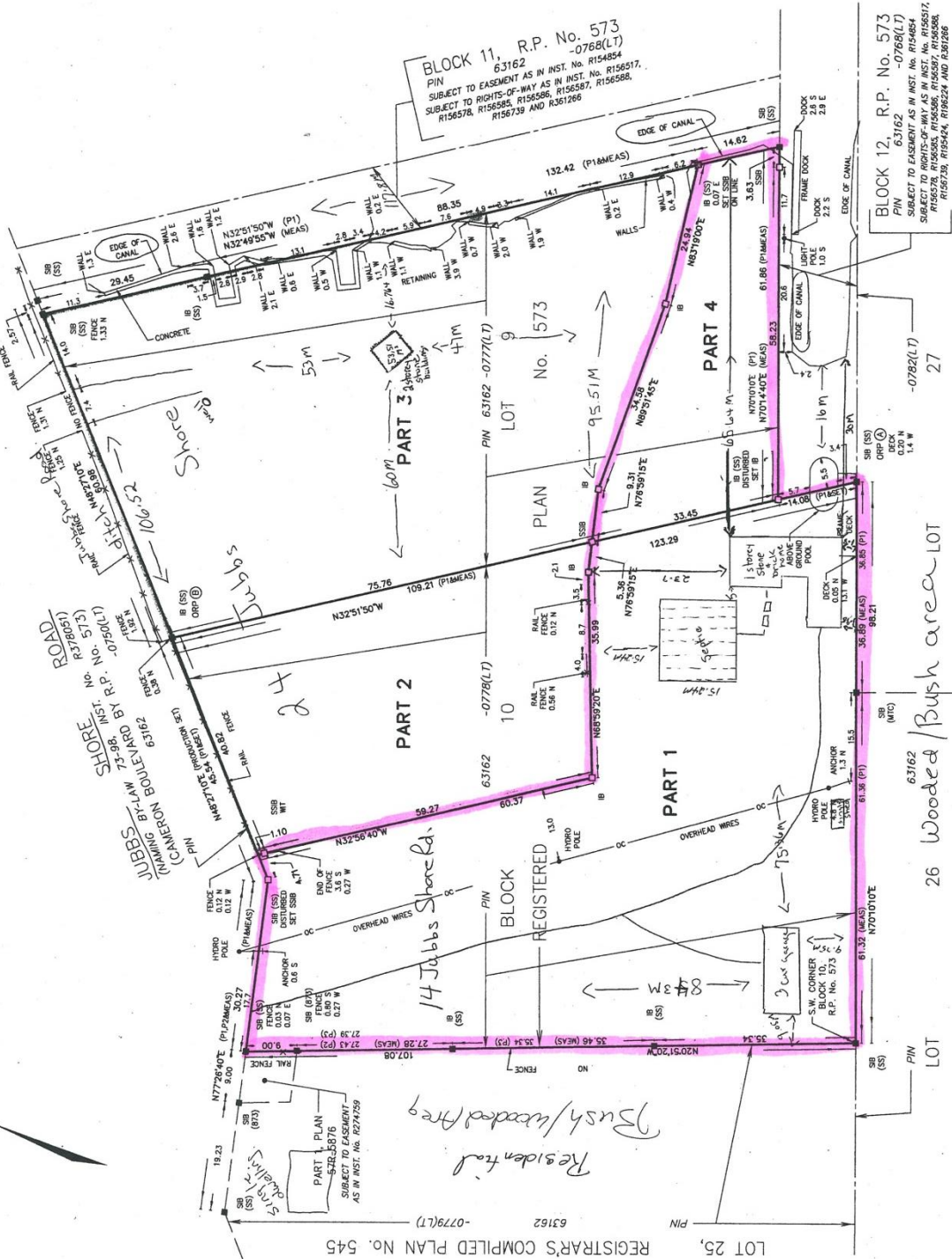
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## APPENDIX “ C ”

to

REPORT PLAN2018-024

FILE NO: D06-2018-008



No. 545

## PLAN

COMPILED

REGISTRAR'S

to

**The Corporation of the City of Kawartha Lakes**REPORT PLAN2018-024**By-Law 2018 -**FILE NO: D06-2018-008**A By-Law To Amend The Township of Fenelon Zoning By-Law No. 12-95 To Rezone Land Within The City Of Kawartha Lakes**

[File D06-2018-008, Report PLAN2018-024, respecting Lot 9 and Block 10, Plan 573, geographic Township of Fenelon, identified as 14 and 24 Jubbs Shore Road]

**Recitals:**

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to prohibit residential use on the subject land.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-\_\_.**

**Section 1:00 Zoning Details**

- 1.01 **Property Affected:** The Property affected by this by-law is described as Lot 9 and Block 10, Plan 573, 14 and 24 Jubbs Shore Road, geographic Township of Fenelon, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 12-95 of the Township of Fenelon is further amended by deleting Section 13.3.7.1 and replacing it with the following:

“13.3.7.1 Notwithstanding articles 13.2.1.1 (b), 13.2.1.2 (c), and 13.2.1.3 (d), land zoned “RR3-7” shall be subject to the following zone provisions:

(a) lot area (min.) 8,100 sq. m.

(b) rear yard (min.) 1.7 m

(c) existing accessory structures

Notwithstanding articles 3.1.2.3 and 3.1.4.1(c), the unenclosed deck(s) and swimming pool in existence on the date this by-law was passed are permitted to maintain a rear yard setback of 0.05 metres and a setback of nil to the interior side lot line that runs in a northerly direction to the immediate east of the dwelling.

(d) new construction of/modification to existing accessory structures

Article 13.3.7.1(c) shall not apply to new deck construction, including the replacement of and/or modification to the existing deck(s). Notwithstanding article 13.2.1.3, new deck construction is permitted to maintain a minimum rear yard setback of 0.7 metres.

Article 13.3.7.1(c) shall not apply to the construction and/or placement of a new swimming pool.”

- 1.03 **Schedule Amendment:** Schedule ‘A’ to By-law No. 12-95 of the Township of Fenelon is further amended to change the zone category on a portion of the property described as Part 4, 57R-10619 (Part of Lot 9, Plan 573) from “Rural Residential Type Three (RR3) Zone” to “Rural Residential Type Three Exception Seven (RR3-7) Zone”, and to change the zone category on a portion of the property described as Part 2, 57R-10619 (Part of Block 10, Plan 573) from “Rural Residential Type Three Exception Seven (RR3-7) Zone” to “Rural Residential Type Three (RR3) Zone”, as shown on Schedule ‘A’ attached to this By-law.

## **Section 2:00      Effective Date**

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this \*\* day of \*\*\*, 2018.

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Andy Letham, Mayor

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Judy Currins, City Clerk

THE CORPORATION OF THE CITY OF

# KAWARTHA LAKES

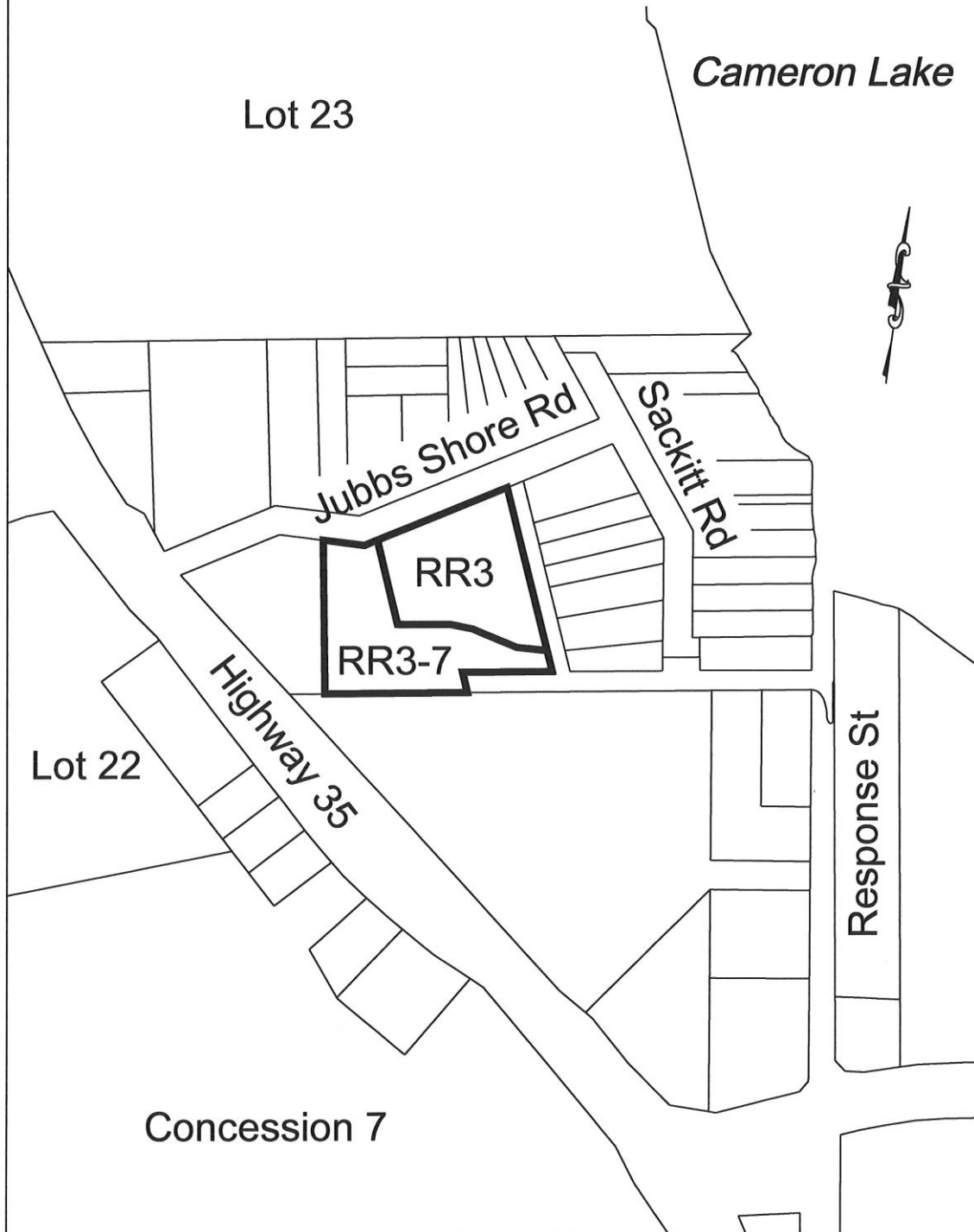
THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_ PASSED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2018.

MAYOR \_\_\_\_\_

CITY CLERK \_\_\_\_\_

## GEOGRAPHIC TOWNSHIP OF FENELON



# **The Corporation of the City of Kawartha Lakes**

## **Planning Advisory Committee Report**

**Report Number PLAN2018-025**

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**Date:** March 7, 2018  
**Time:** 1:00 p.m.  
**Place:** Council Chambers  
**Public Meeting**

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**Ward Community Identifier:** Ward 9 – Lindsay

**Subject:** Applications for Official Plan and Zoning By-law Amendment together with a Revised Draft Plan of Subdivision to permit 146 lots for single detached dwellings on the west side of Angeline Street North, Lindsay (CIC Developments Inc.)

**Author and Title:** Ian Walker, Planning Officer – Large Developments

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### **Recommendations:**

**RESOLVED THAT** Report PLAN2018-025, respecting **Part of Lot 24, Concession 4 (Formerly Ops) 57R-7234, Parts 9 to 14, Former Town of Lindsay, “CIC Developments Inc. – Applications D01-2018-002, D06-2018-010, D05-2018-002 and D05-18-032”**, be received; and

**THAT** Report PLAN2018-025 respecting Applications D01-2018-002, D06-2018-010, D05-2018-002 and D05-18-032 be referred back to staff to address any issues raised through the public consultation process and for further review and processing until such time that all comments have been received from all circulated agencies and City departments and that any comments and concerns have been addressed.

**Department Head:** \_\_\_\_\_

**Legal/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

## Background:

The proposal is to modify an existing draft approved residential plan of subdivision consisting of 141 residential units and 10 blocks. The revised draft plan consists of 146 residential lots for single detached dwellings and 5 blocks: 1 block for a stormwater management pond; 1 block for a road widening; 1 block for a residential reserve; and 2 blocks for walkways. The proposed lots will front onto an extension of Orchard Park Road to the west, including 3 new municipal roads, and will be developed on full municipal services. See Appendix 'B'. The Official Plan Amendment proposes a housekeeping amendment: the lands are shown as designated on both Schedule 'A' and Schedule 'JC2' of the plan, and the two plans do not depict the same designations for the entire property. The amendment will remove these lands from Schedule 'A', such that the designation on Schedule 'JC2' will prevail. The Zoning By-law Amendment proposes to reconfigure the zones to match the revised lot patterns by removing the "Parks and Open Space (OS) Zone" from the south part of the development, expanding the "Parks and Open Space Special Two (OS-S2) Zone" for the proposed stormwater management pond, and realigning the various "Residential" zones based on the revised lot patterns.

Owner:	CIC Developments Inc. c/o Bromont Homes Inc.
Applicant:	Bousfields Inc. – Michael Bissett
Legal Description:	Part of Lot 24, Concession 4 (Formerly Ops) 57R-7234, Parts 9 to 14, former Town of Lindsay
Designation:	"Residential" on Schedule 'JC2' of the Town of Lindsay Official Plan
Zone:	"Residential One (R1) Zone" on Schedule 'A' of the Town of Lindsay Zoning By-law No. 2000-75
Lot Area:	12.6 ha. [30.6 ac. – MPAC], of which the entire site is currently contemplated for the development
Site Servicing:	Municipal sanitary sewer, storm sewer and water supply
Existing Uses:	Agricultural
Adjacent Uses:	North: Jennings Creek; Agricultural; Residential East: Angeline Street North; Residential South: Residential West: Jennings Creek; Agricultural

## Rationale:

The property is located on the west side of Angeline Street North opposite Orchard Park Road. See Appendix 'A'. The existing draft approved residential plan of subdivision was first approved by the Ministry of Municipal Affairs on April 6, 1994, with no lapsing provision. Since the original approval was granted, amendments to the conditions were made on April 10, 1995 and June 20, 2001.



Due to the significant time elapsed since the original approval; there have been a number of changes in agencies and companies which clear conditions, and in the requirements of these agencies. As such, revisions to the draft plan are proposed to account for these changes.

The applicant has submitted the following reports and plans in support of the application, which have been circulated to various City Departments and commenting agencies for review.

1. Revised Draft Plan of Subdivision, dated November 20, 2017 prepared by IBW Surveyors.
2. Stormwater Management Design Brief, dated December 6, 2017 prepared by Valdor Engineering Inc. The report examines the stormwater management facility design based on updated standards and the proposed revisions to the draft plan.

All of the revised information submitted has been circulated to the applicable agencies and City Departments for review and comment.

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe, 2017:**

The Growth Plan (GP) provides that growth should be directed towards settlement areas, and utilizes existing or planned infrastructure. The proposed development is located within the urban settlement of Lindsay. The development will be serviced by new planned municipal roads, sewage, water and stormwater services within a designated settlement area.

Therefore, these applications conform to the policies of the GP.

### **Provincial Policy Statement, 2014 (PPS):**

The Provincial Policy Statement (PPS) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns. Settlement areas are the focus of growth, including redevelopment which utilizes existing or planned infrastructure.

Development and site alteration shall be directed in accordance with the policies of Section 2 and 3 of the PPS. The proposed development is not within or adjacent to any natural heritage features or species at risk (SAR) as identified in Section 2 of the PPS, and is not located within any natural hazards, as identified in Section 3 of the PPS.

Planning for sewage, water, and stormwater shall be in accordance with Section 1.6.6 of the PPS. This includes the efficient use and optimization of existing municipal sewage and water services in a sustainable manner, and the use of low impact development techniques for stormwater management.

Full consistency with the PPS will be established through the complete review of these applications.

### **Official Plan Conformity:**

The lots subject to this proposal are located in the “Residential” and “Parks and Open Space” designations on Schedule ‘A’, and the “Residential” designation on Schedule ‘JC2’ of the Town of Lindsay Official Plan (Lindsay OP). The applicant has submitted an application to amend Schedule ‘A’ of the Lindsay OP such that the “Parks and Open Space” designation no longer applies to the development. The lots are identified as part of the “Jennings Creek Community Development Plan Area” on Schedule ‘B’ of the Lindsay OP, therefore, the amendment to the Lindsay OP will remove the designations on Schedule ‘A’. The “Residential” designation on Schedule ‘JC2’ will apply.

### **Zoning By-Law Compliance:**

The applicant has submitted a Zoning By-law Amendment application for consideration, to change the zoning on the property. The development is currently zoned “R1”, “R1-S6”, “R2”, “OS”, and “OS-S2” zone in the Town of Lindsay Zoning By-law 2000-75. The application, as proposed, would remove the “OS” zone from the block which would have become the park; expand the “OS-S2” zone to include the larger area for the proposed stormwater management pond; realign the residential zoning based on the revised lot pattern; and change the zoning to the appropriate residential zone for the new residential lots which replace the block where the park was previously proposed.

Zoning By-law compliance will be established through a full review of these applications.

### **Other Alternatives Considered:**

No other alternatives have been considered.

### **Financial/Operation Impacts:**

There are no financial considerations unless Council’s decision to adopt or their refusal to adopt the requested amendments is appealed to the Ontario Municipal Board. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

### **Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Goals:

- Goal 1 – A Vibrant and Growing Economy

- Goal 2 – An Exceptional Quality of Life
- Goal 3 – A Healthy Environment

This application aligns with the vibrant and growing economy and healthy environment strategic goals as it attracts new residents, and implements newer standards for stormwater management.

### **Review of Accessibility Implications of Any Development or Policy:**

There are no accessibility implications for the City. Accessible standards will be implemented through the permits issued under the Ontario Building Code (OBC).

### **Servicing Comments:**

The lot is connected to full municipal services within the Lindsay municipal service area.

### **Consultations:**

Notice of this application was circulated to persons within a 120 metre radius, agencies, and City Departments which may have an interest in the application. As of February 23, 2018, we have received the following comments:

#### Agency Review & Public Comments:

February 14, 2018	The Building Division has no concerns with this application.
February 21, 2018	Enbridge Gas Distribution does not object to the proposed applications.

### **Development Services – Planning Division Comments:**

The background information which has been submitted in support of the application has been circulated to the appropriate agencies and City Departments for review and comment. At this time, comments have not been received from all circulated agencies and City Departments. Staff have not completed a full review of the revised draft plan filed in support of the proposed official plan and zoning by-law amendments and revised draft plan of subdivision. Full compliance with provincial and Official Plan policy will be determined through a comprehensive review of the applications. Therefore, staff recommend the applications be referred back to staff until such time as commenting agencies and/or City Departments have submitted comments, and any concerns have been addressed, and to permit discussions with the applicant respecting conformity to applicable policies.

## Conclusion:

In consideration of the comments and issues contained in this report, Staff respectfully recommend the proposed Official Plan and Zoning By-law Amendment applications along with the Revised Draft Plan of Subdivision be referred back to staff for further review and processing until such time as comments have been received from all circulated agencies and City Departments, and that any agency and public comments and concerns have been addressed.

## Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Ian Walker, Planning Officer – Large Developments, (705) 324-9411 extension 1368.

### Appendix 'A' – Location Map



PLAN2018-025  
Appendix A.pdf

### Appendix 'B' – Draft Plan of Subdivision – dated November 20, 2017



PLAN2018-025  
Appendix B.pdf

### Appendix 'C' – Schedule 'A', 'B' and 'JC2' – Lindsay Official Plan



PLAN2018-025  
Appendix C.pdf

### Appendix 'D' – 2013 Orthophoto



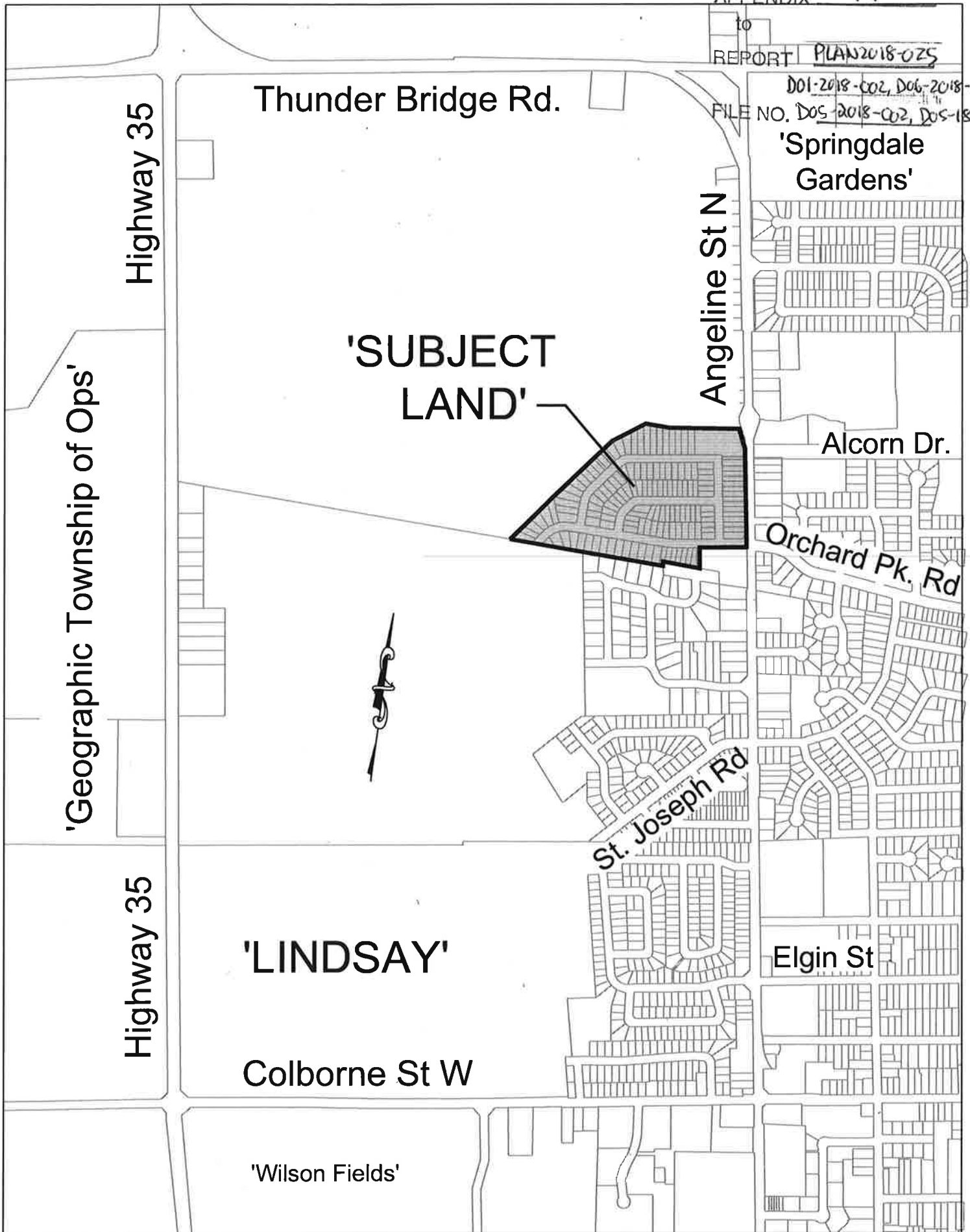
PLAN2018-025  
Appendix D.pdf

---

**Department Head E-Mail:** [cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)

**Department Head:** Chris Marshall, Director, Development Services

**Department File:** D01-2018-002, D06-2018-010, D05-2018-002 & D05-18-032



Red Lines and Text reflects revised plan from Surveyor.

17324-18k November 20, 2017

AREA TABLE

Residential Single	8.885
Residential Reserve	0.034
SWM Pond	0.712
Walkway	0.080
Block 149, 150	0.144
Block 151	0.144
Road Widening	2.793
20m ROW	2.793
TOTAL	12.628 ha

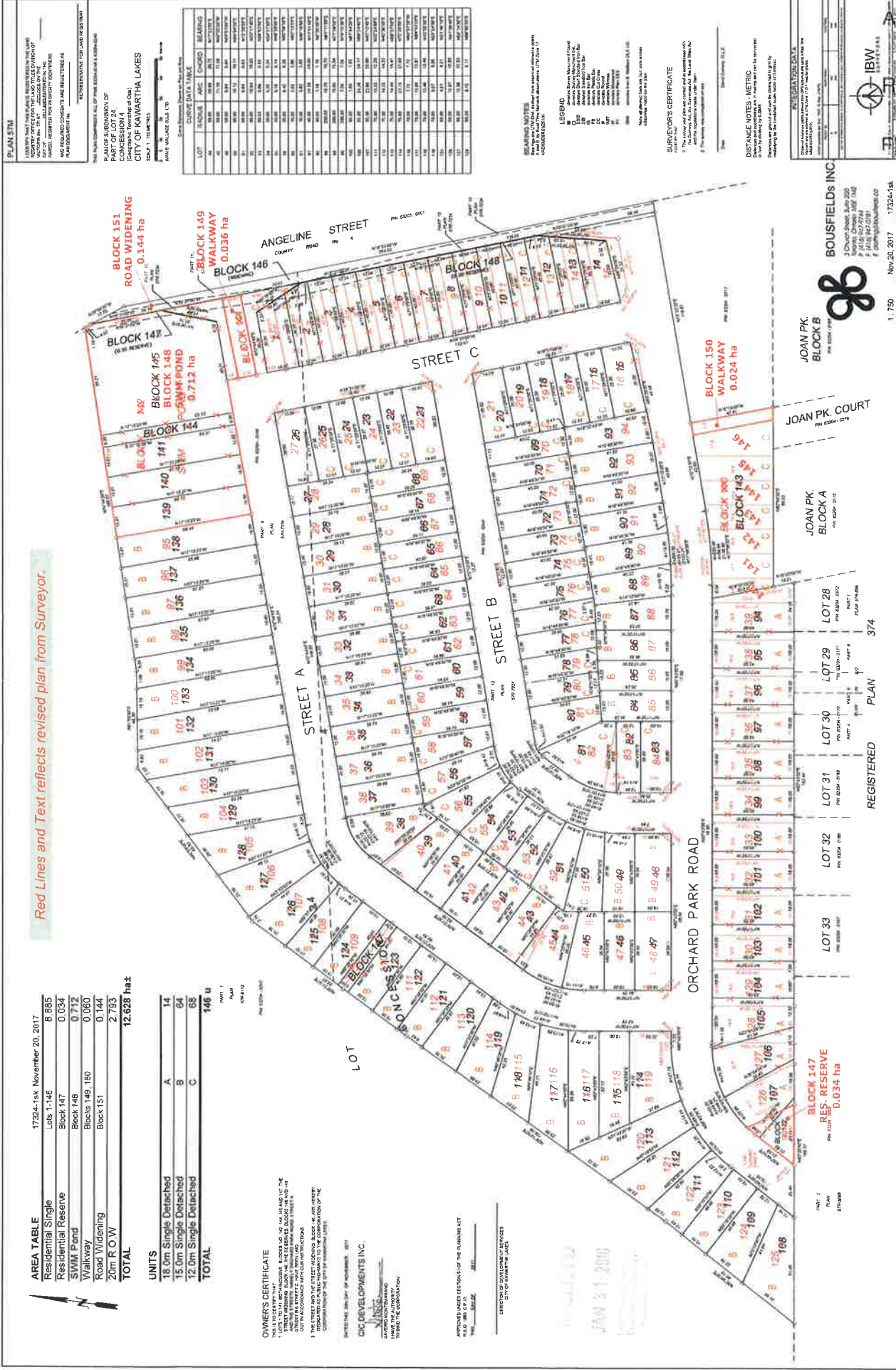
UNITS	14
18.0m Single Detached	14
15.0m Single Detached	64
12.0m Single Detached	88
TOTAL	146 u

OWNER'S CERTIFICATE  
THIS IS TO CERTIFY THAT THE SURVEYOR HAS EXAMINED THE RECORDS OF THE SURVEY AND THE FIELD NOTES OF THE SURVEYOR AND HAS FOUND THAT THE SURVEY IS CORRECT AND ACCURATE AND THAT THE SURVEYOR IS NOT AWARE OF ANY OTHER INTERESTS IN THE SURVEYED LAND.

APPROVED UNDER SECTION 1 OF THE PLANNING ACT  
PLANNING ACT

APPROVED UNDER SECTION 1 OF THE PLANNING ACT  
PLANNING ACT

APPROVED UNDER SECTION 1 OF THE PLANNING ACT  
PLANNING ACT



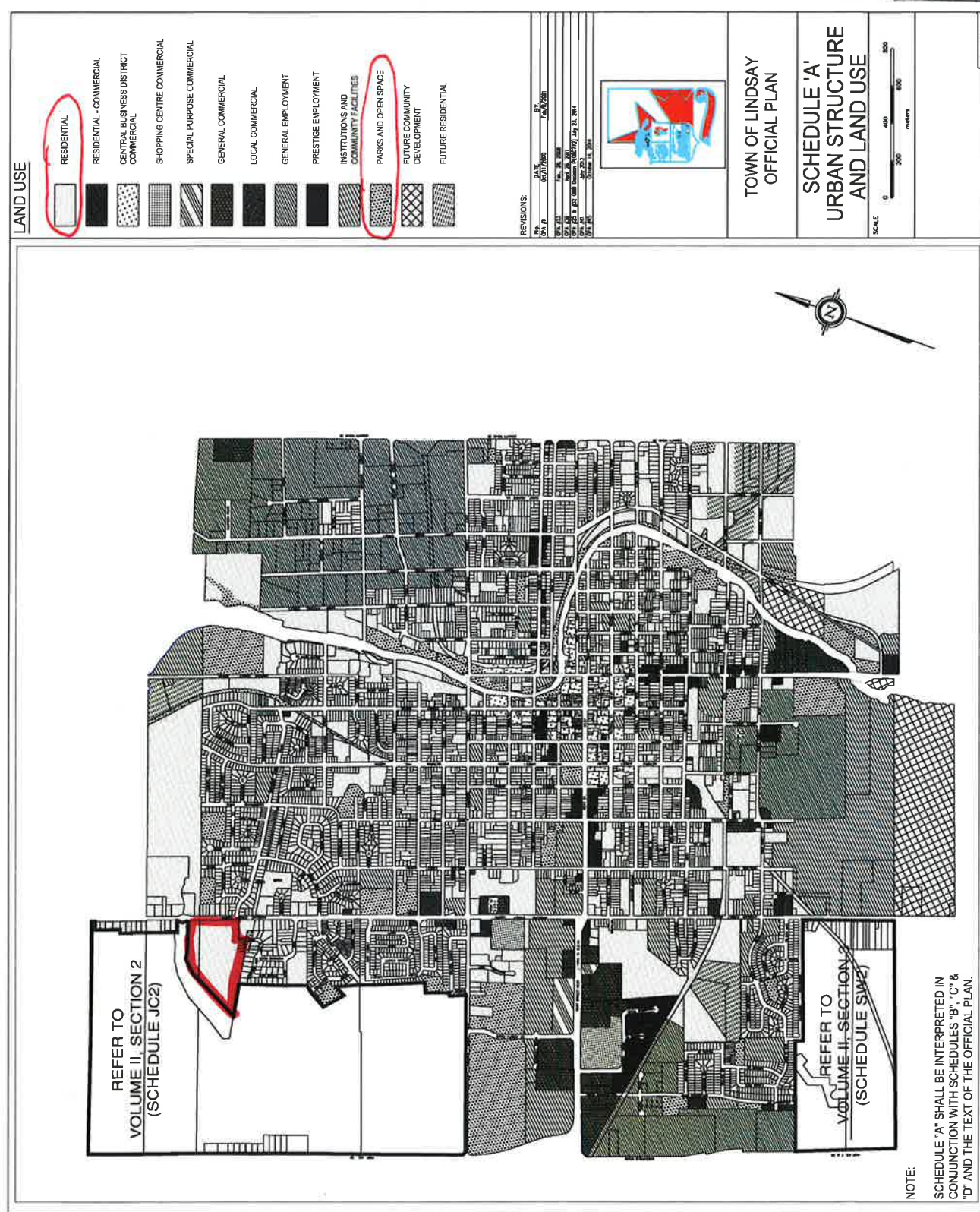
APPENDIX B  
to  
REPORT PLAN 2018-025  
DOL-2018-002, DOL-2018-010  
FILE NO. DOL-2018-002 + DOL-18-02

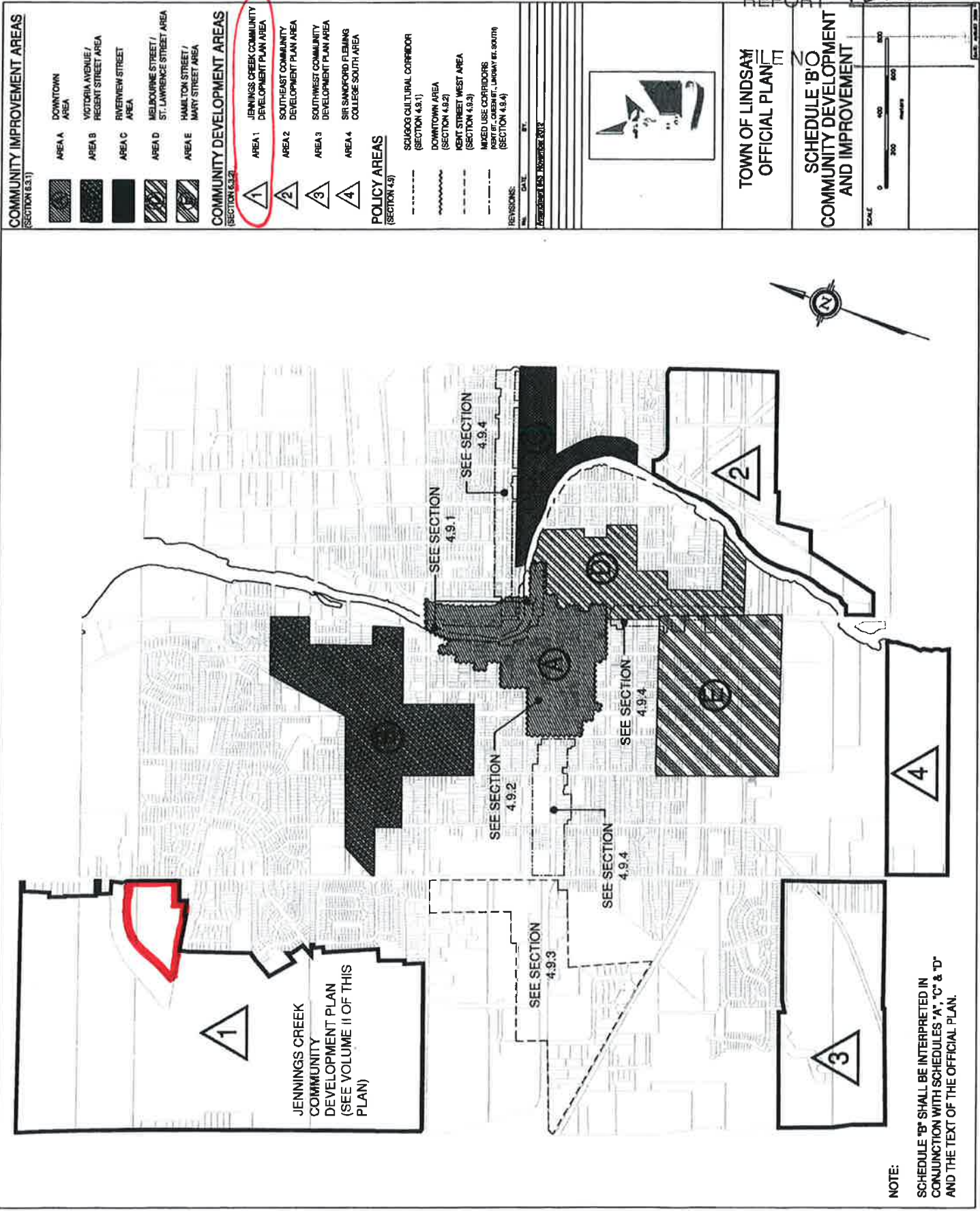
BOUSFIELDS INC.  
1 Church Street, Suite 200  
Toronto, Ontario M5E 1A6  
Tel: 416-593-2281  
F: 416-593-2281  
E: info@bousfields.com

JOAN PK. BLOCK B  
JOAN PK. BLOCK A  
JOAN PK. COURT  
LOT 28  
LOT 29  
LOT 30  
LOT 31  
LOT 32  
LOT 33  
LOT 34

REGISTERED PLAN 374

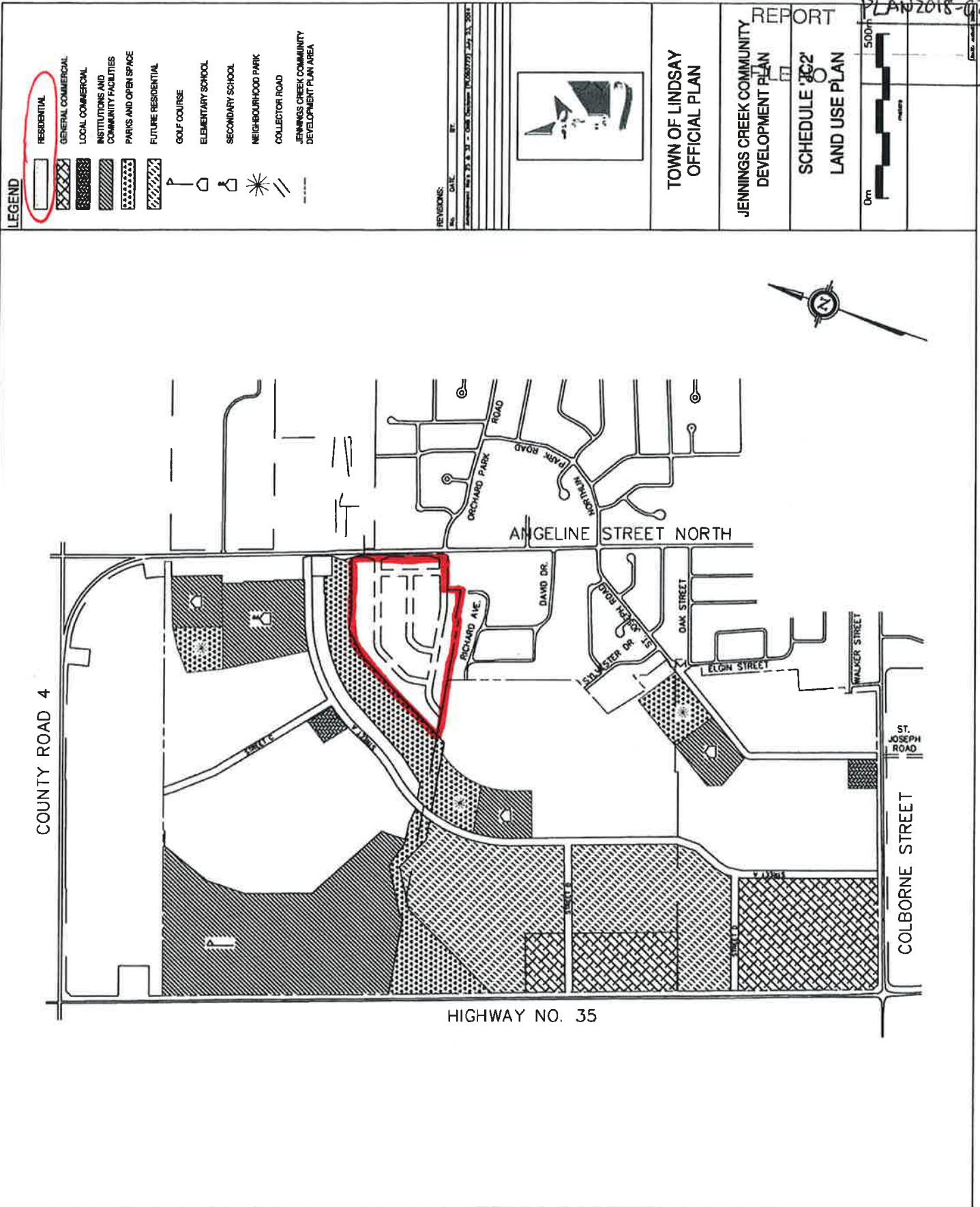








PLAN 2018-025





# Subject Land

**Legend**  
 = Road Centreline  
 □ Property ROLL#

APPENDIX  
to  
REPORT  
FILE NO.

**D**  
 PLAN 2018-025  
 D01-2018-002, D06-2018-010  
 D05-2018-002 + D05-18-032

**Notes**



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
 THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PURPOSES



0.28 Kilometers  
 WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
 © City Of Kawartha Lakes

# **The Corporation of the City of Kawartha Lakes**

## **Planning Advisory Committee Report**

**Report Number PLAN2018-026**

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**Date:** March 7, 2018  
**Time:** 1:00 p.m.  
**Place:** Council Chambers  
**Public Meeting**

---

**Ward Community Identifier: 11 - Lindsay**

**Subject:** Applications to amend the Lindsay Official Plan from the “Residential” to “Residential-Commercial” designation and to amend the Lindsay Zoning By-law from the “Residential (R3) Zone” to “Mixed Residential Commercial (MRC-S\*) Special Exception Zone” to permit either a residential use or limited commercial uses on the property identified as 21 Victoria Avenue North, Lindsay (1035479 Ontario Limited – Rick Carter)

**Author and Title: Mark LaHay, Planner II**

---

### **Recommendation(s):**

**RESOLVED THAT** Report PLAN2018-026, respecting Part Lot 14, South of Wellington Street, Town Plan, former Town of Lindsay, “1035479 Ontario Limited – Rick Carter – Applications D01-2018-001 and D06-2018-009”, be received; and

**THAT** Applications D01-2018-001 and D06-2018-009 be referred back to staff to address any issues raised through the public consultation process and for further review and processing until such time that all comments have been received from all circulated agencies and City departments and that any comments and concerns have been addressed.

**Department Head:**

---

**Legal/Other:**

---

**Chief Administrative Officer:**

---

## Background:

The applicant submitted applications to change the land-use designation from “Residential” to “Residential-Commercial”, and to change the zone category from “Residential Three (R3) Zone” to a “Mixed Residential Commercial (MRC-S\*) Special Exception Zone”. The change will permit a residential or limited mix of commercial uses such as a personal service establishment/clinical movement education workspace. This business is described as clinical somatic education, which includes teaching movement exercises and educating clients on how to move out of habituated postures and pain through one-on-one table work and movement practices.

Owner:	1035479 Ontario Limited (c/o Rick Carter)
Applicant:	EcoVue Consulting Services Inc. (c/o Kent Randall)
Legal Description:	Part Lot 14, South of Wellington Street, Town Plan, former Town of Lindsay
Designation:	“Residential” in the Town of Lindsay Official Plan
Zone:	“Residential Three (R3) Zone”, Town of Lindsay Zoning By-law 2000-75
Lot Area:	183.8 sq. m. [1978.4 sq. ft.] – Coe Fisher Cameron, Ontario Land Surveyors
Site Servicing:	Municipal sanitary sewer, storm sewer and water supply
Existing Uses:	One-storey building used for storage (approx. 55 sq. m.)
Proposed Uses:	Business in existing one-storey building or a new one-storey building used as either a single detached dwelling or business (approx. 75 sq. m.)
Adjacent Uses:	North- Residential East- Victoria Avenue North and Residential South- Residential West- Residential

## Rationale:

The property is located on the west side of Victoria Avenue North between Peel Street and Wellington Street on the fringe of the downtown area. Victoria Avenue is a collector road and is served by public transit. The existing building, which is classified as a workshop by MPAC, was previously used as a printing business (Blewett Printing, which operated from the mid 1930s until 1980 when the business relocated to Colborne Street. Since 1980, this existing building on the subject land has been used as storage space. The applicant is seeking to add limited commercial uses, with the intention of converting the existing building to a personal service establishment/clinical movement education workspace, and

replacing the existing building in the future with a raised bungalow style single detached dwelling that could be used for either residential or limited commercial purposes. The Residential designation and R3 Zone permit residential uses, while the Residential-Commercial designation and Mixed Residential Commercial (MRC) Zone permit a residential or limited mix of commercial uses, as noted in the background information above. Amendments to the Official Plan and Zoning By-law are necessary to permit the limited commercial use, which would not be used simultaneously with a residential use.

The applicant has submitted the following reports and plans in support of the application, which have been circulated to various City Departments and commenting Agencies for review:

1. Planning Justification Report prepared by Kent Randall of EcoVue Consulting Services Inc., dated October 20, 2017. The report discusses and assesses the proposal in the context of the 2014 Provincial Policy Statement, 2017 Growth Plan, the Council adopted and appealed City of Kawartha Lakes Official Plan (Lindsay Secondary Plan), and the Town of Lindsay Official Plan.
2. Functional Servicing Report prepared by Roy Haig of EcoVue Consulting Services Inc., dated September 2015 and revised January 2018.
3. Site Servicing and Grading Plan prepared by EcoVue Consulting Services Inc., dated January 10, 2017 and revised January 10, 2018.
4. Sanitary Sewer Lateral Inspection Report prepared by Video Tech Drain Services, dated April 28, 2015.
5. Building Elevation Plan for proposed 800 sq. ft. raised bungalow type building, prepared by Drafting Innovations Architectural Design Services, dated January 2017.
6. Sketch Plan for Official Plan Amendment and Zoning By-law Amendment prepared by EcoVue Consulting Services Inc., dated October 26, 2017.

Staff has reviewed the Planning Justification Report filed in support of the proposed official plan and zoning by-law amendments. Staff cannot fully evaluate the appropriateness of the proposal at this time as responses from other City Departments and commenting Agencies have not been received. Staff recommends that the application be referred back to staff until such time as commenting Agencies and/or City Departments have submitted comments, and any concerns have been addressed, and to permit further discussions with the applicant to refine the proposal with respect to conformity to any applicable policies and/or zoning provisions.

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe, 2017:**

Section 2.2.1.2 of the Growth Plan (GP) provides that the vast majority of growth should be directed towards settlement areas that have a delineated built boundary and have existing municipal water and wastewater systems. In addition, Section 2.2.1.4 encourages the development of complete communities through a more compact built form that feature a diverse mix of land uses, including residential and employment uses and convenient access to local stores, services and public service facilities. The lot is located within the Lindsay settlement area, in a transition area on the fringe of the downtown core. This application serves to provide employment opportunities and services, which may be accessed by active or public transit.

Therefore, this application appears conforms to the policies of the Growth Plan.

### **Provincial Policy Statement, 2014 (PPS):**

The Provincial Policy Statement (PPS) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns. Section 1.1.3 of the PPS states that settlement areas are the focus of growth, where land use patterns are based on densities and a mix of land uses which are appropriate for and utilize existing or planned infrastructure. Section 1.3 of the PPS promotes economic development by providing an appropriate mix and range of employment uses and ensuring the necessary infrastructure is provided to support current and projected needs. Furthermore, redevelopment shall be directed in accordance with the policies of Section 2 and 3 of the PPS. The subject lot is not within or adjacent to natural heritage features or species at risk as identified in Section 2 of the PPS, and is not located within any natural hazards, as identified in Section 3 of the PPS.

Therefore, this application appears to be consistent with the PPS.

### **Official Plan Conformity:**

The Town of Lindsay Official Plan designation of Residential applies to this property. The applicant proposes to change the designation to Residential-Commercial, which includes a residential or limited mix of commercial uses such as a personal service establishment/clinical movement education workspace. Single detached dwellings may be converted to commercial buildings provided the external design of the building does not change. The Residential-Commercial designation is considered a buffer designation between predominately residential and commercial neighbourhood areas.

Land within the Residential-Commercial designation is subject to site plan control, in accordance with Section 4.2.2 of the Lindsay Official Plan. If this

proposed amendment is approved, the applicant will be required to enter into a Site Plan Agreement with the City for the redevelopment of this lot, including addressing any required landscaping and/or buffering when new buildings are to be erected. Section 4.2.4 of the Lindsay Official Plan requires off-street parking be provided on-site. Payment of cash-in-lieu of parking is offered as an alternative if on-site parking is not adequate. The applicant has indicated they can provide 2 of the 3 off-street parking spaces required for the proposed commercial use. Additional off-site parking is available on street and in nearby public parking lots.

Section 4.2.5 of the Lindsay Official Plan informs that Residential-Commercial areas are limited to those residential or formerly residential areas along arterial or collector roads, which are in transition from residential to non-residential uses. The intent is not to establish new areas in existing residential areas along arterial or collector roads. There are existing Residential-Commercial areas located immediately across Victoria Avenue North to the east extending down to Peel Street, as well as 1 block further to the east on the south side of Wellington Street between Cambridge Street North and William Street North.

This lot would be subject to the Mixed Use Corridor policies. The intention of these policies are to maintain the residential character of the built form, while transitioning from older residential areas to mixed commercial and residential use areas. The predominant uses in these corridors are low and medium-density residential dwellings, and low-profile commercial developments, consisting of uses such as offices, eating establishments, and service and convenience retail. Service retail is defined as those establishments that cater to personal needs of individuals.

This lot is designated Residential in the Lindsay Secondary Plan, which was adopted by Council on June 27, 2017. The Lindsay Secondary Plan, along with the City's 2012 Official Plan, are currently subject to appeal to the Ontario Municipal Board (OMB). Due to the outstanding appeals, the policies of the Lindsay Official Plan apply, and should this application be successful in changing the designation to Residential-Commercial in the Lindsay Official Plan, a request should be referred to the OMB to change the designation to Mixed-Use Residential in the proposed Lindsay Secondary Plan.

### **Zoning By-Law Compliance:**

The subject land is zoned "Residential Three (R3) Zone" in the Town of Lindsay Zoning By-law 2000-75 (ZBL). Although the R3 zone would permit a home occupation use subject to specific criteria, it is not the owner's intent to reside in the dwelling and operate the business. As such, the applicant has submitted a Zoning By-law Amendment application for consideration. The application proposes to change the zone category to "Mixed Residential Commercial (MRC-S\*) Special Exception Zone", to implement the proposed Official Plan Amendment by adding a limited range of commercial uses to this property to include a personal service establishment/clinical movement education



workspace. The use is closely aligned with the personal service establishment definition in the ZBL, which means a building or part of a building where persons are employed in providing services and otherwise administering to the individual and personal needs of persons. This use is permitted in the MRC zone.

For the MRC Zone, the minimum lot area and lot frontage requirements are 600 sq. m. and 18 m., respectively. The existing lot is approximately 183.8 sq. m., and therefore does not meet the minimum lot area. The applicant has noted in the Planning Justification Report that the minimum lot frontage requires a reduction from 18 m. to 8.75 m., and proposes a site specific MRC Special (MRC-S\*) Exception Zone to account for this and other on-site deficiencies to recognize the existing building and a new replacement building and use as noted in the table below:

<b>Item:</b>	<b>By-law Requirement:</b>	<b>Proposed:</b>
Minimum Lot Area	600 sq. m.	183.8 sq. m.
Minimum Lot Frontage	18.0 m.	8.75 m.
Min. Front Yard Setback	7.5 m.	5.8 m.
Min. Front Yard (porch)*	7.5 m. (>0.6 m. in height)	3.6 m.
Min. Rear Yard Setback	7.5 m.	1.4 m. (existing)
Min. Rear Yard Setback	7.5 m.	2.7 m. (new)
Min. Side Yard Setback	3.0 m.	1.85 m. (existing)
Min. Side Yard Setback	3.0 m.	1.25 m. (new)
Maximum Lot Coverage	30 %	41.2 %
Max. GFA % of Lot Area	75 %	41.2 %
Parking Spaces	3	2 (commercial use)
Location of Parking	Rear/Side Yards Only	Front Yard (2 spaces)

\*may not be required if porch is removed from front yard design

Section 5.24 of the By-law only allows an open platform or stairway to extend up to 0.9 m. into a front yard; however, based on the sketch plan provided for the proposed amendments, a porch has been illustrated which extends 2.2 m. into the front yard. The building elevation plan does not illustrate this feature as it does not contemplate a front door entrance. In this case, a further reduction of the front yard setback for a proposed porch is not required.

With a commercial use, one accessible parking space will be required with a special provision in the By-law to allow parking spaces in the front yard. A total of 3 parking spaces are required for the proposed commercial use, based on a gross floor area of approximately 75 sq. m., while only 2 parking spaces are required for a single detached dwelling residential use.

Relief from the majority of the zone provisions requested to be amended in the table above, was granted through a previous Minor Variance Application (File: D20-16-018) in order to reconstruct a dwelling on the subject lands. The applications appear to comply with other relevant provisions of the Zoning By-



law; however, further refinement may be necessary to accommodate an accessible design.

### **Other Alternatives Considered:**

No other alternatives have been considered.

### **Financial/Operation Impacts:**

There are no financial considerations unless Council's decision to adopt or its refusal to adopt the requested amendments is appealed to the Ontario Municipal Board. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

### **Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

This application aligns with the vibrant and growing economy strategic goal as it promotes and provides for economic development opportunities.

### **Review of Accessibility Implications of Any Development or Policy:**

The proposed building design should take accessibility into account if it is to be used for commercial purposes.

### **Servicing Comments:**

The lot is connected to full municipal services within the Lindsay municipal service area.

### **Consultations:**

Notice of this application was circulated to persons within a 120 metre radius, agencies, and City Departments which may have an interest in the application. To date we have received the following comments:

---

Agency Review Comments:

The Building Division advised on February 14, 2018 they have no concerns with the applications.

The Engineering and Corporate Assets Department advised on February 16, 2018 that a Public Works entrance permit is required for changes to the driveway. In addition, Engineering is addressing water and sanitary service connections through the Municipal Service Connection Application process. Furthermore, Engineering notes the proponent has requested a Mixed Residential Commercial use and are requesting a copy of the draft zoning by-law to ensure residential and commercial uses will not occur simultaneously to confirm capacity allocation; otherwise, Engineering requires further information regarding additional proposed sanitary flows for review. Finally, Engineering requires a letter with the next submission stating how the above comments have been addressed including a consolidated submission of required reports and design drawings. All final design drawings are to be signed and sealed by a Professional Engineer.

Enbridge Gas Distribution advised on February 21, 2018 that they have no objections to the proposed applications.

Public Comments:

There were no public comments received at the time of writing of this report.

**Development Services – Planning Division Comments:**

The appropriate background studies in support of the applications have been submitted and circulated to the appropriate Agencies and City Departments for review and comment. At this time, comments have not been received from all circulated Agencies and City Departments. Staff recommend that the application be referred back to staff for further review and until such time as comments have been received from all circulated Agencies and City Departments, and that any comments and concerns have been addressed.

**Conclusion:**

In consideration of the comments and issues contained in this report, Staff respectfully recommend that the proposed Official Plan and Zoning By-law Amendment applications be referred back to staff for further review and processing until such time as comments have been received from all circulated Agencies and City Departments, and that any comments and concerns have been addressed.

## Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Mark LaHay, Planner II, (705) 324-9411 ext. 1324.



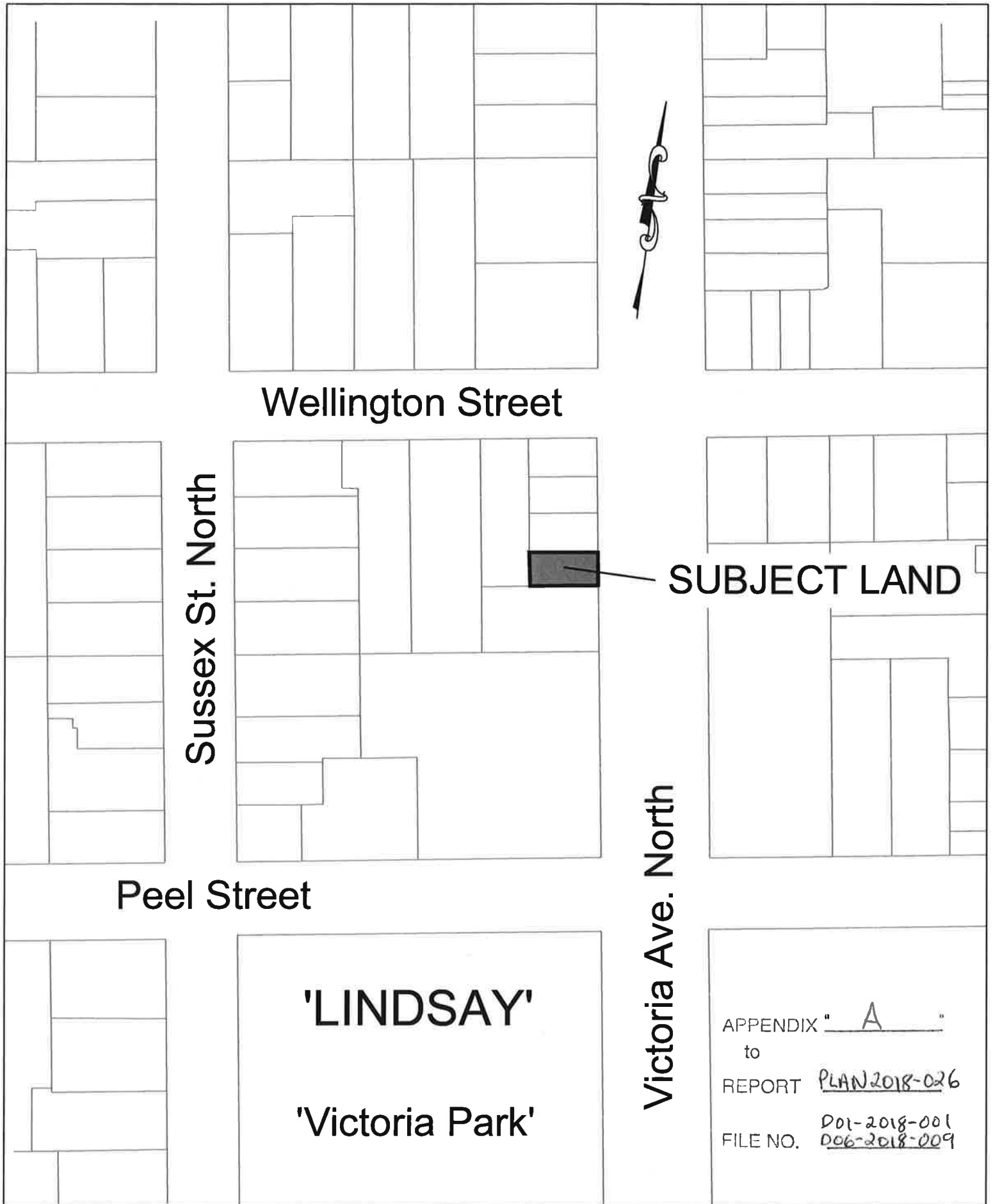
Appendix 'A' – Location Map  
Appendix 'B' – Aerial Photo  
Appendix 'C' – OPA & ZBA Sketch Plan

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**Department Head E-Mail:** [cmarshall@city.kawarthalakes.on.ca](mailto:cmarshall@city.kawarthalakes.on.ca)

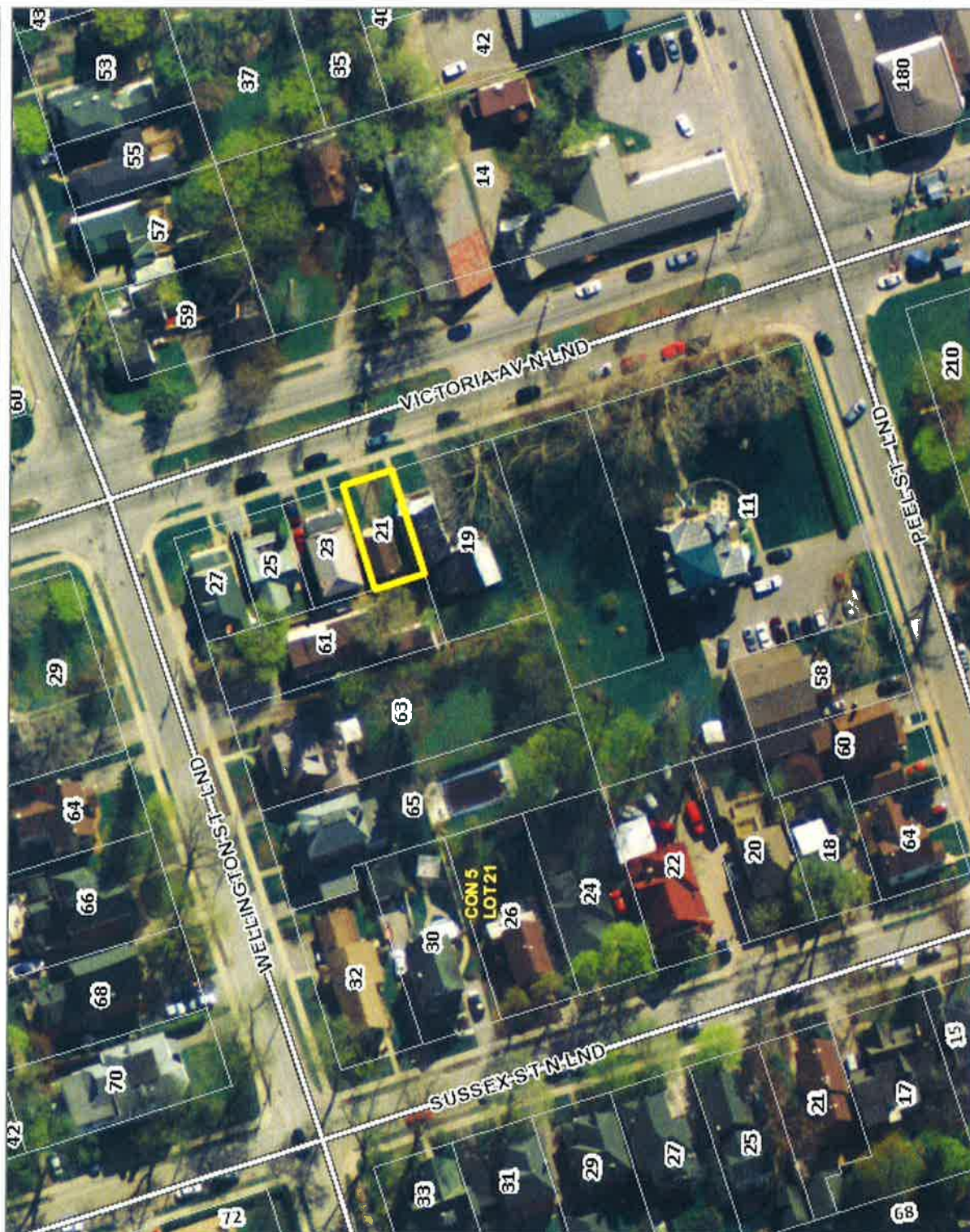
**Department Head:** Chris Marshall, Director of Development Services

**Department File:** D01-2018-001 and D06-2018-009



APPENDIX " A "  
to  
REPORT PLAN 2018-026  
FILE NO. D01-2018-001  
D06-2018-009

# 21 Victoria Avenue North, Lindsay



- Legend**
- Road Centreline
  - Upper Municipalities
  - Lower Tier Municipalities
  - Property ROLL#
  - Lots and Concessions

APPENDIX " B "

to

REPORT PLAN2018-026

FILE NO. 001-2018-001  
006-2018-009

**Notes**  
1:1500

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PURPOSES



0.08 Kilometers  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© City Of Kawartha Lakes



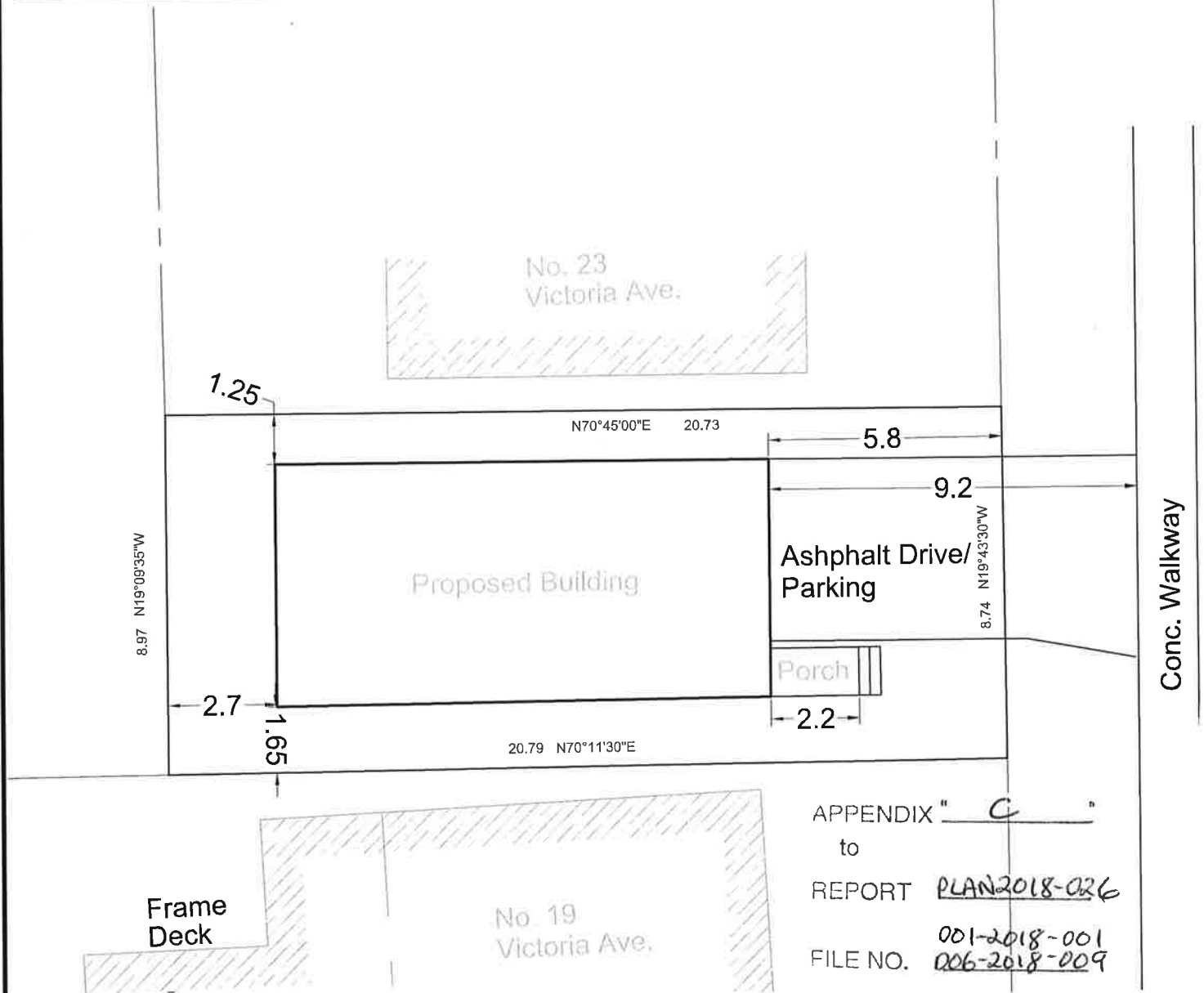
# Lot Regulations for MRC Zone

Lot Regulation	MRC Zone	Proposed (MRC- S <sup>xx</sup> )
Minimum lot area	600 sq. m	189 sq. m
Minimum lot frontage	18.0 m	8.75 m
Minimum front yard setback	7.5 m	5.8 m
Minimum exterior side yard setback	4.0 m	4.0 m
Minimum interior side yard setback	3.0	3.0
Minimum rear yard setback	7.5 m	2.74 m
Maximum building height	10.5 m	10.5 m
Maximum lot coverage	30%	41.2%
Maximum gross floor area as % of lot area	75%	41.2%
Maximum density for commercial use	1.5 times lot area	1.5 times lot area
Maximum leasable floor area (retail commercial)	3000 sq. m	3000 sq. m
Maximum number of commercial uses per lot	1	1

RECEIVED

OCT 31 2017

City of Kawartha Lakes  
Development Services  
Planning Division



PROJECT NO: 15-1546

DATE: October 26 2017

HORIZ. SCALE: 1:2,000

## Amendment Sketch

Carter - Opa & ZBA

21 Victoria Ave. N. - Former Town of Lindsay  
City of Kawartha Lakes

# **The Corporation of the City of Kawartha Lakes**

## **Planning Advisory Committee Report**

**Report Number PLAN2018-023**

---

**Date:** March 7, 2018  
**Time:** 1:00 p.m.  
**Place:** Council Chambers  
**Regular Meeting**

---

**Ward Community Identifier:** Ward 16 - Manvers

**Subject:** An application to amend the City of Kawartha Lakes Oak Ridges Moraine Zoning By-law 2005-133 to change the zone category on the majority of the property from Oak Ridges Moraine Country Side Area (ORMCS) Zone to an Oak Ridges Moraine Country Side Area Special (ORMCS-\*) Zone to prohibit residential use on the proposed retained agricultural land described as Part of Lots 8 and 9, Concession 3, geographic Township of Manvers, City of Kawartha Lakes, identified as 510 Telecom Road (Darmar Farms Inc.) – Planning File D06-17-002

**Author and Title:** David Harding, Planner II

---

### **Recommendation:**

**RESOLVED THAT** Report PLAN2018-023, respecting Part of Lots 8 and 9, Concession 3, geographic Township of Manvers, and identified as 510 Telecom Road, “Darmar Farms Inc. – Application D06-17-002”, be received;

**THAT** a Zoning By-law Amendment respecting application D06-17-002, substantially in the form attached as Appendix “D” to Report PLAN2018-023, be approved and adopted by Council; and

**THAT** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## Background:

The applicant submitted two concurrent applications: a zoning by-law amendment, file number D06-17-002 and a consent, file number D03-17-003.

The consent application proposed to sever an approximately 0.72 hectare (1.78 acre) residential lot containing a single detached dwelling and retain approximately 102.28 hectares (252.74 acres) of agricultural and forested land. The dwelling on the land to be severed is considered surplus to the farm operation as a result of a farm consolidation. The retained land will be consolidated with non-abutting agricultural land belonging to the same farm operation.

The applicant anticipated that should the consent application be granted, a condition of provisional consent would be to rezone the retained agricultural and forested lands to prohibit residential use in order to be consistent with and conform to provincial and municipal policy.

On February 8, 2017, the Planning Advisory Committee deferred the zoning by-law amendment application until such time as comments had been received from the Ministry of Environment and Climate Change (MOECC) verifying that the proposal did not contravene the Renewable Energy Approval (REA) it had issued on the subject lands for the installation and operation of a Class 4 wind facility known as Settlers Landing. The subject property is one of two host properties for the Settlers Landing facility, see Appendix "A". The deferral also permitted time for consent file number D03-17-003, to be processed and a decision rendered by the Committee of Adjustment.

On November 2, 2017, the Committee of Adjustment granted provisional consent to sever the dwelling from the balance of the agricultural and forested lands. Condition 2 of the provisional consent decision required the proposed retained lands to be rezoned to prohibit residential use.

Owner:	Dale McFeeters, Darmar Farms Inc.
Applicant:	Bob Clark, Clark Consulting Services
Legal Description:	Part of Lots 8 and 9, Concession 3, geographic Township of Manvers
Official Plan:	"Countryside Area", City of Kawartha Lakes Oak Ridges Moraine Policy Area
Zone:	"Oak Ridges Moraine Country Side Area (ORMCS) Zone", City of Kawartha Lakes Oak Ridges Moraine Zoning By-law 2005-133, as amended
Site Size:	Severed – 0.72 hectares Retained – 102.28 hectares
Site Servicing:	Severed – Private individual well and septic system Retained – None



Existing Uses: Agricultural, Forest  
Adjacent Uses: North: Agricultural, Forest, Rural Residential  
East: Agricultural  
South: Forest, Rural Residential  
West: Agricultural, Forest

## **Rationale:**

The MOECC has provided clarification that Ontario Regulation 359/09 of the Renewable Energy Approvals (REA) regulation only requires proponents of wind facilities to comply with the 550 metre setback for noise receptors in existence up to the day an REA application is submitted, or a specific time during the REA approvals process, such as the day before the notice of the draft site plan of the project location is published. As the 550 metre setback applies to the wind facility proponent, not property owners, should property owners proceed with development of a noise receptor within the setback, they do so with full knowledge that the development could be subject to noise from the wind facility. The MOECC further clarified that this reasoning extends to the land owner of the host property, as the consent does not change the way that the wind facility was/is constructed, operated, or maintained.

The subject property and the surrounding lands are primarily agricultural land, which is to be protected and preserved from new residential development or any other incompatible land use that may hinder existing or future agricultural operations.

The applicant submitted a Planning Justification Report prepared by Bob Clark of Clark Consulting Services, dated September 19, 2016 in support of the application. In support of the consent application, the applicant submitted a Minimum Distance Separation Calculation, Type A report dated November 15, 2016. These documents discuss and analyze the appropriateness of the proposed consent.

Staff has reviewed the Planning Justification Report and accompanying documentation filed in support of the proposed consent and zoning by-law amendment.

Staff also reviewed the Environmental Review Tribunal decision, case number 15-037 and the Amendment to Renewable Energy Approval, case number 8992-9TVSKD.

## **Provincial Policies:**

### **Growth Plan for the Greater Golden Horseshoe, 2017 (Growth Plan):**

Section 2.2.9 states that development outside of settlement areas may be permitted where necessary for the management of resources such as agricultural lands. Section 4.2.6 provides for the protection of prime agricultural areas

identified within official plans. The severance and subsequent rezoning to facilitate a consolidation of farm land is consistent with these policies.

Therefore, this application conforms to the policies of the Growth Plan.

**Provincial Policy Statement, 2014 (PPS):**

Sections 2.3.1 and 2.3.3.2 provide that prime agricultural areas shall be protected for long term use, and all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

The application to rezone a portion of the proposed retained lands will protect the agricultural use of the property and surrounding agricultural practices from incompatible residential use. The lot to be retained is of sufficient area to sustain an assortment of agricultural uses and the PPS encourages the protection of all types and sizes of agricultural use.

Therefore, this application is consistent with the PPS.

**Oak Ridges Moraine Conservation Plan, 2017 (ORMCP):**

Section 13 of the ORMCP provides that Countryside Areas are to be used primarily for agricultural and other rural purposes, and that prime agricultural areas are to be protected. Section 32 of the ORMCP provides that an existing dwelling deemed surplus to a farm operation as a result of a farm consolidation may be severed provided the new lot is not made any larger than necessary to support its sewage and well services and that the retained land is rezoned to prohibit residential development.

When development is proposed within an area of influence of a key natural heritage feature, such as a significant woodland or wetland, but is outside of the minimum vegetation protection zone for said feature, Section 22(3) requires a natural heritage evaluation be conducted to demonstrate no adverse impacts to the feature and identify opportunities to maintain, improve or restore the connectivity within and between key natural heritage features. In this case, the proposed lot is within the 120 metre area of influence of a significant woodland, but is outside of the minimum vegetation protection zone. Where natural heritage features are present, an agreement is required to maintain and/or improve and/or restore natural self-sustaining vegetation. Provisional consent conditions 4 and 5 have been approved to satisfy Sections 16(2), 22(3), and 32(4).

The application conforms to the policies of the ORMCP.

**Official Plan Conformity:**

Within the City of Kawartha Lakes Official Plan, the City of Kawartha Lakes Oak Ridges Moraine Policy Area (ORMPA) applies to the subject property. The subject property is designated “Countryside Area” and identified as a prime agricultural area within the ORMPA. Agricultural and other rural uses are

anticipated within this designation, and prime agricultural soils are to be protected in order to provide for the continuation of normal farm practices.

The City, through its Official Plan recognizes the generally desirable practice of the consolidation of farms wherever possible. The City also recognizes that it is not always possible to acquire abutting agricultural lots when consolidating an existing farm operation, and has established criteria in accordance with provincial policy to recognize this circumstance and protect the long term agricultural use of the land. One of the criteria is that the agricultural land be rezoned to prohibit any residential use.

As a consent to sever a dwelling surplus to a farm consolidation is proposed, the type of activity, partnered with the condition for a zoning by-law amendment to prevent further residential development, will ensure the continued protection of agricultural land from non-agricultural development.

A lot may be created within the Countryside Area designation provided that it complies with the applicable policies with the ORMCP.

The application conforms to the policies contained in the ORMPA. Therefore, this application conforms to the applicable policies of the Official Plan.

### **Zoning By-law Compliance:**

The subject land is zoned “Oak Ridges Moraine Country Side Area (ORMCS) Zone”, in the City of Kawartha Lakes Oak Ridges Moraine Zoning By-law 2005-133, as amended.

The lot to be retained exceeds the minimum lot frontage (183 metres) and area (32 hectares) requirements of the ORMCS Zone by proposing about 511.21 metres and 102.28 hectares respectively. The purpose of the Zoning By-law Amendment (ZBA) is to protect the agricultural use of the land to be retained by prohibiting residential use in accordance with provincial and municipal policy. The ZBA proposes to rezone the portion of the lands to be retained from “ORMCS” Zone to “Oak Ridges Moraine Country Side Area Special One (ORMCS-S1) Zone” to prohibit residential use.

The residential lot to be created will remain within the ORMCS Zone. The ORMCS Zone category provides that residential lots created within said zone are subject to the requirements of the “Rural Residential Type One (RR1) Zone” category. The lot to be severed exceeds the minimum lot frontage (38 metres) and exceeds the area (2,000 square metre) requirements by proposing about 77.17 metres and 7200 square metres respectively. The dwelling on the proposed severed lot will comply with the applicable setback provisions of the RR1 Zone.

### **Other Alternatives Considered:**

No alternatives have been considered at this time.

### **Financial/Operation Impacts:**

There are no financial considerations unless Council's decision is appealed to the Ontario Municipal Board. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

### **Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:**

The Council Adopted Strategic Plan identifies these Strategic Goals:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment

This application would align with a vibrant and growing economy as it provides opportunity to expand the economic base by maintaining and expanding agricultural employment.

### **Servicing Comments:**

The agricultural land is un-serviced. The existing single detached dwelling on the land to be severed is serviced by a private individual septic system and well.

### **Consultations:**

Notice of this application was circulated to persons within a 500 metre radius, agencies, and City Departments which may have an interest in the application. The Building Division, Building Division - Part 8 Sewage Systems, Engineering and Corporate Assets Department, Kawartha Region Conservation Authority and Chippewas of Rama First Nation raised no concerns as a result of circulation.

A letter was received from Peter and Niki Schepers of 542 Drum Road enquiring as to the nature of the application.

A letter of objection was received from Vernon Gunness of 521 Telecom Road.

A letter of objection was received from Paul Richardson of 423 Highway 35. The letter was concerned about the potential development of future wind turbines, whether policy permitted the severance of the dwelling from a lot that has historically received other severances, and whether the REA approval prevented the severance.

### **Development Services – Planning Division Comments:**

The application conforms to the 2017 Growth Plan, 2017 Oak Ridges Moraine Conservation Plan and is consistent with the 2014 Provincial Policy Statement. The application also conforms to the policies of the Official Plan. The proposed Zoning By-law Amendment contained in Appendix "D" will ensure the subject

land is preserved for agricultural use. All other ORMCS Zone provisions will be maintained.

In response to the letters of objection, staff analyzed whether a farm consolidation was taking place, whether policy permitted the severance of the dwelling, and whether the REA approval has any bearing on the application. After careful review and consideration, it has been determined that the proposal does comply with applicable policy and by-laws.

## **Conclusion:**

The application conforms to the provincial policies concerning prime agricultural areas and the severance of a dwelling surplus to a farming operation as a result of a farm consolidation. The proposal is also consistent with the applicable policies of the ORMPA within the City's Official Plan. Staff support the application based on the information contained in this report and the comments received as of February 23, 2018. Staff respectfully recommends that the application be referred to Council for APPROVAL.

## **Attachments:**

### **Appendix 'A' – Location Map**



Appendix A to  
PLAN2018-023.pdf

### **Appendix 'B' – Aerial Photograph**



Appendix B to  
PLAN2018-023.pdf

### **Appendix 'C' – Sketch for Consent Application – dated November 24, 2015**



Appendix C to  
PLAN2018-023.pdf

### **Appendix 'D' – Draft Zoning By-law Amendment**



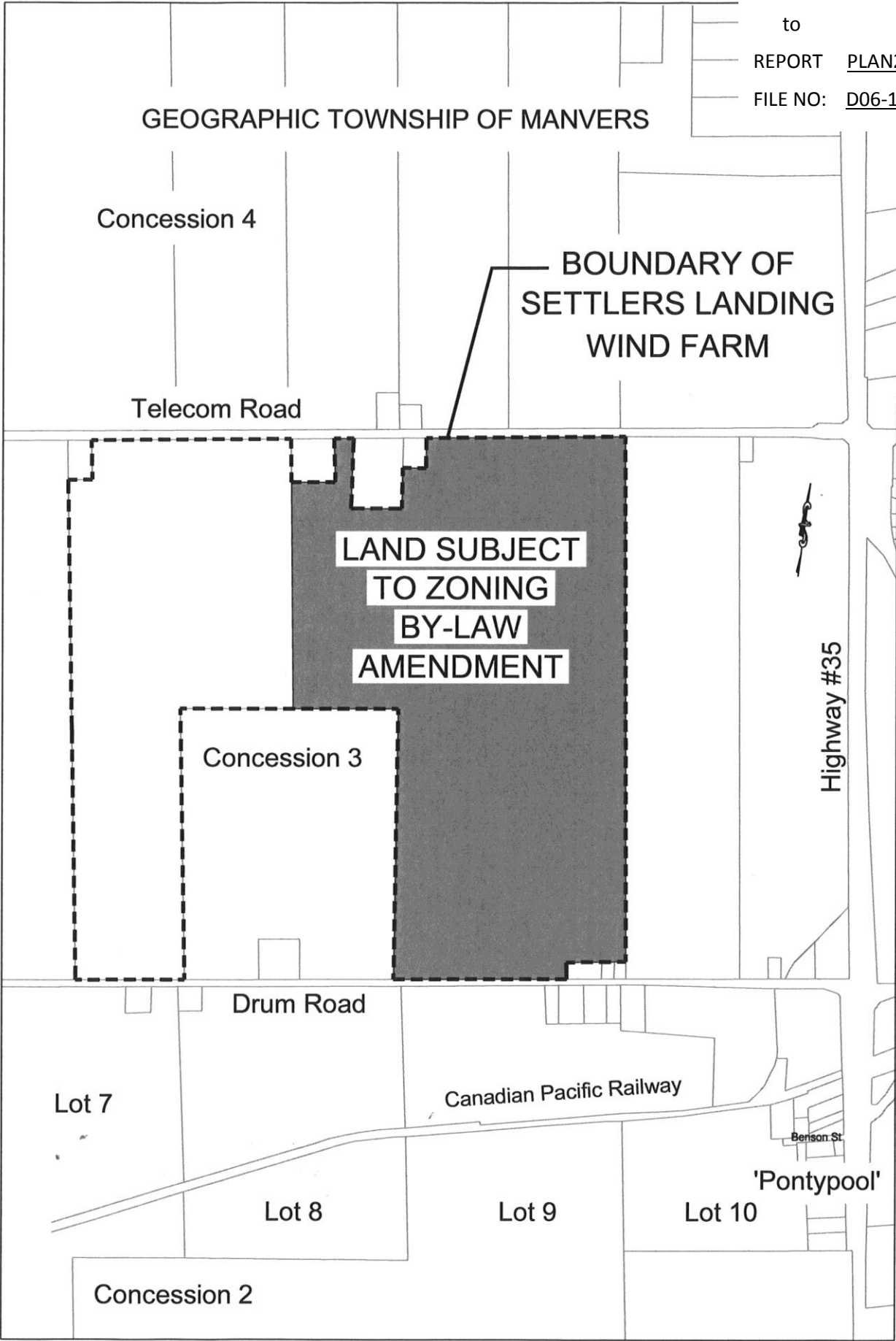
Appendix D to  
PLAN2018-023.pdf

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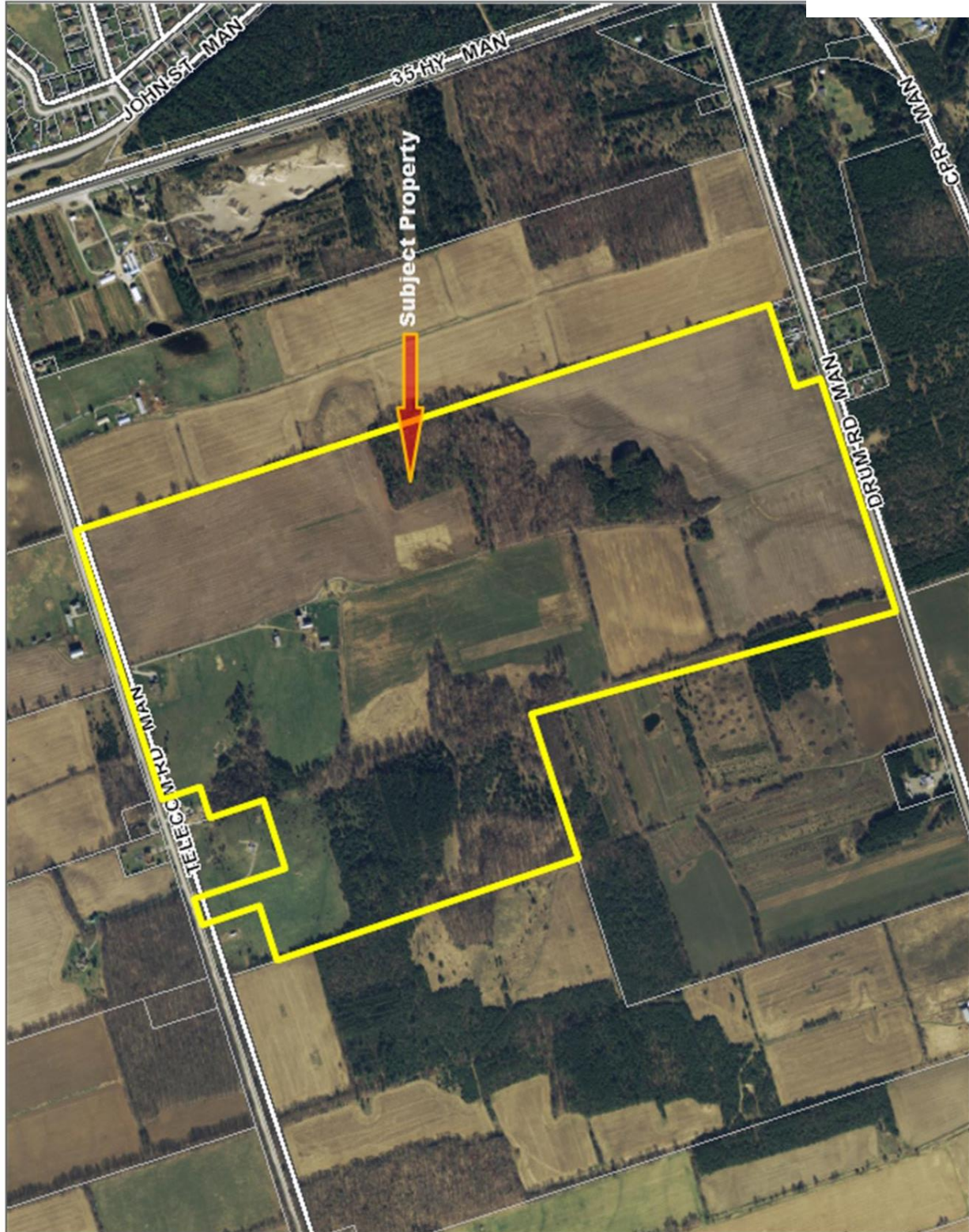
**Department Head E-Mail:** [cmarshall@kawarthalakes.ca](mailto:cmarshall@kawarthalakes.ca)

**Department Head:** Chris Marshall

**Department File:** D06-17-002







0.78

Kilometers  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© City Of Kawartha Lakes



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
THIS MAP IS NOT TO BE USED FOR COMMERCIAL OR LEGAL PURPOSES.



# APPENDIX " C "

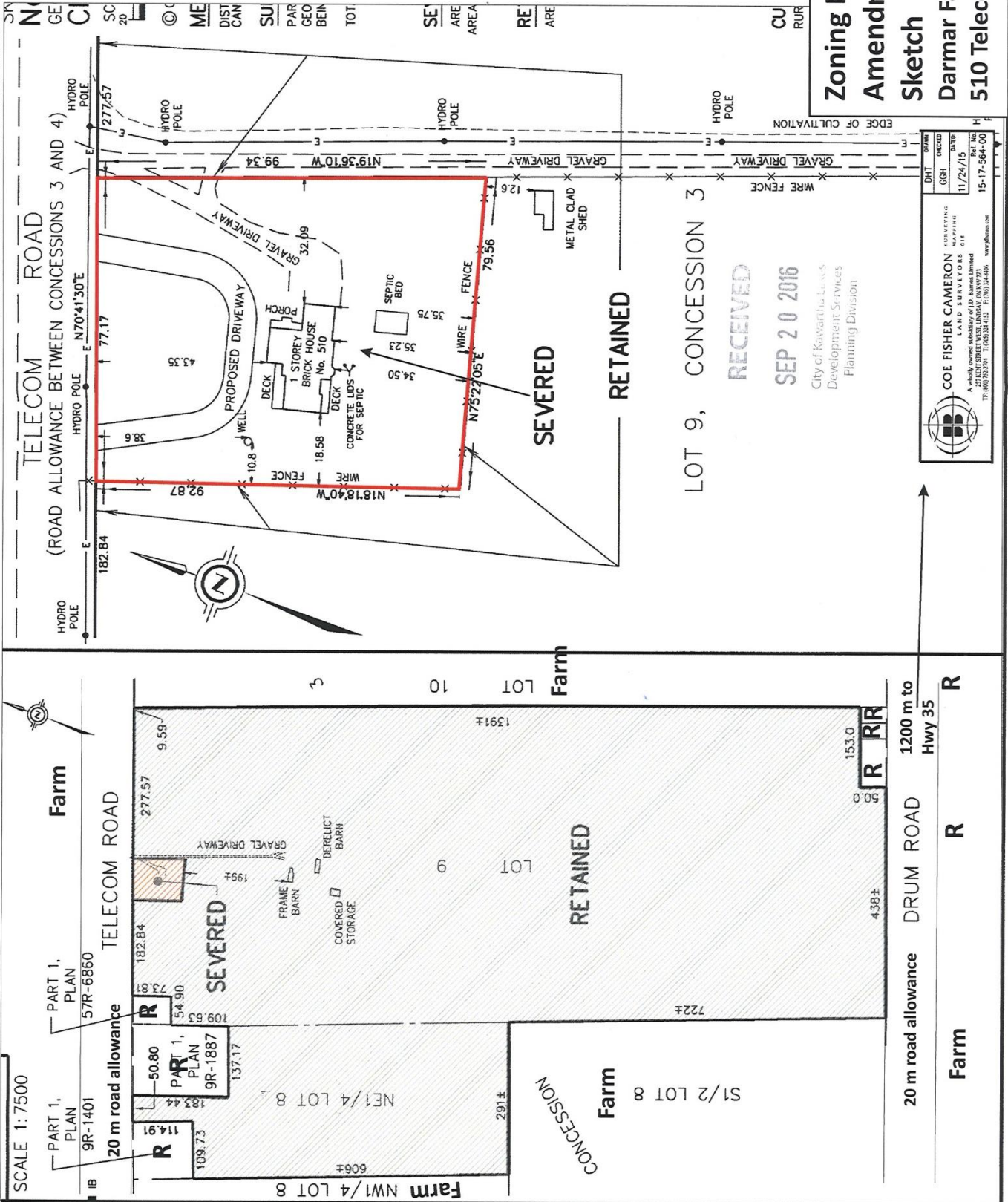
to

REPORT PLAN2018-023

FILE NO: D06-17-002

## Zoning Bylaw Amendment Sketch

Darmer Farms Inc.  
510 Telecom Road



to

**The Corporation of the City of Kawartha Lakes**REPORT PLAN2018-023**By-Law 2018 -**FILE NO: D06-17-002

**A By-Law To Amend the City of Kawartha Lakes Oak Ridges Moraine  
Zoning By-Law No. 2005-133 To Rezone Land Within The City Of  
Kawartha Lakes**

[File D06-17-002, Report PLAN2018-023, respecting Part of Lots 8 and 9, Concession 3, geographic Township of Manvers, identified as 510 Telecom Road – Darmar Farms Inc.]

**Recitals:**

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to prohibit residential use on the subject land.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-\_\_.**

**Section 1:00      Zoning Details**

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part of Lots 8 and 9, Concession 3, geographic Township of Manvers, City of Kawartha Lakes.
- 1.02 **Schedule Amendment:** Schedule ‘A’ to By-law No. 2005-133 of the City of Kawartha Lakes Oak Ridges Moraine Zoning By-law is further amended to change the zone category on a portion of the Property from “Oak Ridges Moraine Country Side Area (ORMCS) Zone” to “Oak Ridges Moraine Country Side Special One (ORMCS-S1) Zone” for the land referred to as ‘ORMCS-S1’, as shown on Schedule ‘A’ attached to this By-law.

**Section 2:00      Effective Date**

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this \*\* day of \*\*\*, 2018.

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Andy Letham, Mayor

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Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

# KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_ PASSED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2018.

MAYOR \_\_\_\_\_

CITY CLERK \_\_\_\_\_

## GEOGRAPHIC TOWNSHIP OF MANVERS

Concession 4

Telecom Road

ORMCS-S1

Concession 3

Highway #35

Drum Road

Canadian Pacific Railway

Benson St

'Pontypool'

Lot 8

Lot 9

Lot 10

Concession 2