

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

## **Agenda**

### **Planning Advisory Committee Meeting**

**PC2018-06**

**Wednesday, June 6, 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.	<b>Call to Order and Adoption of Agenda</b>	
2.	<b>Declarations of Pecuniary Interest</b>	
3.	<b>Public Meeting</b>	
3.1	PLAN2018-052	3 - 10
	An application to amend the Township of Verulam Zoning By-law 6-87 to permit the additional uses of a single detached dwelling, restaurant, take-out restaurant and contractor's yard at 2071 CKL Road 36 (Bryans Family Camping) David Harding, Planner II	
4.	<b>Business Arising from Public Meeting</b>	
5.	<b>Deputations</b>	
6.	<b>Correspondence</b>	
7.	<b>City of Kawartha Lakes Reports</b>	
7.1	PLAN2018-042	11 - 30
	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	
7.2	PLAN2018-050	31 - 60
	Applications for Official Plan and Zoning By-law Amendments together with a Revised Draft Plan of Subdivision to permit a 146 lot residential subdivision for single detached dwellings on the west side of Angeline Street North, Lindsay (CIC Developments Inc.) Ian Walker, Planning Officer - Large Developments	
8.	<b>Adjournment</b>	

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

## **Planning Advisory Committee Report**

**Report Number PLAN2018-052**

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**Date:** June 6, 2018  
**Time:** 1:00 p.m.  
**Place:** Council Chambers  
**Public Meeting**

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**Ward Community Identifier:** Ward 13 - Verulam

**Subject:** An application to amend the Township of Verulam Zoning By-law 6-87 to permit the additional uses of a single detached dwelling, restaurant, take-out restaurant and contractor's yard at 2071 CKL Road 36 (Bryans Family Camping)

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

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### **Recommendations:**

**That** Report PLAN2018-052, respecting Part of Lot 6, Concession 3, geographic Township of Verulam, and identified as 2071 CKL Road 36 – Application D06-2018-016, be received; and

**That** the proposed Zoning By-law Amendment respecting Application D06-2018-016, 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:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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## **Background:**

Owner:	Bryans Family Camping c/o Mari and Ed Bryans
Applicant:	Doug Carroll, DC Planning Services Inc.
Legal Description:	Part of Lot 6, Concession 3, geographic Township of Verulam
Official Plan:	"Rural" and "Environmental Protection" in the City of Kawartha Lakes Official Plan
Zone:	"Highway Commercial Exception Three (C2-3) Zone" and "Open Space (OS) Zone" in the Township of Verulam Zoning By-law 6-87, as amended
Site Size:	17.79 hectares (43.956 acres)
Site Servicing:	Two private individual wells and a septic system
Existing Uses:	Miniature golf course and driving range
Adjacent Uses:	North: Rural Residential, Agricultural, Forest South: Rural Residential, Agricultural East: Agricultural, Tourist Camp (Nestle In) West: Agricultural

## **Rationale:**

The subject property is located within a predominately agricultural area, and contains a miniature golf course and driving range. A building housing the commercial operation is located close to the intersection of CKL Road 36 and Cedar Glen Road. A storage shed is located to the northwest of that building, across the creek (Dunsford Creek) that traverses the property.

The only permitted uses on the property are for a miniature golf course and driving range. Notwithstanding the permitted uses, the owner wishes to have the year-round restaurant which has operated on the site since 1986 recognized as a permitted use, which may have a take-out component, out of the existing building by the street intersection. Other proposed uses would include a separate building by the storage building for a contractor's yard, and potentially erect a single detached dwelling.

At this time, staff cannot determine the appropriateness of the proposal as responses from all City Departments and commenting agencies have not been received.

## **Provincial Policies:**

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

The subject property is considered to be on Rural Land in a Rural Area within the Growth Plan. Section 2.2.9.3 provides for development outside of settlement

areas provided the uses are compatible with the rural landscape, can be sustained by rural service levels, and will not adversely affect the protection of agricultural uses.

The application appears to conform to the Growth Plan.

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

Policies 1.1.5.4 and 1.1.5.7 state that where non-agricultural and non-resource-related uses are contemplated, said uses are to be compatible with the rural landscape and are to be directed to areas that will minimize constraints on agricultural and resource uses. The subject property, zoned for select commercial purposes, is not used for agriculture, and additional uses are contemplated to maximize the use of the property.

The application appears to be consistent with the PPS.

**Official Plan Conformity:**

Within the City of Kawartha Lakes Official Plan, the subject property is designated Rural and Environmental Protection. No changes to the lands within the Environmental Protection designation are contemplated.

The Rural designation encourages the development of uses that do not conflict with the agricultural community. Limited residential development in the form of single detached dwellings is also permitted within this designation.

The application appears to conform to the Official Plan.

**Zoning By-law Compliance:**

The property is zoned “Highway Commercial Exception Three (C2-3) Zone” and “Open Space (OS) Zone” in the Township of Verulam Zoning By-law 6-87, as amended. The OS Zone pertains to the watercourse, along with its abutting lands, that traverses the property. The C2-3 Zone only permits a miniature golf course and driving range. The application seeks to expand the range of permitted uses to include a contractor’s yard, restaurant, take-out restaurant, and single detached dwelling.

**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 Local Planning Appeal Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

## **Relationship of Recommendations to the 2016-2019 Strategic Plan:**

This section is completed outlining how the initiative, recommendation(s), and/or action within the Report contribute to the Council Adopted Strategic Plan. It can identify one of the Goals, namely:

- Goal 1 – A Vibrant and Growing Economy
- Goal 2 – An Exceptional Quality of Life
- Goal 3 – A Healthy Environment

The proposal aligns with Goals 1 and 2 as it would provide the potential for multiple businesses offering a range of services to be run from the property, including a restaurant for seasonal and permanent residents.

## **Servicing Comments:**

The property is serviced by two private individual wells and a private individual septic system.

## **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 Engineering and Corporate Assets Department and Building Division raised no concerns as a result of the circulation. No comments were received from the public.

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

At this time, comments have not been received from all circulated agencies and City Departments. Staff recommends that the application be referred back to staff 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 analysis contained in this report, staff respectfully recommend that the proposed Zoning By-law Amendment application 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:

### Appendix 'A' – Location Map



Appendix A to  
PLAN2018-052.pdf

### Appendix 'B' – Aerial Photograph



Appendix B to  
PLAN2018-052.pdf

### Appendix 'C' – Sketch



Appendix C to  
PLAN2018-052.pdf

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

**Department Head:** Chris Marshall

**Department File:** D06-2018-016

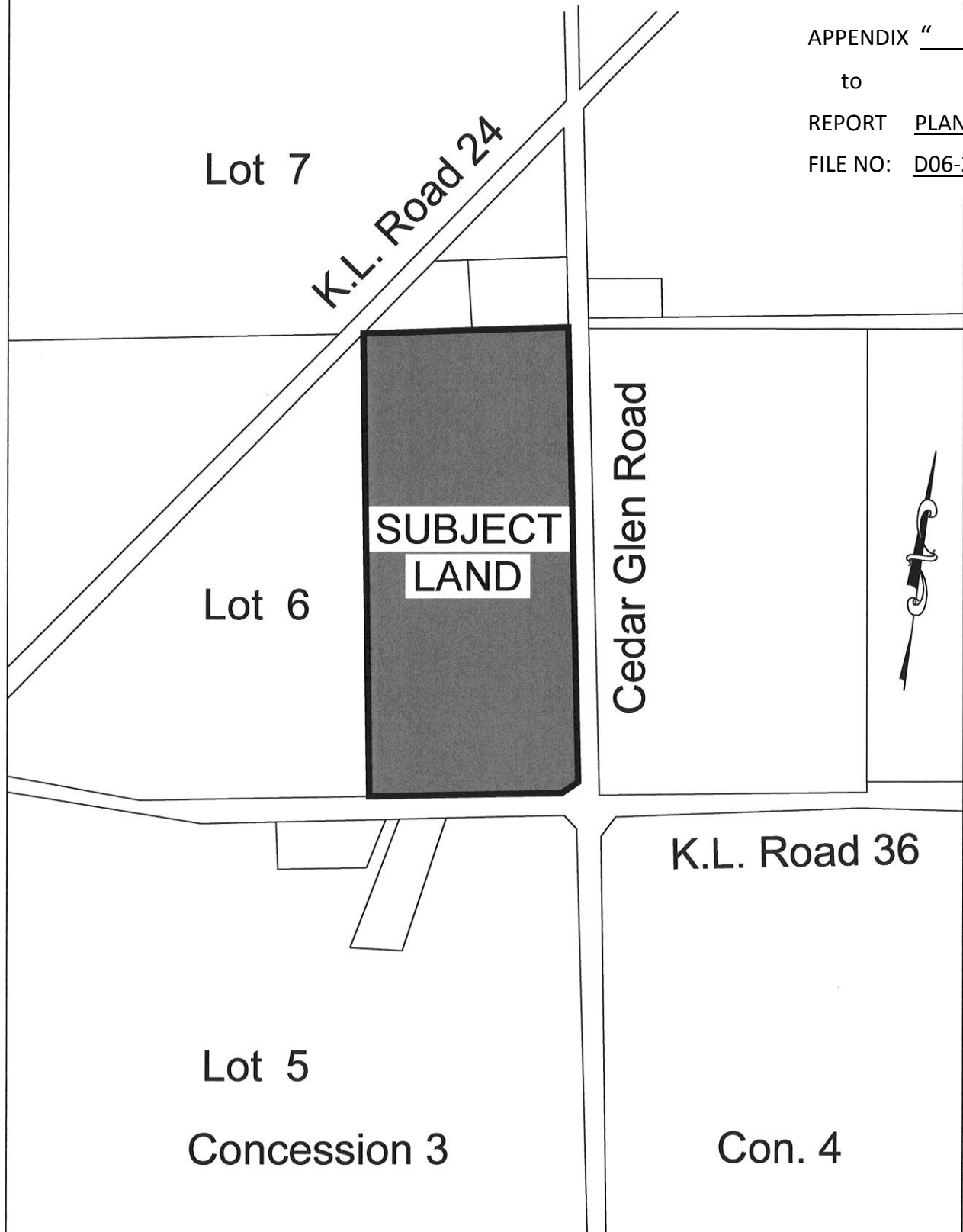
# Geographic Township of Verulam

APPENDIX " A "

to

REPORT PLAN2018-052

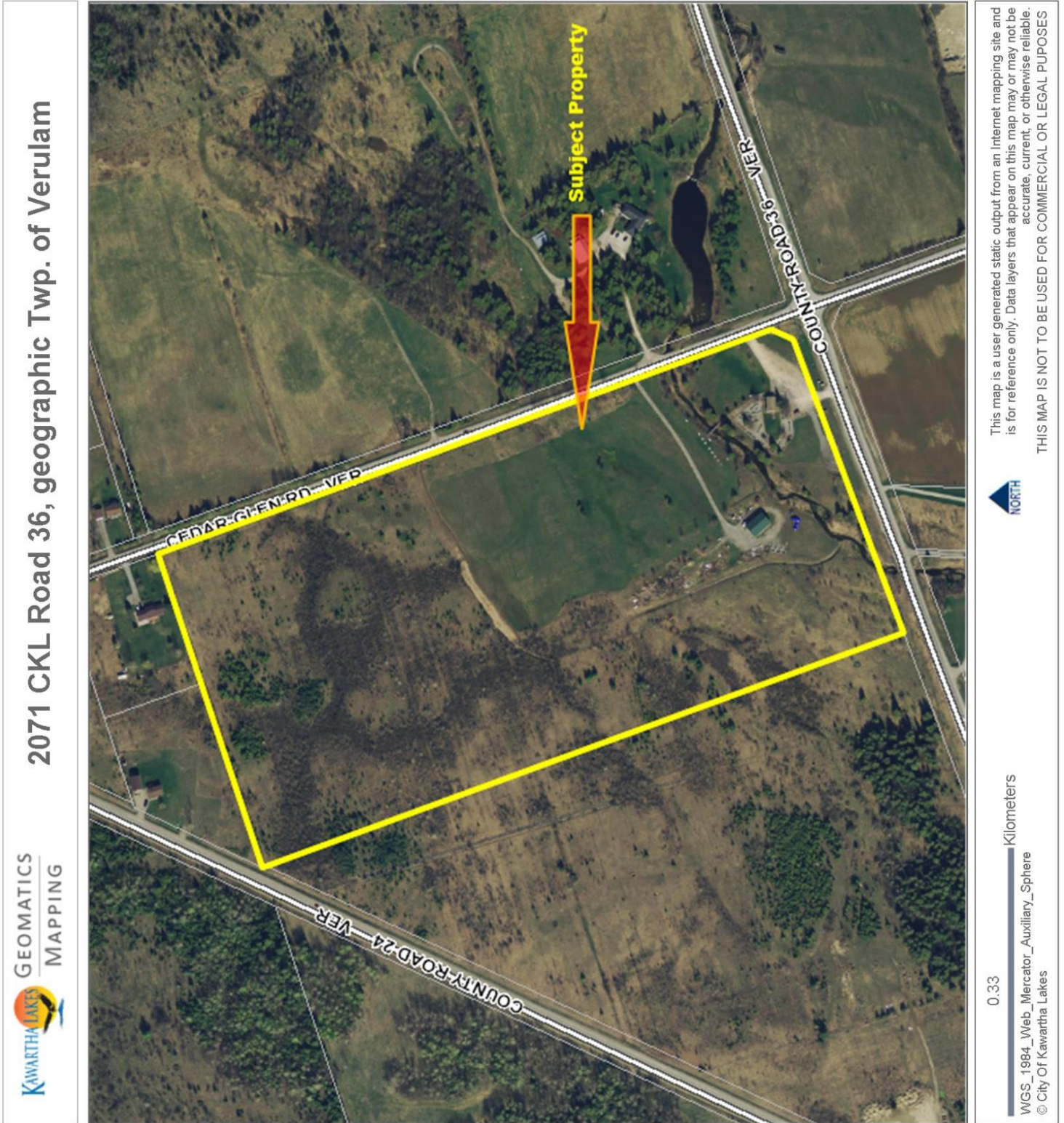
FILE NO: D06-2018-016



to

REPORT PLAN2018-052

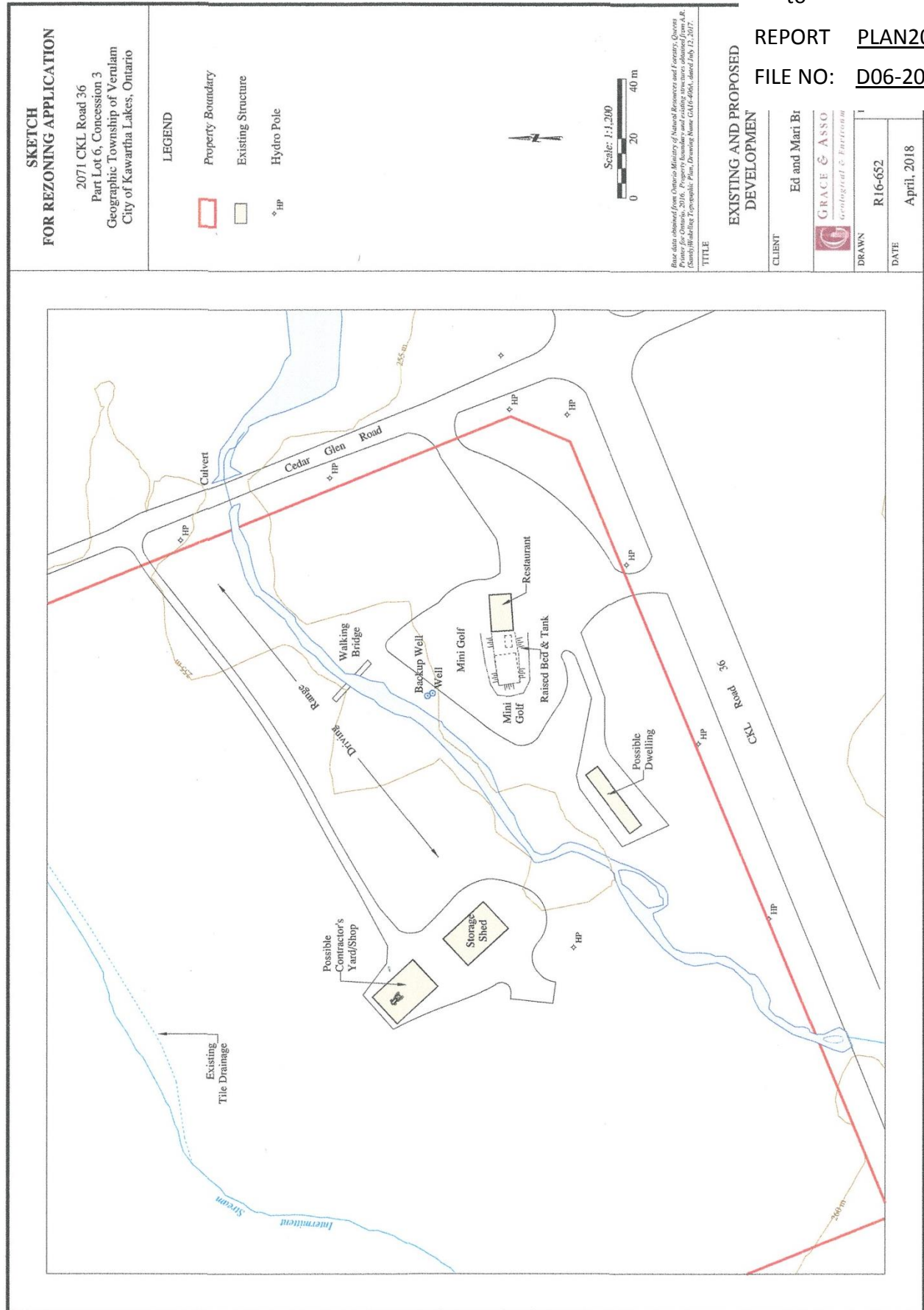
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to

REPORT PLAN2018-052

FILE NO: D06-2018-016



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

## **Planning Advisory Committee Report**

**Report Number PLAN2018-042**

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**Date:** June 6, 2018  
**Time:** 1:00 p.m.  
**Place:** Council Chambers  
**Public Meeting**

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**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**

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

**That** Report PLAN2018-042, 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;

**That** a By-law to implement Official Pan Amendment application D01-2018-001 respecting Part Lot 14, South of Wellington Street, Town Plan, former Town of Lindsay, now City of Kawartha Lakes, substantially in the form attached as Appendix 'C' to Report PLAN2018-042 be approved and adopted by Council;

**THAT** a By-law to implement Zoning By-law Amendment application D06-2018-009 respecting Part Lot 14, South of Wellington Street, Town Plan, former Town of Lindsay, now City of Kawartha Lakes, substantially in the form attached as Appendix 'D' to Report PLAN2018-042 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 these applications.

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

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

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

## **Background:**

The statutory public meeting was held by the Planning Advisory Committee on March 7, 2018, which adopted the following recommendation:

### **PAC2018-016**

**Moved By** Councillor Stauble

**Seconded By** Councillor Macklem

**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.

**Carried**

At the Council Meeting of March 20, 2018, Council adopted the following resolution:

### **CR2018-156**

**Moved By** Councillor O'Reilly

**Seconded By** Councillor Miller

**That** the Minutes of the March 7, 2018 Planning Advisory Committee Meeting be received and the recommendations be adopted, save and except recommendation PAC2018-017.

**Carried**

This report addresses that direction.

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 commercial use 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 replacing the existing building with a bungalow style single detached dwelling that could be used for either residential or limited commercial purposes for a personal service establishment/clinical movement education workspace. 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 Plans for Official Plan Amendment and Zoning By-law Amendment prepared by EcoVue Consulting Services Inc., dated October 26, 2017, April 12, 2018, April 20, 2018, May 17, 2018, May 24, 2018 and May 25, 2018.

Staff has reviewed the Planning Justification Report filed in support of the proposed official plan and zoning by-law amendments. Staff has evaluated the appropriateness of the proposal as responses from other City Departments and commenting Agencies have been received. Further discussions have been conducted 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 Local Planning Appeal Tribunal (LPAT). 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 LPAT 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. Rear Yard Setback	7.5 m.	2.25 m.
Min. Side Yard Setback	3.0 m.	1.25 m.
Maximum Lot Coverage	30 %	39.5 %
Max. GFA % of Lot Area	75 %	39.5 %
Parking Spaces	3	2 (commercial use)
Min. Std. Parking Width	2.75 m.	2.6 m.
Location of Parking	Rear/Side Yards Only	Front Yard (2 spaces)

Section 5.24 of the By-law allows an open platform or stairway to extend up to 0.9 m. into a side yard setback and based on the sketch plan provided for the proposed amendments, an accessible landing and ramp has been illustrated which only extends up to 0.8 m. into the minimum south side yard in compliance with the By-law.

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 normally 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 lot 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 and further refinements have been made 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 Local Planning Appeal Tribunal. 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 takes 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 that 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.

The Chippewas of Rama First Nation advised on March 1, 2018 that they have reviewed the application notice and shared with their Council. It was also

forwarded to the Williams Treaties First Nation Process Coordinator/Negotiator for review should any further necessary action be required.

The Community Services Department advised on May 2, 2018 that they have no comments or concerns with the application.

In response to the latest OPA and ZBA Sketch plan (revised May 24, 2018) that was circulated, the Building Division advised on May 22, 2018 that they had no further comments. The Engineering and Corporate Assets Department advised that the latest drawing provided does not show the actual curb stop for water. At the time of installation, the water curb stop must be installed outside of the driveway and paved areas, and will be required to be documented on the Field Measurement Service Card as required for the Municipal Service Connection process. Otherwise, Engineering has no further comments.

#### Public Comments:

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

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

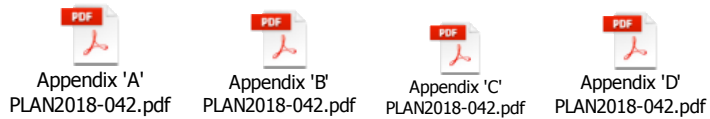
The appropriate background studies in support of the applications have been submitted and circulated to the appropriate Agencies and City Departments for review and comment. The applications conform to the 2017 Growth Plan and are consistent with the 2014 Provincial Policy Statement. Conformity with the Lindsay Official Plan has been demonstrated and staff supports the request to amend Section 4.2 of the Official Plan to add a special policy to facilitate a mixed use Residential-Commercial designation, which would permit either a specific commercial use or a residential use. It is appropriate that the specific uses requested to be permitted on the subject property, may be permitted within the provisions of the implementing zoning by-law.

#### **Conclusion:**

Staff supports the applications for Official Plan Amendment and Zoning By-law Amendment based on the information contained in this report and the comments received. Staff respectfully recommends that the applications be referred to Council for Approval.

#### **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' – OPA & ZBA Sketch Plan (revised May 25, 2018)

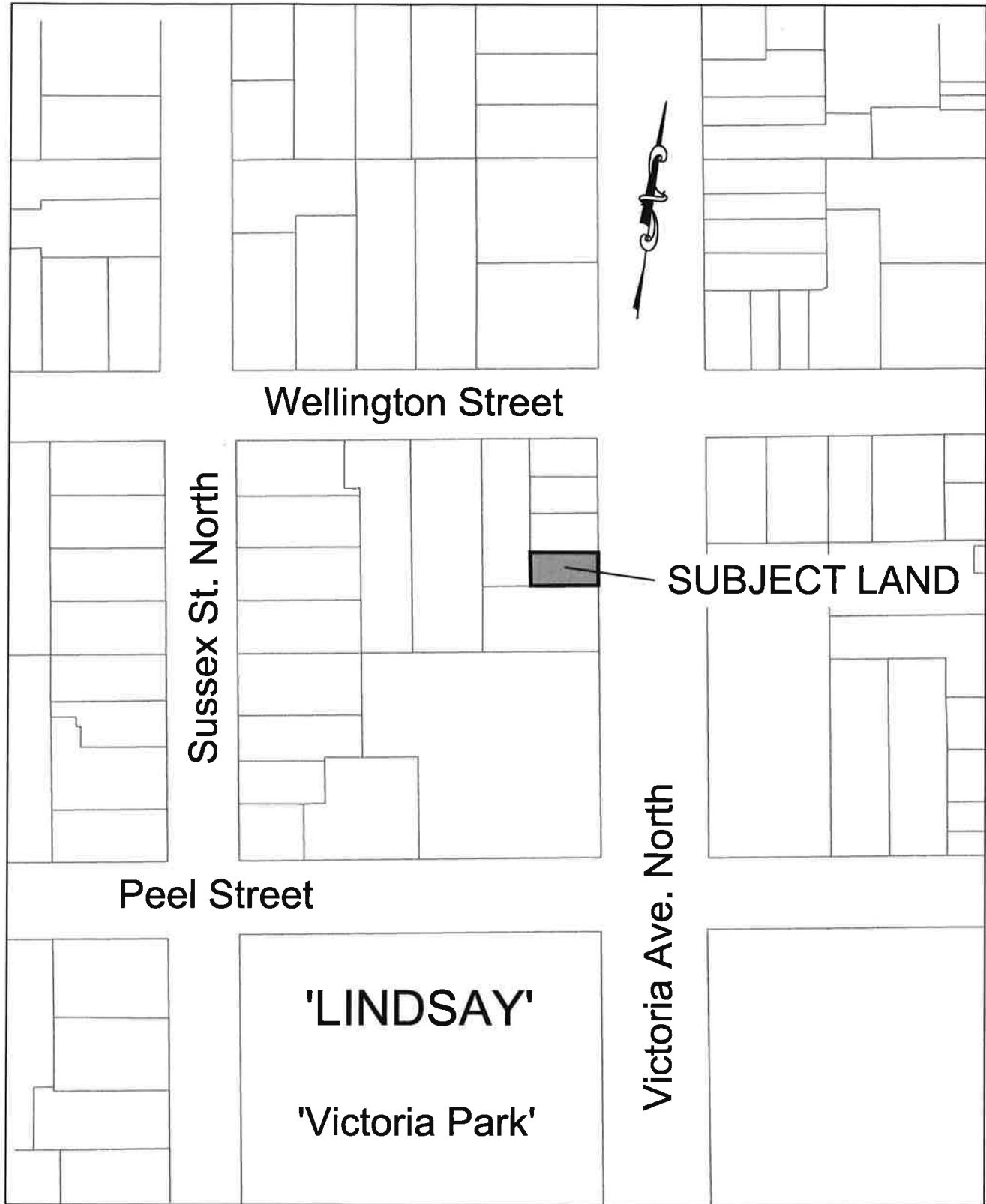
Appendix 'C' – Draft Official Plan Amendment

Appendix 'D' – Draft Zoning By-law Amendment

**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





to

**The Corporation of the City of Kawartha Lakes**REPORT PLAN2018-042**By-Law 2018 -**FILE NO. D01-2018-001  
D06-2018-009**A By-Law To Amend The Town Of Lindsay Official Plan To Re-Designate Land  
Within The City Of Kawartha Lakes**

File D01-2018-001, Report PLAN2018-042, respecting Part Lot 14, South of Wellington Street, Town Plan, former Town of Lindsay, identified as 21 Victoria Avenue North – Carter

**Recitals:**

1. Sections 17 and 22 of the Planning Act, R.S.O. 1990, c. P.13, authorize Council to consider the adoption of an amendment to an Official Plan.
2. Council has received an application to amend the Town of Lindsay Official Plan to change the land-use designation to Residential-Commercial with a special provision which permits either a residential use or a specific commercial use on the property.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to adopt Official Plan Amendment Number 52.

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

**Section 1:00 Official Plan Amendment Details**

- 1.01 **Property Affected:** The Property affected by this By-law is identified as Part Lot 14, South of Wellington Street, Town Plan, former Town of Lindsay, now City of Kawartha Lakes.
- 1.02 **Amendment:** Amendment No. 52 to the Town of Lindsay Official Plan, attached hereto as Schedule 'A' and forming a part of this By-law is hereby adopted.

**Section 2:00 Effective Date**

- 2.01 **Force and Effect:** This By-law shall come into force and take effect on the date it is finally passed, subject to the approval of the City of Kawartha Lakes in accordance with the provisions of Section 17 and 22 of the Planning Act, R. S. O. 1990, c. P.13. Notwithstanding the subsequent coming into force of the Lindsay Secondary Plan, adopted by Council on June 27, 2017, this by-law continues to be in force and effect.

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

## **Schedule 'A' to By-law No. 2018-\*\*\***

The Corporation of the City of Kawartha Lakes

### **Amendment No. 52 To The Official Plan For The Town of Lindsay**

#### **Part A - The Preamble**

##### **A. Purpose**

The purpose of the official plan amendment is to change the land use designation on the property identified as 21 Victoria Avenue North from "Residential" to "Residential – Commercial" to permit either commercial or residential uses on the property. The land is also subject to an application for zoning by-law amendment.

The effect of the change would permit the operation of the proposed clinical somatic movement education workspace on the subject property while maintaining the ability to re-establish a residential use on the property in the future. These uses would not operate simultaneously.

##### **B. Location**

The subject property has a lot area of approximately 184 square metres and is known legally as Part of Lot 14, South of Wellington Street, Town Plan, former Town of Lindsay, City of Kawartha Lakes and is identified as 21 Victoria Avenue North.

##### **C. Basis**

Council has enacted this Official Plan Amendment in response to an application submitted by EcoVue Consulting Services Inc. on behalf of the owner to permit a clinical somatic movement education workspace while permitting re-establishment of a residential use at a future date on the property identified as 21 Victoria Avenue North. It is intended that a special policy be incorporated into the Town of Lindsay Official Plan to allow the clinical somatic movement workspace to operate as the primary use (in addition to a residential use) of the property but not simultaneously. One single detached dwelling unit may be permitted and parking may be permitted in the front yard. Buildings and structures may be permitted within the provisions of the implementing Zoning By-law.

The land is designated Residential as shown on Schedule "A" to the Town of Lindsay Official Plan. The land is also subject to an application for a Zoning By-law Amendment.

The proposed use and amendment to the Town of Lindsay Official Plan are justified and represent good planning for the following reasons:

1. The proposed use conforms to the relevant provincial policy documents being the Growth Plan for the Greater Golden Horseshoe and is consistent with the Provincial Policy Statement.

2. The proposed use conforms to the goals and objectives of the Residential – Commercial designation as set out in the Town of Lindsay Official Plan.
3. The proposed use is compatible and integrates well with the surrounding area.
4. The applicant has submitted background reports to demonstrate the appropriateness of the proposed use with respect to site servicing and through the submission of a Functional Servicing Report and Lot Grading and Drainage Plan.

## **Part B - The Amendment**

### **D. Introductory Statement**

All of this part of the document entitled Part B - The Amendment, consisting of the following Map 'A' constitutes Amendment No. 52 to the Official Plan for the Town of Lindsay.

### **E. Details of the Amendment**

The Official Plan for the Town of Lindsay is hereby amended as follows:

1. Schedule 'A' to the Official Plan of the Town of Lindsay is hereby amended by changing the land use designation of lands located on Part Lot 14, South of Wellington Street, Town Plan, former Town of Lindsay, being 21 Victoria Avenue North, as shown on Schedule "A" attached hereto, from the Residential to Residential – Commercial designation.

#### **2. 4.2.6 SPECIAL PROVISIONS:**

- "b) On land designated Residential – Commercial, notwithstanding policies identified within Section 4.2.1, commercial uses shall be limited to "Clinical Movement Education Workspace".

CLINICAL MOVEMENT EDUCATION WORKSPACE is defined as a commercial use in which persons are employed in providing education of movement exercises through one-on-one table work and movement practices.

Additionally, a residential use is limited to a single detached dwelling which shall not occur simultaneously with the above commercial use, despite the policies as identified in Section 4.2.1 – Permitted Uses and one dwelling unit shall be permitted, notwithstanding the policies of Section 4.2.3 – Density. Parking may also be permitted in the front yard despite the policies of Section 4.2.2 – Site Plan Control."

3. Schedule 'A' of the Town of Lindsay Official Plan is hereby amended by inserting a note that the land is subject to Special Provision 4.2.6 b) of the

Official Plan, as shown on Map 'A' as 'Land to be Re-designated Residential-Commercial'.

**F. Implementation and Interpretation**

The implementation and interpretation of this amendment shall be in accordance with the relevant policies of the Official Plan of the Town of Lindsay.

THE CORPORATION OF THE CITY OF

# KAWARTHA LAKES

Map 'A' to Amendment No. 52  
to the Town of Lindsay Official Plan

'LINDSAY'

Wellington Street

Victoria Avenue North

Subject to  
Special Provision  
4.2.6 b)

Peel Street



LAND TO BE RE-DESIGNATED  
RESIDENTIAL-COMMERCIAL

to

The Corporation of the City of Kawartha Lakes REPORT PLAN2018-042

By-Law 2018 -

FILE NO. D01-2018-001  
D06-2018-009**A By-Law To Amend The Town of Lindsay Zoning By-Law No. 2000-75  
To Rezone Land Within The City Of Kawartha Lakes**

File D06-2018-009, Report PLAN2018-042, respecting Part Lot 14, South of Wellington Street, Town Plan, former Town of Lindsay, identified as 21 Victoria Avenue North – Carter

**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 permit either a limited commercial use or a 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 Lot 14, South of Wellington Street, Town Plan, former Town of Lindsay, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 2000-75 of the Town of Lindsay is further amended to add the following section to Section 12.3:

**"12.3.1.5 MRC-S15 Zone**

Notwithstanding subsection 12.1 or other By-law provisions to the contrary, land zoned MRC-S15 may only be used for one of the following uses:

- a) a clinical movement education workspace; or
- b) a single detached dwelling

CLINICAL MOVEMENT EDUCATION WORKSPACE is defined as a building or part thereof in which persons are employed in providing education of movement exercises through one-on-one table work and movement practices.

Notwithstanding subsection 12.2, land zoned MRC-S15 shall be subject to the following zone provisions:

a) Minimum lot area	183.8 sq. m.
b) Minimum lot frontage	8.75 m.
b) Minimum front yard setback	5.8 m.
c) Minimum interior side yard setback	1.25 m.
d) Minimum rear yard setback	2.25 m.
e) Maximum lot coverage	39.5%
f) Maximum gross floor area as % of lot area	39.5%

Notwithstanding the Standards for Minimum Parking and Driveway/Aisle Dimensions as detailed in Section 5.12 g) of this By-Law, on lands zoned MRC-S15, the minimum parking space width shall be 2.6 m.

Notwithstanding the Standards for Parking Lots and Driveways as detailed in Section 5.12 j) xi. of this By-Law, on lands zoned MRC-S15, parking shall be permitted in the front yard.

Notwithstanding Section 5.12 k) of this By-law to the contrary, the minimum number of parking spaces on land zoned MRC-S15 shall be two (2) to support a permitted commercial use up to the permitted maximum gross floor area as a percentage of lot area.”

- 1.03 **Schedule Amendment:** Schedule ‘A’ to By-law No. 2000-75 of the Town of Lindsay is further amended to change the zone category from the Residential Two (R2) Zone to the Mixed Residential Commercial Special Fifteen (MRC-S15) Zone for the land referred to as ‘MRC-S15’, 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

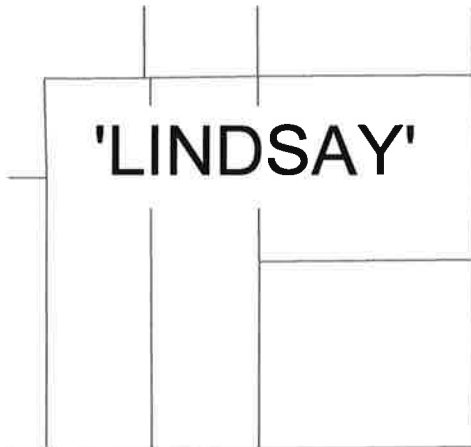
# KAWARTHA LAKES

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

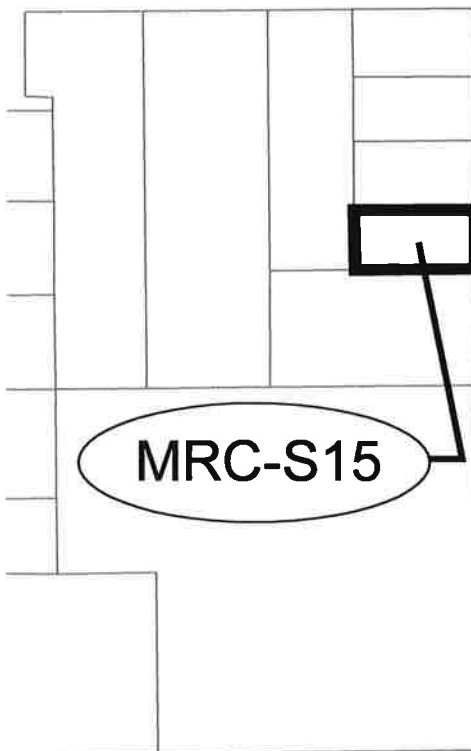
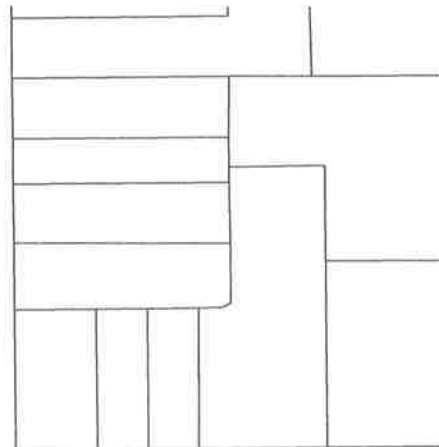
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2018.

MAYOR \_\_\_\_\_

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

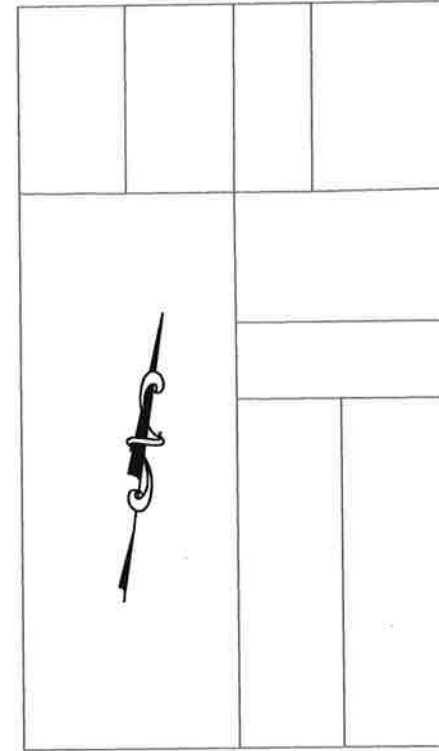


Wellington Street



MRC-S15

Victoria Avenue North



Peel Street

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

## **Planning Advisory Committee Report**

**Report Number PLAN2018-050**

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**Date:** June 6, 2018  
**Time:** 1:00 p.m.  
**Place:** Council Chambers  
**Regular Meeting**

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

**Title:** Ravines of Lindsay Revised Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments

**Description:** Applications for Official Plan and Zoning By-law Amendments together with a Revised Draft Plan of Subdivision to permit a 146 lot residential subdivision 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:**

**That** Report PLAN2018-050, 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;

**That** a By-law to implement the proposed Official Plan Amendment, substantially in the form attached as Appendix 'C' be referred to Council for adoption;

**That** the zoning by-law amendment, substantially in the form attached as Appendix D be referred to Council for approval and adoption;

**That** the Revised Draft Plan of Subdivision (16T-88009), Application D05-2018-002 and D05-18-032, as shown on Appendix B and the conditions substantially in the form attached as Appendix E to Report PLAN2018-050, be approved and adopted by Council;

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

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

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

**That** the street names of Connolly Road, Hancock Crescent, and Hennessey Crescent be added to the City's list of street names, and replace any previously approved street names as shown on the proposed red-lined Revised Draft Plan of Subdivision in Appendix B, and be referred to Council for approval;

**That** in accordance with Section 34(17) of the Planning Act, Council having considered the change to the proposed Zoning By-law Amendment deems no further public notice to be necessary; and

**That** the Mayor and Clerk be authorized to execute any documents required by the approval of these applications.

### **Background:**

The statutory public meeting was held by the Planning Advisory Committee on March 7, 2018 and following resolution was passed:

#### **PAC2018-015**

**Moved By** Councillor Veale

**Seconded By** Councillor Macklem

**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.

**CARRIED**

This report addresses that direction.

The existing draft approved residential plan of subdivision consists of 141 residential units and 10 blocks, and 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, the current proposal will modify the existing draft approved plan of subdivision to bring it into conformity with the current Provincial plans and policies. The revised draft plan of subdivision consists of 146 single detached dwelling residential lots 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.

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, Residential One Special Six (R1-S6) Zone, Residential One Holding Four [R1(H4)] Zone, Residential Two (R2) Zone, Open Space (OS) Zone and Open Space Special Two (OS-S2) 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: Vacant lands

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, and consists of 3 new municipal roads. See Appendix A. Access to the subdivision is on Connolly Road, which lies opposite to Orchard Park Road. The other two municipal roads will be Hennessey Crescent and Hancock Crescent. See Appendix B. The proposed subdivision will be developed on full municipal services.

The Official Plan Amendment proposes to amend Schedule A of the Lindsay Official Plan for clarification purposes. Currently, both Schedule A and Schedule JC2 provide land use designations on the property. The amendment will remove the land use designations from Schedule A, such that the land use designation on Schedule JC2 prevails. Schedule B currently identifies the land is within the Jennings Creek Community Development Plan area.

The Zoning By-law Amendment proposes to reconfigure the zone boundaries to match the revised Residential lot patterns; to change the zoning from the Parks and Open Space (OS) Zone to a Residential Two (R2) Zone on the south east part of the development; to expand the Parks and Open Space Special Two (OS-S2) Zone for the proposed stormwater management pond and emergency access; and to exempt certain corner lots from the entrance requirement in the General Provisions section of the Lindsay Zoning By-law.

The applicant has submitted the following plan and report 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.

### **Provincial Policies:**

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

The Growth Plan 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 Growth Plan.

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

The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The Statement 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.

Planning for sewage, water, and stormwater shall be in accordance with Section 1.6.6 of the Statement. 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. The proposed Stormwater management pond has been enlarged, to comply with current Ministry of the Environment and Climate Change standards.

Development and site alteration shall be directed in accordance with the policies of Section 2 and 3 of the Statement. 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 Statement; and is not located within any natural hazards, as identified in Section 3 of the Statement.

Therefore, these applications are consistent with the Provincial Policy Statement.

## **Official Plan Conformity:**

The development subject to this proposal is 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 (Official Plan). The applicant submitted an application to amend Schedule A of the Official Plan, to clarify which land use designations and associated policies would apply to the proposed development. The lots are identified as part of the Jennings Creek Community Development Plan Area on Schedule B of the Official Plan, therefore, the amendment will identify that the lands are subject to the land use designations on Schedule JC2.

The Residential designation on Schedule JC2 will apply to this development. The predominant use of lands shall be for a variety of dwelling types. The designation permits low and medium density residential development subject to the availability of servicing and compatibility with surrounding uses. The proposed development generally conforms to these development policies.

Section 5.2.2 of the Official Plan contains policies to support sequential and orderly development. This will be accomplished by:

- only granting planning approvals to those lands, which are likely to develop within three (3) years from the time that the original planning application was approved; and
- limiting the total number of units to which planning approvals can be granted at a time to generally not greater than 100 residential units, unless the applicant/owner can justify market support above the 100 unit provision.

The existing conditions of draft plan of subdivision apply to 141 residential units, which were approved prior to the adoption of the Official Plan. The revised draft plan of subdivision includes an additional 5 units. As such, phasing of the additional 5 units will not be required. However, a three (3) year lapsing provision has been included in the revised conditions of draft plan of subdivision, in accordance with the Official Plan.

Section 5.2.3 of the Official Plan indicates that development and re-development in the Town of Lindsay shall be dependent upon the availability of servicing capacity in the Town. Draft approved plans may proceed to registration provided that sufficient servicing capacity exists. With the Northwest Trunk project now complete, conformity with the servicing allocation policies as set out in Section 5.2.3 have been demonstrated.

On this basis, the proposal conforms to the policies of the Official Plan.

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

The applicant has submitted a Zoning By-law Amendment application, to change the zoning on the property. The development is currently zoned R1, R1-S6,

R1(H4), R2, OS, and OS-S2 zones in the Town of Lindsay Zoning By-law 2000-75. The application, as proposed, will result in the following changes: converting a portion of the OS zone to the R1 and R2 zones; converting a portion of the R1-S6 zone to the OS-S2 zone; making changes to the R1-S6 and OS-S2 zone provisions; and creating the R1-S17 and R2-S37 zones.

The purpose of the changes to the provisions is as follows:

<b>Site-Specific Zone Requirements:</b>	<b>Development Standard</b>	<b>Purpose of Amended Standard:</b>
R1-S6	To permit a park or trail as a use; and site-specific setback to the top of slope of the valleyland for any buildings	Remove park or trail as a permitted use
R1-S17	Location of driveway in relation to street intersection	Allow a driveway to be located closer than 15 metres to the limits of the right-of-way at a street intersection
R2-S37	Location of driveway in relation to street intersection	Allow a driveway to be located closer than 15 metres to the limits of the right-of-way at a street intersection
OS-S2	Stormwater pond as a permitted use, and site-specific setback to top of slope of the valleyland for any buildings	To include an emergency access as a permitted use

The proposed amendments to the schedule would remove the OS zone from the block which would have become the park and apply the R1 and R2 zones; expand the OS-S2 zone to include the larger area for the proposed stormwater management pond and emergency access; and realign the remainder of the residential zoning based on the revised lot pattern.

### **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 Local Planning Appeal Tribunal. 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 to the City, and implements newer environmental 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. A Public Meeting was held at the Planning Advisory Committee meeting on March 7, 2018. As of May 25, 2018, we have received the following comments:

### Public Comments:

March 6, 2018	Brett and Jamie Jermyn submitted an email stating they have 2 concerns: conversion of the open space lands to residential, and the configuration of the proposed Lot 140.
March 7, 2018	Verbal comments provided at the public meeting by 6 area residents. Concerns included the proposed loss of future park land, the elimination of one of the new streets accessed from Angeline Street North, and whether sidewalks will be provided within the development.
March 9, 2018	Darlene McIntyre submitted an email stating that she was advised through the original approval for draft plan that there would be green space provided in the development, and that other parks in the area are not easily accessed without crossing very busy through fares.

March 11, 2018 Joe McColl submitted an email stating he has 3 concerns: that there is no dedicated parkland in this proposal, that the second entrance to the subdivision has been eliminated, and the location of the sidewalks within the reduced right-of-way for the main street access.

Agency Review 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.
March 1, 2018	Chippewas of Rama First Nation advised that it has received the notice of public meeting and has shared it with Council, and forwarded it on to the Williams Treaties First Nation Process Co-ordinator/Negotiator.
April 3, 2018	The Community Services Department advised that it requires 5% cash-in-lieu of parkland and a pedestrian walkway corridor linking the roadway to the existing Joan Parkette for this proposal. Future lands have already been identified in the Jennings Creek Community Development Plan area for future neighbourhood and community parks, and the City is not seeking to expand or take new parkettes.
April 18, 2018	The Engineering and Corporate Assets Department provided updated draft plan of subdivision conditions.
April 24, 2018	The Kawartha Region Conservation Authority provided updated draft plan of subdivision conditions.
May 7, 2018	Curve Lake First Nation advised that it has received the notice of public meeting and has suggested it be shared with the Williams Treaties First Nation Process Co-ordinator/Negotiator. They also advised they wish to be contacted should any excavation unearth bones, remains, or other such evidence of a native burial site.
May 14, 2018	The Kawartha Region Conservation Authority provided additional comments regarding an updated Stormwater Management Brief.

**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. The applications conform to the 2017 Growth Plan, and are consistent with the 2014 Provincial Policy Statement. Conformity with the Town of Lindsay Official Plan has also been demonstrated. The rezoning will permit 146 single detached dwellings to be constructed on their

respective lots. Site-specific exception zones have been provided to accommodate the appropriate development standards for the respective lots.

In response to the public concerns noted above, relating to the second road access, the loss of parkland, the narrowing of the street right-of-way and installation of sidewalks: Block 149 provides for a 7 metre wide emergency access for emergency services; the Community Services Department has advised that cash-in-lieu of parkland is required for this development, in place of dedicated parklands, as there is no demand to take parkettes within the City, and future lands will be taken in the Jennings Creek Development Plan area. The Engineering and Corporate Assets Department has requested a 20 metre wide road right-of-way, which would include all municipal services, including sidewalks. Block 151 is being deeded to the City as a widening for the Angeline Street North right-of-way.

### **Conclusion:**

In consideration of the comments and issues contained in this report, Staff respectfully recommends that the proposed Official Plan and Zoning By-law Amendment applications along with the application for Revised Draft Plan of Subdivision be referred to Council for APPROVAL.

### **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**



PLAN2018-050  
Appendix A.pdf

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



PLAN2018-050  
Appendix B.pdf

#### **Appendix 'C' – Proposed Official Plan Amendment**



PLAN2018-050  
Appendix C.pdf

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



PLAN2018-050  
Appendix D.pdf

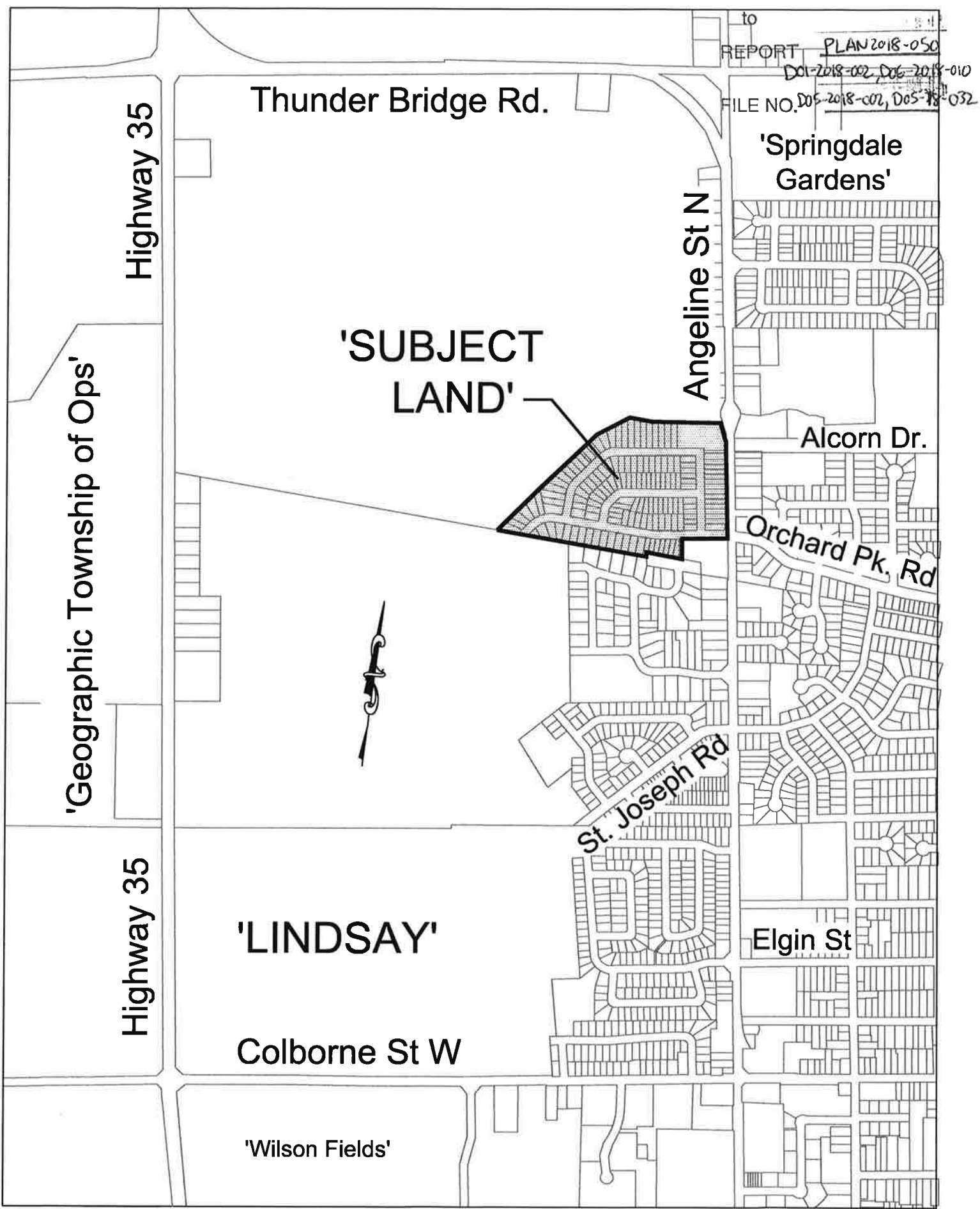
## Appendix 'E' – Proposed Revised Draft Plan Conditions



PLAN2018-050  
Appendix E.pdf

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**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



REPORT PLAN 2018-050

FILE NO. DOS-2018-002+DOS-18-032

17324-18

**The Corporation of the City of Kawartha Lakes** REPORT PLAN2018-050  
D01-2018-002, D06-2018-010  
**By-Law 2018-** FILE NO. D05-2018-002 + D05-18-032

**A By-Law to Amend the Town of Lindsay Official Plan to Re-designate Land within the City of Kawartha Lakes**

[File D01-2018-002, Report PLAN2018-050, respecting Part of Lot 24, Concession 4 (Formerly Ops) 57R-7234, Parts 9 to 14, Former Town of Lindsay, Vacant Land on Angeline Street North – CIC Developments Inc.]

**Recitals:**

1. Sections 17 and 22 of the Planning Act, R.S.O. 1990, c. P.13, authorize Council to consider the adoption of an amendment to an Official Plan.
2. Council has received an application to amend the Town of Lindsay Official Plan to amend Schedule 'A' for clarification purposes, to remove the land use designations from Schedule 'A' and allow the land use designations on Schedule 'JC2' to prevail, to facilitate the creation of one hundred and forty-six (146) residential lots and five blocks by plan of subdivision under Section 50 of the Planning Act to the property known municipally as Vacant Land on Angeline Street North.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to adopt Official Plan Amendment Number 53.

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

**Section 1:00 Official Plan Amendment Details**

- 1.01 **Property Affected:** The property affected by this By-law is described as Part of Lot 24, Concession 4 (Formerly Ops) 57R-7234, Parts 9 to 14, Former Town of Lindsay, now in the City of Kawartha Lakes, Vacant Land on Angeline Street North.
- 1.02 **Amendment:** Amendment No. 53 to the Town of Lindsay Official Plan, attached hereto as Schedule 'A' and forming a part of this By-law is hereby adopted.

**Section 2:00 Effective Date**

- 2.01 **Force and Effect:** This By-law shall come into force and take effect on the date it is finally passed, subject to the approval of the City of Kawartha Lakes in accordance with the provisions of Section 17 and 22 of the Planning Act, R. S. O. 1990, c. P.13. Notwithstanding the subsequent coming into force of the Lindsay Secondary Plan, adopted by Council on June 27, 2017, this by-law continues to be in force and effect.

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

\_\_\_\_\_  
Andy Letham, Mayor

\_\_\_\_\_  
Cathie Ritchie, City Clerk

APPENDIX " C "  
to 2/5

REPORT PLAN 2018-050

D01-2018-002, D06-2018-010

FILE NO. D05-2018-002 + D05-18-032

**Schedule 'A' to By-law No. 2018-\*\*\***

The Corporation of the City of Kawartha Lakes

REPORT PLAN2018-050  
D01-2018-002, D06-2018-00**Amendment No. 53 To The Official Plan – The Town of Lindsay** FILE NO. D05-2018-002 + D05-18-032**Part A – The Preamble****A. Purpose**

The purpose of the official plan amendment is to remove the land use designations on Schedule 'A', and identify the subject lands as being within the Jennings Creek Community Development Plan area. The land is also subject to an application for zoning by-law amendment and revised draft plan of subdivision.

The effect of the change would clarify that development of the land is subject to the Jennings Creek Community Development Plan policies, and would permit a plan of subdivision to create one hundred and forty-six (146) residential lots within the "Residential" designation of the subject land.

**B. Location**

The subject land has a lot area of approximately 12.6 hectares and is located on the west side of Angeline Street North, between Joan Parkette and Jennings Creek, in the Former Town of Lindsay. The property is legally described as Part of Lot 24, Concession 4 (Formerly Ops) 57R-7234, Parts 9 to 14, Former Town of Lindsay, now City of Kawartha Lakes and identified as Vacant Land on Angeline Street North.

**C. Basis**

Council has enacted this official plan amendment in response to an application submitted by Bousfields Inc. on behalf of CIC Developments Inc. to permit the creation of a one hundred and forty-six (146) lot plan of subdivision on the subject land. It is intended that the lot be identified on Schedule 'A' as being within the area "Refer to Volume II, Section 2 (Schedule JC2)" to facilitate a concurrent application for the creation of a one hundred and forty-six (146) lot plan of subdivision under Section 50 of the Planning Act for the subject land known municipally as Vacant Land on Angeline Street North. No buildings or structures will be permitted within 8 metres of the top of the slope of the Jennings Creek valleylands within the provisions of the implementing zoning by-law.

The land is designated "Residential" and "Open Space, as shown on Schedule "A", and designated "Residential" as shown on Schedule "JC2", respectively, of the Town of Lindsay Official Plan. The land is also subject to an application for zoning by-law amendment and draft plan of subdivision.

The proposed use and amendment to the Town of Lindsay Official Plan is justified and represent good planning for the following reasons:

1. The proposed development conforms to relevant provincial policy documents being the Growth Plan for the Greater Golden Horseshoe and is consistent with the Provincial Policy Statement.
2. The proposed development conforms to the goals and objectives of the "Residential" designation as set out in the Town of Lindsay Official Plan.
3. The proposed use is compatible and integrates well with the surrounding area.
4. The applicant has submitted background reports to demonstrate the appropriateness of the proposed development with respect to servicing and the protection of the environment.

## **Part B - The Amendment**

### **D. Introductory Statement**

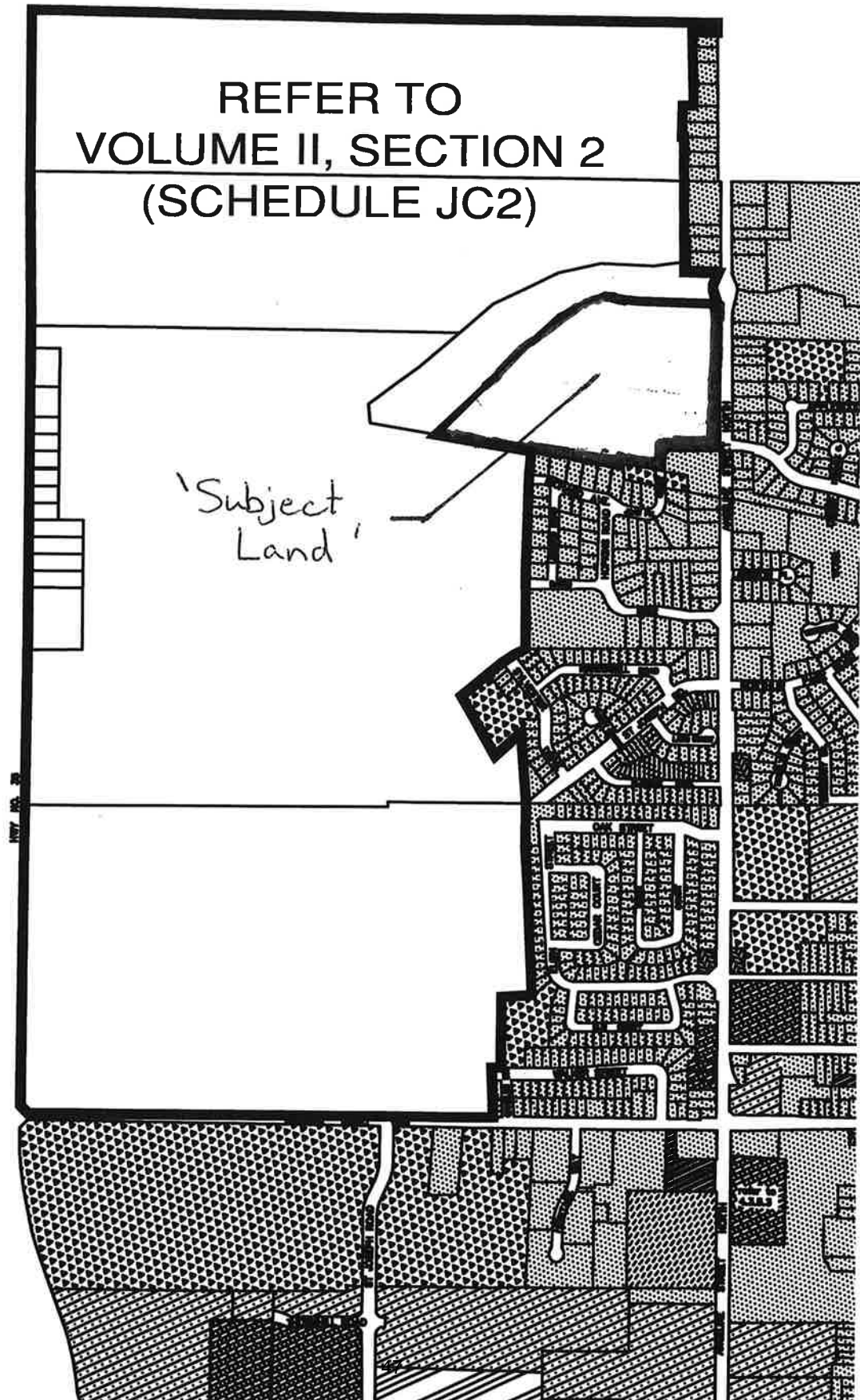
All of this part of the document entitled Part B – The Amendment, consisting of the following text and the attached map constitutes Amendment No. 53 to the Town of Lindsay Official Plan.

### **E. Details of the Amendment**

1. Schedule 'A' of the Town of Lindsay Official Plan is hereby amended by including the lot within the area identified as "Refer to Volume II, Section 2 (Schedule JC2)", as shown on Map 'A' as 'Subject Land'.

### **F. Implementation and Interpretation**

The implementation and interpretation of this amendment shall be in accordance with the relevant policies of the Official Plan.



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

**By-Law 2018 -**

REPORT PLAN2018-050  
D01-2018-002, D06-2018-010  
FILE NO. D05-2018-002+ D05-18-032

**A By-Law To Amend The Town of Lindsay Zoning By-Law No. 2000-75  
To Rezone Land Within The City Of Kawartha Lakes**

[File D06-2018-010, Report PLAN2018-050, respecting Part of Lot 24, Concession 4 (Formerly Ops) 57R-7234, Parts 9 to 14, Former Town of Lindsay, identified as Vacant Land on Angeline Street North – CIC Developments Inc.]

**Recitals:**

1. Sections 34 and 36 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 permit a 146 residential plan of subdivision, and to amend the development standards 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 Lot 24, Concession 4 (Formerly Ops) 57R-7234, Parts 9 to 14, Former Town of Lindsay, City of Kawartha Lakes.

1.02 **Textual Amendment:** By-law No. 2000-75 of the Town of Lindsay is further amended by deleting Section 6.3.10 and replacing it with the following:

6.3.10 R1-S6 Zone

Notwithstanding the zone requirements on land zoned R1, on land zoned R1-S6, all buildings and structures shall be setback a minimum of 8 metres from the top of the slope of the Jennings's Creek valleylands.

1.03 **Textual Amendment:** By-law No. 2000-75 of the Town of Lindsay is further amended to add the following section to Section 6.3:

6.3.24 R1-S19 Zone

Notwithstanding any other provisions of this by-law, Section 5.12 (j)(v) shall not apply.

- 1.04 **Textual Amendment:** By-law No. 2000-75 of the Town of Lindsay is further amended to add the following section to Section 7.3:

7.3.42 R2-S37 Zone

Notwithstanding any other provisions of this by-law, Section 5.12 (j)(v) shall not apply.

- 1.05 **Textual Amendment:** By-law No. 2000-75 of the Town of Lindsay is further amended by deleting Section 23.3.3 and replacing it with the following:

23.3.3 OS-S2 Zone

Notwithstanding the permitted uses and zone requirements on land zoned OS, on land zoned OS-S2, the following shall also apply:

- i. A stormwater management facility shall be a permitted use.
- ii. An emergency access shall be a permitted use.
- iii. All buildings and structures shall be setback a minimum of 8 metres from the top of the slope of the Jennings's Creek valleylands.

- 1.06 **Schedule Amendment:** Schedule 'A' to By-law No. 2000-75 of the Town of Lindsay is further amended to change the zone category from the "Residential One (R1)", "Residential One Special Six (R1-S6)", "Residential One Holding Four [R1(H4)]", "Residential Two (R2)", "Open Space (OS)", and "Open Space Special Two (OS-S2)" Zones to the "Residential One (R1)", "Residential One Special Six (R1-S6)", "Residential One Special Nineteen (R1-S19)", "Residential One Holding Four [R1(H4)]", "Residential Two (R2)", "Residential Two Special Thirty-Seven (R2-S37)", "Open Space (OS)", and "Open Space Special Two (OS-S2)" Zones for the land referred to as 'R1', 'R1-S6', 'R1-S19', 'R1(H4)', 'R2', 'R2-S37', 'OS', and 'OS-S2', 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 Sections 34 and 36 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.

\_\_\_\_\_  
Andy Letham, Mayor

\_\_\_\_\_  
Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF  
**KAWARTHA LAKES**

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

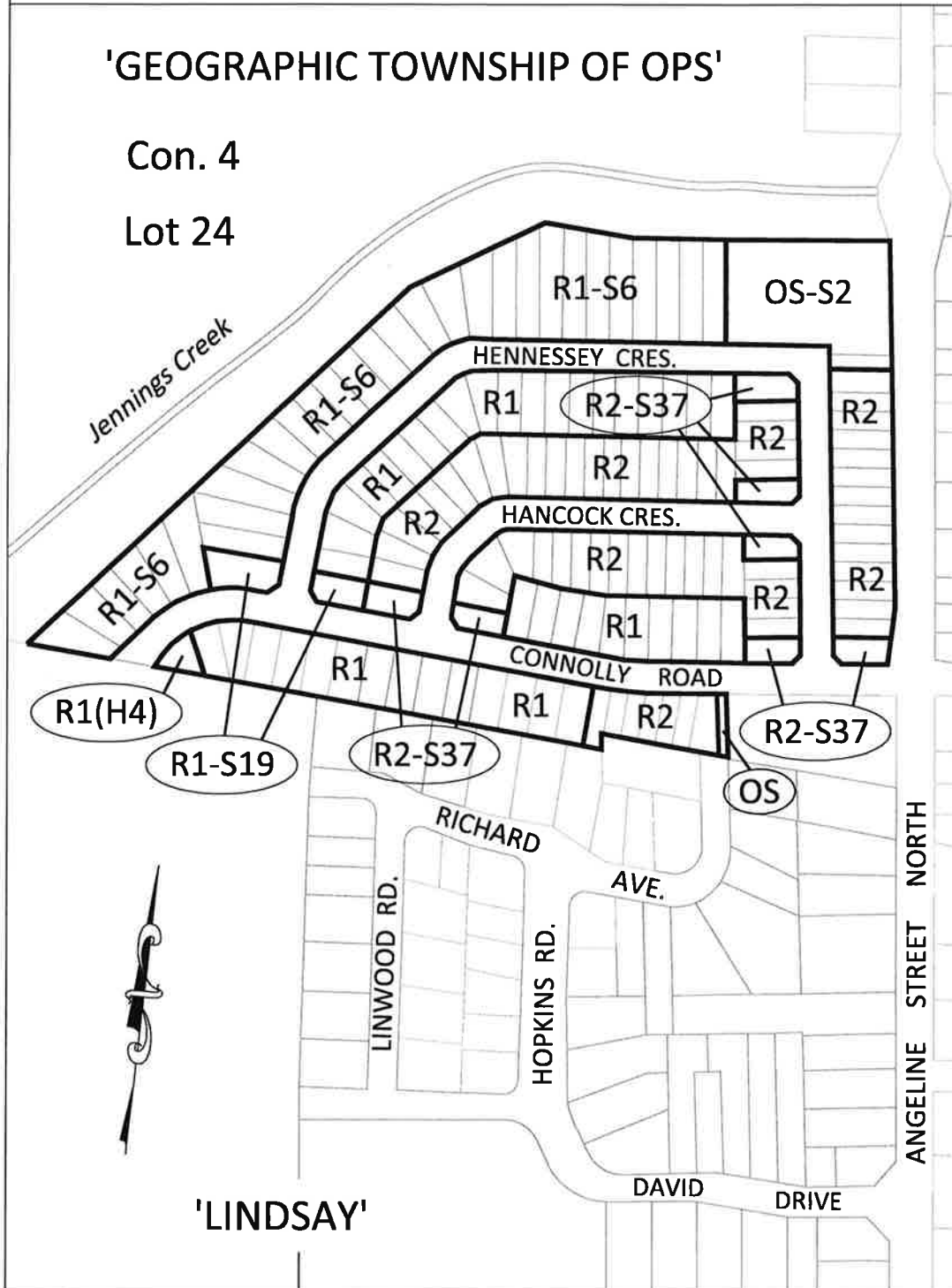
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2018

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

**'GEOGRAPHIC TOWNSHIP OF OPS'**

Con. 4

Lot 24





## Conditions of Draft Plan Approval – CIC Developments Inc.

### Part A – Conditions

#### **General Conditions**

1. This approval applies to the revised draft plan of subdivision 16T-88009 prepared by Bousfields Inc. Project No. P-0380-M-PLAN, Drawing No. 17324-1sk, dated November 20, 2017, which shows a total of 146 single detached lots, being Lots 1 to 146 inclusive, Block 147 for a residential reserve, Block 148 for a stormwater management pond, Block 149 for a walkway and emergency access, Block 150 for a walkway, and Block 151 for a road widening.
2. Prior to the signing of the final plan by the Director, a Subdivision Agreement shall be entered into and executed by the Owner and the City to satisfy all financial, legal, and engineering matters, including the design, provision and installation of roads, services, sidewalks, on-street illumination, tree plantings, walkways, daylight triangles, road signs, traffic signals, stormwater management facilities and drainage works, and all recommendations contained in related technical reports approved by the City.
3. The Subdivision Agreement shall include the payment of all applicable development charges in accordance with applicable Development Charges By-law.
4. The Owner agrees, in writing, to the registration of the Subdivision Agreement against the land to which it applies once the plan of subdivision has been registered.
5. The road allowances included in this draft plan shall be shown and dedicated as public highway.
6. The streets shall be named to the satisfaction of the City.
7. Civic addressing shall be assigned on the basis of lots being subdivided in the future, to the satisfaction of the City, and that the assignment of civic addresses be included in the Subdivision Agreement.
8. The Owner and the City shall agree in the Subdivision Agreement that:
  - a) No building permit will be issued for any individual lot or block until underground municipal services are installed and operational and the roadway is constructed to base asphalt condition.
  - b) All lots and blocks will be developed in accordance with the approved engineering design for the subdivision.
  - c) The building permit applicant for each such lot or block shall submit individual lot grading and drainage plans and receive approval from the City prior to the issuance of a building permit.

9. The schedule to the Subdivision Agreement entitled "Special Warnings and Notices" shall incorporate a notice advising of the existence of the City's Noise By-law and warning that construction activities within the subdivision may be subject to regulation and/or restrictions thereunder.
10. The Owner shall agree in the Subdivision Agreement to submit to the City, prior to commencing the installation of services, a construction management plan to regulate the routing of construction traffic for all phases of the development through an access provided to the development from Angeline Street. Measures to minimize construction debris on the roads as well as road cleaning at the Owner's expense will be included in the Subdivision Agreement. The Subdivision Agreement shall specify that the Construction Management Plan will be in force until assumption.
11. The Owner shall agree that prior to entering into a Subdivision Agreement with the City, the Owner has fulfilled all obligations to the City required under a Pre-Servicing Agreement, if applicable.
12. The Owner agrees, prior to offering any Blocks, Lots, dwellings, commercial units for sale, to display a map on the wall of the sales office in a place readily accessible to potential homeowners that indicates the location of surface infrastructure and streetscaping, within the development. In addition, the Owner agrees to have the Schedule "A" subdivision agreement engineering drawings available for review by all potential homeowners

### **Zoning**

13. Prior to the signing of the final plan by the Director, the Planning Division shall confirm that any amendment to the Zoning By-law necessary to implement this plan has been approved and is in effect.
14. An Ontario Land Surveyor shall certify that the proposed lot frontages and areas appearing on the final plan conform to the requirements of the Town of Lindsay Zoning By-law.

### **New and Expanded Public Roads and Traffic**

15. The Owner shall convey to the City, at no cost, the land comprising the new public streets, day-lighting triangles, road widenings, and 0.3 metre reserves, as shown on the draft plan, such land to be free and clear of all encumbrances. These lands shall be dedicated as public highways.
16. The Subdivision Agreement between the Owner and the City shall provide that the Owner agrees to design and construct, entirely at its expense, the roadways, sidewalks, and all municipal services for the proposed subdivision, and any external improvements adjacent to the proposed subdivision in accordance with all recommendations contained in related technical reports approved by the City.
17. Any dead ends and open sides of road allowances created by this draft plan shall be terminated in 0.3 metre reserves to be conveyed to, and held in trust by, the City, specifically, the dead end at west end of Connolly Road.

18. The Owner shall design and construct, entirely at his or her expense, a temporary turning circle at the west end of the Connolly Road right of way and Block 147.
19. The Owner shall convey to the City an easement/right of way, at no cost and free and clear of encumbrances, for the full width and length of the temporary turning circle.
20. The Subdivision Agreement shall require the Owner to provide an overall traffic lane marking and signage plan for all internal roadways to the City's satisfaction, including any external improvements adjacent to the proposed subdivision identified as being required or recommended in related technical reports approved by the City. The installation of pavement markings and signage, as well as any required modifications to existing pavement markings and signage, shall be at the Owner's expense and responsibility and specific to the detailed engineering design of the subdivision and to the satisfaction of the City.
21. The Owner shall provide a comprehensive streetscaping plan showing all above-ground utilities, streetlights, street furniture, street tree planting, and/or boulevard landscaping, specific to the detailed engineering design of the subdivision and to the satisfaction of the City.
22. The Subdivision Agreement shall include provisions concerning the precise location of required fencing, commercial grade black vinyl chain link and/or acoustical fencing, specifically related to the detailed engineering design of the subdivision and to the satisfaction of the City.

### Site Servicing

23. The Subdivision Agreement shall provide for the installation of a municipal water supply system, sanitary sewage collection system, storm collection system, and stormwater management system to the satisfaction of the City and furthermore, upon satisfactory final inspection, shall provide for the assumption of such systems by the City. The construction and conveyance of the municipal infrastructure shall be at the Owner's expense and responsibility.
24. The Owner agrees that all residential sanitary services shall drain by gravity and not use sump pumps and grinder pumps for drainage.
25. The Owner agrees that each of the approved lots will be connected to the City's municipal water and sanitary systems, to the satisfaction of the City.
26. Prior to the signing of the final plan by the Director, the Owner shall obtain an approved Form 1 – Record of Watermains Authorized as a Future Alteration from the Director of Public Works for the water works in accordance with the Safe Water Drinking Act and the Environmental Protection Act.
27. Prior to the signing of the final Plan by the Director, the Owner shall obtain an Environmental Compliance Approval (ECA) from the Ministry of the Environment and Climate Change for the municipal sewer works in accordance with the Ontario Water Resources Act and the Environmental Protection Act. The Subdivision Agreement shall reference the applicable ECA numbers.

### Stormwater Management

FILE NO. \_\_\_\_\_

28. The Owner shall submit a Stormwater Management Facility Operations, Maintenance and Assumption Report, for the use of the Stormwater Management Facility throughout the phases and stages of development of the subdivision until final assumption of the facility by the City of Kawartha Lakes.
29. Prior to final approval and any on-site grading taking place, the Owner shall submit a stormwater management report for quantity and quality control, prepared by a qualified Professional Engineer in accordance with the applicable standards and guidelines to the satisfaction of the Kawartha Region Conservation Authority and the City. The report shall identify opportunities for Low Impact Development solutions applicable to the site specific conditions.
30. Prior to final approval and any grading taking place, the Owner shall submit an erosion and sediment control plan detailing the measures that will be implemented before, during and after construction to minimize soil erosion and sedimentation prepared to the satisfaction of the Kawartha Region Conservation Authority and the City. The plan shall contain a proactive targeted multi-barrier approach with emphasis on erosion control.
31. Prior to final approval and any grading taking place, the Owner shall submit a phosphorous assessment identifying pre-development loadings, anticipated post-development loadings, and opportunities for phosphorus reduction (e.g. best management practices for stormwater management) to the Kawartha Region Conservation Authority for review. This assessment should quantify best efforts to achieve no net increase from pre-development levels.
32. Prior to final approval and any grading taking place, the Owner shall submit a landscaping/planting plan for the stormwater management pond prepared to the satisfaction of the Kawartha Region Conservation Authority and the City.
33. That, the Subdivision Agreement shall contain, among other matters, the following provisions:
  - a) That, the Owner agrees to carry out the recommendations of the approved stormwater management report and the approved erosion and sediment control plan. The Agreement shall contain a reference to the plans and reports approved by the Kawartha Region Conservation Authority and the City.
  - b) That, the Owner agrees to implement all erosion and sediment control structures in a functional manner prior to the site disturbance and maintain these structures operating in good repair during and after the construction period, until such time as all disturbed soil surfaces have become stabilized and/or revegetated.

### Conditions for Fencing and Trail Connectivity Conditions

34. The Subdivision Agreement shall include provisions concerning fencing the rear lot lines of Lots 95 to 116, Lots 120 to 125, and Lots 140 to 146 with commercial grade black chain link fence.

### Conveyance of Lands for Municipal Purposes

FILE NO. \_\_\_\_\_

35. The street(s) to be constructed in this development shall be conveyed and dedicated to the City of Kawartha Lakes for public highway purposes at no cost to the City and free of all liens and encumbrances.
36. The Owner shall convey Block 147 to the City free and clear of encumbrances for a temporary turning circle.
37. The Owner shall convey Block 148 to the City free and clear of encumbrances for a stormwater management pond.
38. The Owner shall convey Block 149 to the City free and clear of encumbrances for a walkway and emergency services access.
39. The Owner shall convey Block 150 to the City free and clear of encumbrances for a walkway.
40. The Owner shall convey Block 151 to the City free and clear of encumbrances for a road widening.

### Parkland

41. The Owner agrees that the City, pursuant to subsection 51.1(3) of the Planning Act, accepts payment in lieu of the 5% conveyance of parkland. For the purpose of determining the amount of any such payment, the value of the land shall be determined by an accredited appraiser (CRA or AACI). The date of this appraisal shall be no later than the day before the date of the notice of decision to grant draft plan approval or the date of the most recent extension pursuant to subsection 51(33) of the Planning Act, to the approval of the draft plan of subdivision. The City is not required to accept the appraisal report and reserves the right to have the appraisal report peer reviewed and to negotiate the cash-in-lieu payment.

### Easements and Agency Specific Conditions

42. That satisfactory arrangements, financial and otherwise, shall be made with Bell Canada for any Bell underground facilities serving the subdivision.
43. That the Owner agrees in the Subdivision Agreement with the City to grant Bell Canada any easements that may be required for telecommunication purposes.
44. That if there are any conflicts with existing Bell Canada facilities or easements, the Owner/developer shall be responsible for rearrangements or relocation.
45. That Owner shall agree in the Subdivision Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the events of any conflict with existing Bell Canada facilities or easements, the Owner/developer shall be responsible for the relocation of such facilities or easements.
46. The Owner is hereby advised that prior to commencing any work within the Plan, the Owner must confirm that sufficient wire-line communication / telecommunication infrastructure is currently available within the proposed

development to provide communication / telecommunication service to the proposed development. In the event that such infrastructure is not available, the Owner is hereby advised that the Owner may be required to pay for the connection to and/or extension of the existing communication / telecommunication infrastructure. If the Owner elects not to pay for such connection to and/or extension of the existing communication / telecommunication infrastructure, the Owner shall be required to demonstrate to the municipality that sufficient alternative communication / telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication / telecommunication services for emergency management services (i.e., 911 Emergency Services).

47. That prior to the signing of the final plan by the Director, the Owner shall satisfy all requirements, financial and otherwise, of the Hydro One Networks Inc.
48. That the Owner enters into a Subdivision Servicing Agreement for Electrical Servicing with Hydro One Networks Inc. This Servicing Agreement will specify all the terms, conditions, and financial obligations to facilitate the extension of electrical servicing to these lands. Hydro One may as part of its Electrical System Servicing Agreement, require a type of Development Charge or Systems Capital Contribution Fee towards the provision of system(s) capacities expansion outside of the development but necessary to ensure the integrity of the Company's Power distribution grid.
49. That the Subdivision Agreement contain a provision to ensure that the Owner grade all boulevards to final pre-soil subgrade elevation prior to the installation of the gas lines, and provide the necessary field survey information required for the installation of the gas lines, all to the satisfaction of Enbridge Gas Distribution Inc.
50. The Owner will consult with Canada Post to determine suitable permanent locations for the Community Mail Boxes.
51. The Owner agrees in the Subdivision Agreement, prior to offering any Blocks, Lots, dwellings, commercial units for sale, to display a map in a place readily accessible to potential homeowners that indicates the location of all Community Mail Boxes within the development, as approved by Canada Post.
52. The Owner agrees to include in all offers of purchase and sale a statement which advises the purchaser that mail will be delivered via Community Mail Box. The Owner also agrees to note the locations of all Community Mail Boxes within the development /subdivision, and to notify affected homeowners of any established easements granted to Canada Post to permit access to the Community Mail Box.
53. The Owner will provide a suitable and safe temporary site for a Community Mail Box until curbs, sidewalks and final grading is completed at the permanent Community Mail Box locations. Canada Post will provide mail delivery to new residents as soon as the dwellings / units are occupied.
54. The Owner agrees to provide the following for each Community Mail Box site and to include these requirements on the appropriate servicing plans:
  - a) any culvert and granular access subject to municipal requirements;

- b) any required walkway across the boulevard, per municipal standards; and
- c) any required curb depressions for wheelchair access, with an opening of at least two metres (consult Canada Post for detailed specifications).

### Special Conditions

55. That subsequent to the execution of the Subdivision Agreement by the Owner and prior to the signing of the final plan by the Director, the City Treasurer shall confirm in writing to the Director that all financial obligations and payments to the City, as set out in the Subdivision Agreement, in accordance with condition 2, have been satisfied including, but not limited to:
- a) all applicable Development Charge payments in accordance with the requirements of all applicable Development Charge By-laws,
  - b) all applicable Capital Charge payments in accordance with the requirements of all applicable Capital Charge By-laws,
  - c) all applicable Local Improvement payments in accordance with the requirements of all applicable Local Improvement By-laws,
  - d) all applicable fees payable in accordance with the requirements of all applicable municipal by-laws, including fee by-laws,
  - e) the form and amount of the securities that the Owner is required to have posted to secure its obligations under the Subdivision Agreement, including the identification of any reduction in such securities that has already been incorporated into the Subdivision Agreement,
  - f) where there has been such a reduction in such securities, a Statutory Declaration submitted on behalf of the Owner confirming payment of all accounts for material, labour and equipment employed in the installation of the services on whose completion such reduction has been computed and applied, and
  - g) any financial obligations with which the Owner's compliance has been deferred or from which the Owner has been exempted pursuant to the terms of the Subdivision Agreement.

It is acknowledged that prior to the signing of the final plan by the Director, a copy of the Subdivision Agreement will be forwarded to Planning Advisory Committee for endorsement which will include a Planning Report along with the financial reporting as outlined above.

### Clearance Conditions

56. Prior to the signing of the final plan by the Director, the Owner will ensure that clearance letters from the appropriate authorities have been submitted to the Planning Division so as to confirm how the above noted conditions have been satisfied.
57. Prior to the signing of the final plan by the Director, the Development Services Department shall confirm that conditions 1 to 27 both inclusive, and 34 to 40 both inclusive have been satisfied.

58. Prior to the signing of the final plan by the Director, the Engineering and Corporate Assets Department shall confirm that conditions 10 to 12 both inclusive and 15 to 33 both inclusive have been satisfied.
59. Prior to the signing of the final plan by the Director, the Owner shall provide to the Planning Division a clearance letter from the Taxation and Revenue Division indicating how condition 55 has been satisfied.
60. Prior to the signing of the final plan by the Director, the Owner shall provide to the Planning Division a clearance letter from the Kawartha Region Conservation Authority indicating how conditions 29 to 33 both inclusive have been satisfied.
61. Prior to the signing of the final plan by the Director, the Owner shall provide to the Planning Division a clearance letter from the Community Services Department indicating how condition 41 has been satisfied.
62. Prior to the signing of the final plan by the Director, the Owner shall provide to the Planning Division a clearance letter from Bell Canada indicating how conditions 42 to 46 both inclusive have been satisfied.
63. Prior to the signing of the final plan by the Director, the Owner shall provide to the Planning Division a clearance letter from Hydro One Networks Inc. indicating how conditions 47 and 48 have been satisfied.
64. Prior to the signing of the final plan by the Director, the Owner shall provide to the Planning Division a clearance letter from Enbridge Consumer Gas indicating how condition 49 has been satisfied.
65. Prior to the signing of the final plan by the Director, the Owner shall provide to the Planning Division a clearance letter from the Canada Post Corporation indicating how conditions 50 to 54 both inclusive have been satisfied.

### **Part B – Lapsing Provision**

All conditions shall be fulfilled and satisfied, and final approval shall be given or this draft plan approval shall be deemed to have lapsed pursuant to the Planning Act, R.S.O. 1990, as amended, after three (3) years from the date the Notice of Decision is sent out with respect to this draft approval.

Extensions to draft approval may be considered provided that existing technical reports remain applicable or updates are provided and the provisions of By-law 2016-065, as amended are met.

### **Notes to Draft Plan Approval of 16T-88009 (D05-2018-002 & D05-18-032)**

#### **1. Clearance Letters**

It is the Owner/applicant's responsibility to fulfill the conditions of draft approval and to ensure that the required clearance letters have been forwarded by the appropriate agencies / utility companies to the City of Kawartha Lakes to the attention of the Director of Development Services quoting the above noted file. For your information the following are the contacts:

Juan Rojas, Director  
Engineering and Corporate Assets  
Department  
City of Kawartha Lakes  
12 Peel Street  
Lindsay, ON K9V 3L8  
Tel: 705.324.9411 ext. 1151  
Fax: 705. 328.3122

Craig Shanks, Director  
Community Services Department  
City of Kawartha Lakes  
50 Wolfe Street,  
Lindsay, ON K9V 2J2  
Tel: 705.324.9411 ext. 1307  
Fax: 705.324.2051

Chris Marshall, Director  
Development Services Department  
City of Kawartha Lakes  
180 Kent Street West, 2<sup>nd</sup> Floor  
Lindsay, ON K9V 2Y6  
Tel: 705.324.9411 ext. 1239  
Fax: 705.324.4027

Ron Warne, Director of Planning,  
Development and Engineering  
Kawartha Conservation  
277 Kenrei Road,  
Lindsay, ON K9V 4R1  
Tel: 705.328-2271  
Fax: 705.328-2286

Bell Canada  
Right Of Way Control Centre  
100 Borough Drive, Floor 5  
Scarborough, ON M1P 4W2

Hydro One Networks Inc.  
45 Sarjeant Drive,  
Barrie, ON L4M 5N5

Corey Craney-Twolan  
Delivery Planning  
Canada Post Corporation  
P.O. Box 8037, Ottawa T CSC  
Ottawa, ON K1G 3H6

Enbridge Gas Distribution  
500 Consumers Road  
North York, ON M2J 1P8

## **2. Conveyances and 0.3 m. Reserves**

If land is to be conveyed to the City we suggest that the description of such parcels shall be by reference to either the Lot or Block on the Registered Plan or by Part on a Reference Plan of survey.

We further require the Owner give to the City an undertaking to deposit with the Clerk a properly executed copy of the conveyance concurrent with the registration of the final plan, as signed by the Director.

If a 0.3 m. reserve is required along the side of either an existing or proposed road allowance, the 0.3 m. reserve shall be placed inside the public road allowance – eg. the final public road allowance would be 20.3 m. and be comprised of two (2) parts, the 20.0 m. wide road allowance and the 0.3 m. reserve. The latter would be deeded to the City in trust.

## **3. Lands Required to be Registered under Land Titles Act**

We suggest that you make yourself aware of section 144 of the Land Titles Act and subsection 78(10) of the Registry Act. Subsection 144(1) of the Land Titles Act requires that a plan of subdivision of land that is located in a land titles division be registered under the Land Titles Act. Exceptions to this provision are set out in subsection 144(2). Subsection 78(10) of the Registry Act requires that a plan of subdivision of land that is located only in a registry division

cannot be registered under the Registry Act unless that title of the Owner of the land has been certified under the Certification of Titles Act. Exceptions to this provision are set out in clauses (b) and (c) of subsection 78(10).

**4. Sewage Works**

Approvals for sewage works are required under the Ontario Water Resources Act, R.S.O., 1990 as amended and the Environmental Protection Act, R.S.O., 1990 as amended.

**5. Water Works**

Water works shall meet the requirements of, and be approved by, the City of Kawartha Lakes Public Works Water and Waste Water Division, in accordance with the Safe Water Drinking Act, S.O. 2002 as amended and the Environmental Protection Act, R.S.O. 1990 as amended.

**6. Clearance of Conditions**

A copy of the Subdivision Agreement should be sent to public bodies with conditions covered under the Agreement. This will expedite clearance of the final plan. Please do not send a copy to the Ministry of Municipal Affairs.