

The Corporation of the City of Kawartha Lakes

Agenda

Planning Advisory Committee Meeting

PC2024-06

Wednesday, May 8, 2024

1:00 P.M.

Council Chambers

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Mayor Doug Elmslie

Councillor Tracy Richardson

Councillor Pat Warren

Mike Barkwell

Patrick O'Reilly

Andrew Veale

Jason Willock

Accessible formats and communication supports are available upon request. The City of Kawartha Lakes is committed to accessibility for persons with disabilities. Please contact AgendaItems@kawarthalakes.ca if you have an accessible accommodation request.

To speak to a "Regular and Returned Report", a completed [deputation request form](#) must be submitted by **Monday, May 6, 2024 at 12:00 p.m.** After we receive your request, you will receive instruction from staff on how to participate in the meeting. Anyone may provide written comments on each application by email to clerks@kawarthalakes.ca.

Limited seating in Council Chambers is available to view or speak to an item on the agenda in person.

Contact the City Clerk's Office at clerks@kawarthalakes.ca or 705-324-9411 ext. 1322 to confirm space at the meeting, or to request links to participate electronically. Alternatively, access the meeting livestream on the Kawartha Lakes YouTube Channel at <https://www.youtube.com/c/CityofKawarthaLakes> .

1. Call to Order and Adoption of Agenda

2. Declarations of Pecuniary Interest

3. Public Meeting Reports

4. Deputations

5. Correspondence

6. Regular and Returned Reports

6.1 PLAN2024-031

3 - 22

Application to Amend the Township of Emily Zoning By-law 1996-30 at 29 Sunnywood Road - Martin

Mark LaHay, Planner II

That Report PLAN2024-031, Part of Lot 14, Concession 13, geographic Township of Emily, City of Kawartha Lakes, identified as 29 Sunnywood Road, Martin – D06-2022-005, be received;

That the proposed zoning by-law amendment, substantially in the form attached as Appendix D to Report PLAN2024-031, be adopted by Council; and

That the Mayor and Clerk be authorized to execute the documents required by the approval of this application.

7. Adjournment



Planning Advisory Committee Report

Report Number:	PLAN2024-031
Meeting Date:	May 8, 2024
Title:	Amend the Township of Emily Zoning By-law 1996-30 at 29 Sunnywood Road - Martin
Description:	To rezone the property from Agricultural (A1) Zone to an Agricultural Forty One (A1-41) Exception Zone to permit a private school as an additional use to support the local Mennonite area community on a portion of the subject land (File: D06-2022-005)
Type of Report:	Regular Meeting
Author and Title:	Mark LaHay, Planner II, MCIP, RPP

Recommendations:

That Report PLAN2024-031, **Part of Lot 14, Concession 13, geographic Township of Emily, City of Kawartha Lakes, identified as 29 Sunnywood Road, Martin – D06-2022-005**, be received;

That the proposed zoning by-law amendment, substantially in the form attached as Appendix D to Report PLAN2024-031, be adopted by Council; and

That the Mayor and Clerk be authorized to execute the documents required by the approval of this application.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The statutory public meeting was held by the Planning Advisory Committee on April 6, 2022, which adopted the following recommendation:

PAC2022-025

Moved By Mayor Letham

Seconded By Councillor Seymour-Fagan

That Report PLAN2022-022, **Part of Lot 14, Concession 13, geographic Township of Emily, City of Kawartha Lakes, identified as 29 Sunnywood Road, Martin – D06-2022-005**, be received; and

That the application respecting the proposed Zoning By-law Amendment be referred back to staff until such time as all comments have been received and addressed from all circulated agencies, City Departments, and the public, and for further review and processing.

Carried

At the Council Meeting of April 19, 2022, Council adopted the following resolution:

CR2022-123

Moved By Councillor Veale

Seconded By Councillor Dunn

That the Minutes of the April 6, 2022 Planning Advisory Committee Meeting be received and the recommendations, included in Section 10.3 of the Agenda, save and except for Item 10.3.4, be adopted.

Carried

This report addresses that direction.

In order to address public and staff concerns, the applicant has submitted a revised proposal, which has been relocated further south to rezone a portion of the property from Agricultural (A1) Zone to an Agricultural Forty One (A1-41) Exception Zone to permit a non-agricultural use, being a private school as a secondary use to the existing main agricultural use. The effect of the amendment will facilitate the creation of a private school with access from Centreline Road to support the local Mennonite area community on an approximate 0.82 ha (2 ac.) portion of the subject land.

In consideration of the revised proposal illustrating a relocation of the proposed use further south on the property and other improvements, Staff considers these proposed changes to the Zoning By-law application to be minor, and a Notice for a further public meeting is not required.

Owner:	Amon and Anna Martin
Applicant:	TD Consulting Inc. c/o Tom deBoer
Legal Description:	Part of Lot 14, Concession 13, geographic Township of Emily
Official Plan:	Prime Agricultural and Environmental Protection with a Significant Woodlands Natural Heritage Feature within the City of Kawartha Lakes Official Plan
Zoning:	Agricultural (A1) Zone in the Township of Emily Zoning By-law 1996-30, as amended
Lot Area:	40.06 hectares (99 acres – MPAC)
Site Area:	0.821 hectares (approx. 2 acres)
Site Servicing	Cistern and septic system proposed
Existing Uses:	Agricultural
Adjacent Uses:	North: Agricultural/Rural Residential East: Agricultural/Rural Residential South: Sunnywood Road/Agricultural/Rural Residential West: Centreline Road/Rural Residential/Agricultural/Wetland

Rationale:

The owner has applied to permit a non-farm use to serve the Old Order Mennonite community, being a private school on the subject land, which is located in a rural agricultural area northeast of the Hamlet of Downeyville and southeast of the Hamlet of Dunsford, on the northeast corner of Centreline Road and Sunnywood Road. The subject property is considered an agricultural lot, which contains a barn where calves are housed from time to time for a dairy operation immediately to the south of the subject land and a single detached dwelling and shed, located in the south central portion of the property, occupying approximately 2.5 hectares, with driveway access from Sunnywood Road. Corn is cultivated on the majority of the property, utilizing approximately 30.5 hectares (75 ac.), while the northeast portion of property is mostly

woodland and natural area and occupies an area of approximately 7 hectares. The proposed rezoned area for the school house has been revised to be located approximately 95 metres further south along Centreline Road, which is further away from some rural residential lots near the northwest corner of the subject land (see Appendix C).

A Zoning By-law Amendment application has been submitted to change the zone category to facilitate the proposed use on a portion of the property, comprising an area of approximately 0.82 ha, in order to permit a private school, with a floor area of approximately 135 square metres, along with a storage shed, and an associated area for parking, driveway and outdoor playing field amenities. The private school is proposed as a secondary use to the farm operation.

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

1. Planning Justification Report dated September 2020 and revised September 8, 2023 prepared by EcoVue Consulting Services Inc., outlines the nature of the proposed zoning by-law amendment in the context of the Provincial Policy Statement, 2020 (PPS), A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan), the City of Kawartha Lakes Official Plan, 2012 (Official Plan) and the Township of Emily Zoning By-law 1996-30 along with draft zoning by-law amendment text.
2. Agricultural Impact Brief with Minimum Distance Separation Calculations dated July 20, 2021 and revised September 5, 2023 prepared by Clark Consulting Services to review potential impacts on surrounding farm operations and identify extent of productive agricultural land that will potentially be removed. The assessment concluded that no negative impacts are anticipated as a result of traffic, noise or nuisance and compatibility issues and that the application will not impact neighbouring livestock facilities and does not represent a significant loss of farm production, accounting for a nominal loss of 1% of the corn production in the review area. The proposed development will also comply with MDS requirements.
3. Overall Site Plan dated October 2021 prepared by TD Consulting Inc. illustrates the extent of the proposed original location of the proposed school and associated area in the context of the entire property.
4. Proposed Conceptual Site Plan dated October 2021 and Proposed Site Plan dated February 2023 prepared by TD Consulting Inc. illustrates the size and original and revised location of the proposed school house and associated storage building, garbage disposal area, servicing, parking, access and playing field.

5. Preliminary Building Elevations and Floor Plans dated June 2021 prepared by TD Consulting Inc., illustrates the proposed building elevations for the school house from each side and the main floor plan layout.
6. Grading Plan dated October 2021 and revised August 2023 prepared by BaseTech Consulting Inc. illustrating the proposed original and revised site layout with existing and proposed elevations and proposed drainage flow.
7. Erosion Sediment Control Plan dated October 2021 and revised August 2023 prepared by BaseTech Consulting Inc. illustrating the proposed original and revised site layout and location of silt fence and rock flow check dam.
8. Topographic base plan dated March 30, 2021 prepared by IBW Surveyors.
9. Entrance Permit Review Confirmation Letter dated January 5, 2021 from the Public Works East Maintenance Area Supervisor indicating that the proposed entrance location is acceptable.
10. Species at Risk Memo dated May 13, 2021 prepared by GHD to provide an analysis of potential Species at Risk (SAR) on the subject property. The document advised that the proposed development is within plowed agricultural land being an existing corn field. Based on field investigations, there were no SAR or habitat of threatened or endangered species on the property. No negative effect to SAR or their habitat are expected with the proposed rezoning and construction of the school building on the site.

All of the reports and plans submitted have been circulated to the applicable agencies and City Departments for review and comment. Staff has reviewed the Planning Rationale Report that was prepared and filed in support of the application and generally accepts the planning rationale provided in the context of the relevant Provincial and City of Kawartha Lakes policies and plans.

Applicable Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan):

Section 4.2.3 does not permit development or site alteration within a key natural heritage feature, which includes habitat of endangered species and threatened species, by definition. A Species at Risk (SAR) assessment was provided, which concluded that there were no SAR or habitat of threatened or endangered species on the property.

Section 4.2.6 provides policy for the protection of prime agricultural areas identified within official plans. As the Provincial mapping does not apply until implemented in the Official Plan, the prime agricultural areas that are identified in the City's Official Plan are considered the agricultural land base for the purposes of the Growth Plan, which lands are protected for long term use for agriculture.

This application has been evaluated to demonstrate conformity with the Growth Plan taking into consideration whether the proposed use is compatible with the rural landscape, can be sustained by rural service levels, and will not adversely affect the protection of agricultural uses and/or achieving long term compatibility relating to the interface of agricultural uses and non-agricultural users to minimize and mitigate adverse impacts. In this regard, the applicant submitted an Agricultural Impact Brief, which evaluated agricultural land within 750 metres of the subject land to be rezoned as well as any potential impacts on surrounding agricultural operations. The evaluation has indicated that the proposal meets all required MDS setback provisions, does not impact neighbouring livestock facilities, results in a minimal loss of agricultural production and will have low impact on the local agricultural community.

In consideration of the above, the application appears to conform to the Growth Plan.

Provincial Policy Statement, 2020 (PPS):

Section 1.1.4.1 of the PPS specifies that healthy, integrated and viable rural areas, which include prime agricultural areas, be supported by building upon rural character, and leveraging rural amenities and assets as well as promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources. The proposed use will be located in close proximity to other farms that are owned and operated by members of the local Mennonite community. As the members of the community rely on horse-drawn transportation, the school should be located as close to the community members as possible.

Section 2.1 of the PPS provides for natural heritage protection of natural features and areas for the long term and Section 2.1.7 does not permit development or site alteration in habitat of endangered and threatened species except in accordance with provincial and federal requirements. The provided Species at Risk (SAR) assessment concluded that the subject land did not contain SAR or associated habitat.

Section 2.3.1 of the PPS protects agriculture for long-term use. Section 2.3.3.1 specifies that permitted uses in prime agricultural areas include agricultural uses, agriculture-related uses and on-farm diversified uses. Section 2.3.3.3 specifies that new land uses in prime agricultural areas shall comply with the minimum distance separation formulae.

Policy 2.3.6.1 of the PPS specifies that permitted non-agricultural uses in prime agricultural areas are limited to limited non-residential uses, provided all of the following are demonstrated:

1. The land does not comprise a specialty crop area;

2. The proposed use complies with the minimum distance separation formulae;
3. There is an identified need within the planning horizon provided for in PPS Policy 1.1.2 for additional land to be designated to accommodate the proposed use; and
4. Alternative locations have been evaluated, and
 - i. There are no reasonable alternative locations which avoid prime agricultural areas; and
 - ii. There are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.

With respect to the above, the land does not comprise a specialty crop area. The applicant has submitted an Agricultural Impact Brief with MDS calculations, demonstrating the proposed development meets all required MDS setbacks. Staff have evaluated the proposed development in relation to items 3 and 4 of the above criteria with the direction provided by the OMAFRA Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas. In this regard, schools that serve horse-drawn communities may be permitted within prime agricultural areas under the policies of Section 2.3.6.1 of the PPS. There is a need to accommodate this use within this agricultural area, as the proposed private school relies on being located within a rural and active farming area, with close access to the Mennonite community. With reliance on horse-drawn vehicles, other areas, including settlement areas and non-prime agricultural areas are not within a reasonable service area. Furthermore, the proposed location on a height of land has been selected for its drainage characteristics, good access to a year-round publicly maintained road, adequate MDS setbacks to existing livestock facilities, minimal loss of agricultural production and there are no reasonable non-productive sites meeting these requirements in this prime agricultural area, which serves this Old Order Mennonite community.

In addition, under Policy 2.3.6.2 of the PPS, impacts from any new or expanding non-agricultural use on surrounding agricultural operations and lands are to be mitigated to the extent feasible. In this regard, the proposed use has been designed to minimize impacts on existing agricultural operations and is limited in size and scale occupying a small portion of the subject land and the proposed school use is intended for the use of local farming families. In addition, only a nominal amount of agricultural land will be lost for the farming operations and the area of the proposed use is the most suitable to accommodate the proposed development.

The application appears to meet the above criteria and demonstrates consistency with the PPS.

Official Plan Conformity:

The subject lands are designated Prime Agricultural with a small portion, which follows a watercourse, designated Environmental Protection within the City of Kawartha Lakes Official Plan (Official Plan). The northeast portion of the property also contains a key natural heritage feature, being significant woodlands. The proposed use is within the Prime Agricultural designation. Portions of the subject property are located within an area regulated by Kawartha Conservation. Kawartha Conservation previously advised through the preconsultation process that the location of the proposed development appears to be outside of their regulated area and outside of natural heritage features and hazards.

Sections 15.1 and 15.2 of the Official Plan provides that agricultural land that is primarily classes 1-3 soil types shall be protected from fragmentation, development and land uses unrelated to agriculture. One of the objectives of the Official Plan is to strengthen the viability of the agricultural industry sector and to support farming operations as an important component of the economy, a source of employment and a way of life for many rural residents. Section 15.3 permits secondary uses within the Prime Agricultural designation. The submitted Agricultural Impact Brief indicated that the proposed removal of a nominal amount of prime agricultural lands will not negatively impact the agricultural use occurring on the balance of the subject property and will not negatively impact the surrounding agricultural operations in the area.

Other secondary uses such as bed and breakfast establishments and kennels are permitted in the Official Plan, while not necessarily meeting the definition of providing value-added agricultural products. The proposed school use will function secondary to the primary farm use of the property. The proposed use could be considered complementary to, and will protect and promote the agricultural uses in the area and support the local Mennonite community, which will also support the local agricultural community.

Although the Official Plan generally directs the establishment of institutional type uses to settlement areas, the proposed size and scale of the proposed school is typical of other non-residential uses permitted within the prime-agricultural area. The Mennonite community is farming-based, and many of the students that will be attending the property will be travelling from various farms in the area and the proposed location provides ease of access for horse-drawn vehicles.

In consideration of the above, and considering the proposed use will not negatively impact the agricultural use occurring on the balance of the subject property and will not negatively impact the surrounding agricultural operations in the area of the proposal, the application would be in keeping with the intent of and generally conform to the policies of the Official Plan.

Zoning By-law Compliance:

The subject land is zoned Agricultural (A1) Zone in the Township of Emily Zoning By-Law 1996-30, as amended. The A1 Zone permits agricultural and related uses, home occupations and agricultural storage facilities but does not permit the proposed use. The applicant has submitted a Zoning By-law Amendment application for consideration to amend a portion of the A1 Zone to permit a private school. Staff have included requirements that limit the size and scale of the facility as well as provide minimum street setbacks and parking requirements in the zoning provisions to facilitate the construction of the proposed private school.

The pre-consultation comments specified that site plan approval is required for this development though it would be limited to a plans only approval, which will be facilitated within the proposed zoning by-law with a holding provision.

Other Alternatives Considered:

The initial proposal for a private school was located further north along Centreline Road with the activity/playing field area abutting a rural residential property. The revised proposal being considered now has flipped the activity/playing field to the south side of the proposed private school area, which is now located approximately 95 metres (310 feet) further south along Centreline Road.

Alignment to Strategic Priorities:

The City's 2024-2027 Kawartha Lakes Strategic Plan approved by Council on March 19, 2024 identifies the following four main goals:

1. Healthy Environment
2. An Exceptional Quality of Life
3. A Vibrant and Growing Economy
4. Good Government

This application aligns with the Exceptional Quality of Life priorities as it provides opportunities and support for the Mennonite farming community and agricultural lifestyle.

Financial/Operation Impacts:

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

Servicing Comments:

A cistern and a septic system is proposed within the area to be rezoned to support the proposed private school and will be approved through the site plan approval stage.

Consultations:

Notice of this application was originally circulated to persons within a 500 metre radius, agencies, and City Departments which may have an interest in the application. A public meeting was held on April 6, 2022. To date, we have received the following comments:

Public Comments (Original Proposal):

At the time of the public meeting, comments were received from J. Murtha in support of the application. Comments were also received from D. Murtha, C. & K. Ray, J. & R. Wood, and J. Goudie. Their issues with respect to the original proposal are summarized as follows:

- inconsistencies in the reports submitted by the applicant
- proximity to rural lots and driveways
- safety hazards
- noise
- resale value and reduces privacy
- on-site sewage
- water quality and quantity for neighbours; and
- alternate locations for the school on the subject property, and elsewhere in the community

Agency Review Comments (Original Proposal):

On March 14, 2022, the HKPR District Health Unit advised that the water system requires a risk assessment to be conducted to identify if Ontario Regulation 319/08 or Ontario Regulation 170/03 is applicable.

On March 15, 2022, the Building and Septic Division provided building comments advising that on site water for fire fighting may be required, and the proposed development will require a building data matrix and will be subject applicable development charges. The final septic design will be approved through the site plan approval stage. Otherwise, they have no concerns with respect to this application.

On March 18, 2022, Enbridge Gas Inc. advised that it does not object to the proposed application however, we reserve the right to amend our development conditions.

On March 24, 2022, the Engineering and Corporate Assets Department advised they had no objection to the proposed zoning by-law amendment. They request further details to clarify elevations illustrated on the Grading Plan during the site plan approval stage.

On March 30, 2022, the Agriculture Economic Development Officer noted no concerns and concurred that minimal land will be removed from agriculture. It was also acknowledged that the PPS anticipates the need for communities utilizing horse-drawn transportation to have localized need for schools, and as such provides for such uses with appropriate review of potential alternatives.

On April 4, 2022, the Part 8 Sewage System Supervisor advised of no concerns with the rezoning proposal; however, further comments on the development and servicing will be provided at the time of Site Plan submission.

On March 24, 2022, the Community Services Department advised they have no concerns or comments with respect to the application.

Agency Review Comments (Revised Proposal):

On December 21, 2023, Enbridge Gas Inc. advised that it does not object to the proposed application however, we reserve the right to amend our development conditions.

On January 3, 2023, the Engineering and Corporate Assets Department advised that from an engineering perspective, they have no objection to the proposed Zoning By-law Amendment to facilitate the creation of a private school with access from Centreline Road as a secondary use to support the local Mennonite area community.

On January 4, 2024, the Community Services Department advised they have no concerns with respect to the application.

On January 5, 2024, the Part 8 Sewage System Supervisor advised that an evaluation of the proposed development was conducted. The evaluation included a review of the site

plan and planning justification report. A representative area has been provided for the private on-site sewage disposal on the site plan. A review of the delineated area on the site plan provides a preliminary area for the sewage system installation. The property can support servicing through a private on-site sewage disposal system. As such, the Building and Septic Division has no concerns with the proposed zoning amendment for this property as it relates to private on-site sewage disposal.

On January 11, 2024, the HKPR District Health Unit provided comments reflecting matters of public health interest related to the development. They noted that there is a proposed cistern indicated for water storage. Potable water must be provided. Ontario Regulation 170/03, inspected and enforced by the Ministry of Environment, Conservation and Parks (MECP) applies. They have a guidance document that covers Mennonite schools. As further plans for this project progress, we request to be kept informed so that we can engage as appropriate.

On January 11, 2024, Emergency Services (Fire) advised of no concerns with the application.

On January 18, 2024, the Building and Septic Division Plans Examiner advised of no comments with the application.

On April 1, 2024, applicant provided a response from the Ministry of Environment, Conservation and Parks (MECP) with respect to the use of cistern for the water supply. The Ministry accepts this and has provided relevant guidelines pertaining to cistern water treatment, testing and construction.

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.

An amendment is required to the Township of Emily Comprehensive Zoning By-law in order to permit a proposed private school as a non-agricultural, secondary use on a portion of the existing agricultural lot. The facility will be of a much smaller scale than comparable public or private school institutions.

In response to the public concerns, the applicant has had technical amendments made to the submitted reports for consistency and submitted a revised proposal which includes improvements, such as relocating the building and activity field location further south away from some rural residential properties, increased landscaping, consisting of

proposed privacy hedges along the north side and west (road) side, water supply within a cistern rather than a drilled well, and providing a suitable area for a septic system to meet municipal requirements. In addition, the applicant has reviewed other suggested locations by the public for the proposed use on the property. These other locations are not viable as the southwest corner is within the required MDS setback and also closer to a busier off-set intersection, while an area near the southeast corner would result in crossing over environmentally regulated land with a more extensive driveway required to access an area that meets required MDS setbacks, which does not preserve as much of the agricultural land.

Members of the public who were previously involved as listed in the public comments above, are given notice of this returning report to the Planning Advisory Committee.

Planning Staff have reviewed the policies of the Growth Plan, PPS, the City's Official Plan and the direction provided by the OMAFRA Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas in order to further evaluate the application. The PPS specifies criteria that permitted non-agricultural uses in prime agricultural areas are limited to limited non-residential uses, the land does not comprise a specialty crop area; the proposed use complies with the minimum distance separation formulae; there is an identified need; and there are no reasonable alternative locations which avoid prime agricultural and lower priority agricultural lands. In addition, the PPS specifies that impacts from any new or expanding non-agricultural use on surrounding agricultural operations and lands are to be mitigated to the extent feasible.

The application for Zoning By-law Amendment demonstrates consistency with the Provincial Policy Statement and conformity to the Growth Plan and Official Plan. The proposed Zoning By-law amendment with site specific provisions will appropriately facilitate the proposed use for a private school on a portion of the subject land to support the local Mennonite area community.

Conclusion:

In consideration of the comments and the evaluation contained within this report, and provided there are no further issues or concerns raised, Staff respectfully recommend that the proposed Zoning By-law Amendment application 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 'A'
PLAN2024-031.pdf

Appendix B – Aerial Map



Appendix 'B'
PLAN2024-031.pdf

Appendix C – Proposed Zoning By-law Amendment Site Plan Sketch



Appendix 'C'
PLAN2024-031.pdf

Appendix D – Proposed Zoning By-law Amendment



Appendix 'D'
PLAN2024-031.pdf

Department Head email: ibarrie@kawarthalakes.ca

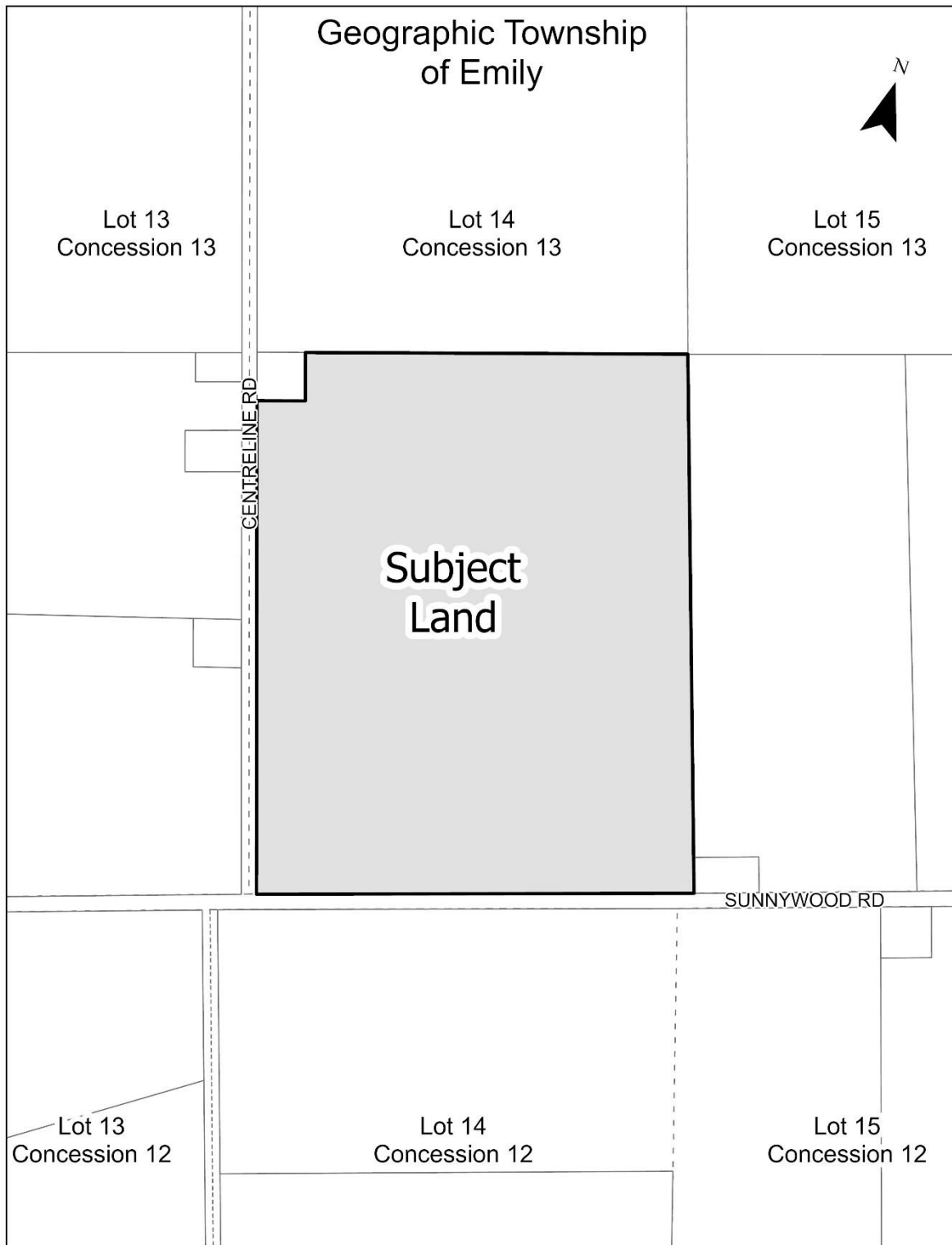
Department Head: Leah Barrie, Director of Development Services

Department File: D06-2022-005

to

REPORT PLAN2024-031

FILE NO: D06-2022-005





- Legend

Property Roll Number

Lots and Concessions

ANSI

Wetlands

Locally Significant Wetlands

Provincially Significant Wetlands

Water Body

Waterbodies

Unevaluated Wetlands

Woodland

Prime_Agricultural

Rural

Road Centreline (2016 Needs

Geographic Townships

KRCA Regulated Areas

APPENDIX “ B ”

to

REPORT PLAN2024-031

FILE NO: D06-2022-005

The Corporation of the City of Kawartha Lakes
By-Law 2024 -

A By-Law To Amend The Township of Emily Zoning By-Law No.
1996-30 To Rezone Land Within The City Of Kawartha Lakes

File D06-2022-005, Report PLAN2024-031, respecting Part of Lot 14, Concession 13, geographic Township of Emily, being 29 Sunnywood Road – Martin

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. Section 36 of the Planning Act authorizes Council to place a Holding (H) symbol on any zoning category assigned to property. The purpose of the Holding (H) symbol is to restrict the use of the property until conditions imposed by Council have been met.
- 2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to permit a private school as an additional permitted use on a portion of 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 2024-__.

Section 1:00 Zoning Details

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part of Lot 14, Concession 13, geographic Township of Emily, identified as 29 Sunnywood Road, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 1996-30 of the Township of Emily is further amended by adding to Section 7.3 the following:
 - “7.3.41 Agricultural Exception Forty One (A1-41) Zone
 - 7.3.41.1 Notwithstanding subsections 7.1.1 and 7.2.1, land zoned “A1-41” may only be used for an agricultural use and a private school.
 - 7.3.41.2 Notwithstanding subsection 7.2.1 and article 3.14.1.2, land zoned “A1-41” to be used for a private school shall be subject to the following zone provisions:

a) Gross Floor Area (max.)	150 sq. m.
b) Yard Setback to Centreline Road (min.)	30 m.
c) Parking (min.)	6 spaces
 - 7.3.41.3 The provisions of subsection 3.13.1 and 3.14.2.2 shall not apply.
 - 7.3.41.4 On land zoned A1-41(H), the removal of the (H) holding symbol shall be in accordance with the following:
 - a) The owner shall apply for and obtain Site Plan Approval for the development on the A1-41 zoned portion of the subject land.”
- 1.03 **Schedule Amendment:** Schedule ‘A’ to By-law No. 1996-30 of the Township of Emily is further amended to change the zone category from the ‘Agricultural (A1) Zone’ to the ‘Agricultural Exception Forty One Holding [A1-41 (H)] Zone’ as shown on Schedule ‘A’ attached to this By-law.

Section 2:00 Effective Date

2.01 **Effective Date**: This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of 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 ***, 2024.

Doug Elmslie, Mayor

Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW _____ PASSED

THIS _____ DAY OF _____ 2024.

MAYOR _____ CLERK _____

