

The Corporation of the City of Kawartha Lakes

Planning Committee Report

Report Number PLAN2017-023

Date: May 3, 2017

Time: 1:00 p.m.

Place: Council Chambers

Regular Meeting

Ward Community Identifier: Ward 2 – Laxton

Subject: An application to amend the United Townships of Laxton Digby and Longford Zoning By-law 32-83 to change the zone category on a portion of the property from "Limited Service Residential (LSR) Zone" to "Limited Service Residential Exception Three (LSR-3) Zone" to recognize lot frontage, area, and water setback/buffer requirements for the two lots to be created on the property identified as 7244 Highway 35 (MOORE) – Planning Application D06-17-001.

Author/Title: David Harding, Planner I

Signature:



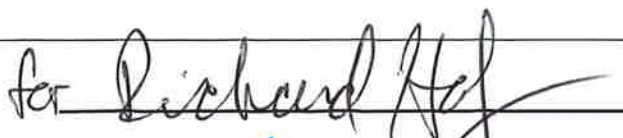
Recommendations:

RESOLVED THAT Report PLAN2017-023, Part South Half of Lot 2, Concession 11, geographic Township of Laxton, "MOORE – Application D06-17-001", be received;

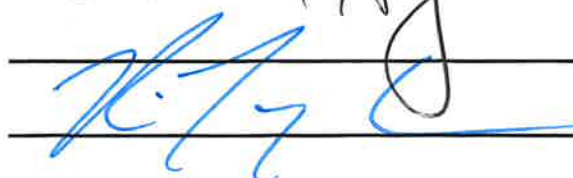
THAT a Zoning By-law Amendment respecting application D06-17-001, substantially in the form attached as Appendix "D" to Report PLAN2017-023, be approved and adopted by Council: and,

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

Department Head:



Corporate Services Director / Other:



Chief Administrative Officer:

Background:

The statutory public meeting was held by the Planning Committee on February 8, 2017 and the following resolution was passed:

PC2017-005

Moved By Councillor Junkin

Seconded By Councillor Stauble

RECOMMEND THAT Report PLAN2017-008, Part South Half of Lot 2, Concession 11 as in R404100, geographic Township of Laxton, MOORE-Application D06-17-001, be received; and

THAT Application D06-17-001 be referred back to staff for further review and processing until such time that all agency comments have been received and reviewed and any comments and concerns have been addressed.

CARRIED

Comments from the Kawartha Region Conservation Authority (KRCA) and Ministry of Transportation (MTO) have since been received and/or reviewed.

On July 22, 2016, the Committee of Adjustment granted provisional consent to applications D03-16-003 to 005 to create two shoreline residential infill lots together with an easement to provide vehicular access from Highway 35. The LSR Zone on the subject property does not comply with today's lot creation requirements. Both lot creation decisions contain a condition requiring a zoning by-law amendment to implement the new lot creation policies specified with the City of Kawartha Lakes Official Plan. The condition reads:

The applicant apply for, pay the prescribed fee and obtain an amendment to the Zoning By-law respecting the lot to be retained such that it be rezoned from Limited Service Residential (LSR) Zone to Limited Service Residential Exception (LSR-*) Zone to establish a 30 m. water setback for all buildings and structures with the exception of one dock, identify the first 30 m. from the high water mark as a no-mow zone, and permit the proposed lot configuration (road frontage, shoreline frontage, area), and the By-law be in effect.

This application implements this condition in both lot creation decisions.

Owner: Craig Moore

Legal Description: Part South Half of Lot 2, Concession 11, geographic Township of Laxton

Designation: "Waterfront" - City of Kawartha Lakes Official Plan

Zone: "Limited Service Residential (LSR) Zone" and "Commercial Recreation (C3) Zone", United Townships of Laxton, Digby and Longford Comprehensive Zoning By-law 32-83, as amended

Site Size:	Severed 1 – 0.45 ha. Severed 2 – 0.45 ha. Retained – 2.1 ha.
Site Servicing:	Severed – none (septic system and lake-based water supply for each lot proposed) Retained - septic system, well
Existing Uses:	Seasonal Residential
Adjacent Uses:	North – Shoreline Residential, Resort Commercial West – Rural East – Shadow Lake South – Shoreline Residential

Rationale:

The applicant had submitted the following reports and plans in support of the consent applications, which were circulated to various City Departments and commenting Agencies for review.

1. Scoped Environmental Impact Study prepared by Niblett Environmental Associates Inc. dated July 2015.
2. Stage 1-2 Archaeological Assessment prepared by AMICK Consultants Ltd. dated September 16, 2015.
3. Planning Justification Report prepared by EcoVue Consulting Services Inc. dated September 28, 2015.
4. 7244 Hwy 35, Shadow Lake Severance – Shoreline Buffer Amendment prepared by Niblett Environmental Associates Inc. dated July 20, 2016.

Staff reviewed this supporting material during the consent application process.

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2006:

The Growth Plan (GP) provides that growth should be directed towards settlement areas. The lot is located within the “Rural Areas” land category under the GP which allows for new residential lots outside of rural settlement areas in site-specific locations where permitted by the municipal official plan. Furthermore, such development outside of settlement areas is only permitted where the use relates to the management or use of resources, resource-based recreational activities and rural land uses that cannot be located within settlement areas.

The application proposes two residential lots within the “Waterfront” designation of the City of Kawartha Lakes Official Plan, and the lots will have direct access to Shadow Lake, a recreational resource.

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

Provincial Policy Statement, 2014 (PPS):

The 2014 Provincial Policy Statement (PPS) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns. Development on “Rural Lands” is intended to compliment and be compatible with the rural landscape and rural service levels. Limited residential development (including recreational dwellings) and resource-based recreational uses are permitted. The application will facilitate the creation of two shoreline residential infill lots on Shadow Lake. As the lots have the ability to utilize the recreational resource of Shadow Lake, this proposal is consistent with the intent of development for recreation uses in the PPS.

The Environmental Impact Study (EIS) identifies Shadow Lake as the natural heritage feature abutting the property. The PPS contains policies to protect lake water quality for the long term. To be consistent with the PPS, the EIS recommends the water setback be increased, development within the water setback be restricted to the construction of a single dock, and that the vegetation within the buffer be left in a natural state and permitted to regenerate.

Additional comments are provided under Planning Division Comments to ensure the Zoning By-law amendment is consistent with the PPS.

Official Plan Conformity:

The land is designated “Waterfront” within the City of Kawartha Lakes Official Plan (Official Plan).

The “Waterfront” designation permits seasonal and limited permanent residential development adjacent to lakes and rivers in the form of single detached dwellings. Policy 20.5, which contains density and massing policies for proposed development within the “Waterfront” designation requires all buildings and structures to maintain a low profile and blend in with the natural landscape. Policies 20.3.7, 20.5.3, and 20.5.4 stipulate that naturalized and/or vegetated shorelines are to be restored and maintained wherever possible to maintain and improve the environmental integrity of the waterfront and lake.

As natural rather than built forms are anticipated to dominate the shoreline areas, lot creation policies 20.4 and 3.11.1 provide for larger lots in order to situate development within and around natural features and vegetation. Shoreline residential infill lots are required to maintain at least 30 m. of road frontage, 3000 sq. m. of lot area, and a water setback of 30 m as per policies 20.4 and 3.11.1.

Each lot meets and/or exceeds the lot creation criteria stated above, a single detached dwelling is proposed on each residential lot, and an enhanced water setback is proposed that will contain a large regeneration area. The proposal conforms to the general intent and purpose of the Official Plan.

Zoning By-Law Compliance:

The subject land is zoned “Limited Service Residential (LSR) Zone” and “Commercial Recreation (C3) Zone” in the United Townships of Laxton, Digby and Longford Comprehensive Zoning By-law 32-83. The C3 zoned portion of the property will not be affected by this application. A vacation dwelling or single detached dwelling is a permitted use in the LSR Zone. The applicant has submitted an application to amend the Zoning By-law on the portion of the site zoned LSR to fulfill consent conditions. The application proposes to add a site-specific exception to the LSR Zone, to permit:

- (1) A minimum lot frontage of 30 m.
- (2) A minimum lot area of 3000 sq. m.
- (3) A minimum water setback of 30 m., and
- (4) At least 75% of the land area within the water setback to be maintained in a natural state.

The United Townships of Laxton, Digby and Longford Zoning By-law has not been updated to be consistent with the Official Plan lot creation requirements. The proposed “Limited Service Residential Exception Three (LSR-3) Zone” would implement current City Official Plan and Provincial policy with respect to water setback and buffering requirements. The proposed amendment also provides for a manicured strip of land within the buffer area to facilitate shoreline access.

Other Alternatives Considered:

No alternatives have been considered at this time.

Financial Considerations:

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

Relationship of Recommendations To The 2016-2019 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Goals:

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

This application would align with a healthy environment goal as it protects natural features and functions, as well as water quality through an appropriate development form. The proposal also provides for new shoreline residential opportunities.

Review of Accessibility Implications of Any Development or Policy:

There are no accessibility implications for the City.

Servicing Comments:

The retained lot is serviced by one (1) private individual sewage system and private individual well. The Building Division – Part 8 Sewage Systems has advised there is sufficient area to provide a sewage system on each proposed residential lot to service each single detached dwelling.

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. To date, we have received the following comments:

Agency Review Comments:

January 10, 2017 – The Building Division has no objection to the application.

January 16, 2017 – The Building Division – Part 8 Sewage Systems Inspector advised there is sufficient area to install the required sewage systems on both proposed residential lots.

January 18, 2017 – Chippewas of Rama First Nation has not identified concerns.

January 25, 2017 – The Engineering and Corporate Assets Department has no objection to the application.

January 26, 2017 – Kawartha Region Conservation Authority has no concerns with respect to the proposed amendment. A 30 m. water setback is preferred by their office.

February 1, 2017 – Curve Lake First Nation has not identified concerns.

February 10, 2017 – Public Works Department has not identified concerns.

March 6, 2017 – MTO has no concerns.

Development Services – Planning Division Comments:

The appropriate background studies in support of the applications have been submitted and were previously circulated to the appropriate Agencies and City Departments for review and comment as part of the review of the consent applications. No concerns were raised as a result of the circulation.

The EIS proposed construction and planting practices in addition to a 30 m. vegetative buffer to protect lake water quality, consistent with the Official Plan, and Provincial Policy Statement. The 30 m. vegetative buffer is the most effective mechanism to increase shoreline and lake health.

While not identified within the EIS, a provision has been added to the draft Zoning By-law Amendment (see Appendix 'D') to provide a pathway through the shoreline regeneration area for shoreline/water access and area to allow of the placement of docking facilities, a direction consistent within Section 20.5.2 of the Official Plan.

Conclusion:

In consideration of the comments contained in this report, staff respectfully recommends that the proposed Zoning By-law Amendment be referred to Council for APPROVAL.

Attachments:

Appendix 'A' – Location Map



Appendix A to
PLAN2017-023.pdf

Appendix 'B' – Site Plan



Appendix B to
PLAN2017-023.pdf

Appendix 'C' – Aerial Photo



Appendix C to
PLAN2017-023.pdf

Appendix 'D' – Draft Zoning By-law Amendment



Appendix D to
PLAN2017-023.pdf

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E-Mail:	deharding@city.kawarthalakes.on.ca
Department Head:	Chris Marshall, Director, Development Services
Department File:	D06-17-001

to

REPORT PLAN2017-023

FILE NO: D06-17-001

Geographic Township of Laxton

Lot 3

Lot 2

Concession 11

Lot 1

Highway #35

Goldrock Rd

Bandorrie

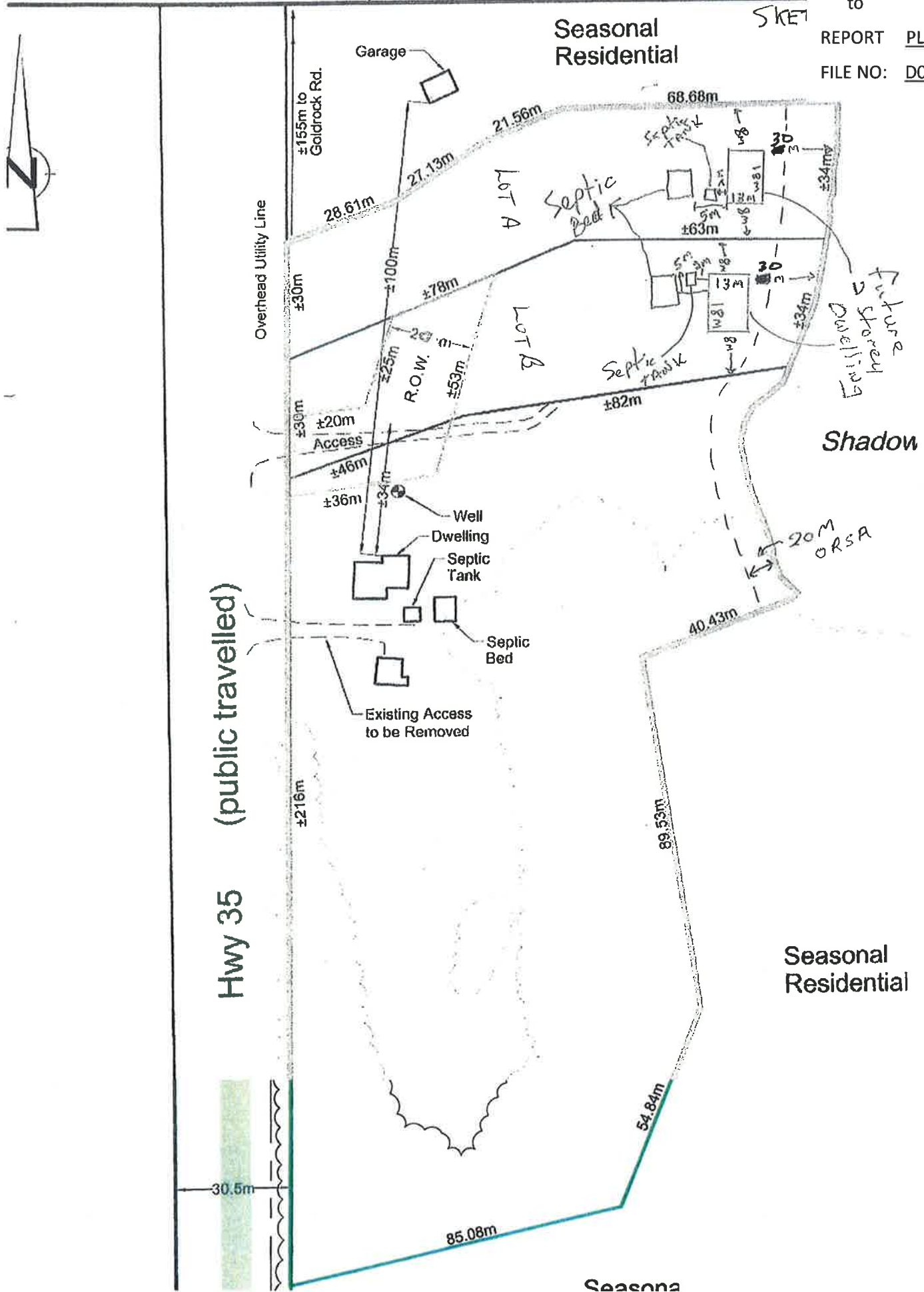
Lane

SUBJECT LAND

Shadow Lake



to
REPORT PLAN2017-023
FILE NO: D06-17-001



7244 Highway 35, geographic Twp. of Laxton



0.19

Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City Of Kawartha Lakes



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

APPENDIX " C "
to
REPORT PLAN2017-023
FILE NO: D06-17-001

THE CORPORATION OF THE CITY OF KAWARTHA LAKES REPORT **PLAN2017-023**

BY-LAW 2017 -

FILE NO. **D06-17-001**

**A BY-LAW TO AMEND THE UNITED TOWNSHIPS OF LAXTON, DIGBY AND
LONGFORD ZONING BY-LAW NO. 32-83 TO REZONE LAND WITHIN THE CITY OF
KAWARTHA LAKES**

File D06-17-001, Report PLAN2017-023, respecting Part of the South Half of Lot 2, Concession 11, geographic Township of Laxton, identified as 7244 Highway 35 - MOORE

Recitals:

1. Section 34 of the *Planning Act* authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. The Committee of Adjustment has required, as a condition of two provisional consent applications that the land in Section 1.01 of this By-law be the subject of a zoning by-law amendment, and Council has received an application to amend the categories and provisions relating to a specific parcel of land to permit the creation of two (2) residential lots.
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 2017-__.

Section 1:00 Zoning Details

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part South Half Lot 2, Concession 11, geographic Township of Laxton, City of Kawartha Lakes, 7244 Highway 35.
- 1.02 **Textual Amendment:** By-law No. 32-83 of the United Townships of Laxton, Digby, and Longford is further amended to add the following section to Section 5.3:

**"5.3.3 LIMITED SERVICE RESIDENTIAL EXCEPTION THREE (LSR-3)
ZONE**

Notwithstanding Sections 5.2(a), 5.2(b), and 5.2(g), on land zoned LSR-3 the following provisions shall apply:

- a. Minimum lot area 3000 sq. m
- b. Minimum lot frontage 30 m
- c. Minimum water setback 30 m
- d. Land within the minimum water setback shall be subject to the following additional requirements:
 - (i) All land within the minimum water setback shall be maintained as a natural vegetation buffer. Within the natural vegetation buffer no maintenance, including cutting, shall occur to the existing lawn in order to permit the natural regeneration of vegetation to facilitate ecological succession.
 - (ii) Notwithstanding 5.3.3(d)(i) an area comprising a length no greater than 25% of the shoreline lot frontage, and a depth the span of the minimum water setback may be maintained as landscaped open space in order to provide recreational amenity space and access to Shadow Lake.

- (iii) Septic systems are not permitted within the minimum water setback.
- (iv) Section 18.1(e) shall only apply to permit the erection of one (1) dock within the landscaped open space area identified within 5.3.3(d)(ii)."

1.03 **Textual Amendment:** By-law No. 32-83 of the United Townships of Laxton, Digby, and Longford is further amended to add the following definition to Section 19:

"NATURAL VEGETATION BUFFER means an area comprised of natural vegetation that shall not be disturbed by human landscape management or horticultural activities save and except for the removal of dead trees, which are in an unsafe condition."

1.04 **Schedule Amendment:** Schedule 'A' to By-law No. 32-83 of the United Townships of Laxton, Digby and Longford is further amended to change the zone category on a portion of the Property from Limited Service Residential (LSR) Zone to Limited Service Residential Exception Three (LSR-3) Zone for the land referred to as 'LSR-3', 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*.

By-law read a first, second and third time, and finally passed, this ** day of ***, 2017.

Andy Letham, Mayor

Judy Currins, City Clerk

THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

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

THIS _____ DAY OF _____ 2017.

MAYOR _____

CITY CLERK _____

Geographic Township of Laxton

Lot 3

Lot 2

Concession 11

Lot 1

Highway #35

Goldrock Rd

Lane

Bandorie

LSR-3



Shadow Lake