

The Corporation of the City of Kawartha Lakes

Planning Report

Report Number PLAN2017-020

Date: May 3, 2017

Time: 1:00 p.m.

Place: Council Chambers

Ward Community Identifier: Lindsay - Ward 12

Subject: Applications for Official Plan and Zoning By-law Amendment together with a Draft Plan of Subdivision to permit a residential plan of subdivision consisting of 71 lots for single detached dwellings and 12 semi-detached dwellings (24 dwelling units) in the area of Dobson and Truax Streets, former Town of Lindsay, now City of Kawartha Lakes. (2074161 ONTARIO LIMITED - MORNINGSIDE ACRES)

Author: Sherry L. Rea, Planning Officer

Signature: 

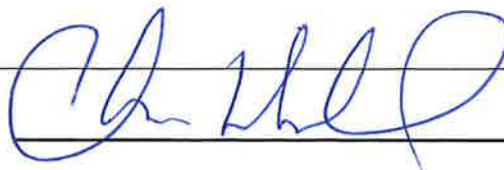
Recommendations:

RESOLVED THAT Report PLAN2017-020, respecting Part of Park Lots A, K, J, T, and All of Park Lot C and Part of Deane Street, Registered Plan No 8P, former Town of Lindsay, now City of Kawartha Lakes and being vacant land in the area of Dobson and Truax Streets, Applications D01-15-001, D05-15-001, and D06-15-001, be received;


THAT a By-law to implement Official Plan Amendment Application D01-15-001 respecting, Part of Park Lots A, K, J, T, and All of Park Lot C and Part of Deane Street, Registered Plan No 8P, former Town of Lindsay, now City of Kawartha Lakes, substantially in the form attached as Appendix "C" to Report PLAN2017-020 be approved and adopted by Council;

THAT Zoning By-law Amendment Application D06-15-001 respecting Part of Park Lots A, K, J, T, and All of Park Lot C and Part of Deane Street, Registered Plan No 8P, former Town of Lindsay, now City of Kawartha Lakes, substantially

Department Head:



Corporate Services Director / Other:



Chief Administrative Officer:



in the form attached as Appendix "D" to Report PLAN2017-020, be approved and adopted by Council;

THAT the Draft Plan of Subdivision (16T-15501), Application D05-15-001, as shown on Appendix "B" and the conditions substantially in the form attached as Appendix "E" to Report PLAN2017-020, be approved and adopted by Council;

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 and agreements required by the approval of this application.

Background:

The statutory public meeting was held by the Planning Committee on April 1, 2015 and following resolution was passed:

Moved by Mayor Letham, seconded by Councillor Breadner, RECOMMEND THAT Report PLAN2015-029, respecting **Part of Park Lots A, K, J, T and All of Park Lot C and Part of Deane Street, Registered Plan No 8P, former Town of Lindsay, now City of Kawartha Lakes and being vacant land in the area of Dobson and Truax Streets, Applications D01-15-001, D05-15-001 and D06-15-001**, be received; and

THAT the applications respecting the proposed Official Plan and Zoning By-law Amendments together with the Draft Plan of Subdivision be referred back to staff until such time as all comments have been received from all circulated Agencies and City Divisions.

CARRIED PC2015-022

This report addresses that direction.

The proposal is to permit a residential plan of subdivision in the area of Dobson and Truax Streets consisting of 71 lots for single detached dwellings which will have reduced front yard setbacks and increased lot coverage, 12 semi-detached dwellings (24 units) and will include various street extensions to provide connectivity with neighbouring developments. The proposed development will have various access points onto Dobson Street which connects with Logie Street and will be developed on full urban services. A street widening along Dobson Street is proposed to permit the extension of cycling access to the Victoria County Rail Trail (VCRT). It is a requirement of the approval of the Draft Plan of Subdivision that a portion of Deane Street be stopped up, closed and transferred to the developer which will facilitate the extension and realignment of Truax

Street, north of Dobson Street. There is no proposed connection to Holtom Street at this time. The Official Plan and Zoning By-law Amendments propose to re-designate and rezone portions of the land from Future Residential to Residential in the Town of Lindsay Official Plan and from the Future Residential (FR) and Residential Two (R2) Zones to the Residential One (R1), Residential One Special (R1-S**), Residential Two Special (R2-S**) and Residential Three Special (R3-S**) Zones. See Appendix "A" and "B" attached.

Owner: 2074161 ONTARIO LIMITED

Applicant: Billy Tung, KLM Planning Partners Inc.

Legal

Description: Part of Park Lots A, K, J, T, and All of Park Lot C and Part of Deane Street, Registered Plan No 8P, former Town of Lindsay, now City of Kawartha Lakes.

Official Plan: Designated Future Residential and Residential on Schedule "A" - of the Town of Lindsay Official Plan. The land is identified as within the Area 2 - Southeast Community Development Plan Area on Schedule "B" being the Community Development and Improvement Areas contained within the Town of Lindsay Official Plan.

Zone: Future Residential (FR), Residential Two (R2), Residential Two Special Eighteen (R2-S18), Residential Two Special Nineteen (R2-S19) and Residential Three Special Eleven (R3-S11) on Schedule "A" of the Town of Lindsay Zoning By-law No. 2000-75.

Total Collective Area: 5.7 ha.

Site Servicing: Proposed full urban services - water, sanitary sewer, storm sewer, streetlights, curb and gutter.

Existing Use: Vacant Land

Adjacent Uses: North: Low Density Residential or Undeveloped
South and East: Vacant Land - Undeveloped
West: Low Density Residential

Rationale:

2074161 Ontario Limited proposes to develop a residential plan of subdivision consisting of 71 lots for single detached dwellings, 12 semi-detached dwellings (24 units) and will include various street extensions to provide connectivity with neighbouring developments. The subject land is approximately 5.7 ha., will have various access points onto Dobson Street which connects with Logie Street and will be developed on full urban services to include water, sanitary sewer, storm sewer, streetlights, curb and gutter. See Appendix "A" and "B" attached.

Applicable Provincial Policies:

Staff reviewed the original Planning Report submitted in support of the applications and accepts the planning rationale contained in the report with respect to the Growth Plan for the Greater Golden Horseshoe (Growth Plan) and the 2014 Provincial Policy Statement (PPS). The applications serve to permit residential development that proposes to complete and connect a residential area north and south of Dobson Street and bordered by Logie Street on the west and Brock Street on the east. The applicant has submitted the appropriate background information to demonstrate the appropriateness of the proposed development and efficient use of servicing.

City of Kawartha Lakes Official Plan:

The City of Kawartha Lakes Official Plan was approved by MMAH on June 8, 2012. While the subject land remains under jurisdiction of the Town of Lindsay Official Plan and is subject to the current Secondary Plan review, the subject land is located within the Urban Settlement Boundary for Lindsay and may be considered for development.

Official Plan Conformity:

The land is designated Future Residential and Residential on Schedule "A" - Urban Structure and Land Use of the Town of Lindsay Official Plan. The land is identified as being within Area 2 - Southeast Community Development Plan Area on Schedule "B" being the Community Development and Improvement Areas contained with the Official Plan.

The future use of areas designated Future Residential shall generally be for residential purposes and other uses permitted in the Residential land use designation. These lands will be considered logical extensions of residential areas once it has been determined that additional lands are required to accommodate future residential growth and development. The current applications can be considered infilling to the existing residential development in the area. Areas designated Future Residential shall be subject to a Community Development Plan in accordance with Section 6.3.2 of the Official Plan. Future residential areas shall only be developed on the basis of full municipal services.

The lands are identified as being within Area 2 – Southeast Community Development Plan Area. Lands in Area 2 have an established grid of open and unopened municipal roads and the general method of servicing has been established. It is anticipated that the area will develop as a residential neighbourhood with supporting non-residential uses. Selected background reports were prepared in support of the development applications and include a Functional Servicing and Stormwater Management Report, an Environmental Site Assessment, a Traffic Brief and a Planning Justification Report. The applicant was requested to prepare an Addendum to the Planning Justification Report which addressed Section 6.3.2.2 h) - i), ii), iii), iv) and ix) of the Town of

Lindsay Official Plan, being the integration of proposed new development with the existing development, the distribution of proposed land use, road and pedestrian linkages, urban design and streetscaping and the impact on services, including public transit. A Record of Site Condition is a condition of draft plan approval as the subject land is adjacent to a former rail system. Staff has received and reviewed the supporting background studies and addendums and is prepared to support the request to remove the subject land from the Southeast Community Development Plan - Area 2.

Zoning By-law Compliance:

The land is zoned Future Residential (FR), Residential Two (R2), Residential Two Special Eighteen (R2-S18), Residential Two Special Nineteen (R2-S19) and Residential Three Special Eleven (R3-S11) on Schedule "A" of the Town of Lindsay Zoning By-law No. 2000-75. The applicant has requested a Zoning By-law Amendment to Residential One (R1), Residential Two (R2) and Residential Three (R3) Zones with site specific reductions with respect to lot frontage, front yard setbacks and increased lot coverage to accommodate the proposed single detached dwellings and semi-detached dwellings. While the majority of the site specific requests are supportable, staff does not support increases in lot coverage that are in excess of those supported in the development of Phase 1. Specifically, these are the requests for 45% and 50% lot coverage. Staff has worked with the applicant to achieve supportable lot coverage requests. The requests for reduction in the front yard setback for lots fronting Dobson Street are not supportable as Dobson Street is a former County Road and will eventually connect Logie Street to Highway 36. This is consistent with the development of Phase 1.

Staff originally had concerns with future road and servicing connectivity to the east and has worked with the applicant to achieve a comprehensive neighbourhood design that will allow for connectivity to the east should the City receive development proposals in the future.

Section 34(17) of the Planning Act permits Council to consider changes to a proposed Zoning By-law after the holding of a public meeting and determine whether any further notice is to be given. If Council decides that the proposed change to the Zoning By-law is minor, a further public meeting is not required. Council's decision as to the giving of further notice is final and not subject to review in any court.

Site Specific Issues:

The following issues are identified on the subject property:

Capacity for Water and Sanitary Sewer

It has been determined that upgrades to the Logie Street Sanitary Sewer Pumping Station are required for the implementation of the draft plan of subdivision. The City has included the required upgrades in the Development Charges Background Study. A draft plan condition has been included that the

owner acknowledges the required upgrades. Staff is recommending that a Holding (H) provision be placed on the subject land until such time that the servicing capacity issue has been addressed.

Stormwater Management

It has been determined through the preliminary stormwater management review that several sections of the proposed storm sewer are at greater than 80% capacity. A draft plan condition has been included that the owner shall submit a Stormwater Management Facility Interim Use, Operations, Maintenance and Assumption report, demonstrating a coordinated plan with other existing users, for the use of the Stormwater Management Facility until the City's assumption of the facility.

Road Improvements

As previously noted, the proposed plan of subdivision provides for connectivity with neighbouring developments. As such, draft plan conditions have been included to provide for the design and construction of road improvements to the intersections of Brock Street and Dobson Street, the connection of Brock Street, north of Dobson Street, to the north end of the corner block and the intersection and connection at the northern ends of Truax Street and Gunsolus Road.

The draft plan conditions also include the requirement for the owner to purchase from the City a portion of the Deane Street right-of-way for the continuation of Truax Street north of Dobson Street.

Record of Site Condition

A Record of Site Condition is a condition of draft plan approval as the subject land is adjacent to a former rail system

Other Alternatives Considered:

No other alternatives were considered at this time.

Financial Considerations:

There are no financial considerations unless Council's decision respecting the approval or refusal of the requested amendments and the draft approval request 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

These applications align with the exceptional quality of life goal as they serve to permit a complete community with building options of single detached and semi-detached dwellings and to provide connectivity with neighbouring developments. A proposed road widening along Dobson Street will continue the cycling access to the VCRT.

Review of Accessibility Implications of Any Development or Policy:

The accessibility standards established in the Building Code will be shown on the subsequent construction drawings, which must be approved by the City prior to the issuance of a building permit.

Servicing Comments:

Functional Servicing and Stormwater Management Reports were circulated to the Engineering and Corporate Assets and Public Works Divisions for review and comment. Engineering and Corporate Assets advises that the proposed residential density is greater than the allocation for water and sanitary servicing capacity approved by the City of Kawartha Lakes. In addition, the submission provided represents several sections of proposed storm sewer at greater than 80% capacity. This does not meet City or Ministry guidelines and as such the lack of capacity in the storm design must be confirmed. Appropriate conditions have been included in the draft plan conditions to require the applicant to address all these issues prior to final approval of the plan of subdivision. Staff is recommending a Holding (H) provision be applied until such time that capacity issues for water and sanitary servicing have been addressed.

Consultations:

Subsequent to the Public Meeting the following comments have been received:

Curve Lake First Nation - March 30, 2015; is currently not aware of any issues that would cause concern with respect to their Traditional, Aboriginal and Treaty rights.

Mary and Wally Speck, 15 Hutton Road – April 14, 2015; would like to be notified of Council's decision.

Building Division – November 9, 2016; no comments or concerns.

Development Services – Planning Division Comments:

The applications for Official Plan and Zoning By-law Amendment together with the application for Draft Plan of Subdivision conform to the Growth Plan and are consistent with the Provincial Policy Statement. Conformity with the Town of Lindsay Official Plan has been demonstrated and staff supports the request to remove the subject land from the Southeast Community Development Plan - Area 2. Staff respectfully recommends that applications be forwarded to Council for adoption and approval.

Attachments:

Appendix “A” – Location Map



Appendix 'A' -
Location Map.pdf

Appendix “B” – Draft Plan of Subdivision dated March 31, 2017



Appendix 'B' - Draft
Plan of Subdivision, M

Appendix “C” – Draft Official Plan Amendment



Appendix 'C' - Draft
Official Plan Amendment

Appendix “D” – Draft Zoning By-law Amendment



Appendix 'D' - Draft
Zoning By-law.pdf

Appendix “E” – Proposed Draft Plan Conditions



Appendix 'E' - Draft
Plan Conditions.pdf

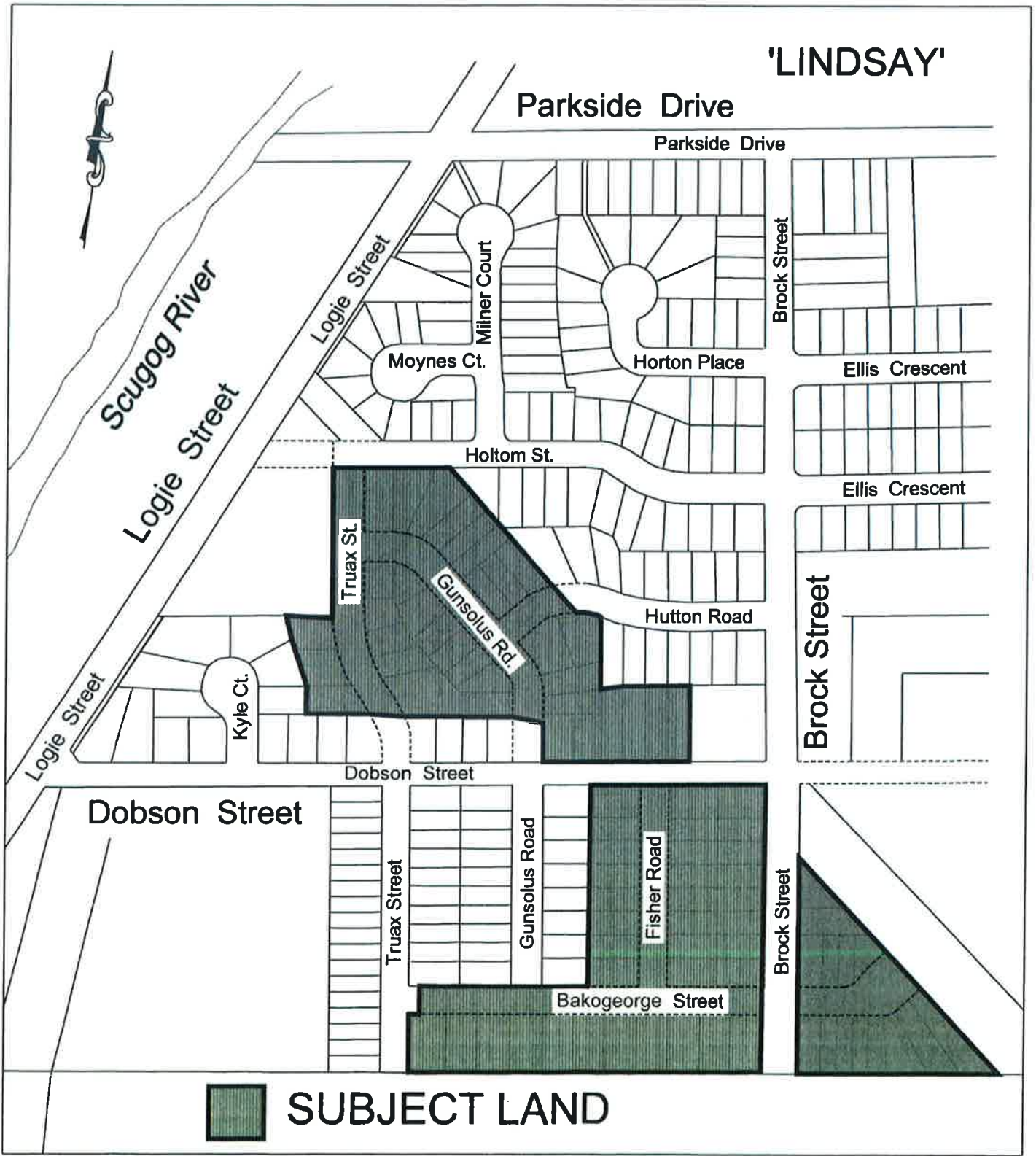
Phone: 705-324-9411 ext. 1331 or 1-888-822-2225 ext. 1331

E-Mail: srea@city.kawarthalakes.on.ca

Department Head: Chris Marshall

Department Files: D01-15-001, D05-15-001 and D06-15-001

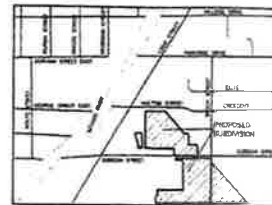
'LINDSAY'



DRAFT PLAN OF SUBDIVISION
PART OF PARK LOTS A, K, J, T.
ALL OF PARK LOT C and
PART OF DEANE STREET
REGISTERED PLAN No 8P
CITY OF KAWARTHA LAKES

SCALE 1:1000

DRAFT PLAN T-



KEY PLAN

SECTION 51, PLANNING ACT,
ADDITIONAL INFORMATION

- A. AS SHOWN ON DRAFT PLAN
- B. AS SHOWN ON DRAFT PLAN
- C. AS SHOWN ON DRAFT PLAN
- D. AS SHOWN ON DRAFT PLAN
- E. AS SHOWN ON DRAFT PLAN
- F. AS SHOWN ON DRAFT PLAN
- G. AS SHOWN ON DRAFT PLAN
- H. AS SHOWN ON DRAFT PLAN
- I. AS SHOWN ON DRAFT PLAN
- J. AS SHOWN ON DRAFT PLAN
- K. AS SHOWN ON DRAFT PLAN
- L. AS SHOWN ON DRAFT PLAN
- M. AS SHOWN ON DRAFT PLAN
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- U. AS SHOWN ON DRAFT PLAN
- V. AS SHOWN ON DRAFT PLAN
- W. AS SHOWN ON DRAFT PLAN
- X. AS SHOWN ON DRAFT PLAN
- Y. AS SHOWN ON DRAFT PLAN
- Z. AS SHOWN ON DRAFT PLAN

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIPS TO THE ADJACENT LAND ARE ACCURATELY AND CORRECTLY SHOWN.

DATE: 2017-03-21

[Signature]
SCARLETT & HICKSON INC.

OWNER'S CERTIFICATE

I, AUTHORIZED PLANNING PARTNER INC. TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE CITY OF KAWARTHA LAKES FOR APPROVAL.

OWNER:

2074161 ONTARIO LIMITED

C/O

31 BRIMWOOD DRIVE
KAWARTHA LAKES
ONTARIO
N0B 1H0

[Signature]
SCARLETT & HICKSON INC.

SCHEDULE OF LAND USE

TOTAL AREA OF LAND TO BE SUBDIVIDED = 5.7368Hm² (14.1732Acres)

DETACHED DWELLINGS	BLDG	LOTS	UNITS	BLDG	UNITS
LOTS 23 and 24	2	2	0.192	0.391	
BLDG BLOCKS 94-97	4	5	0.125	0.311	
LOTS 1, 9-13, 18, 23, 27-28, 31 and 32	43	43	2.265	5.537	
LOTS 2-8, 16, 17, 20-22, 26 and 29	18	18	0.082	1.862	
LOTS 70-81	12	12	0.485	1.206	
SEMI-DETACHED DWELLINGS					
LOTS 37-48	13	13	0.517	1.548	
SUBTOTAL	8	83	3.558	8.752	
BLOCK 88	1	1	0.281	0.289	
BLOCK 89	1	1	0.001	0.002	
STREETS	1	1	1.258	3.102	
TOTAL	11	87	5.106	14.173	

NOTE: * SUBJECT TO FINAL CALCULATION

NOTE: ELEVATIONS RELATED TO CANADIAN GEODETIC DATUM



PROJECT No P-2395

SCALE 1:1000 MAR 21, 2017

(23950000) X-REF: (23850000 & 23950000)

DWG. No. 17:5

84 JARDIN DRIVE - UNIT 18, CONCORD, ONTARIO L4K 1P5

Tel: (905) 466-4000 Fax: (905) 466-4001

Planning • Design • Development

REPORT

to

APPENDIX B

PLAN 2017-030
201-5-01
205-15-001
206-15-001

REPORT
THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2017 -

FILE NO.

201-15-001
205-15-001
206-15-001

**A BY-LAW TO AMEND THE TOWN OF LINDSAY OFFICIAL PLAN TO RE-
DESIGNATE LAND WITHIN THE CITY OF KAWARTHA LAKES**

[File D01-15-001, Reports PLAN2015-029 and PLAN2017-020, respecting Part of Part of Park Lots A, K, J, T, and All of Park Lot C and Part of Deane Street, Registered Plan No 8P, former Town of Lindsay, now City of Kawartha Lakes – 2074161 Ontario Limited.]

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 designation from the Future Residential designation to the Residential designation to permit a residential plan of subdivision consisting of 71 lots for single detached dwellings, 12 semi-detached dwellings and to remove the land from the requirements of the Southeast Community Development Plan Area 2.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to adopt Official Plan Amendment Number 47.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2017-***.

Article 1:00 Official Plan Amendment Details

- 1.01 **Property Affected:** The Property affected by this By-law is identified as being Part of Park Lots A, K, J, T, and All of Park Lot C and Part of Deane Street, Registered Plan No 8P, former Town of Lindsay, now City of Kawartha Lakes.
- 1.02 **Amendment:** Amendment No. 47 to the Town of Lindsay Official Plan, attached hereto as Schedule 'A' and forming a part of this By-law is hereby adopted.

Article 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.

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

Andy Letham, Mayor

Judy Currins, City Clerk

AMENDMENT NO. 47 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 designations on Schedule 'A' of the Town of Lindsay Official Plan on the property from the Future Residential designation to the Residential designation and to remove the land from the requirements of the Southeast Community Development Plan Area 2. The land is also subject to an Application for Zoning By-law Amendment and a Draft Plan of Subdivision.

The effect of the change is to permit a residential plan of subdivision consisting of 71 lots for single detached dwellings and 12 semi-detached dwellings.

B. LOCATION

The subject site has an area of approximately 5.7 hectares and is located on the east side of Logie Street and north and south of Dobson Street, in the former Town of Lindsay, now City of Kawartha Lakes. The subject property is located in a residential area with single detached dwellings either existing or under construction. While the land east and south of the proposed development are vacant, they are located within the Urban Settlement Boundary for Lindsay and will be considered for future development. The land north and west side of the property is either residentially developed or is proposed for residential development. The subject property is currently vacant.

The land is legally described as of Part of Park Lots A, K, J, T, and All of Park Lot C and Part of Deane Street, Registered Plan No 8P, former Town of Lindsay, now City of Kawartha Lakes.

C. BASIS

Council has enacted this Official Plan Amendment in response to an application submitted by 2074161 Ontario Limited to permit a residential plan of subdivision consisting of 71 lots for single detached dwellings and 12 semi detached dwellings on the property. It is intended that a special policy be incorporated into the amendment to exempt the proposed development from Sections 4.7.2 and 6.3.2 of the Town of Lindsay Official Plan which states those areas designated Future Residential shall be subject to a Community Development Plan.

The land is designated Future Residential on Schedule "A" (Urban Structure and Land Use) of the Town of Lindsay Official Plan. The land is identified as being within Area 2 – Southeast Community Development Plan Area on Schedule "B" being the Community Development and Improvement Areas contained within the Town of Lindsay Official Plan. The land is also subject to an Application for Zoning By-law Amendment and a Draft Plan of Subdivision.

The proposed development and Amendment to the Town of Lindsay Official Plan are 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 2014 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 site concept is compatible and integrates well with the surrounding area. The proposed lot fabric and street network in the Draft Plan of Subdivision proposes connectivity with Dobson, Truax and Brock Streets.

4. The applicant has submitted the selected background reports as set out in the Town of Lindsay Official Plan to demonstrate the appropriateness of the proposed development with respect to servicing, traffic, noise and the environment.
5. Further to the review of the selected background reports, there is no merit in the requirement for a Community Development Plan. The proposed development is located in an existing residential area with an established grid of open and unopened municipal roads and the general method of servicing for the area has also been established.

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' and text constitutes Amendment No. 47 to the Official Plan for the Town of Lindsay.

E. DETAILS OF THE AMENDMENT

1. The Official Plan for the Town of Lindsay is amended to add the following subsection.

4.1.7 Special Provisions

- a) On land designated Residential and described as of Part of Park Lots A, K, J, T, and All of Park Lot C and Part of Deane Street, Registered Plan No 8P, former Town of Lindsay now City of Kawartha Lakes, being Draft Plan of Subdivision 16T-15501, Sections 4.7.2 and 6.3.2 requiring a Southeast Community Development Plan shall not apply.
2. Schedule 'A' of the Town of Lindsay Official Plan is hereby amended by changing the land use designation from the Future Residential designation to the Residential designation, as shown on Map 'A' as 'LAND TO BE RE-DESIGNATED RESIDENTIAL'.

F. IMPLEMENTATION AND INTERPRETATION

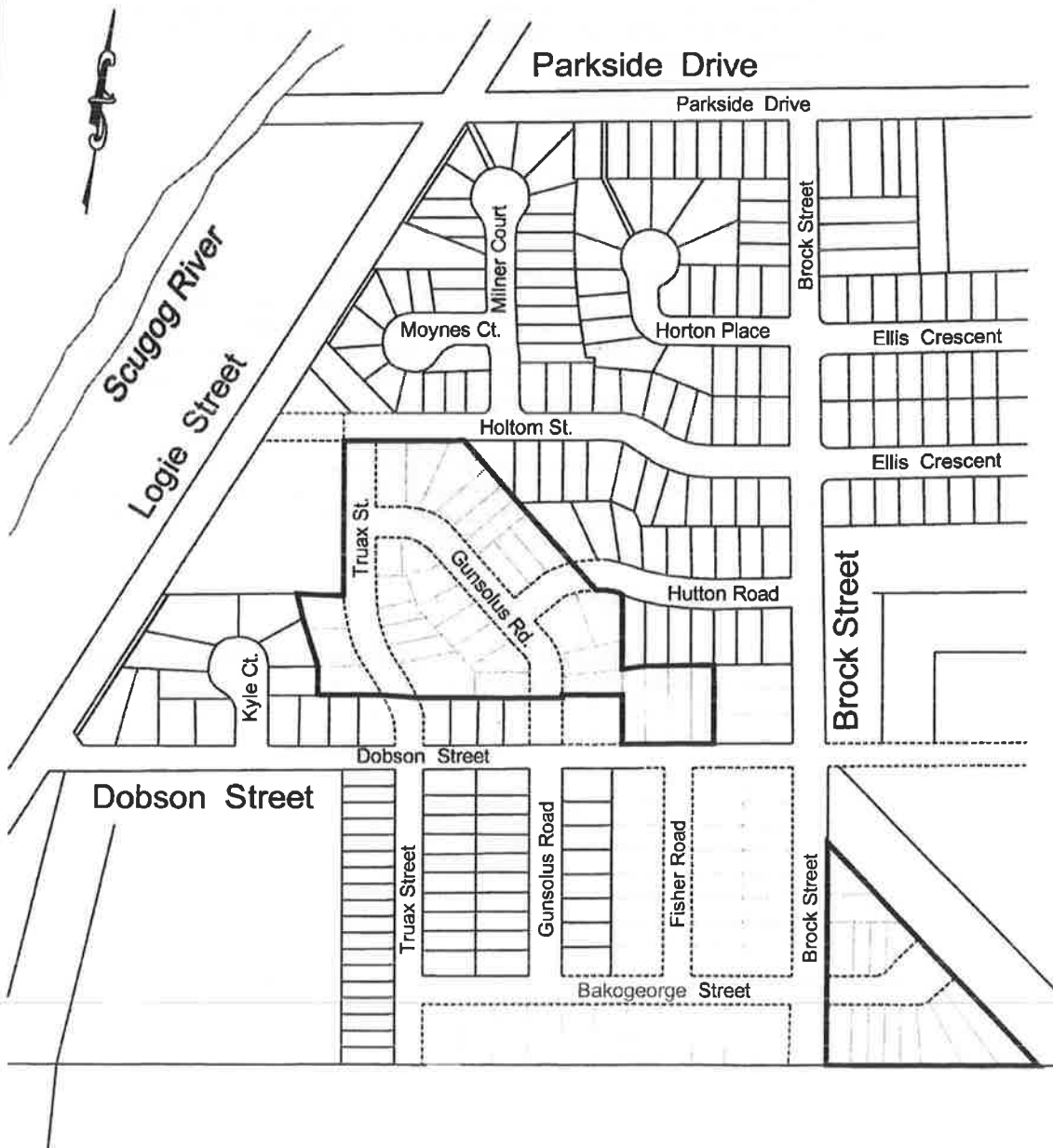
The implementation and interpretation of this amendment shall be in accordance with the relevant policies of the Official Plan.

THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

Map 'A' to Amendment No. 47 to the Town of Lindsay Official Plan

'LINDSAY'



☐ LAND TO BE RE-DESIGNATED RESIDENTIAL

to
THE CORPORATION OF THE CITY OF KAWARTHA LAKES
 REPORT

BY-LAW 2017-

FILE NO.

**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 D06-15-001, Reports PLAN2015-029 and PLAN2017-020, respecting Part of Park Lots A, K, J, T, and All of Park Lot C and Part of Deane Street, Registered Plan No 8P, former Town of Lindsay, now City of Kawartha Lakes and being vacant land on Dobson Street – 2074161 ONTARIO LIMITED]

Recitals:

1. Section 34 of the *Planning Act* 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 an increase in maximum lot coverage, a reduction in minimum lot frontage and minimum lot area and a reduction in minimum front yard setbacks.
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 Park Lots A, K, J, T, and All of Park Lot C and Part of Deane Street, Registered Plan No 8P, former Town of Lindsay, now City of Kawartha Lakes and being vacant land on Logie Street.
- 1.02 **Textual Amendment:** By-law No. 2000-75 of the Town of Lindsay is further amended by amending Section 6.3 to add the following:

6.3.23 R1-S18(H) Zone

Notwithstanding the zone requirements for the R1 Zone, on land zoned R1-S18(H) the following requirements shall apply:

- i. Minimum lot area shall be 340 sq.m.
- ii. Minimum lot frontage shall be 12. m.
- iii. Minimum front yard setback shall be 6 m.
- iv. Maximum lot coverage for all buildings shall be 42%.

On land zoned R1-S18(H), the removal of the (H) shall be in accordance with the following:

- Confirmation that municipal water and sanitary sewer is available for the development and that stormwater management is satisfactory to the City of Kawartha Lakes.

6.3.24 R1(H) Zone

On land zoned R1(H), the removal of the (H) shall be in accordance with the following:

- Confirmation that municipal water and sanitary sewer is available for the development and that stormwater management is satisfactory to the City of Kawartha Lakes.

By-law No. 2000-75 of the Town of Lindsay is further amended by amending Section 7.3 to add the following:

7.3.41 R2-S18(H) Zone

On land zoned R2-S18(H), the removal of the (H) shall be in accordance with the following:

- Confirmation that municipal water and sanitary sewer is available for the development and that stormwater management is satisfactory to the City of Kawartha Lakes.

7.3.42 R2-S36(H) Zone

Notwithstanding the zone requirements for the R2 Zone, on land zoned R2-S36(H) the following requirements shall apply:

- i. Minimum front yard setback shall be 6 m. to the portion of the dwelling containing the garage entrance and 4.5 m. to the balance of the dwelling.
- ii. Minimum rear yard setback shall be 1.6 m. to the portion of the dwelling containing the garage and 3.75 m. to the balance of the building.

On land zoned R2-S36, Section 5.24 iv) and vi) shall not apply.

On land zoned R2-S36(H), the removal of the (H) shall be in accordance with the following:

- Confirmation that municipal water and sanitary sewer is available for the development and that stormwater management is satisfactory to the City of Kawartha Lakes.

By-law No. 2000-75 of the Town of Lindsay is further amended by deleting Section 8.3.14 in its entirety and replacing it with the following:

8.3.14 R3-S11(H) Zone

Notwithstanding the zone requirements for the R3 Zone, on land zoned R3-S11(H) the following requirements shall apply:

For single detached dwelling units:

- i. Minimum lot frontage shall be 9.65 m. on an interior lot.
- ii. Minimum front yard setback shall be 6 m.
- iii. Maximum lot coverage for all buildings shall be 42%.

For semi-detached dwelling units:

- i. Minimum lot area shall be 270 sq.m.
- ii. Minimum lot frontage shall be 8.5 m. on an interior lot and 10.0 m. on a corner lot.
- iii. Minimum front yard setback shall be 6.0 m.
- iv. Maximum lot coverage for all buildings shall be 47%.

On land zoned R3-S11(H), the removal of the (H1) shall be in accordance with the following:

- Confirmation that municipal water and sanitary sewer is available for the development and that stormwater management is satisfactory to the City of Kawartha Lakes.

- 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 Future Residential (FR), Residential Two (R2), Residential Two Special Eighteen (R2-S18), Residential Two Special Nineteen (R2-S19) and Residential Three Special Eleven (R3-S11) Zones to the Residential One Special Eighteen Holding (R1-S18)(H), Residential One Holding (R1)(H), Residential Two Special Eighteen Holding (R2-S18)(H), Residential Two Special Thirty-six Holding (R2-S36)(H), and Residential Three Special Eleven Holding (R3-S11)(H) Zones, for the land referred to as 'R1-S18(H)', 'R2-S18(H)', 'R2-S36(H)', and 'R3-S11(H)'.

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 _____

'LINDSAY'





Draft Plan of Subdivision Conditions
2074161 Ontario Limited
D05-15-001

APPENDIX " E "
to PLAN 2017-020

REPORT

FILE NO.

D01-15-001
D06-15-001
D05-15-001

CONDITIONS OF DRAFT PLAN APPROVAL - 2074161 Ontario Limited

GENERAL CONDITIONS

1. This approval applies to the draft plan of subdivision 16T-15502 prepared by KLM Planning Partners Inc. Project No. P-2395, Drawing No. – 17:5, dated March 31, 2017, which shows a total of 71 single family lots, being Lots 1 to 56 inclusive, Lots 69 to 83 inclusive, 12 semi-detached lots, being Lots 57 to 68 inclusive, Blocks for 3 future single family lots, being Blocks 84 to 87 inclusive, Block 88 for a road widening and Block 89 for a 0.3 m. reserve.
2. All conditions shall be fulfilled and satisfied, and final approval shall be given or this draft plan approval shall lapse after three (3) years from the date the Notice of Decision is sent out with respect to this draft approval.
3. 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.
4. The Subdivision Agreement shall include the payment of all applicable development charges in accordance with applicable Development Charges By-law.
5. 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.
6. The road allowance included in this draft plan shall be shown and dedicated as public highway.
7. The streets shall be named to the satisfaction of the City.
8. 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.
9. 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.
- 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 Lindsay Street to Logie 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 such time that underground municipal services are installed and operational, the roadway is constructed to base asphalt condition, and all "earthworks" identified in the Schedules to the Subdivision Agreement are completed.
- 11. 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.

ZONING

- 12. 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.
- 13. 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.

SITE PREPARATION

- 14. The Owner shall comply with the City's pre-servicing policy for any site clearing, grubbing, cutting or filling, tree removal, or pre-servicing activity proposed prior to entering into the Subdivision Agreement.
- 15. The Owner shall provide a construction management plan for any proposed pre-servicing. In addition, the Owner shall agree in the Subdivision Agreement to submit to the City a construction management plan. The construction management plan shall outline the schedule for the development, any construction traffic routing for all phases of the development and shall confirm the contacts for all construction activities. Details of the required street cleaning and clearing activities and all installation, operation and maintenance, and monitoring of sediment and erosion controls shall be confirmed in the construction management plan. Access for all construction will be provided via Dobson Street.

NEW AND EXPANDED PUBLIC ROADS AND TRAFFIC

- 16. 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.

17. 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.
18. The Owner shall provide for the design and construction of road improvements required to existing streets, at no cost to the City. More specifically:
 - a) the intersections of Brock Street and Dobson Street,
 - b) Brock Street, north of Dobson Street, to the north end of corner block
 - c) the intersection and connection of the northern ends of Truax Street & Gunsolus Road
19. For the continuation of Truax Street, the Owner shall purchase from the City of Kawartha Lakes, as per the City of Kawartha Lakes Policies the portion of the Deane Street Right of Way required for the design, as described on Drawing No. – 17:5.
20. 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 the south end of Brock Street and the cul-de-sac at the east end of Bakogeorge Street.
21. 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 cul de sac.
22. 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.
23. The Owner shall provide a composite utility plan which will outline the proposed location of all of the utilities proposed within the subdivision and any external utility works required to facilitate the connectivity of the proposed subdivision to existing utilities. Each utility will provide approval of the same composite utility plan for submission with the plan.
24. The owner shall provide a comprehensive streetscaping plan showing all above-ground utilities, street furniture, street tree planting, and/or boulevard landscaping.

SITE SERVICING

25. 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 all municipal by-laws and design criteria 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.

26. The Owner agrees that all residential sanitary services shall drain by gravity and not use sump pumps and grinder pumps for drainage.
27. 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.
28. 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 City for the water works in accordance with the Safe Water Drinking Act and the Environmental Protection Act.
29. 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.
30. The Owner acknowledges that the Logie Street Sanitary Sewer Pumping Station requires upgrades to support the subject development. The City has included the required upgrades in the Development Charge Background Study. The City will commence design and construction of the Logie Street Sanitary Sewer Pumping Station upon the Owner's registration of the plan of subdivision.

STORMWATER MANAGEMENT

31. The Owner shall submit a Stormwater Management Facility Interim Use, Operations, Maintenance and Assumption Report, demonstrating a coordinated plan with other existing users, for the use of the Stormwater Management Facility until City of Kawartha Lakes assumption of the facility.
32. 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.
33. 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.
34. 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 phosphorous reduction (e.g., best management practices for stormwater management) to the Kawartha

Region Conservation Authority for review. This assessment should endeavour to quantify best efforts in terms of striving to achieve no net increase from pre-development levels.

35. 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.
36. That, the Subdivision Agreement shall contain, among other matters, the following provision:
 - a) That, the Developer 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.
 - b) That, the Developer 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. The details of the sediment and erosion controls will be confirmed in the construction management plan and submitted to the City's Engineering and Corporate Assets Department.

CONDITIONS FOR FENCING AND TRAIL CONNECTIVITY CONDITIONS

37. The Subdivision Agreement shall include provisions concerning the precise location of required fencing, specifically along the rear yards of all lots backing onto the Trans Canada Rail Trail. All fencing shall be commercial grade black chain link fence to City specifications.
38. Community Services requires the trail connectivity for the existing bicycle path on the south side of Dobson to continue and connect to the existing Trans Canada Trail. The design must be submitted in conjunction with the intersection design of Dobson and Brock Streets to the satisfaction of both the Community Services Department and Engineering and Corporate Assets Department.

CONVEYANCE OF LANDS FOR MUNICIPAL PURPOSES

39. The streets 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.
40. The owner shall convey Blocks 88 and 89 to the City free and clear of encumbrances for 0.3 m reserves and 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. 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. The Owner will consult with Canada Post to determine suitable permanent locations for the Community Mail Boxes. The Owner will then indicate these locations on the Composite Utility and Streetscaping Plans submitted to the City's Engineering and Corporate Assets Department.
43. The Owner agrees in the Subdivision Agreement, 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 all Community Mail Boxes within the development, as approved by Canada Post. In addition, the Owner agrees to have Schedule "A" the approved Engineering drawings of the Subdivision Agreement available for review by all potential homeowners.
44. That such easements as may be required for utility and/or drainage purposes shall be granted to the appropriate authority.
45. That satisfactory arrangements, financial and otherwise, shall be made with Bell Canada for any Bell underground facilities serving the subdivision.
46. That the owner agrees in the Subdivision Agreement with the City to grant Bell Canada any easements that may be required for telecommunication purposes.
47. That if there are any conflicts with existing Bell Canada facilities or easements, the owner/developer shall be responsible for rearrangements or relocation.
48. 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.
49. 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).

50. 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.
51. 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.
52. 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.
53. The Owner will consult with Canada Post to determine suitable permanent locations for the Community Mail Boxes. The Owner will then indicate these locations on the appropriate servicing plans.
54. 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 all Community Mail Boxes within the development, as approved by Canada Post.
55. 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.
56. The Owner will provide a suitable and safe temporary site for a Community Mail Box until curbs, sidewalks and final grading are 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.
57. 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).

ENVIRONMENTAL CONDITIONS

58. That, prior to any site alteration, construction, or final approval of the Plan, the Owner shall provide a detailed design submission of the proposed Stormwater

Management system prepared by a qualified Professional Engineer in accordance with the applicable standards and guidelines to the satisfaction of the Kawartha Region Conservation Authority.

59. That, prior to any site alteration, construction, or final approval of the Plan, the Owner shall provide a Sediment and Erosion Control Plan prepared by a qualified professional to the satisfaction of the Kawartha Region Conservation Authority. The Plan should detail the measures that will be implemented before, during, and after construction to minimize soil erosion and sedimentation.

60. That, the Subdivision Agreement contain the following provisions:

- a) That, the Owner agrees to carry out the recommendations of the approved Stormwater Management report and the approved Sediment and Erosion Control Plan.

Note: The Agreement shall contain a reference to the plans and reports approved by the Kawartha Region Conservation Authority.

- b) That, the Developer agrees to install all sediment and erosion control structures in a functional manner prior to the site disturbance, maintain these structures operating in good repair during and after the construction period, and continue to implement all sediment and erosion control measures until such time as the disturbed soil surfaces have become stabilized and/or revegetated.

61. Prior to the signing of the final plan by the Director, the owner shall submit a Record of Site Condition (RSC) of the subject land, and written confirmation from a qualified professional that the recommendations of such RSC have been implemented and completed to the satisfaction of the MOECC.

SPECIAL CONDITIONS

62. 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 3, 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 Committee for endorsement which will include a Planning Report along with the financial reporting as outlined above.

CLEARANCE CONDITIONS

- 63. 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.
- 64. Prior to the signing of the final plan by the Director, the Development Services Division shall confirm that conditions 1 to 9 both inclusive, 11 to 13 both inclusive, 44 and 61 have been satisfied.
- 65. Prior to the signing of the final plan by the Director, the Engineering and Corporate Assets Division shall confirm that conditions 3, 4, 10, 14 to 40 both inclusive, 42 and 43 have been satisfied.
- 66. 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 62 has been satisfied.
- 67. 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 Conservation Authority indicating how conditions 32 to 36 both inclusive and 58 to 60 both inclusive have been satisfied.
- 68. 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 Division indicating how condition 41 has been satisfied.
- 69. 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 52 has been satisfied.
- 70. 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 45 to 49 both inclusive have been satisfied.
- 71. 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 53 to 57 both inclusive have been satisfied.

72. 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 50 and 51 have been satisfied.

NOTES TO DRAFT PLAN APPROVAL of 16T-15501 (D05-15-001)

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 of Engineering and
Corporate Assets
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

Bryan Robinson
Director of Public Works Department
City of Kawartha Lakes
12 Peel Street
Lindsay, ON K9V 3L8
Tel: 705.324.9411 ext. 1143
Fax: 705.328.3122

Mark Pankhurst, Fire Chief
Emergency Services Department
Kawartha Lakes Fire Rescue
9 Cambridge Street North
Lindsay K9V 4C4
Tel: 705.324.5731
Fax: 705.878.3463

Chris Marshall, Director
Development Services Division
City of Kawartha Lakes
180 Kent Street West, 2nd 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.
913 Crawford Drive,
Peterborough, ON
K9J 3X1

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

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 20.1 m. and be comprised of two (2) parts, the 19.8 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 and Housing.