

# The Corporation of the City of Kawartha Lakes

## By-Law 2018 -

### A By-Law To Amend The Town Of Lindsay Official Plan To Re-Designate Land Within The City Of Kawartha Lakes

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

#### Recitals:

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

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

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

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

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

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

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

---

Andy Letham, Mayor

---

Cathie Ritchie, City Clerk

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

The Corporation of the City of Kawartha Lakes

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Part B - The Amendment**

### **D. Introductory Statement**

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

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

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

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

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

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

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

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

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

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

**F. Implementation and Interpretation**

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