

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

**Report Number PLAN2019-059**

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**Date:** October 22, 2019  
**Time:** 1:00 p.m.  
**Place:** Council Chambers

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**Ward Community Identifier:** Ward 14 - Omemee

**Title:** An application to remove the Holding (H) Provision from the Village of Omemee Zoning By-law 1993-15

**Description:** To amend the Village of Omemee Zoning By-Law 1993-15 to remove the Holding (H) provision to permit the construction of two single detached dwellings following a Consent to Sever a new lot on the subject property zoned Residential Type One (R1) Zone described as Plan 109 Lots 14, 15 and Part of Lot 16 East of Queen Street, North of Distillery Street, & Lots 14, 15, Part of Lots 16, 17, 18 West of Hughes Street, North of Distillery Street, in the Village of Omemee, City of Kawartha Lakes (Dacosta)

**Author and Title:** Kent Stainton, Planner I

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**Recommendations:**

**That** Report PLAN2019-059, **Removal of Holding (H) Symbol for Octavio Dacosta**, be received;

**That** Zoning By-Law Amendment application D06-2019-025 identified Plan 109 Lots 14, 15 and Part of Lot 16 East of Queen Street, North of Distillery Street & Lots 14, 15, Part of Lots 16, 17, 18 West of Hughes Street North of Distillery Street in the Village of Omemee, City of Kawartha Lakes, as generally outlined in Appendix C to Report PLAN2019-059, be approved and adopted by Council; and

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

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

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

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

## **Background:**

Owners:	Octavio Dacosta
Applicant:	Tom DeBoer (TD Consulting Inc.)
Legal Description:	Part Lot 3, Concession 8, geographic Village of Omemee
Official Plan:	Urban in the Victoria County Official Plan
Zone:	Residential Type One (R1(H)) Zone in the Village of Omemee Zoning By-law 1993-15, as amended
Site Size:	6,839 sq. m. (1.69 acres - MPAC)
Site Servicing:	Private Individual Wells and Private Septic Systems
Existing Uses:	Vacant Land
Adjacent Uses:	North: Residential South: Residential and Agricultural East: Residential West: Residential, Mill Pond

## **Rationale:**

The subject property, oriented in an L-shape, is located at the northeast corner of Distillery Street East and Queen Street South in the Village of Omemee. There is an existing residential lot (1 Distillery Street East) on the corner of Queen Street South and Distillery East. The property is currently vacant. A consent application (File D03-2019-036) to create a new residential lot approximately 3,193.91 square metres in size while retaining 3851.14 square metres has been received and was deemed complete on August 9, 2019. The resulting outcome would be two separate residential lots each containing single detached dwellings with private services. Access for one of the lots will be achieved from Queen Street, while the second lot would attain access via Distillery Street. The proposed lots are currently situated within the residential zoned area containing the Holding symbol, which needs to be removed to permit the proposed future residential use and driveway access for the construction of the aforementioned residential dwellings (see Appendix A and B attached).

In the Village of Omemee Zoning By-law 1993-15, lands that have been zoned with a Holding Symbol pursuant to Section 36 of the Planning Act, as amended, shall be limited to existing uses, conservation or forestry uses exclusive of buildings or structures. At such time as the holding symbol is removed, by amendment to this By law, the land may be used in accordance with the applicable zone provisions. In accordance with By-law 1993-15, the removal of the (H) Holding Symbol requires either the provision of adequate municipal roads, electricity, storm drainage services, sewage and water services and other matters as appropriate to a specific area or an agreement is entered into between the owner and the Corporation of the City of Kawartha Lakes to provide

the aforementioned services and other matters as appropriate. This requirement is being satisfied as the owner has submitted a Site Plan (Appendix C) for the proposed lots identifying drainage, well, septic and building locations including driveway and road access. This plan has also been reviewed/approved by Kawartha Conservation, Ministry of Transportation, Building Division, Engineering Division and it is now appropriate to remove the Holding (H) provision.

### **Provincial Policies:**

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

The application conforms to the 2019 Growth Plan for the Greater Golden Horseshoe (Growth Plan).

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

The proposal is consistent with the 2014 Provincial Policy Statement (PPS).

#### **Official Plan Conformity:**

The Urban designation in the Victoria County Official Plan (VCOP) applies to this property as the policies in the proposed Urban Settlement Area designation in the City of Kawartha Lakes Official Plan (CKLOP) and the Residential designation in the Omemee Secondary Plan (SP), are both subject to appeal to the Local Planning Appeal Tribunal. The proposed use on the property conforms to the applicable policies of the official plan designation.

#### **Zoning By-law Compliance:**

The property is zoned Residential Type One - Holding (R1)(H) Zone the Village of Omemee Zoning By-law 1993-15. The R1 zone category permits the single detached dwelling use and the proposed driveway access associated with both potential lots created through Consent File D06-2019-036. The residential use will be permitted once the Holding (H) provision is removed.

#### **Other Alternatives Considered:**

No other alternatives have been considered.

#### **Financial/Operation Impacts:**

There are no financial considerations unless Council's decision is appealed by the owner to the Local Planning Appeal Tribunal. In the event of an appeal there could be costs for legal representation and planning staff.

## **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 appears to align with the exceptional quality of life strategic goals as it increases the supply of affordable housing to attract new residents in the City of Kawartha Lakes.

## **Servicing Comments:**

The property will be developed on private well and septic system services.

## **Consultations:**

Agency Comments:

On August 21, 2019, the Building Division advised that they have no concerns with the application.

On September 3, 2019 the Ministry of Transportation (MTO) advised that they have no concerns with the application.

On September 5, 2019, Kawartha Conservation advised that a portion of the floodplain associated with Mill Pond extends onto the proposed lot fronting onto Queen Street; however, the proposed driveway is outside of the flood hazard as confirmed by the topographic survey provided in support of the application. Safe access/egress can be established on both lots. Permits pursuant to Ontario Regulation 182/06 will be required to facilitate the construction of single detached dwelling, private well and septic systems and driveways on both proposed lots.

On September 20, 2019, the Engineering and Corporate Assets Department advised that they have no objection to the proposed application.

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

Staff support this application based on the information contained in this report and the comments received to-date as part of the August 22, 2019 circulation of Consent File No. D03-2019-036. As such, staff respectfully recommends that the proposed zoning by-law application to remove the Holding (H) symbol be approved and adopted by Council.

## Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Kent Stainton, Planner I at (705) 324-9411 ext. 1248

Appendix 'A' – Location Map



Appendix A -  
PLAN2019-059.pdf

Appendix 'B' – Proposed Site Plan



Appendix B-  
PLAN2019-059.pdf

Appendix 'C' – Zoning By-Law Amendment and Sketch



Appendix C -  
PLAN2019-059.docx

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

**Department Head:** Chris Marshall

**Department File:** D06-2019-025