

The Corporation of the City of Kawartha Lakes

By-Law 2020 -

A By-Law To Amend The Township of Fenelon Zoning By-Law No. 12-95 To Rezone Land Within The City Of Kawartha Lakes

File D06-2018-028, Report PLAN2019-057 and PLAN2020-016, respecting Part of Lot 23, Concession 9, Parts 1 to 3, Plan 57R-8353, Parts 1 and 2, Plan 57R-2352, Lots 53-54, Part Third Street (Closed), Plan 190, geographic Township of Fenelon, identified as 19 (and formerly 39) and 67 West Street North – Muskoka D&M Corp.

Recitals:

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land. Section 36 of the Planning Act authorizes Council to place a Holding (H) symbol on any zoning category assigned to property. The purpose of the Holding (H) symbol is to restrict the use of the property until conditions imposed by Council have been met.
2. Council has received a revised application to amend the categories and provisions relating to a specific parcel of land to permit a residential condominium development consisting of townhouses and apartment buildings. In addition, to restrict development and require an enhanced buffer area planting plan within the environmentally protected area. A Holding (H) symbol shall be applied to ensure the property is subject to site plan control and the necessary requirements are met to file a record of site condition and to apply for and obtain a deeming by-law, if necessary to consolidate the shoreline lands with the balance of the lands.
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 2020-__.

Section 1:00 Zoning Details

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part of Lot 23, Concession 9, Parts 1 to 3, Plan 57R-8353, Parts 1 and 2, Plan 57R-2352, Lots 53-54, Part Third Street (Closed), Plan 190, geographic Township of Fenelon, City of Kawartha Lakes, identified as 19 and 67 West Street North.
- 1.02 **Textual Amendment:** By-law No. 12-95 of the Township of Fenelon is further amended to replace Part 24 with the following:

“PART 24 MULTIPLE RESIDENTIAL (RM) ZONE

24.1 USES PERMITTED”

24.1.1 No person shall hereafter change the use of any building, structure or land or erect or use any building or structure in a Multiple Residential (RM) Zone, except for the following uses:

24.1.1.1 Townhouse Dwelling

24.1.1.2 Apartment Dwelling

24.1.1.3 Home Occupation

24.1.1.4 Accessory Uses, including private clubhouse with swimming pool

24.2 ZONE PROVISIONS

24.2.1 Notwithstanding any other provisions of this By-law to the contrary, the maximum number of dwelling units, minimum lot area requirement, minimum lot frontage requirement, minimum yard requirements, maximum lot coverage, minimum landscape open space, parking area requirements and notwithstanding those provisions regulating the maximum lot coverage and number of accessory buildings and structures as set forth under Section 3.1.3, to the contrary and all other regulatory provisions set forth under this subsection shall be determined on the basis of the entire area of those lands zoned within the Multiple Residential (RM) Zone including the area of the Environmental Protection Exception Eight (EP-8) Zone as if the lands were held under one ownership. No person shall hereafter change the use of any building, structure or land or erect or use any building or structure, in a Residential Multiple (RM) Zone, except in conformity with the following zone provisions:

24.2.1.1 Minimum Lot Area (per dwelling unit) 228 square metres

24.2.1.2 Minimum Lot Frontage (Bass Street) 122 metres

24.2.1.3 Yard Requirements (min.)

- | | |
|--|-------|
| (a) front (West St. N. - townhouse dwellings) | 3.5 m |
| (b) front (West St. N. - apartment dwellings) | 7.8 m |
| (c) interior side (south) | 9.5 m |
| (d) rear (Bass Street - townhouse dwellings) | 3.0 m |
| (e) rear (Bass Street - apartment dwellings) | 9.0 m |
| (f) water setback (min.) | 15 m |
| (g) water setback (min.) for habitable buildings | 20 m |

24.2.1.4 Lot Coverage (max. - all buildings and structures) 35 %

24.2.1.5 Building Height (max.)

- | | |
|-------------------------|--------|
| (a) apartment dwellings | 16.5 m |
| (b) townhouse dwellings | 11 m |

24.2.1.6	Gross Floor Area (min. per dwelling unit) (a) apartment dwellings (b) townhouse dwellings	90 sq. m. 100 sq. m
24.2.1.7	Minimum Landscape Open Space	35%
24.2.1.8	Density (max. dwelling units per lot)	86
24.2.1.9	Maximum number of condominium Apartment Dwelling buildings	2
24.2.1.10	Maximum number of condominium Townhouse Dwelling blocks	7
24.2.1.11	Maximum number of Townhouse units	26
24.2.1.12	Minimum driveway length to private road	6 m
24.2.1.13	Notwithstanding subsection 3.1.4.1 (c), balconies, canopies, unenclosed porches or decks and steps for waterfront townhouse units may project into a yard with a minimum water setback of 15 metres and subsection 3.1.2.3 does not apply	
24.2.1.14	Notwithstanding subsection 3.14.1.5, a minimum parking stall length of 5.7 metres on land zoned 'RM' is permitted.	
24.2.1.15	Notwithstanding subsections 3.18.1.1 and 3.13.1, the minimum setback to the Environmental Protection Exception Eight (EP-8) Zone shall be 5 metres for habitable buildings and 0 metres for non-habitable accessory structures and the EP-8 zone boundary shall not be considered a lot line for interpreting the provisions of this by-law.	
24.2.1.16	Notwithstanding Part 2 – Definitions for Lot Line, Front and Section 3.18.3 with respect to Through Lots, the front lot line will be considered as West Street North.	
24.2.1.17	Notwithstanding the provisions of Section 3.6 to the contrary, no provision of this By-law shall apply to prevent the erection of a building or structure permitted within the Multiple Residential (RM) Zone where access is provided by means of a private road which provides direct access to an improved public street or road maintained year round.	
24.2.1.18	On land zoned RM, the removal of the (H) holding symbol shall be in accordance with the following:	

- i) The owner shall enter into a site plan agreement with the City to be registered on title for any development or redevelopment on the property.
- ii) The owner shall file a Record of Site Condition and satisfy the Ministry of the Environment, Conservation and Parks (MECP) requirements.
- iii) The owner shall apply for and obtain a deeming by-law, if required to consolidate the shoreline lands with the balance of the subject land.”

1.03 **Textual Amendment:** By-law No. 12-95 of the Township of Fenelon is further amended to add the following section to Part 5:

“5.3.8 ENVIRONMENTAL PROTECTION EXCEPTION EIGHT(EP-8) ZONE

Notwithstanding the permitted uses in Section 5.1 and 5.2, on land zoned EP-8, a natural native vegetated buffer is to be provided with a planting plan to the satisfaction of Kawartha Conservation and recreational uses and associated structures, including the existing boat house, one (1) shoreline access trail, and an associated water access is permitted.

On land zoned EP-8, the removal of the (H) holding symbol shall be in accordance with the following:

- i) The owner shall enter into a site plan agreement with the City to be registered on title for any development or redevelopment on the property.
- ii) The owner shall file a Record of Site Condition and satisfy the Ministry of the Environment, Conservation and Parks (MECP) requirements, if required.”

1.04 **Schedule Amendment:** Schedule ‘G’ to By-law No. 12-95 of the Township of Fenelon is further amended to change the zone category from the “Future Residential Development (FRD) Zone” and “Rural Residential Type Three (RR3) Zone” and “Rural Residential Type Three Exception Fifteen (RR3-15) Zone” to the “Holding - Multiple Residential (RM) (H) Zone” and to change the zone category from the “Rural Residential Type Three (RR3) Zone” and “Rural Residential Type Three Exception Fifteen (RR3-15) Zone” to the “Holding - Environmental Protection Exception Eight (EP-8)(H) Zone” for the land referred to as ‘RM (H)’ and ‘EP-8 (H)’, as shown on Schedule ‘A’ attached to this By-law.

Section 2:00 Effective Date

2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Sections 34 and 36 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this ** day of ** , 2020.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

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

THIS _____ DAY OF _____ 2020.

MAYOR _____ CLERK _____

