

The Corporation of the City of Kawartha Lakes

to

REPORT PLAN2020-016

FILE NO: D01-2018-006

D06-2018-028**By-Law 2020 -****A By-Law to Amend the City of Kawartha Lakes Official Plan to Redesignate Land within the City of Kawartha Lakes**

File D01-2018-006, 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, 19 (and formerly 39) and 67 West Street North – Muskoka D&M Corp.

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 a revised application to amend the City of Kawartha Lakes Official Plan to include a Special Policy which amends the applicable requirements of the “Urban Settlement” – Fenelon Falls Fringe Area” land use designation under Section 18.10, to facilitate higher density development of the property now known municipally as 19 and 67 West Street North. In addition, an Environmental Protection Special Provision designation will protect the 15 metre shoreline buffer area, which will only permit limited recreational use and associated structures, including the existing boat house, one (1) shoreline access trail, and an associated water access along with being enhanced with a buffer planting plan consisting of natural native vegetation to be implemented through a site plan agreement to protect the buffer area in perpetuity.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to adopt Official Plan Amendment Number 32.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2020-***.

Section 1:00 Official Plan Amendment Details

- 1.01 **Property Affected:** The subject 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, now in the City of Kawartha Lakes, which is part of the property now municipally known as 19 and 67 West Street North.
- 1.02 **Amendment:** Amendment No. 32 to the City of Kawartha Lakes 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.

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

Andy Letham, Mayor

Cathie Ritchie, City Clerk

Schedule 'A' to By-law No. 2020-***

The Corporation of the City of Kawartha Lakes

Amendment No. 32 To The Official Plan - The City of Kawartha Lakes

Part A - The Preamble

A. Purpose

The purpose of the official plan amendment is to amend the “Urban Settlement – Fenelon Falls Fringe Area” land use designation in the City of Kawartha Lakes Official Plan to include a Special Policy to permit a higher density residential development in the form of townhouse and apartment dwelling units. In addition, an Environmental Protection designation is being added to provide protection for the 15 metre shoreline buffer. The land is also subject to an application for zoning by-law amendment.

The effect of the change is to permit a residential condominium development consisting of 7 townhouse blocks and two five-storey apartment buildings with 4 residential floors and at grade parking below for a total of 86 dwelling units with an overall density of 44 dwelling units per gross hectare together with landscaped areas, private amenity areas and an internal road providing access to parking facilities and provide protection to the 15 metre shoreline area with a natural native vegetated buffer to be implemented through the site plan approval process with a planting plan.

B. Location

The subject land has a lot area of approximately 1.988 ha (4.913 ac.) and is situated on the boundary of the former Village of Fenelon Falls and is located on the west side of West Street North on the east side of Bass Street and north of CKL Road 8 (Helen Street) and includes waterfront property on Cameron Lake. The property is legally 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 and identified as 19 and 67 West Street 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 the residential condominium development of the subject land. It is intended that a special policy be incorporated into the City of Kawartha Lakes Official Plan to permit residential development in the form of townhouses, including waterfront townhouses and apartment dwelling units with an overall density of 44 dwelling units per gross hectare. A minimum water setback of 15 metres will apply for decks, balconies, recreational structures (e.g., outdoor furniture), and walkways, whereas a 20 metre water setback is required for habitable buildings. In addition, the 15 metre shoreline buffer will have an Environmental Protection designation.

The land is designated “Urban Settlement” – Fenelon Falls Fringe Area, on Schedule A-5 of the City of Kawartha Lakes Official Plan. The land is also subject to an application for zoning by-law amendment to permit the residential uses and establish appropriate zone provisions for the proposed development through an implementing zoning by-law amendment.

The development will be subject to site plan approval to further define the details of the development such as parking areas and driveways, amenity spaces, pathways and sidewalks, landscaping, buffer areas and fencing, garbage collection and lighting and shoreline buffer area enhancement plantings.

The proposed uses and amendment to the City of Kawartha Lakes Official Plan are justified and represent good planning for the following reasons:

1. The proposed use conforms with the relevant provincial policy documents being the Growth Plan for the Greater Golden Horseshoe and is consistent with the Provincial Policy Statement.
2. The inclusion of a Special Policies to permit the residential development in the form of townhouses, including waterfront townhouses and apartment dwelling units with an overall density of 44 dwelling units per gross hectare and the inclusion of a 15 metre Environmental Protection designation along the shoreline with specific water setback requirements is deemed to conform to the intent of the goals and objectives of the City of Kawartha Lakes Official Plan, as amended.
3. The proposed use is appropriate for the subject property, and will be compatible with established land uses and development in the area. The 15 metre shoreline buffer area will be re-designated as Environmental Protection with special provisions to protect natural heritage features and will be enhanced with a buffer planting plan consisting of natural native vegetation which will be refined and implemented through the site plan approval process to the satisfaction of the City and the Kawartha Region Conservation Authority.
4. The applicant has submitted background reports to demonstrate the appropriateness of the proposed development with respect to servicing, traffic and the protection of the environment.

Part B - The Amendment

D. Introductory Statement

All of this part of the document entitled Part B - The Amendment, consisting of the following text constitutes Amendment No. 32 to the City of Kawartha Lakes Official Plan.

E. Details of the Amendment

1. Section 18.10 - "Urban Settlement" – Fenelon Falls Fringe Area
Designation of the Official Plan for the City of Kawartha Lakes is hereby amended to add the following subsection.

18.10 SPECIAL PROVISIONS:

- "18.10.2. Notwithstanding the "Urban Settlement" – Fenelon Falls Fringe Area policies of Section 18.10 of this Plan to the contrary, on the subject land known municipally as 19 and 67 West Street North and 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, a residential development in the form of townhouses and apartment dwelling units with an overall density of 44 dwelling units per gross hectare is permitted.

Notwithstanding the policies identified within Section 3.11, a 15-metre water setback will be permitted for decks, balconies, recreational structures (e.g., outdoor furniture), and walkways, whereas a 20 metre water setback will be required for habitable buildings. Specific provisions related to above are to be outlined in the implementing zoning by-law."

17.8 SPECIAL PROVISIONS:

- "17.8.2 On land designated Environmental Protection on the subject land known municipally as 19 and 67 West Street North and 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, in addition to a natural native vegetated buffer to be implemented with a planting plan, recreational uses and associated structures, including the existing boat house, one (1) shoreline access trail, and an associated water access is permitted. Specific provisions related to above are to be outlined in the implementing zoning by-law."

2. Schedule 'A-5' of the City of Kawartha Lakes Official Plan is hereby amended by inserting a note that a portion of the subject land that is designated Urban Settlement – Fenelon Falls Fringe Area is subject to Policy Provision 18.10.2 of the Official Plan, as shown on Map 'A'.
3. Schedule 'A-5' of the City of Kawartha Lakes Official Plan is hereby amended by changing the land use designation on a portion of the subject land from the Urban Settlement – Fenelon Falls Fringe Area to

Environmental Protection which is subject to Special Policy Provision 17.8.2 of the Official Plan, as shown on Map 'A' as 'Land to Be Re-Designated Environmental Protection'.

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. 32

To the City of Kawartha Lakes Official Plan

