

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2020-022

Meeting Date: July 15, 2020

Public Meeting

Title: An application to amend the United Townships of Laxton, Digby and Longford Zoning By-law 32-83

Description: To change the Commercial Recreation (C3) Zone on the subject land to Commercial Recreation Exception (C3-*) Zones as a condition of the approval of a Consent application to sever the south portion of the subject lands to consolidate with the abutting commercial recreation lands adjacent to the shoreline, on Part Lot 1, Concession 11, Parts 1-4, Plan 57R-8375, geographic Township of Laxton, 7178 Highway 35 (Koster, Sullivan and Ryall)

Ward Number: Ward 1 – Laxton

Author and Title: Mark LaHay, Planner II

Recommendations:

That Report PLAN2020-022, respecting Part Lot 1, Concession 11, Parts 1-4, Plan 57R-8375, geographic Township of Laxton, Application D06-2020-006, be received; and

That a Zoning By-law, respecting application D06-2020-006, substantially in the form attached as Appendix 'D' to Report PLAN2020-022 be approved for adoption by Council; and

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

Department Head:

Legal/Other:

Chief Administrative Officer:

Background:

Proposal:	The proposal would rezone the subject land from the Commercial Recreation (C3) Zone to Commercial Recreation Exception (C3-*) Zones as a condition of the approval of a Consent application to sever the south portion of the subject lands to consolidate with the abutting commercial recreation lands adjacent to the shoreline. The effect of the zoning amendment is to recognize that the severed and consolidated parcel does not have direct frontage on a public street and, to permit development, it will rely on an existing access easement through the retained lands with an existing frontage along Highway 35 of approximately 11.56 metres. In addition, a reduced minimum interior side yard setback along the new boundary line will be recognized for the existing 2-storey dwelling on the severed land and for the existing 1-storey dwelling and cottage cabins on the retained land of the Consent application.
Owners:	Capri Koster, Lorene Sullivan and Kevin and Patti Ryall
Applicant:	EcoVue Consulting Services Inc., c/o Kent Randall
Legal Description:	Part Lot 1, Concession 11, Parts 1-4, Plan 57R-8375, geographic Township of Laxton
Official Plan:	"Waterfront" in the City of Kawartha Lakes Official Plan
Zoning	"Commercial Recreation (C3) Zone in the United Townships of Laxton, Digby and Longford Zoning By-law 32-83
Site Size:	6.89 ac. (2.79 ha.) - MPAC
Site Servicing:	The lot is serviced by private individual well and private individual sewage disposal systems.
Existing Uses:	Two residential dwellings and commercial recreational cottage establishment
Adjacent Uses:	North: Waterfront residential East: Shadow Lake South: Waterfront residential West: Highway 35/Rural/Aggregate

Rationale:

The owner has applied for a rezoning to facilitate a condition of a Consent application (File: D03-2018-021) to sever the south portion of the subject lands to consolidate with the abutting commercial recreation lands adjacent to the shoreline. The subject lands are located adjacent to Shadow Lake on the east

side of Highway 35 approximately 3 km south of the Hamlet of Norland and approximately 0.5 km north of the Bexley/Laxton Township Line in the geographic Township of Laxton.

The owner previously applied to sever approximately 0.83 hectares of commercial recreation lands containing a dwelling and an accessory building; to be consolidated with approximately 0.33 hectares of abutting commercial recreation lands containing a boathouse and two (2) cottage cabins. No new lot is being created. Approximately 1.62 hectares of commercial recreation lands containing a dwelling and eleven (11) cottage cabins will be retained. The lot line adjustment is to separate the tourist commercial resort establishment known as Lakeside Park Cottages into two separate entities that would functionally relate to Shadow Lake. The dwelling on the lot to be severed will constitute the proprietor's principal residence. As a condition of the severance application, the property is required to be rezoned with a Tourist Commercial Exception (C3-*) Zone to recognize the lack of direct frontage onto a public street and permit future development on the lands and to recognize deficient side yard setbacks from the new common boundary line.

The applicant has submitted the following documents and plans in support of the application, which have been circulated to various City Departments and commenting Agencies for review:

1. Zoning By-law Amendment Application received December 17, 2019.
2. Planning Letter prepared by EcoVue Consulting Services Inc., dated December 4, 2019, which evaluates the proposed amendment within the context of relevant Provincial Policies, the City of Kawartha Lakes Official Plan and United Townships of Laxton, Digby and Longford Zoning By-law 32-83.
3. Plan of Survey prepared by Coe Fisher Cameron Land Surveyors, dated October 25, 2019, which illustrates the proposed severed lands and existing access easement providing access to Highway 35 and existing dwellings and cottage cabins in the vicinity.

Staff has reviewed the Planning Letter and other supporting documentation and has evaluated the application in the context of applicable zone provisions and policies and generally accepts the planning rationale given.

Applicable Provincial Policies:

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan):

The 2019 Growth Plan directs development to settlement areas except where the policies of the Plan permit otherwise.

Policy 2.2.9 of the Growth Plan provides for development outside of settlement areas upon rural lands for resource-based recreational uses, including commercial uses to serve the needs of tourists provided the use is compatible

with the scale, character, and capacity of the resource and surrounding landscape. The proposal appears to be consistent with these policies through the promotion of economic opportunities for tourism, including leveraging natural assets that require separation from other uses. Continuity of a commercial operation in conjunction with the shoreline of Shadow Lake will be maintained.

As such, the application conforms to the policies of the 2019 Growth Plan.

Provincial Policy Statement, 2020 (PPS):

The 2020 Provincial Policy Statement (PPS) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns.

Policies 1.1.4 and 1.1.5 of the PPS directs that upon rural lands within rural areas, permitted uses and activities are to relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses and development that is compatible with the rural landscape that can be sustained by rural service levels. It addition, it promotes recreational and tourism economic opportunities.

In consideration of the above, it would appear that the application is consistent with the PPS.

Official Plan Conformity:

The subject lands are designated 'Waterfront' within the City of Kawartha Lakes Official Plan (Official Plan). The benefitting lands are within the same designation. The 'Waterfront' designation includes lands which front upon and/or functionally or geographically relate to lakes or significant rivers. These water features are one of the City's recreational and ecological resources. Uses which offer these water resources to tourists are anticipated within this designation.

In consideration of the above, it would appear that this proposal would conform to the policies of the City of Kawartha Lakes Official Plan.

Zoning By-Law Compliance:

The subject property and the benefitting lot carry a 'Commercial Recreation (C3) Zone' category, within the United Township of Laxton, Digby and Longford Zoning By-law 32-83.

The C3 Zone permits a wide assortment of commercial uses associated with the resource of Shadow Lake, including tourist accommodation. Any redevelopment of the lot shall occur in accordance with the C3 Zone provisions, although no new development is being proposed at this time.

The retained lot has approximately 11.6 metres of frontage on Highway 35 while the lot to be severed does not have direct frontage onto a public street. The road access for the severed lot is via an existing easement that cuts through the retained lands up to the road frontage identified for the retained lot.

The C3 Zone requires a minimum frontage of 60 metres and minimum lot area of 0.4 hectares. In the case of the retained lot, the proposed lot configuration exceeds the minimum lot area requirement while the lot frontage, which is deficient by approximately 48.4 metres, is currently considered legal non-conforming, but will be recognized through the proposed zoning by-law amendment. For the severed lot, the proposed lot configuration together with the consolidated benefitting lot will also exceed the minimum lot area requirement at 1.16 hectares. However, the minimum frontage requirement would not be met as the lot to be consolidated would not have direct access onto a public street except through the existing mutual access that traverses the retained lands. As such, a site specific rezoning is required in order to recognize the existing situation on the lot to be consolidated and to allow for future development on the lot.

In addition, it has been determined that the proposal will result in a deficient side yard setback between the two-storey dwelling on the severed land and the boundary of the retained lands as well as a deficient side yard setback for the existing 1-storey dwelling and cottage cabins on the retained land, which will be addressed with the proposed zoning by-law amendment.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision to adopt or its refusal to adopt the requested amendment is appealed to the Local Planning Appeal Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Relationship of Recommendations to the 2020-2023 Strategic Plan:

The Council Adopted Strategic Plan identifies these Strategic Priorities:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment
- Good Government

This application would align with the vibrant and growing economy priority relating to promoting economic opportunities for enhancing tourism on the subject land.

Review of Accessibility Implications of Any Development or Policy:

There are no accessibility implications for the City.

Servicing Comments:

The lot is currently serviced by private individual well and private sewage disposal systems.

Consultations:

Notice of this application was circulated to persons within a 500 metre radius and to agencies, and City Departments which may have an interest in the application. To date, we have received the following comments:

Public Comments:

At the time of writing this report, no public comments were received.

Agency Review Comments:

On June 26, 2020, Development Engineering confirmed they have no objection to or comments about the proposed Zoning By-law amendment application. In addition, they note that their comments of November 23, 2018 on the consent, D03-2018-021, confirmed this.

On June 30, 2020, the Community Services Department advised they have no concerns or comments with respect to this application.

Development Services – Planning Division Comments:

The application for Zoning By-law Amendment demonstrates consistency with the Provincial Policy Statement and conformity to the Growth Plan and CKLOP. The proposed Zoning By-law amendment will appropriately facilitate the severance of the subject lands to be consolidated with the abutting commercial recreation lands and recognize deficient lot frontage and access to a public street and minimum side yard setbacks.

Conclusion:

In consideration of the comments and the evaluation contained within this report, and provided there are no further issues or concerns raised, Staff respectfully recommend that the proposed Zoning By-law Amendment application be referred to Council for APPROVAL.

Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Mark LaHay, Planner II, (705) 324-9411 ext. 1324.



Appendix 'A'
PLAN2020-022.pdf



Appendix 'B'
PLAN2020-022.pdf



Appendix 'C-1'
PLAN2020-022.pdf



Appendix 'C-2'
PLAN2020-022.pdf



Appendix 'D'
PLAN2020-022.pdf

Appendix 'A' – Location Map

Appendix 'B' – Aerial Photograph

Appendix 'C-1' and 'C-2' – Survey Plan and Consent Sketch

Appendix 'D' – Draft Zoning By-law Amendment

Department Head E-Mail: cmarshall@kawarthlakes.ca

Department Head: Chris Marshall

Department File: D06-2020-006