

# **The Corporation of the City of Kawartha Lakes**

## **Planning Advisory Committee Report**

**Report Number PLAN2020-057**

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**Meeting Date:** December 2, 2020

### **Public Meeting**

**Title:** Additional Residential Units

**Description:** Amendments to the Official Plans for the City of Kawartha Lakes, Town of Lindsay, Village of Fenelon Falls, Township of Ops and Victoria County, and Amendments to the City's 19 Zoning By-laws to permit Additional Residential Units (ARUs)

**Author and Title:** Anna Kalnina, Planner II

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### **Recommendation(s):**

**That** Report PLAN2020-057, Additional Residential Units, be received;

**That** By-laws to implement the proposed Official Plan Amendments, substantially in the form attached as Appendices B, C, D, E, and F to Report PLAN2020-057, be referred to Council for adoption;

**That** the Zoning By-law Amendment to the Oak Ridges Moraine Zoning By-law 2005-133 substantially in the form attached as Appendix G to Report PLAN2020-057, be referred to Council for adoption;

**That** the Zoning By-law Amendment to the City's 18 Zoning By-laws, substantially in the form attached as Appendix H to Report PLAN2020-057, be referred to Council for adoption;

**That** the Additional Residential Unit Registration By-law, substantially in the form attached as Appendix I to Report PLAN2020-057 be referred to Council for adoption; and

**Department Head:**

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**Legal/Other:**

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**Chief Administrative Officer:**

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

## **Background:**

At the Planning Advisory Committee (PAC) Meeting on November 4, 2020, Staff recommended for approval Official Plan Amendment (OPA) No. 39 to the City of Kawartha Lakes Official Plan (CKL OP) and the Oak Ridges Moraine Zoning By-law Amendment as they relate to additional residential units. Staff also brought forward for discussion a generic Zoning By-law Amendment (ZBA) to be translated across the City's remaining 18 Zoning By-laws.

The Committee passed the following resolution:

### **PAC2020-050**

**Moved By** Councillor Veale

**Seconded By** Councillor Seymour-Fagan

**That** Report PLAN2020-044, **Additional Residential Units**, be received;

**That** a By-law to implement the proposed Official Plan Amendment to the City of Kawartha Lakes Official Plan 2012, substantially in the form attached as Appendix A to Report PLAN2020-044, be referred to Council for adoption;

**That** the Official Plan Amendment, substantially in the form attached as Appendix A to Report PLAN2020-044, be transitioned into the City's 4 other Official Plans (Town of Lindsay Official Plan, Township of Ops Official Plan, Village of Fenelon Falls Official Plan, Victoria County Official Plan) as individual Official Plan Amendments and be referred to Council for adoption;

**That** the Zoning By-law Amendment, substantially in the form attached as Appendix B to Report PLAN2020-044, be transitioned into the City's 19 Zoning By-laws as individual Zoning By-law Amendments and be referred to Council for adoption; and

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

**Carried**

Council approved the following:

**CR2020-369**

**Moved By** Councillor Seymour-Fagan

**Seconded By** Councillor Veale

**That** Report PLAN2020-044, **Additional Residential Units**, be received and referred to Staff for review and report back at the December 2, 2020 Planning Advisory Committee.

**Carried**

In accordance, Council removed the following By-laws from the agenda:

**CC2020-12.14.1.11**

A By-Law to Amend The City of Kawartha Lakes Official Plan to Allow Additional Residential Units Within The City of Kawartha Lakes

**CC2020-12.14.1.12**

A By-Law To Amend The Oak Ridges Moraine Zoning By-Law No. 2005-133 To Rezone Land Within The City of Kawartha Lakes (Additional Residential Dwelling Units)

This report addresses that direction.

Further to the November 4, 2020 PAC Meeting, and subsequent public and provincial comments, Staff are proposing changes to OPA 39 and associated Amendments. Planning staff requested that draft amending By-laws recommended for Council approval in the resolution above be removed from the November 17 Council Meeting agenda in order to provide an opportunity to present the proposed changes at the December 2, 2020 PAC Meeting. The revised version of OPA 39 is attached as **Appendix B**. While the changes to OPA 39 did not necessitate a change to the Oak Ridges Moraine ZBA, the draft By-law relies on the permissions within OPA 39 for its implementation, and as such was removed from the Council Meeting agenda as well as OPA 39. The Oak Ridges Moraine ZBA has been updated as it pertains to report number, date and for accessibility standards, and is attached as **Appendix G**.

### **Proposed Changes**

As first presented, OPA 39 included a performance standard that limited the primary residential units (i.e. single detached, semi-detached and townhouse dwelling units) to one per lot. This was intended to both facilitate gentle intensification within residential neighbourhoods whilst maintaining the lower density character of existing and future development, and provide supplemental income and other supports to the home owner. However, this standard could have precluded an ARU in a semi-detached dwelling and in a block of townhouse

dwellings where multiple dwellings are on a single lot and not severed down the common wall between units.

Staff have revised OPA 39 by removing the performance standard that requires one primary residential unit per lot and, by extension, a limit to no more than three dwellings per lot. The changes broaden the base of eligible properties, further expand affordable housing opportunities, and support the objectives in the Province's More Homes, More Choice: Ontario's Housing Supply Action Plan. Companion OPAs and ZBAs have been revised accordingly.

## **Rationale:**

Bill 108, More Homes, More Choice Act replaced 'second units' with additional residential units (ARUs) in the Planning Act. In accordance with the change, the City is required to authorize ARUs in its Official Plans and Zoning By-laws. The report PLAN2020-044, included as **Appendix A** provides further context.

## **Companion OPAs**

Due to the active appeals of the Community Secondary Plans and the General Amendment (OPA 13) to the CKL OP, the City has four additional Official Plans that apply to varying degrees, including the Town of Lindsay OP, Village of Fenelon Falls OP, Township of Ops OP, and Victoria County OP. To permit ARUs City-wide, therefore, amendments are needed to all OPs; the draft Amendments are included as **Appendices C to F**, respectively.

Given the differences in scope and geographical application, the four companion OPAs have been tailored in accordance with the character of the community and area of application. The majority of the OPA 39 policies were directly transitioned into the four companion OPAs, excepting several performance standards as summarized in Table 1.

## **Companion ZBAs**

Similar to the OPs, all of the City's 19 Zoning By-laws must be amended to permit ARUs City-wide. As described in Appendix A, ARUs are limited in scope within the Oak Ridges Moraine, which is reflected in the draft Amendment to that area-specific Zoning By-law 2005-133 in Appendix G.

The 'all inclusive' or generic Zoning By-law Amendment presented at the November 4, 2020 PAC Meeting has been transitioned into an Amendment for the remaining 18 Zoning By-laws and is attached as **Appendix H**. Considering that some of the 18 Zoning By-laws apply to urban areas and others to rural and/or hamlet areas, zone provisions were tailored to each geography accordingly. Table 1 provides further details.

**Table 1: Application of performance standards across amendments**

<b>Performance Standard</b>	<b>Details</b>
<ul style="list-style-type: none"> <li>Garden Suites</li> </ul>	<ul style="list-style-type: none"> <li>Performance standard only applies to CKL OP, as no other OPs contain Garden Suite policies</li> </ul>
<ul style="list-style-type: none"> <li>Minimum lot area of 0.4 ha on private services</li> </ul>	<ul style="list-style-type: none"> <li>Performance standard does not apply to urban area OPs and ZBLs as all new development within the scope of these communities is intended to be connected to municipal water and wastewater services</li> </ul>
<ul style="list-style-type: none"> <li>Minimum Distance Separation formulae</li> </ul>	<ul style="list-style-type: none"> <li>Performance standard applies outside of urban areas</li> </ul>
<ul style="list-style-type: none"> <li>Oak Ridges Moraine Conservation Plan Area</li> </ul>	<ul style="list-style-type: none"> <li>Performance standard applies only to CKL OP Schedule G - Oak Ridges Moraine Plan Area and the Oak Ridges Moraine Zoning By-law 2005-133</li> </ul>

Furthermore, Zoning By-law 2014-283 that permits Accessory Dwelling Units (ADUs) in the Town of Lindsay, Village of Fenelon Falls, Village of Bobcaygeon, and Village of Omemee is proposed to be repealed. Therefore, the draft ZBA proposes to delete related and no longer relevant definitions and zone provisions.

### **Registration By-law:**

Similar to the City's approach with ADUs, ARUs will need to be registered with the City. **Appendix I** provides a copy of the updated Registration By-law.

### **Other Alternatives Considered:**

No other alternatives have been considered.

### **Alignment to Strategic Priorities**

The Council Adopted Strategic Plan identifies four Strategic Priorities:

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

The draft Amendments directly align with an exceptional quality of life, as they meet the goal of building social infrastructure by supporting affordable, attainable and purpose-built housing. The draft Amendments further align with good government by increasing efficiency and effectiveness of service delivery by streamlining policies, by-laws and processes.

## **Consultations:**

Public Notice was issued in regional Newspaper publications and the draft Amendments are available on the Planning & Development page of the City's website for broader consultation.

Further to the consultation leading up to the November 4, 2020 PAC Meeting referenced in Appendix A, staff has continued its dialogue with members of the public and the province, considered all comments, and revised the draft Amendments accordingly.

## **Attachments:**

### **Appendix A – Staff Report PLAN2020-044**



Appendix A to  
PLAN2020-057.pdf

### **Appendix B – Revised Official Plan Amendment No. 39 (City of Kawartha Lakes Official Plan)**



Appendix B to  
PLAN2020-057.pdf

### **Appendix C – Proposed Official Plan Amendment No. 60 (Town of Lindsay Official Plan)**



Appendix C to  
PLAN2020-057.pdf

### **Appendix D – Proposed Official Plan Amendment No. 19 (Village of Fenelon Falls Official Plan)**



Appendix D to  
PLAN2020-057.pdf

### **Appendix E – Proposed Official Plan Amendment No. 55 (Township of Ops Official Plan)**



Appendix E to  
PLAN2020-057.pdf

**Appendix F – Proposed Official Plan Amendment No. 139 (Victoria County Official Plan)**



Appendix F to  
PLAN2020-057.pdf

**Appendix G – Proposed Zoning By-law Amendment to the Oak Ridges Moraine Zoning By-law 2005-133**



Appendix G to  
PLAN2020-057.pdf

**Appendix H – Proposed Zoning By-law Amendment to the City's 18 Zoning By-laws**



Appendix H to  
PLAN2020-057.pdf

**Appendix I – Additional Residential Unit Registration By-law**



Appendix I to  
PLAN2020-057.pdf

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**Department Head:** Chris Marshall, Director of Development Services

**Department File:** D00-99-032