



Council Report

Number:	PLAN2021-053
Meeting Date:	September 21, 2021
Title:	By-law to Deem Lots 53 and 54, Plan 190
Description:	Deeming By-law Report
Author and Title:	Mark LaHay, Planner II, MCIP, RPP

Recommendations:

That Report PLAN2021-053, **By-law to Deem Lots 53 and 54, Plan 190**, be received;

That a Deeming By-law respecting Lots 53 and 54, Plan 190, substantially in the form attached as Appendix D to Report PLAN2021-053, 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.

(Acting) Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

Proposal:	To deem Lots 53 and 54, Registered Plan 190, not to be lots within a registered plan of subdivision to facilitate consolidation with the abutting property
Owner:	Muskoka D&M Corp. (c/o Doug Gray)
Applicant:	EcoVue Consulting Services Inc. – Kent Randall
Legal Description:	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
Official Plan:	Urban Settlement – Fenelon Falls Fringe Area Special Policy 18.10.2 and Environment Protection Special Policy 17.8.2 – City of Kawartha Lakes Official Plan, as amended
Zone:	Multiple Residential (RM)(H) Zone and Environmental Protection Exception Eight (EP-8) (H) Zone – Township of Fenelon Zoning By-law 12-95, as amended
Site Servicing:	Municipal sanitary sewer and water supply
Existing Use:	Vacant land and waterfront dwelling with boathouse
Adjacent Uses:	North: Cameron Lake East: West Street North/Residential South: Residential West: Bass Street/Commercial/Residential

Rationale:

The owner is proposing to construct a residential condominium development consisting of 66 apartment units and 20 townhouse dwelling units on the entire lands. Some of the proposed waterfront townhouses span the mutual lot lines of Lots 53 and 54, Plan 190, which are Part of Lot 23, Concession 9, described as Part 1, Plan 57R-2352 (see Appendix "C"). As such, the proposal does not comply with the Zoning By-law. The lots must be effectively consolidated for the proposed development to proceed through the site plan approval process. This will also allow the entire property to be considered as one lot for the proposed development. The site plan agreement process will facilitate conveyances that will effectively change the description of certain parts of the lands

that were subject to Planning Act Consent, being Parts 1 and 2, 57R-2352 and Part 2, 57R-8353.

Adoption and subsequent registration of this Deeming By-law (see Appendix "D") will consolidate Lots 53 and 54, Plan 190, which will assist with the eventual consolidation of the balance of the lands into one larger lot through conveyances administered through the site plan agreement.

Other Alternatives Considered:

There are no other alternatives considered to be appropriate or represent good planning. The Deeming By-law is the appropriate method to legally consolidate the owner's lands.

Alignment to Strategic Priorities

The Council Adopted Strategic Plan identifies these Strategic Priorities:

- Priority 1 – A Vibrant and Growing Economy
- Priority 2 – An Exceptional Quality of Life
- Priority 3 – A Healthy Environment
- Priority 4 – Good Government

This application aligns with the Vibrant and Growing Economy and Exceptional Quality of Life priorities by increasing the supply of new housing options to attract new residents in the City of Kawartha Lakes. The application also aligns with the Healthy Environment priority by ensuring protection of municipal drinking water sources, and promoting sustainable development through the utilization of Low Impact Development (LID) techniques where possible and an environmental protected re-vegetated shoreline buffer area with enhanced plantings to protect and enhance water quality.

Financial/Operation Impacts:

The cost of registering the By-law is included in the application fee. There are no financial implications for the City.

Conclusion:

The consolidation of the lands will ultimately create one larger lot. As a result, a larger building envelope is available to site the proposed condominium development to enable approval through the site plan process. The deeming by-law will ultimately facilitate the issuance of a building permit for the proposed development in compliance with the

zoning by-law. Planning staff do not anticipate any negative impacts as a result of the consolidation.

Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please contact Mark LaHay, Planner II at 705.324.9411 x 1324.



Appendix 'A-1'
PLAN2021-053.pdf



Appendix 'A-2'
PLAN2021-053.pdf



Appendix 'B-1'
PLAN2021-053.pdf



Appendix 'B-2'
PLAN2021-053.pdf



Appendix 'C'
PLAN2021-053.pdf



Appendix 'D'
PLAN2021-053.pdf

Appendix "A-1" and "A-2" – Location Maps (entire lands; lots to be deemed)

Appendix "B-1" and "B-2" – Reference Plans of Survey (57R-2352; 57R-8353)

Appendix "C" – Proposed Site Plan, revised July 2021

Appendix "D" – Draft Deeming By-law

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(Acting) Department Head: Richard Holy

Department File: D30-2021-005