

The Corporation of the City of Kawartha Lakes

By-Law 2017 -

A By-Law to Amend the City of Kawartha Lakes Official Plan to Redesignate Land within the City of Kawartha Lakes

[File D01-17-001, Report PLAN2017-038, respecting Part Lot 25, Concession 8, geographic Township of Fenelon, Potts Shore Road – O'Connor]

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 an application to amend the City of Kawartha Lakes Official Plan to change the land use designation from “Rural” to “Waterfront” and to amend the land use policies to include a Special Policy which removes a portion of the subject land from the applicable requirements of Section 20, to facilitate a lot addition by consent under Section 53 of the Planning Act to the property known municipally as 65 Potts Shore Road. An accessory use, such as a garage, that is accessory to the primary use on the property known municipally as 65 Potts Shore Road may be permitted within the provisions of the implementing zoning by-law; however, no dwelling will be permitted on the subject land of the proposed consent.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to adopt Official Plan Amendment Number 25.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2017-***.

Section 1:00 Official Plan Amendment Details

- 1.01 **Property Affected:** The property affected by this By-law is a portion of Part Lot 25, Concession 8, geographic Township of Fenelon, now in the City of Kawartha Lakes, Potts Shore Road.
- 1.02 **Amendment:** Amendment No. 25 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 _____,
2017.

Andy Letham, Mayor

Judy Currins, City Clerk

Schedule 'A' to By-law No. 2017-***

The Corporation of the City of Kawartha Lakes

Amendment No. 25 To The Official Plan - The City of Kawartha Lakes

Part A - The Preamble

A. Purpose

The purpose of the official plan amendment is to change the land use designation on Schedule 'A-5' in the City of Kawartha Lakes Official Plan on a portion of the subject land from "Rural" to "Waterfront" with a special policy to facilitate a future consent for a lot addition. The land is also subject to an application for zoning by-law amendment.

The effect of the change would permit the severance of a portion of the subject land to be consolidated with a waterfront property identified as 65 Potts Shore Road. The subject land to be severed will not permit a dwelling and will only permit an accessory building or use that is accessory to a dwelling on 65 Potts Shore Road.

B. Location

The subject land has a lot area of approximately 1.14 ha. and is situated in the geographic Township of Fenelon, between Highway 35 and Potts Shore Road. The easterly portion of the subject land affected by this application has an area of approximately 0.36 ha. and is located at the northwest corner of Bayview Road and Potts Shore Road. The property is legally described as Part Lot 25, Concession 8, geographic Township of Fenelon, now City of Kawartha Lakes.

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 severance of a portion of the subject land to be consolidated with a waterfront property identified as 65 Potts Shore Road for the benefit of the owner. It is intended that a special policy be incorporated into the City of Kawartha Lakes Official Plan to facilitate a subsequent application to add the subject land by consent under Section 53 of the Planning Act to the property known municipally as 65 Potts Shore Road. An accessory building, such as a garage, that is accessory to the primary use on the property known municipally as 65 Potts Shore Road may be permitted within the provisions of the implementing zoning by-law; however, no dwelling will be permitted on the subject land proposed to be severed.

The land is designated "Rural" with "Significant Woodland" Natural Heritage Feature as shown on Schedules "A-5" and "B-5" respectively, of the City of Kawartha Lakes Official Plan. The land is also subject to an application for zoning by-law amendment.

The proposed use 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 to relevant provincial policy documents being the Growth Plan for the Greater Golden Horseshoe and is consistent with the Provincial Policy Statement.
2. The proposed use conforms to the goals and objectives of the Waterfront designation as set out in the City of Kawartha Lakes Official Plan.
3. The proposed use is compatible and integrates well with the surrounding area.
4. The applicant has submitted background reports to demonstrate the appropriateness of the proposed use with respect to the protection of the environment and the Kawartha Region Conservation Authority is satisfied with the Environmental Impact Study.

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. 25 to the City of Kawartha Lakes Official Plan.

E. Details of the Amendment

1. The Official Plan for the City of Kawartha Lakes is hereby amended to add the following subsection.

20.7 SPECIAL PROVISIONS:

- “20.7.5. Notwithstanding Section 20 of this Plan, on Part of Lot 25, Concession 8, geographic Township of Fenelon, lands designated as Waterfront may be added by consent under Section 53 of the Planning Act to the property known municipally as 65 Potts Shore Road. Uses that are accessory to the primary use on the property known municipally as 65 Potts Shore Road may be permitted in accordance with the provisions of the implementing zoning by-law. A residential dwelling unit will not be permitted on the subject lands of the proposed consent.”
2. Schedule ‘A-5’ to the Official Plan of the City of Kawartha Lakes is hereby amended by changing the land use designation of a portion of the subject land located at Part of Lot 25, Concession 8, from the “Rural” designation to the “Waterfront” designation as shown on Map ‘A’ attached hereto, as land to be re-designated ‘Waterfront – Subject to Special Policy 20.7.5’.
3. Schedule ‘A-5’ of the City of Kawartha Lakes Official Plan is hereby amended by inserting a note that the lot is subject to Special Policy 20.7.5

of the Official Plan, as shown on Map 'A' as 'Land to be Re-designated Waterfront'.

F. Implementation and Interpretation

The implementation and interpretation of this amendment shall be in accordance with the relevant policies of the Official Plan.