

# **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 D01-17-007, Report PLAN2017-035, respecting Part Lot 6, Concession 5, geographic Township of Fenelon, identified as 3922 Highway 35 - Schleifer]

#### **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 include a Special Policy which amends the applicable requirements of the "Rural" land use designation under Section 16. The purpose of the amendment is to permit a commercial indoor car storage facility use on the subject land municipally known as 3922 Highway 35.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to adopt Official Plan Amendment Number 28.

**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 described as Part Lot 6, Concession 5, geographic Township of Fenelon, City of Kawartha Lakes, identified as 3922 Highway 35.
- 1.02 **Amendment:** Amendment No. 28 to the City of Kawartha Lakes Official Plan, attached hereto 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.

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Andy Letham, Mayor

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Judy Currins, City Clerk

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

The Corporation of the City of Kawartha Lakes

### **Amendment No. 28 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 "Rural" land use designation in the City of Kawartha Lakes Official Plan to include a Special Policy to also permit an indoor car storage facility use not to exceed a gross floor area of 815 sq. m. on the subject land.

The effect of the change would permit the subject land to be used for a non-agricultural related commercial indoor vehicle storage facility, which would be located within an area containing a mixture of highway commercial, rural residential and industrial uses.

##### **B. Location**

The subject land affected by this amendment has a lot area of approximately 2.19 ha. (5.4 ac.) and is situated in the geographic Township of Fenelon, south of the hamlet of Cameron and immediately south of Naylor Road on the east side of Highway 35. The property that is subject to this amendment is legally described as Part Lot 6, Concession 5, geographic Township of Fenelon, City of Kawartha Lakes and identified as 3922 Highway 35.

##### **C. Basis**

Council has enacted this official plan amendment in response to an application submitted by Kevin Duguay, Community Planning and Consulting Inc., on behalf of the owners to permit a commercial indoor car storage facility use not to exceed a gross floor area of 815 sq. m. on the subject land. It is intended that a special policy be incorporated into the "Rural" designation of the City of Kawartha Lakes Official Plan to permit this non-agricultural related use on the property municipally known as 3922 Highway 35.

The land is designated "Rural" as shown on Schedule "A-5" of the City of Kawartha Lakes Official Plan. The land subject to this amendment is also subject to an application for a zoning by-law amendment.

The subject land is located in a cluster containing a mixture of highway commercial, industrial and rural residential uses. The shape and size of the subject land would make it somewhat awkward to be suitably used for the current agricultural zone. However, the proposed amendments will not hinder on current farming operations or remove significant land from production. 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 or does not conflict with the relevant provincial policy documents being the 2006 Growth Plan for the Greater Golden Horseshoe and is consistent with the 2014 Provincial Policy Statement.
2. The inclusion of a Special Policy to permit the indoor car storage facility use is deemed to conform to the intent of the objectives of the City of Kawartha Lakes Official Plan.

3. The proposed use is appropriate for the rural property, will not impact on agricultural uses in the area, and will be compatible with established land uses and development along this area of Highway 35.
4. The applicant has submitted background reports to demonstrate the appropriateness of the proposed use.

## **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. 28 to the City of Kawartha Lakes Official Plan.

### **E. Details Of The Amendment**

1. Section 16 - Rural Designation of the Official Plan for the City of Kawartha Lakes is hereby amended to add the following subsection.

#### **16.4 SPECIAL PROVISIONS:**

- “16.4.1. Notwithstanding the Rural policies of Section 16 of this Plan to the contrary, on land described as Part of Lot 6, Concession 5, geographic Township of Fenelon, and municipally known as 3922 Highway 35, a commercial indoor vehicle storage facility use is also permitted. Specific provisions and development standards related to use shall be outlined in the implementing zoning by-law including specifying and limiting the type and scale of the specific use by limiting the amount of floor area while ensuring that all parking and storage is located within an enclosed building.”
2. Schedule ‘A-5’ of the City of Kawartha Lakes Official Plan is hereby amended by inserting a note that the lot is subject to Policy 16.4.1 of the Official Plan, as shown on Map ‘A’ as ‘SUBJECT LAND’.

### **F. Implementation And Interpretation**

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