

The Corporation of the City of Kawartha Lakes

By-Law 2021-

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

[File D01-2021-004, Report PLAN2021-065, respecting Part of Lot 19, Concession 1, geographic Township of Ops, 1407 Elm Tree Road – Buckley]

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 amend the 'Prime Agricultural' designation policies to include a Special Provision to permit a use consisting of offices for health practitioners and a yoga studio within an existing outbuilding that is secondary to the primary agricultural use on a portion of the property known municipally as 1407 Elm Tree Road.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to adopt Official Plan Amendment Number 42.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2021-***.

Section 1:00 Official Plan Amendment Details

- 1.01 **Property Affected:** The property affected by this By-law is described as Part of Lot 19, Concession 1, geographic Township of Ops, now in the City of Kawartha Lakes, identified as 1407 Elm Tree Road.
- 1.02 **Amendment:** Amendment No. 42 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 _____, 2021.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

Schedule 'A' to By-law No. 2021-***

The Corporation of the City of Kawartha Lakes

Amendment No. 42 to the Official Plan for the City of Kawartha Lakes

Part A – The Preamble

A. Purpose

The purpose of the official plan amendment is to amend the “Prime Agricultural” land use designation in the City of Kawartha Lakes Official Plan to include special policy on a portion of the property identified as 1407 Elm Tree Road. The lands are also subject to an application for zoning by-law amendment.

The effect of this change would permit a use consisting of offices for health practitioners and a yoga studio within an existing outbuilding as an on-farm diversified use that is secondary to the primary agricultural use on a portion of the property.

B. Location

The subject land has a lot area of approximately 80.34 hectares and is legally described as Part of Lot 19, Concession 1, geographic Township of Ops, now City of Kawartha Lakes and identified as 1407 Elm Tree Road. The portion of the subject land affected by this amendment has an area of approximately 0.9 hectares, and contains two existing farm storage buildings and an existing driveway and access area.

C. Basis

Council has enacted this official plan amendment in response to an application submitted by D.M. Wills Associates Limited on behalf of the Owner to permit a yoga studio and office space for health practitioners as a secondary use to a main agricultural use on a portion of the subject land. It is intended that the land the “Prime Agricultural” land use designation will be amended with a site-specific policy provision to allow the proposed uses above.

The land is designated “Prime Agricultural” and “Environmental Protection” as shown on Schedule “A-3” of the City of Kawartha Lakes Official Plan. The lands are 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 “Prime Agricultural” designation, as amended with a site-specific policy as set out in the City of Kawartha Lakes Official Plan.

3. The proposed use maintains the guideline criteria as set out by OMAFRA in the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, Publication 851.
4. The proposed use meets the Minimum Distance Separation (MDS) requirements.
5. The proposed use is compatible and integrates well with the surrounding area.
6. The applicant has submitted background reports to demonstrate the appropriateness of the proposed use with respect to servicing, traffic and agricultural impact.
7. The developed area of the property for the proposed use will be subject to Site Plan Control through the implementing Zoning By-law Amendment.

Part B - The Amendment

D. Introductory Statement

All of this part of the document entitled Part B – The Amendment, consisting of the following text and the attached map constitutes Amendment No. 42 to the Official Plan for the City of Kawartha Lakes.

E. Details of the Amendment

The City of Kawartha Lakes Official Plan and Schedule 'A' are hereby amended by adding a site specific provision to Section 15 to permit additional uses on a portion of the land as shown on Map 'A'.

1. 15.4 SPECIAL PROVISIONS:

“15.4.5 Notwithstanding the Prime Agricultural policies of Section 15 to the contrary, in addition to permitted uses of Section 15.3.1, a portion of the lands legally described as Part of Lot 19, Concession 1, geographic Township of Ops, identified as 1407 Elm Tree Road shall further be permitted to have a on-farm diversified use as a secondary use to the prime agricultural use, consisting of offices for health practitioners and a yoga studio within an existing outbuilding.”

2. Schedule 'A-3' of the City of Kawartha Lakes Official Plan is hereby amended by inserting a note that the portion of the subject property is subject to Special Policy Provision 15.4.5 of the Official Plan, as shown on Map 'A' as 'Subject to Special Provision 15.4.5'

F. Implementation and Interpretation

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

THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

Map 'A' to Amendment No. 042

To the City of Kawartha Lakes Official Plan

