



Council Report

Report Number: PLAN2022-015
Meeting Date: April 19, 2022
Title: By-law to Deem Lots 9-13, Plan 141
Description: Deeming By-law (File: D30-2022-003)
Author and Title: David Harding, RPP, MCIP

Recommendations:

That Report PLAN2022-015, **By-law to Deem Lots 9-13, Plan 141**, be received;

That a Deeming By-law respecting Lots 9, 10, 11, 12, and 13, Plan 141, substantially in the form attached as Appendix D to Report PLAN2021-025, 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.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

- Proposal: To deem Lots 9-13, Registered Plan 141, not to be lots within a registered plan of subdivision to facilitate consolidation of land and its subsequent development.
- Owners: 1000000994 Ontario Inc., John Paul Fox, and Angela Fox
- Applicant: Kevin Duguay – Kevin M. Duguay Community Planning and Consulting Inc.
- Official Plan: Waterfront – City of Kawartha Lakes Official Plan
- Zone: Rural Residential Type Three (RR3) Zone – Township of Fenelon Zoning By-law 12-95
- Site Servicing: Private individual well and septic system
- Existing Use: Shoreline Residential
- Adjacent Uses: Northeast, Southwest – Shoreline Residential
Southeast – Rural, Forest
Northwest – Balsam Lake

Rationale:

On October 12, 2021, the Director of Development Services granted provisional consent to file D03-2021-007. The application proposes to sever part of Lot 11 and consolidate it with Lots 9 and 10, Plan 141, addressed as 42 Lamb's Lane. The balance of Lot 11 is to be consolidated with Lots 12 and 13, Plan 141, addressed at 48 Lamb's Lane. A deeming by-law has been imposed as Condition 2 of the provisional consent approval to ensure the consolidation of land. Thus, the owners have requested Council pass a Deeming By-law to deem Lots 9-13, Registered Plan 141, not to be lots within a registered plan of subdivision.

Adoption and subsequent registration of this Deeming By-law (see Appendix "D") will consolidate the lands addressed as 42 and 48 Lamb's Lane.

Other Alternatives Considered:

There are no other planning alternatives that are appropriate or represent good planning. The Deeming By-law is the appropriate method to legally consolidate the owners' 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 Exceptional Quality of Life and A Healthy Environment priorities by reducing the number of lots abutting Balsam Lake. Increasing lot size improves development conditions along the shoreline and adjacent area by providing additional space to accommodate built form infrastructure and stormwater infiltration, in turn enhancing surface 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 lots will reduce the number of shoreline residential properties from five to two. As a result, a larger building envelope is available to both properties. Existing and proposed buildings cross lot lines. The deeming by-law will facilitate zoning compliance by removing the need to apply setbacks where built form does/will cross lot lines. Planning staff do not anticipate any negative impacts as a result of the consolidation.

Attachments:

Appendix A – Location Map



Appendix A to
PLAN2022-015

Appendix B – Aerial Photo



Appendix B to
PLAN2022-015

Appendix C – Sketch



Appendix C to
PLAN2022-015

Appendix D – Draft Deeming By-law



Appendix D to
PLAN2022-015

Department Head email: rholy@kawarthalakes.ca

Department Head: Richard Holy, Director of Development Services

Department File: D30-2022-003