

## Council Report

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<b>Report Number:</b>	<b>PLAN2022-052</b>
<b>Meeting Date:</b>	September 27, 2022
<b>Title:</b>	<b>Removal of Holding (H) Provision – Kubicki and Gardner</b>
<b>Description:</b>	An application to amend the Town of Lindsay Zoning By-law to remove the Holding (H) symbol from the Residential Two Holding Three [R2(H3)] Zone to permit residential development on vacant land at 64 Ridout Street, Lindsay (Kubicki and Gardner)
<b>Author and Title:</b>	<b>Ian Walker, Planning Officer – Large Developments</b>

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### Recommendations:

**That** Report PLAN2022-052, **Dominik Kubicki and Julie Gardner – Application D06-2022-020**, be received;

**That** the proposed zoning by-law amendment, substantially in the form attached as Appendix C to Report PLAN2022-052, be 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:**

This application proposes to remove the Holding (H3) symbol from the 'Residential Two Holding Three [R2(H3)] Zone'. The effect of the amendment is to permit the construction of a single detached dwelling and accessory uses on vacant land at 64 Ridout Street, Lindsay.

Owner:	Dominik Kubicki and Julie Gardner
Agent:	Dominik Kubicki
Legal Description:	Lot 25, Part of Lot 24 and Part of Lot 26 North of Ridout Street, Plan 15P, Former Town of Lindsay
Official Plan:	'Residential' on Schedule 'A' of the Town of Lindsay Official Plan
Zoning:	'Residential Two Holding Three [R2(H3)] Zone' on Schedule 'A' of the Town of Lindsay Zoning By-law 2000-75
Lot Area:	961.25 square metres [0.26 ac – MPAC]
Site Servicing:	Serviced by municipal water and sanitary and storm sewers
Existing Uses:	Vacant Residential
Adjacent Uses:	North: Kent Street East ROW; Scugog River East: Low Density Residential South: Ridout Street; Low Density Residential West: Low Density Residential; Simcoe Street

## **Rationale:**

The subject land is vacant property, which fronts on to Ridout Street and is adjacent to the Scugog River to the north and east and surrounded by low density residential development. The property was zoned 'Residential Two Holding Three [R2(H3)] Zone' at the time of passing of the Town of Lindsay Zoning By-law 2000-75 (Zoning By-law), along with many of the neighbouring properties. The Holding Three (H3) symbol was placed to ensure that the following criteria was met for new development:

- Satisfactory completion of an Environmental Impact Study for any development or major redevelopment.

Staff circulated the Environmental Impact Study (EIS) prepared by Terrastory Environmental Consulting Inc., dated February 14, 2022 to Kawartha Conservation for review. The EIS was completed in accordance with the Terms of Reference (TOR) as

scoped with Kawartha Conservation staff. Kawartha Conservation provided the following comments:

**Fish Habitat** – We support the report's conclusion that there will be no negative impacts to Fish Habitat provided that all mitigation measures are included (i.e., those listed in page 11 and 12), particularly the following:

- 15m setback from water's edge
- Planting of various native trees and shrubs in setback

**Erosion and Sediment Control** – The project is low risk, provided a perimeter control (e.g., heavy duty silt fence) is installed on the downslope side (north) at the 15m setback location with each end 'winged' upslope. Careful attention must be given to addressing exposed soils that could enter the 'curb and gutter' stormwater system that flow directly into the River.

A location of a boathouse is subject to Section 5.2 b) iii. of the Zoning By-law, which states 'Notwithstanding...a boathouse, dock or wharf may be located anywhere in the side or rear yard where such yard abuts a navigable waterway, provided that the approval of any government authority having jurisdiction has been obtained and provided that the boathouse, dock or wharf is located not closer than three (3) metres from a side lot line'. Any boathouse will also be subject to all applicable zoning provisions for accessory structures in the Zoning By-law, and a permit would be required from Kawartha Conservation, prior to the issuance of a building permit.

As a result, the requirement has been addressed and it is now appropriate to remove the Holding (H3) provision.

### **Applicable Provincial Policies:**

The application conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 and including Amendment 1, 2020 (Growth Plan) and is consistent with the Provincial Policy Statement, 2020 (PPS).

### **Official Plan Conformity:**

The land is designated 'Residential' on Schedule A of the Town of Lindsay Official Plan. The proposed development conforms to the applicable policies of the designation.

### **Zoning By-law Compliance:**

The property being considered by this application is zoned 'Residential Two Holding Three [R2(H3)] Zone', which permits a single detached dwelling and accessory uses and structures. Any proposed use of the property would need to conform to the appropriate zoning provisions. The applicant has submitted a rezoning application for removal of the Holding Three (H3) provision to implement the proposed development.

### **Other Alternatives Considered:**

No other alternatives have been taken into consideration.

### **Alignment to Strategic Priorities**

The Council Adopted Strategic Plan identifies these Strategic Priorities:

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

This application aligns with both the 'Vibrant and Growing Economy' and 'Exceptional Quality of Life' priorities by increasing available housing options in Kawartha Lakes.

### **Financial/Operation Impacts:**

There are no financial considerations unless Council's decision to adopt or its refusal to adopt the requested amendment is appealed to the Ontario Land Tribunal (Tribunal).

### **Servicing Implications:**

The lot is proposed to be serviced by municipal water and sanitary and storm sewer.

### **Consultations:**

Notice of this application was given in accordance with the Planning Act. Kawartha Conservation provided supportive comments as noted above.

## **Development Services – Planning Division Comments:**

Staff support the application based on the information contained in this report and as such, respectfully recommends that the proposed zoning by-law application to remove the Holding Three (H3) symbol be approved and adopted by Council.

## **Attachments:**

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Ian Walker, Planning Officer – Large Developments, (705) 324-9411 extension 1368.

### **Appendix A – Location Map**



PLAN2022-052  
Appendix A.pdf

### **Appendix B – Proposed Site Plan**



PLAN2022-052  
Appendix B.pdf

### **Appendix C – Draft Zoning By-law**



PLAN2022-052  
Appendix C.pdf

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**Department Head:** Richard Holy, Director of Development Services

**Department File:** D06-2022-020