

# **The Corporation of the City of Kawartha Lakes**

## **By-Law 2023 -**

### **A By-law to Amend the Township of Fenelon Zoning By-law No. 12-95 to Rezone Land within the City of Kawartha Lakes**

[File D06-2022-029, Report PLAN2023-010, respecting 57R-4924 Parts 1 and 2; Part of Bed of Sturgeon Lake; Part of Lot 5, Concession 8, Geographic Township of Fenelon, identified as 327 Snug Harbour Road – 2779722 Ontario Limited and 2779723 Ontario Limited]

#### **Recitals:**

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Section 36 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to place a Holding (H) symbol on any zoning category assigned to property. The purpose of the Holding (H) symbol is to restrict specific uses of the property until conditions imposed by Council have been met.
3. Council has received an application to amend the categories and provisions relating to a specific parcel of land to permit a 27-unit vacant land plan of condominium with ancillary boat storage, condominium owner storage, marina and development offices and short-term rentals.
4. A public meeting to solicit public input has been held.
5. Council deems it appropriate to rezone the Property.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2023-\_\_.**

#### **Section 1:00 Zoning Details**

- 1.01 **Property Affected:** The Property affected by this by-law is described as 57R-4924 Parts 1 and 2; Part of Bed of Sturgeon Lake; Part of Lot 5, Concession 8, Geographic Township of Fenelon, identified as 327 Snug Harbour Road.
- 1.02 **Textual Amendment:** By-law No. 12-95 of the Township of Fenelon is further amended by adding Section 11.3.22 to Section 11.3 as follows:
  - 11.3.22 RR1-22 Zone
    - a) Notwithstanding Section 11.1, land zoned RR1-22 shall only be used for a residential vacant land plan of condominium, together with a condominium road system. Notwithstanding any definitions under Part 2, lot frontage provisions shall be considered from either from an improved public street or a condominium road.

- b) Notwithstanding subsections 11.2, land zoned RR1-22 shall be subject to the following provisions:
- |       |   |             |
|-------|---|-------------|
| i.    | lot frontage on a condominium road (min)        | 15 m        |
| ii.   | lot frontage on an improved public street (min) | 54 m        |
| iii.  | lot size (min)                                  | 2,700 sq. m |
| iv.   | number of lots (max)                            | 27          |
| v.    | front yard setback (min)                        | 7.5 m       |
| vi.   | interior side yard setback (min)                | 3.5 m       |
| vii.  | exterior side yard setback (min)                | 7.5 m       |
| viii. | rear yard setback (min)                         | 7.5 m       |
| ix.   | lot coverage (max)                              | 30%         |
- c) Notwithstanding Subsection 3.6.1, a building or structure also may be erected in an RR1-22 Zone if a lot line abuts and obtains direct access onto an condominium road.
- d) Section 3.18.1.1 shall not apply to dwelling units in an RR1-22 Zone.
- e) All other zone requirements in section 11 shall apply.
- f) On land zoned RR1-22(H), the removal of the (H) holding symbol shall be in accordance with the following:
- i. The owner shall address site servicing and traffic matters to the City's satisfaction and enter into a condominium agreement or a site plan agreement with the City.

1.03 **Textual Amendment:** By-law No. 12-95 of the Township of Fenelon is further amended by adding Section 11.3.23 to Section 11.3 as follows:

11.3.23 RR1-23

- a) Notwithstanding Sections 11.1 and 11.2 to the contrary, on land zoned "RR1-23", permitted uses shall be limited to private storage as a general for exclusive use by the owners on lands zoned RR1-22, but shall not include exterior multi-level marina storage racking.
- b) All other provisions of Section 11 and this By-law shall continue to apply.
- c) On land zoned RR1-23(H), the removal of the (H) holding symbol shall be in accordance with the following:
- i. The owner shall address site servicing, traffic, buffering, aesthetic, and lighting matters to the City's satisfaction and enter into a condominium agreement or a site plan agreement with the City. Notwithstanding the Holding provision, site alteration may occur subject to City approval in advance of the removal of the Holding symbol.

1.04 **Textual Amendment:** By-law No. 12-95 of the Township of Fenelon is further amended by deleting Section 18.3.6 and replacing with the following:

#### 18.3.6 C3-6(H)

- a) Notwithstanding subsection 18.1, land zoned C3-6 shall only be used for the following:
- i. Marina that serves the public and residential vacant land plan of condominium owners from an RR1-22 Zone where facilities for the sale of marine fuels and lubricants are prohibited
  - ii. Uses and structures accessory to the marina, including shoreline and floating docking structures, washroom facilities, a pool, a recreational building and maintenance structures
  - iii. Accessory boat and marine equipment storage for owners of the residential vacant land plan of condominium from an RR1-22 Zone
  - iv. Cottage Establishment with a maximum of four (4) units
  - v. Ancillary retail, including a snack bar
- b) Notwithstanding Section 18.2, land zoned C3-6 shall be subject to the following provisions:
- |      |                             |       |
|------|-----------------------------|-------|
| i.   | front yard setback (min)    | 0 m   |
| ii.  | interior side setback (min) | 15 m  |
| iii. | rear yard setback (min)     | 0.8 m |
- c) All other zone requirements in Section 18.2 shall apply.
- d) On land zoned C3-6(H) the removal of the (H) holding symbol shall be in accordance with the following:
- i. The owner shall address site servicing and traffic matters to the City's satisfaction and enter into a condominium agreement or a site plan agreement with the City. Notwithstanding the Holding provision, site alteration, including in-water or shoreline works, may occur subject to City approval in advance of the removal of the Holding symbol.

1.05 **Schedule Amendment:** Schedule 'A' to By-law No. 12-95 of the Township of Fenelon is further amended to change the zone category from the 'Tourist Commercial – Holding (C3(H)) Zone', 'Tourist Commercial Exception Seven – Holding (C3-7(H)) Zone', 'Rural Residential Type Three (RR3) Zone', and 'Environmental Protection (EP) Zone' to 'Rural Residential Type One Exception Twenty-Two - Holding (RR1-22(H)) Zone', 'Rural Residential Type One Exception Twenty-Three - Holding (RR1-23(H)) Zone', 'Tourist Commercial Exception Six – Holding (C3-6(H)) Zone', and 'Environmental Protection (EP) Zone' for the land referred to as 'RR1-22(H)', 'RR1-23(H)', '(C3-6(H))' and 'EP', as shown on Schedule 'A' attached to this By-law.

## **Section 2:00      Effective Date**

2.01    **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 and 36 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this 21 day of March, 2023.

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Doug Elmslie, Mayor

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Cathie Ritchie, City Clerk





THE CORPORATION OF THE CITY OF

# KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_ PASSED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

MAYOR \_\_\_\_\_ CLERK \_\_\_\_\_

	R1-22 (H)		C3-6 (H)
	R1-23 (H)		EP

