

Council Report

Report Number:	PLAN2023-043
Meeting Date:	August 29, 2023
Title:	Removal and Reinstatement of Holding (H) Symbol for Lots in King's Wharf Subdivision
Description:	An application to amend the Township of Emily Zoning By-law 1996-30 to remove the Holding (H) symbol on the Rural Residential Three Holding [RR3(H)], Rural Residential Three Exception Ten Holding [RR3-10(H)] and Rural Residential Three Exception Eleven Holding [RR3-11(H)] zones on Lots 1, 4, 11, 19, and 20 on Plan 57M-808 and reinstate the Holding (H) symbol on the Rural Residential Three [RR3] and Rural Residential Three Exception Eleven [RR3-11] zones on Lots 2, 3, 6, 7, 17 and 21 on Plan 57M-808 (File D06-2023-003)
Author and Title:	Richard Holy, Director of Development Services

Recommendations:

That Report PLAN2023-043, Removal and Reinstatement of Holding (H) Symbol for King's Wharf Subdivision, be received;

That the proposed zoning by-law amendment, substantially in the form attached as Appendix 'B' to Report PLAN2023-043, 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:

The purpose of the zoning by-law amendment is to remove and reinstate the Holding (H) symbol on a number of lots located in the King's Wharf Plan of Subdivision. At the July 25, 2023 Council Meeting, Council passed the following resolution:

Moved By: Councillor Smeaton

Seconded By: Deputy Mayor Richardson

CR2023-352

That Report PLAN2023-035, Removal of Holding (H) Symbol for King's Wharf Subdivision, be received;

That the proposed zoning by-law amendment, substantially in the form attached as Appendix B Report PLAN2023-035, be adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents required by the approval of this application.

Carried

It came to Planning Staff's attention following the July 25, 2023 Council meeting that the Holding (H) symbol was inadvertently removed from the incorrect lots. This report and accompanying by-law rectifies the error by removing the Holding (H) symbol from the correct lots and reinstating the Holding (H) symbol on the lots that were removed in error.

Owner: 2594441 Ontario Inc. c/o Paul Charron

Applicant: TD Consulting Inc., c/o Tom DeBoer

Legal Description for Holding Removal:

Registered Plan 57M-808 Lots 1, 4, 11, 19 and 20, geographic Township of Emily, now
City of Kawartha Lakes

Legal Description for Holding Reinstatement:

Registered Plan 57M-808 Lots 2, 3, 6, 7, 17 and 21, geographic Township of Emily, now
City of Kawartha Lakes

Designation: 'Waterfront' and 'Environmental Protection' on Schedule A of the City of Kawartha Lakes Official Plan (2012)

Zoning for Holding removal:

Rural Residential Three Holding [RR3(H)], Rural Residential Three Exception Ten Holding [RR3-10(H)] and Rural Residential Three Exception Eleven Holding [RR3-11(H)] on Schedule A to the Township of Emily Zoning By-law 1996-30.

Zoning for Holding reinstatement:

Rural Residential Three [RR3] and Rural Residential Three Exception Eleven [RR3-11] on Schedule A to the Township of Emily Zoning By-law 1996-30

Site Servicing: Private septic and well systems; stormwater management pond

Existing Uses: Vacant Lots

Adjacent Uses: North: Lakeview Estates shoreline community and Agricultural uses
South and West: Agricultural uses
East: Pigeon Lake

Rationale:

The subject lands are located at the southwest corner of King's Wharf Road and Pigeon Lake Road south of Bobcaygeon (see Appendix 'A'). The entirety of the lands are approximately 18.4 hectares.

The Holding (H) symbol was placed in 2013 to ensure that the owner provided the City with satisfactory well tests that confirm that there would be no negative impact to the adjacent existing wells as a result of the development of the subject lands for residential purposes. The owner has provided the City with three well testing reports for Lots 11, 19 and 20 dated December 8, 2021, November 15, 2022 and September 26, 2022 respectively. Testing on Lots 1 and 4 were completed as part of the Hydrogeological Report submitted in support of the original plan of subdivision application. The reports conclude that the wells provide a suitable quantity of water to support the residential uses without interfering negatively on the surrounding wells or uses.

On this basis, it is appropriate for Council to consider removal of the Holding (H) provision for Lots 1, 4, 11, 19 and 20. The holding (H) symbol will be reinstated on Lots 2, 3, 6, 7, 17 and 21 until subsequent satisfactory well tests are received.

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 lands are designated 'Waterfront' and 'Environmental Protection' on Schedule A of the City of Kawartha Lakes Official Plan. The proposed development conforms to the applicable policies of the designations.

Zoning By-law Compliance:

The lands subject to the application are zoned Rural Residential Three Holding [RR3(H)], Rural Residential Three Exception Ten Holding [RR3-10(H)] and Rural Residential Three Exception Eleven Holding [RR3-11(H)] on Schedule A to the Township of Emily Zoning By-law 1996-30. The Holding (H) provision was applied to ensure that the owner provided satisfactory well tests to support the residential development. As discussed, the City has been provided with studies that have been deemed satisfactory for Lots 1, 4, 11, 19 and 20. The Holding (H) symbols for the Rural Residential Three [RR3] and Rural Residential Three Exception Eleven [RR3-11] zoning for Lots 2, 3, 6, 7, 17 and 21 will be reinstated and remain in place until subsequent satisfactory well tests have been submitted to the City.

Other Alternatives Considered:

No other alternatives have been taken into consideration.

Alignment to 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.

Servicing Implications:

The development is serviced by private septic and water services as well as a stormwater management pond.

Consultations:

Notice of this application was given in accordance with the Planning Act.

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 and reinstate the Holding (H) 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 Richard Holy, Director of Development Services, 705.324.9411 ext. #1246.

Appendix A – Key Map



PLAN2023-043
Appendix A Key Map.

Appendix B – Zoning By-law Amendment



PLAN2023-043
Appendix B ZBA.pdf

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Department Head: Richard Holy, Director of Development Services

Department File: D06-2023-003