



## Planning Advisory Committee Report

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<b>Report Number:</b>	<b>PLAN2024-009</b>
<b>Meeting Date:</b>	February 7, 2024
<b>Title:</b>	<b>Amend the Township of Emily Zoning By-law 1996-30 at 14 Lawson Court</b>
<b>Description:</b>	Rezoning to facilitate the severance of a residential lot from the retained residential lot - D06-2023-032
<b>Type of Report:</b>	Public Meeting
<b>Author and Title:</b>	Matt Alexander MCIP, RPP

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### Recommendations:

**That** Report PLAN2024-009, **Amend the Township of Emily Zoning By-law 1996-30 at 14 Lawson Court**, be received;

**That** a Zoning By-law Amendment, respecting application D06-2023-032, substantially in the form attached as Appendix 'D' to Report PLAN2024-009, be approved for adoption by Council; and

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

**Department Head:** \_\_\_\_\_

**Legal/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

## **Background:**

The Director of Development Services, as delegated by Council, approved consent application D03-2020-028 on June 25, 2021. The consent application approved the severance of an approximately 0.77 acre lot fronting on Lawson Court from the retained 1.12 acre lot fronting on Chemongview Street. The retained lot contains an existing single detached dwelling, currently addressed as 14 Lawson Court. The severed lot is vacant. The proposed rezoning of the severed lot would support the future development of a single detached residential dwelling as a permitted use. While no development has been proposed at this time, the applicant has submitted a draft sketch of a proposed building envelope which contemplates a one- or two-storey residential structure on the severed lot.

As a condition of provisional consent, the retained lot must be successfully rezoned from Rural Residential Type Three (RR3) to Limited Service Residential (LSR) and the severed lot is to be rezoned from Rural Residential Type Three (RR3) to Rural Residential Type Three Exception Fifteen (RR3-15). The zoning change will address the new lot configuration of the retained lot and permit the reduced lot frontage of 27 meters on the severed lot.

Owner:	Thomas and Lauren Karthaus
Applicant:	One Community Planning
Legal Description:	Part of Southerly ½ Lot 23, Concession 5, Part 1, 57R-9682, Part 2 and 3, 57R-9842, geographic Township of Emily
Official Plan:	Waterfront in the City of Kawartha Lakes Official Plan (2012)
Zones:	Rural Residential Type Three (RR3) Zone in the Township of Emily Zoning By-law 1996-30, as amended
Site Size:	Total – Approximately 0.7644 hectares (1.88 acres) Severed – 0.3097 hectares (0.77 acres) Retained – 0.4547 hectares (1.12 acres)
Site Servicing:	Severed – Private individual well and septic system Retained – Private individual well and septic system

## **Rationale:**

The subject land is designated “Waterfront” in the City of Kawartha Lakes Official Plan. The objective of the Waterfront designation is to protect the established residential character of lands adjacent to lakes and rivers within the City, improve conditions on the shorelines and protect the surface water quality. The property is adjacent to Chemong Lake and is Zoned Rural Residential Type Three (RR3). A consent application (D03-2020-028) was previously conditionally approved to sever the shoreline property in two separate lots.

The conditions of provisional consent require that the applicant rezone the retained and severed lots. The owner has submitted an application to amend the Zoning By-law that will, if granted, fulfill this condition.

The following materials were submitted in support of this application:

- 1) Hydrogeological Assessment and Water Supply Assessment prepared by Cambium Inc. to demonstrate the subject lands can support the proposed residential development without negative impact on neighbouring groundwater users;
- 2) Zoning By-law Amendment Application received October 27, 2023;
- 3) Record of Review and Entry into the Ontario Public Register of Archaeological Reports indicating that the Archaeological Assessment prepared in support of the application has been accepted by the Province;
- 4) Plan of Survey of the Subject Lands, prepared by COE Fisher Cameron Land Surveyors, dated July 17, 2023;
- 5) Planning Justification Report prepared by One Community Planning, received October 27, 2023;
- 6) Shoreline Restoration Plan, demonstrating how the owners intend to replant the shoreline of the subject property to fulfill conditions of consent;
- 7) Severance Sketch, prepared by COE Fisher Cameron Land Surveyors, dated March 21, 2021

## **Provincial Policies**

### **A Place to Grow - Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan):**

Policy 2.2.9.3 provides that development outside of settlement areas may be appropriate if the proposed use is compatible with surrounding land uses and can be sustained by rural service levels.

Policy 2.2.9.7 provides that new multiple lots for residential development may be allowed on rural lands in site-specific locations with approved zoning that permits residential use.

The lands are designated as Waterfront within the City's Official Plan and limited permanent residential uses are permitted. The rezoning as a condition of consent will permit the development of a future single detached dwelling on the severed parcel and maintain residential uses with limited servicing on the retained parcel. This is consistent with the intent of these policies and the City's Official Plan which permit residential development that conforms to built form context.

Therefore, this application conforms to the Growth Plan.

**Provincial Policy Statement, 2020 (PPS):**

Policies 1.1.5.4 and 1.1.5.8 provide for development that is compatible with the rural landscape and can be sustained by rural service levels and that new land uses shall comply with the minimum distance separation formulae.

Policy 2.6.2 and 2.6.3 provide requirements for development on lands containing areas of archaeological potential and do not permit development or site alteration on lands adjacent to protected heritage property unless the proposal has been evaluated and the heritage attributes will be conserved. As a condition of consent, the applicant was required to demonstrate whether the property contained archaeological potential. To address this, the applicant prepared a Stage 1 and Stage 2 archaeological assessment, the findings of which conclude that no archaeological material, structural remains, or cultural heritage resources of any kind were observed on the property. The Stage 1 and Stage 2 archaeological assessment has been submitted to, and received by the Ministry of Heritage, Sport, Tourism, and Culture Industries who is satisfied that the works undertaken to prepare the archaeological assessment are consistent with the ministry's 2011 Standards and Guidelines for Consultant Archaeologists. The application therefore is consistent with Policy 2.6.2 and 2.6.3.

Residential lot creation on rural lands within municipalities may only be permitted for a residential use provided the residential use is compatible with the rural landscape and can be sustained by rural service levels. The proposed rezoning will maintain residential uses on the retained and severed lot. The proposed use is consistent with the existing waterfront development adjacent to the subject lands.

The lots that will be created will be of sufficient area to sustain uses permitted in rural lands, which are contained within areas designated as Waterfront in the City's Official

Plan. Further, the proposed rezoning will support the creation of residential lots that permit single detached dwellings which is consistent with the surrounding land uses. Therefore, this application is consistent with the PPS.

**City of Kawartha Lakes Official Plan, 2012 (Official Plan):**

The subject land is designated Waterfront in the Official Plan.

Section 20.1 of the Official Plan contains the Waterfront designation policies. It identifies uses permitted adjacent to lakes and rivers within the City which include seasonal and limited permanent residential development. The objectives of the Waterfront designation are to protect the established residential character of lands adjacent to lakes and rivers within the City, improve conditions on the shorelines and protect the surface water quality.

Section 20.4.2 outlines the requirements for creating new lots within Waterfront areas, and provides that infill residential lots should be no less than 3,000 square meters in area with a minimum lot frontage of 30 meters. The newly created lots will meet this requirement. The retained lot will have an area of 3,097 square meters and the severed lot will have an area of 4,547 square meters. The frontage of the retained lot will be 121.88 metres along Chemongview Street, and the frontage of the severed lot will be 27 metres along Lawson Court. The frontage of the severed lot is approximate to the minimum requirement and meets the intent of the Official Plan in accordance with Section 29.1.3.

Section 20.5 describes the appropriate scale of density and massing within the Waterfront areas to provide an appropriate balance to the natural and built form. The retained lot contains an existing residential structure which is consistent with the surrounding built form of the area. No development has been proposed for the severed lot at this time but a building envelope sketch accompanies the application and proposes a one or two story residential dwelling which is consistent with the surrounding built form context which is predominately single detached residential dwellings.

Sections 20.5.3, 20.5.4, and 20.5.5 provide criteria for mitigating the impact that density and massing of structures may have on the natural landscape features such as shoreline vegetation and tree cover. As a condition of consent, the applicant was required to submit a shoreline restoration plan which was been deemed acceptable by Otonabee Region Conservation Authority on November 10, 2023.

Section 34.5 contemplates the implementation of the Official Plan through the provision of comprehensive zoning by-laws. The retained lot is proposed to be rezoned from a Rural Residential Type Three (RR3) Zone to Limited Service Residential (LSR) Zone. In the Official Plan, Limited Service Zoning is reserved for residential lots within the Waterfront designation and indicates that the normal range of servicing is not provided in an area and will not be extended beyond current levels.

The City, through its Official Plan, recognizes the potential for lot creation within Waterfont areas and provides for the introduction of new lots where proposed uses conform to the surrounding areas and have minimal impact on natural landscape features. Further, by seeking to rezone the retained lot to Limited Service Residential the applicant indicates acknowledgement of the limited level of servicing that the retained lot will access from the City. This application proposes no change to the existing land uses, and the plan for vegetation will support the City's efforts to preserve natural landscape features.

Therefore, this application conforms to the applicable policies of the Official Plan.

### **Zoning By-law Review:**

The subject land is zoned Rural Residential Type Three (RR3) Zone in the Township of Emily Zoning By-Law 1996-30. The subject land has frontage on Lawson Court and Chemongview Road. The severed lot will front onto Lawson Court, and the retained lot will front onto Chemongview Road. Each lot abuts Chemong Lake along Lancaster Bay.

The Limited Service Residential Zone (LSR) is proposed to replace the RR3 Zone on the retained land. The retained lot meets the LSR Zone's minimum lot frontage requirement of 30 metres, having 30 metres of frontage on Chemongview Road. It also proposes an area of approximately 0.4547 hectares, exceeding the LSR Zone's minimum 0.2 hectare requirement for lots with individual water supply and sewage disposal.

The Rural Residential Type Three Exception Fifteen Zone (RR3-15) Zone is proposed to replace the RR3 Zone on the severed land. The severed lot has an area of approximately 0.3097 hectares and exceeds the RR3 minimum requirement of 0.2 hectares. The RR3-15 Zone will maintain existing residential uses in accordance with provincial and municipal policy and amend the Zoning By-Law to address the lot frontage deficiency, being 27 metres, instead of the required 35 metres.

### **Other Alternatives Considered**

No other alternatives have been considered at this time.

## **Alignment to Strategic Priorities:**

For reference the four strategic priorities within the 2020-2023 Kawartha Lakes Strategic Plan are:

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

This application would support a healthy environment it as it retains the natural landscape features of the area.

## **Alignment to Municipal Housing Pledge:**

The severance and rezoning will create one new residential lot which could support a single detached dwelling within the Waterfront area. If approved, this proposal would contribute to the City's efforts to achieve it's target of constructing 6,500 housing units by the conclusion of 2031, as stated in the Housing Pledge adopted by Council on November 21, 2023.

## **Financial/Operation Impacts:**

There are no financial considerations unless Council's decision is appealed to the Ontario Land Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

## **Consultations:**

Notice of this application was circulated to persons within a 120-metre radius, agencies, and City Departments which may have an interest in the application. The Development Engineering Division, Fire Rescue Service, Enbridge Gas, Chippewas of Rama First Nation raised no concerns as a result of the circulation. No comments were received from the public.

## **Building and Septic Division – Part 8 Sewage Systems Comments:**

The zoning amendment will address the new lot configuration of the retained lot and the reduced frontage of the severed parcel. The property was evaluated through the consent application for servicing through private on-site sewage disposal systems. The

existing sewage system serving the retained lot will be wholly contained within the new property boundaries with the proposed lot configuration. The severed lot can accommodate a private on-site sewage disposal system which will not be hindered by the frontage.

As such, the Building and Septic Division have no concerns with the zoning by-law amendment proposed as it relates to private on-site sewage disposal.

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

The application conforms to the Growth Plan and is consistent with the Provincial Policy Statement. The application also conforms to the policies of the Official Plan.

The subject property is currently zoned Rural Residential Type Three (RR3), which permits a variety of residential land uses.

The proposed Zoning By-law Amendment contained in Appendix D will ensure the severed and retained lots maintain residential uses within the Waterfront designated area. The LSR Zone will acknowledge the limited servicing provisions for newly created residential lots within the Waterfront designation. The RR3-15 Zone will permit a reduced lot frontage of 27 meters instead of the required 35 meters.

### **Conclusion:**

The application conforms to the Growth Plan and is consistent with the PPS. The application also conforms to the City's Official Plan. Staff support the application based on the information contained in this report and the comments received as of January 22, 2024. Staff respectfully recommends the application be referred to Council for approval.

### **Attachments:**

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please email Matt Alexander at [Matt.Alexander@wsp.com](mailto:Matt.Alexander@wsp.com).

#### Appendix A – Location Map



Appendix A Location  
Map.docx

## Appendix B – Aerial Photograph



Appendix B Aerial  
Photograph.docx

## Appendix C – Sketch



Appendix C  
Sketch.docx

## Appendix D – Draft Zoning By-Law Amendment



Appendix D ZBA

**Department Head email:** [lbarrie@kawarthalakes.ca](mailto:lbarrie@kawarthalakes.ca)

**Department Head:** Leah Barrie, Director of Development Services

**Department File:** D06-2023-032